

MEMORANDUM FOR Record

SUBJECT: Minutes of River Resources Forum Meeting #86, December 1st & 2nd, 2009

1. Introductions / Approve Minutes/ Meetings– A meeting of the River Resources Forum (RRF) was held on December 1st & 2nd, 2009 at the Fort Snelling State Park, St. Paul, MN. Following introductions, the Minutes from RRF #85 were approved with written changes to be submitted by MN DNR.

Next year's meeting dates were established: April 27th & 28th in the Winona Area
August 24th & 25th in the Red Wing Area
December 7th & 8th in the Twin Cities Area

2. Agency Activities – (Only the agencies listed below had significant information to report.)
- A. US FWS (Sullins): There will be an overview tomorrow about potentially new mussel listings. Delphey is working with MN DNR on La Crescent bridge replacement, also working with USCG on mussel relocations.
 - B. COE (Birkenstock): Reorganization of the St. Paul District Planning section – working regionally. Planning is now part of Regional Planning and Environmental Division North which combines planning of St. Paul, Rock Island and St. Louis planning sections.
 - C. US FWS (Foerster): Has been in Minnesota 3 weeks, Recovery Act funding is being used to construct the La Crosse District visitor complex at Bryce Prairie.
(Frietsche): Brownsville overlook was dedicated this fall.
 - D. MnDOT (Lambert): Dick will talk about bridges during the Nav Work Group activities. \$3 Million Federal money sent to MN \$800,000 in Duluth.
 - E. USCG (Zekus): Red Wing Marina; will conduct safety training, provide a safe boating course. USCG is working on taping a video from a pilot's perspective to share with slip holders. Industry Day will be focused on Commercial Navigation would like agenda input from industry will forward request for topics to Dan so it can be distributed to RRF mailing list.
 - F. M DNR (Wooden): M DNR wanted a 50/50 cost share project. There was a call from Congresswoman McCullum's office about Pigs Eye Lake projects, and the possibility of getting a project budget item in WRDA 2010. DeZellar: There was a Section 206 project application in 2003 for an ecosystem restoration project at Pigs Eye Lake. The project was never pursued by the proposed local sponsor.. There is a - \$100,000 first year maximum for 206 studies, (Steve Johnson): Island building or dredging options? (Scot Johnson): No project is on the table as far as he knows.
(Wooden) Handout [**Attachments 86-1 & 2**] Rulemaking for Mississippi River Critical Area Program, website is on back page, advisory boards will be made soon is there a contact in the Corps? Tapp will find out a contact for this.
(Scot Johnson): Mitigation Policy Discussion – it is being worked on. Meeting tonight for Mississippi makeover group writing the TMDL for 5 years some water quality issues will be addressed. Red Wing had an informational meeting last night about recreation boating impacts. There is a 3/8 % increase in sales tax in MN, M DNR has first chance to compete for that money. 18 partners are planning to work on Pools 2 and 3 Lower Cannon and other tributaries. Red Wing walkway status – Fill seems to be out of the picture at this time, 5 years

is approximate timeline. (Wheeler): plan for a white water park by the stone arch bridge was done about a decade ago – redesign of the project has been started.

- G. M PCA (Mader): Upper Management is looking at sustainable agency initiative. Funding has been affected.
- H. NPS (Steve Johnson): FWS has been monitoring waterfowl outside the refuge now doing surveying from Lake Pepin to Pool 2. Negotiating mitigation for Hastings Bridge construction, doing a study of bird strikes on cable stay style bridge.
- I. US FS (Heyer): Conference of flood plain management planned for 2011, there is a steering committee of about 20 people established. See Terry if you have agenda items.
- J. UMWA (Genz): Would like to know possible dates for USCG Industry Day.
- K. LMRWD (Schwalbe): The bank failure at Minnesota River RM 20 has been now made public, Eden Prairie is doing study and will have preliminary report out December 16th, will be trying to prevent erosion in the future. The project will be more than the Watershed District will be able to fund by itself. (Hendrickson): Near RM 16 monitoring is ongoing and there has been 30 ft of erosion in 12 years.
- L. COE (Tapp): Staff changes in Channels and Harbors, Lisa has moved on to Locks and Dams, Paul M. will be picking up most of her duties. Drawdown of 5 feet planned at intermediate pool for work by Xcel Energy – will complete yet this winter. Rosbud Island bank stabilization completed 1800 feet of shoreline this fall. La Crescent office. Emerald Ash Borer discovery last spring in Vernon County has created extensive assessment in the area and that will continue. LUAP all changes are in process plan to have digital by the end of the FY. (Urich) would like the amount of paper copies needed by partners submitted to La Crescent office by May. LD 3 Project; Upper Nav. Improvements and Upper embankment contracts awarded in December, lower embankment award in June. Draft permit has been received with conditions. (Berg): Blackhawk shoreline protection was completed with ARRA funding and some areas in the park have been rehabbed.
- M. W DNR (Fischer): LD 3 lower embankment, 14 acres are impacted. WI has stated for 12 – 15 years if work is done passage should be included. 1932 documents show that if fish passage is affected then it will be addressed in future work – WI DNR has shown that the passage is needed. Permit does require fish passage, one issue is Inland Waterways Trust Fund can not be used for construction, to put the structure in at a later date is not fiscally wise. When the GRR was done the project included all three projects. When report was completed a letter was issued from the WI DNR Secretary to the Corps Colonel, 15th of December is when the Corps requests a response.
Reach planning effort – helping establish reach objectives for both EMP and NESP
Participating in LTRMP effort, reviewing applications for Hydro-electric applications on the river, working on permits for Stimulus projects; Capoli work – DNR is participating in fall water fowl counts. Deer hunting numbers are down this year 100,330 deer harvested this year 133,828 deer harvested last year. New guidelines are out for fish consumption from WI waters.

3. Channel Maintenance Program Activities [Attachment 86-3]

- A. Complete dredging schedule for 2009
- B. Placement Site Activities – Pool 1 site issues, working with the City of Minneapolis and the State to restore capacity. Southport (Pool 2) is being updated, foot print has changed. Corps Island (Pool 3) unloading is going forward – public meeting will be held. Red Wing

Commercial Harbor (Pool 4) is going to be moved changed by the City development plan will be forwarded to the On Site team once it is received.

- C. Still working on the Boulanger Slough alternatives – team will meet after the New Year.
- D. Cut 5 placement (Pool 4) there is a concern with the contaminants from one of the dredge cuts that was planned for material. MPCA (Mader) written concerns will be sent to David Potter by noon on Thursday. John Sullivan will talk to lab used to see if he can verify if there is false positive or interference. MDNR (Scot Johnson) More sampling will need to be done and if readings are that high action will need to be taken. COE (Potter) will have a plan for sampling by the end of the week.
- E. Swallow Habitat (Krumholz): The Corps will do some things to create habitat to mitigate enforcement. On Site team will be contacted to move forward.
- F. Mississippi Gardens Pool 10 (Machajewski): Problems with the haul road this year, hoping it will set up this winter and spring, not able to use it this past year.
- G. MN DNR Mitigation Policy Discussion (Krumholz): No need to develop a wetland bank should go through RRF voting members for endorsement. An e-mail endorsement will be coming out with a 30 day review period. The island 116 dredging was done to encourage scour. (Wooden): What type of permit does the Corps get from WI? Wisconsin has a 10 year MOU w/ Corps.

4. Navigation Work Group (Machajewski & Lambert) [Attachment 86-4]

- A. Bridges: MN River – Union Pacific R/R bridge will be removed upstream of 9' navigation, the Corps will be kept informed, log jam is a concern. Lowry Ave: Construction will begin in 2010. Rock Island Swing Bridge in Inver Grove Heights – will be planned this coming year. Hastings – Request for best value proposals June 2010, bid opening July 15th there are 5 options. La Crosse R/R Bridge – due to stimulus may have funds to begin construction in 2010.
- B. Mooring Buoy below LD8 – Completed the move this past fall, no comments thus far.
- C. Next item to be looked at is the Pepin sailing line after FWWG has a chance to review concerns.
- D. Kudos to the NWG for evaluating proximity of R/R to navigation channel many years ago – critical areas identified and inventoried. Other districts are just now starting the process.

5. NESP (DeZellar)

- A. \$6.2 Million for NESP in FY 10 for context NESP averages about \$10 Million a year.
- B. Pool 2 Wing Dam Alteration Project Implementation Report is approved. This project is shovel-ready. Forest Mgmt System Plan is in draft form and is out for comments. The Reno Bottoms forest pilot project is in the planning stage, and we should have a draft report by the end of FY 2010. . Root River floodplain restoration project plan will come back to the Forum for agreement.
- C. NESP has some major challenges, no Chiefs Report to OMB this year.
- D. Lack of Construction funding in NESP has to do with short falls in the Inland Waterways
- E. Upper Miss River Partners met with Asst. Sec JoEllen Darcy yesterday Gretchen Benjamin attended and plans to attend forum meeting tomorrow.

Adjourn for the Day 3:45 PM

6. WLMTF (Scot Johnson)[Attachment 86-5]

A. The WLMTF has its own Facebook page. It will be monitored by the WLMTF for public comments and to insure that the site contains good information.

B. Endorsement of a Pool 6 drawdown in 2010 was requested. Kelner has been working on the EA and will reissue the FONSI soon. Tapp suggested changing the request to endorse the drawdown in 2010, or earliest year possible and provided language for the request with some caveats [**Attachment 86-6**]. A motion was made to endorse using language provided by the Corps (Tapp) and seconded by WDNR (Fischer). The request was endorsed by consensus.

C. An example newsletter was passed around and discussed. The RRF agreed that the newsletter was a good idea and that the WLMTF should continue work on it.

D. There was a lot of discussion regarding the recent grant proposal by MDNR and how the Corps could accept funds. The MDNR did a great job putting the proposal together. The bottom line is that there is a mechanism to accept funds through the Challenge Cost Share Program. That was good news, but the Corps did caution that we would still need to work through agreements if this is requested. The MDNR (Schlagenhaft) asked about information and documentation needed by the Corps for this work to go forward. The Corps (Tapp) asked if an outline showing goals for Pool 3 could be completed. He stated that O&M could potentially help with funding if there are benefits to the program. The MDNR should know if the proposal is accepted by 9 December 2009.

E. The WLMTF has asked the RRF at past meetings for assistance or guidance but not much has been given so they are not sure how to proceed. A handout was provided with the WLMTF recommendation and language from RRF meeting #83 and language from the RRF meeting #84. There has been no action on the recommendation to institutionalize water level management. The Corps was asked if other agencies could help with writing a PAR. Templates are out there from Pool 8 and Pool 5 that could inform other writers to create documents that will work for the Corps. Agencies may be able to pull in other info like dredging needs. The Corps said it would be possible and the help would be welcome. The MDNR (Schlagenhaft) said it would be helpful to sit down with the Corps team and identify what elements need to be created to get approvals. A question was asked about Corps funding, but the current FY10 bud is only \$25K and much is already spent (DeZellar). As stated in the past, the O&M budget was used as a pilot project, but cannot be relied upon in the future. Fischer asked if the WLMTF could start a PAR. Scot will take it back to WLMTF.

F. Use of EMP funding for Water Level Management was also discussed, but there are no new starts for EMP HREPs. The MDNR (Schlagenhaft) stated that EMP is the only game in town and since drawdowns are a successful tool, we need to find a way to make it happen under current funding. The Corps (DeZellar) said the 1135 program and section 206 possibly could be used. They are CAP programs and have a long waiting list. If supported by the RRF how would it go forward? Does it go through FWWG or WLM Task force? The WDNR (Fischer) said it should be looked at again after Reach planning efforts are complete. EMP will pay to get objectives identified. The FWWG hasn't looked at WLM as a viable option. (Hendrickson) In reach planning the objectives are program neutral, so WLM is a viable management action. Timeline for Draft Report is within another month or so. Powell said to approve it under EMP the fact sheet process needs to be developed that has not been done. At that time we were waiting on NESP. It is a longer process to get it approved than next year.

G. Costs for the drawdown were discussed and the Corps (DeZellar) estimated a cost of \$2 Million, \$1 Million for dredging. That includes main channel dredging, recreation dredging, and monitoring. There are so many variables that it is hard to say unless each pool is looked at on a case by case basis.

H. The discussion led to a conclusion that the Corps will sit down with partners to identify what has to happen internally. The Corps (Tapp) stated that a feasibility study is required and the O&M channel maintenance budget can not fund it. This discussion will continue at the next RRF meeting.

7. Potential New Mussel Listings (Sullins and Tamara Smith – US FWS) [Attachment 86-7]

- A. New listings proposed not published yet – will have them available next forum meeting.
- B. (Tapp) Impacts? Not a lot in the main steam Mississippi usually same areas as the Higgins Eye.
- C. About a year before the listings are finalized – Listings could affect 2000 Biological Assessment there would need to be an amendment.

8. EMP (DeZellar) [Attachment 86-8]

- A. Permit violation with MN DNR, lessons learned will be incorporated into 3B contract.
- B. Completion Reports – hasn't gotten them out as much as needed. Dan Wilcox retiring Feb 3rd but will come back as rehired annuitant.
- C. Report to Congress due in HQ July 2010.
- D. (Scot Johnson) Are the States involved? UMRBA is involved few volunteers MVR is developing a database of all EMP projects – Powell is working on this for MVP.
- E. (Tapp) will this include future projects? Yes, DeZellar is still on an acting basis for EMP Tom Novak is official rep for EMP.

9. FWVG Lisa Reid [Attachment 86-9&10]

- A. See Notes and Handout
- B. Hydrokinetics: (Scot Johnson) Randy with NPS did a presentation; 430 proposed projects in the St. Paul District. (Genz) Not likely to be extensive up here – due to industry resistance. Lisa Reid will make contact with West Coast Group to find out how they are funded.
- C. Newsletters: (DeZellar) Should a newsletter be created just for the FWVG or the RRF as a whole? “Our Mississippi” from NESP may be redundant. WLMTF spent \$1700 to print 1200 newsletters to start with then can create a .pdf then print as needed. RRF is directing the FWVG to create a draft format to be brought back to the April Meeting.
- D. Reach Planning – Using a database. Overview of what is in the pipeline.
- E. (Sullins) Need a FWVG list of projects that are in the pipeline (Scot Johnson) would prefer they not be prioritized, that slows down the process. Discuss reach planning efforts at April Mtg.

10. Rec Work Group (Berg) [Attachment 86-11]

- A. UMRCC is looking at involving park rangers, naturalists etc.
- B. Hope to have comments from US FWS and I DNR for Pool 10 beach planning by April Mtg.
- C. Priority List will be presented in April, develop a strategy to implement.
- D. Pool 3 Sea Wing Park Site – W DNR is not interested in permitting 66 additional feet of shoreline.

- E. Website: St. Mary's will not host it much longer, will try to get statistics on how much it is being used will look in to an agency hosting it.
- F. Hope to have a an endorsement opportunity for Beach Plans in April – depending on Environmental work that needs to be completed. (Powell) have beach plans been passed out to the public? (Berg) In Pools 9 & 10 the public has been involved and there will be future involvement as more pools are added.

11. Misc. Items

- A. (Benjamin) Attended a meeting in DC this week with ASA Darcy, Rock Salt & Others to confirm EMP language as accurate. NESP was discussed – issues associated with NESP, Chief's report has gone forward, Chief of planning said has never been sent to OMB, possibly due to the Cost / Benefit ratio?
 - 1. Inland Waterways Trust Fund – Dec 15th plan will roll out. Priorities from those two groups soonest would be 2015 or 2016. ASA Darcy said that this is a viable plan keep working with EMP in the meantime, not sure whether NESP will get off the ground.
- B. (Benjamin) Chris Lenhart (University of Minnesota, Dept of Biosystems) is doing a public education series based on the Mississippi River Gorge in the Twin Cities. McKnight foundation sponsored will also look at water level mgmt in Pool 1. They are located on the East Bank Campus.

Steve Tapp
Co-Chairman, RRF

Attachments:

- 86-1: MRCCA Rulemaking Process Overview
- 86-2: Overview of MRCCA Program
- 86-3: Channel Management & Placement Site Activities
- 86-4: Nav Work Group – Bridge Update
- 86-5: Water Level Mgmt Task Force Update
- 86-6: Corps Drawdown Endorsement Language
- 86-7: US Fish and Wildlife Service Mussel Presentation
- 86-8: EMP Status Update
- 86-9: Fish and Wildlife Work Group Update
- 86-10: FWWG – Hydrokinetics discussion
- 86-11: Recreation Work Group Update
- 86-12: Sign In Sheet