

**Upper Mississippi River Basin Association
Water Quality Task Force and Water Quality Executive Committee
Joint Meeting**

**June 11, 2008
Dubuque, Iowa**

Meeting Summary

Participants

Gregg Good	Illinois EPA
Tim Hall*	Iowa DNR
John Olson	Iowa DNR
Marvin Hora	Minnesota PCA
Mohsen Dkhili	Missouri DNR
Rob Morrison	Missouri DNR
Jim Baumann	Wisconsin DNR
Bill Franz	US EPA Region 5
Tim Henry	US EPA Region 5
Jeff Robichaud	US EPA Region 7
Rich Batiuk	US EPA, Chesapeake Bay Program
Dave Hokanson	UMRBA
Kirsten Mickelsen	UMRBA
Barb Naramore	UMRBA

**Participated via conference call.*

Call to Order and Introductions

The joint meeting of the UMRBA Water Quality Task Force (WQTF) and Water Quality Executive Committee (WQEC) was called to order by Jim Baumann, WQTF Chair, at 8:10 a.m. Introductions of all in attendance followed.

(Note: Chuck Corell, WQEC Chair, was not present due to Iowa flooding. Rob Morrison agreed to act in the capacity of WQEC Chair for the duration of the meeting.)

UMRBA Staffing Update

UMRBA Staffing Changes

Dave Hokanson reported that Holly Stoerker will be retiring as UMRBA Executive Director effective June 30, 2008 and that Barb Naramore will be succeeding Stoerker as Executive Director effective July 1, 2008. He also noted that Kirsten Mickelsen has been hired as the new UMRBA Ecosystem and Navigation Program Director.

Interagency Personnel Agreement with US EPA

Hokanson reported that three individuals from US EPA had applied for the position to fill the interagency personnel agreement (IPA) with the UMRBA. However, in the judgment of Bill Anderson, Water Policy Staff Director within US EPA's Office of Water, none of the applications was strong enough to warrant further pursuit or interviews with the candidates. Hokanson added that Anderson, who has been UMRBA's primary point of contact within the Office of Water regarding the IPA, will be moving to a new position within US EPA as of July 2008. Gregg Good asked whether it was possible to open up the IPA position to state agency staff. Rich Batiuk noted that this had been done for the

Chesapeake Bay. Bill Franz observed that matching funding might be required if state agency staff were used in a federally-funded IPA. Hokanson noted that further consideration of the IPA would take place during the Executive Committee's discussions at the end of the day's meeting.

Recent UMRBA Board and UMRBA Water Quality Executive Committee (WQEC) Activities

March 2008 Washington DC Visits

Hokanson reported on the March 3-6, 2008 visit to Washington, DC by members of the UMRBA Board and the WQEC. He noted the following in his report:

- Meetings took place with senior staff from US EPA's Office of Water, US Army Corps of Engineers (USACE) and Department of the Army officials, and the staff of members of Congress.
- The two areas the discussions focused on were: 1) UMR navigation and restoration programs, including program funding, and 2) support for UMR water quality work through the UMRBA.
- In general, there was interest in and support for UMRBA's water quality efforts among both US EPA officials and Congressional staff. However, prospects for funding support in FY 2009 appeared to be very limited due to budget constraints and reluctance to support "earmarks."
- Some Congressional staff inquired about specific authorization language for a UMR water quality program, indicating that this might be needed to aid in allocating funding.
- Occasionally, there was also a need to clarify with Congressional staff how the UMRBA water quality effort is distinct from other UMR efforts (e.g., ecosystem restorations programs, McKnight Water Quality Collaborative).

Discussion of Washington, DC Visits and Future Strategies

Speaking from his experience with the Chesapeake Bay Program, Batiuk suggested the following strategies for ongoing UMRBA water quality efforts: 1) a need to continue to raise the profile of the UMR generally, 2) increasing the requested funding amount, 3) providing multiple options for support to both US EPA and legislators, 4) utilizing the power of Congressional delegations and working directly with members (not just staff), and 5) seeking the assistance of the Northeast-Midwest Institute in Washington, DC outreach efforts.

Morrison concurred with the need to raise the profile of the UMR. Franz suggested that the UMRBA could potentially join forces with NGOs in crafting and delivering a message to Congress. Hokanson noted that members of the UMRBA Board and WQEC had met with representatives of the McKnight Water Quality Collaborative in February 2008 to initiate a connection. Franz added that working with the NGOs might be a long-term project. Naramore agreed that collaboration with NGOs was potentially beneficial, but at this time there did not seem to be a close alignment of interests.

John Olson suggested that connections between water quality and ecosystem restoration programs, such as those being brought out in recent workshops, could be a selling point for support of UMR water quality efforts. However, he added that work needed to be done in assessing the impacts of restoration projects on water quality.

Baumann observed that outreach efforts to US EPA Office of Water officials may need to be repeated if there are significant staff changes with a new Presidential administration in 2009. Good asked whether a more full-time outreach presence representing the UMRBA in Washington, DC was needed. Franz suggested that enhanced collaboration with NGOs would facilitate these organizations' ability to share a UMR water quality message in Washington, DC.

Morrison suggested that more concrete products might be needed to encourage further support of UMR water quality efforts, noting that as long as the UMRBA discussions are just collaboration, there are limits to what can be accomplished.

Good asked whether a crisis might be the only way that further support for the UMR is triggered. Batiuk suggested that the message be developed as preventative one, to head off potential crises.

Good asked how the UMR might be included in US EPA's recently created Council of Large Aquatic Ecosystems. Tim Henry responded that members of the Council are those efforts associated with the National Estuary Program and other programs which have had several years of significant program presence and funding. He noted that Betty Berry of US EPA Region 7 had advocated for the inclusion of the UMR on the Council, but that a decision was made to include only existing programs with an established "track record" at this time. Henry pointed out that all the programs involved on the Council have a significant element of US EPA leadership. He added that the UMR also faces a challenge in that US EPA's emphasis on the Mississippi River has tended to be on Gulf Hypoxia. Henry then suggested that the UMRBA may want to consider developing a message to US EPA regarding how its regional interstate efforts can ultimately contribute to addressing Gulf Hypoxia.

Meeting with US EPA Region 7 Administrator

Hokanson reported that he and Chuck Corell had met with US EPA Region 7 Administrator John Askew on January 22, 2008 at Region 7's office in Kansas City. UMRBA's water quality efforts were discussed this meeting. Hokanson added that he and Corell had also met separately during this visit with other Region 7 water program staff regarding UMRBA's water quality work.

Water Quality Task Force Report

Baumann provided a report on the recent activities of the WQTF and plans for upcoming activities.

(Note: The WQTF's designated uses project was not addressed in this report, but was addressed at length in the subsequent discussion item.)

Interstate Assessment and Listing Consultation

Baumann reported that the WQTF continues its ongoing consultations regarding 305(b) assessments and 303(d) impairment listings at its regularly scheduled meetings. Olson commented that, generally, there seems to be progress toward consistency in the states' approaches, giving the examples of Iowa changes to fish consumption advisories and Missouri's recent work to adopt the minimum UMR assessment reaches into its rules. Hora concurred, citing efforts such as the Lake Pepin TMDL and collaboration on PFC sampling.

PFC Sampling

Baumann indicated that collaboration by WQTF with US EPA's National Exposure Research Laboratory on sampling the UMR for the presence of PFCs is ongoing through the summer of 2008. He noted that this is a good example of the type of cooperation that can be facilitated by the WQTF.

Development of Assessment Tools/Index of Biological Integrity

In considering future WQTF activities, Baumann noted that the WQTF is interested in working on the development of assessment tools for the UMR generally and an index of biological integrity (IBI) for fish on the UMR specifically. Henry noted that there is an opportunity to include this discussion in the SWiMS meeting agenda in 2009.

UMR Designated Uses Project

Baumann next provided a detailed report on the WQTF's UMR designated use project as described below.

Drinking Water and Contact Recreation Uses

Baumann reported that the WQTF did not view either the drinking water use or contact recreation use as high priorities for action at this time. For the drinking water use, Baumann noted that while there are some differences among states at this time, it did not appear to be high priority given currently available resources. In terms of the contact recreation use, he observed that – with the exception of a small reach in the greater St. Louis area – the states all assign contact recreation use to the UMR.

Aquatic Life Use

Baumann provided a presentation summarizing the status of the WQTF's efforts to re-examine aquatic life use designations for the UMR, as informed by the river's biology and physical structure. He made the following observations during his presentation:

- There is an abundance of mapped information regarding the UMR, especially in the “trend pools” examined by the Long Term Resource Monitoring Program (LTRMP).
- Mapped information available from LTRMP clearly illustrates differences in the character of the river and associated habitats, such as in the impounded vs. unimpounded areas.
- One challenge is whether to “lump” or “split” in defining habitat/aquatic areas for the river. For example, lake-like areas on the river could all be considered as one category or split into as many as five sub-categories.
- Being informed by the LTRMP sampling strata would suggest working forward from the following aquatic area classifications for the river:
 - Main channel (including the Open River)
 - Secondary channel
 - Backwater, contiguous
 - Impounded/lake (including Lake Pepin)
 - Backwater, isolated

He also noted that differentiation between “backwater, contiguous” and “impounded/lake” may be potentially difficult.

- Potential next steps in moving forward:
 - Refine the role of habitat information in a designated use context.
 - Draft a summary of the current “working concept” regarding the definition of aquatic life areas. Share the working concept with others and continue to explore and refine it.
 - Identify assessment methods applicable to defined aquatic areas (e.g., UMR fish IBI).
 - Review and assign appropriate water quality standards/criteria (e.g., turbidity/SAV protection criteria), as informed by aquatic life area distinctions.
 - Produce a final report on the examination of aquatic life use designations within one year.

Morrison asked whether US EPA would support the development of aquatic life use sub-category designations, as this appeared to be where the WQTF's efforts are headed. He emphasized the need to see buy-in from US EPA as the project progresses, so that there would not be a situation where an EPA Region might not support the collective work that had been done. Jeff Robichaud indicated he would communicate within Region 7 regarding the project. Franz indicated that Region 5 would seek to work in partnership, observing that it was important to develop trust between the participants in moving the effort forward.

Batiuk suggested that one way to build buy-in from US EPA was to assign tasks to US EPA Regional staff. He also encouraged staying in communication with US EPA-Headquarters regarding the effort, as

Headquarters had been supportive of similar work on the Chesapeake Bay. Batiuk recommended using the term “sub-categories of the aquatic life use” to describe the effort.

Baumann indicated that previous discussions with US EPA Region 5 had been helpful and it was now time to sort out questions such as whether modifications would be made to assessment methodologies and/or water quality standards. He added that these are the types of questions the WQTF should seek to resolve over the course of the next year. Batiuk offered to have his water quality standards staff collaborate via conference call with the WQTF.

Morrison indicated that he felt this type of approach was appropriate in that it would help develop a more precise tool for assessing the river, as opposed to a “one size fits all” approach. However, he emphasized his concern that the effort be productive and successful.

Henry commented that one of the challenges would be the “lumper vs. splitter” question, in determining how to trade off precision vs. ability to implement.

Morrison asked whether sufficient chemical and biological data was available to make improved assessments of the river, expressing doubt that enough data was available. Hora concurred that data may be limited. Baumann noted that the greatest abundance of data existed for the main channel and less data was available for other lateral areas.

Hora observed that physical characteristics such as flow, turbidity, and temperature may be more critical to a habitat than chemical concentrations. Morrison noted that Missouri’s dissolved oxygen (DO) criteria are of limited applicability in habitats that naturally have low DO concentrations.

John Olson commented that a good amount of data is available for some parameters, such as DO and pH. He added that biological information may aid in making “lumping vs. splitting” decisions. Baumann observed that it would be important to bring individuals together in order to accelerate the process of IBI development for the river.

Good emphasized that the overall goal of the WQTF is to have better and more consistent assessment and listing for the UMR. He noted that if the UMR states move towards use of a fish IBI for the UMR, it will be essential for US EPA Regions 5 and 7 to agree with this approach to assessment and listing. Hora noted that the idea of the “independent applicability” of chemical and biological criteria is important in considering how biological data is incorporated into Clean Water Act water quality assessments.

Batiuk encouraged the WQTF to consider designated uses first and then elements such as criteria and assessment/listing methodologies. He suggested that the use of “professional judgment” in assessments be minimized and an approach developed where the same conclusion would be reached by anyone performing the assessment. Batiuk characterized such as effort as a requiring substantial upfront work, but also having the potential of substantial benefits if completed. He recalled that work on the Chesapeake Bay had begun with an agreement on a conceptual approach and rationale for this approach, followed by definition of aquatic categories, potential criteria, and a review of available data. Batiuk noted that repeatability and transparency were key elements in developing a process.

Good and Morrison asked Batiuk whether an “independent applicability” approach is used for the Chesapeake Bay or whether an attempt is made to integrate biological and physical data in assessments. Batiuk responded that both approaches were employed to a certain extent on the Chesapeake Bay. He gave the example that both SAV acreage goals and water clarity criteria were incorporated states’ standards, and implemented as follows: 1) if SAV acreage goals were met, clarity standards did not have to be met, 2) however, if acreage goals were not met, then clarity standards would apply. Morrison

asked Batiuk about EPA's role in revising standards. Batiuk replied that EPA was a full partner with the states, doing some leading and cajoling, but that a key element was buy-in from the upstream states into the process.

Morrison and Olson asked about Chesapeake Bay's progress toward a shared 303(d) listing. Batiuk replied that common listings are being pursued, and that support from a partnership of state and federal agencies is critical in this process.

Hypoxia Action Plan Update

Hokanson reported that the 2008 Gulf Hypoxia Action Plan is scheduled for release on June 16, 2008. Bill Franz added that the release of the Action Plan will take place as part of a meeting of the Hypoxia Task Force in New Orleans. Hokanson commented that the Action Plan is to be accompanied by an "Operating Plan" that identifies specific work activities for a one-year (FY 2008) time period. He also noted that modifications since the UMRBA reviewed the draft Action Plan include: 1) two actions have been split, resulting in a total of 11 action items in the Plan, and 2) the geographic focus for nutrient reductions has been modified to place more emphasis on watersheds (as opposed to states) – while still placing a greater emphasis on the role of states in addressing hypoxia generally. Hokanson also commented that the reference to the UMRBA as assisting with the "data sharing" action item remains in the Action Plan. Franz noted that most of the activities associated with the Action Plan and Operating Plan are voluntary and based on existing programs and activities.

In regard to the Operating Plan accompanying the Action Plan, Hokanson pointed out a work item indicating that, by December 2008, US EPA will "analyze opportunities for a federal strategy to improve the effectiveness of Clean Water Act programs in the Mississippi Basin."

Baumann asked whether the increased role for states in the Action Plan implied a diminished role for sub-basin groups such as the Upper Mississippi River Sub-Basin Hypoxia Nutrient Committee (UMRSHNC). Franz replied that the role of sub-basin groups would likely be reduced, but that some funding for these groups would still be provided.

Henry asked if there was any further information available about the Operating Plan element regarding US EPA's effort to "analyze opportunities for a federal strategy to improve the effectiveness of Clean Water Act programs in the Mississippi Basin." Franz indicated that he did not currently have any further information. Henry suggested that the inclusion of this item in the Operating Plan might provide an opportunity for the UMRBA to provide comment both to help inform this effort and again demonstrate the relevance of the UMRBA's efforts in contributing to the overall improvement of Mississippi River water quality. Franz indicated that he thought such comment would be welcomed by US EPA.

Hokanson asked whether comment from the UMRBA could essentially re-state the content of previous communications to US EPA regarding the Hypoxia Action Plan and the UMRBA's role in Mississippi River water quality management. Henry recommended that new comments could be based on previous communications, but should be brought up to date to reflect current activities and issues – and the Operating Plan recommendation in particular. Hokanson asked whether comment could be as simple as a letter from the UMRBA to the Hypoxia Task Force. Henry replied that it could be that simple, and that the letter should be addressed to Assistant Administrator Ben Grumbles, with copies to the members of Hypoxia Task Force and to Craig Hooks (Director of the Office of Wetlands, Oceans and Watersheds with the Office of Water). He added that the tone of any such letter should be constructive and emphasize the connections between UMRBA's regional work and overall improvement of the water quality of the river.

Hokanson noted that both the UMRBA Board and WQEC have historically expressed caution about involvement with the hypoxia issue. Morrison concurred that there has been concern about involvement with hypoxia having the potential to consume time and resources at the expense of progress on other fronts. Batiuk suggested that a letter could be composed in a way that frames comments so as to not take the UMRBA off course from its intended work. Naramore suggested that a letter could be drafted and then circulated to the UMRBA Board and WQEC for review. Morrison agreed with this approach and Hokanson indicated that he would work on the draft correspondence.

Planning for FY 2009 Water Quality Activities

Near-Term Activities

Hokanson noted that the following appear to be near-term activities, based on discussions at this meeting and the previous day's WQTF meeting:

- A short (approximately four page) document summarizing the WQTF's work on designated uses to date and its "conceptual framework" for moving forward.
- Correspondence to US EPA regarding the 2008 Hypoxia Action Plan, the FY 2008 Operating Plan (accompanying the Action Plan), and the UMRBA's role in Mississippi River water quality management.
- Completion of the Mississippi River PFC sampling effort.

Longer Term Activities

Hokanson also pointed out the following as likely longer term activities:

- Initiating work on UMR IBI development, including a meeting/workshop on the topic.
- Full report on the WQTF's designated uses project.

Hokanson asked whether it would be helpful to provide some type of summary document with an overview of these anticipated activities. Morrison replied that this would be valuable.

Preview of CWA-Ecosystem Restoration Workshop

Hokanson provided a brief overview of the Clean Water Act-Ecosystem Restoration workshop that would follow the WQTF-WQEC meetings, beginning the afternoon of June 11th. He highlighted that Batiuk and Stu Applebaum of USACE would be giving case study presentations about the Chesapeake Bay and the Florida Everglades, respectively. Hokanson also noted that facilitated small group discussions would be employed to help participants focus on specific, actionable recommendations to enhance connections between Clean Water Act and ecosystem restoration programs on the UMR.

Water Quality Executive Committee Discussion

(Note: At this point, the meeting transitioned to a conversation among the WQEC members.)

Outreach Strategies to Increase Support for UMR Work and Secure Funding

Morrison commented that the UMRBA's work would be bolstered by securing an ongoing source of funding. However, he noted that it was not clear how to proceed at this time, and that ideas from the WQEC in developing strategies would be helpful, emphasizing that it may be important to seize opportunities where they exist. Baumann reported that Todd Ambs had suggested reconnecting with Congressional delegations and EPA leadership in 2009, subsequent to the arrival of a new Presidential administration. He also noted that it may be necessary to repeat outreach efforts and messages more than once, until there is success. Baumann also commented that revisiting the potential connection of the UMR to the Council of Large Aquatic Ecosystems may be worthwhile.

Morrison asked about the Northeast-Midwest Institute and the opportunities for working with them to conduct outreach in Washington, DC. Naramore replied that the Northeast-Midwest Institute works in a variety of capacities, including as an extension of Congressional staff in some instances. She also commented that the Institute does some work with NGOs. Batiuk emphasized that the Institute is a resource that should be utilized in an effort such as this. He commented that the Chesapeake Bay Program works with the Northeast-Midwest Institute to craft a letter outlining needs for the Bay that is then signed by senior Senators.

(Note: More information about the Institute can be found online at: <http://www.nemw.org/>.)

Naramore reported that there has been interest expressed by the Coordinator of the Upper Mississippi River Conservation Committee (UMRCC) in creating an annual advocacy effort for the UMR similar to Great Lakes Days. She added that this type of effort's strength is that it can bring together a broad coalition, but that it can be difficult for such a coalition to reach agreement on priority messages.

Hokanson asked whether there were any steps that could still be taken regarding the FY09 budget at this point. Morrison asked whether a response had ever been received from Ben Grumbles regarding UMRBA's letters and requests for support. Hokanson replied that the offer of an IPA (and/or small grants and contract support) was the Office of Water's response to the UMRBA's requests at this time.

Naramore suggested that it may be beneficial to focus on working with the members of Congress who were most responsive to the proposal made in March. Batiuk advised that proposals to Congress or US EPA should include multiple options for support.

Hokanson commented that one of the challenges encountered in discussing the proposal in March had been that it largely focused on staff. Baumann observed that it is important that staffing requests be tied to specific, tangible projects, giving the example from the Great Lakes, where staff were dedicated to tributary monitoring. Good suggested that the IBI development effort could be such a project.

Henry suggested that a sidebar conversation be held at the August ASIWPCA meeting to reconnect with Office of Water senior staff.

Naramore emphasized that a message may need to be repeated several times before it is successful.

Interagency Personnel Agreement with US EPA/ Other US EPA Support for UMRBA's Work

Hokanson revisited the status of the effort to fill the UMRBA position under an IPA with US EPA, noting that the initial effort did not result in any promising candidates.

Henry suggested that it continues to be important to entertain multiple options beyond just the IPA itself. Hokanson observed that the designated use project might be best suited to support via an IPA, where perhaps contractual support could be brought in to aid with IBI development workshops. Good suggested that it might be appropriate to request support for two meetings to advance UMR IBI work. Baumann suggested one strategy to improve the success of the IPA might be to remove the requirement that the individual be located in St. Paul. Morrison advocated pursuing options of both IPA and contractor support. Henry suggested that the key in getting aid from US EPA-Headquarters was to clearly define the goal, and then let EPA sort out the mechanics of how it is accomplished.

Possibilities for Inclusion of the UMR in US EPA's Strategic Plan

Henry indicated that US EPA is initiating its next round of strategic planning and may consider how to incorporate the UMR in its strategic planning. He suggested that the UMRBA seek to engage US EPA regarding its strategic planning process. Hokanson asked how the UMRBA could engage in this way.

Henry replied that it could include talking with Office Directors within the Office of Water and indicating interest in being included in the Strategic Plan. Morrison asked whether US EPA would want include the basin, and not just the mainstem, in the Strategic Plan. Henry replied that this was likely and the UMRBA would need to be aware of this and plan accordingly.

Adjournment

The meeting adjourned at 11:55 a.m. on June 11, 2008.