

FINAL Minutes

Missouri River Association of States and Tribes (MoRAST) Telephonic Meeting April 28, 2011

MoRAST Chair Todd Sando called the meeting to order at 3:30 p.m. He asked each person on the call to identify themselves. The attendance is noted below:

MoRAST Directors, Alternates and other representatives present:

STATE OF NORTH DAKOTA: Todd Sando and Michele Klose

STATE OF SOUTH DAKOTA: Garland Erbele and Jim Riis

STATE OF NEBRASKA: Brian Dunnigan

STATE OF KANSAS: Tracy Streeter and Steve Adams

STATE OF MONTANA: Mary Sexton and Bruce Rich

STATE OF WYOMING: Sue Lowry

STAFF: David Pope, MoRAST Executive Director and Mike Hayden, incoming Executive Director

Agenda: Chairman Sando said as noted in the e-mail notices of the meeting, the primary purpose of the meeting is to review potential comments on the draft Scoping Summary Report for the Missouri River Authorized Purposes Study (MRAPS) and consider what action to take. He said the meeting would also include a brief update on the status of the Executive Director transition and the status of congressional funding issues of interest. Hearing no objection, these items were determined to be the agenda for the meeting.

MRAPS Draft Scoping Summary Report: Chairman Sando asked Mr. Pope to summarize the issue and the draft comments on the draft Scoping Summary Report. He noted that the report was posted on the MRAPS website (www.mraps.org) on March 5, 2011 and that we received a briefing from the US Army Corps of Engineers (USACE) at the March 8 MoRAST meeting. The USACE held a series of public and Tribal meetings in March and April and will accept feedback on the draft Scoping Summary Report through April 30, 2011. As a result, action will be needed today or shortly thereafter to finalize comments on the draft report if the Board desires to submit them. Mr. Pope said the draft report is over 300 pages long, but much of it is in Chapter 6 that provides detail on what the USACE thinks it heard from the public and Tribes during the scoping period, describes common themes and includes analysis and thematic statements and responses. However, he said Chapter 5 of the report is the focus of the draft comment letter as it is the primary part of the report that lays out the future study process, issues to be addressed and language about the scope of the study. The study is currently in Phase 1 of the process that includes step 1, identification of the problems and opportunities, and step 2, inventory and forecast conditions. After Phase 1, a determination is proposed to be made as to whether changes are needed to the authorized purposes. He said he thought the individual States and Tribes are best suited to determine if the USACE properly characterized their comments and each is encouraged to comment individually as needed on the draft report.

Mr. Pope summarized the draft comments on the report and the process used to seek input from the Board and State/Tribal contacts prior to this call, starting with the circulation of a first draft of comments on April 22, 2011 by e-mail. Since that draft, he received comments from Sue Lowry of

Wyoming which are incorporated into a revised version of the first draft and an additional draft letter provided by Brian Dunnigan of Nebraska DNR with more extensive changes. (Mr. Pope later noted that he also received a call from Sharon Tahtinen and Harold Hommes of Iowa prior to the meeting with comments, as neither one could attend the telephonic meeting due to conflicts. They advised Mr. Pope that they did not have sufficient lead time to convene a meeting of the Iowa Interagency Missouri River Authority to potentially provide official comments on the draft letter so they requested the following footnote as a way to convey that Iowa neither supports or opposes the comments: *The State of Iowa withholds comment on the MRAPS Scoping Summary Report*).

Both draft letters were provided to the Board and State/Tribal contacts prior to this telephonic meeting on April 27 by e-mail. Mr. Pope indicated that he thought the process outlined in the draft report regarding the decision to be made by the USACE at the end of Phase 1 of the study as to whether changes in the authorized purposes are warranted is an important issue. As a result, he included concerns in the draft letter regarding the matter. The issue relates to what consideration would be given to potential future needs and new purposes, if the decision is based on the “future without change” scenarios and the currently authorized purposes, as proposed in the draft report. However, the decision criteria are not included in the draft report and it is unclear what consideration will be given to the information from steps 1 and 2 as noted above. Mr. Pope indicated that the draft letter submitted by Brian Dunnigan addresses this issue in a different way by striking some of the language and adding some new language. His draft also includes additional language, including support for the Executive Council concept previously considered during the scoping process, but not included in the MRAPS draft report. This concept was also previously supported by MoRAST. The Board worked through the various changes suggested in the Dunnigan draft, as well as by other members, and agreed to changes to the draft comment letter by consensus. Based on the discussion, it was proposed that Mr. Pope develop a new paragraph to outline final language primarily related to the decision process referred to above. The new paragraph should include concepts related to inclusion of decision criteria in the report, careful consideration and evaluation of problems, opportunities and unmet needs and a full opportunity for public input before the decision is made on whether changes are needed to the authorized purposes. The new paragraph and a final draft letter would be circulated for comment on Friday April 29, so the letter can be finalized and submitted to the USACE with the Chairman’s approval by the April 30 deadline. A motion was made by Steve Adams to approve the draft letter with the changes made during this telephonic meeting, including the new paragraph to be drafted and circulated by Mr. Pope in accordance with the process outlined above. The motion was seconded by Mary Sexton and passed without objection.

Status of Executive Director Transition: David Pope and Mike Hayden gave a brief update on their efforts to achieve a smooth transition. They have met twice to review procedures, ongoing activities, records and the current work plan, etc. They will meet again next week. They noted cooperation towards a smooth transition. Mike has been looking into office options and has gotten positive feedback from the Executive Committee on a home office approach that would save about \$12,000 in two years. A draft contract patterned after the existing Pope contract with updates is being worked on. The current Work Plan is being updated, but feedback from the Board is welcome and needed as it sets the scope of work under the contract. Chairman Sando ask about the time frame and when an overlap in job duties should occur before July 1, as well as potential consideration of additional assistance by David to answer questions and help with the transition after July 1, as discussed at the March meeting. After discussion, Mike and David were asked to develop a proposal for consideration of the Executive Committee.

Status of Congressional action on MRAPS funding – Mr. Pope provided a brief summary of his recent trip to Washington D.C. and other efforts regarding MRAPS funding. The FY 2011 Budget has now been approved by Congress with a provision that MRAPS will not receive funds in FY 2011.

MRAPS is currently operating on FY 2010 carry over money and that will be exhausted this summer by the time the scoping process is completed. As a result, the current effort is to try to get the study funded in FY 2012. He arranged 12 to 14 meetings with congressional offices, as well as one with our contacts in the Department of Interior to discuss US Geological Survey water data issues and the US Bureau of Reclamation role in MRAPS. Sue Lowry and Tracy Streeter attended some of these meetings. These were good meetings, but it is apparent that there is a very different environment in Congress this year, with emphasis on budget cuts and deficit reduction. Since MRAPS did not get included in the President's budget and earmarks are not being allowed, the options to get MRAPS funded are limited. However, there is good support for the study, especially in the Senate. Various other options and strategies were discussed with the study supporters for potential consideration as the FY 2012 budget process evolves, but it is a tough year to get new funds for MRAPS, as well as many other studies and projects due to the funding situation. Mr. Pope said it will also be especially important this year for our congressional delegation to receive high level support for MRAPS directly from the States and Tribes as well as other interest groups.

Fall meeting plans – Mr. Pope provided a reminder that the next MoRAST meeting will be held September 27-28, 2011, Rapid City, South Dakota. Space has been reserved at the Rushmore Plaza Holiday Inn. The MoRAST website includes meeting information and how to make room reservations.

Other comments – Chairman Sando noted that the proposed Mainstem Reservoir Surplus Water Storage issue continues to evolve. As a follow up to the presentation provided at the last meeting, he asked Michele Klose, North Dakota Water Commission, to provide a brief update on this important issue that could affect most of the States and Tribes in the basin. She said North Dakota has still not received a final decision from USACE in Washington D. C. regarding the draft Surplus Water Storage Report for Lake Sakakawea. As a result, they do not know whether easements across Corps' property will be granted without water supply storage agreements as done in the past, so water users can divert water from the natural flow of the Missouri River.

Michele noted that USACE has just sent an e-mail inviting representatives from several states to attend a new series of meetings regarding development of Surplus Water Storage Reports for the other mainstem reservoirs, apparently similar to the process that occurred for Lake Sakakawea. One of the meetings is planned for May 11. Chairman Sando said they wanted to alert everyone to this important issue because of the major affect it may have in the basin. He asked Mr. Pope to find out what he could from the USACE and get information out to our members. David said he would do so. He noted that MoRAST may want to engage this issue given the potential impact and the new process being started by the Corps that will presumably allow comments and potentially affect how water can be used at or around the other mainstem reservoirs.

Chairman Sando reminded everyone to review the new draft letter on the draft Scoping Summary Report this Friday. The new draft will be circulated soon as a result of action at this meeting, so we can finalize it and send it to the USACE by the April 30 deadline. There being no further business, the meeting was adjourned by the Chair at approximately 5:10 p.m.

Respectfully submitted,



Sue Lowry, Secretary