

Organizational Charter

Missouri River Flood Task Force

(MRFTF)

1. Purpose: The purpose of this charter is to provide the members and other participants in the MRFTF with the requisite basis for its establishment, its background, vision and mission, its operating principles, and other relevant information and context for its efficient formation and operation. We intend this charter to be sufficient to get the Task Force started and contain the necessary information to sustain its operation—it is a living document that may change as we move forward and understand the situation in the Missouri River Basin (MRB) better. The Charter may be updated or modified to meet the specific needs of the emerging circumstances.

2. Background: As a result of unprecedented precipitation across the upper Missouri River Basin (MRB) in May, June and July of 2011, the Corps of Engineers experienced record flood inflows to its Missouri River Mainstem reservoirs, and carried out historic high releases from these reservoirs through the summer and fall of 2011. The States of Montana, Wyoming, North Dakota, South Dakota, Iowa, Kansas, Missouri, and Nebraska were adversely affected by these flood waters and regulated releases. The 2011 flooding event has once again drawn our attention to the benefits and risks associated with the Missouri River Mainstem Reservoir System, its tributaries, levee systems, and the floodplain. The significant damage caused by this event has affected people and their livelihoods, their homes, farms and businesses, not to mention public infrastructure and the character of the Missouri River floodplain itself. Hence, there are tremendous challenges and opportunities ahead of us which carry both immediate and long-term consequences.

3. Vision: The numerous challenges and opportunities associated with the immediate and long-term restoration of the Missouri River Basin floodplain are facing all levels of government (federal, tribal, state and local). In an era of constrained resources and many demands on the public treasury, the post-flood recovery period provides a window of opportunity for increased collaboration, shared vision and responsibility, wise investment of scarce resources, and streamlined decision making, all leading to a better future for the people we serve throughout the Missouri River Basin (MRB).

4. Mission: The Missouri River Flood Task Force (MRFTF) will provide a temporary forum for coordination, collaboration, cooperation and communication among the federal officials and elected officials (or their designated representatives) of State and Tribal governments within the States of Nebraska, Montana, Iowa, South Dakota, North Dakota, Wyoming, Kansas and Missouri. The mission of the Task Force is to complete initial repairs to federally supported or other government financially supported infrastructure (e.g. levee systems) by 1 March 2012 and to conduct long-term recovery activities in response to the Missouri River Basin flood of 2011 to address overall flood risk reduction strategies and plans and keep comprehensive flood risk reduction as a focused priority. The Task Force is chartered to seize the opportunity to shape the results of relevant government and non-government activities, and to set conditions for success for all involved by streamlining governmental processes; accelerating necessary assessments, coordination, and permitting requirements; and by applying agile and critical thinking to the collective set of problems. These coordinated efforts will ensure timely progress and yield the

intended results on the ground in the immediate future, and lead to a comprehensive recovery plan to achieve long-term flood risk management.

5. Authority: This task force is established under authority granted in references 1.a, 1.b, 1.c, 1.d, and 1.e, of the references found in Appendix 1. Each member participates on the basis of its own authorities and interests, and by the mutual consent of all members.

6. Membership and Participation: Taking the provisions of the Federal Advisory Committee Act into account, MRFTF will be composed entirely of federal employees and representatives from Tribes and States who have letters delegating them to represent an elected officer of the State or tribal government. As such, and given the mission of MRFTF with its focus on collaboration, coordination and cooperation, membership will be limited to the following:

- Federal agencies with authorities and responsibilities in the MRB
- Tribal members designated by their Tribal chairman to participate
- State government designated leads

Hence, the MRFTF will include senior regional representatives from each federal agency and appropriate State and Tribal government representatives.

- a. Federal members include representatives of the MRBIR agencies and other federal agencies as appropriate, including:
 - USACE, Northwestern Division (NWD) and its subordinate districts in Omaha and Kansas City
 - Department of Homeland Security, FEMA Region VII and Region VIII
 - Department of Homeland Security, Coast Guard (USCG)
 - U.S. Environmental Protection Agency (EPA)
 - Department of Interior, U.S. Fish and Wildlife Service (USFWS)
 - Department of Interior, U.S. Geological Survey (USGS)
 - Department of Interior, National Park Service (NPS)
 - Department of Interior, Bureau of Indian Affairs (BIA)
 - Department of Interior, Bureau of Reclamation (BOR)
 - Department of Interior, Bureau of Land Management (BLM)
 - Department of Agriculture, Natural Resources Conservation Service (NRCS)
 - Department of Agriculture, US Forest Service (NFS)
 - Department of Agriculture, Farm Services Agency (FSA)
 - Department of Agriculture, Risk Management Agency (RMA)
 - Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)
 - Department of Commerce, Economic Development Administration (EDA)
 - Department of Housing and Urban Development (HUD)
 - U.S. Small Business Administration (SBA)
 - U.S. Department of Transportation (USDOT), Federal Highway Administration
 - U.S. Department of Transportation (USDOT), Maritime Administration (MARAD)
 - Federal Energy Regulatory Commission (FERC)
 - Department of Energy, Nuclear Regulatory Commission (NRC)
 - Department of Energy, Western Area Power Administration (WAPA)

- b. State members are elected officials, or their designated leads, for the states identified in paragraph 4. Local governments will work through their state designated leads and participate on working groups as appropriate.
- c. Tribal members will be elected officials from Native American Tribes, or their designated leads.

In addition to formal membership, and because we intend to perform this work in an open, transparent and collaborative way, we encourage other entities in the basin (non-governmental organizations, associations, media, and others) to participate in the various efforts and initiatives. These participants could be partners, contributors, or observers (PCOs), depending on their programs and interests. We are committed to working together in a spirit of collaboration and cooperation to seek a better future for all the people in the MRB. This work is very difficult and necessarily involves many public and private entities which have various responsibilities, authorities, interests and priorities. Hence, while PCOs are not formal members per se, they are encouraged to participate in ways deemed appropriate by the Co-chairs of the MRFTF.

Finally, this charter may change and its Members and participants may come and go as their participation meets both the individual missions of the various organizations and entities, and they are willing and able to contribute to the mission of the MRFTF.

7. Chair of MRFTF: The MRFTF will be co-chaired by the Commander, USACE Northwestern Division (NWD), FEMA Regional Administrators from Regions VII and VIII, and the NRCS Regional Conservationist. The Chairs' roles may be delegated to senior members of these respective agencies when the incumbent cannot participate.

8. MRFTF Concept of Operation: The MRFTF will be focused on providing support to States, Tribes and local communities where the people we serve are closest to the issues and have the greatest needs. The mission of the MRFTF will be achieved mainly through the efforts of the working groups, which will be established by the co-chairs.

The co-chairs will meet virtually on a regular basis (initially weekly) and decide on when to convene meetings of the MRFTF (at least monthly initially). The co-chairs will establish an agenda for each meeting and meetings will be held to address the agenda items, to monitor the progress of designated working groups, and any new business of the MRFTF. The co-chairs will hold the ultimate decision making authority within the MRFTF as it establishes working groups, designates their leaders, assigns tasks to the working groups, and sets schedules for the completion of assigned work. Participation on the working groups will be by self-nomination by any member agency or any PCO.

The co-chairs will provide oversight to the task force and its working groups, facilitate the sharing of information, obtain non-consensus advice from individuals in the group, and work to identify issues requiring resolution at the appropriate level of government. When issues involve multiple levels of government, the co-chairs will seek to facilitate solutions to the invariable issues that arise, through the appropriate forum or vehicle (legislation, proclamation, etc.) The MRFTF is not

a decision-making body per se; decisions will be made by the appropriate authority at the appropriate level of government.

The MRFTF will identify the issues, opportunities, challenges, interests and conflicts it seeks to resolve, coordinate or collaborate. These will be identified in the first meeting of MRFTF and adjusted as needed in subsequent meetings as goals and objectives. These goals and objectives will be assigned to working groups to develop and carry out necessary coordination to achieve their intent and associated outcomes. By fostering cooperation, collaboration and coordination, we envision the MRFTF enabling streamlined product delivery, efficient processing of permits and consultation, and effective Agency and PCO decisions to accomplish the suite of short-term post flood actions while setting the stage for long-term comprehensive flood risk management.

9. Goals: The overarching goal of the MRFTF is to restore the Missouri River Basin to its pre-flood condition or better in a manner that holds public safety paramount, promotes economic prosperity, and facilitates sound environmental stewardship. We must act quickly to get people back into their homes, onto their farms, into their businesses, and to restore transportation routes as soon as possible. Furthermore, the flood control benefits of the Missouri River Mainstem Reservoir system and the levees, other flood control works, and the authorized navigation channel in the Missouri River must be repaired and restored. Initial specific goals are identified below. Additional, specific goals and objectives may be identified at the first meeting of the MRFTF.

- a. Coordinate and integrate post-event assessments and evaluations to avoid duplication and unnecessary redundancy by the respective federal, Tribal, state or local governments.
- b. Streamline processes and procedures to expedite (shorten) decision-making associated with permitting, consultation, compliance and other regulatory and/or statutory aspects of the respective federal authorities.
- c. Prioritize efforts by agency staffs with the delegated power of the Regional Director/Administrator/Commander to make decisions and/or get decisions made quickly when precedent-setting or complex issues arise.
- d. Enable shared learning to increase our collective understanding of the multiple functions of the floodplain to minimize future risks and avoidable consequences.
- e. Share information about programs, authorities, funding streams and policies amongst the various federal agencies, Tribes, states and PCOs to achieve and optimize effectiveness and efficiency from a public safety, economic prosperity and environmental stewardship perspective.
- f. Ensure federal and state agencies contribute to the overall repair and restoration effort with requisite resources (people, time and funding), sustain the high priority of this effort, maintain visibility and presence of the regional and state agency executives (physical or virtual) at the right times and places, and proactively implement other means to ensure the overall success of this effort.

- g. Coordinate communication to allow the federal, Tribal and state governments, where possible, to speak with one voice. Develop interagency and intergovernmental talking points on key issues. Ensure vertical (Federal/Tribal/state) and horizontal (interstate) communication and information sharing.
- h. Establish working groups with specific expertise to address both immediate needs and long-term solutions.
- i. Ensure that both potential structural alternatives and non-structural alternatives (NSAs) receive appropriate consideration.
- j. Provide oversight of regional activities in consonance with the National Flood Risk Management Program.

10. Administration:

- a. Member agencies may choose to cease participation on the MRFTF by providing 30 days written notice to the Co-chairs. Other agencies may join the MRFTF, subject to the approval of the Co-chairs.
- b. The Co-chairs are responsible for announcing meetings and ensuring preparation of a summary of each meeting.
- c. The Co-chairs will conduct each meeting in a manner designed to promote active participation and open dialog among all task force members and other partners, contributors and observers.
- d. Resolution of issues that impact national floodplain management policy or involve multiple agency authorities may be identified by the MRFTF for endorsement and dissemination to the National Flood Risk Management structure.
- e. Quarterly reports will be prepared by the MRFTF. These reports will generally summarize the activities and accomplishments of the working groups.
- f. Task force members may recommend establishment of working groups with specific expertise to address both immediate needs and long term problems and challenges. These working groups may include as partners, contributors, and observers, representatives of state emergency management offices, local levee and drainage districts (or watershed districts), and communities (land use decision authorities), as deemed appropriate by the members.
- g. State-level working groups may be established as needed to provide local resources and information to the MRFTF with the goal of reducing flood risks statewide and enabling implementation of state flood risk mitigation plans. These working groups would coordinate with (not duplicate) the efforts of existing state-level working groups, such as state flood risk management teams or inter-agency levee work groups.

11. Applicability: This charter is nonbinding and applicable to those agencies self identified as being committed to these endeavors to affect the purpose and meet the goals of this charter. The purpose of this charter shall not usurp any authorities currently vested in any member agency or PCO. The activities of the MRFTF are to be taken in synchronization with National Flood Risk Management activities.

12. Period: The MRFTF is a temporary group that will convene as long as members benefit from the forum.

13. Funding:

- a. As required by the Anti-deficiency Act, 31 U.S.C. § 1341 and 1342, all commitments and participation by each federal agency in the actions and activities covered by this Charter is contingent upon the availability of appropriated funds and budget priorities.
- b. Federal, State, Tribal, and local agencies will fund participation of their own representatives.
- c. Nothing in this Charter, in and of itself, obligates the parties to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or other financial obligation.

14. Charter Endorsement: This charter is adopted as written by the undersigned Co-chairs, effective upon the date signed. This charter may be modified on recommendation of any member and upon approval of the Co-chairs.

Appendix 1: References

References:

- a. Executive Order 11988, May 24, 1977;
- b. Office of Management and Budget/Council on Environmental Quality (OMB/CEQ) memorandum, dated February 18, 1997, Subject: Floodplain Management and Procedures for Evaluation and Review of Levee and Associated Restoration Projects;
- c. U.S. Army Corps of Engineers (USACE) Engineering Regulation (ER) 500-1-1, Civil Emergency Management Program, dated 30 September 2001;
- d. USACE Engineering Pamphlet (EP) 500-1-1, Emergency Employment of Army and Other Resources, dated 30 September 2001;
- e. USACE HQ Office of Contingency Operations and Homeland Security memorandum, dated 15 August 2011, Subject: Guidance for Establishing an Interagency Recovery Task Force;
- f. USACE Draft ER 1110-2-1156, "Safety of Dams, Policy and Procedures", dated 01 Nov. 2010;
- g. National Flood Risk Management Program established May 2006;
- h. Public Law 93-288, The Stafford Act;
- i. Executive Order 12866 and the NRCS Emergency Watershed Protection Program;
- j. National Flood Insurance Reform Act of 1994;
- k. Unified National Program for Floodplain Management of 1994;
- l. NRCS/USACE Memorandum of Agreement (2005).
- m. USACE "Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries," dated June 1995.
- n. "Sharing the Challenge: Floodplain Management into the 21st Century" (Galloway Report), dated July 1994, prepared by the Interagency Floodplain Management Review Committee.