

**Minutes of the
115th Quarterly Meeting
of the
Upper Mississippi River Basin Association**

**August 3, 2010
La Crosse, Wisconsin**

UMRBA Vice Chair Laurie Martinson called the meeting to order at 9:40 a.m. Participants were as follows:

UMRBA Representatives and Alternates:

Pat Boddy	Iowa Department of Natural Resources
Laurie Martinson	Minnesota Department of Natural Resources
Rebecca Wooden	Minnesota Department of Natural Resources
Dick Lambert	Minnesota Department of Transportation
Mike Wells	Missouri Department of Natural Resources
Jim Fischer	Wisconsin Department of Natural Resources

Federal Liaisons to UMRBA:

Charles Barton	U.S. Army Corps of Engineers, MVD
Bill Franz	U.S. Environmental Protection Agency, Region 5
Kevin Foerster	U.S. Fish and Wildlife Service, UMR Refuge
Barry Johnson	U.S. Geological Survey, UMESC
Richard Sims	Natural Resources Conservation Service, Iowa

Others in Attendance:

Jeff DeZellar	U.S. Army Corps of Engineers, MVP
Don Powell	U.S. Army Corps of Engineers, MVP
Gary Meden	U.S. Army Corps of Engineers, MVR
Roger Perk	U.S. Army Corps of Engineers, MVR
Chuck Spitzack	U.S. Army Corps of Engineers, MVR
Marv Hubbell	U.S. Army Corps of Engineers, MVR
Karen Hagerty	U.S. Army Corps of Engineers, MVR
Steve Ruple	U.S. Army Corps of Engineers, MVR
Charlie Hannehen	U.S. Army Corps of Engineers, MVS
Kat McCain	U.S. Army Corps of Engineers, MVS
Aaron Quinn	U.S. Army Corps of Engineers, NWO
Rick Nelson	U.S. Fish and Wildlife Service, RIFO
Teri Heyer	U.S. Forest Service
Linda Leake	U.S. Geological Survey, North Central Area
Jack Waide	U.S. Geological Survey, UMESC
Bernie Schonhoff	Iowa Department of Natural Resources
Tim Schlagenhaft	Minnesota Department of Natural Resources
Olin Phillips	Minnesota Department of Natural Resources
Larry Kieck	Wisconsin Department of Transportation
Brad Walker	Izaak Walton League

Mark Pranckus	JF New
Tom Boland	MACTEC
Laura Kammin	Prairie Rivers Network
John Laub	Sand County Foundation
Thomas Ball	Sierra Club, Piasa Palisades Group
Gretchen Benjamin	The Nature Conservancy
Rich Biske	The Nature Conservancy
Barb Naramore	Upper Mississippi River Basin Association
Dave Hokanson	Upper Mississippi River Basin Association
Kirsten Mickelsen	Upper Mississippi River Basin Association

Announcements

Laurie Martinson announced that Governor Culver has named Pat Boddy, Deputy Director of Iowa DNR, as his primary UMRBA Representative, replacing Bernie Hoyer following Hoyer's retirement. Martinson welcomed Boddy to UMRBA. [Note: Subsequent to the meeting, Boddy was named Interim Director of Iowa DNR.]

Minutes

Barb Naramore asked that p. A-14 of the May 18, 2010 draft minutes be corrected to reflect that the proposed FY 11 budget on which the Board acted was dated May 17, 2010. The date appears incorrectly as May 12, 2010 in the draft minutes. Mike Wells moved and Jim Fischer seconded a motion to approve the minutes, with Naramore's correction. The motion carried unanimously.

Executive Director's Report

Barb Naramore expanded on her written Director's report as follows:

- The Senate Appropriations Committee has reported its FY 11 Agriculture and Energy and Water bills. Naramore distributed a summary of the measures' UMRS-related provisions and noted that federal agencies will once again operate under a continuing resolution for at least part of the year. Some type of post-election omnibus measure appears increasingly likely.
- UMRBA has written to key members of Congress and officials in the Administration concerning the Inland Marine Transportation System (IMTS) Team's proposed Capital Investment Plan. The letter expresses appreciation for the Team's efforts and emphasizes the need to resolve the Inland Waterways Trust Fund (IWTF) situation and initiate NESP construction. The states also call for elevating UMRS capital needs and suggest that the IMTS Team's recommendations for cost sharing and process reforms merit further exploration. Naramore said she has received indirect feedback on UMRBA's letter, indicating that it is indeed circulating within the Administration and Congress.
- The House Transportation Committee recently unveiled its proposed Water Resources Development Act for 2010 (H.R. 5892). The measure does not take any action on the IMTS Team's recommendations. Naramore said she understands this is not because the Committee has rejected the recommendations, but rather because the Capital Plan is still under active discussion within Congress and the Administration. She noted that the appropriators are growing increasingly impatient, with the Senate Appropriations Committee criticizing the authorizing committees in report language for failing to resolve the IWTF situation.

Mississippi River Vision

Gretchen Benjamin briefly described the America's Inner Coast Summit, held June 22-24, 2010 in St. Louis. She explained that the Summit was designed to bring together a broad range of leaders from the government, private, and non-governmental sectors to explore the possibility of developing a long-range vision for the Mississippi River. She applauded the Summit's five opening speakers for providing context and inspiration for participants' subsequent deliberations. Benjamin said The Nature Conservancy was a Summit sponsor and is actively engaged in efforts to develop a broadly held vision for the Mississippi River.

John Laub explained that the Sand County Foundation co-facilitated the Summit with MVD. After hearing from the initial speakers, the approximately 120 participants broke into smaller discussion groups, focused on communication, integrating stakeholders, integrating science, multi-sector river management, critical process elements for developing a 200-year vision, and model projects and programs. Laub said a summary report and recommendations from the work groups will be available soon on the Summit web site (<http://conference.ifas.ufl.edu/aics/>).

Charles Barton emphasized that the Corps of Engineers does not own the vision process, but rather is one of many collaborators. He stressed that broad engagement is essential to developing an enduring, broadly held vision. He also said that, while challenging, attempting to develop a 200-year vision is not unreasonable. He observed that river management decisions made 200 years ago are still affecting us today. Barton said the vision process will likely include future Summits, though no schedule has been determined.

Mike Wells said the discussions at the Summit were very good. He said the temporal and spatial scales contemplated, as well as the range of interests involved, will all present significant challenges. Wells called for UMRBA to be actively engaged in discussions about next steps.

Barb Naramore reported that she has been asked to serve on an 8-person steering group to explore next steps in moving from the Summit to a vision-development process. She emphasized that the group's goal is not to develop a final vision, but rather to outline a process and framework that could support development of a vision within the broad community of key institutions and stakeholders. Besides Naramore, members of the steering group include Stephen Gambrell, USACE, MVD; Teri Goodman, National Mississippi River Museum; George Grugett, Mississippi Valley Flood Control Association; Steve Mathies, Louisiana Governor's Office; Dan Mecklenborg, Ingram Barge; Michael Reuter, TNC; and Roger Wolf, Iowa Soybean Association.

Pat Boddy asked what the vision is expected to look like. Barton emphasized the Corps and other leaders in this process believe strongly that the vision should emerge from a thoughtful dialogue among a broad range of interested parties and thus are taking care not to dictate the vision's content. That said, he noted that both the Mississippi River Commission (MRC) and the Midwest Natural Resources Group have offered their perspectives regarding a potential vision. Naramore concurred with Barton, stressing the importance of broad participation in the visioning process. She added that proposals from the MRC and others will prove helpful in catalyzing that discussion.

Wells expressed reservations with the MRC's 200-year timeframe, saying he believes 200 years may well be too long. However, Wells said it is certainly important to look to the future and encouraged efforts to develop a long-term vision.

Laub noted that the Summit planning team was six in number, while 255 people were invited to the Summit itself. He said one challenge as the process moves forward will be balancing inclusivity with practical constraints. Naramore suggested that temporal and geographic scalability will also be key

considerations. In response to a question from Boddy, Naramore said the process for developing the vision remains to be determined and is one of the steering group's primary focus areas.

Laurie Martinson thanked everyone for their contributions to the June Summit and said UMRBA's Board supports Naramore's service on the steering group.

Missouri River Authorized Purposes Study

Aaron Quinn briefly reviewed the origins of the Missouri River Authorized Purposes Study (MRAPS), explaining that the 2009 Omnibus Appropriations Act directed the Corps to "determine if changes to the authorized project purposes and existing Federal water resource infrastructure may be warranted." Up to \$25 million is authorized to complete MRAPS at full federal expense. Quinn also reviewed the Supplemental Implementation Guidance received from Headquarters, including language limiting MRAPS to review of the original authorized project purposes within the Missouri River Basin. MRAPS will follow the Corps' standard planning process, with the current scoping effort being part of the problem and opportunity identification phase. Quinn said the pending Principles and Guidelines (P&G) revisions are on the Study Team's radar and will likely become part of the Corps' planning framework during MRAPS.

Quinn described the situation assessment conducted by the U.S. Institute for Environmental Conflict Resolution (USIECR). Among USIECR's recommendations following its assessment was that the Corps form an Executive Council to help inform its execution of MRAPS. The Executive Council would include USACE senior leadership, state employees named by each of the Missouri Basin Governors, representatives from other relevant federal agencies, and two government representatives from Mississippi River states. As recommended by USIECR, the Council would not make decisions or take votes, but would instead allow members to receive information and perspectives from the Corps and provide the Corps with their guidance and counsel. USIECR also recommended that the Corps consider forming a similar Tribal Steering Council. Both groups would consist exclusively of government employees and thus would not be subject to the Federal Advisory Committee Act.

Quinn reported on a May 14, 2010 webinar, offered as an opportunity for federal, state, and tribal representatives to learn more about the MRAPS scoping process. Approximately 35 agencies and tribes were represented on the call, with many participants expressing initial support for the Executive Council approach, according to Quinn. Following the call, the Corps established an online survey to obtain further input regarding agency and tribal involvement in the study.

Scoping meetings got underway on May 25, 2010 and are scheduled to conclude on August 20, with meetings planned in 30 cities. Additional tribal-focused sessions are also being held in several of these locations. Quinn explained that the scoping meeting format includes a two-hour open house, followed by approximately one-hour of comments for the record by attendees. The tribal sessions are smaller, roundtable discussions. [Note: The schedule was later extended to include a September 7 scoping meeting in Worthington, Minnesota.]

The deadline for scoping comments is September 20, 2010. In addition to the scoping sessions, the Corps is taking written comments, which can be submitted online or via letter. In reflecting on the comments received thus far, Quinn said major themes include:

- sedimentation,
- desire for consistent water levels,
- importance of continued flood control,
- effect of Missouri River flows on the Mississippi River,

- need for further recognition of tribal issues,
- desire for improved fish and wildlife habitat/ecosystem,
- importance of navigation,
- importance of Missouri River hydropower and water supply, and
- desire for increased recreational opportunities.

Comments will be posted online as they become available, and Quinn encouraged people to visit MRAPS' web site (www.mraps.org) regularly. He also noted that people can sign up for the study's list serve to receive ongoing communications.

In terms of next steps, Quinn said the Study Team will release both its scoping summary report and stakeholder engagement strategy in early 2011. An existing conditions report is scheduled for 2012.

In response to a question from Barry Johnson, Quinn said people's concern with sedimentation issues is not limited to the Missouri River but also extends to reservoir filling and sediment delivery to the Gulf of Mexico. In response to a question from Marv Hubbell, Quinn explained that the tribes' issues are not necessarily significantly different from those of other stakeholders and governments within the Missouri River Basin. However, Quinn observed that several tribes suffered considerable damage from the original project implementation.

Mike Wells asked why the Corps' implementation guidance is labeled as "supplemental." Quinn said he understands this simply to mean supplemental to the authorization, and said it is not supplementing previously issued guidance (of which there is none, according to Quinn). Quinn said he would provide Barb Naramore with a copy of the implementation guidance for distribution to the UMRBA Board.

Jim Fischer observed that the loudest voices during studies like this tend to be from those with the most immediate needs. He asked Quinn how the Corps intends to ensure longer term needs and Mississippi River tie-ins are addressed as well. Quinn said he did not have a specific answer at this point, given that the scoping process is still ongoing. However, he stressed that the Study Team is very aware of these issues. In response to a question from Wells, Quinn said the Corps' implementation guidance calls for completing MRAPS in five years. Quinn acknowledged that this is an ambitious schedule. He stressed that the Corps does not want the study to drag on, but also emphasized the importance of doing the study right.

Laurie Martinson thanked Quinn for his presentation and said UMRBA will be submitting written scoping comments.

Emerald Ash Borer

Laurie Martinson introduced Olin Phillips, Forestry Section Manager for the Minnesota DNR, who is coordinating the department's efforts to respond to the emerald ash borer (EAB). Phillips stressed the importance of interagency and interstate coordination in addressing the EAB threat. He distributed a variety of public education materials, offering to make them available digitally as well. Phillips described the EAB's geographic expansion since its original discovery in southeastern Michigan in 2002. The insect was first confirmed in the Minnesota-Wisconsin area near the Iowa border in 2009. Given the density of ash trees in some portions of the five UMR states, the EAB has the potential for significant impacts in the region.

Phillips explained that the transport of infected wood is a major mechanism for the EAB's expansion. To address this, Minnesota, Wisconsin, Iowa, and U.S. Army Corps of Engineers are coordinating their

respective efforts to restrict the transport of firewood. In addition to restricting firewood movement, Phillips stressed the need for interstate coordination on early detection, removing infested trees, and biological control efforts.

While the EAB is slow moving when not aided by humans, Phillips said it will almost certainly eventually infest all of the UMRB. Mortality among infested trees exceeds 95 percent, raising the question of how agencies can adjust their management efforts to reduce the EAB's impacts. Those impacts will be both environmental and economic and will affect both urban and rural areas alike, according to Phillips. Among the most significant issues will include stormwater management, removal costs, decreased habitat diversity, loss of shade in urban settings, and timber industry impacts. Phillips said EAB impacts are an important issue for consideration in the Systemic Forest Management Plan in development under NESP. He also noted that, while some pesticides show promise in controlling EAB, their use on a broad scale would be problematic due to their other impacts.

In response to a question from Pat Boddy, Phillips said he is not aware of any research specifically focused on the EAB's stormwater implications. Martinson asked about the potential utility of removing ash trees in advance of infestation. Phillips said the driftless area is not as ash-dense as northern Minnesota and Wisconsin. As a result, the EAB will likely spread more slowly in these areas. However, Phillips cautioned that early detection on a wide scale in rural areas will be difficult.

Hydropower

Kirsten Mickelsen described her progress in implementing the Board's May 2010 directive to develop an *ad-hoc* group to facilitate state and federal agency coordination on UMR hydropower issues. Mickelsen said she has confirmed participants from all five states (mix of resource and water quality staff), USACE (both MVP and MVS), USFWS (refuges and ecological services), USEPA (Regions 5 and 7), and NPS (MNRRA).

The group held an organizing conference call on July 7, 2010. Call participants confirmed their interest in an *ad-hoc* hydropower group for the purposes of:

- information sharing (e.g., new applications, etc.),
- coordination and collaboration regarding mutual concerns,
- in-depth discussions regarding major issues and developments (e.g., cumulative effects).

Group members expressed interest in further exploring FERC's licensing process and requirements, water quality considerations, implications of hydropower development for the Corps' operations of the navigation system, and cumulative effects questions.

Mickelsen said the group expects to hold approximately four conference calls per year, and use email as necessary between calls to exchange information on a timely basis. Immediate next steps include having several members explore the water quality and cumulative effects questions in more detail. This effort may result in a recommendation that UMRBA, or state and federal agencies individually, communicate directly with the FERC. Mickelsen said she will also maintain a list of current hydro projects on the UMR, both proposed and operational. The group also expressed interest in looking for lessons learned on other large rivers.

Rebecca Wooden asked what types of hydropower-related water quality impacts are of concern to the group. Mickelsen cited disturbed sediments as one area of interest. Janet Sternburg said more information is also needed regarding turbines' potential to release chemical pollutants. Jim Fischer said projects' hydraulic impacts may change nutrient and sediment dynamics.

Water Quality

Arsenic TMDL and Human Health Protection

Dave Hokanson reported that, in March 2010, USEPA Region 7 released a draft total maximum daily load (TMDL) for two segments of the Mississippi River in Iowa. The Water Quality Executive Committee (WQEC) members had a number of concerns with the draft TMDL, and UMRBA articulated those issues in a letter of comment dated May 28, 2010.

By way of background, Hokanson explained that Iowa had listed these two UMR segments as impaired due to arsenic in 2002, 2004, 2006, and 2008. However, in its draft TMDL, Region 7 linked its decision to issue the TMDL to the 2001 *Sailors et al. v. EPA* consent decree. Region 7's contention that the TMDL was required under the terms of the decree was one of the states' concerns, since the decree pre-dates the arsenic impairments, and also since the decree does not include arsenic in its list of pollutants of concern. Hokanson said the states also raised a number of other policy and technical concerns, including:

- Iowa's numeric criterion for arsenic is below the naturally occurring background level.
- Iowa's criterion is for inorganic arsenic, while the data used in making the impairment determinations were for total arsenic.
- The draft TMDL proposed a zero waste load allocation (WLA) for regulated point sources, despite acknowledging that these same point sources are not contributing significantly to arsenic loading.
- The draft TMDL identified regulated facilities in other states, without explaining whether or how the proposed WLA would apply to these non-Iowa facilities.
- Using TMDLs to address naturally occurring contaminants undermines program credibility.

The states' letter points to Region 7's draft TMDL as an illustration of the need to enhance consistency among the states and EPA regions on the UMR. It also suggests that an interagency dialogue on human use protection would be more productive than implementing the proposed arsenic TMDL. In its June response to UMRBA and other commenters, Region 7 agreed that the arsenic TMDL is not required under the 2001 consent decree and indicates that it will not be pursuing the draft TMDL further at this time. Instead, Region 7 says that it will continue to work with Iowa to develop TMDLs in accordance with EPA policies and regulations. The response does not address the specific policy and technical concerns UMRBA raised in its letter.

As a next step, Hokanson said UMRBA staff are working with the Water Quality Executive Committee to establish a dialogue among the states and EPA Regions 5 and 7 regarding both arsenic and the broader human health use issues raised by the draft TMDL. Topics proposed for this dialogue include human health-related uses on the UMR, criteria for protecting human health uses, monitoring and analysis, and the potential for a shared arsenic criterion among the five states. Hokanson said the initial dialogue will likely take place via a series of conference calls involving standards staff and others identified by WQEC members, with UMRBA staff supporting the discussion. In response to a question from Mike Wells, Hokanson said EPA Regions 5 and 7 have confirmed their willingness to participate in the dialogue, but have not yet named the specific staff who will be involved.

Other Water Quality Updates

Hokanson provided brief updates regarding other water quality-related activities, including:

- 604(b) nutrients report — the first work session was held July 20, 2010, involving 33 participants, who expressed strong interest in documenting local and regional impacts from nutrients on aquatic life, recreation, and drinking water; Nat Kale will be placing less emphasis on trends analysis and more on impacts in response to input from the work session; UMRBA is scheduled to release its draft nutrients report by December 1, 2010.
- 604(b) biological assessment guidance — the contractor, Midwest Biodiversity Institute (MBI), is scheduled to deliver the background and scoping report to UMRBA by August 3, 2010; the report is expected to identify the Long Term Resource Monitoring Program and the Environmental Management and Assessment Program as the most promising sources of data and indices; the next work session is scheduled for September 22-23, 2010.
- Aquatic Life Designated Uses Project — UMRBA will be circulating a draft report to the Water Quality Task Force for review in early September.

He noted that there is significant synergy among these projects.

Jim Fischer observed that there have already been many studies analyzing nutrient trends and said he agrees that UMRBA's 604(b) project would do well to put more of its focus on assessing mainstem impacts. In response to a question from Fischer, Hokanson said he believes the December date for the draft report is achievable, noting that much of the impacts assessment will be documenting anecdotal information, such as reports from water suppliers. Gretchen Benjamin asked about the extent of tributary analysis anticipated in the nutrients project, and Hokanson said the mouths of major tributaries will definitely be examined. Additional tributaries work will depend of time available. In response to a question from Wells, Hokanson said participants in the first nutrients work session included staff from the state water quality agencies, EPA Regions 5 and 7 and Office of Research and Development, water suppliers, and various nongovernmental organizations. The next work session will likely be held in January 2011, following release of the draft report.

Ramsar Designation

Kevin Foerster announced that 240,000 acres of UMR floodplain between Wabasha, Minnesota and the Quad Cities have been named as a wetland of international importance under the 1971 Ramsar convention. In recognition of this, the Fish and Wildlife Service, the four adjacent states, and various other organizations in communities along the river corridor are joining together to celebrate working wetlands on October 10, 2010 (i.e., 10/10/10). All events are open to the public, and participants will have opportunities to engage in 10 wetlands-related activities (e.g., pick up 10 pounds of trash, identify 10 bird species, etc.).

On October 14, 2010, the Service will host a more formal, by invitation event at Trempealeau Refuge in recognition of the designation. Invitees include Interior Secretary Salazar, FWS Director Gould, and Ramsar Secretary General Tiega.

Conservation Effects Assessment Project

Rich Sims explained that the Conservation Effects Assessment Project (CEAP) is designed to replace supposition and anecdotal information about the results of conservation efforts with scientific insight. Through the Natural Resources Inventory (NRI) begun in the 1970s, NRCS now has 30 years of data on

selected 160-acre parcels. CEAP is leveraging that field-level NRI data by using it in models to conduct watershed scale analyses.

Sims highlighted the following CEAP findings about the UMRB:

- Conservation practices work.
- Comprehensive planning is needed because suites of practices work better than single practices.
- Targeting critical acres improves effectiveness significantly.
- The most critical conservation issue is reducing the loss of nutrients, especially nitrogen.
- Compared to no conservation practices, conservation practices reduce:
 - sediment loss by 69%,
 - total phosphorous loss by 49%,
 - total nitrogen loss by 18%, and
 - pesticide risks to human health by 48%.

However, Sims emphasized that CEAP also reveals a complex web in interrelationships affecting conservation efforts, underscoring the need for comprehensive conservation planning. For example, according to Sims, erosion control practices alone can actually increase subsurface nitrogen losses and therefore should be integrated with nutrient management efforts. He said there is considerable room for progress in both nutrient and pesticide risk management. The key to success, according to Sims, is documenting the economic benefits of conservation and finding approaches that will improve farmers' bottom line. Sims said he anticipates that the CEAP findings will be important in shaping the next federal Farm Bill.

Mississippi River Basin Initiative

MRBI Overview

Rich Sims also provided an update on USDA's 12-state Mississippi River Basin Healthy Watersheds Initiative (MRBI). While MRBI is designed to improve water quality in the Mississippi River and Gulf of Mexico, Sims said it is also important to emphasize the potential benefits within the priority watersheds. MRBI goals include:

- avoiding, controlling, and trapping nutrient runoff;
- restoring/enhancing wildlife habitat; and
- maintaining agricultural productivity.

If fully funded, the program will provide \$80 million annually in conservation financial assistance in FY 10-13. This funding is to be above regular conservation program funding available in the 12 MRBI states, which include the 10 Mississippi River corridor states, plus Indiana and Ohio.

Sims reported that NRCS issued two requests for proposals (RFPs) in FY 10, following selection of the priority watersheds in each state. Funding available through the RFPs included \$50 million for Environmental Quality Incentives Program (EQIP) and Wildlife Habitat Incentives Program (WHIP) projects, \$25 million for Wetlands Reserve Enhancement Program projects, and \$5 million for Conservation Innovation Grants. Individual landowners and producers were not eligible to submit proposals. Instead, MRBI is funding projects through tribes; state and local governments;

nongovernmental organizations; and, in some instances, cooperatives and universities. These recipients will in turn work directly with the individual landowners. Sims said this approach has been very successful thus far in encouraging partnerships.

NRCS has identified 41 8-digit hydrologic unit code (HUC) priority watersheds for MRBI within the 12 states. Project proposals had to focus on at least one smaller 12-digit HUC within a priority 8-digit watershed to be eligible. With delays in the process, Sims said MRBI has been able to fund \$30 million in proposals for FY 10. This includes 76 projects throughout the 12 states. For the first time ever, NRCS is piloting financial assistance for monitoring and evaluation as part of MRBI's EQIP and WHIP projects. Up to 10 percent of a project proposal may be designated for edge-of-field monitoring through producer contracts.

In terms of the process for selecting MRBI projects, Sims explained that the State Conservationists identified their recommended projects to NRCS Chief White, who then made all final determinations. The 13 project ranking criteria included high potential to achieve water quality objectives, significant leveraging of non-federal resources, coordination with other governmental programs, and inclusion of monitoring and evaluation. NRCS announced its MRBI project selections on June 16, 2010, and all FY 10 funds must be obligated by September 27, 2010. Sims acknowledged that this will be a very challenging target to meet.

In response to a question from Teri Heyer, Sims said NRCS has not officially announced whether it will identify any additional priority watersheds as part of the FY 11 funding cycle. However, Sims said he anticipates that NRCS will add new watersheds to the program.

Root River Project

Gretchen Benjamin distributed a map comparing MRBI and Nature Conservancy (TNC) priorities in the 12 states. Benjamin observed that there is considerable overlap in priorities between MRBI and TNC, and thus great potential for collaboration. She said TNC is already partnering on MRBI projects in several states, and is serving as project administrator on projects in Arkansas, Indiana, and Minnesota. In response to a question from Mike Wells, Benjamin said TNC's priorities in the 12 MRBI states are determined by both state chapters and the Great Rivers Partnership Program, with the central objective of conserving biodiversity.

Benjamin introduced Rich Biske, TNC's Conservation Coordinator for southeastern Minnesota. Biske said MRBI is a welcome tool that will enable TNC and others to act on the insights gained from CEAP. He explained that the Root River watershed, a TNC and MRBI priority, is an 8-digit HUC of over 1 million acres. It is an intensively agricultural area that goes through significant geologic transition from its headwaters near Austin, Minnesota to its confluence with the Mississippi River. Biske briefly described work in four subwatersheds within the Root — i.e., the Rush/Pine (consisting of 4 12-HUCs), Watson Creek, Upper South Fork, and Lower Root Floodplain. Work in all four areas is fully funded, which will bring in approximately \$16 million in MRBI funds over four years.

Biske explained that the Rush/Pine watershed includes some areas of high biodiversity and quality, but has also experienced devastating flooding in recent years. Thanks to a partnership with Winona State University, TNC will have some pre-project water quality monitoring data for the area. The focus will be on whole farm planning, including terrain analysis to identify the areas of highest nutrient loss.

The Lower Root Floodplain is a WREP project and will involve work on 3,700 acres of wetland and associated uplands. Objectives include floodplain and wetland reconnection, reduced sediment and nutrient loading to the Mississippi River, and enhanced habitat connectivity. Biske said this project will compliment Minnesota DNR's expansion of a wildlife management area (WMA) in the vicinity. In

response to a question from Barb Naramore, Biske said landowners will have a choice between 30-year and perpetual easements. The 30-year easements will cover 75 percent of costs, while the perpetual easements will be funded at 100 percent. Laurie Martinson and Tim Schlagenhaft said collaboration and leveraging of funds offer the potential to make great progress on the Lower Root River.

Ecosystem and Navigation Updates

EMP/NESP Transition Plan

Marv Hubbell reported that he has received additional internal comments on the draft EMP/NESP Transition Plan. As a result, he will be redrafting the “final draft” previously circulated in May 2010. Hubbell said the edits will not change the plan’s fundamental message, but are instead intended to refine the plan for its Congressional audience. In particular, the redraft will:

- modify the tone on fiscal issues, so that the Corps is reporting, but not recommending, to Congress;
- be more definitive that EMP is not wasting money and that EMP projects will transition easily to NESP;
- clearly state the need to maintain EMP as a fully functional program unless and until Congress directs a transition; and
- provide more background information on the two programs.

Hubbell said he will have a redraft of the plan by August 9, with the goal of formally resubmitting the Transition Plan to MVD on August 27.

Mike Wells observed that Congress clearly asked for the Corps’ recommendations regarding program transition, and asked why the Corps is trying to avoid making concrete recommendations in the plan. Wells also asked Hubbell what the timeline is for getting the plan to Headquarters (HQ), the Assistant Secretary (ASA(CW)), and ultimately Congress. Wells stressed that development of the Transition Plan has taken far too long. Hubbell agreed that Congress asked the Corps for recommendations, but said this directive was focused on identifying the conditions necessary to support transition. While the Transition Plan will still address these issues, Hubbell explained that the Corps cannot make fiscal recommendations, as those are the prerogative of the Administration, not the Corps as an agency. Hubbell also acknowledged that development of the plan has taken considerable time. He noted that the Administration declined to act when the House Appropriations Committee initially directed the Corps to prepare a Transition Plan. With the subsequent reversal of that policy decision, Hubbell said he has been working on the Transition Plan since 2009. Hubbell declined to speculate on the likely timeframe for the plan to reach Congress, noting that the process is largely out of his hands once the plan reaches MVD. Charles Barton agreed it is important to move the Transition Plan along, but said it is also key to complete the advance coordination work needed to craft a successful document — i.e., one that will not be rejected at the HQ or ASA(CW) level. Barton said he does not anticipate problems at with HQ, and estimated that HQ review will require approximately four weeks.

FY 11 Appropriations for EMP

Hubbell reported that the House Appropriations Committee appears poised to follow the Administration’s request for \$21.15 million in FY 11 funds for EMP. The Senate appropriators approved \$19.0 million for the EMP in FY 11. These levels compare with a final FY 10 funding amount of \$16.47 million. Hubbell said he is currently planning for a \$21.15 million program, but stressed that the final amount will likely not be known for some time, and could be lower than either the House or Senate amount.

EMP Report to Congress

Hubbell explained that EMP's authorization requires the Corps to submit Reports to Congress (RTCs) every six years, with the next report being due in December 2010. Contracting delays and other issues have compressed the schedule for producing the 2010 RTC. As a result, Hubbell said he has coordinated with program partners on a revised approach, under which a streamlined RTC will be completed in December 2010, followed by an Implementation Issues Assessment (IIA). The RTC will focus on those things required to fulfill the authorization requirement, namely a report on accomplishments, an update to the Habitat Needs Assessment (HNA), and identification of any needed legislative adjustments. Partners will then have slightly more time to address other important issues through the IIA. These are items that may require policy or implementation adjustments by the Corps or other partners, but that are not thought likely to require Congressional action. Hubbell said issues identified for the IIA include:

- NGOs as cost share partners,
- cost sharing,
- HREP operations and maintenance,
- delegated authority,
- land acquisition,
- LTRMP program implementation,
- HREP planning and prioritization,
- HREP evaluations,
- trends/emerging issues, and
- EMP's habitat project types.

Hubbell also reported that EMP will be initiating an HREP Strategic Planning effort, modeled on the very successful LTRMP effort that produced the FY 10-14 LTRMP Strategic Plan.

IMTS Plan and NESP Implementation

Chuck Spitzack explained that NESP is shifting from its unconstrained "Best Value" implementation plan to a three-phase "Blueprint for Action" approach. The Best Value plan assumed unconstrained funding, capable of supporting maximally efficient implementation. Each of the Best Value approach's two phases included approximately \$2.1 billion and permitted simultaneous work on multiple new locks. Due to the revenue situation with the Inland Waterways Trust Fund (IWTF) and other funding issues, this approach no longer appears viable. Spitzack described the Blueprint for Action approach as more compatible with the Inland Marine Transportation System (IMTS) Team's Capital Investment Plan. The first phase would not involve any new lock work, and would instead focus on small scale navigation measures and initiating the ecosystem restoration program. Under the second phase, new locks would be initiated singly, likely in the IMTS Team's recommended order (i.e., 25, La Grange, 22, and 24, with the order for 20, 21, and Peoria undetermined because starts on these locks would be outside of the Capital Plan's 20-year time horizon). If funding levels permit, the Corps would return to the Best Value implementation approach in Phase 3.

Spitzack explained that the three UMR Districts do not have a formal position on the IMTS Plan as it relates to NESP. However, Spitzack said the construction sequence reflected in the plan appears reasonable. He also noted that the Corps will be pursuing rehabilitation at the existing La Grange lock

immediately under the operation and maintenance (O&M) program. He explained that, with the ongoing delays in initiating NESP, it is no longer feasible to integrate the La Grange rehabilitation work with lock construction, which had been the preferred approach under Best Value implementation. Spitzack requested partner comments regarding lock sequencing by September 30, 2010. [Note: the deadline for comments was subsequently extended to October 31, 2010.] Barb Naramore asked whether the Corps will be consulting with the Navigation Interests Coordinating Committee (NICC) regarding lock sequencing. Spitzack said NICC is not meeting in August, but will meet in conjunction with the Inland Waterway Users Board's October meeting. He added that industry representatives have already indicated informally that they are comfortable with the sequencing reflected in the IMTS Plan.

FY 11 Appropriations for NESP

Spitzack reported that the President did not include funding for NESP in his FY 11 budget request, consistent with the pattern in recent years. The pending House and Senate measures include \$1 million and \$4 million, respectively, for NESP. Spitzack explained that funding at either of these levels would represent a dramatic reduction and would have significant impacts on the NESP work plan. Regarding the Administration's position on NESP, Spitzack said his understanding is that ASA(CW) Darcy's current perspective is consistent with the past — i.e., NESP is an authority created by Congress in the absence of a favorable Chief's Report and is thus not budgetable. Spitzack said impediments to favorable Administration action on the still-pending Chief's Report are related to the economic analysis and justification for the new locks. He said ASA Darcy may call a meeting in early FY 11 to discuss NESP's status.

System and Reach Planning

Spitzack explained that the UMRS system and reach planning process has, thus far, been a top-down effort to identify program neutral objectives for ecosystem restoration efforts. A Regional Support Team (RST), composed of river engineers and ecologists from the Corps, developed and guided the process. RST members worked with Reach Planning Teams (RPTs) for each of the four designated floodplain reaches (i.e., upper impounded, lower impounded, open river, and Illinois River). Each RPT was charged with developing the ecosystem objectives and identifying potential management actions and projects for its reach, consistent with the system goals and objectives. Upon completion of the Reach Plan, the district-based, interagency river team(s) for that reach (e.g., River Resources Forum, etc.) then reviewed the plan and considered it for endorsement. Acting in its interim Advisory Panel role, Spitzack said NECC will also be asked to review and endorse the Reach Plans. Spitzack explained that the Corps will then use the Reach and System Plans to guide its implementation of restoration efforts on the UMRS.

Tim Schlagenhaft expressed concern that the System Objectives Report is not complete and thus has not been available to inform development of the Reach Plans. He stressed that the System Objectives Report should be influencing project selection. Schlagenhaft requested an opportunity to discuss this issue further at the August EMP-CC and NECC meetings.

Spitzack reviewed next steps in the current system and reach planning cycle, including:

- Aug.-Sept. 2010 Complete River Team endorsement
- Sept. 2010 Release final draft for review by UMRBA, NECC, & EMPCC
- Sept.-Oct. 2010 Prepare lessons learned report (draft)
- Sept.-Oct. 2010 Revise Reach Planning Notebook (draft)
- Nov. 2010 NECC & EMPCC endorse

In response to a question from Karen Hagerty, Spitzack confirmed that the Corps will be revising the 2008 draft Reach Planning Notebook. He said the Notebook is program-neutral and intended to apply broadly to reach planning.

Administrative Issues

Contract Authorizations

Barb Naramore reported that UMRBA has submitted a cooperative agreement proposal to USEPA Region 5 to continue the Association's multi-year spills planning and mapping effort. Naramore said she will need Board authorization prior to executing the cooperative agreement. She said the agreement could be for as much as \$270,000 in federal funding over two years, but may be for less. Jim Fischer moved and Mike Wells seconded a motion authorizing Naramore to execute a cooperative agreement with U.S. EPA Region 5 to support UMRBA's continued spills contingency planning and inland sensitivity mapping work. The motion carried unanimously.

Naramore explained that the state environmental agencies have been supporting the work of UMRBA's Water Quality Executive Committee and Water Quality Task Force for several years through voluntary annual assessments of \$17,000 per state. She explained that Iowa DNR has expressed a desire to fund this work in FY 11 through a 604(b) Water Quality Management Planning Grant, rather than through a voluntary dues payment. Naramore said she will need Board authorization prior to executing such a contract, which would be for \$17,000. She also noted that other states may elect to use the same 604(b) vehicle in lieu of voluntary water quality assessments in FY 11 or beyond. Pat Boddy moved and Jim Fischer seconded a motion authorizing Naramore to execute a 604(b) Water Quality Management Planning Grant contract with Iowa DNR. The motion carried unanimously.

FY 12 and 13 Dues Assessment

Naramore said the UMRBA Board typically establishes UMRBA's dues assessment for the coming two fiscal years at its August meeting in even-numbered years. This is done to facilitate coordination with the states' biennial budgeting processes. Naramore noted that UMRBA's dues have been at \$48,000 per year per state since 2000. Mike Wells moved and Jim Fischer seconded a motion to set UMRBA's dues for FY 12 and 13 at \$48,000 annually per state. The motion carried unanimously.

Board Work Group Recommendations

Naramore reported that the UMRBA Board formed a work group in February 2010 to review several issues related to the organization's governance structure, insurance coverage, compensation decisions, and IRS reporting. Based on the work group's recommendations, the Board and Naramore either have taken, or will take, the following steps:

- UMRBA's Board structure will remain unchanged—i.e., all duly appointed representative and alternates will serve on the Board of Directors; each state will have one vote in matters coming before the Board. Naramore will develop proposed Bylaws modifications to ensure that the Bylaws consistently reflect this structure.
- UMRBA's Board members will explore creating a Treasurer position. This individual will be an officer of the Association and can be, but need not be, a member of the Board. If the Board determines that it will establish a Treasurer position, Naramore will draft the necessary Bylaws changes for the Board's consideration.

- Naramore has secured Directors' and Officers' liability coverage for UMRBA.
- Minnesota DNR will continue to take the lead on compiling independent comparability data for the Board's use in determining the Executive Director's compensation. That data will include compensation information for comparable state government and NGO positions in Minnesota, as well as compensation figures for other interstate water resource organizations elsewhere in the country.
- Under the terms of IRS Revenue Procedure 95-48, UMRBA is not required to file annual information returns on IRS Form 990. However, UMRBA will continue filing annual 990s on a voluntary basis in the interest of good governance, transparency, and public accountability.

Naramore asked Board members for any questions or reservations concerning her summary. None were voiced.

Future Meetings

Naramore reported that the next two quarterly meetings are scheduled for November 16-18, 2010 in the Quad Cities and February 15-17, 2011 in St. Louis, with UMRBA's meeting falling on the first day of each series. The Board set the spring quarterly meeting for May 17-19, 2011 in the Quad Cities, expressing a preference for the Quad Cities' relatively central location, given increased state travel constraints.

With no further business, the meeting adjourned at 2:40 p.m.