

Minutes

Missouri River Association of States and Tribes (MoRAST) Cheyenne, Wyoming August 27 & 28, 2008

Chairperson Mary Sexton called the meeting to order around 2:05 p.m. August 27, 2008, and welcomed everyone to the meeting held at the Plains Hotel in Cheyenne, Wyoming. Introductions were made for all in attendance.

MoRAST Directors, alternates and other representatives present:

MONTANA: Mary Sexton, and Jeff Hagener
WYOMING: Sue Lowry and Jodee Pring
NORTH DAKOTA: Dale Frink and Terry Steinwand
SOUTH DAKOTA: Jeff Vonk, Garland Erbele and Mark Rath
NEBRASKA: Brian Dunnigan, Gene Zuerlein and Justin Lavene
IOWA: Mike McGhee
KANSAS: Mike Hayden, Tracy Streeter and Steve Adams
YANKTON SIOUX TRIBE: John Stone and Basil Heth
SAC AND FOX TRIBE: Bucky Pilcher
WINNEBAGO TRIBE OF NEBRASKA: Darwin Snyder
NORTHERN ARAPAHO TRIBE: Ronald Oldman
STAFF: David Pope, MoRAST Executive Director

Federal Agencies: USFWS: Kim Greenwood Denver, CO, Wayne Nelson-Stastny, Yankton, SD and Mike Olson, Bismarck, ND; WAPA: Nick Stas, Billings, MT.; USACE: Larry Cieslik and Rose Hargrave, Northwest Division, Omaha, NE; Kayla Eckert Uptmor, Randy Sellers, Mike George, Joel Ames and Travis Yonts, Omaha District, Omaha, NE; Steve Irverson and Jennifer Switzer, Kansas City District, Kansas City, MO; USGS: Michael Mac, Columbia, MO, Mike Sweat, Cheyenne, WY, Joyce Williamson, Rapid City, SD, Rick Wilson, Lincoln, NE and John Kilpatrick, Helena, MT; USBR: Aaron Thompson, Grand Island, NE; NOAA-NWS: Kevin Low, Pleasant Hill, MO and Doug Kluck, Kansas City, MO.

Others: Brian Manwaring, U.S. Institute for Environmental Conflict Resolution, Tucson, Arizona; Marvin Miller, MT Bureau of Mines and Geology; Peter Evans, ICWP, Arlington, VA; Bill Bryan, MO AG's Office, Jefferson City, MO; and Brian Barels, Nebraska Public Power District, Columbus, NE.

Business Meeting:

Agenda - Chairperson Sexton summarized the draft agenda for the meeting.

Minutes - Tracy Streeter moved for approval of the draft minutes of the meeting held May 21-22, 2008, in Great Falls, Montana. Motion was seconded by Jeff Hegener and passed without objection.

Treasurer's Report - The report was presented by Gene Zuerlein on behalf of Kirk Nelson, MoRAST Treasurer. He summarized the report of expenditures and account balances as of August 27, 2008, as shown on the written report. He also summarized the results of the recent audit of the MoRAST finances performed by the firm of Larsen, Bryant and Associates, P.C. He noted that revenues for the fiscal year ending June 30, 2008, were \$155,807.78 and expenditures were \$136,335.24. Including the fiscal year beginning balance, revenues in excess of expenditures and the transfer of assets from MRBA, the fund balances at the end of June 30, 2008, were \$261,033.91. In addition to providing a statement of assets and liabilities and the statement of revenue and expenditures, Mr. Zuerlein also indicated that the accounting firm completed the tax return for MoRAST and the final one for MRBA, both for the tax year ending June 30, 2008. Motion was made by Mike Hayden to approve the Treasurer's Report and pay the accounting bills for the work completed. Motion was seconded by Garland Erbele and passed without objection.

Executive Director's Report - Mr. Pope distributed packets for the Board and provided a summary of recent MoRAST activities. He noted considerable time was spent making preparations for this meeting and the USGS Cooperator's Roundtable co-sponsored with the USGS and ICWP that was held this last two days. He also noted that he had spent considerable time on Tribal coordination and had attended a meeting of the Great Plains Tribal Chairman's Association (GPTCA) in Rapid City, SD. in July. In addition, he worked with the Executive Committee and others to prepare and distribute the Interim Tribal Travel Reimbursement Policy. Mr. Pope further noted that he organized a meeting with the Corps of Engineers and the MoRAST AOP Technical Committee held in Omaha, NE, on August 6 & 7, 2008, and followed up actions with the USACE. Additional time was also spent related to the proposed study of the 1944 Flood Control Act that will be discussed during this meeting. He attended the Winters Centennial Conference in New Mexico last June and spoke at the U.S. Fish and Wildlife Service Program Leader's Conference in Denver in July, as well as other events as needed.

Old Business -

Fill Officer Vacancy – It was noted that in accordance with the process established at the last meeting, Mike Hayden was the sole nomination to fill the Vice Chairperson vacancy created when Mary Sexton moved up to Chairperson in July. Motion was made by Jeff Hagener to elect Mike Hayden as Vice Chairperson. Motion was seconded by Terry Steinwand and passed unanimously.

Tribal Participation and Travel Reimbursement - Mr. Pope indicated that he had been spending considerable time providing information to the Tribes about participation in MoRAST. Pursuant to action at the May meeting, Mr. Pope worked with the Executive Committee to implement an interim policy and a proposed Tribal Travel Reimbursement Policy for consideration at this meeting. He reviewed the draft dated July 25, 2008, which was previously distributed to the Directors and each Tribe, as well as other contacts. He indicated that very little input had been received since the distribution. Based on the discussion at the meeting, it was suggested that it might be better to use the GSA per diem rates for reimbursement for meals rather than actual costs. In addition, it was suggested that GSA rates also be used for automobile mileage reimbursement, based upon the "government vehicle" rate established by GSA, rather than the rate proposed in the draft policy. Lodging would be based on the group rate or the government rate consistent with GSA rates for lodging. Mr. Pope was asked to make the

appropriate revisions to the draft policy and bring a revised version back tomorrow for further consideration.

During this discussion, a question was raised about whether the Tribes attending this meeting would be able to vote, since official Tribal Directors had not yet been selected. It was the consensus of the Board that the four Tribes present should be allowed to vote on actions during this meeting.

Two-Year Review of By-Laws, Sec. 11, Manner of Acting - Chairman Sexton and Mr. Pope provided a brief overview of the need to either readopt the existing “Manner of Acting” provision in Section 11 of the By-Laws or modify them at this meeting since they will soon expire based on current provisions. Chairman Sexton asked Mike Hayden of Kansas to review a proposed modification to the By-Laws that Kansas had suggested which was distributed prior to the meeting. Secretary Hayden indicated that the proposed modification would remove the “vote to vote” provision which allows a small number of directors to prevent an action from moving to a vote of the Board. It also would change the current super majority needed to pass an action from $\frac{3}{4}$ to $\frac{2}{3}$, along with other wording changes. He indicated that the bar had been set too high to achieve an action by MoRAST, largely at the request of Missouri who did not join anyway. Further discussion occurred regarding the matter with some directors expressing support for the proposed modifications and others expressing reservations since they felt MoRAST actions should have strong support by the Board. John Stone, Vice Chair of the Yankton Sioux Tribe asked why the current By-Laws limited voting to six Tribes. He indicated that one Tribe could not represent another and that it is unlikely Tribes will want to participate if they do not have a vote in the affairs of MoRAST. It was indicated that the current By-Laws attempted to provide a balance on the Board among the State water management and fish and wildlife agencies and the Tribes in the basin. Consideration was also given to geography with respect to upstream interests, downstream interests and the physical location of many of the Tribes in the basin. The discussion acknowledged the challenge of determining the appropriate level of representation of the Tribes on the Board.

Sue Lowry moved that the current By-Laws be continued until the December meeting to allow for additional consideration of these issues. The motion was seconded by Gene Zuerlein. Mike Hayden offered a substitute motion to approve the proposed Kansas modifications to the By-Laws as distributed at the meeting and previously discussed. Motion was seconded by Jeff Vonk. Since there was not a consensus, a vote was taken and the motion failed on a close vote for not having achieved the required $\frac{3}{4}$ vote of the Directors. Since the substitute motion failed, the question was called to consider the original motion to continue the By-Laws until the December meeting. The motion passed. It was further agreed that the business meeting would be continued tomorrow to allow time to better frame the issues to be considered for the By-Laws at the December meeting and deal with other unresolved issues.

Review options for MoRAST Insurance - Mr. Pope indicated he had not yet received sufficient information to present to the Board and requested they pass on this agenda item.

New Business -

Mr. Pope indicated that the USGS Cooperators Roundtable event just held this week seemed to be successful and was well attended. He expressed appreciation for ICWP’s work and noted that Peter Evans, ICWP Executive Director, had stayed in Cheyenne to attend our meeting.

He also noted that ICWP is currently circulating a draft letter among various water related organizations in the country inviting them to co-sign a letter of support for better funding of the USGS streamgaging program. This is a similar effort to such a letter supported by many organizations last year. After discussion, a motion was made by Sue Lowry to authorize the inclusion of MoRAST as a signatory on the letter. Motion was seconded by Tracy Streeter. Motion passed without objection.

Other Agenda Items:

USACE Update and Current Conditions - Larry Cieslik, Deputy Director of Programs and Chief of Missouri River Basin Water Management, Northwest Division, Omaha, NE. Mr. Cieslik provided an update on current hydrologic conditions in the basin and the status of reservoir operations. He indicated that there was good runoff in the upper basin this year. In addition, large runoff in the lower basin resulted in lower releases from the reservoirs, while still meeting navigation targets this summer. He noted the flooding conditions in Iowa. As a result, there have been significant increases in pool levels. Mr. Cieslik also noted that the draft AOP for 2008-2009 would be released in late September and that public meetings had been scheduled for the week of October 14th throughout the basin. A final AOP will then be adopted in December after public comments are received. He expressed appreciation for the preliminary recommendations by MoRAST, especially related to intra-system balancing of the upper three reservoirs. He indicated that based upon the current projections, it is anticipated that reservoir storage will be over 40 million acre feet next year, which will result in both a March and May spring pulse. He noted that these operations continue to generate significant suggestions and concerns. He said significant care will be given to these operations and noted that the criteria include consideration of downstream flood conditions and weather forecasts. Some discussion occurred regarding hydro power peaking and instream flow needs, especially below Fort Randall Reservoir, and other operational considerations. John Stone noted concerns about bank stabilization issues caused by large fluctuating flows within the Yankton Sioux Tribe Reservation. Nick Stas of WAPA responded to some questions about the hydro power peaking issue, as well. It was noted that further discussion has been requested by the MoRAST with the Corps and WAPA on this issue.

MRRIC Status - Rose Hargrave, USACE, NWD, Omaha, NE, indicated that the Missouri River Recovery Implementation Committee (MRRIC) had now been formally established by the approval of the Charter and Implementation Guidance by the Assistant Secretary of the Army (CW.) The Charter was based upon the work of a diverse group of basin stakeholders, States, Tribes and federal agencies this last year or so. She indicated MRRIC will provide consensus based recommendations to the Corps and other agencies regarding Missouri River Recovery Issues. She noted that MRBA and MoRAST had been helpful in getting the WRDA Section 5018 enacted. She said that letters requesting Committee appointment by States and Tribes have been sent to the Governor's and Tribal Chairs. Some appointments have not yet been made. The applications for stakeholder slots on the Committee will be reviewed soon and recommendations made to Witt Anderson and Commander Rapp for the Northwest Division. The first meeting of the committee is scheduled for September 29 through October 1, 2008, in the St. Louis area. Ms. Hargrave encouraged the State and Tribal representatives to secure appointments for MRRIC through their Governor's and Tribe's by September 1 or as soon as possible thereafter. (Her PowerPoint presentation may be viewed at: <http://mo-rast.org/Meetings/PastMeetings.htm>.)

Report from MoRAST AOP Technical Committee – Mark Rath, who served as the leader of the MoRAST AOP Technical Committee, indicated that the committee met August 6 & 7, 2008, in Omaha, NE., with the Corps of Engineers to review preliminary information for the 2008-2009 AOP, including computer analysis provided by the Corps. The committee developed a draft letter containing preliminary recommendations that was circulated to the MoRAST Board and other State and Tribal contacts for comment. In response to the feedback, and consultation with Chairman Sexton, Mr. Pope forwarded the revised letter dated August 15, 2008, to the Corps. Based on cooperation amongst the committee and other officials, recommendations were made with regard to intra-system regulation favoring Garrison Reservoir in 2009 under certain circumstances. The letter also expressed concerns about cycling of releases from Fort Randall Dam, which is done to produce peaking power. It recommended that the Corps, WAPA and MoRAST begin discussions in the hope of finding a solution to concerns about this impact on streamflow and environmental conditions below the dam. Some discussion of this matter occurred with Larry Cieslik of the Corps in which he noted the challenges associated with these operations, which must be done within the congressionally authorized purposes and to protect endangered species.

MoRAST Request for Study of 1944 Flood Control Act – Mr. Pope summarized the current status of the study and called the Board's attention to a one-page summary contained in their packets along with an excerpt from S. 3258. It is from the Senate Energy and Water Development Appropriations Bill that was reported by the full Committee on Appropriations on July 14, 2008. Section 108 of the bill authorizes a study similar to the MoRAST request at a cost of \$25 million at full federal expense. Mr. Pope further indicated that the proposed legislation has not been considered by the full Senate because it does not appear that Congress will enact a budget before the end of the fiscal year. If not, a continuing resolution may be adopted and it is unlikely that new studies of this nature will be included until the budget is considered in the future. Mr. Pope also called the Board's attention to a handout in their packet with two potential approaches to pursue the proposed study. One question is whether MoRAST should support the proposed study as contained in S. 3258 or some alternative version with more specific guidance. A second question is whether MoRAST should develop a process to better define the basis and need for the study, perhaps through a collaborative mechanism. The idea would be to potentially engage a wider range of interested parties to better define the scope and nature of the study and the role of States, Tribes and others as may be deemed appropriate. One approach would be to contract with an experienced person or firm knowledgeable about major river basin issues who could help conduct whatever preliminary technical and policy analysis is needed. For example, the adaptive environmental assessment process has been used in some cases. Mr. Pope noted that any such process would not be a substitute for the study that would be required and carried out by the Corps once a study was authorized and funded by Congress. However, it could better define the issues and help support the study, as well as help us more effectively participate in the study, once authorized. During discussion, several Board members expressed reluctance about embarking upon a separate process but it was noted that there would be value in better defining the need for the study and our expectations from it. Ultimately, by consensus, the Board requested that a "White Paper" be developed to provide this information and the foundation for the study request. Sue Lowry, Garland Erbele, Todd Sando and John Stone were appointed as a special Ad Hoc committee to work with Mr. Pope in the development of a "White Paper" that can be reviewed at the next meeting.

The meeting was recessed at approximately 5:00 p.m. for the day and it was noted that an evening social and dinner would be held at the Shadow Pub located at the old railroad depot across the street from the hotel at approximately 6:00 p.m.

August 28, 2008, session: Chairperson Sexton called the meeting back to order at approximately 8:05 a.m. She reminded those present to sign the attendance sheet. Based on yesterday's meeting, she also noted that the agenda will be revised to include a follow-up business session after the presentations scheduled this morning. That will be followed by State, Tribal and Federal Agency reports and any comments from the public.

MRERP Study Update - Jennifer Switzer, USACE Project Manager, Kansas City District, and Co-Leader of the Missouri River Eco-system Restoration Program (MRERP) Study provided handout materials and a PowerPoint presentation regarding the status of the MRERP study with special emphasis on cooperating agency participation. She provided more detailed information regarding time commitments and responsibilities of cooperating agencies and about engagement in the study. She noted this is a large scale eco-system planning effort. In addition to cooperating agencies, the study will also have public input through NEPA and significant interaction with MRRIC, although the nature of its involvement is uncertain until the committee begins operating. She noted that these concepts are preliminary. (Her PowerPoint presentation may be viewed at: <http://mo-rast.org/Meetings/PastMeetings>.)

National Academies Water Science and Technology Board study related to Sediment Issues in the Missouri River Basin – Mike George, Missouri River Recovery Program Manager, summarized the new study being undertaken by the National Academy of Science (NAS) related to sediment issues in the Missouri River Basin. He indicated that the Corps had requested the study in response to actions and concerns expressed by the Missouri Clean Water Commission. The issue was precipitated by Corps construction of shallow water habitat that involved placement of sediment into the Missouri River. The Commission has raised concerns about why sediment should be allowed to be placed into the river while many of their efforts have been aimed at preventing erosion and discharge of sediment over the years. However, Mr. George indicated that the sediment load of the Missouri River is an important ecological issue as well. Mr. George reviewed the questions to be addressed the NAS study committee, the members and noted that the first meeting for this independent review will be held in the St. Louis area on October 2-3, 2008, just after the MRRIC meeting (These materials were provided as handouts and in the Board member packets). The study is expected to be completed in the summer of 2010.

National Integrated Drought Information System (NIDIS) and National Climate Service – Doug Kluck, Climate Program Manager for the National Weather Service, made a PowerPoint presentation about the status of the NIDIS program and the proposal that has been made for the establishment of the National Climate Service. He provided a brief background on the implementation plan for NIDIS which has now been semi-funded. He called attention to the www.drought.gov portal on the internet and noted that a pilot project has been initiated in the Upper Colorado River Basin. An additional pilot may be initiated in the Upper Missouri River Basin and possibly one in the Missouri-Oklahoma-Kansas area. These would help transfer information learned in one area to another. Doug summarized the availability of other existing information related to drought such as the drought monitor, and indicated that a report will be published this fall with the findings from the NIDIS workshop held in Kansas City this summer. With regard to the proposed National Climate Service, he noted that it would also be located

within NOAA but that several agencies would be involved. S.2307 has been introduced to establish the National Climate Service and there does appear to be significant current support in Congress and the Administration for this initiative. (His PowerPoint presentation may be viewed at: <http://mo-rast.org/Meetings/PastMeetings.htm>.)

Business Meeting (Continued): The Board resumed the business portion of its meeting.

A discussion occurred regarding potential dates and topics for the next meeting. It was decided to hold the next meeting on December 1-2, 2008, in Rapid City, SD, with an alternate date of December 8-9, 2008. The goal will be to confer with representatives of the GPTCA and the Montana-Wyoming Tribal Leaders Council with regard to preferred meeting dates and meeting plans. It was also agreed to hold the spring meeting of MoRAST on March 24, 2009, in Billings, Montana, just prior to the annual MRNRC conference and BiOp Forum to be held March 25 through 27, 2009.

Mr. Pope presented a revised Tribal Travel Reimbursement Policy which included the suggested changes from the meeting yesterday. Motion was made by Tracy Streeter to approve the policy as revised. Motion was seconded by Dale Frink and passed without objection.

By-Laws discussion – Discussion was held regarding the MoRAST By-Laws, especially regarding participation by the Tribes and the number of votes allowed for Tribes. John Stone indicated that he does not understand why the voting status is different for the Tribes compared to the States. He indicated that there were 28 governmentally recognized Tribes located in the basin and did not believe we would receive adequate participation by the Tribes if there is not fair representation. Some background was provided regarding Tribal participation in MRBA and how that evolved into the greater participation now allowed in MoRAST. Some discussion occurred about whether the issue was related to the level of dues in the organization. It was stated that the level of dues has not yet been set for Tribes, but it was anticipated that they would not likely be at the same level as a State. Mr. Stone indicated his Tribe would like to participate but is not satisfied with the current arrangement. Ron Oldman noted that there were differences within the basin, such as the headwaters area vs. main stem, as well as cultural differences and one Tribe would not be able to represent another Tribe. Darwin Snyder noted that he was attending this meeting at the request of his Chairman because of the desire to participate and work together with the States, but individual Tribes do not always agree on matters, even with a neighboring Tribe. Chairperson Sexton asked if it would be helpful to confer with GPTCA and the Montana-Wyoming Tribal Leaders Council about a joint meeting in which proposals could be put on the table and discussed to help find a solution to this issue that would be considered fair by all.

As a result of this and earlier discussions, it was noted that there appears to be four pending issues related to the By-Laws: (a) Section 11 “Manner of Acting”, including the “vote to vote” provision and the number of votes needed to pass an action, (2) Tribal participation and number of votes, (3) whether proxy voting should be allowed, and (4) the definition of “Annual Meeting.” It was noted that if the term “Annual Meeting” is used in the By-Laws, it should be defined as to when that would occur. It was decided that proposed modifications to the By-Laws should be developed in advance of the meeting by those supporting the proposed modification and submitted to Chairperson Sexton and Mr. Pope by November 3, 2008, so that they can be distributed to the board and others in advance of the next meeting.

The agenda for the December meeting should also include time to review the draft “White Paper” that will be developed to better define the need for and scope of the proposed study of the 1944 Flood Control Act. It was also suggested that the agenda should include discussion of the MoRAST congressional agenda and plan of action, including a discussion about the transition in Washington as a result of the fall elections.

With regard to the proposed study of the 1944 Flood Control Act, and the discussion about the proposed “White Paper,” it was noted that MoRAST has not taken specific action regarding whether it supports the proposed language in Section 108 of S. 3258 discussed earlier in the meeting. Motion was made by Garland Erbele to support the proposed study in S. 3258. Motion was seconded by Sue Lowry. Motion passed with dissenting votes by Mike McGhee of Iowa and Brian Dunnigan of Nebraska.

With regard to membership on the Board of Directors of MoRAST, Mr. Pope indicated that he did not have copies of letters of appointment by the Governor’s and Tribes for all of the Directors and alternate members to MoRAST. It was requested that letters be furnished to Mr. Pope for the files and that he follow-up with members as needed to secure the letters of appointment.

State, Tribal and Federal Reports:

Federal Reports – Aaron Thompson, USBR, KS-NE area office, indicated he was attending on behalf of Dan Fritz of the Great Plains Regional Office. He noted that USBR was working together with the Corps on the Lower Yellowstone River Project in Montana. He also noted that legislation passed last May authorizing \$317 million total funding for the Platte River Cooperative Agreement, with \$157 million, the Federal share.

Rick Wilson of the USGS Water Science Center (WSC) in Nebraska introduced Bob Swanson, Nebraska WSC Director, Joyce Williamson of the South Dakota WSC and Kirk Miller of the Wyoming WSC. He expressed appreciation for the MoRAST co-sponsorship and participation in the recently completed Cooperator’s Roundtable. He summarized various activities under way on the water resources side of USGS related to the Missouri River as well as noting that significant progress is being made by the Columbia Research Center on research related to the Pallid Sturgeon. He noted that Mike Mac had been present but had to leave due to his schedule.

Larry Cieslik, USACE, Northwest Division, Omaha, NE., reported that General Bill Rapp is the new Commander for the NW Division. Larry also noted that he will be leaving the Corps of Engineers about May 1, 2009, and that the Corps hopes to advertise for his position so it can be filled toward the end of the calendar year. The group expressed appreciation for Larry’s many years of dedicated service to the people in the basin.

It was reported that a new Regional Director had been appointed for the U.S. Fish and Wildlife Service Regional Office in Minneapolis, MN.

Nick Stas, WAPA, indicated that they are starting a new programmatic EIS related to wind energy and that the U.S. Fish and Wildlife Service will be the co-lead for the study. He noted scoping notices would be published in the Federal Register soon. Congress has directed WAPA to look at the relationship between hydropower generation and wind generation. He

indicated they were continuing to fund Pallid Sturgeon studies with priorities set by the Upper Missouri working group. He indicated that more information about these matters was on their web site at www.wapa.gov.

North Dakota - Terry Steinwand, ND Game & Fish, noted that the Natural Resources Committee of the North Dakota legislature had reviewed the Dorgan Bill (S. 3258) and took action to support it. He noted the significant pool level increase at Lake Sakakawea which should help next year, even though the past year was disappointing. He expressed appreciation to South Dakota and Montana who supported favored treatment at the lake for 2009. Terry also noted that a landmark MOU had been reached with the Three Affiliated Tribes in North Dakota regarding fishing. Dale Frink, ND Water Commission, reported that oil production and prices are up and revenues are in surplus in North Dakota. However, he noted that the significant new oil production is also creating significant water issues for them to deal with including many appeals of applications for permits.

Montana: Jeff Hagener, MT Fish, Wildlife & Parks, reported that Montana had received large rains subsequent to the last meeting held in Great Falls and that conditions have improved at Fort Peck Reservoir. However, they are concerned about invasive species and are ramping up their authority to deal with them. Mary Sexton, MT Department of Natural Resources and Conservation, reported that the groundwater/surface water interaction issue continues to be active in the Upper Missouri River drainage area with legislation expected to be on the front burner next year. She noted that they have completed the Blackfeet Compact which will go to the legislature next year. They are continuing to work on issues related to rehabilitation of the Saint Mary's Project, as well as Coal Bed Methane water issues.

Wyoming – Sue Lowry, WY State Engineers Office, said Wyoming enjoyed the opportunity to host this meeting. She noted they were proceeding with some new water planning activities in the Wind River/Big Horn system. She noted that they try to revitalize the plan in each major river system every 5 or 6 years. They are currently waiting for a decision from the U.S. Supreme Court on their motion to dismiss the *Montana v. Wyoming* lawsuit.

South Dakota – Garland Erbele, SD Department of Environment and Natural Resources, reported that Lake Oahe was the highest since 2001, which had resulted in several major boat ramps reopening and improved conditions at water intakes. His agency is continuing to deal with a proposed new oil refinery in southeast South Dakota. He noted work continues on the Lewis and Clark Regional Water System involving users in South Dakota, Iowa and Minnesota. He also noted that they had achieved a milestone by the first delivery of water to the Pine Ridge Indian Reservation through the Mni-Wiconi water system. Jeff Vonk, Secretary SD Game, Fish, and Parks, expressed his appreciation for attending his first meeting of MoRAST as a Director and said he looked forward to active participation with the group.

Northern Arapahoe Tribe: Ron Oldman indicated he did not have much to add to his previous comments but appreciated participating in the meeting.

SAC and Fox Tribe - Bucky Pilcher indicated that now that we are “at the dance”, let's work together.

Yankton Sioux Tribe – (No additional comments)

Kansas – Mike Hayden, KS Department of Wildlife and Parks, noted that KDWP republished with permission, the story in the North Dakota Water News about the 1944 Flood Control Act. In addition, Mike then wrote an editorial about the proposed study. Steve Adams, KDWP, reported that current issues of importance include bed degradation of the Missouri River and invasive species. He noted much of Kansas had received good rainfall and runoff this year except for some portions of western Kansas where reservoirs continue to be low. He noted that the Kansas natural resource agencies had recently provided a congressional briefing for the Kansas delegation that was well attended. He further noted that Kansas continues to look for new sites for the mitigation program and is pleased with recent acquisitions by the Corps.

Iowa: Mike McGhee, Iowa Department of Natural Resources, noted significant damage to parks and loss of revenue as result of the flooding this year in Iowa.

Nebraska – Brian Dunnigan, NE Department of Natural Resources, reported that a summer legislative interim committee is reviewing several issues including irrigation return flows, groundwater depletion of streamflow and qualifications for the Director of DNR. The position currently is required to be a Professional Engineer with five years of experience related to irrigation. Some have questioned the need for those qualifications. Gene Zuerlein, NE Game and Parks Commission, indicated they were attempting to get instream flow rights established on the Niobrara River even though the river is now considered fully appropriated. He noted it is a contentious issue but that 70 miles of the river are part of the National Scenic River System. They are offering this as an alternative to a Federal Reserved Water Right that may be claimed by the National Park Service.

Public Comments - There were no public comments.

Chairperson Sexton and others thanked Sue Lowry, Jodee Pring and others from Wyoming for a great job of hosting the meeting. There being no further business, the meeting was adjourned at about noon.

Respectively submitted,

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Tracy Streeter, Secretary