

Federal Mandates and Willing Sellers: *Real Estate Acquisition for the Missouri River Recovery Program*

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US Army Corps of Engineers
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Presentation Topics

- 1. Missouri River Background / History**
- 2. The Missouri River Recovery Program**
 - Goals / Mandates**
- 3. Real Estate Acquisition**
 - USACE Real Estate Authorities**
 - Process**
 - Prioritization**
 - Management**
 - Tax Concerns**
- 4. Current Status**



The Missouri River Watershed

- 2.300 miles - Longest River in the U.S.
- Drains 1/6 of the Country
- 10 States
- 2 Countries
- 29 Native American Tribes
- Largest Reservoir Storage System in the U.S.

Wolf Pt.

Williston

Bismarck

Pierre

Sioux City

Omaha

**Denver
Metropolitan**

Kansas City

St. Louis



0 100 200 400 Kilometers

River Development

- ▶ Missouri River Bank Stabilization and Navigation Project (BSNP): collection of projects
 - Seven different acts of Congress
 - USACE charged with stabilizing and providing navigation
- ▶ Main Stem Reservoir System
 - Flood Control Act of 1944 (Pick – Sloan Plan)



- Water development plan for the basin
- Construction of Six Dams
- Authorized Purposes Established



Authorized Purposes



Irrigation



Fish and Wildlife



Water Supply



Flood Control



Water Quality Control



Recreation



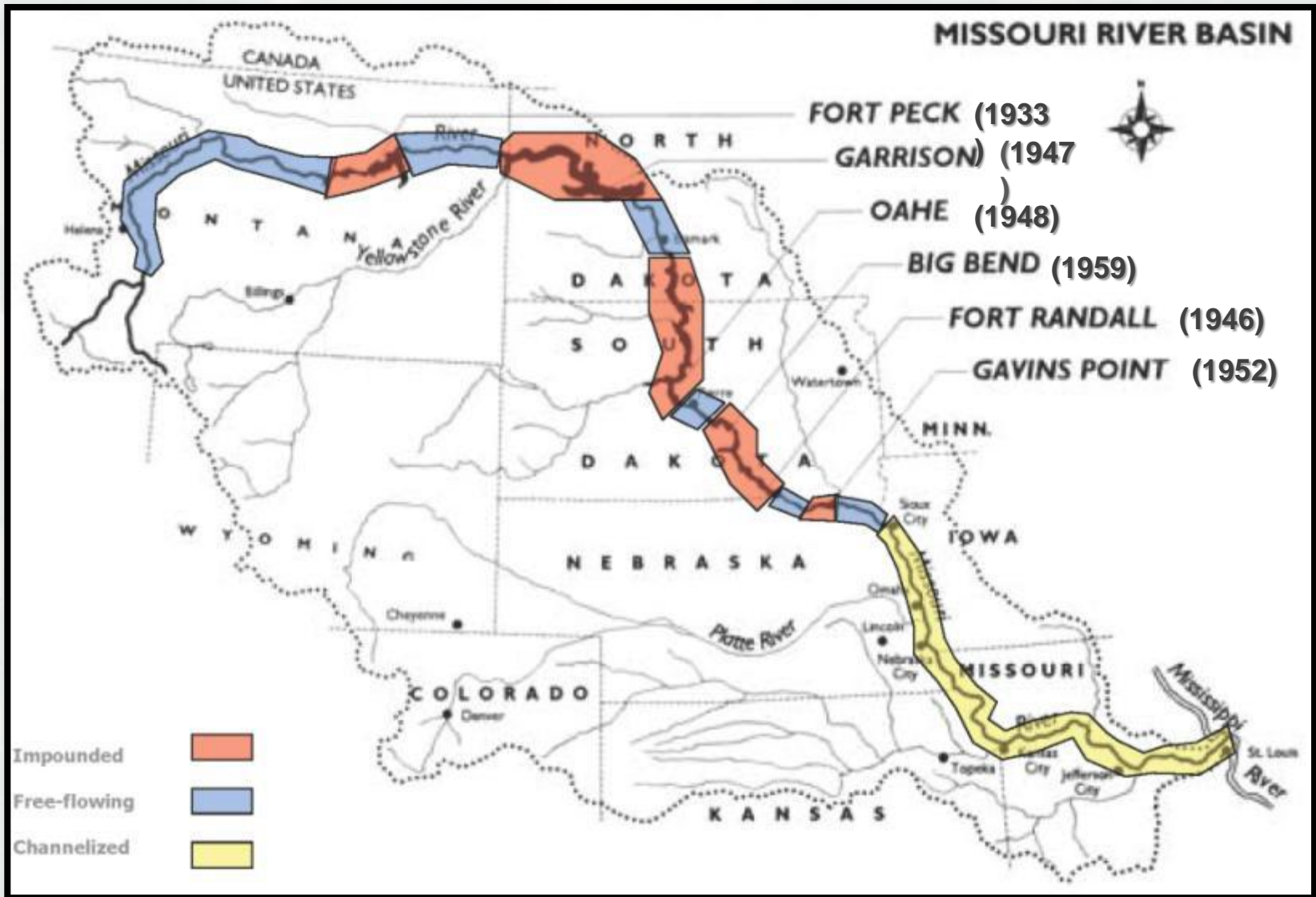
Navigation



Hydropower



MISSOURI RIVER BASIN



- Over 3 million acres of habitat altered
- Over a 70% reduction in fish food production
- 51 of 67 native fish species in decline
- Altered flow and sediment regime



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Missouri River Recovery Program (MRRP)

WRDA 1986 & 1999

BSNP Mitigation

- Aquatic & Terrestrial
 - IA, KS, NE, MO
 - 166,750 acres of restored habitat (32% of losses)

Fish and Wildlife
Coordination Act requirement

Endangered Species
Act requirement

WRDA 2007:

- MR Ecosystem Restoration Plan (MRERP)
- MR Recovery Implementation Committee (MRRIC)
- Fish passage at Intake, MT
- Funding above Sioux City, IA

2003 Biological Opinion

- Master Water Control Manual
- Flow Management
- Habitat Creation
- Adaptive Management
- Hatchery Support
- Research



Real Estate linked Habitat Creation

Scaphirhynchus albus

- Shallow Water Habitat

- ▶ 20-30 acres/mile

Pallid Sturgeon (endangered)



- Emergent Sandbar Habitat – 20-80 acres/mile

Least Terns (endangered) and Piping Plovers (threatened)



Sternula antillarum



Charadrius melodus

- Cottonwoods – Bald Eagle (now de-listed)



Real Estate Authorities

▶ Missouri River Fish and Wildlife Mitigation

- Sioux City, Iowa to St Louis, Missouri
- 166,750 acre authority (fee title and easement)
 - ▷ Includes up to 20,000 acres of shallow water habitat
- 56,606 acres acquired as of 30 Sep 2009

▶ Missouri National Recreational River

- 59-Mile Reach - Gavins Point to Ponca
- 5,800 acre fee-title authority
- 3,015 acres acquired as of 30 Nov 2009

▶ Water Resources Development Act (WRDA) 1988 - Section 33 (bank erosion)



Mitigation Project

- Formal Title: Bank Stabilization & Navigation Fish and Wildlife Mitigation Project
- Legislation: WRDA 1986 & amended WRDA1999
- Nebraska, Iowa, Kansas and Missouri
- Authorization provides for acquiring land to replace 32% of lost habitat. Re-establish native vegetation, wetlands, and reconnecting areas to the floodplain
- Acquire and develop fish and wildlife habitat from Sioux City, IA to St. Louis, MO.



Mitigation Project

■ Purposes cont.

- ▶ Acquire and develop fish and wildlife habitat from Sioux City, IA to St. Louis, MO
- ▶ 735 miles of Missouri River floodplain
- ▶ Iowa, Kansas, Missouri, Nebraska
- ▶ WRDA 1986 – 48,100 acres
- ▶ WRDA 1999 – 118,650 additional acres

■ Execution

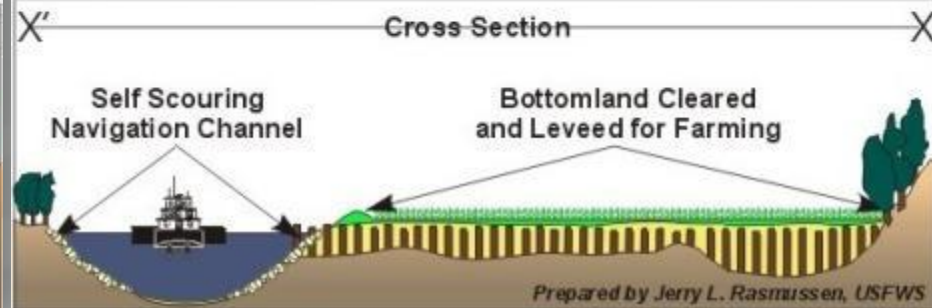
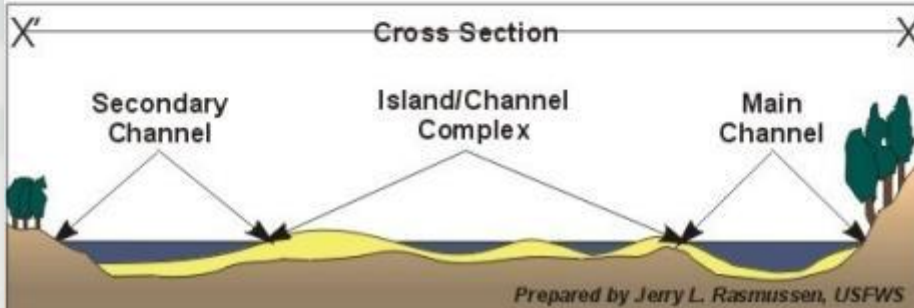
- ▶ USACE Omaha District – NE & IA (182 river miles)
- ▶ USACE Kansas City – MO & KS (553 river miles)
- ▶ Projected annual acquisition – 3,000-7,500 acres/year
- ▶ End date is 2042



Mitigation Authority

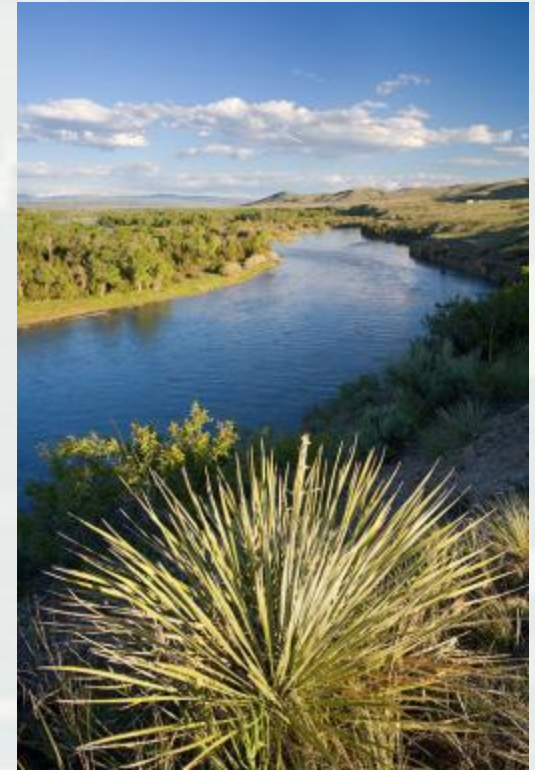


Self-Scouring Channel



Missouri National Recreational River

- Legislation (amendments)
 - ▶ 1968 Wild and Scenic Rivers Act
 - ▶ 1978 National Parks & Recreation Act
- Purpose
 - ▶ Construct recreational development, bank stabilization, and other recreational features
 - ▶ National Park Service (NPS) is administrator for 59-mile stretch from Gavins Point Dam, SD to Ponca State Park, NE



Section 33 – Bank Erosion

■ Legislation

- ▶ Modification of 1944 Flood Control Act
- ▶ Section 33 of WRDA 1988 modified in WRDA 1990

■ Purpose

- ▶ Alleviate bank erosion and related problems from reservoir releases
- ▶ Assist landowners on river reaches below the six main stem dams
 - Maintain/rehabilitate structures
 - Construct new structures
 - Purchase affected property (fee/easements)
 - Provide compensation



Real Estate Acquisition Process

- Utilizes a Willing Sellers Program
- Willing Sellers Process
 - ▶ Prepare river bend-specific real estate design letter memorandum (REDLM)
 - ▶ Order title evidence
 - ▶ Generate real estate tract maps
 - ▶ Complete environmental condition of property (ECOP)
 - ▶ Negotiate with willing sellers
 - ▶ Close on property and acquire tract
- Purchased sites acquired by The Conservation Fund (TCF)



Bend Prioritization for Acquisition



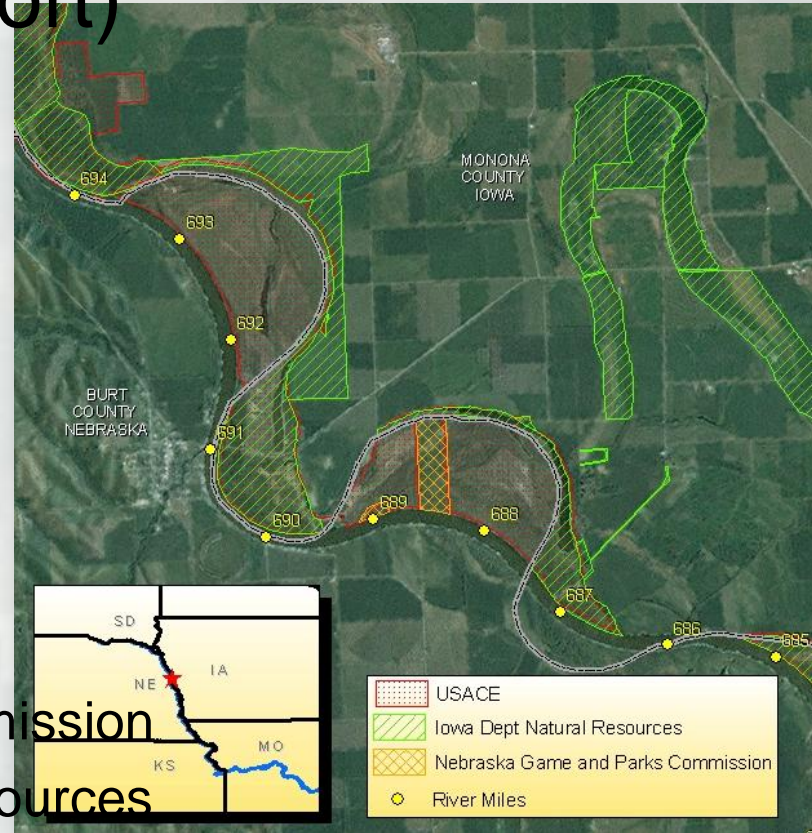
Scored Variables

- Bend Shape
- Potential for Levee Setback
- Existing Land Cover
- Distribution of existing habitat
- Connectivity to Publically Owned Habitat
- Tributary Mouth
- Existing In holdings
- Percent Publically Owned Habitat
- Power Plants
- Airports
- Utilities
- Transportation Infrastructure



Land Management Program (Team Effort)

- USACE
- US Fish and Wildlife Service
- National Park Service
 - ▶ Missouri National Recreational River
 - ▶ NPS lead agency on these stretches
- State Agencies
 - ▶ Nebraska - NE Game & Parks Commission
 - ▶ Iowa - IA Department of Natural Resources
 - ▶ Kansas - KS Department of Wildlife & Parks
 - ▶ Missouri - MO Department of Conservation
- Contract with commercial contractors



Payment in Lieu of Taxes Act

- Public Law 94-565 known as PILT (1976)
 - ▶ Provides payment to local government units
 - ▶ Administered by Bureau of Land Management (BLM) for Entitlement Lands
 - Payments calculated based on two formulas
 - Formula with the greater payment is used
 - Disbursement of funds by the state treasurer
 - ▷ State statute governs the disbursement



Payment in Lieu of Taxes Act

■ Entitlement Lands

- Lands within the National Forest System
- Public Domain Lands withdrawn for the benefit of the National Wildlife Refuge System
- Lands administered by BLM
- Lands dedicated to the use of Federal Water Resource Development projects

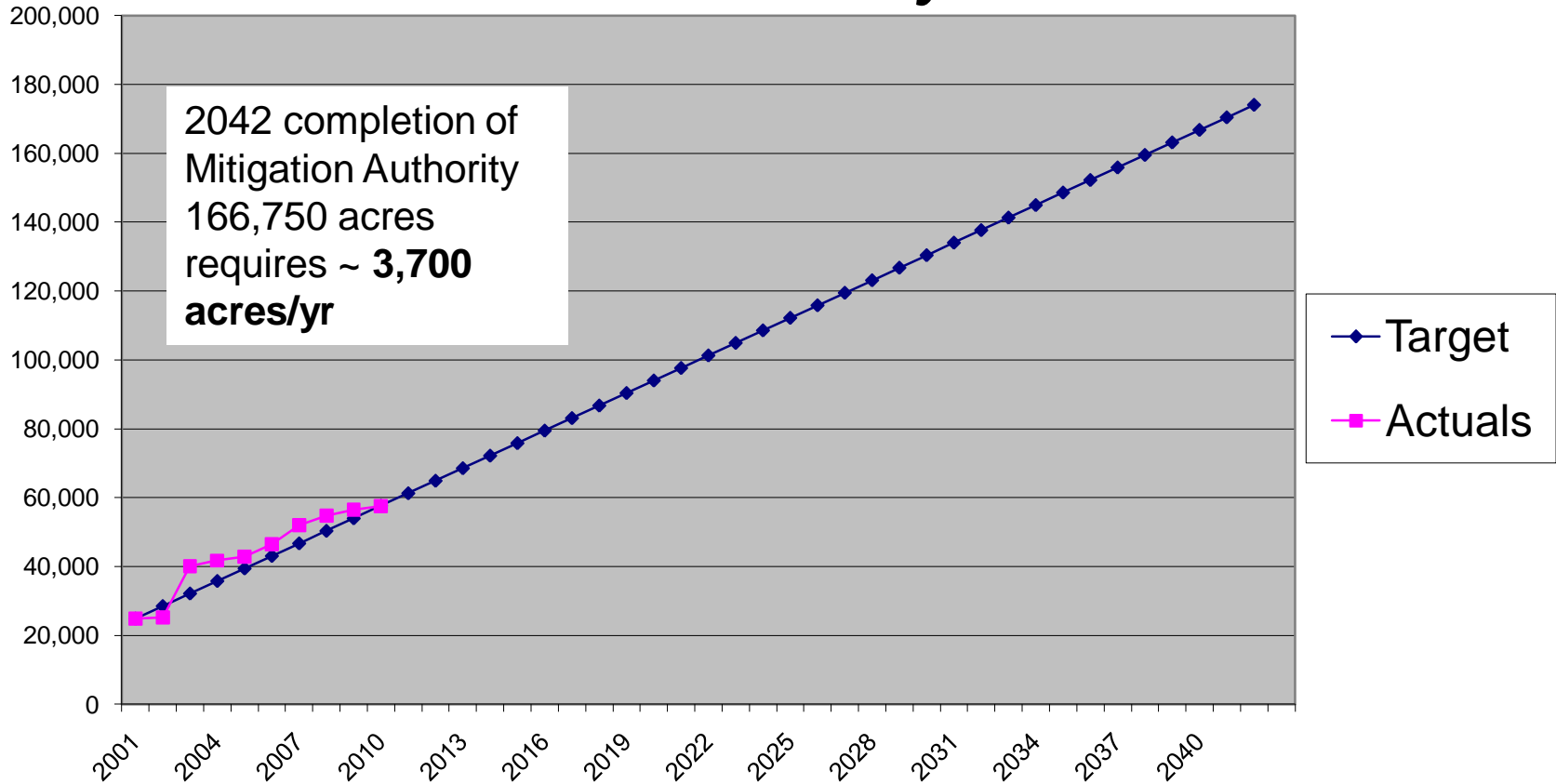


Lease Program Process

- Agricultural leasing
 - ▶ Interim/temporary land management tool during habitat development
- Bid for leases; 3-5 years in length
- If USACE administers the lease, the County will receive 75% of the lease receipts from the Dept of Defense, 10% to General Fund, and 15% to USACE
 - ▶ Monies received are utilized at the discretion of the County
- Abatements to lease payments for farmers who perform work-in-kind



SWH / Mitigation Land Acquisition (Acres) BSNP Authority

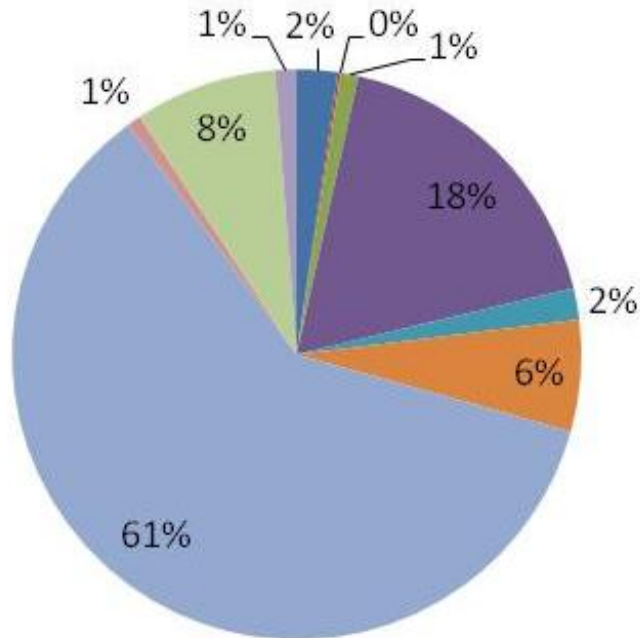


*Does not include 2,392 acres at Audubon bend and 546 acres at Northern Alabama Bend (Missouri River National Recreation River segment)

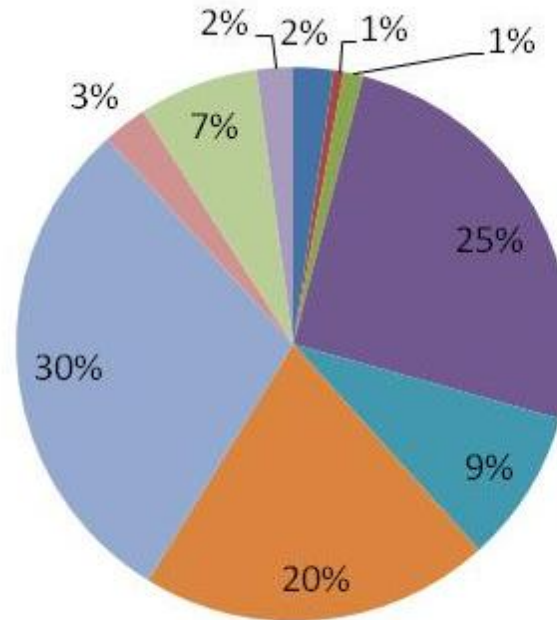


Land Use Acreage Comparisons

Pre-acquisition*



Current Mapping – 2009 Imagery



- Aquatic
- Developed
- Barren
- Forest
- Shrubland
- Grassland
- Cultivated
- Forested Wetland
- Emergent Wetland
- Scrub Shrub Wetland

*Image source dates vary from 1985 to 2009



Land Acquisition

- Willing sellers continue to come forward
- Beneficial tool for mitigation, recovery, and restoration
- Can have multiple benefits (reduced stages with levee set-back, reduced damages, etc.)
- Progress is being made to restore large areas of Missouri River Floodplain benefitting numerous species
- There are options to offset loss of taxes to local governments



Floods of 2011



**Many sites acquired are inundated.
Affects yet to be seen in terms of willing sellers
and public opinion.**



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