



Missouri Sedimentation
Action Coalition

PO Box 2

Springfield, South Dakota

57062

605-369-2745 or 605-661-1594

sandrak@gwtc.net

www.msaonline.com



Missouri River near Springfield (2007)

Title IX of WRDA 2000

The Missouri River Restoration Act of 2000 was included in Public Law 541 otherwise known as the Water Resources Development Act of 2000 (more commonly known as WRDA 2000).

The purpose of the law is to reduce the siltation of the Missouri River. Title IX of WRDA 2000 addresses those needs in South Dakota. Title VII of WRDA 2000 addresses those needs in North Dakota.

Another purpose is to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy:

to improve conservation in the Missouri River watershed;

to protect recreation on the Missouri River from sedimentation;

to improve water quality in the Missouri River;

to improve erosion control along the Missouri River; and

to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion.

Currently, the Title IX Task Force of South Dakota is identifying potential projects. Funding is limited at this time.

- Find the original legislation in 106th Congress Public Law 541. (Water Resources Development Act of 2000)
- MSAC conducted a survey to assist the Task Force in its work. MSAC members, legislators, water districts, cities, counties, tribes and others along with the general public were encouraged to respond to the survey. There were 74 people who submitted responses. The results can be viewed at www.msaonline.com
- sediment inflow as one way to address sedimentation.
- Title IX creates the Missouri River (South Dakota) Task Force, which is to provide advice and recommendations to the Corps of Engineers relating to the use of Title IX funds. These federal funds are made available for conservation, sediment control and the protection from erosion of historical and cultural sites along the Missouri River.
- Look for more information about Title IX on MSAC's website, which will be redesigned and relaunched in 2014.
- Nearly all the survey respondents (97.3%) support best management practices on tributaries/ watershed to decrease



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White River confluence with the Missouri River (2007)

Excerpts from the Corps' Sept. 23, 2011 Implementation Guidance

- Title IX projects will be implemented in two phases: a feasibility phase and a design and implementation phase.
 - The feasibility phase will be funded by the Federal government up to \$100,000. Any costs over this amount will be cost shared 50% Federal and 50% non-Federal.
 - The design and implementation phase will be cost shared 65% Federal and 35% non-Federal. Total Federal participation in this phase for any one project implemented is limited to \$5 million.
 - In-kind contributions (services, materials, etc.) cannot exceed 50% of the non-Federal share of the design and implementation costs and must be performed during the design and implementation phase.
 - Monitoring plans will be required on projects that produce ecosystem restoration outputs. Costs for monitoring will be included in the design and implementation costs. If and when the Federal costs of design and implementation (including monitoring) for a project reach \$5 million, any remaining monitoring costs will be a 100% non-Federal responsibility.
 - The non-Federal sponsor will be responsible for performance of operation, maintenance, repair, rehabilitation, and replacement (OMRR&R) of the project during the cost shared monitoring period.
 - Upon the written notification by the District Engineer to the non-Federal sponsor that the entire project is complete, except for monitoring for projects that produce ecosystem restoration outputs, the non-Federal sponsor will be responsible for the OMRR&R of the project.
 - Projects or features for bank stabilization or recreation will not be implemented under Title IX unless funds are specifically appropriated by Congress for such a project.
- The document utilized to fulfill the initial assessment requirement outlined by federal legislation was the Natural Resources Conservation Service - Phase II Sedimentation Assessment for the Upper Missouri River Basin, which was completed in cooperation with MSAC dated June 2009. The Phase II assessment is available online at www.msaconline.com. The next step for the Task Force, is the Feasibility Phase. The Task Force is to recommend potential projects to the Corps of Engineers for consideration to proceed into feasibility subject to the availability of funds. In the Feasibility Phase, the first \$100K of the feasibility study is 100% Federally funded. Beyond that amount, the cost share is 50% Federal and 50% Non federal. Up to 50% of the non Federal share may be provided in the form of services, materials, or other in kind contribution. No Federal funds in excess of \$100,000 will be incurred by the government without a Project Partnership Agreement.



Considerations of Projects

- **Small versus Large Project:** This consideration reflects the physical area or footprint of the project's affected area.
- **Project Purposes/Pick Sloan:** Which of the authorized purposes does the proposed project benefit and to what degree? Consider its potential benefit for flood control, water supply, hydropower, water quality control, recreation, fish and wildlife, irrigation and navigation. Projects enhancing or sustaining several benefits are desirable.
- **Public Acceptance:** How likely is the proposed project to gain public support? Consider its ability to generate public support locally, statewide and basin wide. A wide base of support is desirable for implementation and the project's ability to secure funding.
- **O&M Costs:** Future operation and maintenance work, and costs need to be considered when evaluating potential projects. The sponsor of each project will be responsible for maintenance and future operational costs associated with the project after completion. This may affect the likelihood of identifying sponsors for certain projects.
- **Timeliness:** Timeliness should be considered when evaluating potential projects. If the Task Force's goal is to complete projects relatively quickly, the geographical size, number of landowner participants, and the number of agencies involved needs to be considered because that will influence the timeliness of the feasibility study, the design and implementation phase, and overall project completion.
- **Local Implementation Facilitation:** Water quality implementation projects require an organization/group to accomplish or oversee the accomplishment of the project's implementation plan. This organization/group will coordinate the planning, design, and installation of the required best management practices (BMPs), manage the project's budget, and provide administrative and reporting requirements.
- **Dollar Capability of Sponsor and Federal Limit of \$5 million:** The dollar amount available from the federal government will need to be matched by non-federal dollars at a 65% federal, 35% non-federal ratio. The total dollars available will determine the size and complexity of the implementation project.
- **Measurable Outcomes:** To ensure the funds obligated for an implementation project are properly utilized, the project's goals and accomplishments need to be measurable and document the

improvements in water quality, especially a reduction in the total suspended solids (TSS)/sediments in the Missouri River in South Dakota.

- **Confidence in Estimation:** With any project that is considered, an estimate of the cost of the project would need to be provided. This consideration represents the confidence in the projected costs. Proposed projects will have varying degrees of technical input, review and supporting documentation. Those projects proposed that include engineering/technical estimates with supporting documentation would rank higher in this category versus those that do not.

In 2013, the South Dakota Missouri River Title IX Task Force developed a list of considerations to review in relation to proposed projects. It is an effort to define the goals and objectives of the Task Force.

Purpose Statement:

To reduce current and future sedimentation in South Dakota above Gavins Point Dam outside of the Missouri River federal project boundary primarily supporting projects that produce flood risk management and ecosystem restoration outputs and protects tribal and non-tribal historic and cultural sites.

The considerations are listed on this page. Please note they may be subject to revisions.



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On Lake Frances Case near Fort Randall Dam/Nov. 28, 2011

Summary of MSAC's Survey Results/Fall 2013

In October and November of 2013, the Missouri Sedimentation Action Coalition surveyed approximately 300 people, including elected officials; tribal, state and federal employees; tribal, city and county representatives along the Missouri River in South Dakota; conservation districts; water districts and others who are members of river-related organizations (including MSAC members). There were 74 respondents.

- Nearly all the respondents (97.3%) supported best management practices on tributaries/watershed to decrease sediment inflow as one way to address sedimentation. Nearly 81% support bank stabilization.
- Nearly 85 percent said the Missouri River and its reservoirs were "very important."
- Nearly 70 percent said sediment management should address long-term sustainability of the reservoir and enhance short-term benefits.
- Nearly 90 percent said addressing sedimentation was a maintenance task of reservoir management.
- Of the 8 authorized purposes, flood control was ranked the most important by nearly half of respondents (47.8%). Water supply had a rating average of second and hydropower third.
- Ranking seven impacts of sedimentation, respondents said reduced storage capacity for flood control was the most important (rating average: 2.37) with blockages of drinking water intakes/poor water quality a close second with a rating average of 2.44.
- Respondents ranked Lewis and Clark Lake as the reservoir in South Dakota needing the most attention in regards to sediment management. The Niobrara River needs the most attention to reduce sedimentation problems, according to respondents.
- More than 80% (83.1%) support using existing state funds to perform sediment management projects that likely will require a percentage of nonfederal funds. More than 60% support using new funds derived from a designated user fee.
- 31 respondents identified a sediment management project that needed to be addressed first. See the comments at the end of this report.
- The survey was mailed to an estimated 100 addresses and emailed to approximately 200 addresses. The survey was made available to the public via a web link. People had about two weeks to respond. A response rate will not be tabulated since the pool of surveys distributed is an estimate and it was made available to the general public. Twelve people responded via the web. A total of 74 people responded to the survey.
- 74 Respondents:
 - 17 elected government officials (24%)
 - 12 state, county, or local government employees (17%)
 - 0 elected tribal officials or tribal employees
 - 10 business owners/managers (14%)
 - 18 directors/members of a river-related organization (25%)
 - 14 individuals (20%)
 - 3 did not answer
 - (9 who checked one of the above or did not answer elaborated with "other"; those comments are available in the Survey Monkey report)
 - Only 6 respondents indicated they were not from South Dakota.
 - The survey report can be viewed/printed at www.msaconline.com.