



September 30, 2024

The Honorable Sam Graves, Chair
The Honorable Rick Larsen, Ranking Member
U.S. House of Representatives
Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515-6256

The Honorable David Rouzer, Chair
The Honorable Grace Napolitano, Ranking Member
U.S. House of Representatives
Transportation and Infrastructure Committee
Water Resources and Environment Subcommittee
2165 Rayburn House Office Building
Washington, D.C. 20515-6256

The Honorable Tom Carper, Chair
The Honorable Shelley Moore Capito, Ranking Member
U.S. Senate
Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

The Honorable Mark Kelly, Chair
The Honorable Kevin Cramer, Ranking Member
U.S. Senate
Environment and Public Works Committee
Transportation and Infrastructure Subcommittee
410 Dirksen Senate Office Building
Washington, D.C. 20510-6175

Dear Representatives Graves, Larsen, Rouzer, and Napolitano and Senators Carper, Moore Capito, Kelly and Cramer:

The Upper Mississippi River Basin Association (UMRBA) applauds your efforts to reauthorize the Water Resources Development Act. The bills introduced through the House of Representatives (H.R. 8812) and Senate (S. 4367) offer important opportunities to advance the principles of sustainability and multi-use management of the nation's water resources and to support cooperation among the federal government agencies, states governments, and non-governmental interests.

Formed by the Governors of Illinois, Iowa, Minnesota, Missouri, and Wisconsin in 1981, UMRBA represents its member states' common water resource interests and works collaboratively with the federal and state agencies as well as non-governmental organizations and individuals.

As you engage in conference negotiations, UMRBA offers the following positions:

- Authorize the Upper Mississippi River System Flood Risk and Resiliency Study as provided in Section 210 of H.R. 8812.

Section 210 of H.R. 8812 provides a new planning authority that UMRBA believes will lead to strategic, integrated, and durable approaches to improving flood risk and resilience in the Upper Mississippi River System floodplain, systemically and locally. The authorizing language designs a collaborative leadership approach to evaluating an extensive array of structural and nonstructural measures.

UMRBA would provide the non-federal partnership to the Army Corps. UMRBA is aware of, and is willing to provide, the sponsor requirements.

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Section 210 of H.R. 8812 models the Lower Missouri River Basin Flood Risk and Resiliency Study, as authorized by Congress in 2020. That study has illuminated the value of designing systemic flood risk and resilience approaches that simultaneously advance and align local infrastructure planning opportunities.

UMRBA appreciates the Senate's inclusion of Section 203(c)(7), which seeks to expedite a previously authorized watershed study. Enclosed is a letter, dated June 8, 2022, that describes the reasons for UMRBA's departure in supporting the use of the Section 729 planning authority to advance flood risk and resilience planning on the Upper Mississippi River System.

- Direct the Corps to assess the limitations of the project lifespan and indemnification clauses in the agency's non-federal cost-share project partnership agreements per Section 233(b) of S. 4367.

Section 233 of S. 4367 correctly illuminates the constraints of project lifespan and indemnification to non-federal sponsors in their interest in serving as partners to the Corps. UMRBA strongly supports this analysis, trusting that it will provide Congress with the information necessary to coordinate with the Administration in reforming the Corps project partnership agreements in the future.

UMRBA remains committed to working with Congress, the Administration, and other non-federal project sponsors throughout the country to resolve the impasse and facilitate non-federal cost-share water resource partnership opportunities.

- Adjust the cost share requirements for the Inland Waterways Trust Fund per Section 109 of S. 4367

Various factors in recent years have led to substantial increases in the overall costs of investing in navigation lock modernization projects. These projects, particularly on the Upper Mississippi River System, are required to maintain a seamless and robust navigation transportation system. As Congress has often recognized, barge transportation offers a more efficient, cost-effective, and environmentally-friendly method for moving a wide range of bulk cargo.

UMRBA believes it is imperative that the cost-share adjustments provided in Section 109 of S. 4367 is in the national interest. This adjustment would help barge transportation maintain relatively low-cost movement of large volumes of commodities that are essential to a strong national economy: gravel, fertilizers and agriculture commodities, salt, cement, steel, and energy products. Therefore, UMRBA asserts that the modification is in the national interest.

- Increase the annual authorized funding level for Upper Mississippi River Restoration Program's long term resource monitoring to \$25 million as provided in Section 334 of S. 4367

Section 334 of S. 4367 increases the annual authorized appropriation of UMRR's long term resource monitoring to \$25 million. The current funding level is \$15 million. The increased funding potential would allow UMRR to conduct systemic monitoring of critically important major resources in the system such as mussels and macroinvertebrate populations, to support needed analysis to forecast changes to the river's ecosystem resulting from changing hydrologic conditions, and to develop new tools and models to better understand and manage the ecosystem.

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UMRBA appreciates the House's support for UMRR long term resource monitoring, as provided in Section 307 of H.R. 8812. The House measure would increase the annual authorized appropriation of UMRR's long term resource monitoring to \$20 million

Thank you for your consideration of UMRBA's priorities. Please reach out to me if you have any questions about UMRBA's position on these provisions or any other provisions that you are considering in your negotiations.

UMRBA strongly supports your leadership to facilitate a nonpartisan approach to evaluating water resource priorities for the nation and advancing this important legislation.

Sincerely,



Kirsten Wallace
Executive Director
Upper Mississippi River Basin Association

cc: Upper Mississippi River Congressional Delegation
Michael Connor, Assistant Secretary of the Army for Civil Works
Eddie Belk, U.S. Army Corps of Engineers
Maj. Gen. Kimberly Peeples, U.S. Army Corps of Engineers Mississippi Valley Division



June 8, 2022

The Honorable Sam Graves
U.S. House of Representatives
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515-6256

Dear Representative Graves:

In response to your request, I am writing on behalf of the Upper Mississippi River Basin Association (UMRBA) to explain its withdrawal of a cost-share partnership through the U.S. Army Corps of Engineers' (Corps') Section 729 planning authority. In part, this decision was made in light of new planning guidance for, and Corps interpretation of, the Section 729 planning authority that no longer made it suitable for the work ahead. Importantly, however, following a successful two-year planning partnership with the Corps, UMRBA has a greater sense for how the various capacities of all relevant federal agencies, universities, nonprofit entities, landowners, and others will each play an important role in setting objectives, goals, providing intelligence and collectively making decisions necessary for resilience planning at the Upper Mississippi River Basin scale.

In 2021, UMRBA and the Corps developed the Keys to the River Report that a) provides clarity around the issues affecting the Upper Mississippi River System's resilience to floods, drought, and sediment; b) identifies the most effective set of actions for which federal, state, local, and private partners can take now to improve resilience; and c) sets forth a more detailed purpose statement with goals and objectives for long term planning.

This partnership resulted in important progress for the region. Specifically, more people and communities are connected to the issues, the concerns of their neighbors, the ongoing programs and projects, and the potential work ahead. We have a better understanding of the many people and communities that have yet to be brought into decision making. HEC-RAS is now complete for the Upper Mississippi River System and plans are prepared for updating the Corps' flow frequency models. NOAA is working through its cooperative institutes to develop climate modeling for the Upper Mississippi River basin. Through financial support from USEPA, UMRBA is convening key sets of agricultural stakeholders for the purposes of accelerating the adoption of multiple, layered conservation practices.

And, the larger partnership of state and federal agencies and the various sets of key stakeholders have a clearer understanding for the complex challenge of integrated water resources planning and management and a shared vision for how we might work together to leverage resources and expertise to build resilience into the system.

We greatly appreciate your commitment to ensuring that we have the right tools and resources to envision and plan for cooperative action. We are eager to work with your office to envision and support

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the work of UMRBA, federal agencies, and other stakeholders in advancing flood, drought, and sediment management needs.

Please reach out to me at 651-224-2880 or kwallace@umrba.org with any further questions.

Sincerely,

A handwritten signature in blue ink that reads "KWallace". The signature is written in a cursive style with a large initial "K" and a long, sweeping underline.

Kirsten Wallace
Executive Director
Upper Mississippi River Basin Association