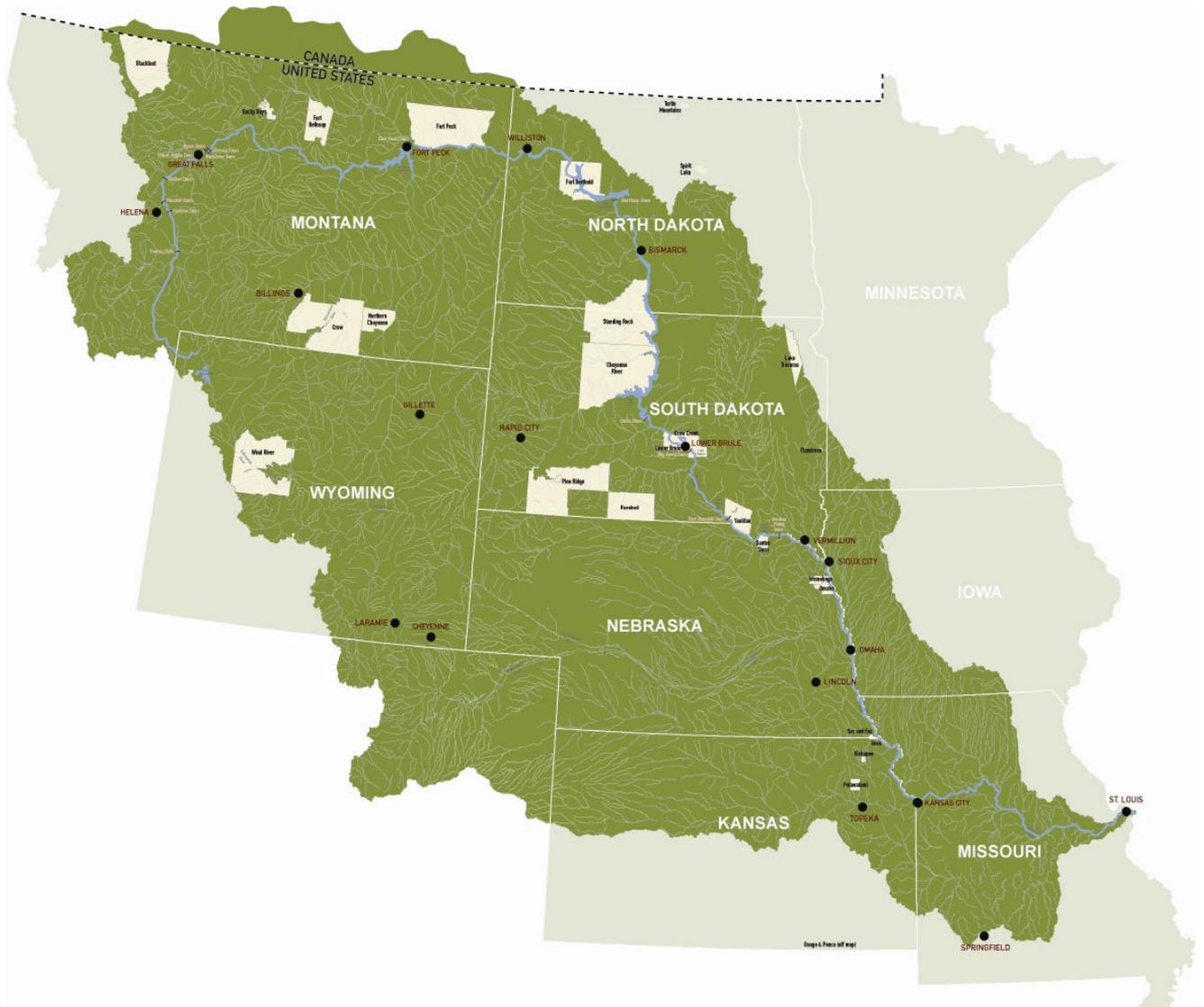


**FINAL Meeting Summary**  
**Missouri River Recovery Implementation Committee (MRRIC)**

**Eighth Meeting**

**Cheyenne, Wyoming**  
**November 3 – 5, 2009**



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## List of Acronyms

AM	Adaptive management
ACT	Agency Coordination Team
AOP	Annual Operating Plan
BiOp	Biological Opinion
BOR	Bureau of Reclamation
cfs	Cubic feet per second
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
ESH	Emergent sandbar habitat
FONSI	Finding of No Significant Impact
FNR	Focal natural resources
FWG	Federal Working Group
FY	Fiscal year
ISP	Integrated Science Program
ISR	Independent science review
IT	Information Technology
MAF	Million acre feet
MRAPS	Missouri River Authorized Purposes Study
MRERP	Missouri River Ecosystem Restoration Plan
MRRIC	Missouri River Recovery Implementation Committee
MRRP	Missouri River Recovery Program
msl	Mean sea level
NAS	National Academy of Sciences
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service
NPRM	Notice of Proposed Rulemaking
OMB	Office of Management and Budget
P&N	Purpose and Need Statement
PDT	Product Delivery Team
POC	Point of contact
SEC	Social, economic and cultural
SETC	Social, economic, tribal and cultural
SOA	Similarity of Appearance
SOW	Scope of work
SWH	Shallow water habitat
T&E	Threatened & endangered
TPSN	Third party science neutral
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Service
WRDA	Water Resources Development Act

**DRAFT Meeting Summary**  
**Missouri River Recovery Implementation Committee (MRRIC)**

**Eighth Meeting**

**Cheyenne, Wyoming**  
**November 3 – 5, 2009**

**Executive Summary**

The Missouri River Recovery Implementation Committee (MRRIC or Committee) held its eighth meeting in Cheyenne, Wyoming, November 3 – 5, 2009. Prior to the meeting, participants had the opportunity to attend a series of briefings: “Water Resources of Wyoming,” “Wyoming Water Rights 101,” “Dialogue between the Wind River Tribes and the Bureau of Reclamation on Water Development and Water Management,” and “Cultural Resources on the Tributaries.” The meeting was chaired by John Thorson and facilitated by Gail Bingham and Paul De Morgan of RESOLVE and Sarah Palmer and Pat Lewis of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute). The notes were taken by Dana Goodson of RESOLVE. Meeting participants included Committee members from each of the stakeholder interest categories, some alternate members, and appointed representatives of the Missouri River basin states, tribes, and federal agencies. A quorum of stakeholder representatives (51%) was present for each of the three meeting days.

The Committee reached final consensus on the substantive issue of MRRIC’s engagement strategy in the Missouri River Ecosystem Restoration Plan (MRERP) process. The Committee also reached final consensus on several process recommendations: the roles and responsibilities for MRRIC liaisons to the MRERP technical work groups; a revised approach to outreach and recruitment for new MRRIC members; the final version of the MRRIC 2008-09 Annual Report; a preferred Third Party Science Neutral (TPSN) candidate to recommend to the U.S. Institute; the continuation of John Thorson as chair and Randy Asbury as vice-chair of MRRIC; and 2010 MRRIC meeting dates and locations.

The Committee received reports from the following work groups: the Communications / Information Technology (IT) Work Group; the Integrated Science Program (ISP) Work Group; the MRERP Work Group; the Missouri River Recovery Program (MRRP) Work Group; and the Nominating Work Group. The ISP, MRERP, and MRRP Work Groups and the Social, Economic, Tribal, and Cultural (SETC) Study Group also met separately during the course of the meeting. The Communications/IT Work Group met during the lunch break on Wednesday. The Communications/IT, ISP, MRERP, MRRP, and Nominating Work Groups and the Social, Economic, Tribal, and Cultural (SETC) Study Group presented their proposed next steps to the full Committee on Thursday, November 5.

### **Information-Sharing Sessions**

The Committee learned about:

- Wyoming's water resources and permitting program, cooperative activities between the Wind River Tribes and the U.S. Bureau of Reclamation, and the Wyoming State Historic Preservation Offices' efforts around cultural resource protection (pre-meeting briefings)
- MRRIC members' social, economic, tribal and cultural values through participation in two small group breakout sessions, organized by the MRERP Project Development Team
- Mainstem reservoir conditions, which indicate lake levels are higher and improved service will be provided to all authorized purposes in 2010
- The U.S. Army Corps of Engineers' (USACE) progress in conducting the Section 108 Missouri River Authorized Purposes Study (MRAPS)
- The U.S. Fish and Wildlife Service's (USFWS) annual report on recovery efforts underway for the pallid sturgeon, interior least tern, and piping plover, all species listed under the federal Endangered Species Act (ESA)
- The USACE's land acquisition program
- The peer review process the Bureau of Reclamation (BOR) has used concerning questions raised about the Yellowstone Intake project

### **Consensus Agreements**

The Committee reached final consensus on the following substantive decision:

- To approve MRRIC's engagement strategy in the MRERP process

The Committee reached consensus on the following process decisions:

- To approve the roles and responsibilities and selection process for MRRIC liaisons to the MRERP technical work groups
- To approve the revised approach to outreach and recruitment for new MRRIC members
- To approve the final version of the MRRIC 2008-09 Annual Report
- To recommend a preferred TPSN candidate to U.S. Institute
- To recommend John Thorson continue as chair and Randy Asbury continue as vice-chair of the Committee
- To decide on the 2010 MRRIC meeting dates and locations
- To approve the September meeting summary
- To approve an approach for the ISP Work Group to move forward on the topics and questions to include in the first scope of review for the TPSN for the independent science review (ISR)
- To add participants to the work groups
- To approve the press release for the meeting

### **Work Group Action Items/Assignments**

The Committee reached consensus on the work group action items below, which will be carried out between the November 2009 and February 2010 MRRIC meetings or at the February 2010 meeting.

#### **Communications/IT Work Group:**

- Schedule up to three webinars before next MRRIC meeting
- Publish and disseminate MRRIC 2008-2009 Annual Report (December 2009)

- Develop survey tool to provide opportunity for MRRIC members to prioritize operational issues/common themes identified by the Evaluation Survey that should be addressed in 2010 and work with the facilitation and leadership teams to define processes to address the prioritized issues; processes will be shared with the Committee at the next MRRIC meeting
- Begin work on Committee communications plan; share progress at first meeting in 2010
- Continue to coordinate with the USACE, the USFWS, the chair and others on tribal outreach issues
- Explore identifying dates for future webinars using schedule requests
- Develop and disseminate a form for MRRIC members to begin recording their direct expenses for inclusion in next year's Annual Report

#### **ISP Work Group:**

- Hold a conference call (December) and in-person work group meeting (January) before February 2010 meeting to continue developing Gavin's Point spring pulse scope of review
- Once agency priority topics and questions are received, survey MRRIC and ask for ranking of the topics provided
- Share results of ranking with MRRIC
- Work on a scope of review for the top-ranked item if time allows
- Strive to provide scope(s) of review as recommendation at February 2010 meeting
- Collaborate with Recovery Program Work Group to review adaptive management presentation in preparation for the MRRIC meeting (pending agency movement on the issue)
- Develop proposals for webinars/meeting presentations (in coordination with Recovery Program Work Group); the Work Group proposed an information-sharing session on outcomes of the 2003 Biological Opinion (BiOp)

#### **MRERP Work Group:**

- Email MRRIC members with information about the dates and locations for the first round of MRERP focal natural resources technical team meetings and implement the approved liaison selection process
- Hold two conference calls prior to the February meeting, helping frame three proposed agenda items for discussion at that meeting:
  - The lead agencies' revised purpose and need statement, including report on results of scoping meetings, tribal consultation and focus group meetings
  - List of Focal Natural Resources (FNRs) for characterizing the Missouri River ecosystem
  - List of social, economic, tribal and cultural values for which baseline information will be collected
- Continue ongoing information sharing as part of implementing the approved MRERP engagement strategy

#### **MRRP Work Group:**

- Continue developing multiple tools to assist the Work Group and MRRIC in understanding: 1) the longer term Recovery Program priorities (and commitments); 2) rationale for/approach to decisions; and 3) what could be influenced at what time in the process

- Develop proposed engagement proposals for discussion on Work Group conference calls in mid-December
- Continue to develop proposed approach for the Work Group and MRRIC to engage with the agencies on the USACE Recovery Work Plan process for presentation at the first meeting of 2010 (hold two conference calls in January)
  - Plan on utilizing the March videoconference as opportunity to share information/set stage for future discussions/recommendations
- Work with the USACE to develop the next land acquisition presentation in preparation for the February MRRIC meeting
- Collaborate with ISP Work Group to review adaptive management presentation in preparation for the MRRIC meeting (pending agency movement on the issue)
- Continue development of a glossary (e.g., ACT, CORE)
- Develop proposals for webinars/meeting presentations (in coordination with ISP Work Group)

### **Nominating Work Group**

- Hold conference calls before February 2010 meeting to develop proposals on remaining tasks:
  - A plan for outreach and recruitment
  - A plan for member orientation and training
- Evaluate/expand on, as appropriate, the proposal to rotate the vice-chair

### **Social, Economic, Tribal and Cultural Study Group**

- Continue meeting at MRRIC meetings and through conference calls.
- Continue serving as liaisons to work groups on these issues
- Develop specific proposals for agenda topics or webinars on these issues

### **Federal Agency Action Items**

#### **USACE**

- Inform MRRIC when the topics of the MRERP technical teams are decided – Randy Sellers
- Circulate information on the November 24 webinar – Mary Roth
- Update MRRIC roster and post on WebEx – Mary Roth
- Update MRRIC public website with all materials – Mary Roth
- Develop binders for each ‘seat’ at the table – USACE/RESOLVE
  - Confirm physical addresses are available for all members (and obtain if not available) – Mary Roth
- Share list of invitees to November 19 MRAPS scoping meeting – Brad Thompson
- Share final list of focus group meeting dates and locations – Brad Thompson
- Take steps to improve tribal engagement in MRRIC and between-meeting consultation with tribes

#### **U.S. Fish and Wildlife Service**

- Provide draft answers to any questions received on the USFWS annual report to the ISP Work Group for review prior to the next meeting – Carol Hale

## **Bureau of Reclamation**

- Share draft Environmental Assessment (EA) with MRRIC via email/web access – Dan Fritz
- Share Yellowstone Intake science review final report with MRRIC – Dan Fritz

## **Facilitation Team (U.S. Institute/RESOLVE) Action Items**

- Send out notification of the 2010 – 2011 meeting dates and locations - RESOLVE
- Send out scheduling request for the March videoconference – RESOLVE
- Resolve the questions surrounding the July meeting dates and send the final dates to the Committee - RESOLVE
- Develop binders for each ‘seat’ at the table – USACE/RESOLVE

## **Committee Chair’s Action Items**

- Review and send the post-meeting press release to the Committee
- Continue outreach to tribes

## **Committee Members’ Action Items**

- Contact Mary Roth with any questions or concerns about the binders and provide her with missing street addresses, if necessary
- Contact Lynn Heng if you would like to be put on the list of potential interviewees for the MRAPS stakeholder interviews
- Send any questions on the USFWS annual report to Carol Hale to be answered at the next meeting
- Share language that you would propose for inclusion in the TPSN scope of work to address any concerns related to the candidate with Sarah Palmer
- Give suggestions of potential webinar topics to Mary Roth
- State members should contact Larry Mires if they would like him to hand-deliver a copy of the MRRIC 2008 – 2009 Annual Report to their congressional delegation
- If they have not already done so, primary members should provide their mailing addresses (not PO boxes) and the number of DVD copies of the 2008 – 2009 Annual Report they would like to receive to the Communications Work Group
- Contact Dan Fritz if you want a hard copy of the draft Yellowstone Intake EA
- Continue tribal engagement efforts with follow-up of ideas and strategies developed during Wednesday breakfast meeting with tribal members, USACE, USFWS, chair, and others
- Contact Pat Lewis to inform her of your schedule if you know you will be leaving meetings before the regularly scheduled adjournment (i.e., 12:30 p.m.)
- Contact Randy Sellers if you have concerns that items you raised in MRERP breakout sessions were not captured on the charts

# **DRAFT Meeting Summary**

## **Missouri River Recovery Implementation Committee (MRRIC)**

### **Eighth Meeting**

**Cheyenne, Wyoming**  
**November 3 – 5, 2009**

The Missouri River Recovery Implementation Committee (MRRIC or Committee) held its eighth meeting in Cheyenne, Wyoming, November 3 – 5, 2009. The meeting was chaired by John Thorson and facilitated by Gail Bingham and Paul De Morgan of RESOLVE and Sarah Palmer and Pat Lewis of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute). The notes were taken by Dana Goodson of RESOLVE. PowerPoint presentations and handouts from the meeting are available on WebEx at <<https://mrric.webexone.com/r.asp?a=12&id=15949>>. The presentations, along with this summary, will also be posted on the public website at [www.mrric.org](http://www.mrric.org).

### **Pre-Meeting Presentations: Monday, November 2, 2009**

On Monday, November 2, many MRRIC members, agency support staff, and others attended several optional presentations at the Herschler Building. Participants heard the following presentations:

- “Water Resources of Wyoming” by Sue Lowry
- “Wyoming Water Rights 101” by Jodee Pring
- “Dialogue between the Wind River Tribes and the Bureau of Reclamation on Water Development and Water Management” by Dr. Kate Vandemoer
- “Cultural Resources on the Tributaries” by Mary Hopkins, Wyoming state historic preservation officer

The presentations were organized by MRRIC members and alternates Russ Kaldenberg, Sue Lowry, Jodee Pring, and **Kate Vandemoer**.

### **Day 1: Tuesday, November 3, 2009**

#### **Opening**

John Thorson, Committee chair, opened the meeting and welcomed the participants. He spoke about Wyoming’s role as a headwater state and touched briefly on some of its geography and history. In addition to being a leader in women’s suffrage, Wyoming has also played an historic role in water management.

Acting Director of Programs for the U.S. Army Corps of Engineers (USACE) Dave Ponganis greeted the Committee. Mr. Ponganis is serving as Witt Anderson’s alternate while Mr. Anderson is on a six-month tour of duty in Afghanistan. He announced that there will be a change of command in the Northwestern Division on November 20 as General Rapp moves on to a position at West Point and Brigadier General McMahan, recently returned from Afghanistan, assumes command of the division.

Henry Maddux, U.S. Fish and Wildlife Service (USFWS), serving as alternate for Steve Guertin, regional director of the USFWS Mountain Prairie Region, welcomed the Committee. He informed the group that Steve Guertin would attend the meeting on Thursday and address some remarks to the Committee.

### **Welcome by Pat Tyrell, Wyoming State Engineer**

Mr. Thorson introduced the Wyoming state engineer, Pat Tyrell. Mr. Tyrell greeted the Committee and expressed his appreciation for the importance of the group's work. As three-quarters of the state's water is in the Missouri River basin, the issues being discussed by the Committee can have a significant impact in Wyoming. Mr. Tyrell observed that as a headwater state, Wyoming's water usage differs from that of others, and includes a variety of uses such as diversion ditches, canals, and irrigation districts. He believes the Committee has great potential to make progress. Given that basins know no geopolitical boundaries, the Committee's decisions can affect people throughout the Missouri River basin.

### **Update on MRRIC Vacancies and Renewals**

Mary Roth, USACE, announced that the annual selection process for MRRIC members had taken place. The seats that were vacant or up for renewal have been filled as follows for terms of three years through 2012:

- **Environmental conservation:** Paul Lepisto and Jim Redmond
- **Hydropower:** Tom Graves
- **Local government:** Bill Lay and Bob Williamson
- **Thermal power:** Brian Barels and Pat Cassidy
- **Water quality:** Marian Maas
- **Water supply:** Skip Meisner
- **Waterway industries:** Bill Beacom

She also noted that Kara Nagel (irrigation) and Roger Huizenga (conservation districts) had resigned. Mr. Huizenga's alternate, Marcel Kramer, with Brian Lovett as his alternate, will replace him on the Committee through 2010. In response to a member's question, Ms. Roth said that the governor of Iowa had not yet appointed a replacement alternate.

### **Introductions**

John Thorson introduced MRRIC member Phil Wendzillo, representing the Ponca Tribe of Nebraska, who was attending his first Committee meeting. He also welcomed Lee Ickes and Robert Campbell of Santee Sioux Nation of Nebraska, who were attending the meeting on behalf of the tribal chairman. Mr. Thorson told the group that he had heard from the chair of the Yankton Sioux tribe that they had recently had a change in leadership and were unable to attend the meeting. The chair sent the tribe's regrets, however, and said they would make an effort to attend in the future.

RESOLVE facilitator Paul De Morgan led the participants in a round of introductions. The following individuals served as alternates for Committee members at this meeting:

- Brian Lovett, alternate for Marcel Kramer, representing conservation districts
- Mike Mac, alternate for Max Ethridge, representing the U.S. Geological Service (USGS)
- Henry Maddux, alternate for Steve Guertin, representing the USFWS

- Larry Mires, alternate for Vicki Marquis, representing conservation districts
- David Ponganis, alternate for Witt Anderson, representing the USACE
- Nick Stas, alternate for Robert Harris, representing the Western Area Power Administration

Mr. De Morgan announced that a quorum of stakeholder members was present. Please see [Attachment A](#) for a full list of participants.

### **Tribal Participation**

A tribal member expressed concern about having missed previous meetings due to the unavailability of travel funding and requested assistance in catching up on the work of the Committee. The member emphasized the difficulty that tribes have in attending meetings and appealed to the Committee to make an effort to increase the involvement of tribes, in order to ensure that important decisions are made with their participation.

John Thorson assured the member of the Committee's concern about tribal participation and noted that Committee members had asked at a previous meeting that increased effort be made to encourage tribal involvement at the last meeting. Accordingly, Mr. Thorson and federal agency staff had convened a small group to reach out via phone calls to the tribes that have not attended the meetings. Mr. Thorson also sent out two letters – one to all the tribes, and another to those who have not been present at meetings. He felt those efforts had met with some success, since more tribes were represented at this meeting than in the recent past.

To alleviate any concern about the membership renewal process, Mr. Thorson also noted that tribal members of the Committee are appointed and do not need to reapply for their seats. With regard to travel funding, he mentioned that a Committee member had been working to bring the issue before Congress and was planning a strategic planning meeting on Wednesday evening for those who were interested. Mr. Thorson also invited tribal representatives to a Wednesday morning meeting with him and the federal agencies to discuss ways to conduct outreach to the tribes. In response to the member's request for an update on the MRRIC process, RESOLVE facilitator Gail Bingham offered to hold a lunch meeting with all interested tribal members.

A member expressed appreciation to the tribal members for their attendance and characterized the efforts to conduct outreach to the tribes as substantial. Observing that only one tribe had signed the letter from some Committee members to Congress in support of travel funding, the member invited the tribal members present to assist in encouraging other tribes to come to the table and to help address any other obstacles that might prevent their participation.

A tribal member reminded the group that the Great Plains Tribal Chairman's Association had previously passed a resolution asking for a change to the 2007 Water Resources Development Act (WRDA) that would allow members' travel to be funded. Pointing out that tribes receive their information on federal agency activities from the USACE tribal liaisons, the member urged the USACE to ensure that the tribal liaison attends all MRRIC meetings.

### **Agenda Review and Approach to This Meeting**

Mr. De Morgan reviewed the proposed agenda and the following meeting objectives:

- Continue to develop a shared understanding about the Missouri River Recovery Program (MRRP) that includes current recovery and mitigation actions underway in the Missouri River basin and the Missouri River Ecosystem Restoration Plan (MRERP) activities
- Seek final consensus on the recommendation on MRRIC's engagement strategy in the MRERP process
- Seek consensus on:
  - A recommendation on roles and responsibilities for MRRIC liaisons to the MRERP technical work groups
  - A recommendation regarding outreach and recruitment for new MRRIC members
  - The MRRIC 2008-09 Annual Report
  - A recommendation on a preferred Third Party Science Neutral (TPSN) candidate to the U.S. Institute
  - A recommendation on topic and questions to include in the first scope of work for the TPSN for the independent science review (ISR)
- Participate in the MRERP social, economic, tribal and cultural values working sessions
- Learn more about and decide next steps concerning:
  - The U.S. Fish and Wildlife Service Annual Report
  - The USACE land acquisition program
  - The response from the Bureau of Reclamation to the questions raised concerning the Yellowstone Intake project
- Take next steps on the organizational work of the Committee:
  - Approve the September meeting summary
  - Discuss other issues concerning Committee operations, including continuation of the chair and vice chair and 2010-2011 meeting dates and locations
  - Work group briefings and proposals for Committee consideration from MRRP, MRERP, Integrated Science Program, Communications/IT, and Nominating Work Groups and the Social, Economic, Tribal, and Cultural Study Group

Mr. De Morgan explained that the interviews of the TPSN candidates and the discussion of the continuation of the chair and vice chair - when the Committee would discuss whether to recommend that the U.S. Institute initiate a contract with a TPSN candidate or renew one with the chair - would be closed to the public. In addition, he mentioned that John Thorson and Randy Asbury planned to excuse themselves for the discussion of the continuation of the chair and vice chair.

At the last meeting, Committee members had requested that hard copies of the read-ahead documents for the meeting be sent to them in advance. Mr. De Morgan observed that the USACE had worked with the facilitation team to respond to this request and that binders containing the documents had been mailed to all Committee members for whom the USACE had street addresses. He asked members to contact Mary Roth with any questions or concerns about the binders, as well as to provide her with missing street addresses if necessary.

In two process decisions, the Committee then approved the proposed agenda and gave the facilitators permission to enforce the meeting ground rules.

### **Business Session: Approve Summary from the September 2009 Meeting**

Mr. De Morgan reminded the Committee that the draft September meeting summary had been circulated on October 16 and the revised summary with Committee members' proposed changes had been posted on WebEx on October 23. There had only been a few small changes requested. He asked if there were any further changes to the summary; no comments were raised. In a process decision, the Committee then approved the revised September 2009 meeting summary.

**Process Decision:** *The Committee approved the September 2009 meeting summary.*

### **Business Session: MRERP Work Group Report and Action Items**

#### **MRERP Engagement Strategy**

Dave Johnson, one of the points of contact (POC) for the MRERP Work Group, reviewed the background to the development of the MRERP engagement strategy. In the fall of 2008, the Committee charged the Work Group with identifying milestones in the MRERP process and determining the best way for MRRIC to interact with the study. In December 2008, the federal agencies briefed the Committee on the initial MRERP study milestones; they later provided an update in May 2009. Between the May and July 2009 meetings, the Work Group developed the diagram depicting the milestones on which the Committee could provide input (see [Attachment B](#)). The Committee discussed the diagram at the July 2009 meeting, and the Work Group drafted the text of the recommendation on the engagement strategy for the Committee's review at the September 2009 meeting. The objective of the engagement strategy is for the Committee to make a recommendation to the USACE on the preferred alternative for the study. Mr. Johnson pointed out that the milestones highlighted in the strategy are flexible and could evolve if needed. He reminded the group that the Committee had reached tentative consensus on the engagement strategy at the September 2009 meeting and noted that the Work Group had not made any changes to the documents in the interim.

**Substantive Decision:** *The Committee reached final consensus on the MRERP engagement strategy.*

The Committee then reached final consensus on the engagement strategy (see [Attachment C](#) for the text of the recommendation). In accordance with the Committee charter, Vice Chair Randy Asbury (in the chair's temporary absence) turned to the USACE for its response, and Dave Ponganis gave the agency's endorsement of the strategy.

#### **MRRIC Liaisons to MRERP Technical Teams**

Paul Lepisto, co-POC for the MRERP Work Group, outlined the development of the recommendation on MRRIC liaisons for the MRERP technical teams. In July, the USACE extended an invitation to MRRIC to send liaisons to the technical team meetings. The first set of meetings was subsequently postponed until January, giving the Committee more time to decide whether to send representatives, what their roles and responsibilities should be, and how to select them. At the September 2009 meeting, the Committee discussed the opportunity and considered whether to select permanent liaisons or to send representatives on an ad-hoc basis. Given that travel expenses to the meetings cannot be reimbursed, the Committee asked the Work Group to develop a recommendation based on appointing liaisons on a meeting-by-meeting basis. Accordingly, the Work Group drafted a proposed set of criteria and selection process for the liaisons; some key elements are:

- There will be seats for two MRRIC liaisons per meeting of each technical team.

- The liaisons will be observers, but will have the opportunity to ask questions.
- Per the MRRIC charter, the liaisons will be speaking on behalf of their own constituents when asking questions, not the Committee.
- Preference for selection as a liaison will be given first to Committee members, then to alternates, and finally to others (e.g., colleagues of Committee members).
- If someone other than a MRRIC member or alternate is selected as a liaison, the Committee must approve that person and the chair will provide him or her with a letter of endorsement.
- If more than two people volunteer to be liaisons for a technical team meeting, then the MRERP Work Group will conduct a selection process via email using the listed criteria.
- The liaisons will report back to the Committee on the meeting proceedings at the next MRRIC meeting.

Committee members then posed several questions on the technical teams and the liaisons and received the following responses:

- ❖ **Status of MRERP process:** Mary Roth, USACE, clarified that MRERP is a long-term study of the ecosystem restoration plan process that was authorized by Congress in the 2007 WRDA. Randy Sellers, USACE, added that the MRERP process is currently in its beginning stages and the team is conducting a formal scoping on the Purpose and Need Statement (P&N) for the study. The team is also engaging in consultation with the tribes on the P&N until December 1, 2009.
- ❖ **Focus of technical teams:** Mr. Sellers clarified that the technical teams are solely concerned with the focal natural resources (FNRs) associated with the MRERP study and do not constitute an independent science review (ISR) panel. The teams will focus on terrestrial resources in the floodplain, aquatic resources on the river, and individual species. The specific clustering of topics for the teams has not yet been determined, however, and the USACE will inform the Committee when those decisions are made.
- ❖ **Schedule of the technical team meetings:** Mr. Sellers informed the group that two to four technical teams will meet between three and five times each in 2010, generally for three-day working sessions. The meetings of the different technical teams are likely to take place concurrently, although the dates and locations are not yet established, so that is still to be determined.
- ❖ **Observer role:** If a MRRIC member or alternate is appointed to a technical team, he or she will be serving in a technical capacity and not as a MRRIC liaison; the observer role will therefore remain separate.
- ❖ **Status of MRAPS:** In response to a member's question about whether liaisons would also be appointed to the technical teams to MRAPS, Dave Ponganis explained that the MRAPS study is still in its initial stages and that nothing is yet known about technical teams. Furthermore, he added that the MRRIC charter specifies that the Committee will give advice on the MRERP and Recovery Program processes.

In addition to correcting a typo in the proposed recommendation, the Committee asked that the ability to attend all three meeting days be added to the selection criteria for liaisons. With those changes, the Committee approved the selection process and criteria for the MRERP technical team liaisons in a process decision (see [Attachment D](#)).

**Process Decision:** *The Committee approved the approach to selecting MRRIC liaisons to the MRERP technical teams.*

Once the date and location of the first meeting is confirmed and the titles of the technical team meetings are available, the facilitation team will circulate that information and solicit volunteers to attend as liaisons. For subsequent meetings, the facilitation team will inform the Committee of the dates and locations of the technical team meetings when they are established and ask for volunteers at that time.

In conclusion, Mr. Johnson noted that the Work Group had also fulfilled its charge of assisting with the planning for the MRERP social, economic, tribal, and cultural values workshop that would take place later in the meeting.

### **Call to Public and Input from Agency Staff**

There were no requests for public comment or announcements from agency staff.

### **Introduction to MRRIC Information Sharing: Social, Economic, Tribal, and Cultural Benefits and Values Provided by the Missouri River**

Randy Sellers set the stage for the workshop on social, economic, tribal and cultural values by explaining its role in the MRERP process. The MRERP Project Delivery Team (PDT) anticipates producing a list of the key social, economic, tribal and cultural (SETC) values related to the Missouri River for which baseline data will be collected. The results of the workshop will contribute to this list. The workshop results also will help define the benefits of the river, which will help to inform the USACE's decision-making later in the process. The PDT will work on defining an approach for measuring these benefits during baseline assessment and analysis steps in the work plan. In the meantime, Committee members' input on how to measure benefits is also welcome. The information gathered in the MRRIC workshop will be supplemented by benefits identified during the public scoping period, outreach to tribes, and research on public input during similar processes (e.g., the Master Manual). The goals for the day's activities are to identify the activities, uses, and services associated with the river and how they are important.

Lisa McDonald, an economist with the Louis Berger Group supporting the USACE and charged with developing the workshop, gave an overview of the workshop activities planned over the three days of the meeting. Activity 1, taking place Tuesday, is a structured form of brainstorming. The MRERP team will then compile what it learned from that activity and constitute six new groups to further explore the key themes on Wednesday. On Thursday, the team will summarize the workshop results and detail next steps. She invited those MRRIC members who had gathered information from their constituents to also submit it to her or another member of the MRERP PDT. (The full presentation is available on WebEx and on [www.mrric.org](http://www.mrric.org).)

### **MRRIC Information-Sharing Breakout Sessions (Activity 1)**

MRRIC members participated in breakout sessions to give input into the social, economic, tribal, and cultural values associated with the Missouri River.

### **Business Session: Third Party Science Neutral Candidate Interviews**

In a closed session, the Committee conducted interviews with two third-party science neutral candidates. (For the approved TPSN interview process and questions, see [Attachment E](#).)

### **Business Session: Nominating Work Group**

David Sieck, Nominating Work Group POC, described the proposed changes that the Work Group made to the process for filling MRRIC vacancies, in response to concern expressed by the Committee about outreach efforts. The Work Group added several activities to the outreach component, including issuing press releases, public notices, and newspaper advertisements; disseminating announcements to the USACE contact list; and involving MRRIC members in outreach. A member asked if MRRIC members would circulate announcements to their own constituents or provide contact information in order for the USACE to do so; USACE staff replied that they could disseminate announcements to the members' contacts if they wish it. In a process decision, the Committee approved the revised version of the process for filling MRRIC vacancies (see [Attachment F](#)).

**Process Decision:** *The Committee approved the revisions to the process for filling MRRIC vacancies.*

As a next step for the Work Group, Mr. Sieck said the group will work on a method for orienting new members to the Committee, which may include a mentoring program that pairs members from the same interest categories.

### **Wrap-Up and Closing**

John Thorson adjourned the plenary meeting for the day.

## **Day 2: Wednesday, November 4, 2009**

### **Opening and Chair's Hour**

John Thorson opened the meeting and thanked the host committee – Russ Kaldenberg, Sue Lowry, Jodee Pring, and Kate Vandemoer – for organizing the previous evening's dinner and outing. He reflected on how water management questions similar to those confronted by the Committee are being raised around the world. In the Mekong Delta of Southeast Asia, for example, governments are building dams along the biologically rich Mekong River. The electricity generated from these dams is meant to bring prosperity to the region, while at the same time, governments are striving to minimize the environmental damage and impacts from the dams' construction. In one project in Laos, 6,000 people from 19 villages were relocated to new homes built by the power company. As the dams will inevitably alter the landscape, however, governments are faced with opposition from environmental groups. Mr. Thorson observed that the Committee is pioneering new approaches to addressing such challenges.

Dave Ponganis announced that John Seeronen of the USACE will be retiring. Acknowledging the investment he has made in MRRIC from the beginning of the chartering process, Mr. Ponganis and Mr. Thorson joined together in offering their appreciation for Mr. Seeronen's service to the Committee. Mr. Seeronen thanked them and the Committee for the opportunity to be involved in the process. Recognizing the tremendous talent in the room and throughout the basin, he wished the Committee members great success in their collaboration and in confronting the challenges before them.

### **USACE Water Management Update**

USACE Chief of Water Management Jody Farhat gave the water management report, describing the basin's reservoir and runoff status. There have not been many significant changes since her update

at the September 2009 meeting. She noted that the navigation season will end on December 1 and releases from Gavins Point will begin to be reduced in mid-November accordingly. Winter releases from Gavins Point will be higher than usual, however, to reduce risks for downstream water intakes. In cold periods, ice buildup can cause the river stage to drop dramatically, decreasing access to water. The USACE is also concerned about potential flood risks in the spring because of the coming wet winter period and reduced channel capacity due to channel sedimentation from years of low releases. The agency plans to carefully manage the river for flood control next year.

The draft Annual Operating Plan (AOP) was released in September and anticipates a full navigation season next year with near full-service flows for hydropower at 90% of normal, up from previous years. To regulate the river for the endangered species, a bimodal spring pulse is expected. The USACE is working with the USFWS on how to best manage the river for the least terns and piping plovers in a full service navigation year.

Public meetings on the AOP were held the week of October 5, 2009 and the comment period closes on November 20, 2009. The USACE sent a letter to the tribes offering consultation on the AOP. The Cheyenne River Sioux tribe has requested consultation, and the agency encourages other tribes to do so. After taking into account the comments received, the USACE will issue the final AOP in mid-December 2009. (For more details on Ms. Farhat's presentation, see [Attachment G.](#))

Ms. Farhat offered the following responses to participant questions:

- ❖ **Snowpack:** Some mountain snowpack has already accumulated, along with some on the plains.
- ❖ **Spring pulse:** The magnitude of the March pulse is set at 5,000 cubic feet per second (cfs) and the May pulse is determined by system storage and the runoff forecast, as well as restricted by downstream flow limits. If the USACE is supplying navigation flows to all locations, then the maximum pulse is 10,000 cfs. If those targets are not being met, it could be higher.
- ❖ **Flows:** The USACE plans on flows of 15,000 cfs, although the agency might hold them to 15,000 cfs and save 500 cfs during the winter. This level is increased from 12,000 cfs in recent years.

### **Missouri River Authorized Purposes Study (MRAPS) Update**

Brad Thompson with the USACE Planning Division in the Omaha District gave a presentation on the background and status of the Missouri River Authorized Purposes Study (MRAPS). The authority for the study stems from the Appropriations Act of 2009, which allocated \$25 million to the project to review the original project purposes based on the Flood Control Act of 1944, as amended, and other subsequent relevant legislation and judicial rulings to determine if there should be any changes to the Missouri River authorized purposes and infrastructure. While there is some overlap between the MRERP and MRAPS studies, MRERP has an ecosystem focus on mitigation, recovery, and restoration and MRAPS is a multi-purpose study. The teams for the two studies plan to maximize their information sharing.

In terms of MRRIC's role, Mr. Thompson noted that the Committee is charged with giving advice on MRERP and the Recovery Program. Although MRRIC has not been specifically directed to work on MRAPS, the MRAPS team plans to share information with the Committee in light of its role as a key stakeholder group in the basin. MRAPS has launched its public involvement

component for the pre-scoping process with several listening sessions. Third-party neutral professionals also have been hired to conduct a situation assessment and make recommendations on the public and stakeholder engagement process. They will conduct individual interviews and hold a series of focus group sessions to increase the number of people who have input into the situation assessment starting in early November 2009. The formal public scoping process will kick off in 2010. If MRRIC members would like to be on the list for stakeholder interviews for the situation assessment, they should contact Lynn Heng. (Presentation available on WebEx and at [www.mrric.org](http://www.mrric.org).)

Following the presentation, several Committee members expressed concern about the short notice given and outreach conducted for the upcoming November 19 focus group meeting in Kansas City. Mr. Thompson promised to check on the details of how the session had been planned and report back to the Committee later in the meeting. He mentioned that the USACE had contracted with a third party neutral to organize and extend invitations to stakeholders for the focus group meetings, so the USACE is not determining who will attend the meetings.

A member questioned the need for MRAPS to conduct an Environmental Impact Statement (EIS), pointing out that the legislation authorizes a study, which would not call for National Environmental Policy Act (NEPA) compliance. The member also raised concerns that the work of MRRIC will be bypassed and undermined by MRAPS. In his view, MRAPS is wasting money that could be better spent elsewhere. Finally, he emphasized the need for a peer review of the study that would generate confidence in the study. Mr. Thompson assured the group that the USACE concurs on the importance of external peer review. With regard to the EIS, he said the USACE would not be in a position to make recommendations without demonstrating NEPA compliance. Given that both MRERP and MRAPS will be conducting EIS reviews, the teams will need to coordinate, although they have not yet resolved the details of that relationship.

Some members made suggestions of issues for MRAPS to consider, including gathering input on the USFWS Coordination Act and the question of whether some of the authorized purposes have been fulfilled to a greater extent than others (e.g., tribal water rights).

Mr. Thompson also answered several other questions as follows:

- The MRAPS team is currently assessing the level of interest and concerns in the basin, and the information gathered from that effort will help shape the rest of the public involvement process.
- The study will assess historic views of the basin, a snapshot of existing conditions, and project future conditions in the absence of the authorized purposes. The goal is to assemble information on trends over time, although the picture will necessarily be somewhat limited by available data.
- The USACE is anticipating a \$5 million annual budget for MRAPS.

### **Information Sharing: U.S. Fish and Wildlife Service Annual Report**

Paul De Morgan introduced the session by pointing to the provision in the MRRIC charter that provides for an annual update report from the USFWS. Carol Hale has been coordinating the report for the agency this year and has incorporated members' comments on what should be contained in the report. In putting together the first report, the USFWS and the USACE recognized that, given the significant amount of overlap, it would make sense to coordinate the annual report to

MRRIC with their annual internal reports, which take place at the beginning of each year. Therefore, the agencies are proposing to prepare a joint report at the beginning of every year in future years. For this first report, Ms. Hale will deliver an initial presentation on the report at this meeting and then follow up with a more in-depth presentation at MRRIC's first meeting in 2010.

Ms. Hale then gave an overview of the annual report, describing the report format, the status of the threatened and endangered (T&E) species, and an update on recovery activities. Populations of the least tern and piping plover have been declining in recent years, with fledge ratios, or the ratio of chicks to adult birds, remaining below the estimated levels needed to sustain the populations of both birds. In terms of successes, newly constructed sandbar habitat was used by both birds, and fledge ratios on those sites were higher than elsewhere. For the pallid sturgeon, the wild population is low but a population estimate is not available because a census has not yet been conducted. There have been some successes with some hatchery fish propagating, as well as a few wild sturgeon, although it is unclear whether successful recruitment is resulting. (Presentation and the USFWS report available on WebEx and at [www.mrric.org](http://www.mrric.org).) At the conclusion of the presentation, John Thorson invited members with questions to provide them to Ms. Hale, who will prepare answers for review by the ISP Work Group before presenting them to the Committee at the next meeting.

#### **Call to Public and Input from Agency Staff**

There were no requests for public comment or announcements from agency staff.

#### **MRRIC Information Sharing: Social, Economic, Tribal, and Cultural Benefits of the Missouri River (Activity 2)**

Randy Sellers thanked the Committee members for their engagement in the breakout sessions the previous day. The workshop team had reviewed and organized the information gathered in the first activity and Mr. Sellers presented the highlights. The team categorized the main themes into nine new groupings: tribal, water supply and water quality, environmental resources, power, recreation, flood risk management, agriculture, navigation and dredging, and a wild card. (Presentation available on WebEx and at [www.mrric.org](http://www.mrric.org).)

Mr. Sellers and Lisa McDonald asked the members to select one of listed groups for the next activity. The second workshop sessions, to take place later that day, will go into greater depth on each of the topics and explore three or four questions, as time permits:

- What is the connection of the identified activities and uses to the Missouri River?
- What is the geographic extent or variation in the activities and uses?
- What interaction exists among these activities and resources?
- What information sources would members suggest to help characterize this topic?

#### **Business Session: Recovery Program (MRRP) Work Group Report and Action Items**

##### **MRRP FY09 and FY10 Work Plan Updates**

Mike George, USACE, delivered the update he provides monthly to the project review board on the status of the MRRP Work Plan. For FY09, the USACE had \$64.3 million to implement and obligated 100% of those funds within schedule and made the expenditures on 99.6% of schedule. For FY10, the agency has received \$56.7 million in appropriations, which is approximately \$8 million less than the previous year. Furthermore, Congress has fenced \$18 million of those funds for the Yellowstone Intake project, meaning that the USACE cannot spend the designated funds on

any other projects without authorization by Congress. As a result, the agency will be obligated to reduce funding on some of its activities from last year. Given that the USACE has worked with the USFWS to modify the biological opinion (BiOp) and received a one-year extension on its habitat construction goals for each year it works on the Yellowstone Intake (up to four years), Mr. George said that the habitat program seems the appropriate place to make the cuts. (Presentation available on WebEx or at [www.mrric.org](http://www.mrric.org).)

Some members expressed concern that the USACE's research activities were receiving cuts in their funding. Mr. George reassured them that the science program had not been cut as much as it appeared because much of the research was prepaid with funds left over at the end of the previous year. Another member pointed out that the budgetary reduction in the research program would nonetheless have a negative effect on the agency's ability to maintain the institutional capacity to provide research. Programs that are not allocated funds in one budget year could be slated for cuts in the future, undermining the agency's ability to maintain a research pool. Asked whether the USACE would implement the recommendation if MRRIC requested that money be taken from other areas and added to the science program, Dave Ponganis said that the agency's objective was to get guidance on its Recovery Program priorities from the Committee. If the Committee recommends that the USACE prioritize different items, then the agency will take that into consideration.

A member also objected to the practice of fencing the USACE's appropriations and limiting its ability to implement programs and adapt to changing circumstances. Mr. George stated that it is the USACE's policy to oppose fences.

Another member recalled that he had previously suggested that the meetings of the Agency Coordination Team (ACT) be held in coordination with MRRIC and asked Mr. George if a formal request from the Committee would be helpful in moving the request forward. Mr. George replied that a Committee recommendation would be useful, and several interested members of the Committee agreed to discuss possible next steps.

### **Land Acquisition Program**

John Drew, MRRP Work Group POC, set the stage for the land acquisition presentation by reminding the group that both the MRRP Work Group and the Federal Working Group (FWG) had identified land acquisition as a priority topic for MRRIC to address. The FWG anticipated it would be a large topic that would take 12 to 18 months to address. Mr. Drew related that the MRRP Work Group had reviewed this initial presentation, which is intended to kick off the Committee's discussion of the topic. After the presentation, the Work Group would welcome members' insights on issues to explore in future land acquisition presentations.

Mr. Drew added that since the last meeting, Mary Roth had worked on developing a list of acronyms that could be found in the members' binders. It is a working document, and Ms. Roth plans to continue adding terms and definitions as the need arises.

Chance Bitner and Teresa Reinig, USACE, outlined the agency's real estate acquisition activities, reviewing the types of projects with real estate acquisition authority, the real estate management process, and its application to the Recovery Program. In order to acquire real estate, the USACE uses a willing sellers program and is required to pay fair market value for the land as determined by

an appraisal. The Recovery Program's land acquisition authority is derived from the Bank Stabilization and Navigation Project (BSNP), the Missouri Fish and Wildlife Mitigation Program, or the BiOp. The BSNP and Mitigation Program provide for land acquisition for habitat creation that benefits native plants and wildlife, while the BiOp allows for addressing the habitat needs of individual species. (Presentation available on WebEx or at [www.mrric.org](http://www.mrric.org).)

Following their presentation, USACE staff distributed an aerial map book of the public lands the Mitigation Program has acquired. Ms. Reinig clarified that the book does not contain conservation easements, as those remain private lands.

USACE staff responded to Committee members' questions as follows:

- ❖ **Big Muddy National Fish and Wildlife Refuge:** Under the Mitigation Program, the USACE has the authority to acquire approximately 166,000 acres of land. The Big Muddy National Fish and Wildlife Refuge, which stretches from St. Louis to Kansas City, falls under a separate authority.
- ❖ **Floodplain farming:** In the 2003 EIS for the Mitigation Program, the USACE analyzed the relationship of its land acquisition activities to floodplain farming and determined that it affects approximately 2% of county farming. To offset the impacts of the Mitigation Program, the USACE strives to minimize land acquisition in levee districts by targeting land outside the big levees.
- ❖ **Agricultural land leases:** When the USACE administers a lease of agricultural land, 75% of the payment goes to the county, which has five years to use the funds to manage the lands. If the funds are not used in that time, the money returns to the USACE. The USACE decides which projects will be implemented on the land it administers, and the land management agency develops annual management plans and submits them to the USACE for its approval.
- ❖ **Easements:** The USACE has made an effort to partner with other agencies, and it has had success in partnering with the Natural Resources Conservation Service (NRCS) to obtain easements, which allows the agency to acquire land at a lower cost.
- ❖ **Public access:** The USACE is required by federal law to ensure public access to public lands.
- ❖ **Payment in Lieu of Taxes:** The amount of Payments in Lieu of Taxes (PILT) is determined by a federal program based on the acreage and location of the land, not on the assessed value of the property. More information on the program is available at [www.doi.gov/pilt](http://www.doi.gov/pilt).

Given that the participants expressed significant interest in the social and economic impacts of the USACE's real estate acquisitions, Ms. Reinig suggested that USACE staff could do a more in-depth presentation on the topic at a subsequent meeting.

## **Business Session: Integrated Science Program (ISP) Work Group Report and Action Items**

### **ISR Scope of Work**

Jason Skold, ISP Work Group POC, recounted the Work Group's efforts in disseminating a survey to the Committee on possible topics and questions for a scope of work for the TPSN. They received 14 responses, from approximately one-third of the Committee members, and have not yet received any agency responses. From the responses received, the Work Group was able to identify

the spring pulse as the highest priority topic. Other high priorities included shallow water habitat, emergent sandbar habitat, some pallid sturgeon topics, sediment, and the MRERP study. In light of the ongoing National Academy of Sciences (NAS) panel review of the sediment issue and a likely internal review of the MRERP study, the Work Group considered those less pressing issues for the Committee's ISR to address. In the case of the NAS study, the results will be available in the summer of 2010; the Committee could look at the NAS recommendations and decide whether to make its own recommendations at that time. The Work Group therefore recommended it work with the agencies and the TPSN to develop a focused scope of review on the spring pulse for consideration at the first MRRIC meeting in 2010.

Members mentioned that it would be important to get input from the agencies on their priority topics. Henry Maddux said that the USFWS, USACE, and USGS have agreed to provide their three priority topics and questions to the Work Group by November 30. He anticipates that the topics will concern shallow water habitat, priority areas for land acquisition, and pallid sturgeon recruitment. In addition, the agencies will share the information from the BiOp and from previous peer reviews of spring pulse-related questions to assist the Work Group in developing the scope of work.

A Committee member added that a scope of work on the spring pulse should include questions on the natural hydrograph and flows. Another suggested additional topics for review that were not included in the list – the economic impacts of the Recovery Program and the preferred alternative from the MRERP study.

Some members expressed the view that it was important to hear from the agencies and Committee members who had not responded to the survey on their priorities before the Committee could settle on the first topic for ISR. The Committee discussed the options for proceeding, and decided to ask the Work Group to obtain the input from the agencies and circulate a second survey with the full list of potential topics to Committee members, inviting them to rank their preferences. The Work Group will then analyze the responses and develop a scope of work on the one or two top issues for the Committee's review at its first 2010 meeting. In a process decision, the Committee agreed to this approach to developing an ISR scope of work.

**Process Decision:** *The Committee charged the ISP Work Group with consulting the agencies on their priority ISR topics, surveying Committee members on their preferences, and developing a scope of work on the top 1-2 topics.*

### **TPSN Candidates**

The Committee held one of two closed sessions for members to discuss their preferences between the two third party science neutral (TPSN) candidates interviewed on Tuesday. See the Thursday meeting summary for the results of these discussions.

### **Wrap-Up and Closing**

John Thorson then adjourned the plenary meeting to the MRERP breakout sessions.

## Day 3: Thursday, November 5, 2009

### Opening

John Thorson opened the meeting and thanked those who had worked to organize the meeting including the host committee of Russ Kaldenberg, Sue Lowry, Jodee Pring, and **Kate Vandemoer**; the members of the Agenda Work Group; the presenters; and Randy Sellers and the team organizing the SETC workshop.

Mr. Thorson made a few announcements, drawing attention to the U.S. Institute's annual conference on environmental conflict resolution, which will be held next year on May 25 – 27. Paul De Morgan has submitted a proposal to discuss the work of MRRIC and has invited Mr. Thorson, Dave Ponganis, Witt Anderson, and Henry Maddux to participate on the panel. Mr. Thorson has also been invited to speak at University of Wyoming College of Law, where he will address water adjudications as well as Pick-Sloan and the origins of MRRIC.

Reflecting on the TPSN process, Mr. Thorson said he has learned over the course of his life that if one delays making decisions in the pursuit of perfection, then life will go ahead and make the decisions for you. As the Committee faces decisions on the ISR process, it is important to realize that the Missouri River and the work of the agencies will continue moving ahead with or without the participation of the Committee. Recognizing that Jason Skold and the ISP Work Group had put significant work into developing the ISR process, he urged members to keep those points in mind as they consider the options for the process.

### **Remarks by Steve Guertin**

Mr. Thorson introduced Steve Guertin, regional director of the USFWS Mountain Prairie Region. Mr. Guertin greeted the Committee and noted he had been following the Committee's progress through regular updates from Henry Maddux and Mike Olson. He thanked the members for taking a leadership role in advancing the Similarity of Appearance (SOA) rulemaking process, citing it as an example of how the Committee can help to move a controversial issue forward and assist the agencies in reaching a sound decision.<sup>1</sup> He mentioned that the USFWS is looking forward to working with MRRIC and other stakeholders in the basin on the MRAPS process; Mike Olson will be the agency's lead on that process and the USFWS team will make an effort to ensure the Committee is well informed.

Mr. Guertin told the group that he expects the USFWS will have the research money needed to support its conservation goals. Furthermore, the agency intends to ask for congressional funding for scientific centers of excellence throughout the basin. Noting that the agency's spending bill was one of the first signed into law, he is confident in the support of the new administration, the Office of Management and Budget (OMB), and the Appropriations Committee.

Some members raised their concerns about the lack of continuity for science research funding and that research could be sacrificed to accommodate other projects. Mr. Guertin agreed on the importance of research, observing that the USFWS had requested and received a \$20 million

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<sup>1</sup> MRRIC submitted a letter to the USFWS on July 30, 2009 requesting that the agency expedite release of the SOA Notice of Proposed Rulemaking (NPRM) for public comment. For a copy of the letter, please see the July 2009 meeting summary.

funding package, \$10 million of which is allocated to landscape conservation cooperatives. The other \$10 million is dedicated to creating an applied research capacity at the USFWS.

### **MRAPS Focus Group Meeting**

After talking with the situation assessment focus group meeting organizers, Brad Thompson, USACE, gave an update on the status of the planning for the November 19 MRAPS focus group meeting. He emphasized that the focus group meetings are part of a situation assessment for the purpose of designing the public and stakeholder engagement process and are not the public scoping meetings. Therefore, stakeholders will not miss the opportunity to be involved in the MRAPS study if they cannot attend these meetings. He provided the following initial list of the planned focus group meeting dates and locations<sup>2</sup>:

- Kansas City, KS            19 Nov
- Bismarck, ND            8 Dec
- Tribal Event            TBD
- St. Louis, MO            12 Jan
- Omaha, NE            14 Jan
- Pierre, SD            26 Jan
- Billings, MT            28 Jan
- New Orleans, LA            9 Feb
- Memphis, TN            11 Feb

A third-party neutral organization is charged with designing and organizing the public involvement process. Invitations have already been issued to 13 people for the November 19 meeting, there are 12 confirmed participants, and word of the meeting is spreading informally. Press releases are under preparation, which will be the main method for advertising the event to the public. As for the meeting format, the focus groups will meet for two hours with half an hour set aside for public comment. (See the revised version of the presentation on WebEx or at [www.mrric.org](http://www.mrric.org).)

A tribal member asserted that one tribal event was insufficient and strongly urged the USACE to consider holding more meetings and to revisit the two-hour format. Another expressed concern that \$25 million is being spent on a study that will yield little in the way of action, while there are a myriad of issues to be addressed on the reservations. It is also difficult for representatives to attend multiple meetings of yet another committee.

Several Committee members felt that two weeks was inadequate notice for inviting the public to a meeting, pointing out that many of their constituents would be interested in attending if they were alerted in advance. One member requested that the first focus group meeting be delayed in order to give 30 days' notice of the meetings and allow MRRIC members to circulate the information to their constituents. Given that the USACE has already made commitments to the first meeting, Mr. Thompson said the agency preferred to proceed with the first meeting and then do an assessment of the feedback received. Dave Ponganis made a commitment to MRRIC to consider revisiting the region if people feel they have not been heard.

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<sup>2</sup> This list of meeting dates was subsequently updated; for a revised list, please visit [www.mraps.org](http://www.mraps.org).

A member also expressed concern about the availability of time for public comment, recounting an experience at a previous MRAPS listening session where attendees had expected to give public comment, but were instead asked to record their comments on a form.

A member proposed that MRRIC take a position opposing the first meeting until the Committee receives better, timelier information and the tribes' concerns are addressed. The Committee did not reach consensus on the proposal.

In response to members' requests, Mr. Thompson agreed to provide the list of invitees to the November 19 focus group meeting and, once it is ready, the final list of meeting dates.

### **Tribal Engagement**

John Thorson gave an update on the status of tribal engagement efforts and outlined the next steps. During the tribal breakout session during the SETC workshop, participants developed a set of recommendations and ideas pertaining to both MRERP and MRRIC. Cheryl Chapman will develop the list, which will be shared with the Agenda Work Group. At a breakfast meeting on Wednesday morning, approximately 20 people also participated in a discussion of barriers to tribal participation in MRRIC and how to address them. On Wednesday evening, Larry Mires led a strategy session on how to approach Congress to request travel funding reimbursement. As a next step, the USACE, USFWS, chair, U.S. Institute, and tribal representatives will convene a meeting to discuss how to move forward on addressing the issues that have been identified. Tribal members of MRRIC will reach out to other tribes to urge their participation, and the USACE will send another round of letters to the tribes inviting appointments to the Committee. (Presentation available on WebEx, at [www.mrric.org](http://www.mrric.org), and in [Attachment H](#).)

As a way to assist with other members' travel concerns, one member offered to carpool with others to the meetings.

### **Business Session: Communications/IT Work Group Report and Action Items**

#### **Webinars**

Mary Roth, USACE, reported that John Seeronen had given a history of litigation concerning the operation of the mainstem system and the BSNP during the October webinar. The session was recorded and is now available on WebEx for those who might have missed it. The MRERP Work Group is planning a webinar that will explain the MRERP study's method for generating the FNRs and characterizing the Missouri River ecosystem. It will take place on Tuesday, November 24, 10:00 am – 12:00 CST and is open to all members, alternates, and support staff. As the webinars are intended to free up time at the in-person meetings, a member urged participants to make an effort to attend the webinars. Pointing out that the date of the next webinar falls during Thanksgiving week, another member asked if it could be rescheduled. Randy Sellers agreed to check on it, but could not promise that it could be moved due to limited availability for the scheduling of the session. The webinar will be recorded, however, for those who cannot attend.

In January, there will be a briefing on the independent review of the MRERP study, which is to be performed by the planning centers of expertise. In response to Ms. Roth's inquiry, members indicated they were interested in holding the previously postponed Pick-Sloan webinar before February 2010.

Ms. Roth invited members' suggestions of future webinar topics, and ideas raised included an overview of the background on the spring pulse and an informational session on the tribes of the Missouri River basin. Observing that a webinar on tribal cultural resources was already on the Work Group's list of potential topics, a Work Group member indicated that a webinar on the topic could be planned before the next meeting if the Committee is interested. If members have additional suggestions of webinar topics, they should send them to Mary Roth.

A Committee member requested that the dates for the webinars be scheduled far in advance in order to get them on members' calendars; topics could be assigned to them later. While acknowledging it was a good idea, Ms. Roth cautioned that the webinars need to be scheduled around the presenters' availability.

### **MRRIC 2008 – 2009 Annual Report**

John Thorson gave an overview of the financial section of the MRRIC 2008 – 2009 Annual Report, explaining that the first section reflects the federal expenditures in support of MRRIC, and the second section represents an estimate of the direct expenses and time investment on the part of MRRIC members. In order to arrive at the estimate of members' time and spending, a survey was circulated to all MRRIC members. The Work Group received 19 responses, or a 35% response rate, and used the average reported expenses to extrapolate across the Committee. Mr. Thorson observed that this information helps Committee members make the case for the need for travel assistance. The Work Group intends to send out a form as soon as possible in order to help members record their direct expenses for future reports.

The Work Group then asked for the Committee's approval of the 2008 – 2009 Annual Report, which was circulated to the members as a read-ahead document prior to the meeting. In a process decision, the Committee reached consensus on approving the 2008 – 2009 Annual Report. Mr. Thorson thanked Pat Lewis and Mary Roth for all the work they put into the report. Mike Armstrong, co-POC for the Communications Work Group, also acknowledged the efforts of those who helped to compile the report – Bill Lay, Larry Mires, the work group POCs, John Thorson, and Randy Asbury.

***Process Decision:***  
*The Committee approved the 2008 – 2009 Annual Report.*

The Work Group proposed that each of the primary Committee members receive two printed copies of the final report and 15 copies on DVD. The report will be posted to WebEx and the public website, and both members and alternates will receive the electronic version.

Printed copies will also be provided for each state's congressional delegation. Larry Mires advised the group that hand-delivering the reports to congressional offices will raise greater awareness and improve MRRIC's chances of receiving a travel funding allocation. He therefore plans to deliver copies to his delegation in person and offered to do so for other state members if they wish. If the report is not hand-delivered to the congressional office, it should be given to the representative's local office to transmit to Washington, DC, because mail deliveries directly to Congress are delayed. State and tribal members are asked to convey one of their hard copies to their respective governors and tribal leadership. In addition, a member requested that the federal agencies deliver copies to the

Senate and House Committees on Indian Affairs. Dave Ponganis replied that the USACE would follow up and make a recommendation to the assistant secretary for civil works of the army on it.

In response to a member's query, John Thorson clarified that WRDA does not require the Committee to report to Congress. The MRRIC charter, however, calls for an annual report to the secretary of the army.

**Process Decision:** *The Committee approved the Communication Work Group's plan for publication and dissemination of the Annual Report.*

In a process decision, the Committee agreed to the Work Group's plan for publication and dissemination of the Annual Report. The Work Group distributed note cards to the members and asked them to provide their mailing addresses (not PO boxes) and the number of DVDs they would like to receive.

### **MRRIC Assessment and Self-Evaluation**

Mike Armstrong reminded the group that the Work Group, U.S. Institute, and facilitation team had promised to develop a proposal on how to address the issues raised in the annual MRRIC Assessment and Self-Evaluation (Evaluation). Referring to the list of key findings from the Evaluation that was provided as a read-ahead document, Mr. Armstrong said the group had worked to categorize the comments received and flesh out some of the items. He invited Committee members' additions to the document, and members asked that coordination with the tribes and improved public outreach be included.

As next steps, Mr. Armstrong proposed that the Work Group send a survey to the Committee for members to prioritize the top three to four items to address in the next year. If the Work Group has time to work on more issues, it will do so, but Mr. Armstrong noted that three to four may be as many as are possible.

### **Information Sharing: Bureau of Reclamation Report on Yellowstone Intake Questions**

John Thorson set the context for the session by reviewing the background on the Committee's involvement with the Yellowstone Intake project. Referring to the July 2009 meeting summary, Mr. Thorson recalled that upon hearing presentations and discussing the Yellowstone Intake, some members suggested that an ISR be conducted. A small group convened to consider the options and returned to the full Committee with a proposal that the Yellowstone Intake be the first subject of the Committee's ISR process. Given the short window of time before the Environmental Assessment is completed in January 2010, some members were concerned that the study could not be accomplished in time. Dave Ponganis told the Committee that the USACE was committed to doing a review and proposed that the USACE work with the other federal agencies to carry out a scientific review of the Committee's key questions. The Committee accepted this proposal and decided to informally submit questions to this review process. A formal MRRIC recommendation was not developed.

### **Presentation by Dan Fritz, Bureau of Reclamation**

Dan Fritz, the Bureau of Reclamation (BOR) representative on MRRIC, gave an update on the status of the scientific review of the Yellowstone Intake project. After receiving the three sets of questions from MRRIC (questions on pallid sturgeon biology, questions to address in the EA, and other important questions for agency representatives), the BOR and other lead agencies collaborated in developing an ISR approach to the questions. For the first set of questions, the agencies prepared

their responses and then contracted with a third party consultant to select a panel of experts who will review the MRRIC questions, agency responses, and other relevant literature to determine whether any relevant scientific information was not considered and to provide an assessment as to the degree of uncertainty involved. The ISR panel's review will be completed on December 1 and its report will be shared with MRRIC and appended to the EA.

The agencies have prepared answers to the second set of questions and included them in the draft EA, which is to be released imminently. The responses to the third set of questions have already been provided to MRRIC and posted on WebEx; they will also be included in the draft EA.

Mr. Fritz explained that the purpose of the EA is to describe the need for the proposed action and consider it along with other reasonable alternatives. The goal is to provide sufficient analysis to determine if there are any significant effects and whether an EIS should be prepared. The release of the draft EA is expected on November 16 with a 30-day comment period. The final EA is planned for release on January 20, 2010, along with a draft Finding of No Significant Impact (FONSI), also with a 30-day comment period. On February 20, the USACE will decide if the FONSI is appropriate and whether an EIS should be prepared. If the decision is made to implement the preferred alternative, then the first construction contract will be awarded in September 2010. (Presentation available on WebEx and at [www.mrric.org](http://www.mrric.org).)

### Questions and Discussion

After the presentation, a member said he had the impression that the result was already predetermined and questioned whether the agencies were legitimately pursuing the EA and review processes. Mr. Fritz assured the group that no decision to proceed with the project has been made, adding that it is a common practice to engage in design activities as the agencies are doing. Another member expressed confidence in Mr. Fritz's assurance and declared himself comfortable with the ISR's scope.

Members posed a number of questions and Mr. Fritz offered the following responses:

- ❖ **Panel of experts:** To ensure the objectivity of the panel members, their names are not being released at this time, but they will be provided in the final ISR report.
- ❖ **Draft EA:** The agencies will make the draft EA available to the Committee and post it on WebEx. Mr. Fritz offered to provide hard copies of the 200-page document at members' request.
- ❖ **Cumulative effects analysis:** The agencies have considered cumulative effects in the EA and attempted to track them as far down the mainstem as they can be measured. Mr. Fritz was not certain of the timeframe used, but noted that the expected life of the structure is 50 years and that the team has attempted to account for the duration.
- ❖ **Monitoring:** An eight-year monitoring plan is envisioned in order to gauge the effectiveness and level of success of the fish passage on pallid sturgeon reproduction. There will also be an adaptive management plan in place.

In closing, Mr. Fritz noted that the comment period on the Section 404 permitting has been extended twice and will remain open until December 31.

## MRRIC Operations

### 2010 – 2011 Meeting Dates and Locations

Gail Bingham reviewed the parameters for the 2010 – 11 meeting dates and locations set by the Committee at the September 2009 meeting:

- Hold four in-person meetings with one ‘experimental’ videoconference
- Hold meetings in each of the eight states over the next two years, spending the colder months in the lower basin
- Take costs and flights into account
- Avoid a set of meeting dates that disproportionately impacts any one member

After the September meeting, the facilitation team polled Committee members for their availability over the next year and sent out a supplemental poll to allow the consideration of more dates. Ms. Bingham observed that the most challenging criterion to fulfill was that of avoiding disproportionately impacting anyone. She proposed a set of dates that she estimated would inconvenience three to five members for two meetings, but no one would be affected for three meetings:

- February 2 – 4, 2010 in Missouri
- TBD (end of March) – videoconference meeting
- April 27 – 29, 2010 in Bismarck, North Dakota
- July 13 – 15 or July 20 – 22, 2010 in Wyoming, depending on the city chosen
- October 19 – 21, 2010 in Iowa

In a process decision, the Committee agreed to accept the 2010 – 2011 dates and locations proposed by the facilitation team and to allow the team the latitude to finalize the July dates. (See [Attachment I](#) for a full listing.) Ms. Bingham asked the Committee members to consider the meeting dates as confirmed, with the exception of the July dates. She requested that members hold both possibilities for the July meeting on their calendars while the facilitation team settles some outstanding questions. The facilitation team will follow up as soon as possible with the final July dates.

**Process Decision:** *The Committee agreed to the proposed 2010 – 2011 set of meeting dates and locations.*

Ms. Bingham mentioned that the state representatives on the Committee will determine the meeting locations within their states. A Missouri state representative offered St. Louis as the location for the February meeting.

A member requested a listing of other relevant meeting dates, such as those for MRERP technical teams, and Ms. Bingham agreed to work on coordinating with those who are scheduling other meetings.

#### **Process**

**Decision:** *The Committee invited the chair and vice chair to continue in their positions in 2010.*

### **Continuation of the Chair and Vice Chair**

In a closed session, the Committee discussed whether to reappoint Committee Chair John Thorson and Vice Chair Randy Asbury for second terms in 2010. In a process decision, the Committee reached consensus on renewing the terms of the chair and vice chair in 2010. Upon their return to the meeting, Sarah Palmer of the U.S. Institute informed Mr. Thorson and Mr. Asbury of the Committee’s

decision, and they expressed their thanks to the Committee for honoring them with the invitation to serve another year. The participants suggested that the Nominating Work Group look into rotating the vice chair position around the basin in the future.

### **Business Session: Discuss and Decide on Remaining Action Items from Work Groups and Highlights from MRRIC Information Sharing Activity 2**

#### **Decide on TPSN Candidates**

In the second of two closed sessions on Wednesday and Thursday, Committee members discussed their preferences between the third party science neutral (TPSN) candidates. In a process decision on Thursday, the Committee reached consensus on recommending Oak Ridge Associated Universities to the U.S. Institute as the preferred TPSN candidate, with Terry Fleck and three other members abstaining. The USACE also recommended Oak Ridge Associated Universities. If members have suggestions of language to include in the TPSN scope of work, Sarah Palmer invited them to email her by Friday, November 13, 2009.

***Process Decision:***  
*The Committee recommended its preferred TPSN candidate to the U.S. Institute.*

A member asked whether the USACE had other existing ISR contracts, and Dave Ponganis replied that there are other national contracts, but they are not designed to address the issues confronting the Committee and the USACE in the basin. The agency does not have any other regional ISR contracts.

#### **Highlights from MRRIC Information Sharing Activity 2**

Thanking members for their participation in the SETC workshop, Randy Sellers described the next steps stemming from those activities. The MRERP PDT will take the information gathered over the last two days and add it to the list of values related to the Missouri River to be used in designing the baseline studies. To complete the list, the team will supplement it with information obtained from the public scoping, a review of the literature, and tribal consultations. The list will then be shared with MRRIC in January for discussion at the February 2010 meeting. Asked if the notes from the breakout sessions would be posted to WebEx, Mr. Sellers said the plan was to share the list of values and the characterization, but he would consider adding the notes as well.

If members did not see their comments in the workshop reflected in the PowerPoint summary presented on Wednesday, Mr. Sellers encouraged them to contact him. He will check to verify that the information has indeed been captured.

In response to a member's question, Mr. Sellers confirmed that the public comment period on the P&N closes on December 1. The MRERP team will continue to work with the Committee after the close of the public comment period, and Mr. Sellers acknowledged that if they receive a letter giving public comment after that date, the team still makes an effort to account for it.

### **Business Session: Review Charges to Work Groups**

#### **Agenda Work Group**

Mr. Thorson announced the members of the Agenda Work Group for the February 2010 meeting:

- David Barfield

- Jim Becic
- Tom Graves
- Sue Lowry
- Marian Maas
- Lynn Muench
- Phil Wendzillo

### **Communications Work Group**

Work Group facilitator Pat Lewis noted that the Work Group had added a new task – developing a survey to prioritize the issues raised in the Evaluation. The Work Group will also begin working on a communications/outreach plan for the Committee.

### **ISP Work Group**

Sarah Palmer, who had facilitated the ISP Work Group breakout session, said that the Work Group had been assigned the new task of circulating a survey on the list of possible ISR topics for prioritization by Committee members. She added that there would be an organizational meeting with the selected TPSN candidate to educate the firm on the work of the Committee and clarify the scope of work; the ISP Work Group may identify representatives to send to that meeting.

One of the ISP Work Group members, Bill Lay, had unintentionally been removed from the Work Group list, and the Committee approved the request to restore him to the work group.

### **MRERP Work Group**

Paul Lepisto, Work Group co-POC, solicited Committee approval that the Work Group proceed with the new tasks of managing the selection process for liaisons to the MRERP technical teams and implementing the MRERP engagement strategy. If requested, the Work Group will also plan the November webinar on the FNRs and a January webinar on the MRERP independent external peer review. Mr. Lepisto asked to add Don Borgman, Tim Brygmann, Brian Lovett, and Jim Redmond to the Work Group, and the Committee approved these additions to the Work Group's charge and roster.

### **Nominating Work Group**

The Committee decided to add the new task of developing a proposal to rotate the position of vice chair, beginning in 2011, to the Work Group's charge.

### **MRRP Work Group**

Work Group POC John Drew observed that the Work Group had not acquired any new tasks and would continue with those previously assigned, principally working on developing a MRRIC engagement strategy with the USACE Work Plan.

### **Social, Economic, Tribal and Cultural Study Group**

John Thorson reported that the SETC study group members would continue to meet and serve as liaisons to the Work Groups. Jim Redmond, Study Group POC, added that he had joined the MRERP Work Group to ensure coordination.

## **Business Session: Accomplishments, Press Release, and Planning for the Next Meeting**

### **Accomplishments**

Paul De Morgan reviewed the meeting accomplishments and the next steps for MRRIC and the federal agencies. Members asked to add the presentations the Committee heard on Monday afternoon to the list of meeting accomplishments.

In terms of next steps, Mr. De Morgan noted that the facilitation team would need to receive the read-ahead documents from the Work Groups further in advance of the next meeting than usual in order to prepare the binders for the Committee members. He also noted that those members who have not yet provided their street addresses to Mary Roth should do so if they wish to receive a copy of the binder materials.

### **Press Release**

John Thorson read the text of the draft post-meeting press release and invited comments on it. Members suggested a few small language changes and corrections. With those changes, the Committee approved the meeting press release. Mr. De Morgan noted that Mr. Thorson has taken the lead in preparing the draft press releases and suggested the Communications Work Group might consider whether that is the desired procedure.

### **February 2010 Meeting Agenda Items**

Ms. Bingham asked if there was interest in reviewing the agenda items for the next meeting, and participants indicated they would prefer to receive the information by email.

### **Call to Public and Input from Agency Staff**

There were no announcements or requests for public comment.

### **Wrap-Up and Closing**

John Thorson again thanked the host committee for their work in preparing the meeting and declared the meeting adjourned.

**Attachment A: Attendee Lists**  
November 2009 MRRIC Meeting

<b>MRRIC Members</b>	<b>Interest Category, Tribe, State or Federal Agency</b>	<b>11/03/09</b>	<b>11/04/09</b>	<b>11/05/09</b>
Michael Armstrong	Water Supply	X	X	X
Randy Asbury	At Large	X	X	X
Brian Barel	Thermal Power	X	X	X
David Barfield	State of Kansas	X	X	X
Verlon Barnes	Natural Resources Conservation Service	X	X	X
William Beacom	Waterway Industries	X	X	X
Jim Becic	Fish & Wildlife	X	X	X
Jim Berkley	EPA	X	X	X
Don Borgman	Agriculture	X	X	X
Tim Bryggman	State of Montana	X	X	X
Patrick Cassidy	Thermal Power	X	X	X
Terry Fleck	Recreation	X	X	X
Susan France	State of Nebraska	X	X	X
Dan Fritz	Bureau of Reclamation	X	X	X
Joe Gibbs	Flood Control	X	X	X
Tom Graves	Hydropower	X	X	X
Steve Guertin	U.S. Fish & Wildlife Service		X	
David Johnson	State of North Dakota	X	X	X
Russell Kaldenberg	At Large	X	X	X
William Lay	Local Government	X	X	X
Paul Lepisto	Environmental/Conservation	X	X	X

<b>MRRIC Members</b>	<b>Interest Category, Tribe, State or Federal Agency</b>	<b>11/03/09</b>	<b>11/04/09</b>	<b>11/05/09</b>
Brian Lovett (Alternate for Marcel Kramer)	Conservation Districts	X	X	X
Sue Lowry	State of Wyoming	X	X	X
Marian Maas	Water Quality	X	X	X
Mike Mac (Alternate for Max Ethridge)	U.S. Geological Survey	X	X	X
Henry Maddux (Alternate for Steve Guertin)	U.S. Fish & Wildlife Service	X	X	X
Deb Madison	Fort Peck Assiniboine and Sioux Tribes	X	X	X
Buzz Mattelin	Irrigation	X	X	X
Larry Mires (Alternate for Vicki Marquis)	Conservation Districts	X	X	X
Dave Ponganis (Alternate for Witt Anderson)	U.S. Army Corps of Engineers	X	X	X
John Pozzo	Water Quality	X	X	X
Jim Redmond	Environmental/Conservation	X	X	X
Kenneth Reeder	Recreation	X	X	X
Jim Riis	State of South Dakota	X	X	X
David Shorr	Waterway Industries	X	X	X
David Sieck	Agriculture	X	X	X
Jason Skold	Fish & Wildlife	X	X	
Nick Stas (Alternate for Robert Harris)	Western Area Power Administration	X	X	X
John Thorson	Chair	X	X	X

<b>MRRIC Members</b>	<b>Interest Category, Tribe, State or Federal Agency</b>	<b>11/03/09</b>	<b>11/04/09</b>	<b>11/05/09</b>
Kate Vandemoer	Northern Arapaho Tribe	X	X	X
Elizabeth Wakeman	Flandreau Santee Sioux Tribe	X	X	X
Robert Walters	Cheyenne River Sioux	X	X	X
Michael D. Wells	State of Missouri	X	X	X
Phil Wendzillo	Ponca Tribe of Nebraska	X	X	X
Bob Williamson	Local Government	X	X	X

**Other MRRIC Members in Attendance – Not Seated**

John Drew (Alternate for Mike Wells)	State of Missouri	X	X	X
Jodee Pring (Alternate for Sue Lowry)	State of Wyoming		X	X

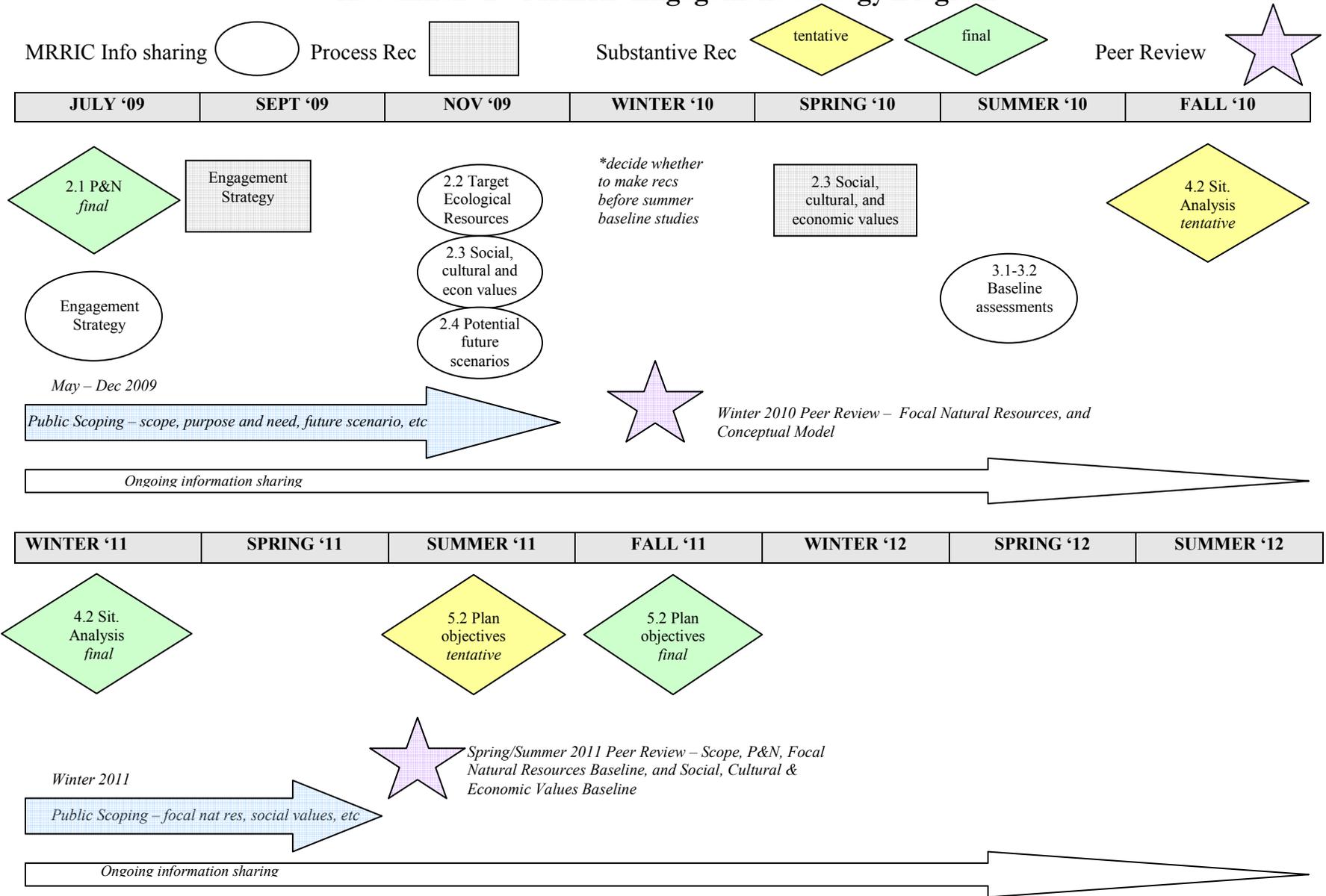
**Non-Member Attendees**

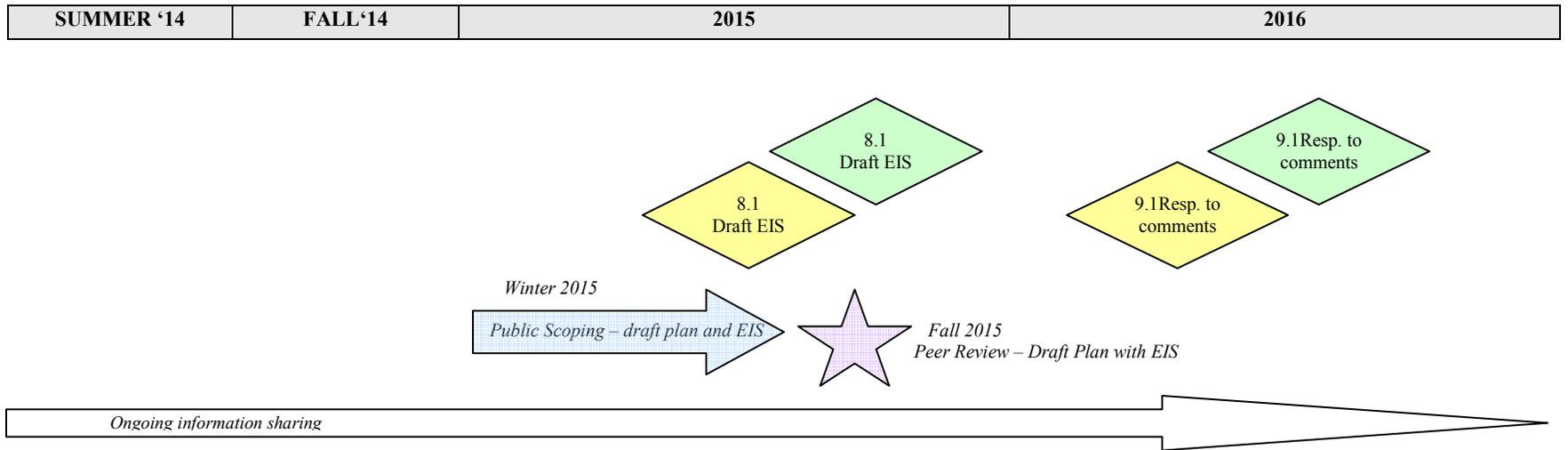
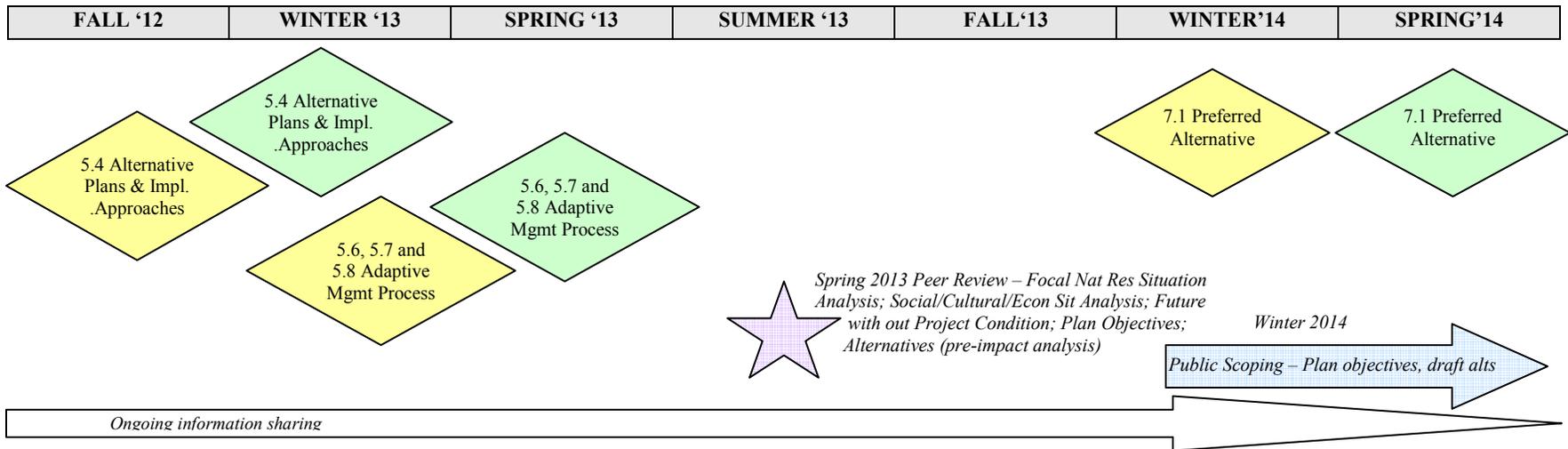
**\*Denotes Federal Working Group Members**

<b>Name</b>	<b>Affiliation</b>	<b>11/03/09</b>	<b>11/04/09</b>	<b>11/05/09</b>
Holly Bender	Louis Berger Group	X	X	
Paul Bonaventura	Louis Berger Group	X	X	
David Brandon	USACE	X	X	X
Robert Campbell	Santee Sioux Nation - Nebraska	X	X	X
Cheryl Chapman	Matrix Consulting	X	X	X
Jody Farhat*	USACE	X	X	X
Mike George*	USACE	X	X	X
Kim Greenwood*	USFWS	X	X	X

<b>Name</b>	<b>Affiliation</b>	<b>11/03/09</b>	<b>11/04/09</b>	<b>11/05/09</b>
Carol Hale*	USFWS	X	X	X
Bill Hill	Bureau of Land Management	X	X	X
Lee Ickes	Santee Sioux Nation - Nebraska	X	X	X
Brian Manwaring*	USIECR	X	X	XZ
Lisa McDonald	Louis Berger Group	X	X	X
Mike Olson*	USFWS	X	X	X
Julie Price	USACE	X	X	X
Teresa Reinig*	USACE	X	X	X
Mary Roth*	USACE	X	X	X
Rick Schuler	Bureau of Land Management	X		
John Seeronen*	USACE	X	X	X
Randy Sellers*	USACE	X	X	X
Karla Sparks	USACE	X	X	
Brad Thompson*	USACE	X	X	X
Thomas Topi	USACE	X	X	X
Patrick Tyrell	State of Wyoming (State Engineer)	X		
Landon Vine	Louis Berger Group	X	X	
Cathi Warren	USACE	X	X	X

## Attachment B: MRERP Engagement Strategy Diagram





## Attachment C: MRERP Engagement Strategy Recommendation

The following describes MRRIC's recommended strategy for engaging in continued consultation with the lead agencies about MRERP. Given the duration and complexity of the MRERP study, MRRIC recognizes that the planning process and, therefore, this engagement strategy needs to be flexible. (See attached diagram for a visual presentation of the recommended engagement strategy. More detail is provided for the current year. Similar detail will be added in one year increments, as the process unfolds.)

### Recommendations:

1. MRRIC requests that the consultation between the Committee and the lead agencies about MRERP be ongoing throughout the duration of the study process. This consultation will take different forms at different times during the study, with substantive recommendations planned at key decision points and other types of engagement such as information sharing or process recommendations at other times.
2. MRRIC's fundamental objective, around which this strategy for engaging in consultation with the lead agencies on MRERP is organized, is to make a substantive recommendation on what MRRIC recommends that the lead agencies should select as the preferred alternative for the restoration plan.
3. To achieve this objective, MRRIC also intends to make recommendations at several key decision points in the MRERP process that the Committee understands are important steps leading to the selection of a preferred alternative and the eventual record of decision. These include, but are not limited to:<sup>3</sup>
  - Key social economic and cultural issues situation analysis (Step 4.2)
  - Plan objectives (Step 5.2)
  - Alternative plans and implementation approaches (Step 5.4)
  - Adaptive management (Steps 5.6, 5.7, and 5.8)
  - Preferred alternatives description (Step 7.1)
  - Draft MRERP EIS (Step 8.1)
  - Response to comments package (Step 9.1)
4. Finally, MRRIC also recognizes the importance of keeping itself informed in an ongoing way about the MRERP process and what is being learned and, thus, recommends information sharing sessions occur at each MRRIC meeting. MRRIC members and constituents also are encouraged to attend public scoping sessions to understand the views of others in the basin and to provide input. This shall be as a representative of their interest, not as a representative of MRRIC.

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<sup>3</sup> Note: The specific language and step numbers refer to the Revised Draft Work Plan for the Missouri River Ecosystem Restoration Plan and Environmental Impact Statement dated May 2009. The specific step numbers and description of these steps may change over time.

## **Attachment D: Roles, Responsibilities and Selection Process for MRERP Technical Team Liaisons**

### **Background**

During the course of the Missouri River Ecosystem Restoration Plan (MRERP) process, technical experts will be frequently consulted to provide critical and scientifically credible assessments of natural resources on the Missouri River. To facilitate and coordinate this work, MRERP technical teams will be assembled.

MRRIC has been invited by the MRERP lead agencies to recommend liaison members to some or all of these technical teams. The following is a recommended approach for MRRIC to provide clarity to the role, responsibilities and process for identifying the liaisons.

Approximately three to five MRERP technical teams are expected to be established.

The technical teams expect to conduct a series of exercises and analyses leading to development of the Focal Resources Baseline Assessment (Outcome 3.1) for those focal natural resources (FNRs) that fall within the team's assigned scope. The exercises expected to be conducted include:

- 1) identification of key ecological attributes (conditions needed to sustain FNRs);
- 2) selection of indicators (measures of the status of the FNRs) and indicator ranks (conditions considered very good, good, fair or poor);
- 3) ranking of current conditions;
- 4) documentation of data sources, literature resources, rationale and justification for decisions;
- 5) documentation of key knowledge gaps and uncertainties.

Although this description generally describes the expected process, many factors such as available data, will shape the ultimate development of the Baseline Assessment.

### **MRRIC Liaisons Role and Responsibilities**

Up to two individuals will be designated MRRIC liaisons to attend each tech meeting or web conference or conference call. The lead agencies will be asked to notify MRRIC members and alternates of the dates, locations and objectives for tech team meetings as much in advance as possible. MRRIC members and alternates will be asked to notify the facilitator for the MRERP work group by a specified date if they are interested in attending one or more meetings. Travel expenses will not be reimbursed.

The purpose of this liaison role is for MRRIC members and alternates to have the opportunity to learn about the work on focal natural resources for MRERP, first hand when possible and also through reports from those who attend. MRRIC liaisons will not speak for MRRIC. MRRIC liaisons generally will observe the work of technical teams and the lead agencies will welcome clarifying questions from the liaisons during two pre-designated time periods of each tech team meeting. MRRIC liaison members will be asked to provide a brief, verbal or, if necessary, a written report at the next MRRIC meeting.

## Identification of MRRIC Liaisons

MRRIC will use the following process for identifying individuals to serve in the liaison role.<sup>4</sup> Liaisons will be designated on a meeting by meeting basis.

MRRIC members and alternates, and others consistent with the MRRIC charter, are eligible to serve as liaison members. In approving this selection process, MRRIC is giving advance approval to any MRRIC member or alternate selected according to the process below to serve as a MRRIC liaison to MRERP technical team meetings. If others consistent with the MRRIC charter are nominated, they must be approved at a MRRIC meeting. The Chair sends a letter to the lead agencies confirming their designation as a MRRIC liaison.

Desired qualifications for a MRRIC liaison member include: regular attendance at MRRIC meetings and the willingness and ability to make accurate and complete reports back to MRRIC. Where more than two individuals express interest in attending the same meeting or call, the criteria for selection will include: giving priority to members, alternates and others consistent with the MRRIC charter (in that order); diversity of perspectives; expertise in that topic; and providing opportunities for as many members as possible to attend a tech team meeting. The facilitation team will report to MRRIC regularly about who was selected and issues that arise in the selection process.

### Selection Process Steps:

1. The MRERP work group facilitator or note taker will send an email to all MRRIC members and alternates as tech team meetings are scheduled, inviting them to indicate their interest in serving as a MRRIC liaison to the technical teams or to nominate another individual. This email will give a deadline for replies.
2. Email responses will be sufficient, and need only indicate the following (although a note about the reasons for interest and expertise would be welcome):
  - willingness to report back to MRRIC, and
  - which tech team meeting(s) is or are of most interest
3. The facilitator will compile all responses. Where no more than two members or alternates have indicated an interest in attending, the facilitator will inform these individuals that they are the liaisons and post a list on WebEx. When more than two members or alternates have indicated an interest and/or when an other person consistent with the MRRIC charter has been nominated, the MRERP facilitator will consult the MRERP work group in applying the selection criteria above.
4. The MRERP work group will report liaisons assignments (or recommendations in the case of someone other than a MRRIC member or alternate), noting the rationale used, to MRRIC at its next meeting.

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<sup>4</sup> The USACE and USFWS will be responsible for selecting the members of the technical teams. To be consistent with CEQ's guidelines for implementing NEPA, cooperating agencies are expected to provide a bulk of the necessary "special expertise." The MRRIC liaison is not expected to play this role.

## Attachment E: TPSN Interview Format and Questions

Approved by MRRIC on September 24, 2009

### Overview

The objective of the interview process is to identify the best qualified candidate to be awarded a federal contract by the U.S. Institute. The U.S. Institute is empanelling the Committee and USACE as a part of our interview panel. The panel will provide input to the U.S. Institute regarding a preferred candidate.

As a federal process, the U.S. Institute, and the interview panel, must follow Federal contracting regulations to ensure integrity, fairness, and openness of the process. If these rules are violated, the selection and contracting process will be jeopardized that could result in the delay of awarding a contract and possibly require a new process be undertaken. The Federal regulations require each candidate be treated the same, that one candidate not be advantaged over another etc.

### Interview Format

Below is a revised format for third party science neutral interviews that incorporates the interview questions and suggestions from Work Group members and additional refinements to Parts 1 and 3 by the ISP work group on September 23, 2009.

#### Part 1. Candidate Presentation (30-35 minutes)

Candidates will be instructed to prepare a 30-35 minute presentation that speaks to how they meet the selection criteria including:

- Your experience managing scientific reviews; to include, what you use as a source(s) for review panel members, how you select panel members and how you and the panel members maintain independence and objectivity throughout the independent review process.
- Your approach to communication and coordination with your clients during the independent review process, your method(s) of documenting the review process and how final reports are prepared and presented.
- Walk the Committee through the independent science review process from the time you receive a scope of work to reporting back to the Committee.
- Any conflicts of interest or any interests or activities that could be perceived by others as a conflict.
- Describe your in-house support for this effort and how they will be integrated into the process.

#### Part 2. Q&A regarding the presentation (10-15 minutes) Committee, USACE, Institute

#### Part 3. Additional interview questions and/or questions for candidate (10-15 minutes)

*NOTE: as discussed by the full MRRIC, the questions previously included here should not be shared with the public and/or interviewees to preserve the integrity of the interview process. As such, the U.S. Institute has removed the questions and will provide them to the full MRRIC at the time of the interviews.*

Part 4. Debrief by Committee and USACE (15 minutes) what were the strengths and weaknesses of the candidate?

## Attachment F: Process for Filling MRRIC Stakeholder Member Vacancies

### ***Background:***

1. The twenty-eight stakeholder representatives on the Missouri River Recovery Implementation Committee (MRRIC) are selected by the US Army Corps of Engineers (Corps) Northwestern Division (NWD) Commander<sup>5</sup> to serve for three year terms. To avoid having all twenty-eight stakeholder members' terms expire at the same time, lots were randomly drawn at the initial MRRIC meeting to appoint one-third of the stakeholder members to one-year terms, one-third to two-year terms, and one-third to three-year terms<sup>6</sup>. Thereafter, all stakeholder members will be appointed for three year terms. In this manner, one-third of the stakeholder members' terms will expire each year.
2. There are sixteen stakeholder interest categories that may have a maximum of two representatives per category. The maximum number of stakeholder members on the MRRIC is twenty-eight<sup>7</sup>. At any time, there are at least four stakeholder "slots" that cannot be filled. All interest categories will be represented by at least one individual.

### ***Current Status:***

1. Stakeholder members whose terms expire on **30 September 2010** (and the categories they represent) are:

	<b>Stakeholder Member</b>	<b>Interest Category</b>
1	Vicki Marquis	Conservation Districts
2	Marcel Kramer	Conservation Districts
3	Jason Skold	Fish and Wildlife
4	Lanny Meng	Flood Control
5	Buzz Mattelin	Irrigation
6	David Schwarz	Major Tributaries
7	Kenneth Reeder	Recreation
8	John Pozzo	Water Quality
9	David Shorr	Waterway Industries

Note: The above table will be updated annually.

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<sup>5</sup> As delegated by the Assistant Secretary of the Army for Civil Works in the Implementation Guidance for WRDA 2007 Section 5018, dated 1 July 2008.

<sup>6</sup> Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 9.

<sup>7</sup> Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 8.

2. Stakeholder Categories and Year of Term Expiration:

Interest Category	Term Expires	Term Expires
Agriculture	2011	2011
Conservation Districts	2010	2010
Environmental / Conservation Orgs	2012	2012
Fish and Wildlife	2010	2011
Flood Control	2010	2011
Hydropower	2012	
Irrigation	2010	
Local Government	2012	2012
Major Tributaries	2010	
Navigation	2011	
Recreation	2010	2011
Thermal Power	2012	2012
Water Quality	2012	2010
Water Supply	2011	2012
Waterway Industries	2012	2010
At Large	2011	2011

Note: The above table will be updated annually.

**Process to Fill Vacancies:**

**Definitions:**

**Term Vacancies** – those vacancies created by the expiration of the current stakeholder representative’s term.

**Out-of-Cycle Vacancies** – those vacancies created by the exit of a stakeholder representative who is unable to fulfill his or her term and who does not have an approved alternate.

1. **Process to Fill “Term” Vacancies:** The application process described in the Charter<sup>8</sup> and used by the Corps for initial stakeholder member appointments will be followed for all term vacancies:

- a. **Vacancies Compiled:** The MRRIC Chair will forward to the NWD Commander a list of stakeholder members whose terms are to expire and which of those members wish to remain on the MRRIC (see **Streamlined Process for Existing Members**, below) as well as any “out-of-cycle” vacancies that currently exist by **28 May**.
- b. **Notice:** Vacant stakeholder categories, including those now filled by existing members, will be advertised by the Corps in the following: the Federal Register, a press release and public notices advertised in newspapers throughout the basin. The Corps will also disseminate the notice through the Corps email lists and to Committee members to circulate among their constituents. Vacant stakeholder categories include all of those categories with members whose terms are to expire on 30 September and the four category “slots” that are not filled. The Federal Register Notice and other outreach

<sup>8</sup> Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10.

- materials will make clear that the law does not allow the federal government to reimburse MRRIC members for travel expenses or provide compensation for their time. Vacancies will be advertised for 30 days, beginning on **15 June**.
- c. **Applications Accepted:** Interested parties that are **NOT Existing Members** (see **Streamlined Process for Existing Members**, below) will submit applications to the NWD Commander along with endorsement letters by **30 July**.
  - d. **MRRIC Recommendation:** Applications from interested parties will be forwarded to the MRRIC for the purpose of providing a recommendation of appointment following its decision-making process<sup>9</sup>. The **Streamlined Process for Existing Members** merges here. MRRIC's review process (see Attachment A) will be completed by **27 August**.
  - e. **Selection Panel Determination:** To ensure balance and diversity of views on the MRRIC, the Selection Panel<sup>10</sup> will select at least one representative for each stakeholder interest category on the Committee. If there are no sitting members or qualified applicants (including renewing members) for an interest category, the Corps will notify the Committee and re-advertise that interest category as vacant as outlined in 3c, "Process to Fill "Out-of-Cycle" Vacancies", below.
  - f. **Selection Process and Criteria:** The application review process will be completed by the Selection Panel by **17 September**. Selection criteria that will be used by the Selection Panel is:
    - ◆ Ability to commit the time required;
    - ◆ Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns;
    - ◆ Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures;
    - ◆ Demonstration of a formal designation or endorsement by an organization, local government, or constituency as its preferred representative;
    - ◆ Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed; and
    - ◆ Ability to contribute to the overall balance of representation on the MRRIC.
  - g. **Notification of Appointment:** Upon completion of the application review and selection process, the Corps will send a letter to those appointed. Applicants who are not selected will be notified either in writing or by phone. All applicants will be notified by **1 October**.

## 2. Streamlined Process for Existing Members:

- a. **Renewal Letter Required:** Incumbent stakeholder members wishing to be re-appointed to the MRRIC do not need to re-submit an application<sup>11</sup>. However, incumbent stakeholder members wishing to have their appointment renewed **must**

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<sup>9</sup> Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10.

<sup>10</sup> Selection Panel is currently made up of senior members of the Corps and USFWS: For the Corps, the Chief of Planning, Environmental Resources, and Fish Policy and Support Division, Northwestern Division; the Chief of Missouri River Water Management Division, Northwestern Division; Deputy Omaha District; Deputy Kansas City District. For the USFWS: the Deputy Regional Director, or designee, USFWS Region 6 Mountain-Prairie Region

<sup>11</sup> Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10.

submit a renewal letter to the NWD Commander by **30 July**. The renewal letter **must** reaffirm that the stakeholder member:

- ◆ Is able to commit the time required to participate fully in the Committee;
- ◆ Is committed to making good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns;
- ◆ Agrees to support and adhere to the approved MRRIC Charter and Operating Procedures;
- ◆ Can demonstrate a formal designation or endorsement by an organization, local government, or constituency as its preferred representative;
- ◆ Can demonstrate an established communication network to keep constituents informed and efficiently seek their input when needed;
- ◆ Is able to contribute to the overall balance of representation on the MRRIC; and
- ◆ Understands that the law does not allow the federal government to reimburse MRRIC members for travel expenses or provide compensation for their time

- b. Endorsement Letter Required:** Letters of endorsement from the constituent group(s) the stakeholder member intends to represent for the new 3 year term **must** accompany the renewal letter. Valid endorsement letters will be dated no more than 90 days (May 1) before the member application deadline. The Corps may verify constituents' support of the applicant.
- c. MRRIC Recommendation:** Renewal letters and letters of endorsement will be compiled with the applications received in **1c**. The **Streamlined Process for Existing Members** merges with the selection process at **1d**.

### 3. Process for Filling “Out-of-Cycle” Vacancies:

- a. Permanent Absence Before End of Term:** In accordance with the Charter provisions, in the instance of the permanent absence of a stakeholder member before their term is completed the alternate member will fill the remainder of the original member's term<sup>12</sup>. Upon assuming primary membership the member will notify the Committee Chair. The member will identify a new alternate for that interest category and inform the Corps' MRRIC Project Manager. The new alternate must submit an application for membership in accordance with the Charter.
- b. ”Out-of-Cycle” Vacancies:** If a stakeholder member becomes unable to serve and has not appointed an alternate then there is an “out-of-cycle” vacancy.
- c. Process to Fill “Out-of-Cycle” Vacancies:** Any “out-of-cycle” vacancy (including any term vacancies that were not filled (see Section 1 paragraph e: “Process to Fill Term Vacancies”)), will be advertised by the Corps in the Federal Register and through public notices throughout the basin. Vacancies will be advertised for 30 days.
- To ensure every effort is made to have at least one representative for each stakeholder category, vacancies will be re-advertised a maximum of three times (for a total of 90 days).
  - In the event that no qualified applicant is found for an interest category and to ensure the maximum number (28) of stakeholder representatives is seated on the Committee, the Corps will review qualified applicants from the interest categories

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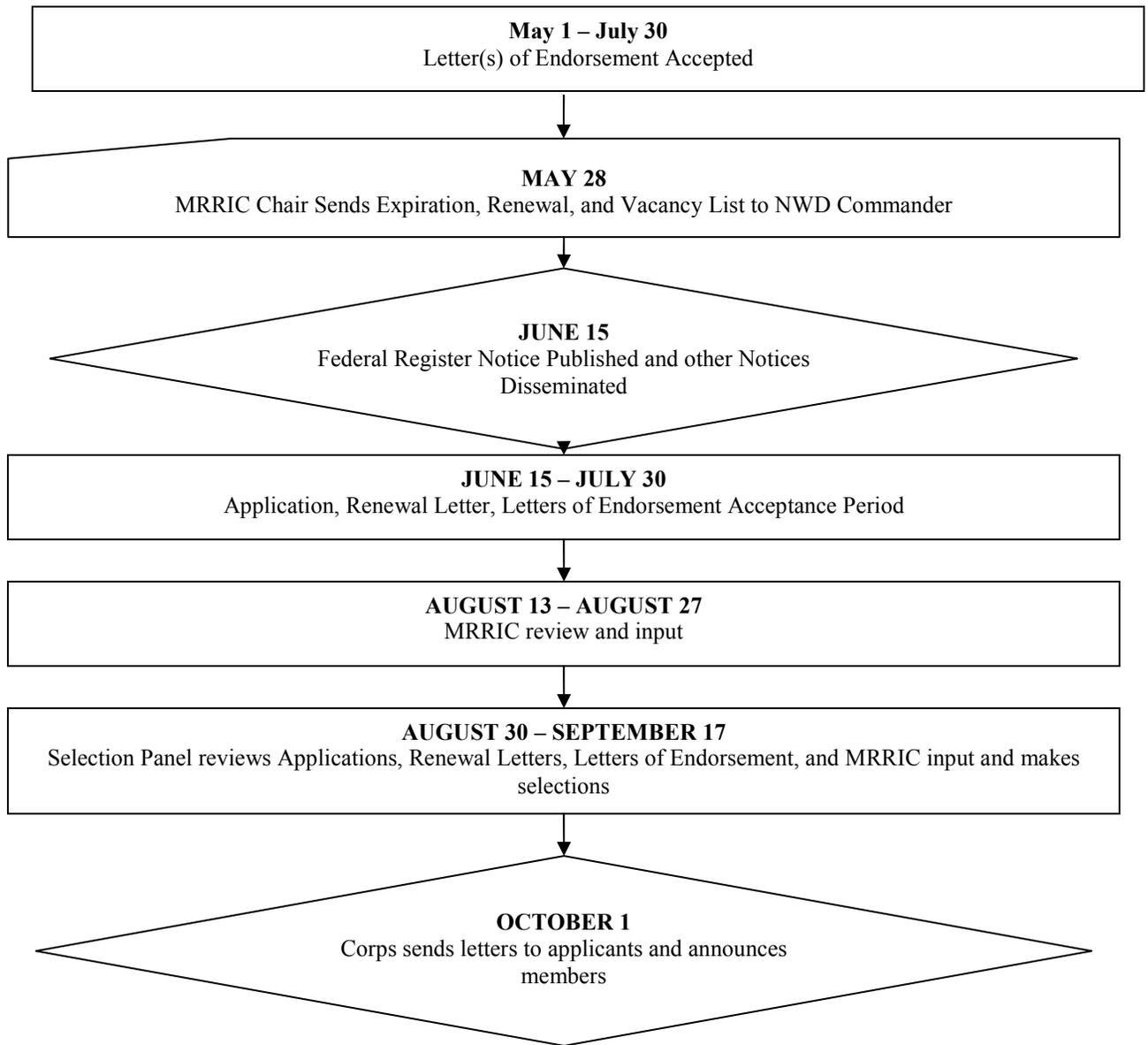
<sup>12</sup> Missouri River Recovery Implementation Committee Charter, 1 July 2008, page 10

with one representative and select a second representative for one of the interest categories.

- If selected to fill a vacancy created “out-of-cycle”, the selected qualified applicant will serve for the remainder of the vacated term.
- If selected to fill a term vacancy, the selected qualified applicant will serve until the end of that term (3 years).

**Note: to avoid the need to advertise vacancies out-of-cycle, it is important that members appoint alternates.**

*Timeline for 2010 Process:*



## Attachment A. Proposed MRRIC Review Process

Once the applications and renewal letters are received, the Corps project manager will compile a list of applicant names and interest categories applicants represent and forward the list to the Committee.

Individual Committee members will complete an on-line survey with two options:

1. to recommend all applicants or
2. to choose which individual applicants they wish to recommend.

The survey will include the option to abstain from making a yes or no recommendation.

Survey responses will be compiled by the Corps and the input used by the Selection Panel during their deliberation.

## Attachment G: Water Management Update

### Reservoir and Runoff Status:

System Storage = 55.1 MAF, 1.7 MAF below the top of the conservation pool, up 10.7 MAF from last year, and down 2.8 MAF from the crest of 57.9 MAF which occurred on 21 July. Storage expected to decline slightly (0.2 MAF) over the winter to 54.9 MAF on 1 Mar

Fort Peck = 2220.4 feet msl, 13.6 feet below top of conservation, 10.6 feet higher than one year ago, and down 0.3 feet from the crest of 2220.7 which occurred on 7 Aug; reservoir expected to rise 4 feet by Mar 1; 9.5 feet below top of conservation at start of next year's runoff season

Garrison = 1841.5 feet msl, 4.0 feet into the annual flood control pool, 15.7 feet higher than one year ago, and down 1.1 feet from the crest of 1842.6 which occurred on 20 Aug, reservoir expected to fall 4 feet by Mar 1; at top of conservation at start of next year's runoff season

Oahe = 1606.8 feet msl, 0.7 feet below top of conservation, 14.9 feet higher than one year ago, and down 7.1 feet from the crest of 1613.9 which occurred on 10 Jun, reservoir expected rise about 0.5 feet by Mar 1; at top of conservation at start of next year's runoff season

Fort Randall annual drawdown in process; will take 10 feet out of reservoir this month by reducing releases from upstream projects and using Fort Randall for downstream flow support. Fort Randall is drawn down 17 feet each fall to make room for higher winter releases from upstream reservoirs for winter power generation

Runoff Forecast = 33.7 MAF, 136 percent of average; no drought in basin; October runoff = 136% of average

Gavins Point releases will be reduced beginning mid-month for the end of the navigation season.

Winter releases from Gavins Point will be higher this winter reducing risks for water intakes.

Concerns about flood risks next spring are being raised. Wet basin conditions combined with reduced channel capacity in some reaches.

### Draft AOP:

Studies based on 1 August starting conditions and median runoff

- Full flood control pool available
- Near full service navigation flow support and full length navigation season
- Hydropower generation 90% of normal in 2010, up from 70% of normal this year and 50% of normal in 2007 and 2008
- Better access for recreation, water supply and irrigation due to higher releases and pools
- Bimodal spring pulse from Gavins Point dam
- Favor Fort Peck and Oahe during forage fish spawn if necessary
- No Fort Peck spring pulse mini-test
- No intrasystem unbalancing in Mar 2010, but implement unbalancing in Mar 2011

- Steady-release flow-to-target regulation during nesting season below Gavins Point

Letter to Tribes on 4 Aug offered consultation, CRST requested consultation – will be arranging

Draft AOP released on 11 Sept

Public meetings week of Oct 5

Comment period closes 20 Nov

Final AOP mid-December

POC: Jody Farhat

[Jody.s.farhat@usace.army.mil](mailto:Jody.s.farhat@usace.army.mil)

402-996-3840

## **Attachment H: Report on Tribal Engagement**

### **Barriers**

- ▶ Excessive workload for tribal leaders and employees; resources are stretched
- ▶ MRRIC may not be priority given excessive workloads and critical projects on tribal lands (e.g., water distribution; housing issues; water quality)
- ▶ Budgetary constraints require prioritization of tribal demands; tribes need to participate in forums that are most beneficial and most cost effective
- ▶ Lack of travel expense support/reimbursement; cost (in terms of time and money) of traveling to and attending 3-day meetings is beyond tribal means
- ▶ Meeting locations – difficult for tribal representatives to attend meetings in urban settings that are far from tribal lands
- ▶ Numerous organizations competing for tribal attendance: MRRIC, MRERP, MoRAST, MRAPS, etc.
- ▶ Historical trauma (may affect tribal attendance)

### **Information-Sharing**

- ▶ Hold face-to-face meetings with new and continuing tribal chairs to acquaint them with MRRIC and bring them up-to-date
- ▶ Tribal MRRIC members and USACE representatives' travel to tribal lands up and down the basin to meeting with tribal councils/leaders
- ▶ MRRIC Tribal representatives contact tribes/chairs known to them to explain MRRIC and its goals
- ▶ Develop Water Law 101 presentation for Tribes
- ▶ Provide MRRIC story and updates to the National Conference of American Indians and other venues where basin tribes participate
- ▶ Develop 1-2 page (hard copy) newsletters to be sent to tribal chairs after each meeting
- ▶ Invite Great Plains Tribal Chairman's Association, Montana and Wyoming tribes to meetings; extend invitations to tribal attorneys
- ▶ Invite Tribal Historic Preservation Officers to a MRRIC meeting – they are experts on the Missouri River/tribal issues (Robert Campbell willing to extend the invitation); potential healing ceremony

### **Meeting Venues/Access**

- ▶ Hold 2010 meetings on reservations
- ▶ Provide access to meetings via teleconferencing
- ▶ Hold MRRIC meetings via videoconference; identify USACE and tribal venues with videoconferencing capabilities (e.g., Native American colleges, basin universities)
- ▶ Coordinate MRRIC meeting with other basin-wide meetings (MoRAST, MRERP, MRAPS, etc.)

### **Travel Funding**

- ▶ Send a negotiator/emissary to D.C. to address WRDA legislation prohibition against federal agencies providing travel funding for MRRIC meetings
- ▶ Basin tribes seek travel funding opportunities on their own behalf, not as part of MRRIC
- ▶ Follow up meeting with Larry Mires, 11/4

### **Addressing Tribal Issues/Topics**

- ▶ USACE engineers and tribal representatives travel to reservations to discuss/advise on tribal projects
- ▶ Find ways to identify “roots” of tribal attendance issues: is lack of travel funding the issue? Note: travel funding was provided for Charter development process; however, attendance was still limited to 3-7 tribal representatives
- ▶ Convene post-meeting conference calls with tribes
- ▶ Explore ways to ensure relevance of tribal projects to MRRIC (is MRRIC the best venue to accomplish tribal goals; what nexus is there between tribal issues and species recovery?)

### **Action Items**

- ▶ Prepare memo capsulizing the discussion and share it with the Committee on Thursday, November 5: John Thorson
- ▶ Convene post-meeting discussions on addressing tribal attendance issues identified at this meeting: Chair, tribal representatives, USACE, USFWS, USIECR
- ▶ Meet with Larry Mires on Wednesday evening, 11/4/09, to discuss his efforts to urge Congress and others to provide travel funding to MRRIC meetings: All
- ▶ MRRIC tribal representatives to contact tribes with whom they have relationships to encourage meeting attendance and provide updates on MRRIC: Tribal representatives
- ▶ USACE prepare letters to new tribal chairs requesting appointments to MRRIC: Joel Ames, Dave Ponganis

## Attachment I: Proposed 2010 – 2011 Meeting Dates & Locations

### Revised Proposal

- multiple reasons
- achieves 2009 approach of different weeks of month
- 5 people might be unavailable for two meetings
- No one unavailable for three

	2010	2011
1	February 2-4, 2010 Missouri (St. Louis)	TBD Kansas
	<i>TBD (end of March)</i> <i>Video conference meeting</i>	
2	April 27-29, 2010* North Dakota (Bismarck)	TBD South Dakota
3	July 13-15, 2010 July 20-22, 2010 [ <i>supp. date</i> ] Wyoming (city TBD by hosts)	TBD Montana
4	October 19-21, 2010 Iowa (city TBD by hosts)	TBD Nebraska

\* back up, if space not available: May 4-6, 2010

**Attachment J: Memo from Joe Gibbs on Social, Economic, Tribal and Cultural Values and Benefits**

MEMO

DATE: October 29, 2009

FROM: Joseph B. Gibbs, PE, Member MRRIC, Flood Control

TO: MRRIC meeting Cheyenne, Wyoming November 3, 4 & 5, 2009

SUBJECT: Social, Economic, Cultural and Tribal (SECT) Benefits and Values

=====

This is presented in the interests of landowners in the Missouri River basin. It is prepared to illustrate the importance of the flood control and channel stabilization programs on the Missouri River and how a reduction in these programs would affect our nation and those living and working along and depending upon the resources of the Missouri River and its floodplain.

Presented too (page 11) are some of the present recovery activities underway, including the Missouri River Recovery Program (MRRP), and needed changes in MRRP activities and project land management policies and rules to be included in a restoration plan (Missouri River Ecosystem Restoration Plan (MRERP)) to make the recovery and restoration process more compatible and favorably supported by taxpayers nationwide and by the affected landowners and stakeholders in the floodplain areas.

This is presented only as a partial listing of SECT Benefits and Values. As the MRERP develops, it can be expected that as the components and provisions to be incorporated and addressed in the MRERP are made apparent, other social, economic, cultural and tribal benefits and values will be identified that need to be included in the MRERP and they too will be used to measure the acceptance of the MRERP.

**Flood Control and Bank Stabilization**

**General**

The Missouri River with its adjoining floodplain meanders across the midsection of the State of Missouri for approximately 367 miles with a width varying from 1.5 to 10+ miles. An additional portion of the river of approximately 186 miles forms the boundary between Missouri and Kansas and Nebraska. In this area, a vast variety of activities has taken place and evolved with the development and the increasing population of the country. Use of the resources in the river and floodplain to date has focused on agriculture, transportation, potable water, minerals, hydroelectric power and wildlife conservation areas. More recently, wastewater treatment, constructed wildlife areas, wildlife habitat restoration areas and recreational uses are being expanded. Coupled with these public and private uses is the need for infrastructure items that serve the public's economic well

being, health and safety. They include highways, railroads, and bridges; electric power, fuel, water, sewage and telecommunications lines and facilities which must cross the floodplain.

The entire area is subject to flooding and is most prone to flooding in the spring and early summer months during seasonal and locally heavy spring rains and during runoff from the spring snow melt in the Rocky Mountains. Flooding conditions have, however, been recorded during almost all of the months of the year and with the increase in population and use of the floodplain's resources, flood prevention measures have been financially justified and implemented to deter disruptions caused by flooding. These measures include runoff detention dams with hydroelectric generators in the headwaters of the river during the 1940's and extensive levee/dike systems on the banks of the river. The headwater detention dams have been augmented with additional dams on the tributaries, and the construction of the levee systems has been ongoing since the earliest periods of settlement of the area.

These measures alone, though, could not and will not prevent the river from meandering and destroying the adjoining lands and infrastructure in the floodplain. The gradient, or fall, of the river averages approximately 0.865 feet per mile. It varies from 0.75 to as much as 1.55 feet per mile. With these gradients, there is sufficient velocity to cause continuous stream bank erosion with resultant meandering of the river channel. With the flooding history of the river and its ability to cut new channels, public and private interests along the river have engaged in efforts to stabilize the banks of the river.

One of the single most important public events to help prevent this meandering came from a Federal program of bank stabilization and channelization initiated in the early period of the twentieth century to develop a reliable navigable channel for barge traffic on the Missouri River. Upon completion of the Pick-Sloan Plan/Program later in the century, a worthwhile goal was attained in that the Missouri River become an integral part of the North American inland waterway system that serves an area from the Allegheny Mountains westward to the plains states and from the Gulf of Mexico northward to Canada. At the mouth of the Missouri River in St. Louis, the river discharges into the Mississippi River. This is the Missouri River's connection with the inland water system in the United States. The Upper Mississippi River forms the eastern border of Missouri for approximately 310 miles with numerous river ports. Discharges from the Missouri River at times reportedly provides 60 percent of the Mississippi River's flow from St. Louis to the mouth of the Ohio River near Cairo, Illinois (approximately 162 miles). Without Missouri River discharges, navigation along the entire eastern border of Missouri would be greatly hampered. These river channels provide the public with an alternative to truck and rail transportation with all of the benefits of national security, cheaper freight rates, better energy efficiency and reduced air pollution for moving bulk and containerized freight.

This bank stabilization and channelization project required the stabilization of the concave banks with stone revetment, the installation of stone jetties and wing dikes to narrow the channel and promote scouring of the channel bottom to produce a consistently deep channel and the straightening of the channel at select places to facilitate the maneuvering of barge tows. This work stabilized and established the location of the channel thereby preventing it from meandering and undermining levees and other infrastructure in the floodplain. An added bonus of channelization was that with a deeper channel, the river could handle greater flow rates between the levees during periods of flooding. With the channel stabilized, levees would be more reliable and public utilities and structures could be built with confidence in and across the floodplain that they would not be continuously torn up or disrupted by the flooding and meandering river. The Pick-Sloan Plan has

not been fully implemented and is not complete as originally designed. Also, many changes over the last 20 years have diminished the effectiveness of the Pick-Sloan Plan. Dike notching, altered flow regimes, reduced funding for channel maintenance, a 10 foot reduction in the stone revetment height on the river's banks for example, and general operations, including levee inspections, have reduced flood control benefits

Upon the projected completion of the enlargement of the Panama Canal in 2014, the inland waterway system, of which the Missouri River is an integral part, is well positioned geographically to be a logical container distribution system to handle the super-sized container ships that will be able to traverse the canal. This capability will become more important with the estimated doubling of the world's population in the next 80 to 100 years, and the proportionate increased need for transportation facilities.

With the channel stabilized, the following essential types of development have taken place in the floodplain:

### **Private Development**

1. Since the first settlers arrived, agriculture has flourished in the valley floodplains because of the fertility of the soils. Cultural and social values are characterized in the floodplains by the number of state recognized "Century Farms" in continuous production and family ownership for 100 years or more. This has taken place primarily because of the natural fertility of the soils and the availability of water for irrigation (1,200 gallons per minute  $\pm$ ) at depths from 20 to 60 feet. This has permitted intensive farming practices and wise use of crop production input resources. The soils are silts and clays eroded from the uplands and have a natural balance of essential minerals and a neutral Ph balance so that they do not need extensive fertilization or any liming. Since they have only slight slopes, little to no erosion is experienced, thus allowing intensive farming practices that will not pollute our streams with sediment like that produced from farming upland soils. The USDA designates these soils as "Not Highly Erodeable Land (NHEL)." With farming in the floodplains comes the need for drainage systems. Drainage is an integral part of irrigation development and is necessary for top yields on non-irrigated land. Flooding disrupts and destroys the sizeable investments in drainage systems, state parks, wildlife areas, land grading, irrigation equipment, and lays waste to annual expenditures on machinery, fuel, fertilizer and chemicals, thus demonstrating additional justification for flood protection. These extremely fertile soils are well known throughout the Missouri River valley for their reliability in producing high crop yields when thoroughly and properly protected from flood waters. Yields for grain and forage in the last 10 years have regularly reached 200+ bushels per acre for corn and 4 to 5 cuttings of alfalfa hay per season. There can be no better use of these soils. This form of land use has greatly added to the overall financial stability of the state and its counties by having this development and personal property included in the property and use tax base. These taxes support operating and bonded indebtedness of local entities such as schools, fire protection districts, county governments, ambulance districts, library districts, levee and drainage districts, public water supply districts etc.

2. As with all other industrialized nations worldwide with ever-increasing populations, transportation of goods and services ranks in importance with food, shelter, clothing and health care. Without transportation carriers in the form of power and water lines, automobiles, trucks, railroads, airlines, ships and barges, a country cannot grow and prosper and compete with other

countries. With the stabilization of the channel has come the development of harbors and ports for supporting barge traffic on the rivers. This form of transportation is cost effective and more energy efficient than truck or rail transportation. As the population of the country increases, demands for adequate transportation will be more intense. Developing and maintaining the use of the nation's lakes and rivers will become more important and this process must not be discarded.

## **Public Development**

1. With the stabilization of the river channel and the resultant reduced threat of flooding, cities have been able to develop resources in the river and floodplain for the benefit of area populations with respect to welfare, health and safety. Municipal and public utilities development includes potable water wells, sewage treatment plants and wetland wastewater treatment facilities. With the river maintaining the water table at shallow depths, an abundance of water is available from alluvial wells or directly from the river itself for the hundreds of thousands of urban residents and the ten of thousands of residents up to two or more counties away from the river in rural public water supply districts that purchase their water from the large capacity municipal facilities. Because of the lower elevations inherent in the floodplains, areas near and in the floodplains are natural locations for sewage treatment plants and wetland sewage treatment facilities. Along with all of these facilities in the floodplains are extensive power and water and sewage distribution appurtenances and service roads so that these facilities can function normally.

2. In order to distribute their services in Missouri and adjoining states, public utilities out of necessity must cross the Missouri River and its floodplain. Among some of the services and products provided by these utilities are power, fuel, water and telecommunications. With the stabilization of the river channel along with the programs to control and reduce the threat of flooding, these public utilities have been able to economically route their lines across the river and through the floodplain and maintain reliable consistent service with little disruption from flooding. Buried utilities across the river valley are located under the river channel. In the floodplain, though, the buried utilities have only 3 to 5 feet of earthen cover. This in many places is in the range of 20 feet above the actual utility lines under river. Without stabilization of the channel and a levee system, meandering of the channel and over-bank flows will expose, damage and disrupt buried utility services. Overhead utility poles, as well, are not immune to damage and disruption of services due to flooding. These sorts of damage occurred dramatically in the 1993 flood and during several other flood events.

3. As with utilities, highways and railroads out of necessity must cross the Missouri River and its floodplain. Given the location of this river in the central part of the country, railroads and highways must be built across the river in several places to maintain the economic health of the country and state and the safety of the general population. Nothing could better illustrate this point than what occurred during the flood of 1993, when the I-70 highway bridge at Rocheport was the only bridge open across the river in the 300+ miles between St. Louis and Kansas City. The stabilization of the river channels, along with the programs to control and reduce the threat of flooding, allow bridges to be built with relatively short spans across the stabilized channels of the rivers. From these bridges, road beds of several miles in length, at a level subject to flooding, complete the crossing of the river valley.

4. Over the past 30 years, Missourians have made great strides via the use of a sales tax on all goods and services that goes directly to the Missouri Department of Conservation (MDC) for the

development of plant, forest and wildlife habitat in Missouri. This tax has no “sundown” provision. In 2008, \$102 million from this tax source alone was conveyed to the Department for these purposes. Multi-million dollar projects have been made along and in the floodplain of the Missouri River to establish waterfowl habitat in the normal flyways for ducks and geese and provide vehicular, pedestrian and disabled access for recreational and educational purposes to the Conservation Areas (CA). Examples include Weldon Spring, Eagle Bluff, Franklin Island and Grand Pass Conservation Areas. For these areas to succeed in their goals, establishing and maintaining bodies of water, providing food plots during periods of migration and providing durable public access is necessary. To accomplish this, numerous levees, low level berms, water level control weirs and gates and electric and diesel powered pump stations valued in the tens of millions of dollars have been constructed. The stabilization of the river channel, along with the programs to control and reduce the threat of flooding, protects these public investments, and precludes unnecessary abandonment and continuous replacement and repair.

5. For the past 24 years, the citizens of the State of Missouri have channeled an additional one-tenth-of-one-percent sales tax through their Department of Natural Resources (MO-DNR) to be divided evenly for the development and upkeep of the state’s parks and for cost-share of funds for erosion control practices on private property. Although this tax has a “sundown” provision, nonetheless it has been reaffirmed every time by Missouri citizens since its initial enactment. In 2006, 70 percent of the voters extended the tax for 10 more years. In 2009, approximately \$60 million was conveyed to the Department for these purposes. Erosion reduction from these public lands and farms results in enhanced water quality in rivers and streams

### **Partial Listing of Public and Private Activities**

1. Following is a partial list of the known activities and land uses both public and private in the Missouri River floodplain between St. Louis and Kansas City. Listed below are the activities and uses with which I have personally worked or with which I have first-hand knowledge. They include utilities, harbors, roads, railroads, parks, wildlife areas, and various hazardous dump sites across the central part of Missouri. Not included here are 268 other uses listed on the US Army Corps of Engineers navigation map for the Missouri River, as well as numerous other municipal and Missouri Department of Conservation facilities. Those marked with an asterisk (\*) are those that experienced substantial damage from flooding in 1993 and 1995.

#### St. Louis and St. Charles Counties

- State Highway 370 Bridge and Pavement, 2 lanes, St. Charles and Earth City Areas.
- St. Charles County Public Water Supply District--Weldon Spring Well Facility,
- Weldon Spring Armory Area
- Missouri Department of Conservation--Weldon Springs Conservation Area.
- Missouri Department of Conservation--Howell Island Conservation Area.
- I 70 Highway Bridge and Pavement, 10 Lanes, St. Charles and Earth City Areas.
- \* US Highway 40 Bridge and Pavement, 4 Lanes, Chesterfield Area.
- U S Dept of Energy--Weldon Spring Arsenal Nuclear Dump Site, rock quarry.
- \* Airport, Chesterfield, MO.
- \* Union Pacific Railroad Tracks

#### Franklin and Warren Counties

- \* State Highway 47 Bridge and Pavement, 2 Lanes, Washington Area.

New Haven Public Works Dept--Sewage Treatment Facility  
Washington, Missouri Public Park--River Access  
Union Pacific Railroad Tracks

- \* KATY Trail State Park Bicycle and Hiking Path

Gasconade and Montgomery Counties

- \* State Highway 19 Bridge and Pavement, 2 lanes, Hermann Area.
- \* Union Pacific Railroad Tracks
- \* KATY Trail State Park Bicycle and Hiking Path

Osage and Callaway Counties

- \* State Highway 100 Pavement, 2 lanes, Chamois Area
- \* Central Electric Cooperative Power Plant, Chamois Area

Cole and Callaway Counties

- \* Jefferson City Public Works Dept--Sewage Treatment Facility, Cedar City Area  
Sewage Lift Station, Jefferson City Area.  
Callaway Co. Public Water Supply District No.2--Distribution lines, Cedar City Area.  
Jefferson City Water Supply Co.--Potable Water Source from river.
- \* US Highways 54 and 63 Bridges and Pavement, 6 Lanes, Jefferson Area.
- \* Capital Sand Company--Construction Materials, Cedar City Area.
- \* Jefferson City Airport, Cedar City Area.
- \* Union Pacific Railroad Tracks
- \* KATY Trail State Park Bicycle and Hiking Path

Cooper and Boone Counties

- \* Columbia Water and Light Dept--Wells and Water Treatment Plant in  
McBaine Area.
- \* Columbia Public Works Dept--Wetlands Wastewater Treatment Facilities,  
McBaine Area.  
I-70 Highway Bridge and Pavement, 4 Lanes, Rocheport Area.
- \* Missouri Department of Conservation--Eagle Bluff Conservation Area, public  
access areas, electric and diesel water pumping stations, McBaine Area.
- \* Missouri Sand Co.--Construction Materials, Rocheport Area.
- \* Williams Pipeline Co.--Diesel and Gasoline Pipelines, McBaine Area.
- \* Union Electric--Power lines, McBaine Area.
- \* Union Pacific Railroad Tracks
- \* Boone Co. and City of Columbia Parks Dept--MKT Nature Fitness Trail Bicycle  
and Hiking Path
- \* KATY Trail State Park Bicycle and Hiking Path

Cooper and Howard Counties

- \* Howard County Public Water Supply District No. 1--Wells, Treatment Plant and  
Distribution Lines in Franklin Area.
- \* New Franklin Public Works Dept--Wells, Treatment Plant and Distribution Lines in  
New Franklin Area.
- \* New Franklin Public Works Dept--Sewage Treatment Facility, New Franklin Area.

- \* US 40 and State Rte 5 and 87 and KATY Trail State Park Bridge and pavement, 2 Lanes, Boonville Area
- \* Panhandle Eastern Pipeline Co.--Natural Gas Pipelines, Boonville Area.
- \* City Utilities Pipeline Co.--Natural Gas Pipelines, New Franklin Area
- \* Sprint Cable Company--Fiber Optic Cable, Boonville Area.
- \* Interstate Marine Terminal--General Agricultural and Bulk Materials River Port Facility, Boonville Area
- \* Missouri Farmers Association--General Agricultural Products Handling and Materials Supply Facility, New Franklin Area.
- \* Missouri Department of Conservation--Franklin Island Conservation Area.
- \* Union Pacific Railroad Tracks
- \* KATY Trail State Park Bicycle and Hiking Path

#### Saline and Howard Counties

- \* Slater Public Works Dept--Wells and Treatment Plant, Glasgow Area.
- \* Marshall Public Works Dept--Wells, Marshall Area.
- \* State Rte 240 Highway Bridge and Pavement, 2 Lanes, Glasgow Area.
- \* Missouri Farmers Association--General Agricultural Products Handling and Materials Supply River Port Facility, Glasgow Area.
- \* Gateway Western Railroad Bridge and Tracks, Glasgow Area.

#### Chariton County

- Brunswick Public Works Dept--Sewage Treatment Facility.
- \* Brunswick River Terminal--General Agricultural Products Handling and Materials Supply Facility, Brunswick Area.

#### Saline and Carroll Counties

- \* Waverly Public Works Dept--Wells, Waverly Area.
- \* State Rte 41 Highway Bridge and Pavement, 2 Lanes, Miami Area.
- \* Missouri Department of Conservation--Grand Pass Conservation Area, public access areas, electric water pumping stations.
- \* Gateway Western Railroad Tracks
- \* Union Pacific Railroad Tracks

#### LaFayette and Carroll Counties

- Higginsville Public Works Dept--River water pump station
- \* US 65 and State Rte 24 Highway Bridge and Pavement, 2 Lanes, Waverly Area.
- \* State Rte 10 Pavement, 2 Lanes, Norborne Area.
- \* Atchison, Topeka and Santa Fe Railroad Tracks
- \* Gateway Western Railroad Tracks
- \* Union Pacific Railroad Tracks

#### LaFayette and Ray Counties

- \* State Rte 13 Highway Bridge and Pavement, 2 Lanes, Lexington Area.
- \* State Rte 10 Pavement, 2 Lanes, Hardin Area.
- \* Atchison, Topeka and Santa Fe Railroad Tracks
- \* Gateway Western Railroad Tracks
- \* Union Pacific Railroad Tracks

2. In addition to the uses listed above are those on public and private lands containing polluted sites. Most prevalent are underground storage tanks for fuel and hazardous materials. Several thousand of these tanks exist statewide, with a proportionate share in the floodplains. In addition to buried tanks are dump sites of hazardous materials that range from chemicals to radioactive materials.

## **Conclusions**

The single most important step in preventing floods is stabilizing the channel and banks of the river. This step is followed with the construction of flood control levees and stormwater runoff detention lakes or structures with beneficial water level and water release policies. This having been accomplished over the past few decades, barge traffic, as a form of transportation providing access to domestic and world markets, has come to the states along and west of the Missouri River. Additionally, with channel and bank stabilization comes the ongoing essential benefit of a stabilized river channel that cannot meander and wash out roads, farms, levees and other public and private developments and infrastructure needed for the welfare, health and safety of the population.

Currently of utmost importance to Missouri and adjoining states are channel and bank stabilization programs, barge traffic, levee repair programs, beneficial water level and water release policies and other programs to prevent flooding. The elimination of any of these programs, uses and policies is simply not a viable option for the future management of the Missouri River and the resources in the floodplain. The elimination of these programs would lead to the eventual destruction, abandonment, relocation or alteration of the all of the above listed developments, uses and activities. In Missouri, tens of billions of dollars are at stake to make the welfare, social, economic, safety and infrastructure adjustments that will be required. Not included with this cost are the cleanup costs to protect the environment that could otherwise be avoided. Below are listed many of the adjustments and probable costs that would be required if the bank and channel stabilization structures and the navigation channel were done away with.

## **Private Development**

1. The greatest impact on the private sector would be economic in nature. Jobs in the floodplain would be completely eliminated, creating unstable economic conditions locally by undermining property tax bases that support schools, fire protection districts, regional libraries, hospitals and county and city governments. Several million dollars annually are at stake in property taxes alone.

2. Farming takes place on the greatest amount of area in the floodplains. Without channelization and levees to prevent annual flooding, modern mechanized farming operations would cease in the river bottoms. This would create ruinous economic hardships in the billions of dollars for the farmers, local agri-businesses and rural communities. Continued erosion of the river bank allows for the advancement of river waters towards levee embankments in the immediate area. When the erosion is left unchecked, levees are eventually undermined by erosion to the point of levee failure. When levees are realigned land-side, landowners lose arable land. These levees on private and public properties protect not only tillable lands but also vital public infrastructure. Substantial stream bank erosion has occurred downstream several hundred feet and outside of the immediate area of dikes that have been cut by the USACE to provide shallow water habitat. This erosion has resulted in a substantial and a measurable increase in area of shallow water habitat at

some locations. Such unchecked erosion by the USACE results in the taking of property, both private and public. For the private land owner there is a monetary loss with the loss of his/her land. Since property taxes are determined from land measurement to the "high bank of the river," the landowner will pay real estate taxes on land he/she no longer owns because it has been washed away. Upon readjustment of taxable acreage at the landowner's expense, local entities lose tax base for the support of schools and community colleges, roads, libraries, public water supply districts, fire protection districts, ambulance districts and clinics, etc.

3. The private transportation industry of barge lines would be adversely affected. Without a channel stabilization program to maintain adequate water depths for barge traffic, this form of transportation would cease. If this method of transportation were eliminated, the state of Missouri would not only lose existing businesses and jobs, but would forever be unable to develop and enjoy the economic benefits of viable industries utilizing river transportation. The elimination of barge traffic on an inland waterway the size and length of the Missouri River and its tributaries would be inconsistent with the future needs of a modern industrialized society and economy. The inland river waterways in Europe have been fully developed and have been in heavy use for nearly 200 years. Other developing nations are rapidly developing their river transportation systems. To illustrate this point, an article in the November 1997 issue of "SOYBEAN DIGEST" illustrates how Brazil has cut freight costs \$30 per metric ton with the startup of barge traffic on the Amazon River. The only substitution for river barge freight would be less efficient truck and rail transportation. Private industry sources have indicated that rail and truck transportation would have to be expanded 300 percent in the area of the Mississippi and Missouri Rivers. This would result in more truckage and highway construction. Lack of maintenance of the navigation channel is threatening its continued functionality for providing navigation and flood conveyance. The navigation channel needs to be maintained and operated at its original project design authorization, which includes channelization and bank stabilization structures, depth and flow.

4. The private transportation industries of railroads and fuel pipelines would be adversely affected. Without channel stabilization and levees, the river would meander across the full width of the floodplain washing out railroad bridges and roadbeds, thereby forcing the railroads into a continuous high cost maintenance program or causing them to eventually abandon or move their rail lines to other locations at a cost of billions of dollars. Fuel pipeline companies would be affected in the same way. At a cost of hundreds of millions of dollars, pipelines would have to be either buried deeper and/or relocated out of the floodplain. Added to these would be the costs associated with the cleanup of a spill resulting from a line that ruptured as a result of being exposed by river currents.

## **Public Development**

The greatest impact on the public sector would be the enormous cost of abandonment and relocation of existing facilities and improvements at the taxpayer's expense. In terms of public facilities, hundreds of billions of dollars are at stake.

1. The river provides a great abundance of water for present and future needs for the central population of Missouri. At over 1,600 locations in Missouri, water is taken either directly from the river or from shallow alluvial wells supplied with water from the river through the sandy aquifers in

the river bottoms around the wells. With an unfettered river, hundreds of millions of dollars would have to be spent on improvements to protect well sites and potable water treatment plant sites from flooding and scouring damage. In some cases, alternative sources of water would have to be developed at a cost of hundreds of millions of dollars because uncontrolled meandering of the river would force abandonment of existing facilities. If alternative sources of water are insufficient for these cases, the growth, general welfare, health and safety in the affected communities would be stymied at great social cost.

2. The same problems with potable water supply facilities would also apply to existing wastewater treatment facilities. For the general health and safety of the population, these facilities must be operated without interruption from uncontrolled flooding and scouring of the river. The only alternative for these facilities is abandonment and relocation. An example of this would be the wastewater treatment for Jefferson City, Missouri, and the wetlands wastewater treatment units for Columbia, Missouri. In Missouri and adjoining states, the cleanup and relocation costs to the taxpayers would amount to tens of millions of dollars.

3. Without its meandering and flooding controlled, the river would scour out, dislodge and break up power, fuel, water and telecommunication lines. Abandonment and relocation of hundreds of miles of these utilities amounting to hundreds of millions of dollars would be required. Even minor flooding can damage lines and cause an interruption of service to industries and communities directly affecting jobs and public safety.

4. With an unfettered meandering river, hundreds of miles of county, state and federal roads in the flood plains not directly associated with bridges would be permanently closed. The affected county public works departments and the US Army Corps of Engineers place a value on these roads from \$46,100 to \$500,000 per mile [US Army Corps of Engineers (USACE) value 1994]. The Missouri Department of Transportation places a value on 2 lane state roads at \$1,250,000 per mile [Missouri Department of Transportation (MODOT) 1997]. Loss of these roads would cut off access to private property and public access to developed wildlife and conservation areas.

5. Roads leading to bridges would eventually sustain catastrophic damage from the freely meandering river. As roads leading to the existing bridges are washed out, additional bridge works amounting to several miles in length for each bridge would eventually have to be built above the floodplains to replace the washed out roads. An example of this has already been partially started across the floodplain at a cost to taxpayers of \$9,100,000 on State Rte 19 north of Hermann. Heavy duty spans, like those presently across the main channel, would eventually have to be built to span the floodplain between the high points on each side of the valley to allow the river to meander freely beneath them. This would amount to hundreds of miles of bridge structures costing tens of billions of dollars. For economy, the bridges would have to be built across the narrowest portions of the valleys. This would require collector roads carrying traffic leading to the bridges to be rerouted on higher ground to provide new bridge approaches. This would amount to hundreds of miles of new roads costing billions of dollars. Dramatic examples of this would be US 40 near Chesterfield, State Rte 47 near Washington, US 63 near Jefferson City, US 40 near Boonville and State Rte 24 near Carrollton. The estimated cost for bridge works on the Missouri River is \$175.00 per square foot, and for two lanes of pavement on land the cost is \$1,250,000 per mile, including land. As an example, to construct bridge works to span the un-bridged 8,000 foot flood plain on US 63 & 54 in Callaway and Cole Counties (Jefferson City, Missouri) with a 4 lane highway with a 28 foot road bed with 8 foot shoulders at today's prices, the probable estimated cost would be \$123,200,000. For a 5

mile re-routing of 4 lanes of US 63 at \$2,500,000 per mile, the probable estimated cost would be \$12,500,000. For a 39 mile re-routing of 2 lanes of MO Rte 94 at \$1,250,000 per mile, the probable estimated cost would be \$48,750,000. For just these roads and no others in area, the probable estimated cost would total \$184,450,000. With inflation and the continued need for more roads in the state, this figure will only get bigger.

6. Without channel and bank stabilization, the meandering and flooding of the river will destroy many of the capital improvements and efforts by federal and state agencies to establish wildlife habitat and most particularly waterfowl habitat and public access. Included with this use are some state parks. The altered landscape will force wildlife agencies to abandon present wildlife management and public access practices and adopt alternate practices that are neither desired by the agencies nor in the best interests of wildlife or the public. The citizens of the state of Missouri have invested tens of millions of dollars in acquiring and maintaining these public areas and they are not interested in losing access to and use of them.

7. In addition to the above environmental concerns is the cost of cleanup of environmentally sensitive or polluted areas that are presently being properly managed and pose no threat. As these areas are threatened and exposed by the meandering river, millions of dollars at taxpayer expense will have to be expended to clean up the existing sites and develop new storage sites.

8. If the floodplain were allowed to return to its natural state, water levels would have to rise to carry the same flows that can be carried at present lower predicted levels. This would come about with uncontrolled woody and weedy growth making the over-bank areas "rougher" than the "roughness factor" used in the flood profile model by FEMA for establishing the present regulatory flood level elevations and "regulatory floodway" in the floodplains. This change in roughness would cause the water to rise and thereby jeopardize existing floodplain development regulations and FEMA flood insurance programs in the river floodplain and the tributaries along the river.

## **Habitat Recovery Activities**

### **General**

A commitment of nationwide tax monies for the purchase of privately owned lands to be converted into wildlife refuges can be viewed as a commendable act since it indicates a willingness to provide for better wildlife habitat. This is particularly noteworthy in terms of cost since these purchases add to the ten of thousands of acres already in public hands.

Originally, the federal government owned all of the land and settlers acquired and developed it for their use and sustenance. After the land passed into private hands, the people established various local governments, which developed public infrastructure and adopted various laws and regulations to which all landowners had to adhere. This was done for the benefit of society and has been instrumental in providing the high standard of living in the country.

With land now being sold back to the government, however, the local laws and powers are not conveyed with the lands passing into the ownership of state and federal governments. The result is that landowners in farming and other communities now find a different [government] landowner next door with special privileges amounting to exemptions from state and local statutes, regulations and taxes. These privileges include the fact in the case of non-payment of property and

use taxes, agency property cannot be sold on the Court House steps for back taxes. Another privilege afforded government property ownership is that the property can neither be condemned for worthwhile public projects nor returned to private hands to revitalize local economies. With the 100 percent loss of personal property tax combined with ever-decreasing tax revenues from real property tax, local entities are realizing unacceptable tax revenue losses impacting their ability to provide essential services and debt service.

Substantial acres of land have been purchased or leased by agencies, public entities and private individuals for purposes of constructing shallow water habitat and other conservation, recovery and recreational uses and investments. There exists a myriad of programs and projects by state and federal agencies and private land uses, resulting in much duplication of conservation and recovery efforts. A partial list of Federal activities would include:

MRRP involving chutes, wetlands, etc.

Big Muddy Wildlife Refuge and Squaw Creek Wildlife Refuge of the US-FWS

Acreages purchased by the USACE and construction projects on state properties to mitigate the effects of channelization and bank stabilization

Wetlands delineations for 404 permits

US Department of Agriculture (USDA) programs of the Farm Service Agency (FSA) and Natural Resources and Conservation Service (NRCS) that include:

Wetland Reserve Program (WRP)

Emergency Wetland Reserve Program (EWRP)

Conservation Stewardship Program (CSP) and CP-23 practice of the Conservation Reserve Program (CRP)

Conservation Easements including USDA requirements on wetlands, farmed wetlands, etc., that regulate land use of private properties

Missouri Department of Conservation (MDC) owns thousands of acres of land in the flood plains where MDC constructed public access areas, wetlands, wildlife habitat and refuges

Private property purchased by hunt clubs

All of these lands with their present uses plus those authorized to be part of recovery amount to hundreds of thousands of acres. The resulting duplication of land uses by agencies combined with those of private individuals has become such a vast area of land that local businesses and county tax bases are being destabilized. There is not a data base providing the identification and compilation of all the acreages, public and private, and activities and land uses authorized and in agency possession and/or control that are taking place for every conservation or recovery program. Local private interests, particularly farming interests, and taxpayers are confused by the myriad of programs and projects involved and want an accounting of all the lands involved before more lands are purchased.

All of these land uses, when located adjacent to private agricultural lands, are incompatible with agricultural uses and their existence imposes hardships on the agricultural community. Most of the hardships are related to agency land management and policies. While working for landowners

and/or levee and drainage districts, I encounter one or more times every six months tracts that are subject to requirements of agency ownership or regulation. Levee and drainage issues impose the greatest managerial hardships. Agencies do not or are not required to cooperate with adjacent landowners with construction or maintenance of drainage and flood protection facilities. This immediately affects drainage and flood protection of farm fields as well as highways and municipal and public infrastructure. The lack of local tax revenue support by the agencies imposes the greatest policy hardships.

This grates against the conscience of a farming community and heightens a widespread level of disgust, since the private landowners are watching their own tax dollars going into the government operations against their own interests. At the present, managers of government properties think they are being good neighbors and believe they are implementing a good neighbor policy when in reality as long as they enjoy exemptions to laws that adjoining landowners have to adhere to, their presence will always be a drag on a farming community by not providing any constructive benefits to the community.

With government purchase of the land, as with that in private hands, come responsibilities, including paying taxes. At present, the local taxpayers are carrying an ever-increasing burden both culturally and economically. The Federal government's record of making payments "in lieu of taxes" upon the initial acquisition of land shows a substantial decrease in payments to local entities. These decreases come not only from the complete elimination of agricultural rental income from the properties upon completion of wildlife habitat development, but also from reduced annual Congressional appropriations for offsetting tax revenue losses to local taxing entities. Combined with the reduction in tax revenues is a correlating reduction in local business. With reduced employment opportunities comes reduction in local population. Those that have to move away have essentially become "conservation refugees."

In their present form, the programs and policies of agency purchases of private lands converted into wildlife conservation areas are totally incompatible with farming communities. Below is a listing of some of the changes that need to be made in order for wildlife conservation development and recovery operations to be valued, respected and openly supported in their respective communities and states.

- 1) Payments-in-lieu-of-taxes must be made directly to the affected political entities and continuously adjusted, based upon the current market value for land in the surrounding area.
- 2) Payments in-lieu-of taxes must be made to all political entities supported and duly authorized in the community.
- 3) The bonding capacity of an entity cannot be lowered due to the presence of agency-owned land. The government agency must underwrite all bonded indebtedness assigned to their lands and guarantee sufficient payments in-lieu-of taxes to support increases in indebtedness approved by the voters.
- 4) If payments-in-lieu of taxes are discontinued for any reason, the lands must be sold on the open market to a tax revenue-producing owner or the affected public entity with the approval of the voters.

5) Basically the lands are to be used for the purposes of wildlife habitat. However, applicable portions of such lands shall also be considered as being held in trust to be readily developed by local entities into worthwhile public works projects such as potable water supplies, wastewater treatment facilities, parks, road, railroads, drainage and flood control systems and port facilities and authorities.

6) Agency lands must be subject without privilege or exception to all local laws of condemnation and powers of eminent domain.

7) The operation of agency lands must be subject to all local laws dealing with zoning and development regulations, noxious weeds, fire protection, floodplain development regulations, etc.

8) Public or private ownership, or the operation of wetlands and other wildlife areas, shall not be deducted from the total of lands for the purposes of determining benefit/cost ratios to meet the requirements of eligibility for government grants and/or 84-99 funds for the repair of levees and other flood control and drainage structures.

9) The agencies must not operate their lands in such a manner as to change the character of the existing land use on adjoining properties. Judgments and awards should be granted liberally in favor of existing land use on adjacent privately owned lands and liberally against agency policies that are detrimental to adjoining land uses.

10) Spring pulses cause flood-related damage to local landowners and public facilities in three ways. High water levels eliminate the functionality of drainage pipes; intermittent flows cause scouring of river banks and undercut levees; and spring pulses during periodic spring time flood flows will overtop and destroy area levees and cause flood depths up to more than 20 feet. Given these three negative outcomes of damage from spring pulses, it is recommended that other methods for conservation of species be implemented.

11) Local landowners believe that the agencies already have enough land authorized in sum total to meet the requirements of the recovery program. They want public and private lands not now considered as part of the total acreage authorized to be owned or controlled by the USACE and the US-FWS to be included as already counting toward the targeted amount of acreage authorized for the habitat recovery program. Local landowners believe that they are making a sufficient commitment toward the recovery effort and continued acquisitions of land for recovery purposes are imposing too great a hardship on them. Agencies need to cease land acquisition or control of any additional lands for the purposes of conservation programs or recovery until:

a) All existing public and private lands utilized for conservation or recovery purposes are identified and categorized in a data base with a conservation or recovery value that is consistent with like categories of lands authorized for conservation programs or recovery;

b) The respective acreages of such identified and categorized public and private lands are included in the targeted amount of lands needed for conservation programs for recovery purposes.

12) Government must provide for payment of losses, both public and private, resulting directly from recovery practices. This would include flood insurance and facility and property repairs, for example.

13) The agencies should not enjoy special privileges on the lands that they control or own. As noted above, some of these special privileges include: a) the non-payment of taxes for support of levees and drainage; b) the non-payment of other taxes or substantially reduced payments of other taxes that are not on par with those levied on adjoining private tracts both at the time of purchase and when land values change; c) the loss of tax base resulting from the destruction of improvements (buildings) and loss of personal property (livestock and machinery) upon initial purchase of property; d) the provision that agency lands cannot be sold for non-payment of taxes; e) the fact that rights-of-way cannot be condemned for public uses; and f) total exemption from local land use and zoning ordinances and noxious weed and plant control ordinances.

14) Changes in agency policies should be designed to gain more positive support for recovery and restoration projects. To help increase support for these projects and to make them more welcome to local landowners and public entities, the following is recommended: 1) operation of wetland banks on agency properties for use by private property landowners; 2) adherence to local zoning and noxious weed laws; 3) input from local stakeholders on the use and features of properties to be purchased by agencies. This would be implemented by public hearings before land purchases. Such uses and features would include items that benefit adjoining landowners and entities, and would include but not be limited to temporary construction and permanent easements for drainage and levee works and assignment of flood protection and drainage benefits, etc.; and 4) halting the deposition of project earthen spoils materials in streams by identifying alternative uses for earthen spoils materials, such as using them for augmentation of area levees.

15) The MRERP should have a policy to monitor all stream bank erosion sites on public and private lands and measure the resultant increases in shallow water habitat area and apply such additional areas as they occur toward the total authorized acreage for the development of shallow water habitat for recovery purposes.

16) The MRERP should have provisions for changing the policies and the scope of activities in the MRRP.

## **Attachment K: Ken Reeder Statement**

### **Introduction**

Kenneth W. Reeder on behalf of:

- Buchanan County, Missouri
- The City of Saint Joseph, Missouri
- The St. Joseph Regional Port Authority
- U.S. Congressional Representative Sam Graves, 6<sup>th</sup> District of Missouri
- Recreation Lower Basin

## Attachment L: MRRIC Work Groups

(As of November 2009)

The MRRIC has five standing work groups and an agenda work group. The agenda work group membership rotates between meetings. Listed below are each standing work group and their members and who should be cc'd on work group communications to ensure coordination.

Work Group	MRRIC POC	Members	USACE Lead and cc	FWS Lead and cc	Facilitation Team Lead and cc
<b>Integrated Science Program Work Group (ISP WG)</b>	<b>Jason Skold</b>	Brian Barels, David Barfield, Bill Beacom, Pat Cassidy, John Drew, Tom Graves, Bill Lay, Marian Maas, John Pozzo, Jim Riis, Travis Horton, <b>Kate Vandemoer</b> , Jim Berkley (EPA), Mark Goeden (USFS), Mike Mac (USGS), John Thorson (Chair)	<b>Casey Kruse</b>  Cc: Mary Roth	<b>Wayne Nelson – Stasny</b>  Cc: Carol S. Hale	<b>Paul De Morgan</b>  Cc: Dana, Gail, Pat, Sarah
<b>Missouri River Recovery Program Work Group (MRRP WG)</b>	<b>John Drew</b>	Randy Asbury, Jim Becic, Terry Fleck, Joe Gibbs, Tom Graves, Dick Iverson, Russ Kaldenberg, Dan Kuenzel, Paul Lepisto, Marian Maas, Vicki Marquis, Skip Meisner, Lanny Meng, Lynn Muench, Dave Schwarz, David Sieck, Liz Wakeman, Bob Williamson, John Thorson (Chair)	<b>Chance Bitner and Teresa Reinig</b>  Cc: Mary Roth	<b>Mike Olson</b>  Cc: Carol S. Hale	<b>Paul De Morgan</b>  Cc: Dana, Gail, Pat, Sarah
<b>Missouri River Ecosystem Restoration Plan Work Group (MRERP WG)</b>	<b>Paul Lepisto and Dave Johnson</b> (co-leads)	Mike Armstrong, Don Borgman, Tim Brygmann, Joe Cothorn (EPA), Susan France, Brian Lovett, Buzz Mattelin, Lynn Muench, Jodee Pring, Jim Redmond, <b>Kate Vandemoer</b> , Elizabeth Wakeman, Verlon Barnes (NRCS), John Thorson (Chair), Randy Asbury (V-C)	<b>Randy Sellers</b>  Cc: Jennifer Switzer, Mary Roth, Cheryl Chapman	<b>Wayne Nelson – Stasny</b>  Cc: Carol S. Hale	<b>Gail Bingham</b>  Cc: Dana, Pat, Paul, Sarah, Brian Manwaring

<b>Communications/IT Work Group (CWG)</b>	<b>Mike Armstrong</b> <b>Mary Roth</b> (co-leads)	Terry Fleck, Bill Lay, Paul Lepisto, Deb Madison, Larry Mires, Ken Reeder, David Sieck, John Thorson (Chair), Chris Horihan (USACE)	<b>Public Information Officer:</b> <b>Kevin Quinn</b>	<b>Carol S. Hale</b>	<b>Pat Lewis</b>  Cc: Dana, Gail, Paul, Randy, Sarah
<b>Nominating Work Group (NWG)</b>	<b>David Sieck</b>	David Barfield, David Johnson, Lynn Meunch, Ken Reeder, John Thorson (Chair), Randy Asbury (Vice-Chair)	<b>Mary Roth</b>	<b>Carol S. Hale</b>	<b>Sarah Palmer</b>  Cc: Dana, Pat, Paul, Gail
<b>Agenda Work Group (AWG)</b>	<b>John Thorson - Chair</b> Randy Asbury- Vice Chair	<i>Membership varies each meeting.</i>	<b>Mary Roth</b>	<b>Carol S. Hale</b>	<b>Gail Bingham</b>  Cc: Dana, Pat , Paul , Sarah