

DRAFT NOTES
Meeting to Provide Input to Nebraska Representation
Missouri River Association of States and Tribes
July 27, 2009
Board Room – Papio Missouri River NRD

Attendance

John Shadle, NPPD
Rocky Peltner, NPPD
Joel Christensen, MUD
Bob Stubbe, City of Omaha
Bob Hilske, Nemaha NRD
Marlin Petermann, Papio-Missouri River NRD
Jim Becic, Papio-Missouri River NRD
Gerry Bowen, Papio-Missouri River NRD
Tom Moser, Lewis & Clark NRD
Russ Baker, OPPD
Kayla Eckert Uptmor, USACE, Omaha District
Lynn Heng, USACE, Omaha District
Mike Swenson, USACE, Northwest Division
Jason Skold, The Nature Conservancy
Marian Maas, Nebraska Wildlife Federation
Paul Johnston, Nebraska Farm Bureau
Kirk Nelson, Nebraska Game & Parks Commission
Gene Zuerlein, Nebraska Game & Parks Commission
Elizabeth Esseks, NDHHS
Jack Daniel, NDHHS
Marty Link, NDEQ
Shuhai Zheng, NDNR
Susan France, NDNR
Steve Gaul, NDNR

Introductions

Steve Gaul welcomed the group and indicated that the purpose of the meeting was to provide input to Nebraska's state representation on the Missouri River Association of states and tribes (MoRAST). He noted that Brian Dunnigan, the Director of the Department of Natural Resources, had called the meeting and very much intended to attend. However, he was unable to do so. He said that the Department of Natural Resources staff would provide Dunnigan with notes from the meeting. He noted that the other Nebraska representative, Kirk Nelson, was in attendance. Gaul indicated that the group's input would be used to help Dunnigan decide on Nebraska input for a MoRAST

meeting expected to occur in late October. He reported that updates on current Missouri River activities would also be provided.

Update on Annual Operating Plan

Mike Swenson, Northwest Division, US Army Corps of Engineers, reported on the preliminary draft operating plan as of July 2009. Mike noted that when Jody Farhat had been promoted he had moved into her old position of power production team leader. Mike provided drought monitor maps indicating that the basin had largely recovered from the drought and dry conditions prevalent in much of the basin at this time last year. He said there had been a late run which resulted in good mountain snowpack. The Corps scenarios show that with median conditions or above there will be no need for season shortening or reduction in flow service. The overall basin runoff is comprised of mountain snow plus plains snow plus 2009 rainfall with a forecast of 31.9 million acre feet or 129% of normal for 2009.

Update on Section 108 Study on Flood Control Act of 1944

Kayla Eckert Uptmor, Planning Chief for the Omaha District, provided a power point presentation on Section 108 of the 2009 Omnibus bill. She also introduced Lynn Heng as the Section 108 Supervisor. She indicated that in her office they had recently begun referring to the effort as the Missouri River Authorized Purposed Study or MRAP. She noted that feasibility studies typically last 36 months but that given the likely scope of this effort, it may well take longer. She reported that the Omaha District and Kansas City District of the Corps were expected to lead the study as a dual team for the Northwest Division. The study is anticipated to cost \$25 million worth of cost share.

The study is expected to go beyond the original eight authorized purposes and a consensus will be sought on any wider focus. Uptmor said she fully expects a series of recommendations to come out of the study. New CEQ fiscal guidelines will be used for review of National Economic Development “NED” benefits. She indicated that public involvement will be an emphasis and a consensus among groups will be sought. She reported that the Corps anticipates using the U.S. Institute for Environmental Conflict Resolution. Scoping appears likely to occur in a four to five month time frame beginning in October. Scoping will occur after listening sessions. Study steps are likely to include: developing the baseline condition (as Phase I), a future condition with no changes, (as Phase II) and Alternatives and Recommendations (as Phase III).

Pick Sloan Plan – 1944 Flood Control Act Presentation

Kirk Nelson, Nebraska Game and Parks Commission, gave a power point presentation which had previously been delivered by Mike Hayden, a former Kansas Governor who is now the Secretary of the Kansas Wildlife and Parks Department. The presentation provided a historic perspective and an individual perspective regarding issues and potential future solutions.

Jack Daniel asked Nelson what the reason was for Missouri not being a better partner in Missouri River efforts. Nelson replied that it will be difficult to address Missouri's concerns without addressing the Mississippi. He noted that MORAST had been reluctant to include reference to the Mississippi when it called for what became the 108 study because of the time and scope it would add to the effort.

Update on Missouri River Recovery Implementation Committee

Susan France reported that she was the Nebraska state agency representative for the Missouri River Recovery Implementation (MRRIC) Committee. The purpose of the Committee is to make recommendations and provide guidance on the Missouri River Ecosystem Recovery Plan (MRERP) and on activities in the existing Missouri River recovery and mitigation program. Susan reported on the dynamics of agencies and interests at a recent South Dakota MRRIC meeting. She noted that State of Missouri representatives had lobbied to have Nebraska leave the Missouri River Association of States and Tribes. She also noted that the four related states agencies in Iowa are split on membership. Jack Daniel asked about the Kansas interest in the Missouri River. France noted that reservoirs in Kansas are operated to release water for navigation on the Missouri. France characterized MRRIC as a stakeholder's forum. Petermann asked Skold about how he felt about MRRIC after a year and Skold indicated that he was fairly optimistic and that two recommendations had been adopted in the first year.

Missouri River Ecosystem Restoration Plan

Gene Zuerlein, Nebraska Game & Parks Commission, gave a presentation on the Missouri River Ecosystem Restoration Plan (attached). Zuerlein noted that it is a seven year process intended to restore ecosystems and that it was initiated in 2008. Funding restraints and new review process requirements were presented as potential reasons for the length of the process. There have been two meetings to date. Zuerlein said that General Galloway had suggested shorter processes are better than longer ones. Zuerlein said he would like to see if they could shorten the process. Zuerlein reported that he is the official state representative and that Gerald Mestl is the alternate. He said that he wanted to make sure that Governor Heineman and Brian Dunnigan are kept informed of what is happening in the study and asked whether communicating directly to the Governor or working through Dunnigan would be the best way to do that.

Presentation on a Sustainable Middle Missouri River Concept

Gene Zuerlein provided a presentation on a sustainable river concept he believed could be applied to future management. A copy of the presentation is available at the Missouri River Association of States and Tribes website at: <http://www.mo-rast.org/Meetings/06-09/Sustainable%20MR%20concept%20-%20Zuerlein.pdf>. Zuerlein indicated that 520,000 acres of habitat had been lost in the river above Saint Louis and that an erodible river corridor could help restore habitat. He noted that the erodible river corridor concept had been used in Europe and the State of Washington.

The presentation included navigation data showing a decline in navigation, especially in the Omaha to Kansas City reach. Swenson indicated he believes navigators would say that reliability of navigation is not the same as it was.

Group Discussion on Current Issues Facing the Missouri River Association of States and Tribes

Petermann said that he believed natural resources districts have shown a great deal of interest in restoring the river, but that they also realize there are limits. He said they are impacted by the plan. He said that districts try to act in a controlled manner that allows for enhancement but is something they can deal with. He said they want to examine and restore the system but they can't restore it the way it was because they would go to the "poor house".

Marion Maas, Nebraska Wildlife Federation, indicated that she approved of the Game and Parks presentation and that she found it to be a breath of fresh air.

Marty Link, Nebraska Department of Environmental Quality, indicated the U.S. Environmental Protection agency may be the player missing from the table. She noted that EPA had been pushing NDEQ for clean sediment free water but that appears to be at odds with some of the wildlife needs being discussed. France indicated that EPA is represented at MORAST meetings.

Petermann reported that one interesting development in recent times has been the move to levee setbacks. He reported that the Papio-Missouri River NRD is examining that possibility in portions of the Platte and Papio drainages. He also noted that nationwide, FEMA is moving toward having levee systems be certified so that they are certain to actually be providing what they are supposed to. There was some discussion of whether a future meeting should be held for providing input to MORAST representatives and/or for informational purposes for attendees. Although there was no clear consensus, most attendees who spoke appeared to continue to have meetings either on a semi annual or annual basis. The meeting adjourned at 11:45 AM

