



Upper
Mississippi River
Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

June 13, 2005

Mr. Chuck Spitzack
U.S. Army Corps of Engineers
St. Paul District
Army Corps of Engineers Centre
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St. Paul, MN 55101-1638

Dear Chuck:

At its May 25, 2005 meeting, the Upper Mississippi River Basin Association (UMRBA) discussed the institutional framework as described in the April 2005 concept paper entitled *Modified Institutional Arrangements for the Upper Mississippi River System*. While individual State agencies may be submitting additional comments of their own, the following comments reflect UMRBA members' collective perspective. We begin with a few general comments and then address the particular role identified for UMRBA in the concept paper.

General Comments

Need for change

UMRBA did not endorse the recommendation for institutional change originally described in the Navigation Feasibility Study Report and upon which the April 2005 concept paper is based. Among other things, the Feasibility Study Report called for creation of a new River Management Council to address a broad array of river management issues. In contrast, UMRBA and the 5-state Governors' comments on the Feasibility Study Report urged that existing institutions be used. It will undoubtedly be important to have a collaborative mechanism for implementing the Navigation and Ecosystem Sustainability Program (NESP) resulting from the Navigation Study and to seek ways to integrate NESP implementation with other Corps programs and authorities. However, if NESP is not ultimately authorized, the argument for change is not compelling. In addition, the Institutional Arrangements (IA) concept paper has not made the case for more sweeping changes that would potentially affect a much wider suite of river programs, agency responsibilities, and management issues.

Scope & purpose

As described in the April 2005 concept paper, the scope of the IA proposal seems inconsistent and thus unclear. In some instances, such as Section 2.4, the purpose is broadly described as multiple agencies and stakeholders working together "to integrate management of the UMRS for ecosystem restoration, commercial navigation, flood damage reduction, recreation, and other uses." In other parts of the document, such as Section 1.3.1, the focus is on four specific Corps authorities and on three programs of the Fish and Wildlife Service (i.e., Refuges, Ecological Services, and Fisheries).

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Including these Fish and Wildlife Service programs has raised questions about whether, in fact, the Service intends to use the proposed new IA framework to accomplish its own independent need for interagency coordination related to its responsibilities for such activities as refuge management and protection of threatened and endangered species. For at least some of its programs, the Service already has well-established mechanisms for collaboration, some of which are governed by law.

If institutional changes are made, UMRBA believes the focus should be on the following:

- *Coordinating implementation of specific Corps programs, including NESP, EMP, and O&M.* To the extent that continuing authorities, such as Section 1135 projects, or planning efforts, such as the UMR Comprehensive Plan, can be easily incorporated, it may be valuable to do so. However, it is not fundamentally necessary and may detract from the primary focus (NESP, EMP, and O&M), which is an ambitious undertaking in and of itself.
- *Maintaining balance between and seeking integration of ecosystem and navigation needs.* At the heart of all three programs (NESP, EMP, and O&M), is the nexus between commercial navigation and ecosystem needs. This is one of the most challenging policy interrelationships on the river, with associated analytical questions that are equally challenging. This ecosystem/navigation relationship should be the underlying purpose for, and prominent focus of, any new institutional arrangement. While this dual purpose appears to be the basis of the IA proposal in the concept paper, in some instances, the concept paper focuses exclusively on ecosystem restoration, such as in its description of the role of the Science Panel.

Efficiency

Streamlining and eliminating redundancy of functions should be one of the considerations in the development of any new institutional arrangements. Many of the state agencies with river-related responsibilities are facing increasing demands with decreasing staff and funding. Proposed new institutional arrangements must be sensitive to this reality and seek efficiencies both in the number of groups and the issues they address.

One specific suggestion for enhanced efficiency would be to build upon the existing UMRBA/EMP-CC quarterly meeting format when considering how and when to convene the River Managers Council and/or Science Panel.

Comments on UMRBA Role

Co-position of UMRBA and Regional Federal Principals Group

UMRBA would welcome an opportunity to meet jointly with federal leaders in the region, as recommended in the IA concept paper. Such meetings could be potentially beneficial in identifying emerging issues and joint priorities and would facilitate coordination of the navigation/ecosystem restoration programs with other state and federal initiatives. UMRBA suggests this occur on an annual basis and pledges to work with the Regional Federal Principals Group to make such meetings productive and substantive. It will, however, be incumbent upon both UMRBA and its federal partners to consider how the existing role of UMRBA's Federal Advisors may be affected by establishing a working relationship between UMRBA and the Regional Federal Principals Group.

UMRBA's relationship to the River Managers Council (RMC)

The UMR basin States have a long history of working together on river issues. While they often have different perspectives and policy priorities, they also recognize the value of speaking with one voice and offering coordinated input to interagency forums, such as the proposed RMC. While it would be inappropriate for UMRBA to be a member of the RMC, it could serve a more informal role by helping to facilitate coordination of State input into that body. In addition, consideration should be given to having UMRBA provide staff support to the RMC, similar to the role it fulfills for the EMP Coordinating Committee. Servicing the needs of an interagency body is a demanding job and a key ingredient to its effectiveness.

UMRBA's role and issues of interest

The concept paper contains little insight into the role that UMRBA is expected to play in the overall institutional framework. While we welcome the opportunity that allows us to define for ourselves the role that would be most appropriate, we are also eager to understand what others anticipate and wish from us. Two roles that the concept paper identifies for both UMRBA and the Regional Federal Principals Group are "oversight" and "monitoring the effectiveness of the institutional arrangements." Oversight implies supervision, which is certainly not a role that is appropriate for UMRBA, nor in our view for the Regional Federal Principals Group. In addition, all parties, not just UMRBA and federal agencies, should "monitor effectiveness."

Issues that UMRBA might appropriately focus on, in the context of the proposed institutional arrangements, include:


- Overall implementation policy and balance
- Goals and objectives developed by the RMC
- Unique issues related to States' sovereignty and statutory responsibilities
- Relationship of RMC programmatic responsibilities (e.g., NESP, EMP, and O&M) to other river programs and issues (e.g., Clean Water Act implementation, state floodplain management, hazardous spill response, etc.)

UMRBA Description

The description of UMRBA's structure and programs used in Appendix Section 2.3 is rather outdated. We have attached an updated version that you may find useful.

Thank you for the opportunity to comment. Please don't hesitate to contact me if you have any questions.

Sincerely,


Holly Stoerker
Executive Director

Attachment