

**Minutes of the  
119<sup>th</sup> Quarterly Meeting  
of the  
Upper Mississippi River Basin Association**

**August 16, 2011  
Davenport, Iowa**

UMRBA Chair Dru Buntin called the meeting to order at 10:15 a.m. Participants were as follows:

UMRBA Representatives and Alternates:

Arlan Juhl	Illinois Department of Natural Resources
Rich Mollahan	Illinois Department of Natural Resources
Harold Hommes	Iowa Department of Agriculture and Land Stewardship
Dave Frederickson	Minnesota Department of Agriculture
Dru Buntin	Missouri Department of Natural Resources
Robert Stout	Missouri Department of Natural Resources
Scott Humrickhouse	Wisconsin Department of Natural Resources
Jim Fischer	Wisconsin Department of Natural Resources

Federal UMRBA Liaisons:

Gary Meden	U.S. Army Corps of Engineers, MVR
Jon Hubbert	U.S. Department of Agriculture, NRCS Iowa
Rick Nelson	U.S. Fish and Wildlife Service, RIFO
Dave Bornholdt	U.S. Geological Survey, Midwest Area

Others in Attendance:

Craig O'Riley	Iowa Department of Transportation
Tim Schlagenhaft	Minnesota Department of Natural Resources
Janet Sternburg	Missouri Department of Conservation
Tom Novak	U.S. Army Corps of Engineers, MVP
David Potter	U.S. Army Corps of Engineers, MVP
Roger Perk	U.S. Army Corps of Engineers, MVR
Ken Barr	U.S. Army Corps of Engineers, MVR
Chuck Spitzack	U.S. Army Corps of Engineers, MVR
Marvin Hubbell	U.S. Army Corps of Engineers, MVR
Karen Hagerty	U.S. Army Corps of Engineers, MVR
Mark Cornish	U.S. Army Corps of Engineers, MVR
Mark Harberg	U.S. Army Corps of Engineers, NWO
Dave Wethington	U.S. Army Corps of Engineers, LRC
Jon Duyvejonck	U.S. Fish and Wildlife Service, RIFO
Amber Andress	U.S. Fish and Wildlife Service, RIFO
Mike Jawson	U.S. Geological Survey, UMESC
Barry Johnson	U.S. Geological Survey, UMESC
Bob Buchmiller	U.S. Geological Survey, Iowa WSC
T. Miller	HDR, Inc.
Gary Loss	HNTB
Tom Boland	MACTEC
Brad Walker	Missouri Coalition for the Environment

Cecily Smith	Prairie Rivers Network
Barb Naramore	Upper Mississippi River Basin Association
Dave Hokanson	Upper Mississippi River Basin Association
Kirsten Mickelsen	Upper Mississippi River Basin Association

### **Minutes**

Jim Fischer moved and Arlan Juhl seconded a motion to approve the minutes of the May 17, 2011 meeting as written. The motion carried unanimously.

### **Executive Director's Report**

Barb Naramore reported that UMRBA delivered 2,500 copies of the 2010 EMP Report to Congress (RTC) brochure to MVR in late June, completing all RTC-related services under the Association's contract with USACE for writing, editing, and publishing support. This leaves only work on the Implementation Issues Assessment (IIA) portion of the contract remaining.

Naramore said USACE has expressed interest in exercising its Option Year 2 under its EMP support services contract with UMRBA. The contract maximum for this option is \$70,550. Jim Fischer moved and Arlan Juhl seconded a motion authorizing Naramore to accept the Corps' exercise of Option Year 2, if offered. The motion carried unanimously.

Naramore reported that staff submitted a proposal to USEPA to continue spills contingency planning and mapping work in federal FY 12. The proposal included \$150,000 of new federal funding, with a 5 percent non-federal match. However, based on experience in prior years, it is possible USEPA will adjust this amount prior to approving the cooperative agreement. Fischer moved and Juhl seconded a motion to authorize Naramore to execute a cooperative agreement with USEPA to continue the contingency planning and mapping work.

With Nat Kale having left UMRBA's staff in late spring, Naramore said she concluded that it would be both more effective and efficient to subcontract part of the Association's UMR Monitoring Strategy contract with Illinois EPA, rather than undertake a search for new temporary staff. UMRBA staff therefore issued a request for proposals for professional and technical services, with a response deadline of August 29, 2011. The RFP seeks proposals for no more than \$75,000, which represents slightly under 60 percent of total project funding. Juhl moved and Dave Frederickson seconded a motion to authorize Naramore to execute a contract for up to \$75,000 with a qualified contractor to provide professional and technical services. The motion carried unanimously.

Naramore noted that the Interstate Council on Water Policy (ICWP), of which UMRBA is a member, will hold its annual meeting on October 11-14, 2011 in St. Louis. She observed that the agenda includes several excellent panels and speakers addressing a range of important water resource issues. Naramore also reported that the eight person Steering Committee for the Mississippi Watershed Initiative (MWI) hosted a July 11-12, 2011 consultation meeting in Kansas City. The 44 participants offered a range of perspectives regarding the Committee's work thus far and potential next steps. Naramore said the Committee, on which she serves, will be reflecting on participants' recommendations, as well as near term MWI support needs, in the coming weeks.

Naramore directed the Board's attention to pages B-7 thru B-10 of the agenda packet for a Treasurer's Statement, Profit and Loss Statement, and Balance Sheet. Reflecting all anticipated year-end adjustments, the FY 11 statements show ordinary income of \$786,147 and expenses of \$756,452, for net ordinary income of \$29,695. Fischer moved and Juhl seconded a motion to accept the FY 11 year-end Profit and Loss Statement and Balance Sheet. The motion carried unanimously. [Note: Subsequent to

the August 16, 2011 meeting, an additional \$3,738 of work-in-progress was recognized as FY 11 revenue, bringing net ordinary income for FY 11 to \$33,433.]

In response to a question from Dru Buntin, Naramore noted that the UMRBA Board directed staff to form an *ad hoc* Hydropower Group in May 2010. The group includes active participants from all five states as well as USACE, USFWS, USEPA, and the National Park Service. Kirsten Mickelsen reported that the group is currently focusing primarily on nine Free Flow Power projects proposed at existing locks and dams in the St. Paul and Rock Island Districts. In particular, the Hydropower Group is taking a coordinated approach to identifying study needs related to these projects. Mickelsen said next steps for the group include addressing questions related to Section 401 water quality certifications and cumulative effects of multiple projects on the UMR.

On the question of 401 certifications, Mickelsen said Federal Energy Regulatory Commission staff have indicated informally that the Commission will require certification by the state where the discharge emanates. If the discharge is released in two states, then 401 certifications would be required from both states. Mickelsen said, however, that she has not seen that interpretation documented anywhere. Buntin expressed appreciation for UMRBA staff's efforts in supporting the Hydropower Group.

Fischer stressed the need to understand how USACE will rank hydropower generation relative to other authorized purposes on the UMRS when regulating water levels. In particular, he observed that the nine-foot channel is clearly the system's primary authorized purpose, but said it is not evident how power generation would rank in priority relative to other authorized purposes, including ecosystem management and recreation. Fischer said this question should be answered before new licenses are approved.

## **Water Quality**

### *UMRBA Nutrients Report*

Dave Hokanson reported that UMRBA's draft report, *Upper Mississippi River Nutrient Monitoring, Occurrence and Local Impacts: A Clean Water Act Perspective* has undergone multiple rounds of review and is now ready for discussion and potential action by the Board. He explained that the report primarily examines nutrient impacts to the UMR mainstem from a Clean Water Act (CWA) perspective, with the goal of helping inform the states' nutrient reduction efforts. The work was funded jointly by the five states through Water Quality Management Planning grants under the American Recovery and Reinvestment Act (ARRA). Hokanson noted that the report is largely a compilation and synthesis of existing data, with the exception of the project's survey of water suppliers. UMRBA's Water Quality Task Force (WQTF) guided the work. Agreements with the five states call for provision of a final report and summary flyer by September 30, 2011.

Hokanson provided a brief overview of the report's major elements, which include chapters on current CWA approaches; monitoring and data collection; sources, concentrations, and trends; impacts to CWA designated uses; emerging issues; and findings and recommendations.

He then reviewed the draft report's findings and recommendations, including the following:

1. UMR concentrations have increased significantly since pre-settlement, but have been more stable in most areas since 1990.
2. States should pursue more consistent nutrient monitoring protocols.
3. Both nitrogen (N) and phosphorus (P) contribute to local UMR impacts.
4. Backwaters are generally most affected, primarily by algal blooms.

5. Elevated nutrient levels alone do not necessarily lead to eutrophic conditions, but are a prerequisite for these conditions to occur.
6. Because eutrophication depends on several factors beyond nutrient concentrations, the states may wish to include response variables in their UMR assessments, assuming a significant dependency between nutrient levels and the response variable(s) can be established, and downstream uses are protected.
7. Numeric nutrient criteria are most likely to be effective as part of a comprehensive approach to nutrient reduction, including not only CWA tools but also other measures such as non-point source reduction strategies.
8. The states should work with water suppliers to better understand how nutrients are affecting their operations.

In response to comments from the Board, WQEC, and other state agency personnel, Hokanson said he had identified the following potential changes to the draft report:

1. Expand discussion of nutrient losses via tile drainage.
2. Expand discussion of conservation practices and successes.
3. Balance the report's call for more mainstem nutrient monitoring with recognition of the need to maintain basin and tributary monitoring.
4. Acknowledge the August 9, 2011 USGS report on temporal trends in nitrate concentrations.

In response to a question from Marv Hubbell, Hokanson said the draft report does not make any specific recommendations regarding conservation practices. However, based on state agency comments, Hokanson said he has drafted expanded text describing current conservation efforts and results.

Jim Fischer asked whether the WQTF has prioritized the recommendations in the draft report. Hokanson said Task Force and Executive Committee members felt this would be premature and are first seeking Board confirmation that the recommendations are on target. Hokanson said he anticipates that some of the recommendations will readily emerge as candidates for near-term action.

Dru Buntin asked whether the WQTF has discussed what achievable numeric nutrient standards for the UMR might look like. Buntin said establishing standards that cannot reasonably be met would likely raise significant concerns. Hokanson said the Task Force is concerned with both achievability and interstate compatibility, though the group has not yet evaluated specific potential numbers. Barb Naramore added that WQTF members have also expressed interest in linking numeric standards to demonstrable effects in response variables, on the theory that numeric standards should yield meaningful benefits that are evidenced in response variables.

Buntin noted that Hokanson had outlined several potential changes to the draft report, in response to state comments. He invited Board members to identify any additional changes they would like to see in the draft, but none were offered. Given the need to complete the report by September 30, 2011, Buntin suggested authorizing staff to make the modifications Hokanson outlined, along with any other technical changes, and then finalize the report without additional Board review. Dave Frederickson moved and Scott Humrickhouse seconded a motion to approve the draft nutrients report, with the understanding that staff would make the changes described by Hokanson prior to finalizing the report. The motion carried unanimously.

### *UMRBA Nutrients Workshops*

Hokanson reported that UMRBA will be sponsoring two workshops focusing on UMR nutrients issues as part of its ARRA-funded work. The workshops will focus on both Clean Water Act and conservation efforts, with the goal of contributing to the discussion of UMR-specific considerations in addressing nutrients. The first workshop will be held in La Crosse, with the second taking place in Hannibal. Participants will include water quality and conservation program staff, as well as water suppliers, agricultural interests, and environmental NGOs. UMRBA staff will prepare a report following the workshops summarizing major themes and ideas emerging from the discussions.

### *USEPA Response to Mississippi River/Gulf of Mexico Nutrients Petition*

Hokanson briefly described USEPA's July 29, 2011 response to a petition concerning nutrients in the Mississippi River and Gulf of Mexico. Thirteen environmental groups joined together in filing the petition in July 2008, requesting that USEPA either compel the states to establish, or directly establish, numeric nutrient criteria and develop nutrient TMDLs for the Mississippi River and its tributaries. While acknowledging the importance of addressing nutrients, USEPA cited many ongoing efforts, both within individual states and regionally, and its own resource constraints in declining to grant the petitioners' requests.

### *NRCS Drainage Water Management Activities*

Jon Hubbert reviewed the work of NRCS's National Ag Water Management (AGWAM) Team, which was formed in September 2010. During Phase I, the NAGWAM Team developed recommendations for strategic actions to increase adoption of drainage water management practices as part of the Mississippi River Basin Initiative (MRBI). The Team is now in Phase II of its work, which is focused on implementing the initial recommendations. An Action Plan is out for comment and a national summit is scheduled for October 2011 in Bloomington, Minnesota. Hubbert said the Action Plan identifies a number of approaches and tools that will be evaluated to determine where they do and do not work. He distributed a handout illustrating the types of modifications to tiling and other aspects of drainage water management that might be helpful in meeting NAGWAM goals.

### **Great Lakes and Mississippi River Interbasin Study**

Dave Wethington provided a brief background on the Great Lakes and Mississippi River Interbasin Study (GLMRIS), explaining that it was authorized in the 2007 Water Resources Development Act and received its first funding in mid-2009. The authorization directs USACE to conduct feasibility-level analysis, examining "the range of options and technologies available to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the Chicago Sanitary and Ship Canal and other aquatic pathways." Wethington emphasized that the authority extends to all aquatic nuisance species (ANS), not merely Asian carp, and is concerned with ANS movement from the Great Lakes to the Mississippi River, as well as in the other direction.

For purposes of implementation, GLMRIS is divided into two focus areas, one looking at the Chicago Area Waterways (CAWS) and the other examining other points of potential ANS transfer along the boundary of the two basins. Preliminary steps, already underway, include identifying pathways and inventorying species that pose a transfer risk, either currently or in the future. Wethington described the complexity of the CAWS, with its multiple controlled and uncontrolled points of connection. He noted that much of the Chicago area's infrastructure depends on interbasin connections to function effectively for stormwater conveyance, wastewater assimilation, and other key services.

Wethington reviewed activity thus far under GLMRIS, including study scoping, completion of a white paper identifying ANS of primary concern, and identification and risk assessment of pathways outside of the CAWS. The scoping process included 12 public meetings in various locations throughout the two basins, and USACE received approximately 1,000 individual comments. Wethington said the scoping report should be completed by the end of August. In the interim, he shared the following major themes from the comments received:

1. 2015 is too late — GLMRIS needs to be completed earlier.
2. Hydrologic separation of the two basins is the only alternative.
3. Other studies, such as that being conducted by the Great Lakes Commission, should be used to accelerate GLRMIS.
4. Per the study authorization, focus on prevention, not merely risk reduction.
5. Asian carp issues need to be addressed immediately.
6. Keep the public and stakeholders informed.

Regarding species of potential concern, Wethington said the ANS white paper identified three times as many species with the potential to transfer from the Great Lakes to the Mississippi River as vice versa.

Barb Naramore noted that UMRBA's member states commented jointly through the Association, as well as individually in many instances. The states' joint comments emphasized the importance of evaluating not only the efficacy of potential control measures but also their likely social, economic, and environmental impacts. Wethington assured the states that USACE will evaluate the likely range of impacts for all prevention options under consideration. In response to a question from Naramore, Wethington indicated that both structural and nonstructural prevention options are within the study's scope. Naramore observed that efforts to control ANS distribution within a basin may also be helpful in reducing the risk of interbasin transfer. She said this was something the five states addressed in their joint comments.

Jim Fischer emphasized Wisconsin's position that preventing new ANS introductions in both basins is key to the systems' future health. Wethington acknowledged the importance of preventing new introductions, but said GLMRIS is limited by its authorization to looking at options for preventing the transfer of ANS between the two basins. Robert Stout noted that a pollinating cultivar of giant Miscanthus is under development and may be considered for woody biomass production in riverine floodplains. Wethington said he would pass this information along to the plant specialists on the GLMRIS team.

In response to a question from Naramore, Wethington said there is not a specific process in place for forwarding comments that go beyond GLMRIS's scope to John Goss, President Obama's Asian Carp Director. Naramore noted that UMRBA deliberately offered comments that go beyond GLMRIS's scope because there are essential related questions, such as how prevention efforts should be coordinated with control methods. She encouraged USACE to identify important comments it views as beyond GLMRIS's scope and share them with Goss and others at the Council on Environmental Quality.

In response to a question from Fischer, Wethington confirmed that GLMRIS will consider recreational and economic impacts as well as ecosystem impacts in evaluating prevention options. He also stressed that the study is equally concerned with preventing damages to the Mississippi River and the Great Lakes.

## Ecosystem, Navigation, and Comp Plan Updates

### *NESP*

Chuck Spitzack reported that the fall issue of *Our Mississippi* will focus on this year's flooding and represents an important opportunity to shift the publication's focus to the entire Mississippi River. Regarding the Reach Planning effort, Spitzack said he is currently revising the After Action Report based on the comments UMRBA submitted on behalf of the state EMP-CC and NECC members. USACE halted virtually all work under NESP at the end of June due to lack of funding, and staff working on NESP have been reassigned. Spitzack said he is currently seeking an opportunity to meet with HQ leaders and the Assistant Secretary of the Army for Civil Works to discuss possible options for moving NESP forward given the fiscal climate and future uncertainty regarding capital investment in waterways.

### *Comp Plan*

Spitzack recalled the 1994 Interagency Floodplain Management Review Committee's findings following the devastating 1993 flooding on the Upper Mississippi and Missouri Rivers. Among the Committee's conclusions, according to Spitzack, was that we largely have the science needed to manage our floodplains more effectively, but lack effective and coordinated management at all levels of government and also lack an informed and engaged public.

Following the Committee's work, Congress authorized the UMR Comprehensive Plan in the 1999 Water Resources Development Act to develop strategies and plans for systemic flood damage reduction in the context of integrated water resource management needs. Spitzack reviewed the Comp Plan's 2008 recommendations in four major focus areas:

1. Develop system flood risk management strategies and plans for the UMRS — none of the plans identified in 2008 met the threshold for recommending federal investment, but the Comp Plan report did recommend continued collaboration among federal, state, and local interests toward consensus on a comprehensive approach to flood risk management
2. Develop flood risk management strategies and plans for tributary watersheds — an integrated water resources management (IWRM) approach in the Iowa Cedar River Basins may serve as a model for similar work in other tributary basins
3. Investigate options for protecting critical transportation infrastructure
4. Investigate reconstruction of existing projects to restore their original authorized level of protection

Spitzack said USACE has limited funding in FY 11 to advance work in all four of these areas. He distributed a written summary of the planned work. Given the uncertainty of future funding, USACE is focusing on tasks that do not require additional appropriations. For example, USACE will review existing permitting processes, identify similarities and differences among the states and other regulators, and identify any potential opportunities for streamlining. Spitzack expressed confidence that this would be a useful product regardless of whether additional funding under the Comp Plan is forthcoming.

Dru Buntin observed that the very strong negative reaction to systemic Plan H in parts of Missouri was partly due to a misunderstanding that USACE was recommending implementation of this plan. Given all of the concern and miscommunication thus far, Buntin said USACE will need to start at the beginning when it comes to discussing systemic plans and take care to engage interested and affected parties from the very start. Spitzack acknowledged the challenge and said the Corps' focus is not on Plan H, but rather on fostering collaboration among the states, local units of government, landowners, and others regarding what an acceptable systemic plan might look like. He suggested that an

interagency oversight group could be very helpful in this regard. Buntin said he understands that the Upper Mississippi, Illinois, and Missouri Rivers Association is advocating for Comp Plan funding as part of any flood recovery emergency supplemental. Buntin said public opposition to Plan H is so strong above St. Louis in Missouri that some members of Missouri's Congressional delegation might well seek to block further Comp Plan funding.

### *EMP*

Marv Hubbell reported that EMP will be celebrating 25 years and 100,000 acres of aquatic habitat restored this fall. He emphasized that such accomplishment and longevity is only possible with a very strong and effective partnership. Hubbell said EMP's FY 11 allocation of \$21.122 million in a very difficult budget climate is a great success for the program. High water and the lack of a final budget number until May combined to create a very challenging environment for executing the program. However, with considerable effort by Corps staff and program partners, Hubbell said he expects EMP to obligate more than 99 percent of its available funds by the close of FY 11. This includes critical progress on three HREPs designated as national high performing projects within USACE.

Regarding FY 12, Hubbell reported that the President requested \$18.15 million for EMP. The House-passed energy and water measure includes \$16.445 million, while the Senate Appropriations Committee has not yet filed its report. However, the Senate number is understood to be in line with the President's request.

EMP's 25 year, 100,000 acre celebration is scheduled for September 29, 2011 in Dubuque. Assistant Secretary of the Army for Civil Works Jo-Ellen Darcy is scheduled to attend. In addition to remarks from Ms. Darcy and others, the program includes a project visit and monitoring demonstration.

Hubbell reported that Corps Headquarters (HQ) provided comments on the draft EMP/NESP Transition Plan in June. Division and district staff are scheduled to consult with HQ regarding the comments in the near future. In response to a question from Barb Naramore, Hubbell said HQ's comments primarily seek 1) clarification that the plan is *not* recommending transition at this time and 2) recognition that, if it chooses to fund NESP, Congress will most likely not direct a transition but simply stop funding EMP at that time. Hubbell also reported that MVD staff have recommended that MG Walsh submit EMP's Regional Review Plan to HQ. The plan includes a proposal to exempt most HREPs from independent external peer review requirements.

Hubbell thanked program partners, and particularly UMRBA staff, for their contributions to the EMP 2010 Report to Congress and summary brochure. He reminded the UMRBA Board that, as a supplement to the RTC, program partners are developing an Implementation Issues Assessment (IIA) that addresses issues that do not require Congressional action but that would benefit from further deliberation and action by USACE and other partners. Thus far, partners have identified 13 issues for consideration in the IIA.

### **2011 Flooding on the Mississippi and Missouri Rivers**

#### *Overview of Flooding*

Roger Perk reported that MG Walsh has established an Interagency Recovery Task Force to coordinate recovery efforts related to this year's Mississippi River flooding. As yet, Congress has not acted on an emergency supplemental to fund post-flood work. Perk said initial estimates put the cost to repair levees and other public infrastructure at \$2 billion within MVD. He noted that this does not include recovery costs on the Ohio or Missouri Rivers, and said water levels are still too high on the Missouri River to accurately estimate damages. With no emergency supplemental funds available, Perk said it is likely all unobligated FY 11 funds within MVD, and perhaps beyond, will be reprogrammed to recovery

efforts. He reported that the Mississippi River Commission is scheduled to meet later this week to rank recovery project priorities.

In response to a question from Arlan Juhl, Perk said that unobligated funds for cost shared projects will likely be subject to reprogramming. He noted that, because Congress did not direct FY 11 appropriations to specific USACE projects and programs, the Corps has broader reprogramming authority than is typically the case. However, he said it remains to be seen exactly what the reprogramming process will look like. Perk said he anticipates USACE will share a list of its intended reallocations with Congress before finalizing them.

Jim Fischer asked how flood recovery efforts will affect project staffing, noting that previous recovery work has tended to pull staff off of more routine projects such as EMP and NESP. Perk acknowledged that staff shortages have been an issue when the Corps' overall funding allocation rises rapidly, as it did following Katrina. However, if there is not an emergency supplemental and funding for many current projects and programs is static or declining, Perk said lack of staff will likely not be a problem. Instead, staff will seek to shift from funding-constrained programs to those with more robust allocations.

Dru Buntin asked USACE to inform the five states, through UMRBA, if MVD shift funds from UMR projects to fund repairs to the Mississippi River and Tributaries project.

#### *Impacts, Lessons Learned, and Outstanding Issues*

Juhl observed that USACE did not fully follow its operating plan for the Birds-Point New Madrid Floodway. In particular, according to Juhl, USACE allowed gage readings at Cairo to rise above the stated trigger before activating the floodway. He asked for clarification regarding the formal operating plan. Buntin expressed concern with the lack of a plan for what to do after operating the floodway, noting that citizens in southeast Missouri have many questions and no answers regarding post-operation assistance. Buntin also stressed that landowners and Missouri's Congressional delegation have made it very clear that they expect the levees to be rebuilt to their pre-activation level of protection as quickly as possible.

Harold Hommes expressed concern with the Corps' ability to return the Missouri River reservoir system to its target storage level in a timely manner. He observed that there is a lot of water left to pass through the system. Hommes noted that the Governors and their staff are scheduled to meet on August 19 to discuss Missouri River operations.

Buntin said the advance warning of this year's high water on both the Mississippi and Missouri Rivers did allow agencies to help businesses and residents prepare in areas likely to be inundated. He said Missouri DNR worked with USEPA to remove and secure a wide range of hazardous materials, including fuel tanks, significantly reducing releases and facilitating clean-up and recovery efforts. Buntin reported that Missouri DNR is still evaluating flood damages at Big Oak Tree State Park, which is located near one of the lower breaches to the Birds Point-New Madrid Floodway.

On the Missouri River, Buntin said the state continues to work closely with levee districts in monitoring conditions and seeking to forestall further damages. As an example, Buntin said St. Joseph has been above flood stage for months and will remain so for some time. With continuous pumping needs, this is putting significant strain on local resources. While water levels are still too high for a thorough damage assessment, Buntin said there will be a tremendous amount of repair and recovery effort needed on the Missouri River. He observed that prospects for a federal emergency supplemental do not look good at this point. Governor Nixon plans to call a special session of Missouri's legislature to examine what the state can do to facilitate recovery.

Dave Bornholdt said staff from USGS's Water Science Centers have worked very hard to respond to flood-related water data needs. He noted that both state and federal agencies have been very

appreciative of these efforts. Perhaps indicating increased Congressional understanding of the importance of water data and science, Bornholdt reported that the House FY 12 mark for USGS includes a modest increase for gaging and related efforts.

#### *UMRBA's Previous Flood Statements*

Barb Naramore briefly described statements UMRBA adopted following the 1993 and 2008 flooding on the Upper Mississippi River. Both statements focused on key principles that should guide response and recovery efforts and did not speak to site-specific issues. Those key principles included:

- 1) Offer genuine, comprehensive flood damage reduction alternatives to communities and landowners.
- 2) Repair and restore damaged levees to their pre-flood condition, where that is the local desire.
- 3) Enforce building requirements (e.g., elevate substantially damaged structures above the 100-year flood).
- 4) Limit future damages behind lower agricultural levees (i.e., buyouts and conversion to flood-compatible uses).
- 5) Avoid new floodway encroachments.
- 6) Pursue levee modifications where economically and environmentally feasible and where property rights have been satisfactorily resolved.

Juhl observed that much of what the states advocated in 1993 and 2008 is equally applicable today. Fischer agreed, and also asked whether the states should consider speaking to the adequacy of 100-year level of protection for homes and businesses. Bornholdt noted that FEMA is using new data and tools in revising its 100-year flood maps. Juhl observed that any modification in floodplain management requirements would require regulatory changes.

In response to a question from Buntin, Jon Hubbert said NRCS does not currently have funds available under its Emergency Watershed Protection Program (EWP). Buntin observed that the states, local units of government, and others are still operating on past models of disaster recovery, where federal emergency supplemental funding has been a major driver. However, he stressed that federal programs the states and others have historically relied upon, such as EWP, are not currently available. He suggested that, rather than rearticulating its flood response and recovery principles, UMRBA focus any communications about this year's flooding on the need for recovery funding. In particular, he suggested a letter to the Congressional delegation calling for recovery funding and a letter to USACE requesting an opportunity to comment on any reprogramming decisions affecting projects and programs in the five UMR states.

#### **Missouri River Authorized Purposes Study**

Mark Harberg emphasized the Corps' commitment to maintaining dialog with the states and others regarding the Missouri River Authorized Purposes Study (MRAPS) and thanked the Board for the opportunity to provide today's briefing. Harberg reported that MRAPS did not receive any FY 11 funding and is not in the President's FY 12 budget request. Given this funding situation, the study team is currently focused on completing the scoping report and bringing other activities to the point where MRAPS can be put on the shelf to await further funding.

Harberg briefly recapped the scoping process, noting that USACE received approximately 1,200 comments during and after the 31 public and 11 tribal scoping meetings it held between May and September 2010. From October 2010 thru February 2011, Corps staff analyzed those comments, issuing a draft Scoping Summary Report in March 2011. The draft report offers the Corps' responses

and conclusions regarding the scoping comments received and also provides an initial indication of the study's future direction. Harberg emphasized that the Corps attempted to go beyond the minimum required for NEPA compliance in its scoping efforts, seeking to ensure a full understanding of stakeholder concerns and issues as well as fostering study transparency.

Following release of the draft Scoping Summary Report, Harberg said the study team held seven public and eight tribal scoping feedback meetings and also offered an opportunity for written comments. Highlights from those comments include the following:

- 1) General support for the scoping process
- 2) Importance of including Mississippi River considerations and impacts within the study scope
- 3) Articulate the decision criteria USACE will use at the end of Phase 1 to determine if changes to the Missouri River authorized purposes and infrastructure may be warranted
- 4) Limit MRAPS to Phase 1 and then report to Congress, as called for in the study authorization
- 5) Elaborate on the state and stakeholder engagement processes

The study team is currently preparing a Feedback Addendum and revisions to the draft report, with plans to issue the final Scoping Report in August.

Regarding the stakeholder engagement strategy, Harberg said USACE plans to use existing forums, including basin coordination groups, and will not be establishing an Executive Council. If funding permits study resumption, USACE will form Cooperating Agency and Cooperating Tribal Teams. Harberg said USACE is well aware of "coordination fatigue" among many in the Missouri Basin.

To complete Phase 1 of MRAPS, Harberg said USACE would need funding for the following:

- 1) Hydrologic and hydraulic monitoring
- 2) Infrastructure inventory and assessment of engineering, economic, environmental, and social considerations
- 3) Document current river conditions
- 4) Forecast future river conditions
- 5) Develop Phase 1 report

If Phase 1 finds that changes in authorized purposes and infrastructure may be warranted, then Phase 2 would focus on formulating alternatives, evaluating and comparing the alternatives, and developing the Corps' recommendations.

Dru Buntin observed that there have been several significant changes in the Missouri River Basin since MRAPS was originally authorized, not the least of which was this year's record run-off and flooding. As such, people's perceptions of the contemporary needs referenced in the implementation guidance may have shifted considerably. For example, there appears to be a strong consensus among the Governors, which is shared by many stakeholders, that flood control should be the highest system purpose, receiving higher priority than recreation, navigation, or power generation. Buntin observed that, if Congress provides further funding for MRAPS, the study will undoubtedly need to focus more on flood control issues.

## **Other Issues**

Barb Naramore reported that the Council on Environmental Quality has again delayed release of its revised Principles and Standards (P&S) for Water Resources Planning, as well as the draft Guidelines for implementation. Naramore explained that the draft P&S released in November 2009 met with fairly wide criticism. She noted that the National Research Council panel that reviewed the draft voiced many of the same questions and reservations reflected in UMRBA's comments. Naramore said CEQ has not issued an updated timeline for release of the revised P&S or the Guidelines, though she has heard that the P&S will be renamed as Principles and Requirements and may be issued as final by Executive Order without any further opportunity to comment. Buntin asked Naramore to continue to follow the issue for the Board.

Naramore reported that, following this year's flooding on the Missouri and Mississippi Rivers, and extensive drought in parts of the Southwest, there have been renewed calls for interbasin water transfers from the Mississippi River Basin to parts of the western U.S. One of the higher profile expressions of interest came from Pat Mulroy, head of the Southern Nevada Water Authority, in a recent speech to the U.S. Chamber of Commerce. Naramore said she received a media inquiry following Mulroy's speech. While emphasizing that UMRBA has not seen a specific proposal and thus does not have a formal position on the matter, Naramore said she commented that the UMR states have traditionally placed a high priority on the value of water in place and have opposed other calls for large scale interbasin transfers. Naramore also shared the Governors' Diversion Protocol with the reporter. Board members concluded that they need not take action at this time, but asked Naramore to continue to follow any developments on this issue.

Naramore said Representative Betty McCollum (D-MN) may introduce legislation to establish a Mississippi River Basin Ecosystem Conservation Council. Naramore explained that she has seen a draft of the bill (reproduced in the agenda packet), but said it is unclear whether Representative McCollum is strongly interested in the measure or is merely considering language developed by environmental NGOs. In any event, as drafted, the legislation would establish the Council and direct it to advance watershed-scale ecosystem management within the Mississippi River Basin while also promoting sustainable economic development and job creation. Naramore expressed several reservations with the measure as drafted, including the fact that the Council would be composed entirely of federal agency representatives. She noted that UMRBA typically comments on legislation if 1) it pertains to something the states either advocate or oppose strongly or 2) the states have been specifically invited to comment. Board members asked Naramore to monitor the legislative proposal and draft comments for their consideration if the measure is introduced.

## **Administrative Issues**

Barb Naramore reported that staff from the Ohio River Valley Sanitation Commission (ORSANCO) have expressed interest in a possible joint meeting between ORSANCO and UMRBA. Assuming the UMRBA Board is interested, Naramore said there would be several logistical details to work out, including the fact that the two groups meet on different cycles. Dru Buntin asked Naramore to explore the possibility further. Naramore suggested that the Board set a date for its May quarterly meeting, but with the understanding that the date might be subject to change if a meeting with ORSANCO can be arranged during this timeframe. Naramore also suggested St. Louis as a possible location for the May meeting.

The Board set its spring quarterly meeting for May 22, 2012 in St. Louis. Naramore reminded members that UMRBA's next two quarterly meetings are scheduled for November 15, 2011 in Moline and February 28, 2012 in Davenport.

With no further business, the meeting adjourned at 2:56 p.m.