



Upper  
Mississippi River  
Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

July 16, 2004

Colonel Duane P. Gapinski, District Engineer  
U.S. Army Corps of Engineers  
Rock Island District  
Clock Tower Building  
P.O. Box 2004  
Rock Island, Illinois 61204-2004

Dear Colonel Gapinski:

Thank you for the opportunity to comment on the *Draft Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR-IWW System Navigation Feasibility Study*, dated April 29, 2004. The Upper Mississippi River Basin Association (UMRBA) and its individual member States have been actively involved in this study since its inception, providing State perspectives on both technical and policy issues. Thus, rather than submitting detailed comments on the draft study report at this point in the process, we simply express our support for the preferred plan described in the report. The plan is a reasoned and balanced approach and we are confident it provides a solid foundation upon which to move forward. In particular, we support:

- Navigation improvements, including mooring facilities, switchboats, seven new locks, and related mitigation, within the framework of a \$2.4 billion plan, with an initial authorization totaling \$1.878 billion and further investments contingent upon an updated feasibility report.
- Ecosystem restoration actions, including island building, fish passage at dams, floodplain restoration, water level management, backwater and side channel restoration, wing dam and dike alterations, island and shoreline protection, improvements to topographic diversity, and switching to dam point control, within the framework of a \$5.3 billion 50-year plan, with an initial authorization of \$1.462 billion.

Of particular note, the Governors of the five basin States recently directly endorsed the proposed plan. In their joint statement (attached), the Governors state that the plan is consistent with the principles of sustainability and multi-purpose use, to which they are all committed.

In keeping with the themes of the joint Governors' statement, we offer the following general comments:

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### **Integrated Plan and Dual Authority**

The UMRBA concurs that ecosystem restoration should be added as a Federally authorized project purpose on the Upper Mississippi River, thus providing a dual authority and mandating integrated planning and management by the Corps of Engineers.

When the study was restructured in 2001 to address both navigation and ecosystem needs, the foundation was laid for development of a truly integrated plan. The States enthusiastically supported the decision to restructure the study, consistent with our long-standing commitment to integrated management of the river. The five Governors gave expression to that commitment in 1997 when they issued a joint proclamation promoting “the pursuit of unified economic and environmental policies” for managing the Upper Mississippi River. Likewise, Congress recognized the dual nature of the Upper Mississippi River System when, in 1986, it declared the river to be both “a nationally significant ecosystem and a nationally significant commercial navigation system,” and mandated that “the system shall be administered and regulated in recognition of its several purposes.” (Section 1103(a)(2) of P.L. 99-662, the Water Resources Development Act of 1986) We now have the opportunity to make this balance a reality by adding ecosystem restoration as a Federally authorized project purpose on the Upper Mississippi River.

### **Balance**

The proposed plan reflects a balanced approach. However, implementing the plan in a balanced way will be critical. Ecosystem restoration and navigation improvements must move forward in tandem, so that measurable and substantial progress can be made toward both goals. It will require a strong and durable commitment on the part of both Congress and the Administration, to advance both elements of this plan. Initially, this means authorizing the first increment of navigation improvements and ecosystem restoration together, in the context of a long-term (50 year) framework. On an annual basis, it will mean adequately funding both efforts, to ensure that progress is made in meeting the needs of both.

### **Adaptive Management**

UMRBA endorses the adaptive management approach embodied in the plan. No plan is perfect and the world around us is constantly changing. So it is particularly important that we proceed incrementally and adaptively. Adaptive management involves evaluating our actions as we go, comparing the response to the anticipated results, and adjusting our next steps in light of what we learn. The States agree that this adaptive approach should be the cornerstone for both the navigation and ecosystem components of the plan, because it reflects an appropriate balance of action and learning. Imperfect information should not keep us from moving forward. There are risks associated with inaction, as well as action. So we should take prudent steps forward, refine our evaluations, and build in checkpoints for future decisions.

In particular, UMRBA concurs with the plan's adaptive implementation approach for addressing navigation needs: proceeding with nonstructural measures, including switchboats and mooring facilities; initiating design of seven new 1200 foot locks, with Congressional checkpoints prior to construction; developing and testing a traffic scheduling system; developing improved economic models; and monitoring traffic and economic conditions. Additional future investments, including five lock extensions, should be dependent on further evaluation and Congressional authorization. Finally, and very importantly, mitigation of incremental traffic impacts should also be undertaken adaptively to ensure that mitigation measures are in place prior to actual traffic increases.

UMRBA also concurs with the plan's adaptive implementation approach for addressing ecosystem needs: begin immediately to implement a full array of restoration techniques, including island building, fish passage at dams, floodplain restoration, water level management, backwater and side channel restoration, wing dam and dike alterations, island and shoreline protection, improvements to topographic diversity, and switching to dam point control. While the long-term plan envisions total investments of \$5.3 billion over 50 years, we should begin with a \$1.46 billion authorization for 15 years, to pursue the most cost-effective measures yielding the best gains in diversity. After that initial period, we will not only have made substantial progress in restoring the river's ecological functions, but we will also have greater understanding of the river's dynamic ecological processes and responses. This will be critical for defining the scope and nature of future investments.

Adaptive management in the context of ecosystem restoration will require clear goals, measures of progress, rigorous science, new ecological models, and enhanced data collection. While the goals, objectives, and data from the study planning process provide a useful starting point, additional effort will be necessary. The Project Management Plan, describing how the preferred plan will be implemented if and when it is authorized should clearly and fully describe 1) the process to be used to establish ecosystem restoration objectives and measures of performance; 2) how the monitoring, modeling, data collection, and evaluation of measures will be structured and funded; and 3) the process for integrating adaptive management into the ongoing restoration program.

### **Cost Sharing**

UMRBA supports the preferred plan's cost share approach for ecosystem restoration (i.e., Option C). In particular, UMRBA concurs that the following should be 100 percent Federally funded: modifications to the structures and operations of existing projects, measures on Corps Project Lands, measures on lands in the National Refuge System, and measures in the main channel or directly connected backwater areas below the ordinary high water mark. Measures on other public or privately owned lands should be cost shared 65 percent Federal/35 percent non-Federal. In addition, the costs of operation, maintenance, replacement, repair and rehabilitation should be assumed by the agency with management responsibility for the land on which the project is located.

UMRBA believes that this cost sharing arrangement appropriately recognizes the Federal government's long-standing and unique responsibility on the Upper Mississippi River System. In particular, the Federal government's construction, operation, and maintenance of the navigation system over the past 70 years has had long-term cumulative environmental effects. Moreover, the Federal government is the largest single floodplain landowner, including over 285,000 acres of national refuges along the river system. While the States are willing to share a portion of the ecosystem restoration costs, given the unique Federal footprint on this river, we believe that a significant portion of those costs must be fully Federally funded.

UMRBA also supports the specific cost sharing provisions recommended in the preferred plan for floodplain restoration projects involving land acquisition. In particular: 1) nonprofit entities should be eligible to serve as non-Federal sponsors; 2) the value of lands and other real estate rights required for a project, regardless of the date of acquisition, should be credited towards the non-Federal share and reimbursed to the non-Federal sponsor, if those costs exceed the non-Federal share; and 3) non-Federal sponsors should be eligible for credit for in-kind services.

### **Collaboration**

UMRBA commends the Corps of Engineers for the collaborative approach employed in this extraordinarily complex study. It has been an open and transparent process, with opportunities for all interested parties to participate.

It will be equally important that the resulting plan be implemented in collaboration with the basin States, other Federal agencies having river-related responsibilities, and key river stakeholders. Consultation and coordination will be necessary on scientific and technical matters, as well as policy issues. However, we believe that by utilizing existing institutions and adapting them as necessary, we can avoid the establishment of new and potentially redundant bureaucracies. The UMRBA and its member States stand ready to assist in efforts to creatively adapt our existing institutions to meet these future needs.

Of some concern to the States, the feasibility report addresses coordination needs beyond the implementation of the recommended plan and other Corps of Engineers' authorities on the river. It suggests that new formal institutional arrangements are needed to "integrate" water resources management on the UMRS. The implications of such a comprehensive new institutional approach are far-reaching, potentially affecting a broad suite of existing authorities and programs. Thus it would be most appropriate, and ultimately more successful, to consider such proposals independent of this feasibility study.

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Thank you again for the opportunity to provide comments. UMRBA looks forward to working with Congress, the Corps of Engineers, other government agencies, and stakeholders to move forward with authorization and implementation of the integrated plan.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Clark". The signature is written in black ink and is positioned above the printed name.

Gary Clark  
UMRBA Chairman

Enclosure

# Joint Governors' Statement on the Upper Mississippi River-Illinois Waterway System Navigation Feasibility Study July 2004

The Upper Mississippi River is a national and regional treasure. Its ecological and economic significance extends far beyond its waters and shoreline communities. Our region's prosperity and quality of life depend upon the river's continuing viability as a commercial transportation system, a rich and diverse ecosystem, a source of water supply, and a recreational resource.

Thus, we, the Governors of the Upper Mississippi River Basin states, are committed to the principles of sustainability and multi-purpose use as the foundation of Upper Mississippi River management. Achieving these management objectives requires the pursuit of unified economic and environmental policies and collaboration among all units of government.

Consistent with these principles, the U.S. Army Corps of Engineers has developed a "dual purpose integrated plan" to guide its management responsibilities on the Upper Mississippi River over the next 50 years. As Governors of the five states that share stewardship of this nationally significant resource with the federal government, we jointly endorse the Corps of Engineers' proposed Plan, as set forth in the April 29, 2004 draft Integrated Feasibility Report and Programmatic Environmental Impact Statement for the UMR-IWW System Navigation Feasibility Study. In particular, we support:

- Navigation improvements, including mooring facilities, switchboats, seven new locks, and related mitigation, within the framework of a \$2.4 billion plan, with an initial investment totaling \$1.671 billion and further investments contingent upon an updated feasibility report.
- Ecosystem restoration actions, including island building, fish passage at dams, floodplain restoration, water level management, backwater and side channel restoration, wing dam and dike alterations, island and shoreline protection, improvements to topographic diversity, and switching to dam point control, within the framework of a \$5.3 billion 50-year plan, with an initial investment increment of \$1.462 billion.

Implementation of these recommendations must be integrated, balanced, adaptive, collaborative, and fairly funded.

*Integrated* — Ecosystem restoration should be added as a federally authorized project purpose on the Upper Mississippi River, thus providing a dual authority and mandating integrated planning and management by the Corps of Engineers.

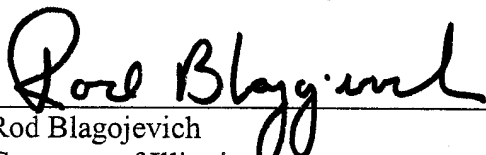
*Balanced* — Ecosystem restoration and navigation improvements should move forward in tandem, so that measurable and substantial progress can be made toward both goals.

*Adaptive* — The long-term (50-year) Plan should be implemented incrementally and adaptively to accommodate dynamic natural and economic conditions, risk and uncertainty, and future advances in technology. This will require developing new economic and ecological models, in addition to monitoring ecological processes, river traffic, and market conditions. However, imperfect information should not keep us from moving forward now, with a reasonable and flexible plan for the future. In particular, evaluation reports and checkpoints in the first 15 years will be critical in defining the scope of future investments.

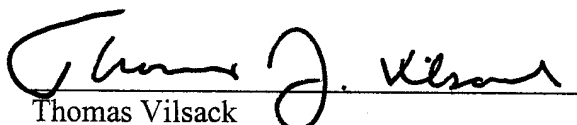
*Collaborative* — The Corps of Engineers must implement the Plan in collaboration with the basin states and other federal agencies having river-related responsibilities. Consultation and coordination on scientific, technical, and policy issues should utilize existing institutions, adapting them as necessary, but avoiding the establishment of new and potentially redundant bureaucracies.


*Fairly Funded* — Consistent with existing law, half the costs of the navigation improvements must be borne by the commercial navigation industry through the Inland Waterway Trust Fund. Cost-sharing of ecosystem restoration must recognize the Federal government's unique responsibility on the Upper Mississippi River. In particular, the Federal government's construction, operation, and maintenance of the navigation system has had long-term cumulative environmental effects. Moreover, the Federal government is the largest single floodplain landowner, including over 285,000 acres of national refuges along the river system. While our states are willing to share a portion of the ecosystem restoration costs, the following ecosystem restoration costs must be fully federally funded: modifications to navigation structures or operations, measures on Corps project lands or national refuges, and measures in the main channel or directly connected backwaters below the ordinary high water mark.

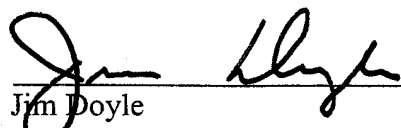
We add our voice to the declaration Congress made in 1986 that the Upper Mississippi River is both "a nationally significant ecosystem and a nationally significant commercial navigation system" and "shall be administered and regulated in recognition of its several purposes." We now urge Congress to make that balance a reality by providing a dual purpose mandate for managing the Upper Mississippi River and Illinois Waterway, including authorization of navigation improvements and ecosystem restoration consistent with the recommendations from the Corps of Engineers' Navigation Feasibility Study.

  
Rod Blagojevich  
Governor of Illinois

  
Tim Pawlenty  
Governor of Minnesota

  
Thomas Vilsack  
Governor of Iowa

  
Bob Holden  
Governor of Missouri

  
Jim Doyle  
Governor of Wisconsin