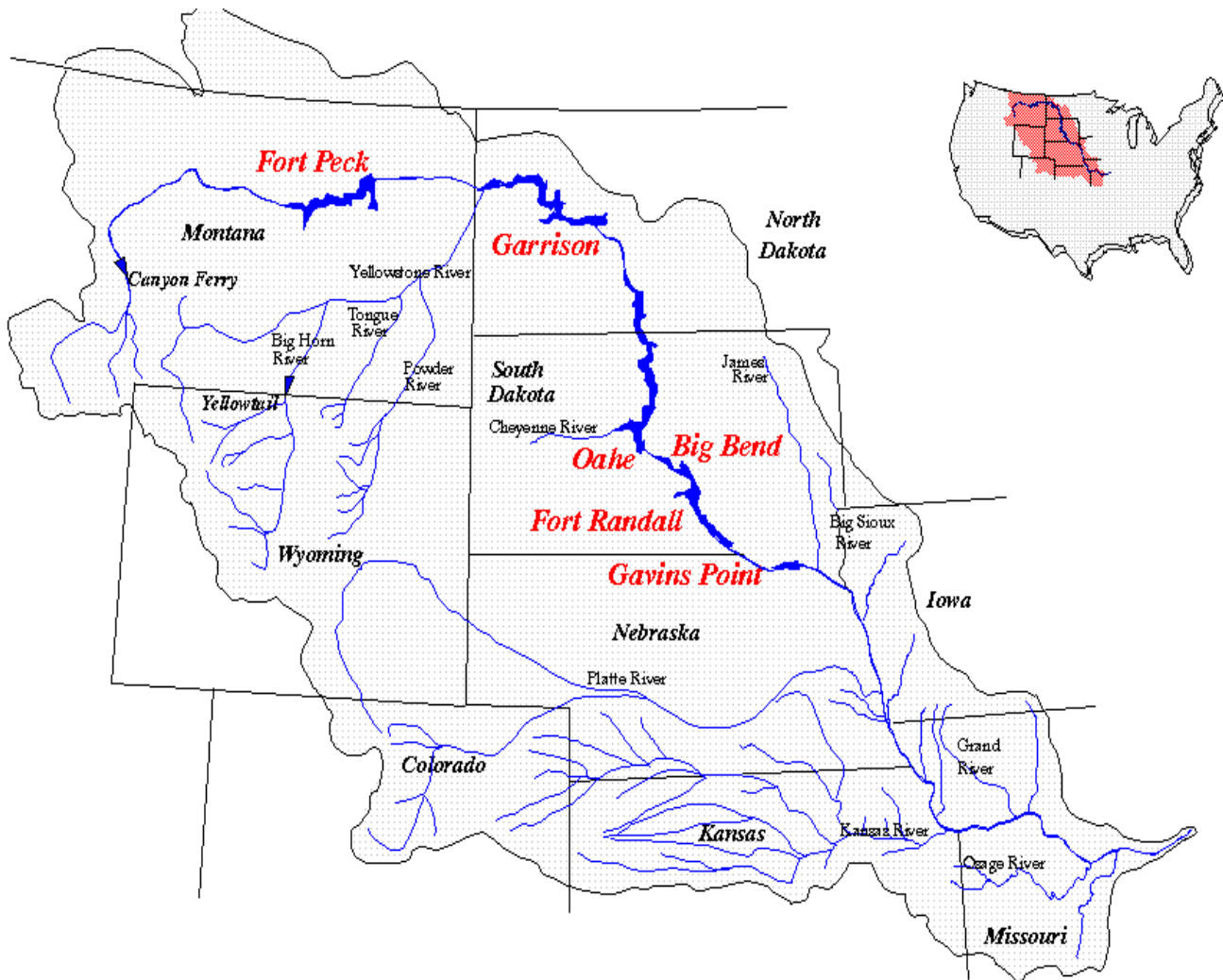


Draft Meeting Notes  
Missouri River Recovery Implementation Committee (MRRIC)  
FINAL

Second Meeting

Omaha, Nebraska  
December 15-18, 2008



## Summary

The Missouri River Recovery Implementation Committee (Committee) held its second meeting in Omaha, Nebraska on December 15, 16, 17, and 18, 2008. The U.S. Institute for Environmental Conflict Resolution (U.S. Institute) facilitated the meeting and notes were taken by a contractor, Juanita Barboa. 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. Members of the public attended the meeting each day.

### Information Sharing Sessions:

- Missouri River Recovery Program (MRRP) (Mike George, USACE)
- Missouri River Ecosystem Restoration Plan (MRERP) Work Plan (Jennifer Switzer and Randy Sellers, USACE)
- MRRP Integrated Science Program (Casey Kruse, USACE)
- Comprehensive Sturgeon Research Program (Mike Mac and Aaron DeLonay, USGS)
- Missouri River Spring Pulse (Larry Cieslik, USACE)

### Committee Consensus Agreements:

#### MRRIC Inaugural Meeting Notes

- Adopting meeting notes from the inaugural meeting in St. Louis, MO, as written

#### Chair/Vice Chair

- Selecting a non-member Chairperson (external) and a member Vice-Chair (internal).
- Adopting the characteristics of Chair and Vice-Chair as drafted by the Nominating Work Group, with the addition of "Familiarity with the Missouri River Basin."
- Selecting a Vice-Chair after the Chair has been selected and soliciting nominations from Committee members interested in the Vice-Chair position.
- Tasking the U.S. Institute with drafting a Federal Register Notice and a posting in FedBizOpps announcing the MRRIC Chair recruitment process, emailing the draft to the Committee for comment, and then posting the final Federal Register Notice in early January. If there are conflicting comments on the Federal Register Notice, commenters will be available by phone to resolve the conflicts. Tasking the U.S. Institute with compiling responses to the Federal Register Notice and FedBizOpps. The Committee will review responses and will contact the Nominating Work Group, to remove candidates from consideration. Committee members will select the top four Chair candidates to interview. This process will

be completed by the March 2009 meeting, when interviews will be conducted. The Committee agreed on this Chair selection process.

- Selecting an Interim-Chair using the same process that was employed to select an Interim-Chair at the inaugural meeting of MRRIC.
- Selecting Randy Asbury as its Interim-Chair. Randy will serve until the Chair selection process is complete.
- Compensating the MRRIC Chairperson between \$2,500 and \$3,000 per month in a time and materials contract with the U.S. Institute. The Chair will also be reimbursed for travel. The contract will be for the calendar year. The Committee agreed with the option to review the Chair's contract and compensation during the year.

#### Operating Procedures

- Disbanding the Operating Procedures Work Group and the Private Funding Work Group.
- Initially adopting the MRRIC Operating Procedures as amended. The Committee will make its final decision to approve the amended operating procedures at the January meeting.  
Retaining password protection on the MRRIC WebEx site.

#### Facilitation Team Selection Process

- Interviewing the top four facilitation team candidates at the next MRRIC meeting.
- Allocating one hour for each facilitation team interview during the January 2009 MRRIC meeting.
- Requesting that the U.S. Institute combine and refine a set of facilitation team interview questions that can be answered within the one-hour interview session.
- Meeting Scheduling
- Scheduling meeting #3 for January 27-29, 2009.
- Holding meetings on the following schedule for the calendar year 2009:
  - March 3, 4, 5, 2009
  - May 12, 13, 14, 2009
  - July 21, 22, 23, 2009
  - September 22, 23, 24, 2009
  - November 3, 4, 5, 2009
  -

#### Communications

- Initiating requests for information from federal agencies through work groups to Randy Asbury.

## **Work Groups Established:**

### Nominating Work Group

David Sieck, point of contact. Members are Lynn Muench, Bill Lay, David Johnson, and Dave Barfield.

This Work Group is tasked with tallying and reporting to the Committee the candidates recommended for interview and those not recommended for interview.

### Information Technology (IT) Work Group

Mike Armstrong, point of contact. Members are Paul Lepisto and Terry Fleck. The IT Work Group will continue to explore how best to use the MRRIC website and WebEx site to share information.

The Work Group will coordinate with Teresa Armagan and Mary Roth (USACE) to:

- Refine the proposed organizational structure of the MRRIC WebEx site
- Gather Committee member suggestions for what documents should be posted on the MRRIC website ([www.mrric.org](http://www.mrric.org)) for the public
- Determine to what extent the MRRIC WebEx site and the MRRIC website ([www.mrric.org](http://www.mrric.org)) can mirror each other.
- Coordinate with the Corps on the Committee's prioritization of webinar topics.

### MRRP Work Group

John Drew, interim point of contact. Members are Joe Gibbs, Tom Graves, Vicki Marquis, Russ Kaldenberg, Lanny Meng, Marian Maas, Lynn Muench, and Mike George, USACE resource.

The MRRP Work Group will:

- Review the 2009 activities and identify specific areas that the Committee needs to consider developing a recommendation on, and forward to the Agenda Work Group for the next meeting (January 27-29, 2009).
- Review the draft 2010 MRRP work plan and the GAP Report to identify priority areas that the Committee needs to consider developing recommendations on, and forward to the Agenda Work Group for the first meeting 30 days following the Corps of Engineers' "Lock" on the work plan.
- Review the 2011 proposed work plan and identify priority areas that the Committee needs to consider developing recommendations on, and forward to the Agenda Work Group for the first meeting after the end of January (i.e., March 3-5, 2009). These Committee recommendations need to be presented to the Corps at the end of April.

- Identify potential methods to provide timely updates from the Corps of Engineers on the current activities and report to the Committee at the next meeting (January 27-29, 2009). (Monthly management updates, GAP Rep[ort, Success Reports)

#### MRERP Work Group

Paul Lepisto, interim point of contact. Members are Kate Vandemoer; Buzz Mattelin, Lynn Muench, David Johnson, Mike Armstrong, and Jennifer Switzer and/or Randy Sellers (USACE resources).

The MRERP Work Group will:

- Review the purpose and need statement and develop recommended input for the Committee to consider making a recommendation on and forward to the Agenda Work Group for the next meeting. These Committee recommendations need to be completed by June 1, 2009.
- Review the engagement strategy for input into the study and identify a process and schedule for the Committee to interact with the Corps of Engineers in the future and report progress at each of the next meetings. The Committee recommendations regarding the engagement strategy need to be completed by September 1, 2009.

#### Integrated Science Program (ISP) Work Group

Jason Skold, point of contact. Members are Bill Beacom, Kate Vandemoer, Jim Riis, Mike Ruggles, Bill Lay, John Drew, David Barfield, Marian Maas, Pat Cassidy, and John Pozzo. Casey Kruse (USACE), Carol S. Hale, (USFWS), and Mike Mac (USGS) are agency resources.

The ISP Work Group will address the following issues:

Commercial Harvest of Pallid Sturgeon Similarity of Appearance (SOA Listing) by:

- Creating a document detailing alignment of the issue with the MRRIC Purpose and Scope.
- Coordinate contact and invite input from Commercial anglers, states and the scientific community on behalf of the MRRIC by the next meeting (January 27-29, 2009)

Adaptive Management/Agency Coordination by:

- Reviewing the application of current scientific research being used to proposed adaptive management decisions and presenting to MRRIC by May 2009.
- Developing a process to make recommendations(s) for these decisions and presenting to MRRIC by May 2009.

Independent Scientific Review by:

- Coordinating with the Independent Science Program to begin the process of identifying Independent Science needs and create a work plan to fill needs and bringing a recommendation to MRRIC by March 2009.

Agenda Work Group (January 2009 meeting)

Volunteers include Jim Redmond, Paul Lepisto, Dave Sieck, Bill Beacom, Don Borgman, Tom Graves, and Dave Barfield.

The Agenda Work Group is tasked with collaborating with the Committee's Interim-Chair Randy Asbury, Mary Roth (USACE), Carol S. Hale (USFWS), and the facilitation team (Sarah Palmer and Pat Lewis of the U.S. Institute) to develop a draft agenda for the January 2009 MRRIC meeting. The agenda will be vetted and finalized by January 20, 2009.

### **Summary of Action Items:**

U.S. Institute

- Post inaugural MRRIC Meeting Minutes as final on WebEx.
- Work with USACE on determining search/organization protocols for WebEx.
- Contact facilitation team candidates and schedule interviews.
- Check references of the top two facilitation team candidates once determined in January.
- Recruit for the Chairperson position by posting a Federal Register Notice and issuing a Request for Proposal on FedBizOpps.
- Compile webcast topics prioritized by the Committee and provide the analysis to the IT work group.
- Reformat the MRRIC Operating Procedures based on the revisions made at this meeting and present them at the January 2009 meeting for formal adoption by the Committee in January.
- Coordinate with the USACE to explore ways to encourage and increase tribal participation on the MRRIC.
- Arrange January meeting agenda topics based on time frames available and forward the list to the Agenda Work Group for input.
- Publish the December 2008 draft meeting minutes 15 working days after the end of the each meeting, if feasible.

## USACE

### IT/Communications

- Coordinate with the U.S. Institute to determine search/organization protocols for the MRRIC WebEx site and the MRRIC.org website.
- Identify resources necessary for setting up webcasts.
- Create a proposal for a communications work group and provide at the January meeting.

### MRRP

- A Committee member referred to the MRRP mission from the website and asked if the Committee could see other information to become more familiar with the MRRP process. Mike George will post MRRP background information to WebEx and is willing to present updates at the next meeting.
- Provide information on the gap analysis program that serves as guidance for the willing sellers program conducted by the USACE.
- In the future, MRRIC will want to know the total number of acres under consideration for purchase.
- In March, 2009, provide the 2011 MRRP work plan to the MRRIC Committee for the opportunity to work on the plan until October.
- Provide the Committee not just the 2009 MRRP budget but an accounting of what which items dropped off the work plan based on the budget cuts.
- During the discussion about how the USACE, USFWS, and states acquire land, a suggestion was made that perhaps a presentation on the mitigation program would be helpful for the Committee.
- Add a cultural component to the interlocking circles graphic in the MRRP presentation.
- The USACE will present its Recovery Program annual report to the Committee in January.
- Post Craig Fleming's 8-page adaptive management primer for stakeholders on WebEx. There are various stages of completion for the steps of the adaptive management plan. Craig should be invited to the next Committee meeting to talk about adaptive management.

### MRERP

- MRRIC will be added as a line item instead of being identified under "Other Statutes" in the MRERP presentation.
- The USACE will inform the Committee about the amount of time that will be required of members serving on MRERP technical teams.

## Spring Pulse

- Provide a status of the levees that were breached in 2007.
- Research whether there is a list of navigation structures that are damaged or in disrepair.
- Deliver a presentation of the levee repair process at a future MRRIC meeting.
- Provide rating tables to the Committee (correlating the flood stage to the cubic feet/second [cfs]).
- Deliver a presentation (at the next or future meetings) on the scientific and physical monitoring that is part of the spring rise process.

## Other

- Research funding for member travel to MRRIC meetings, as well as invitational travel funding for guest speakers at MRRIC meetings.
- The Committee's expectation is to hear from the USACE at a future meeting on two separate issues: tribal issues and cultural resources.
  - Mike George stated that Julie Price of the USACE is the cultural outreach point of contact and she can make a presentation to MRRIC if requested.
  - A Committee member stated that cultural resources are different than government-to-government consultation. The Committee member would like to see a presentation by the USACE archeologist or tribal coordinator. The Assistant Secretary of the Army charged the USACE with coordinating a training on cultural resources. Joel Ames is tasked with coordinating with the Tribes to conduct this training.

## USFWS

- Henry Maddux will provide a list of species that have been delisted due to improvements or changes in species' habitat.
- Mike Olson will reply to any written questions from Committee members on the BiOp presentation.
- Henry Maddux will check on whether the draft rule on commercial harvest can be shared with the Committee.
- The USFWS will deliver a presentation on the Fish and Wildlife Coordination Act and reclamation projects at a future MRRIC meeting.

## All Agencies

- Consider shrinking file sizes and providing presentations posted to WebEx and provide in a format that can be printed in black and white.

## Table of Contents

Day 1: Monday, December 15, 2008.....	1
Day 2: Tuesday, December 16, 2008.....	1
Meeting Opening and Introductions.....	1
Approach to this Meeting, Agenda Review, and Approval of Minutes.....	2
Guidelines and Decision-Making for this Meeting.....	2
Agenda Review.....	2
Meeting Minutes from the Inaugural Meeting of the MRRIC.....	2
Business Session: Work Group Reports.....	2
Operating Procedures Work Group – Report by Bob Williamson.....	2
Information Technology Work Group report by Mike Armstrong; WebEx and Webinar Demo by Chris Horihan (USACE).....	5
Private Funding Work Group – Report by Jim Redmond.....	7
Nominating Work Group – Report by David Sieck.....	8
Interim-Chair Nomination.....	10
Nominees for Interim-Chair.....	10
Information Sharing Session 1: Missouri River Recovery Program (MRRP) – by Mike George (USACE).....	10
Homework.....	13
MRRIC Meeting Schedule.....	13
Facilitation Team Candidates.....	13
Day 3: Wednesday, December 17, 2008.....	14
Meeting Opening and Introductions.....	14
Pending Business from Tuesday and New Business.....	14
Characteristics of MRRIC Chair.....	14
Facilitation Team Interviews.....	14
Request for Additional Presentation.....	15
Information Sharing Session 2: Continuation of Missouri River Recovery Program: MRERP Work Plan – by Jennifer Switzer and Randy Sellers (USACE).....	15
MRERP Draft Work Plan.....	16
MRRIC Involvement in MRRP and MRERP.....	18
Information Sharing Session 3: Endangered Species Act / Missouri River Biological Opinion Overview – by Mike Olson (USFWS).....	20
Information Sharing Session 4: Integrated Science Program (ISP) – by Casey Kruse (USACE).....	22
Information Sharing Session 5: Comprehensive Sturgeon Research Program – by Mike Mac and Aaron DeLonay (USGS).....	22
Questions for the Committee.....	24
Work Group Discussion.....	25
MRRP Work Group (notes from December 17 and 18, 2008).....	25
MRERP Work Group (notes from December 17 and 18, 2008).....	26
Integrated Science Program (ISP) Work Group (notes from December 17 and 18, 2008).....	26
Nominating Work Group (topic discussed on December 18, 2008).....	27
IT Work Group (topic discussed on December 18, 2008).....	27
Agenda Work Group for the Next Meeting (topic discussed on December 18, 2008).....	27
Annual Report Work Group / Evaluation Group (topic discussed on December 18, 2008).....	27
Information Sharing and Coordination Work Group (topic discussed on December 18, 2008).....	28

Operating Procedures Work Group (topic discussed on December 18, 2008) .....	28
Private Funding Work Group (topic discussed on December 18, 2008) .....	28
Call to Public .....	28
Possible Webcast Topics .....	28
Facilitator Interview Questions .....	28
Day 4: Thursday, December 18, 2008.....	29
Meeting Opening and Introductions.....	29
Agenda Check.....	29
Information Sharing Session 6: Spring Pulse – by Larry Cieslik (USACE) .....	29
Compensation for the MRRIC Chair .....	31
Planning for Next Meeting .....	31
Operating Procedures Revisions: .....	32
Agenda Work Group.....	33
Call to Public .....	34
Appendix A: Characteristics of Committee Chair .....	35
Appendix B: 2009 Meeting Schedule .....	36
Appendix C: Attendee Lists .....	37

## **Meeting Notes**

The Missouri River Recovery Implementation Committee (Committee) held its second meeting in Omaha, Nebraska, on December 15–18, 2008. The meeting was facilitated by Sarah Palmer, Brian Manwaring, Patricia Lewis, of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) and J. Michael Harty, contractor to the U.S. Institute. Notes were taken by Juanita Barboa, contractor to the U.S. Institute.

### **DAY 1: MONDAY, DECEMBER 15, 2008**

An optional presentation and field trip was held from 2:30 to 5:00 pm. The U.S. Corps of Engineers (USACE) provided an overview of the shallow water habitat program prior to the site visit. Following the presentation and question and answer session, attendees were transported to the Schilling Wildlife Management Area located at Plattsmouth Bend near Plattsmouth, Nebraska. The overview presentation and photos of the Plattsmouth Bend site are posted on WebEx.

### **DAY 2: TUESDAY, DECEMBER 16, 2008**

#### **Meeting Opening and Introductions**

It was announced that there was a quorum at the meeting.

Randy Asbury, Committee Interim-Chair, opened the meeting and welcomed Committee members. He reviewed meeting objectives and added the objective of confirming the next meeting date.

G. Witt Anderson, Program Director, Northwestern Division of the USACE, congratulated the Agenda Work Group on creating a rigorous agenda. He spoke of Monday's field trip, noting that expansion of the chute will support a program goal of developing 20,000 acres of shallow water habitat. He stated that the Wednesday evening's social hour (sponsored by Husch Blackwell Sanders LLP; Iowa Corn Growers and David Sieck; Don Borgman and John Deere) would be a good opportunity for networking. He announced that Mary Roth was selected as the USACE MRRIC program manager.

Henry Maddux, Geographical Supervisor, U.S. Fish and Wildlife Service (USFWS), welcomed the group on behalf of the Mountain-Prairie Region's Regional Director Stephen Guertin, who was unable to attend the meeting. Henry relayed that the Missouri River Recovery project has been mentioned in briefings of the government's transition team. He noted that the Missouri River Ecosystem Restoration Plan (MRERP) will be the future of the basin.

Sarah Palmer introduced Mike Harty, a contracted facilitator for the U.S. Institute. Mike will be part of the U.S. Institute facilitation team for this and the next MRRIC meeting. Russ Kaldenberg, an "at large" member of MRRIC, introduced himself.

## Approach to this Meeting, Agenda Review, and Approval of Minutes

### Guidelines and Decision-Making for this Meeting

Sarah Palmer stated that a quorum of stakeholders was present. Because Operating Procedures had not yet been adopted, the Committee agreed to follow the guidelines drafted by the facilitation team and used at the first meeting of MRRIC. The Committee agreed to make process decisions at this meeting.

**Decision:** *The Committee agreed to make process decisions at this meeting.*

### Agenda Review

The facilitation team reviewed the agenda for Tuesday, Wednesday, and Thursday. The Committee agreed to move forward with the agenda.

Meeting Minutes from the Inaugural Meeting of the MRRIC.

The Committee discussed whether to approve the meeting minutes as written. The Committee agreed to live with the notes as written. The U.S. Institute will post the meeting minutes as final on the MRRIC WebEx site.

**Decision:** *The Committee agreed it could live with the notes Inaugural Meeting minutes as written*

### Business Session: Work Group Reports

Operating Procedures Work Group – Report by Bob Williamson

Bob Williamson reviewed the edits to the MRRIC Operating Procedures proposed by the Operating Procedures Work Group.

Definitions:

*Substantive Issues:* The Operating Procedures Work Group reported that the definition of substantive issues as put forth in the Charter and the draft Operating Procedures is sufficient, reasoning that if the Committee cannot reach consensus on any issue, then the issue, by default, becomes substantive.

The Operating Procedures Work Group recommended the Committee accept the definition of *substantive issues* as written in the Work Group's handout. It was pointed out that, at the last meeting, the following non-substantive tasks were agreed upon by the Committee: selection of officers, selection of meeting dates and acceptance of meeting minutes. A Committee member suggested that those non-substantive issues should be listed in the Operating Procedures. Others felt that members should be trusted to make important issues substantive by not agreeing to consensus. A member

proposed adding “by any member” [of the Committee] to the end of the definition of *substantive issue* on page 2 of the Operating Procedures. The Committee agreed to amend the definition of “substantive issue” as proposed.

**Decision:** *The Committee agreed to amend the definition of “substantive issue by adding “by any member of” [of the Committee] to the end of the sentence. The Committee agreed to adopt the definition of “meeting” and the change to the preamble proposed by the Operating Procedures Work Group.*

*Meeting:* The Committee agreed to the Operating Procedures Work Group’s proposed change to the preamble and the proposed change to the definition of *meeting*.

*Conflict of Interest:* The Operating Procedures Work Group reviewed several different definitions of *conflict of interest*. The Committee discussed whether to affirmatively state that everyone on the Committee has a conflict of interest and whether to remove the conflict of interest section from the Operating Procedures. Members posited that they were not selected to be “objective” but to represent their interests. Members discussed revising or deleting various portions of the definition.

John Seeronen, USACE legal counsel, recommended that the Operating Procedures should address conflicts of interest, particularly by addressing family members profiting from a decision. He recommended changing the second sentence of the definition to say “when appropriate” (regarding members recusing themselves after disclosure about certain issues). A Committee member proposed keeping the first sentence in the conflict of interest paragraph; changing the second sentence to “In other matters Committee members are obligated to avoid and disclose ethical, legal, financial or other conflicts of individual interest involving MRRIC”; and delete the last sentence, but consensus was not reached on this proposal. Al Sturgis, Lynn Muench and Bill Lay volunteered to work on revising the definition over lunch.

The following conflict of interest language was proposed by the group proposed after lunch:

All Committee members have the affirmative responsibility for representing the interests and concerns of the organizations, institutions, and constituencies they represent and the other interests set out in the charter and in the performance of such duties do not have any conflict of interest. Beyond Committee advocacy, Committee members are obligated to avoid and disclose any individual ethical, legal, financial or other conflicts of interest involving MRRIC.

John Seeronen clarified that statutory provisions regarding conflicts of interest require disclosure and in some instances this requires recusal from certain deliberations. He recommended that if specific deliberations would result in financial impacts to a member

or their family, the member may want to consult John Seeronen or other legal counsel involved on this Committee. Since the Committee was established by the Secretary of the Army, members are permitted to seek consultation from an Army ethics advisor. It was noted that all “stakeholders” represent an interest group; therefore, membership on the Committee necessarily means that members are a stakeholder and possibly have a conflict of interest. John Seeronen replied that if the issue is concerned with broad-based policy, for example, “agriculture” in general, there would not be a conflict of interest. But if an issue is very specific, for instance setting up a mitigation site on property owned by an individual on the Committee, then there may be a conflict of interest.

A member noted that the key in the conflict of interest language is “disclosure.” The member noted that the Operating Procedures should include some language about conflict of interest. A member noted that a person who recuses himself/herself may have an alternate who could still vote on the issue. A member posited that that anyone representing tribal issues would have a conflict. John Seeronen clarified that “conflict of interest” refers to individual financial gain.

Other Revisions to Operating Procedures:  
Preparation and Attendance - Section 3.A.3) b) - : The Committee agreed to live with the text as revised.

Members and Alternates - Sections 3.A.5) a) and 3.A.5) b): The Committee agreed to add 3.A.5) c) to paragraph 3.A.5) a).

**Decision:** *The Committee agreed to adopt the conflict of interest language proposed by a subgroup of the Committee; one member abstained.*

Expectations for Chair - Section 3.B.2): Randy Asbury noted that there should be a rotating Agenda Work Group to assist the Chair in developing the agenda. A member reiterated that there needs to be a process for adding items to the agenda. The Committee agreed to support the language as written contingent on developing a procedure for adding items to the agenda.

Decision Making Roles and Responsibilities - Section 3.E.2): The Committee agreed to live with this language.

General MRRIC Operations - Section 3.F.4): The Committee agreed to live with this language.

MRRIC Self Evaluation, Annual Report and Work Plans – Sections 3.F.5), 3.F.6), 3.F.7): Bob Williamson explained that these sections were included to provide a framework for discussion and to have some way of reviewing the Committee’s work. Bob recommended a work group be created to address the sections on the Annual Self-Evaluation and Annual Report to the

**Decision:** *The Committee agreed to create a work group to address the Annual Self-Evaluation and the Annual Report to the Secretary – Sections 3.F.5 and 3.F.6*

Secretary. The Committee agreed to create a work group to address 3.F.5) and 3.F.6). [Note: this work group was not created at this meeting.]

MRRIC Work Plans, Agendas, or Goals - Section 3.F.7), will be addressed on Thursday.

The Committee discussed whether it must have a work plan or not. Some members interpreted page 16 of the charter, under “Reports, Work Plans, and Proposals” as addressing federal agency work plans, not MRRIC work plans. Members recommended adding this sentence: “The Committee will develop an annual work plan.” Some members said that the Operating Procedures should not be a restatement of the MRRIC Charter (Charter) but rather a procedural document. A Committee member reviewed the Charter again and reiterated there was no stipulation in the Charter that MRRIC create an annual work plan. Other members interpreted the Charter differently. It was proposed to remove Section 3.F.7) from the Operating Procedures and form a work group to address a Committee work plan. No consensus was reached on the proposal to delete Section 3.F.7) The Committee agreed to table this issue.

Committee Operations: There was discussion about how soon draft meeting minutes should be provided to the Committee. The facilitation team proposed publishing draft meeting minutes within 15 working days after the last day of a meeting..The Committee agreed.

**Decision:** *The Committee agreed to that the meeting minutes be provided within 15 working days of the meeting.*

Behavioral Guidelines: The Committee discussed whether behavioral guidelines should be added to the Operating Procedures. The proposal before the Committee was that the guidelines for conduct should remain as set forth in the Operating Procedures. Members discussed that the tenor and tone of emails have raised some concerns and suggested that emails should be proactive and positive. Another member stated that this is a freedom of speech issue. A member noted that members should refrain from using the “reply to all” feature when responding to email messages. Another member stated that this was already addressed in a handout from the first meeting: “Individual Responsibilities” under the section “External Communication,” which states, “Members accurately represent the group to outsiders. The Committee agreed that although it will be hard to monitor, Committee members need to avoid personal attacks.

The Committee discussed proposing recommendations only in the affirmative: Members agreed that recommendations do not need to be proposed in the affirmative.

Information Technology Work Group report by Mike Armstrong; WebEx and Webinar Demo by Chris Horihan (USACE)

The IT Work Group surveyed the Committee about their access to the Internet and 51 people responded. Those who did not respond to the survey were contacted by other means. All 51 respondents stated that they have access to high-speed internet at home,

at work, or through a public library, internet café, or government office. About two-thirds of the respondents had participated in webinars or webcasts.

Chris Horihan's Report to the Committee:

Webcasts or webinars can be accessed through the Internet using a software application or Committee members can attend webinars via phone. Among other things, webcasts provide an option for polling people on their views, a way to transfer files, and a way to annotate documents. Chris reviewed more of the tools available through webcast-type technologies. Webcasts will also be helpful for sharing information with members who cannot attend the in-person meetings.

The MRRIC WebEx is a two-tiered website that includes general overarching information, then more specific sections on the recovery efforts and MRRIC activities. Chris explained that WebEx can provide a forum for members to pose questions and carry on discussions. The USACE funds the WebEx site.

A member noted that being able to download the annual sturgeon report was helpful but not easy to find on WebEx. Chris explained that a search tool was added to assist with locating information on the site. WebEx can also be partitioned so that non-Committee members can view certain areas of the site. One member was concerned about security and installing software. For software installations, members can contact the IT Work Group who can contact Chris for assistance.

The Committee discussed password protection. In response to concerns about remembering passwords, Chris stated that administratively, his group could reissue passwords. He noted that without a password, members will not be able to revise information or post information.

Members discussed that pre-decisional information should be protected and people should not be allowed to change information. Some members requested a site that is not password protected for sharing information with their constituents. John Seeronen reminded the group that, as discussed at the inaugural meeting of MRRIC, some states have sunshine laws that would make all information posted on the website available to the public. Chris stated that there is a guest option for WebEx which allows people to sign in without a password. Alternatively, Chris can move information for public viewing to a separate website (mrric.org).

**Decision:** *The Committee agreed that:*

- 1) Webcast sessions should not replace Committee meetings, but should be used instead to provide background information between meetings.*
- 2) Webcasts could be used to disseminate information to the Committee.*
- 3) WebEx can be used to disseminate information to the Committee*

**Decision:** *The Committee agreed that*

- 1) The MRRIC WebEx site will remain password protected.*
- 2) Information to be shared with the public will be moved to mrric.org.*

A member had expressed confusion about how items are organized on the WebEx site. A member said that it would be good to develop a protocol for conducting word searches for finding information. The agencies were asked to consider shrinking file sizes and providing presentations in a format that can be printed in black and white. The Committee did not have volunteers to work on organizing website materials. The U.S. Institute and the USACE will coordinate on developing search and organizational protocols for WebEx and MRRIC.org.

#### Private Funding Work Group – Report by Jim Redmond

The Private Funding Work Group surveyed Committee members to determine the level of need for travel support. The results indicated that about one-third of the members pay out-of-pocket for their travel to MRRIC meetings. In applying for funds, the tribal entities have different sources than the non-tribal members. A fund-raising goal would be \$30,000, based on \$750 per member for 10 members. The Work Group would like the Committee to authorize the Work Group to contact private foundations to determine whether those foundations would support travel funding for members of the Committee.

John Seeronen explained that the Section 5018 prohibits use of federal funds for reimbursing travel expenses of MRRIC members. Individuals may seek funding, but seeking funding on behalf of the Committee may pose a problem because of the language in Section 5018 of WRDA.

John Seeronen noted that the U.S. Institute may be able to accept funds through its parent organization: The Morris K. Udall Foundation. Sarah Palmer explained that the Foundation is allowed to accept gifts or “grants” to fund certain projects. The U.S. Institute could, through the Udall Foundation, request a grant from a private entity for funds and then determine how those funds are distributed. There was discussion about distributing funds for tribal representatives through the Missouri River Association of States and Tribes (MoRAST), but some members voiced opposition to this.

The Committee could not reach consensus on continuing support of the Private Funding Work Group. Witt Anderson noted that to ensure full participation and inclusiveness on the Committee, it may be necessary to seek travel funding for some members. If there are other options for soliciting travel funding, the USACE is supportive. The USACE will continue to research other options. Individual Committee members will continue to collaborate on pursuing travel funding, but the Private Funding Work Group will be disbanded.

**Decision:** *The Committee agreed to disband the Private Funding Work Group.*

Randy Asbury also recommended that members petition their congressional delegation to revise the travel funding prohibition in WRDA 2009. Randy has drafted a letter to his congressional representative and he’s willing to share it with other Committee members upon their request.

Witt stated that it would be fine for the Committee to draft a letter to Mr. Woodley via the USACE stating the issues, concerns, and challenges posed by the lack of travel funding. Concerns about the prohibition on travel reimbursement were noted in the conveyance letter to Mr. Woodley that accompanied the draft Committee Charter. He also stated that another letter had already been submitted to Mr. Woodley.

#### Nominating Work Group – Report by David Sieck

Dave reported on several work group recommendations for the Committee's consideration.

1. The work group recommended the Committee select an external Chair and internal Vice-Chair.

A Committee member asked if the Committee will be choosing the Chair. Sarah Palmer explained that the Committee would choose the external Chair, and a work group member clarified that per the Charter, the Committee will select the Chair. The Chair will be compensated for his/her services through a contract with the U.S. Institute.

The Nominating Work Group explored whether the Chair should be someone from outside the Committee (external) or someone within the Committee (internal). The work group's recommendation was to choose an external Chair based on rationale listed at the bottom of page 1 of "Handout A: MRRIC Nominating Committee Call Summary."

**Decision:** *The Committee agreed to select an external Chair.*

The Nominating Work Group recommended the Committee select a Vice-Chair from among its membership (internal). A Committee member asked what would happen to the balance of the Committee if the Vice-Chair is internal. Another member stated that there's nothing in the Charter to prevent a Vice-Chair from representing their constituency. Because most members have an alternate, the Vice-Chair's alternate could fulfill the role of Committee member or the Vice-Chair could continue to represent his/her constituency while serving as Vice-Chair. The goal is that the external Chair's contract would specifically require that person to attend all meetings and in rare instances would the vice-chair need to serve as Chair.

**Decision:** *The Committee agreed to select an internal Vice-Chair.*

2. The Nominating Work Group reviewed the characteristics listed in "Handout B: Recommended Characteristics of Committee Chair" (see Appendix A).

A Committee member asked about characteristic #4: "Familiar with the Federal Government." Another Committee member recommended adding a ninth item regarding enforcement of the Charter. The member also recommended that someone from the Missouri River basin be selected for this role. A Committee member stated that

characteristic #4 should be more inclusive to include states and Tribes. A Work Group member explained that this is covered in characteristic #6: "Respect for Diverse Perspectives."

The Committee decided not to add the characteristic "Ability to enforce the Charter."

The Committee agreed not to add "Familiarity with the Missouri River Basin." David noted that the Charter definition of the "Chair" doesn't require familiarity with the basin. The Committee feels that during the interview the Chair candidates should demonstrate basic knowledge of the Missouri River basin. After further discussion, the Committee was asked again whether they could live with the item on or off the list. The Committee asked those members who wanted this characteristic added to the list to caucus and return with a compromise tomorrow.

**Decision:** *The Committee agreed to the eight characteristics of a Chair and further agreed that the characteristics would also apply to the Vice-Chair.*

The NWG proposed to the Committee that the Vice-Chair have the same attributes as the Chair.

### 3. Chair and Vice-Chair Selection Process

The NWG proposed to the Committee that the Vice-Chair be selected after the Chair has been selected. The NWG proposed to the Committee that the process for selecting an Interim-Chair will be used for selecting the Vice-Chair.

**Decision:** *The Committee agreed that*  
1) *After the Chair is selected, nominations for Vice-Chair will be sought.*  
2) *The Vice-Chair will be selected using the process for selecting the Interim-Chair.*

Regarding the timeline for Chair selection, (Handout C: Proposed Outline of Tasks for Nominating Work Group) the U.S. Institute has begun compiling Federal Work Group and Committee member names for potential Chair candidates. The formal solicitation (item 4) will be sent in January 2009. The Nominating Work Group asked the Committee to review the list of individuals and contact a Work Group member to add or remove individuals from the list (Dave Sieck, Lynn Muench, Bill Lay, Dave Johnson, Dave Barfield, and Kate Vandemoer). The Committee then refined this approach in ensuing discussion.

A member recommended posting the MRRIC Chair solicitation to the Federal Register. Another member asked if posting a Federal Register notice would derail the Chair selection timeline. The Federal Register would require a 15-, 30-, or 45-day response time. The Committee agreed that the U.S. Institute will post a notice of solicitation for the MRRIC Chair position on the Federal Register and a Request for Proposal for

**Decision:** *The Committee agreed that the U.S. Institute will issue a Request for Proposal for the Chair position, notice it in the Federal Register and post it to FedBizOpps.*

the Chair position will be posted on FedBizOps.

The U.S. Institute will compile candidate Chair responses to the Federal Register notice and FedBizOps and send the responses to the Committee for their review. Committee members will notify the Nominating Work Group if they wish to strike a candidate's name. The Committee will determine the top four candidates to interview. This process will take place between now and the March 2009 meeting, at which point interviews would be conducted. One hour time slots will be scheduled for each interview. The Committee agreed with this process and the timeline.

### **Interim-Chair Nomination**

The Committee agreed to select nominees for the 2009 Interim-Chair. Nominees who are not willing to serve as Interim-Chair will remove their names from consideration. The two-step process used to select the 2008 Interim-Chair would then be used to select the 2009 Interim-Chair.

A list of nominees was developed by Committee members. Members agreed to select the Interim-Chair after the afternoon's Information Sharing session.

### **Nominees for Interim-Chair**

Committee members nominated (in writing) candidates for Interim-Chair. The following members were nominated:

- Randy Asbury
- David Sieck
- Pat Cassidy
- Jason Skold
- Vicky Marquis
- Bob Williamson

Nominees were asked if they wished to serve as Interim-Chair. Five of the six candidates chose not to be considered. Committee members indicated in writing if they could live with Randy as Interim-Chair until the Committee Chair is selected. Consensus was not reached. Sarah asked for an alternate proposal. None was offered. Sarah noted that according to the Charter members who cannot reach consensus need to be able to articulate pros/cons or provide an alternative proposal. The Committee deliberated in writing a second time. Agreement was reached.

**Decision:** *The Committee selected Randy Asbury as the 2009 Interim-chair, until the Chair selection process is completed.*

### **Information Sharing Session 1: Missouri River Recovery Program (MRRP) – by**

## **Mike George (USACE)**

The Missouri River Recovery Program grew out of the Bank Stabilization and Navigation Project Fish and Wildlife Mitigation Program and the 2003 Biological Opinion (BiOp), and was guided by the Water Resources Development Act (WRDA) 1986 (amended 1999). The MRRP work plan process includes a budget cycle and a work plan cycle. Mike reviewed the FY09 MRRP work plan, which was provided as a handout. He reviewed how the USACE determines which projects fit under the recovery program and conducts the science/technical reviews, as applicable.

A Committee member noted that the project work request process is provided to the Tribes and to MRRIC at the end of the process and there seems to be no opportunity to engage early in the process. Mike George explained that this is a failure of the slide (not the process) and that basin Tribes and MRRIC are solicited throughout the process, not just at the end.

Another member referred to the MRRP mission from the website and asked if the Committee could see related information that would help inform members about the process. Mike George will post information to the website and is willing to present updates at the next meeting. The Committee member also asked about the bald eagle recovery and whether it should be one of the MRRIC issues. Mike George stated that bald eagle recovery continues to be part the MRRP process.

A Committee member asked if there is a five-year or long-term MRRP plan for acquiring property. Mike George explained that the USACE uses a willing sellers program. There is a gap analysis program that guides the USACE and this will be provided to the MRRIC. A member asked about the total number of acres under consideration in the land acquisition program and stated that, in the future, the Committee will want to know the total number of acres. A member would like more information about easements and acquisition.

Mike clarified the following items on the MRRP slide mapping the budget and work plan cycles: The pass-back is basically the President's budget. Funding does not have to be expended by year-end – the funds obligated are still available until expended. In terms of the Omaha District, there are about 60 separate civil works programs (not including the military works program or environmental programs); the same can be said of the Kansas City District. The MRRP is the largest program in the Omaha and Kansas City Districts.

A member asked how tribal consultation differs from tribal participation on MRRIC. Mike said that both occur at about the same time. The member asked if some tribal representatives to MRRIC don't participate on the Committee because tribal consultation is occurring simultaneously. Mary Roth explained that tribal consultation is not the same as MRRIC participation, as noted in the MRRIC Charter. Meaningful input

will happen over time, not just in the short amount of time shown in the “Annual Work Plan Development Process” diagram.

A Committee member stated that, according to the diagram, MRRIC is only allowed to respond to information provided by the USACE and is not allowed to provide meaningful input. Mike explained that the unprioritized work plan is not a discrete event in March. The 2009 work plan process starts in March 2009 and ends in October 2009. In March, the MRRIC team will be given the opportunity to work on the plan until October. Meaningful input will happen over time, not just in the short amount of time shown in the “Annual Work Plan Development Process” diagram.

A member stated that you cannot take a year-to-year perspective, as shown in the “Annual Work Plan Development Process” handout, when discussing adaptive management and the long-term management process. Mike stated that the handout is simply a “cartoon” of the process but not a very good cartoon. The MRERP presentation will address some of this tomorrow and went on to explain that the work plan process is not necessarily on a year-by-year cycle. The member stated that MRRIC could be most helpful if included much earlier in the process.

A member asked how the MRRIC can best provide input into the current work plan process. Mike explained that there is little opportunity for MRRIC to engage in fiscal year 2009 projects. To be involved in 2010 projects, one thing MRRIC can do is look at the BiOp. To be involved in specific projects, the MRRIC can recommend to the USACE which discrete or programmatic items to pursue. One member asked whether the USACE and the Committee could revise the diagram to help better define the process.

A member asked about (1) the effectiveness of upstream vs. downstream projects; (2) what is being done to monitor the success of the projects; and (3) what is the interplay between states and the USACE in relation to success of projects. (1) Mike George explained that at the upstream channel (upstream of Omaha) the water sometimes needs to be raised 8 feet but downstream (as in Iowa, etc.) the water may only need to be raised 1 or 2 feet. (2) Ongoing monitoring occurs on the projects. (3) Referring to the MRRP interconnected circles slide, Mike noted that states have the most input into the mitigation program but not as much into the BiOp process because that process is more rigid.

Witt Anderson noted that the USACE must meet “drivers” or performance indicators. The strategic component may be the best way to move toward the recovery program – what are the requirements and where is there flexibility for MRRIC to provide strategic input to developing budgets? We need to look at the context programmatically to determine how best MRRIC can provide input.

A member asked about aerial photos taken within the last week or so – Casey stated that the aerial photos were taken lately to document elevation.

## Homework

MRRIC: What advice have you received from the USACE about where you should focus your attention in 2009?

USACE: What advice did you give the Committee about where to focus its attention?

## MRRIC Meeting Schedule

At the inaugural MRRIC meeting, the Institute agreed to *Doodle* members for a date for the third Committee meeting. Initially the January 27–29, 2009 was identified as most available. It was then discovered that one additional member could attend a meeting in February 24-26, 2009. The facilitation team asked the Committee to consider what the Committee could meaningfully accomplish if a meeting is held in January, on the heels of the December 2008 meeting.

Sarah Palmer projected a task list showing the length of time in terms of days it takes to accomplish tasks required to prepare for a meeting. Randy Asbury described the amount of time and the financial investment required to prepare for a meeting. He expressed concern that 30 days might be insufficient to have a productive meeting. Sarah asked the Committee to consider whether scheduling meetings at regular intervals might be a more efficient and asked the Committee to give this consideration before Thursday's discussion.

## Facilitation Team Candidates

In advance of the December meeting the Institute asked Committee members to review candidate facilitation team proposals and based on the written materials provided by the candidates, rank the proposals. The Institute compiled the rankings of the Committee members who provided input. Rankings from federal agency Committee members were compiled separately. Based on the separate, and then combined compilations, as well as with the Institute's evaluation, four facilitation teams were identified for in-person interviews before the Committee.

Sarah explained that the facilitation selection process is a competitive process convened by the U.S. Institute. The ultimate decision for contracting with the facilitation team rests with the U.S. Institute, however the Institute believes it is important to have buy-in and support of the parties who interface with the facilitation team. Therefore the Institute is empanelling the Committee as reviewers to participate in the facilitator interview and selection process. The U.S. Institute would like the input, ideally a consensus recommendation from the Committee members on a preferred facilitation team. If the Committee cannot achieve consensus on a facilitation

**Decision:** *The Committee agreed to interview four facilitation teams at the next MRRIC meeting.*

team, the top teams may be interviewed again after which time, the Committee reaches consensus.

Interview questions. Sarah projected a draft set of interview questions for the Committee's consideration and prioritization to a manageable set of questions. The Committee agreed to review the questions and provide their prioritization with the option of adding other questions to the Institute. The interview questions are not to be shared with candidate facilitation teams.

### **DAY 3: WEDNESDAY, DECEMBER 17, 2008**

#### **Meeting Opening and Introductions**

It was announced that there was a quorum at the meeting.

#### **Pending Business from Tuesday and New Business**

**Decision:** The Committee agreed to add "Familiarity with the Missouri River Basin" as a Chair characteristic.

#### Characteristics of MRRIC Chair

The Committee agreed to add "Familiarity with the Missouri River Basin" to the list of Chair characteristics. The Committee agreed to live with the list of Chair characteristics, with one abstention.

#### Facilitation Team Interviews

Proposals from facilitation team candidates were distributed Tuesday and collected at the end of the day. (Since proposals for neutral facilitation are business proposals, the selection process must comply with federal acquisition regulations.)

The sample facilitator interview questions were distributed to the Committee. Members were asked to circle the ten questions that they prefer to ask at interviews. The U.S. Institute will compile the results and project the list on the screen Thursday.

A member recommended asking the candidate teams to facilitate (half days) at the next meeting. A member noted that it would take too much time from the agenda, which is already full.

**Decision:** *The Committee agreed to conduct interviews of the facilitation teams instead of asking them to facilitate meeting sessions.*

The U.S. Institute will contact the teams and schedule interviews on the next meeting's agenda. Committee members were asked not to

contact the candidate facilitation teams directly and instead forward questions of the U.S. Institute.

A member asked if the teams will have references that can be checked. The U.S. Institute will check references of the top two candidates once identified in January.

#### Request for Additional Presentation

Joe Gibbs asked to add a brief presentation about the spring pulse to Thursday's agenda. Some members agreed that a short, 10-minute presentation would be helpful, while others felt allowing one stakeholder the opportunity to add an agenda item at the meeting would necessitate allowing other stakeholders to present their views. A member noted that Joe is simply asking to use graphics to relay his questions/concerns. Some discussed whether it would be appropriate for MRRIC to weigh in on this issue.

**Decision:** *The Committee agreed to add Joe Gibbs's presentation to Thursday's agenda and that there would be no action item related to that presentation. [Joe subsequently withdrew the request due to time constraints.*

#### **Information Sharing Session 2: Continuation of Missouri River Recovery Program: MRERP Work Plan – by Jennifer Switzer and Randy Sellers (USACE)**

Jennifer introduced Randy Sellers (USACE), Wayne Nelson-Stastny (USFWS), Carol Hale (USFWS), and Matt Jeppson (Counsel to the USACE), who contributed to the presentation.

An index and CD of related laws, regulations, and guidance; a copy of the presentation; and a MRERP bulletin were distributed to the Committee members.

**National Environmental Policy Act (NEPA) Overview:** In addition to NEPA, agencies must comply with the Council on Environmental Quality's (CEQ) guidance and regulations, and also consider case law. Each federal agency has its own NEPA guidance to follow. The USACE provided an overview of categorical exclusions, environmental assessments (EAs), environmental impact statements (EISs), Findings of No Significant Impact (FONSI), and records of decision (ROD). Programmatic EISs can cover a broad range of federal actions.

**USACE Planning Process Overview:** The six-step planning process was reviewed. The MRERP planning process is an integration of NEPA and USACE Planning.

A member asked if there are minimum time requirements for the planning process steps. The presenters replied that there are minimum time limits for some steps. The MRERP planning team has set a timeline of eight years.

A member suggested that a future information sharing session might address the Fish and Wildlife Coordination Act and reclamation projects.

A member suggested that MRRIC should be identified separately on the presentation slide titled "USACE Planning Requirements," instead of being included under "Other Statutes." The presenters agreed and will revise the slide.

## MRERP Draft Work Plan

The Committee will have opportunities to weigh in on MRERP's draft work plan. Jennifer Switzer explained that the schedule for the work plan is not set in stone so some items may be moved up in the schedule. Step 8 of the work plan, the draft MRERP EIS, is one key point in the process where MRRIC and others will have the opportunity to provide input. Other items on the work plan (O2.1, O2.4, O6.7, and O7.1) provide more opportunities for MRRIC input. The Committee will need to determine where else in the process to engage (for example, on technical teams, independent external peer reviews, etc.) Randy noted that technical teams will be dealing with hard science and team members will need to meet stringent qualifications to serve as an expert on the team.

Question: Does the Federal Advisory Committee Act (FACA) allow Committee members to belong to these teams? [FACA is not an issue because the Committee is not subject to FACA.] The idea is to get real buy-in from the Committee and cooperating agencies (states, federal agencies and Tribes).

Question about technical teams: Have there been discussions on dividing [recovery actions] by geographical reach instead of by subjects? While the teams are now divided by subject, the MRERP planning team wants to cross-pollinate with representatives from the various reaches of the river.

Question: Can the MRERP planning team develop a list of items on which the Committee can provide input; can the team also provide a timeline? (The presentation included a slide that answered this question.)

Question: Are MRRP and MRERP "twins"? Answer: The two are definitely "married," but MRERP is also married to the cooperating agencies and Tribes, for example.

Question: Is MRERP constrained by regulations/guidance established before NEPA was enacted? Answer: MRERP is not really constrained.

Question: Do local and state governments understand the nature of the commitment to restore the Missouri River? The USACE has requirements (on the ground) that do not go away. Those actions will be continued while the MRERP is being developed. At some point, the current Recovery Program actions may be redirected by MRERP.

Question: How much time will be required of a member of a technical team; will participants be paid? The USACE owes the Committee some answers on time requirements. Technical team participants (from MRRIC, cooperating agencies, Tribes, etc.) will not be paid.

Question: Will EAs and EISs still need to be developed based on the programmatic EIS? Answer: Yes.

The EIS Notice of Intent, provided as a read-ahead, is based on the WRDA 5018 language.

**Decision:** *The Committee agreed to provide input to the MRERP draft EIS Purpose and Need Statement.*

The definition of *Need for Action* was discussed. A straw-dog Purpose and Need Statement was distributed to the Committee. The presenters explained this is the first point in the MRERP process for which MRRIC can provide input.

At the outset, it is important to start broadly when defining the scope of the project and then narrowly, through the alternatives process. As long as an alternative is rational and meets the purpose and need of the project, an alternative should be included in the EIS. Question: Will other laws not listed on the presentation be followed? Matt Jepson, USACE legal counsel, explained that all laws and regulations would be followed.

A Committee member stated that the MRRIC Charter may need to be revised based on the MRERP as it's now defined.

A member questioned whether *fish and wildlife* was listed as a purpose of the Missouri River in the Flood Control Act of 1944. Answer: The Act was amended in the 1960s to include fish and wildlife and recreation.

Question: What tributaries will be focused on in the study? Answer: The focus will be on the main stem. Tributaries will be added based on their geological or ecological nexus to the river.

A member noted that MRRIC is supposed to be advising on MRERP. It would be better for the Committee to provide input on the front end [of the study] rather than on the back end. . The MRERP planning team suggested that it's important for the Committee to see the big picture – the purpose and need statements are just starting points.

A member asked about the “sustainable decisions” slide (four overlapping circles). What if any one of those four items (economic viable, environmentally compatible, technically feasible, and socially acceptable) isn't met? The presenters responded that the Secretary of the Army will ultimately make the decision about what actions are selected in the NEPA document.

Question: What is the MRERP's vision for looking at the Platte River restoration plan?

Answer: The best way to learn about the Platte River project is for participants to sit in on the MRERP technical teams. It will be important to inventory these recovery projects, identify the people involved, and contact them to seek their involvement in the MRERP.

A Committee member noted that the draft purpose and need statement covers mitigation and recovery and their associated timelines. What are the options for adaptive management in a long-range plan? Witt noted that MRRIC needs to consider the draft purpose and need statement broadly and clarified that this effort is not a restudy of existing resources. Congress has the ability to direct and fund downriver studies. The USACE does have to look carefully at the opportunities to mitigate, recover, and restore.

### **MRRIC Involvement in MRRP and MRERP**

Questions: How will MRRIC coordinate and collaborate with MRRP and MRERP? What will a structured process look like? How will it be developed? What support does the USACE need? Where does the Committee want to focus its attention in 2009? What about in 2010 and beyond? A member recommended an integrated approach to providing feedback to the USACE and getting feedback from the agency for both MRERP and MRRP, and proposed forming a work group to provide input on MRERP and MRRP goals.

Another member suggested that since the Committee is involved in the process, no information should be restricted due to copyrights, [document] drafts, or restricted distribution of information. The Committee should have access to all information and not rely only on the information that the USACE wants the Committee to have. A member felt that some information is held back and the USACE only shares information that leads the Committee in a certain direction. Mike Mac (U.S. Geological Survey [USGS]) representative responded that the USGS is not withholding information from anyone; some data is offered in real time and other information must be reviewed first. Bill Beacom will provide the list of twenty-five pallid sturgeon documents to the USGS to see if the documents can be shared with the Committee.

It was suggested the Committee needs an overarching, master schedule that will help guide Committee agendas. This would allow coordination of agendas and deadlines for providing input.

A member asked the presenters for specific things the Committee can help with today, such as the purpose and need statement. Jennifer replied that the Committee may want to develop a work group to refine the purpose and need statement for the EIS. She suggested that, whether in this large forum or within a work group, the Committee and the MRERP planning team need to develop a short-term (2009) task list and a long-term list. After the lists are created, work groups could begin discussing the items.

A member expressed an interest in providing input to Mike George's monthly project briefings.

A member said that the lack of cultural resources / tribal involvement in the process is a glaring error. The USACE feels tribal input is important over and above government-to-government consultation, so the agency has established in a tribal outreach program. Travel to MRRIC and other meetings is a problem, so the MRERP planning team will bring information from the Tribes to the program if tribal representatives cannot attend. Mike George stated that Julie Price of the USACE is the point of contact for the cultural outreach. She can deliver a presentation to MRRIC, if requested.

Cultural resources are a different topic than government-to-government consultation and obligations of federal agencies to federally recognized Tribes. A member of the Committee would like to see a presentation by the USACE archeologist or tribal coordinator to see where the USACE's interests are. Assistant Secretary Woodley charged the USACE with coordinating with the Tribes to develop a training about the Tribes in the Missouri River basin. (Joel Ames is coordinating with the Tribes to develop this training). There are two separate subjects – tribal issues and cultural resources. The Committee expressed its wish to have the USACE provide information on two separate issues: tribal issues and cultural resources. The Committee may want to be educated on tribal, social, cultural, and historical issues.

Question: What about the USACE 2011 proposed budget? Answer: Witt stated that the USACE cannot discuss the 2011 budget until after the 2010 budget comes from the President, but the USACE can talk about the work plan for 2011. The work group could "identify priorities for the 2011 work plan" and the USACE would provide a work plan and when appropriate, the 2011 budget. Witt is also willing to discuss a 5-year plan

It was recommended that an ISP work group be established, but the Committee needs to consider how many work groups are appropriate and feasible. One member expressed concern that creating many work groups may result in work group members losing sight of the overarching goal of the Committee and instead focusing on the intent of work groups.

David Johnson, Paul Lepisto, Russ Kaldenberg and Kate Vandemoer volunteered to develop proposals for two MRRIC work groups: one for a MRRP work group and one for a MRERP work group. Bill Beacom, Marian Maas, Kate Vandemoer, and Jason Skold agreed to work on developing a proposal for an Integrated Science Program work group.

A member stated that items in the MRERP diagram of four intersecting circles should be part of every topic discussed. Jennifer Switzer agreed and noted that *cultural issues* need to be added to the diagram. Although USACE is focusing on recovery issues, the intent is to also consider other issues. The USACE can discuss issues other than recovery if requested by the Committee.

A Committee member asked Mike George to identify items that dropped off the MRRP work plan for FY2009 based on budget cuts. Mike stated this information would be provided.

Witt Anderson added that over time the USACE will be able to explain how MRRIC's input to the MRERP has or has not been incorporated into the work plans and the president's budget. He noted that it will take time to provide this information.

### **Information Sharing Session 3: Endangered Species Act / Missouri River Biological Opinion Overview – by Mike Olson (USFWS)**

The presentation included basics about the 2003 Biological Opinion (BiOp), and, in particular, Section 7 of the Endangered Species Act (ESA).

Roughly 5 percent of 70,000 federal actions reviewed annually result in *jeopardy* [as defined in the Endangered Species Act]. Mike Olson mentioned that the Committee may like to request a briefing about the 105 action items from the 2003 BiOp that the USACE reports to the USFWS.

Mike discussed the pallid sturgeon diagram at the end of his presentation. Propagating pallid sturgeon in captivity has resulted in mature, sexually active pallid sturgeon. Propagating species in captivity is difficult, and has occurred successfully with the California condor, black-footed ferret, and now the pallid sturgeon.

There are five triggers that would require reinitiating a biological opinion (see last slide of Mike Olson's power point presentation for this list). The hope is that through adaptive management and the integrated science team a new biological opinion will not be needed.

Shallow and still water habitat increase in some lower areas of the river. The USFWS restored approximately 20 percent of the missing shallow water habitat from the lower river (below Sioux City). The restoration of that 20% of missing shallow water habitat, approximately 20,000 acres by 2020, in combination with other aspects of the pallid sturgeon *Reasonable, Prudent Alternatives* (flows, hatcheries, science, adaptive management) are anticipated to remove jeopardy to the pallid. There are milestones to reach as the USFWS progresses toward its ultimate 2020 goal – the next milestone is 5,870 acres in 2010.

Question: What would it take to delist this species? Answer: A revised recovery plan will be issued within a year or so. This may help answer the question.

Question: In 1990, the pallid sturgeon was placed on the endangered species list – how was it placed on the list? Answer: There are five major factors for listing a species on the endangered species list. Sometimes the USFWS is petitioned to place a species on the list.

Question: How do you implement adaptive management and integrate science?

Answer: Craig Fleming's eight-page adaptive management primer for stakeholders will be posted on WebEx by the USACE. The adaptive management plan is completed in various stages. It was suggested that Craig be invited to talk about adaptive management at a future Committee meeting.

Question: Have any species been delisted because of habitat improvement or habitat change? Answer: Henry will provide a list of these species to the Committee.

Question: A member asked whether reinitiating the BiOp would mean revisiting everything in the BiOp rather than just changing specific items. Answer: Opening a BiOp for re-initiation means everything is open for change; but it is possible to change an element of a BiOp without re-initiating an entire BiOp.

Question: Will MRRIC be included if there are proposed changes to elements of the BiOp Answer: The USFWS hopes so; an adaptive management process should seek stakeholder input. Mike Olson noted that most BiOps do not have a public input process. In general, BiOps are closed and a comment period is not required. Stakeholder involvement was needed for the current BiOp because of the pallid sturgeon.

Question: How are USACE, USFWS, and state agencies different in the way they acquire property? Answer: There is not a terrestrial milestone in the BiOp, but there is an aquatic milestone. There are goals for acquiring collateral lands relative to the BiOp and there will be goals related to the MRERP and the comprehensive plan. Perhaps a presentation on the mitigation program would be helpful for the group. Property sellers are confused about whether to participate via easement, license, or full take.

Question: How many acres of shallow water habitat does the USFWS have now? Answer: 4,000 acres.

A member pointed out six areas missing from the BiOp: (1) terns and other bird species and predation; (2) lifecycle and the actions that occur at particular stages in the lifecycle; (3) relationship between flow, sediment, water quality, and fish; (4) conflicts among species; (5) economic analysis of recovery activities; (6) clear view of the baseline. Response: the environmental baseline was 100 years; the other questions would take longer to review. The facilitator recommended that Committee members could submit written questions to the USFWS, and Mike Olson can reply to those questions.

The new shallow water habitat criteria will include biological criteria. When there is an obvious conflict between two species, such as between birds and pallid sturgeon, USFWS reviews the various criteria. Deference is not automatically given to one species over another.

The BiOp provisions will remain in place. The BiOp has successfully survived a number of legal challenges.

#### **Information Sharing Session 4: Integrated Science Program (ISP) – by Casey Kruse (USACE)**

Casey would like to work with MRRIC to develop a list of work tasks related to the Integrated Science Program. MRRIC could then provide input to the science panel. The ISP will try to provide science reports requested by the Committee in a timely manner. A process to conduct independent science review is a component of the MRERP and the MRRIC Charter.

Question: What is the ISP's position in the USACE? Answer: The ISP provides input to Mike George and the MRRP and works on regional projects.

The ISP 2009 includes long-term monitoring to develop a trend dataset over time. A member suggested that the way forward should be forming an ISP working group. Answer: Both the Committee and the Corps see a need for an independent science panel.

A Committee member stated that it is not uncommon to see people on skiffs accessing areas where people are not allowed. Casey explained that students monitor the birds weekly and USGS habitat measurements are being taken. Once the studies are complete and the analysis is complete, the information and reports will be available to the public on [moriverrecovery.org](http://moriverrecovery.org).

Question: Where would you envision members of the panel to come from geographically? Answer: Casey has no preconceived ideas on this.

#### **Information Sharing Session 5: Comprehensive Sturgeon Research Program – by Mike Mac and Aaron DeLonay (USGS)**

The presentation reviewed how the USGS's annual work plan for Sturgeon Research is developed. Note: Aaron's presentation is not available for distribution because it has not gone through the USGS review process.

Sturgeons are a primitive species that evolved early but took on a set of successful adaptations. There are four groups of sturgeon and approximately 29 subspecies, nearly all of which are threatened or endangered. Three anadromous species live in the Missouri River. They are slow growing and late maturing; some are 20 years old. Sturgeons require open rivers for spawning. Hybridization occurs and sometimes the resulting progeny can reproduce. The reasons for decline include habitat destruction (including dam building), commercial harvest, low population size, and others.

The pallid sturgeon is larger than the shovelnose sturgeon and lighter (or pallid). They are hydrodynamic and adaptable to living in the current. The eyes are reduced. The fish can detect minute electric current from the prey they seek. The pallid sturgeon is primarily a main stem fish. The pallid sturgeon decline is similar to pallid sturgeon populations elsewhere. The fish is endangered. The USGS takes various actions during stages of the lifecycle when recovery actions can make the biggest impact. Windows of opportunity for taking various actions include environmental cues from the fish as well as habitat.

In 2005/2006, reproductive shovelnose sturgeon were tagged, released, mapped, and recaptured. There was a success rate of more than 70%. Upstream movement was also studied.

Results included the following:

- Adult pallid sturgeon are present and subject to management actions. There is no single spawning location for shovelnose sturgeon.
- Spawning occurs over a range of conditions.
- Shovelnose sturgeon spawning may occur over an extended time.
- Tributaries are important for shovelnose sturgeon and may or may not be important to pallid. Hatchery raised pallid sturgeon are surviving, growing, and spawning.

Question: Regarding the post spawn travel of some of the shovelnose sturgeon – do the sturgeon go to deep water for a resting period? Answer: Habitat complexity and river size affect whether sturgeon go deep or stay shallow.

Question: Given the need for the scientific information required to make decisions, why would the USACE spend money on land acquisitions instead of spending it on monitoring and study? Answer: The BiOp set an acreage goal for shallow-water habitat and if the acreage goal is not met, the USACE is in violation of the BiOp. The USACE tries to keep the science budget funding levels steady. When USACE commits to science, that commitment is not year by year; the commitment is for a series of years. The USACE tries to maintain a robust system of balancing land acquisition with science. Some budget items are spent on non-priority lands. If MRRIC wants to determine lower or higher priorities, that would help the USACE. Other entities besides USGS also provide information about sturgeon. The USACE feels it prudent to look at as many components and effects of the spring rise as possible.

Question: What about heritage sturgeon in the Yellowstone? Answer: Aaron noted that his organization only looks at sturgeon in lower reaches. The Yellowstone is very different.

Question: If the progeny of hybridization is fertile, does that imply they are the same species? Answer: Hybridization among sturgeon species is not unheard of but the occurrence is at a very low background rate. This probably results as an adaptive strategy. The USGS does not have accurate data on how many hybrids are in the river. The hybrid species are measured and various characteristics are documented. Those measurements and characteristics are used to determine how the fish is categorized.

Question: Please verify that depending on habitat complexity, the sturgeon will choose to either occupy deep or shallow water. Answer: Adult sturgeon seem to choose habitat based on flow velocity, depth, turbidity, and variability. Not only the number of shallow water acres, but the quality of those acres, may be important.

Question: Has the USGS study made any determination about the spring pulse? Answer: The sturgeon *can* spawn during spring pulse, but questions still persist: did they spawn at the right time, did they survive, etc. Flow is a variable, complex question.

Question: Is the species endangered on the Mississippi? Answer: Yes, the species is endangered across the range and different portions of the range have different predominant threats. The USGS is taking a balanced approach to addressing sturgeon across the range. Shallow water may be relied upon more at different life stages, but the current program does not address shallow water habitat.

Question: When you sample the fish 4 or 5 days later, is the apex an unanswered question? Answer: Yes.

#### Questions for the Committee

Are there work groups, such as an ISP work group, that the Committee would like to form with respect to the pallid sturgeon?

At the last meeting it was proposed, but not decided, to address the commercial harvest of shovelnose sturgeon.

Committee members discussed the possibility of forming a work group work among various agencies, perhaps an interagency work group to gather information. A Committee member mentioned forming a working group to get a SOA listing of the sturgeon while another member recommended taking adaptive management approach.

A member proposed establishing an ISP work group to address commercial harvest, interagency science, and independent science review. The discussion of this proposal was tabled to until the discussion of Committee work groups.

## Work Group Discussion

[Please note that the Work Group discussions from both December 17 and 18 are presented here for ease of readability.]

The Committee discussed what new work groups might be appropriate to add to the Committee and how the work groups would provide information to the Committee.

In response to a Committee question about whether funding was available to bring speakers to Committee meetings, Henry Maddux stated that a letter from the USFWS recommended asking states to provide information to the Committee; he noted that state agencies have limited travel budgets. Witt noted that as a general matter, the USACE can do invitational travel. The USACE will address this and provide feedback at the next meeting.

**Decision:** *The Committee agreed that the work groups would use a process similar to the one used for this Committee meeting to provide information or reports to the Committee.*

**Decision:** *The Committee agreed to establish three new work groups:*  
1) *MRRP Work Group*  
2) *MRERP Work Group*  
3) *ISP Work Group*

### MRRP Work Group (notes from December 17 and 18, 2008)

John Drew is the interim point of contact. Members are Joe Gibbs, Tom Graves, Vicki Marquis, Russ Kaldenberg, Lanny Meng, Marian Maas, Lynn Muench, and Mike George (USACE resource). The work group will be addressing the following items:

- Review the 2009 activities and identify specific areas that the Committee needs to consider developing a recommendation on, and forward to the Agenda Work Group for the next meeting (January 27-29, 2009).
- Review the draft 2010 MRRP work plan and the GAP Report to identify priority areas that the Committee needs to consider developing recommendations on, and forward to the Agenda Work Group for the first meeting 30 days following the Corps of Engineers' "Lock" on the work plan.
- Review the 2011 proposed work plan and identify priority areas that the Committee needs to consider developing recommendations on, and forward to the Agenda Work Group for the first meeting after the end of January (i.e., March 3-5, 2009). These Committee recommendations need to be presented to the Corps at the end of April.
- Identify potential methods to provide timely updates from the Corps of Engineers on the current activities and report to the Committee at the next meeting (January 27-29, 2009). (Monthly management updates, GAP Report, Success Reports)

#### MRERP Work Group (notes from December 17 and 18, 2008)

Paul Lepisto will be the interim point of contact. Members are Kate Vandemoer; Buzz Mattelin, Lynn Muench, David Johnson, Mike Armstrong, and Jennifer Switzer or Randy Sellers (USACE resources). This group will review the purpose and need statement and develop recommended input for the Committee to consider, initially, at the January meeting. The Committee agreed to this work group.

- Review the purpose and need statement and develop recommended input for the Committee to consider making a recommendation on and forward to the Agenda Work Group for the next meeting. These Committee recommendations need to be completed by June 1, 2009.
- Review the engagement strategy for input into the study and identify a process and schedule for the Committee to interact with the Corps of Engineers in the future and report progress at each of the next meetings. The Committee recommendations regarding the engagement strategy need to be completed by September 1, 2009.

#### Integrated Science Program (ISP) Work Group (notes from December 17 and 18, 2008)

Jason Skold is the point of contact. Members are Bill Beacom, Kate Vandemoer, Jim Riis, Mike Ruggles, Bill Lay, John Drew, David Barfield, Marian Maas, Pat Cassidy, and John Pozzo. Casey Kruse (USACE), Carol S. Hale, (USFWS), and Mike Mac (USGS) are agency resources. The ISP Work Group will address the following issues:

#### Commercial Harvest of Pallid Sturgeon (SOA Listing) by:

- Creating a document detailing alignment of the issue with the MRRIC Purpose and Scope.
- Coordinate contact and invite input from Commercial anglers, states and the scientific community on behalf of the MRRIC by the next meeting (January 27-29, 2009)

#### Adaptive Management/Agency Coordination by:

- Reviewing the application of current scientific research being used to proposed adaptive management decisions and presenting to MRRIC by May 2009.
- Developing a process to make recommendations(s) for these decisions and presenting to MRRIC by May 2009.

#### Independent Scientific Review by:

- Coordinating with the Independent Science Program to begin the process of identifying Independent Science needs and creating a work plan to fill needs and bringing a recommendation to MRRIC by March 2009.

A member asked if the ISP Work Group can see the draft USFWS rule on commercial harvest of the shovelnose sturgeon. Henry Maddux replied that it cannot be shared at this time, but he will research and respond to the Committee whether the draft can be shared in this instance.

The Committee can live with the independent science portion of the Work Group proposal.

Nominating Work Group (topic discussed on December 18, 2008)

The Nominating Work Group will continue until the Chair and Vice-Chair are selected. David Sieck will continue as the point of contact.

IT Work Group (topic discussed on December 18, 2008)

The IT Work Group will poll members about the MRRIC website and WebEx site and determine how those sites will interface. The IT Work Group will work with Mary Roth and Teresa Armagan of the USACE to determine a protocol for posting information on the MRRIC website. The IT Work Group will provide an update at the next meeting.

Agenda Work Group for the Next Meeting (topic discussed on December 18, 2008)

This work group led by Randy Asbury (Interim-Chair) will collaboratively develop the January Committee meeting agenda. Members include Dave Barfield, Bill Beacom, Tom Graves, Paul Lepisto, Jim Redmond, Dave Sieck, Don Borgman, Mary Roth (USACE), and Carol S. Hale (USFWS). Sarah Palmer from the U.S. Institute will facilitate this work group with the assistance of Pat Lewis.

Proposed agenda topics for the next MRRIC were projected on screen and reviewed by the Committee. Recommended additions include the following:

- Meeting attendance, respecting time, and not leaving early
- Selection of priorities – setting goals for 2009
- Contact the Tribes and find out why they do not attend (The U.S. Institute can coordinate with the USACE to explore ways to encourage and increase tribal participation on the Committee)

The Committee agreed that the U.S. Institute will analyze the agenda topics based on the time frames available, develop a list of proposed agenda topics and forward it to the Agenda Work Group. The work group will vet a draft agenda with the full Committee in early January 2009 and finalize the agenda by January 20.

Annual Report Work Group / Evaluation Group (topic discussed on December 18, 2008)

The Committee deferred this until the January meeting.

Information Sharing and Coordination Work Group (topic discussed on December 18, 2008)

There is no need for an information sharing and coordination work group at this time. There is a need to clarify how the Committee makes requests to the agencies. The agencies/USACE (Mary Roth) will recommend a proposed communication plan at the next meeting. Between now and the next meeting, individual Committee members will submit requests for information to the appropriate MRRIC work group and work groups will forward those requests to Randy Asbury (Interim-Chair). He will then forward the requests to the appropriate agencies. The Committee agreed to this procedure.

Operating Procedures Work Group (topic discussed on December 18, 2008)

The Committee agreed to disband the Operating Procedures Work Group.

Private Funding Work Group (topic discussed on December 18, 2008)

The Committee agreed to disband the Private Funding Work Group. Six Committee members abstained.

### **Call to Public**

The public commenter chose to comment on Thursday instead of Wednesday.

### **Possible Webcast Topics**

Committee members were asked to prioritize a list of possible webcast topics and provide their lists to Pat Lewis. The U.S. Institute will compile the list of topics and provide the survey analysis to the Committee.

David Shorr made two announcements. 1) In December 2008, the USACE issued a Notice of Public Scoping meetings related to an EIS to analyze the direct, indirect, and cumulative effects of reauthorizing continued commercial dredging of sand and gravel from the Missouri River in Missouri and Kansas. There will be three public scoping meetings in January 2009. 2) A company named Free Flow Power has requested authority from FERC to place hydrokinetic turbines in the Missouri River. The comment period opened in mid-December. The proposal calls for placing thousands of turbines in the river. MRRIC and USACE must consider the impact these proposals will have on river activities and the pallid. MRRIC should consider whether a formal position on this issue is appropriate.

### **Facilitator Interview Questions**

The Committee agreed that the U.S. Institute will combine and refine a set of questions that can be answered within the timeframe for interviews. Interview time frames were discussed and the

**Decision:** *The Committee agreed that the U.S. Institute would combine and refine a set of facilitation team interview questions that can be answered during the one-hour interview.*

Committee subsequently agreed that interviews would be scheduled for one hour.

#### **DAY 4: THURSDAY, DECEMBER 18, 2008**

##### **Meeting Opening and Introductions**

Witt Anderson introduced Colonel Roger Wilson, Jr., Kansas City District Commander, Steve Iverson, Deputy District Commander for Planning Programs and Project Management, Kansas City District; and David Ponganis, Chief, Planning, Environmental Resources, Fish Policy and Support Northwestern Division.

##### **Agenda Check**

The Committee agreed to discuss the next meeting before discussing work groups. Due to concerns about inclement weather, Joe Gibbs volunteered to defer his presentation, which will be posted on WebEx. Joe later noted that the presentation would be revised before posting on WebEx.

##### **Information Sharing Session 6: Spring Pulse – by Larry Cieslik (USACE)**

The presentation included spring pulses from Gavins Point Dam. The spring pulse was part of a reasonable and prudent alternative in the 2003 Amended Biological Opinion to avoid jeopardy to the pallid sturgeon. Larry noted that there was levee damage, as a result of the 2008 floods and some of the damaged levees will not be repaired before the spring pulse, including L-488, L-448, and Tebbetts Levee. Levees L-488 and L-448 are not a concern because based on weather forecasts, the water level should not reach the base of those levees.

A reservoir can relieve the water at Tebbetts Levee if necessary. The May spring pulse in this area would be about a half foot of water from breaching this levee. The May spring pulse would cause about a mile of flooding, which is a fairly small impact even though the people on that mile of land understandably would be concerned about this flooding.

The spring pulse lasts three days versus the eight months of flow for navigation. Question: The genesis of the spring pulse was to cue the sturgeon, even though the science shows that spring pulse does not necessarily cue the sturgeon – is the USACE concerned about this? Answer: Larry doesn't have the answer for this right now. Question: Is the Tebbetts the only levee that is down? Answer: Yes, in addition to the two federal levees.

Question: Some levees were breached in 2007; why does it take so long to get them fixed? Answer: The USACE (Robin) can provide a status of the 2007 levees to the Committee.

Question: Is there a list of navigation structures that are damaged or in disrepair? Answer: The USACE is not aware of such a list but will follow up.

Question: Does the USACE look at other structures that go through levees as well? Answer: The response from Emergency Management was that those structures are scheduled to be repaired in 2009.

Question: If the 41,000 flood control limit is reached will that cause problems in Iowa? Answer: Colonel Wilson recommended that the Committee may want a presentation of the levee repair process. Colonel Wilson is not prepared to unequivocally say that all levees will be repaired by March. There are many complex issues involved.

Comment from Committee member: Many reservoirs in Missouri exceeded their storage capacities last year.

Question: Is there a table that correlates the flood stage to the cfs? Answer: The USACE can provide rating tables to the Committee (also, the NOAA website shows stage vs. flow).

Question: Who decides when the USACE will stop implementing spring rises, and would the USACE need to re-consult? Answer: The presenter agreed that it is a good question about when to stop or change the spring rise. Henry Maddux stated that there is not yet enough information to apply adaptive management and determine whether to make such a change.

Some members' constituents do not want a spring rise and some members were interested in learning more about the Fort Peck upstream impact. Response: There is a difference between impact and inconvenience.

The Committee was asked whether it wants to take an action on the 2009 spring rise. Discussion included whether it would be appropriate for the Committee to take action at this time on the spring rise issue, or if the Committee should instead become informed about the issue for future discussion but not necessarily to take action for 2009.

Question: Could additional monitoring be conducted this year to provide a better comfort level for the 2009 spring rise? Answer: Scientific monitoring and physical monitoring are conducted and the project manager responsible for monitoring could provide a presentation at the next meeting. The USGS is currently monitoring pallid sturgeon.

A Committee member said that a farmer's risk management agency does not compensate for crop damage caused by spring rise (man-made flooding). Response:

The USACE has worked with the risk management agency. The USACE explained to the risk management agency that the spring rise does not cause the flooding but flow in tributaries causes the flooding. If the Committee wants to pursue this, perhaps the risk management agency could be asked to give a presentation. A Committee member noted that farmers are at risk of going out of business every time their crops are flooded, regardless of the cause of flooding. A Committee member asked others to remember that it is not uncommon for water to rise 15 to 20 feet in 24 hours. A member does not think this Committee should get involved in the day-to-day operation of the river; this is not the purpose of the Committee.

Question: The Corps presented information on 3 levees that will not be repaired prior to next spring's spring pulse. Is the Corps' assessment based on all other levees being repaired and stabilized before the pulse? Larry Cieslik answered yes.

Colonel Wilson noted that the USACE does consult with lower basin users on the spring pulse.

Question: If it is determined in February that levees will not be repaired, will the spring pulse be suspended? Answer: Larry from the USACE does not know. It depends on risk. Witt said the USACE will always take into consideration levels of risk. It is not likely today that the spring pulse would be suspended in 2009. But the USACE takes into account risk to people and property.

### **Compensation for the MRRIC Chair**

Earlier in the week, there was discussion about compensation for the Committee Chair. At that time, the U.S. Institute responded that compensation would be \$2,500 to \$3,000 per quarter plus travel expenses.

Some members felt this compensation was insufficient, particularly when compared with compensation for the facilitation team. The U.S. Institute noted that compensation for the MRRIC Planning Group Co-Chairs was the same as proposed for the Committee Chair. The U.S. Institute estimates it will take about 40% of a person's time to be the Committee Chair. After consulting with the USACE, Sarah explained that compensation for the Committee [external] Chair would increase to \$2,500 to \$3,000 per month in a time and materials contract. (There was discussion that the Chair may be able to facilitate meetings and eliminate the need for a separate facilitation team and that the Chair may need additional compensation if it takes more than the estimated 40% of the person's time or if travel or other costs go beyond \$2,500 to \$3,000 per month.) The Chair will be reimbursed for travel. The Chair's contract will be for the calendar year.

**Decision:** *The Committee agreed to review the Chair's contract and compensation before the conclusion of the calendar year.*

### **Planning for Next Meeting**

The following potential meeting dates were based on members' indication of availability during the inaugural MRRIC meeting.

- January 27-29, 2009
- February 24-26, 2009
- March 3-5, 2009
- April 21-23 or 28-30 (one more person available 28-30), 2009

Discussion: Because there is a USACE decision point in March and May, the Committee needs work around those dates. Several members recommended meeting in January.

Witt mentioned that it takes time to develop quality presentations and that in the long run quality may be as important as urgency; depending on subject matter. Regardless, the USACE will support the Committee if a January meeting is scheduled.

**Decision:** *The Committee agreed that the next meeting will be scheduled for January 27, 28 & 29, 2009.*

The Committee discussed various ways to schedule future meeting dates, including “Doodling” members and setting a regularized schedule. Concerns included the availability of agricultural representatives’ attendance during harvest seasons. It was pointed out that alternates could attend in the case of absences by the primary member. It was recommended that meeting dates should be set around when the Committee can have meaningful input, not around members’ schedules.

**Decision:** *The Committee agreed to meet every other month, shifting the meeting week each month (e.g. 4<sup>th</sup> week in January, 1<sup>st</sup> week in March, 2<sup>nd</sup> week in May, etc.), resulting in the following meeting dates for 2009.*

*March 3, 4, 5  
May 12, 13, 14  
July 21, 22, 23  
September 22, 23, 24  
November 3, 4, 5*

*(See Appendix B for the schedule)*

Members recommended that certain items should be taken into consideration when selecting meeting locations, including easy access to airports, cost of travel, meeting room size, airport size, etc. Pat Lewis of the U.S. Institute offered to help with selecting meeting locations. The Iowa members’ first choice for the January meeting location is Council Bluffs, Iowa, and their second choice is the Lied Center in Nebraska City, Nebraska.

Pat Lewis asked attendees to RSVP to meetings, so she can block out the appropriate number of rooms.

## Operating Procedures Revisions:

### *Annual Goals*

The Committee discussed whether the Operating Procedures would include instructions about developing a work plan. Committee members recommended changing the terminology to “annual goals” to prevent using the term “work plan” which may be

confusing since the USACE has a “work plan.” The proposal was to change Operating Procedures language to say “annual goals.” The U.S. Institute will reformat the Operating Procedures based on the edits made at this meeting.

### Agenda Work Group

After discussion and revision, the Committee agreed to adopt the following text: The Chair will collaborate with the Agenda Work Group. Stakeholder, Tribe, and state Committee members will volunteer each meeting to serve on the Agenda Work Group for the next meeting. The Work Group will not exceed seven stakeholder, Tribe, and state Committee members selected at the discretion of the Chair. No member will serve on this Work Group more than two consecutive meetings. The Chair will ensure that the membership is balanced. The Chair will work with all appropriate entities necessary, including the facilitation team, to create the agenda.

Witt noted that although the USACE will not be named a member of the agenda Committee, the USACE will be available as a resource.

“Vice-Chair” was not to be added to the agenda work group language.

“Use of Time” was clarified by adding “Meetings and work group conference calls will begin and end as scheduled unless otherwise agreed to by consensus of the participants.”

**Decision:** *The Committee agreed to clarify “use of time” and add the proposed Agenda Work Group language to the Operating Procedures under F. General MRRIC Operations.*

The Committee discussed setting ground rules for work group phone calls; in particular, that no decisions may be made after the call is scheduled to end. The time for conference calls and Committee meetings should be honored or meetings may be extended past their scheduled ending time upon a consensus decision by the Work Group or Committee members.

The Committee agreed provisionally to the revised Operating Procedures. The U.S. Institute will format and distribute the revised Operating Procedures at the January 2009 meeting for formal adoption by the Committee.

**Decision:** *The Committee agreed to provisionally adopt the Operating Procedures as amended.*

The Revised Operating Procedures will be presented to the Committee for formal adoption at the January 2009 meeting.

### Other Input:

A member recommended different colored name tents to indicate those members who make up a quorum (51 percent of the stakeholder members, plus any state and tribal representatives present).

**Call to Public**

There were no public comments.

The Committee was adjourned by Interim-Chair Randy Asbury.

## **APPENDIX A: CHARACTERISTICS OF COMMITTEE CHAIR**

### **CHARACTERISTICS OF COMMITTEE CHAIR**

The following list was initially developed by the Nominating Work Group's review and prioritization of the attributes were identified by the Committee at the Sept/Oct 2008 meeting. The first 8 attributes were also used to select the co-chairs for the MRRIC chartering process. Item #9 was added to the list at the December 2008 MRRIC meeting. The Committee as a whole agreed to use the following characteristics to evaluate candidates for the Committee Chair and Vice-Chair positions.

1. Time Management Skills
2. Unbiased and Even-handed
3. Ability to keep the Committee on Task
4. Familiar with the Federal Government
5. Listener; Ability to Communicate (effectively)
6. Respect for Diverse Perspectives
7. Time Availability
8. Ability to Move Group to Consensus
9. Familiarity with the Missouri River Basin

## APPENDIX B: 2009 MEETING SCHEDULE

### MRRIC 2009 Meeting Schedule

At December 2008 meeting of MRRIC, the Committee agreed to meet every other month in 2009. The meetings are scheduled for Tuesday through Thursday on rotating weeks in those months. The meeting location is based on the date the Missouri River basin states joined the Union. The Committee agreed to use this protocol for determining meeting locations at October 2008 MRRIC meeting. The first meeting was held in St. Louis, Missouri, and the members from Nebraska delegation have agreed that the December meeting serves as its meeting.

Week of the Month	Month	Days	Dates	Location
5 <sup>th</sup>	January	Tues-Wed-Thurs	January 27, 28 & 29	Iowa
1 <sup>st</sup>	March	Tues-Wed-Thurs	March 3, 4 & 5	Kansas
2 <sup>nd</sup>	May	Tues-Wed-Thurs	May 12, 13 & 14	North Dakota
3 <sup>rd</sup>	July	Tues-Wed-Thurs	July 21, 22 & 23	South Dakota
4 <sup>th</sup>	September	Tues-Wed-Thurs	September 22, 23 & 24	Montana
1 <sup>st</sup>	November	Tues-Wed-Thurs	November 3, 4 & 5	Wyoming

## APPENDIX C: ATTENDEE LISTS

<b>MRRIC Members</b>	<b>Interest Category, Tribe, State or Federal Agency</b>	<b>12/16/08</b>	<b>12/17/08</b>	<b>12/18/08</b>
Adams, Steve (Alternate for David Barfield)	State of Kansas	X	X	X
Witt Anderson	USACE	X	X	X
Michael Armstrong	Water Supply	X	X	X
Randy Asbury	At Large	X	X	X
William Beacom	Waterway Industries	X	X	X
Jim Becic	Fish & Wildlife	X	X	X
Don Borgman	Agriculture	X	X	X
Patrick Cassidy	Thermal Power	X	X	X
Joe Cothorn	Environmental Protection Agency	X	X	
Gary Davis (Alternate for Dan Fritz, days 1 & 2 only)	Bureau of Reclamation	X	X	X
John Drew (Alternate for Michael Wells)	State of Missouri	X	X	X
Brian Dunnigan	State of Nebraska	X	X	
Terry Fleck	Recreation	X	X	X
Dan Fritz	Bureau of Reclamation			X
Joseph Gibbs	Flood Control	X	X	X
Mark Goeden (Alternate for Thomas Tidwell)	USDA Forest Service	X	X	X
Thomas Graves	Hydropower	X	X	X

<b>MRRIC Members</b>	<b>Interest Category, Tribe, State or Federal Agency</b>	<b>12/16/08</b>	<b>12/17/08</b>	<b>12/18/08</b>
Roger Huizenga	Conservation Districts	X	X	
David Johnson	State of North Dakota	X	X	X
Russell Kaldenberg	At Large	X	X	X
Daniel Kuenzel (Alternate for Lanny Meng)	Flood Control		X	X
Paul Lepisto	Environmental/Conservation	X	X	X
William Lay	Local Government	X		
Sue Lowry	State of Wyoming	X	X	X
Marian Maas	Water Quality	X	X	X
Michael 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
Michael Madell	National Park Service	X	X	X
Deb Madison	Fort Peck Assiniboine and Sioux Tribes	X	X	X
Vicki Marquis	Conservation Districts	X	X	X
Buzz Mattelin	Irrigation	X	X	X
Lynn Muench	Navigation	X	X	X
Kara Nagel	Irrigation	X	X	X
John Pozzo	Water Quality	X	X	X
Steve Predmore	National Weather Service/NOAA	X		

<b>MRRIC Members</b>	<b>Interest Category, Tribe, State or Federal Agency</b>	<b>12/16/08</b>	<b>12/17/08</b>	<b>12/18/08</b>
Jim Redmond	Environmental/Conservation	X	X	X
Kenneth Reeder	Recreation	X	X	X
David Schorr	Waterway Industries	X	X	X
Mike Ruggles (Alternate for Tim Bryggman)	State of Montana	X	X	X
John Shadle (Alternate for Brian Barels)	Thermal Power	X	X	X
David Sieck	Agriculture	X	X	X
Jason Skold	Fish & Wildlife	X	X	X
Nick Stas (Alternate for Robert Harris)	Western Area Power Administration	X	X	X
Al Sturgeon	State of Iowa	X	X	X
Kate Vandemoer	Northern Arapaho Tribe	X	X	X
Robert Walters	Cheyenne River Sioux Tribe	X	X	X
Bob Williamson	Local Government	X	X	X
Brian Yanchik	Federal Highway Administration	X	X	

**Non-Member Attendees**

<b>Name</b>	<b>Affiliation</b>	<b>12/16/08</b>	<b>12/17/08</b>	<b>12/18/08</b>
Teresa Armagan	USACE	X	X	X
Juanita Barboa	The Final Word (Meeting Notetaker)	X	X	X
Ryan Bertels	State of Missouri	X	X	X

<b>Name</b>	<b>Affiliation</b>	<b>12/16/08</b>	<b>12/17/08</b>	<b>12/18/08</b>
Michael Bollinger	Alternate for John Pozzo representing Water Quality	X		
Cheryl Chapman	Matrix Consulting	X	X	X
David Crane	USACE			X
Aaron Delonay	USGS	X	X	
Jody Farhat	USACE		X	X
Steven Fisher	USACE	X	X	
David Galat	USGS	X	X	
Michael George	USACE	X	X	X
Carol Hale	USFWS	X	X	X
Rosemary Hargrave	USACE	X	X	X
Chris Horihan	USACE	X	X	X
Steve Iverson	USACE			X
Todd Iveson	State of Missouri	X	X	X
Gwyn Jarrett	USACE		X	X
Matt Jeppson	USACE	X	X	
Matt Krajewski	USACE	X	X	X
Casey Kruse	USACE	X	X	
Mike Mayer	The Lewis Berger Group	X	X	
William Maczuk	Alternate for Joseph Gibbs, representing Flood Control		X	X
Donald "Skip" Meisner	Alternate for Al Sturgeon, representing the State of Iowa	X	X	X
Larry Mires	Alternate for Vicki Marquis, representing Conservation	X	X	X

<b>Name</b>	<b>Affiliation</b>	<b>12/16/08</b>	<b>12/17/08</b>	<b>12/18/08</b>
	Districts			
Wayne Nelson-Stastny	USFWS	X	X	
Michael Olson	USFWS	X	X	X
Steve Oltmans	Olsson Associates	X		
David Ponganis	USACE			X
Kevin Quinn	USACE	X	X	
John Palensky	USACE			X
Glenn Pollock	Citizen		X	
Paul Rohde	Waterways Council	X		
Mary Roth	USACE	X	X	X
John Seeronen	USACE	X	X	X
Randy Sellers	USACE	X	X	X
Jeanne Spaur	Alternate for Deb Madison, Fort Peck Assiniboine and Sioux Tribes	X		
Jim Stefanov	USGS	X		
Jennifer Switzer	USACE	X	X	
Tom Waters	Missouri Levee Drainage District Association	X	X	X
Brad Thompson	USACE		X	
Robin Wankum	USACE	X	X	X
Rick Wilson	USGS		X	
Col. Roger Wilson, Jr.	USACE			X
Brenda Woodward	USGS		X	