



**US Army Corps
of Engineers®**
Rock Island District

Rock Island

Navigation and Ecosystem Sustainability Program (NESP) Coordinating Committee

Quarterly Meeting

April 5, 2023

Agenda

with

Supporting Materials



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Navigation and Ecosystem Sustainability Program Coordinating Committee

April 5, 2023

Agenda

[Note: The states, U.S. Army Corps of Engineers, and the Department of the Interior will arrange their respective pre-meetings via conference call prior to the April 5, 2023 quarterly meeting.]

Wednesday, April 5 NESP Coordinating Committee Quarterly Meeting

Time	Attachment	Topic	Presenter
9:00 a.m.		Welcome and Introductions <ul style="list-style-type: none"> ▪ Introduce NESP Regional Team ▪ Introduce NESP CC Designees 	COL Jesse Curry, USACE
9:30 a.m.		NESP CC Charter Update	Andrew Goodall, USACE
9:45 a.m.	A-1	NESP Vision Statement	Andrew Goodall, USACE
10:00 a.m.	B-1 to B-2	Regional Management and Partnership Collaboration <ul style="list-style-type: none"> ▪ FY 2022 & 2023 Fiscal Update ▪ FY 2024 Outlook ▪ Environmental / Section 106 Coordination 	Andrew Goodall, USACE
10:30 a.m.		Break	
10:45 a.m.		Regional Management and Partnership Collaboration, Cont'd <ul style="list-style-type: none"> ▪ Program Workshops (PIR timelines) ▪ Program Neutral Project Selection (strategic activity) 	Rachel Hawes, USACE
11:30 a.m.	C-1	NESP Showcase Presentations <ul style="list-style-type: none"> ▪ LD22 Fish Passage (Monitoring & Design Activities) 	Mark Cornish, Kara Mitvalsky & Marisa Lack, USACE
12:00 p.m.		Lunch	
1:00 p.m.		Program Reports <ul style="list-style-type: none"> ▪ Ecosystem Restoration District Reports 	Kim Warshaw, Shane Simmons, Rachel Hawes, USACE
2:00 p.m.		FY23 Ecosystem Program – Next Steps <ul style="list-style-type: none"> ▪ River Team recommendations for FY23 projects ▪ Request for NESP CC endorsement ▪ FY23 Priorities 	Rachel Hawes & Kim Warshaw, USACE
2:30 p.m.	D-1	Other Business <ul style="list-style-type: none"> ▪ Future Meeting Schedule 	Andrew Goodall, USACE
3:00 p.m.		Adjourn	



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ATTACHMENT A

Navigation and Ecosystem Sustainability Program (NESP) Vision Statement

(A-1)

Vision, Goals, and Guiding Principles For Management of the UMRS

VISION STATEMENT: To seek long-term sustainability of the economic uses and ecological integrity of the Upper Mississippi River System (UMRS)

OVERARCHING SYSTEM-WIDE NAVIGATION GOAL: To increase regional and national value of commercial navigation on the UMRS in an environmentally acceptable manner consistent with the vision.

- Manage for safe, reliable, efficient, effective, and environmentally sustainable navigation for movement of commerce, national security needs, and recreation.
- Manage for effective utilization of commercial navigation on the UMRS in meeting current and future challenges in the regional and national multimodal transportation systems

OVERARCHING SYSTEM-WIDE ECOSYSTEM GOAL: To conserve, restore, and maintain the ecological structure, process, function and composition of the UMRS to achieve the vision.

- Manage for a more natural hydrologic regime (hydrology and hydraulics)
- Manage for processes that shape a physically diverse and dynamic river-floodplain system (geomorphology)
- Manage for processes that input, transport, assimilate, and output material within UMR basin river-floodplains: e.g. water quality, sediments, and nutrients (biogeochemistry)
- Manage for a diverse and dynamic pattern of habitats to support native biota (habitat)
- Manage for viable populations of native species within diverse plant and animal communities (biota)

GUIDING PRINCIPLES FOR MANAGEMENT OF THE UPPER MISSISSIPPI RIVER SYSTEM

- Consider the social, cultural, recreational, and aesthetic aspects and economic uses of the river when developing and implementing the UMRS vision and overarching goals (human dimensions)
- Use formal adaptive management and anticipatory engineering to link scientific investigation, management action, and system performance (learning, science-based adaptive management, and risk management)
- Create an open and inclusive environment for collaboration, partnership, and decision-making toward achievement of the shared vision and goals for the UMRS (collaboration & partnership and integrated management)
- Inform and engage the public in the process of building a sustainable UMRS (public outreach)
- Develop and engage an interdisciplinary network of technical experts in researching and proposing solutions to the issues of sustainability of the UMRS (technical expertise)
- Develop and maintain a decision support system of integrated scientific, economic, and social information as a means for sharing knowledge about the UMRS (knowledge retention and sharing)



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ATTACHMENT B

Regional Management and Partnership Collaboration

- **NESP Program Dashboard (03/23/2023)** (B-1)
- **NESP Program Map (02/2023)** (B-2)

NAVIGATION AND ECOSYSTEM SUSTAINABILITY PROGRAM (NESP)



KEY FEATURES

NAVIGATION

- New 1200' locks at Locks 20-25 on the Mississippi River and Peoria and LaGrange Locks on the Illinois Waterway. After Lock 25, the next two priorities are LaGrange Lock and Lock 24.
- Mooring cells at 7 locations on both the Mississippi River and Illinois Waterway.
- Switchboats at Locks 20-25 during construction of those locks to aid in navigation.
- Systemic and site-specific mitigation to offset the 1200' lock ecosystem effects.
- All efforts will be funded 65% Federal and 35% Inland Waterway Trust Fund.

ECOSYSTEM

- Fish passage structures at Locks 4, 8, 22, and 26 along with advancement of design for fish passage at Lock 19 all on the Mississippi River (100% Federal Cost).
- Dam point control (for water level management) at Locks 16 and 25 on the Mississippi River (100% Federal Cost).
- Island building, floodplain restoration, backwater restoration, side channel restoration, wing dam and dike modification, and island and shoreline protection (Any project under the ordinary high water mark line is 100% Federal and any project above the ordinary high water mark is cost-shared 65% Federal/35% Non-Federal.)

TIMELINE

- 1993 – Feasibility study begins
- 2004 – Feasibility report completed, Chief's report signed.
- 2005 – Initial receipt of preconstruction engineering design (PED) funding.
- 2007 – Program authorized in WRDA07
- 2008 – Economic reevaluation completed
- 2019 – Navigation-only economic update started and completed
- 2020/2021 - \$9.5M received in the FY20/21 USACE Work Plan for Pre-Construction Engineering and Design efforts.
- 19 January 2022 – Construction new start and \$829.1M construction appropriations received
- March 2022 – FY22 Congressionally Directed Spending totaling \$45.1M
- May 2022 – FY22 Work Plan Appropriations totaling \$12.179M
- December 2022 – FY23 Congressionally Directed Spending totaling \$49.3M
- February 2023 – FY23 Work Plan Appropriations totaling \$18.379M

CURRENT PROGRAM STATUS

FY22 ACHIEVEMENTS

Navigation

- Lock 25 new 1200' Lock Lockwall Modifications Construction Contract Award.
- LaGrange new 1200' Lock 5%-35% Architect/Engineer design task order awarded.
- Mooring facility (7 total) Architect/Engineer task Architect/Engineer design task order awarded.
- Moore's Towhead Systemic Mitigation project design completed.
- Lock 14 mooring cell design completed.

Ecosystem

- Lock and Dam 22 Fish Passage 35%-100% Architect/Engineer design task order awarded.
- Lock and Dam 22 Fish Passage pre-construction fish monitoring activities.
- Initiation of 8 new ecosystem project implementation reports.
- Partner consultation
- Pool 2 Wingdam/Dike Modifications design completed.

FY23 PRIORITIES

Navigation

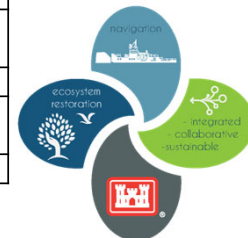
- Lock 25 new 1200' Lock Early Contractor Involvement contract solicitation.
- LaGrange new 1200' Lock 35%-100% design task order award.
- Moore's Towhead Systemic Mitigation project construction contract award.
- Lock 14 mooring cell construction.
- Pool 4 islands systemic mitigation construction contract award.

Ecosystem

- Lock and Dam 22 Fish Passage design and continued pre-construction fish monitoring activities.
- Pool 2 Wingdam/Dike modifications construction.
- Starved Rock Breakwater construction contract award.
- Twin Island Shoreline Protection construction contract award.
- Alton Pool Shoreline Protection/Habitat construction contract award.
- Formal partner consultation
- Planning implementation report development for the 8 ecosystem projects initiated in FY22.

PROGRAM FUNDING

Funding Type	Total Received
Bi-Partisan Infrastructure Law of 2022	\$829.1M - \$732M for Lock 25 New 1200' Lock and \$97.1M for Lock and Dam 22 Fish Passage
FY22 Congressionally Directed Spending	\$45.1M - \$27.1M for Navigation Projects and \$18M for Ecosystem Projects
FY22 USACE Work Plan	\$12.179M for Systemic Mitigation Efforts
Funding Type	Total Received
FY23 Congressionally Directed Spending	\$49.3M for LaGrange New 1200' Lock Design
FY23 USACE Work Plan	\$18.379M for Ecosystem Projects



NESP CURRENT PROGRAM MAP



NAVIGATION AND ECOSYSTEM SUSTAINABILITY PROGRAM (NESP)
ST. PAUL DISTRICT- ROCK ISLAND DISTRICT - ST. LOUIS DISTRICT

NAVIGATION AND ECOSYSTEMS PROJECTS



The Navigation and Ecosystem Sustainability Program (NESP) is a long-term, dual-purpose program that integrates navigation improvements and ecosystem restoration together to provide Upper Mississippi River System once in a generation-type positive impacts.

The primary goals of the program are to increase the capacity and improve the reliability of the inland navigation system while restoring, protecting, and enhancing the environment.

This map only shows projects actively being implemented. NESP includes an additional 5 - 1200' locks, systemic mitigation, and hundreds of ecosystem restoration projects.

ACTIVE IMPLEMENTATION

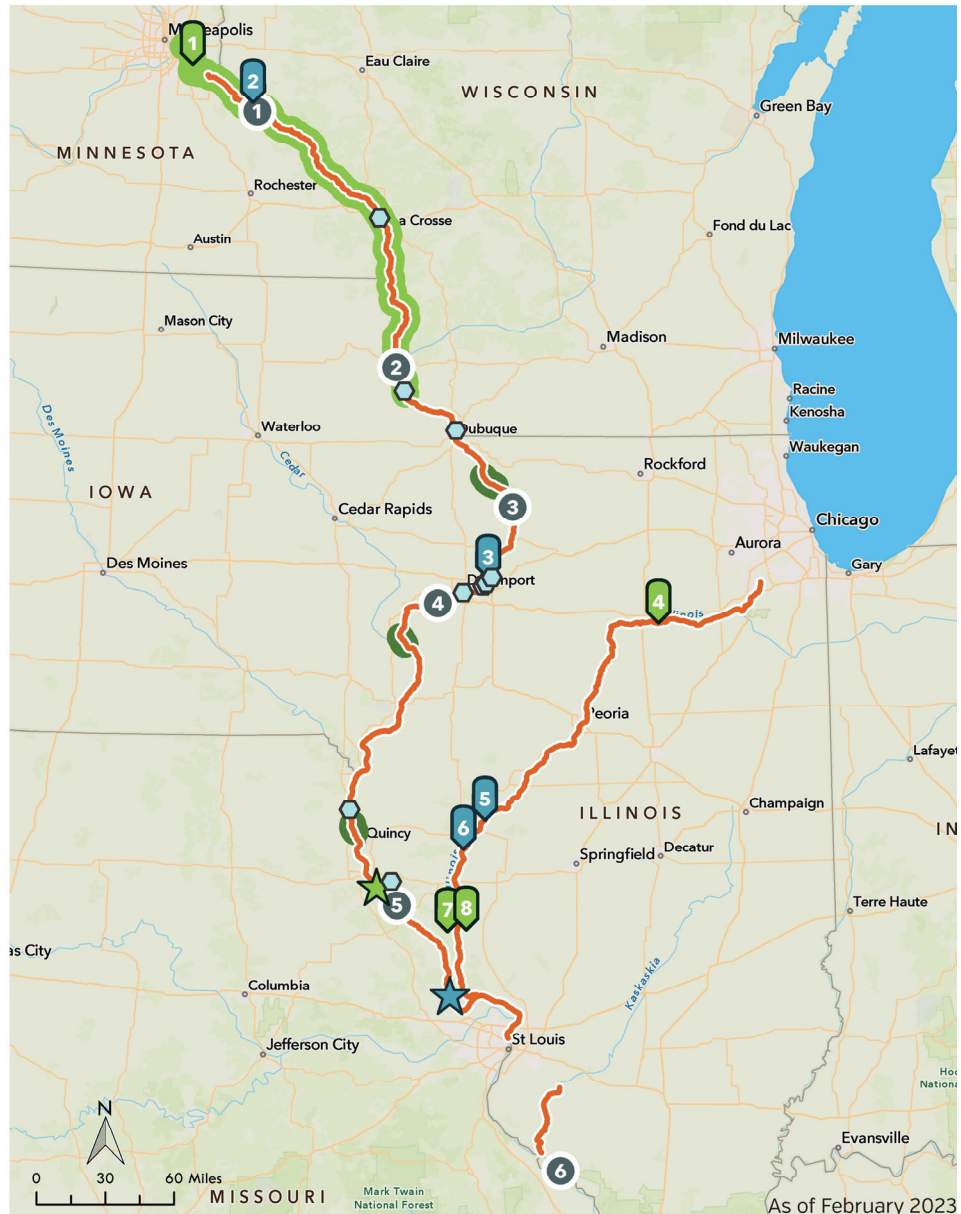
- ★ Lock 25 New 1200' Lock
- ★ Lock and Dam 22 Fish Passage Improvement Project
- 1 Pool 2 Wingdam Notching
- 2 Systemic Mitigation - Pool 4 Island 4
- 3 Lock 14 Mooring Cell
- 4 Starved Rock Breakwater
- 5 LaGrange New 1200' Lock Design
- 6 Moore's Towhead System Mitigation
- 7 Twin Island - Island Protection and Enhancement
- 8 Alton Pools Islands - Island Protection and Side Channel Restoration

FY22 ECOSYSTEM PROJECTS INITIATED

- Water Level Management - Reduce Water Level Fluctuations
- Systemic Forest Restoration
- Multi-Pool Forest Restoration
- 1 Wacouta Bay
- 2 Sny Magill, Effigy Mounds National Monument
- 3 Sabula Lakes
- 4 Andalusia Island Complex
- 5 Pool 24 Island Restoration - Denmark and Drift Islands Complex
- 6 Middle Mississippi River Stone Dike Alterations Phase 1

FY22 NAVIGATION PROJECTS INITIATED

- Mooring Facilities



As of February 2023

PARTNERS





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ATTACHMENT C

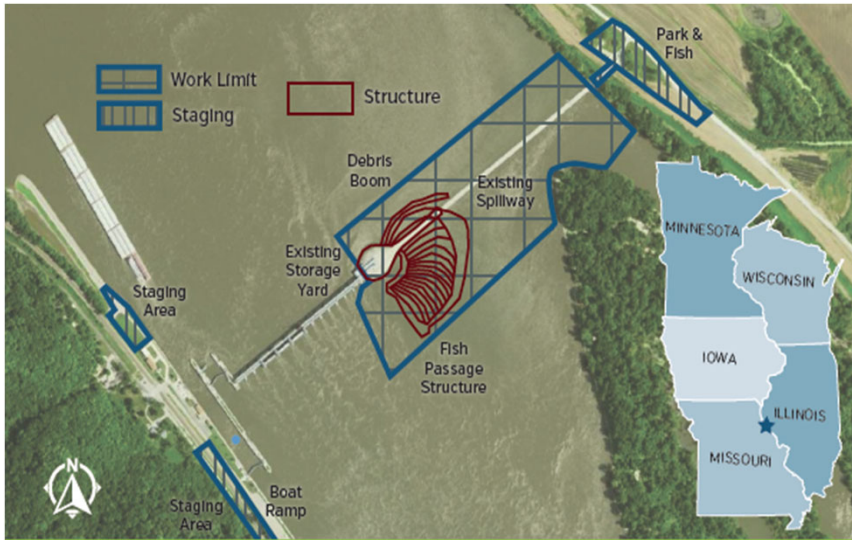
Lock and Dam 22 Fish Passage Project Overview

(C-1)

PROJECT UPDATE: NESP LOCK AND DAM 22 FISH PASSAGE



RECOMMENDED PLAN



RISK-INFORMED FISH PASSAGE IMPROVEMENT STRATEGY

The Recommended Plan developed during the feasibility phase of this project imitates the natural river to maximize the effectiveness of the native fish passage while minimizing impacts to navigation.

PURPOSE

- The primary purpose of the project is to increase access to upstream mainstem river and tributary habitats. Increased access to upriver habitat should result in an increase in the size and distribution of native migratory fish populations.
- The secondary purpose is to monitor and adaptively manage this structure to optimize its effectiveness and inform design of subsequent fish passage projects.

KEY FEATURES

- Rock Ramp (fishway) designed to imitate a natural river
- Bridge for pedestrian and vehicle access
- Water control structures (stoplogs)
- Fixed debris boom for debris and ice protection

PROJECT BENEFITS

- Provides habitat benefits for over 30 species of fish
- Restores connection between pools
- Increases migration capabilities of native fish species
- Fishway serves as spawning ground for species requiring rock and gravel spawning habitat



DESIGN, CONSTRUCTION & ADAPTIVE MANAGEMENT READINESS

Design

- HQUSACE approved Final PIR 01Jun22
- Implementation Review Plan
- Single Phase – Inlet Structure & Ice/Debris Structure; Rock Arch Fish Passage

Design Activities FY22 - FY24

Construction

- Single Phase – Inlet Structure & Ice/Debris Structure; Rock Arch Fish Passage

Construction Activities FY24 - FY27

Adaptive Management

- Pre-Construction Monitoring
- Construction Monitoring
- Post-Construction Monitoring
- Adaptive Management

Monitoring Activities FY22 – FY32
Adaptive Management FY28 – FY32

Bi-Partisan Infrastructure Law (BIL) Funding: \$97,100,000 for design and initiating construction

Project Deliverables & Tasks

- 26Sep22 – AE Design Awarded
- 30Sep22 – Completion of 35% Design
- May 2023 – 65% Design Completion
- Jan 2024 – 100% Design Completion
- Mar 2024 – Construction Solicitation RFP
- Sep 2024 – Construction Award
- Sep 2027 – Construction Complete

Monitoring Activities & Adaptive Management

- FY22-24 – Pre-Construction Monitoring
- FY25-27 – Construction Monitoring
- FY28-32 – Post-Construction Monitoring
- FY28-32 – Adaptive Management

Lock and Dam 22 Fish Passage Monitoring

- Inform Project Design and Construction
- Monitor Fish Movement through Lock 22 and Fishway
- Monitor Systemic Ecological Response by Migratory Fishes
- Monitor Physical Performance of the Fish Passage Improvement Features
- Monitor Effects of the Project on Structural Integrity, Navigation Operations, Water Quality

MIGRATORY FISH SPECIES OF THE UPPER MISSISSIPPI RIVER



Proposed Project Schedule*	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Final Feasibility Approval											
Design											
Pre-Construction Monitoring											
Construction											
Construction Monitoring											
Post Construction Monitoring & AM											

*Contingent upon receipt of additional funds (escalated through midpoint of construction)



March 23, 2023



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ATTACHMENT D

Other Business

- **Future Meeting Schedule** (D-1)
- **NESP Authorization** (D-2 to D-6)

**Quarterly Meetings
Future Meeting Schedule**

JUNE 2023

**Wednesday, June 28, 2023
Rock Island, IL**

OCTOBER 2023

**Thursday, October 12, 2023
Rock Island, IL
*TENTATIVE***

JANUARY 2024

**Wednesday, January 10, 2024
VIRTUAL
*TENTATIVE***

Navigation and Ecosystem Sustainability Program (NESP) Authorization

PUBLIC LAW 110–114—NOV. 8, 2007

121 STAT. 1283

TITLE VIII—UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-WAY SYSTEM

SEC. 8001. DEFINITIONS.

33 USC 652 note.

In this title, the following definitions apply:

(1) **PLAN.**—The term “Plan” means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers, dated December 15, 2004.

(2) **UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.**—The term “Upper Mississippi River and Illinois Waterway System” means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O’Brien Lock in Chicago, Illinois, River Mile 327.0.

SEC. 8002. NAVIGATION IMPROVEMENTS AND RESTORATION.

33 USC 652 note.

Except as modified by this title, the Secretary shall undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Waterway System substantially in accordance with the Plan and subject to the conditions described therein.

SEC. 8003. AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.

33 USC 652 note.

(a) **SMALL SCALE AND NONSTRUCTURAL MEASURES.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock or other alternative locations that are economically and environmentally feasible;

(B) provide switchboats at Locks 20 through 25; and

(C) conduct development and testing of an appointment scheduling system.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—The total cost of projects authorized under this subsection shall be \$256,000,000. Such costs are to be paid half from amounts appropriated from the general fund of the Treasury and half from amounts

appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(b) NEW LOCKS.—

(1) IN GENERAL.—The Secretary shall construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(2) AUTHORIZATION OF APPROPRIATIONS.—The total cost of projects authorized under this subsection shall be \$1,948,000,000. Such costs are to be paid half from amounts appropriated from the general fund of the Treasury and half from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) CONCURRENCE.—The mitigation required for the projects authorized under subsections (a) and (b), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests in lands for the projects authorized under subsections (a) and (b), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

33 USC 652 note.

SEC. 8004. ECOSYSTEM RESTORATION AUTHORIZATION.

(a) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(b) ECOSYSTEM RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(2) PROJECTS INCLUDED.—Ecosystem restoration projects may include—

- (A) island building;
- (B) construction of fish passages;
- (C) floodplain restoration;
- (D) water level management (including water draw-down);
- (E) backwater restoration;
- (F) side channel restoration;
- (G) wing dam and dike restoration and modification;
- (H) island and shoreline protection;
- (I) topographical diversity;
- (J) dam point control;
- (K) use of dredged material for environmental purposes;
- (L) tributary confluence restoration;
- (M) spillway, dam, and levee modification to benefit the environment; and
- (N) land and easement acquisition.

(3) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Federal share of the cost of carrying out an ecosystem restoration project under this subsection shall be 65 percent.

(B) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this section for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(i) is located below the ordinary high water mark or in a connected backwater;

(ii) modifies the operation of structures for navigation; or

(iii) is located on federally owned land.

(C) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)).

(D) NONGOVERNMENTAL ORGANIZATIONS.—In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this title, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(4) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing seller through conveyance of—

(A) fee title to the land; or

(B) a flood plain conservation easement.

(c) MONITORING.—The Secretary shall carry out a long term resource monitoring, computerized data inventory and analysis, and applied research program for the Upper Mississippi River and Illinois River to determine trends in ecosystem health, to understand systemic changes, and to help identify restoration needs. The program shall consider and adopt the monitoring program established under section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)).

(d) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(1) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(A) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(B) establish the without-project condition or baseline for each performance indicator; and

(C) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(2) OUTCOMES.—Performance measures identified under paragraph (1)(A) shall include specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(3) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring

plan for the performance measures identified under paragraph (1)(A), including—

- (A) a timeline to achieve the identified target goals;
- and
- (B) a timeline for the demonstration of project completion.

(e) CONSULTATION AND FUNDING AGREEMENTS.—

(1) IN GENERAL.—In carrying out the environmental sustainability, ecosystem restoration, and monitoring activities authorized in this section, the Secretary shall consult with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

(2) FUNDING AGREEMENTS.—The Secretary is authorized to enter into agreements with the Secretary of the Interior, the Upper Mississippi River Basin Association, and natural resource and conservation agencies of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to provide for the direct participation of and transfer of funds to such entities for the planning, implementation, and evaluation of projects and programs established by this section.

(f) SPECIFIC PROJECTS AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this subsection \$1,717,000,000, of which not more than \$245,000,000 shall be available for projects described in subsection (b)(2)(B) and not more than \$48,000,000 shall be available for projects described in subsection (b)(2)(J). Such sums shall remain available until expended.

(2) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under paragraph (1), not more than \$35,000,000 in any fiscal year may be used for land acquisition under subsection (b)(4).

(3) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in subparagraphs (B) and (J) of subsection (b)(2), the total cost of any single project carried out under this subsection shall not exceed \$25,000,000.

(4) MONITORING.—In addition to amounts authorized under paragraph (1), there are authorized \$10,420,000 per fiscal year to carry out the monitoring program under subsection (c) if such sums are not appropriated pursuant to section 1103(e)(4) the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(4)).

(g) IMPLEMENTATION REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2009, and every 4 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

- (A) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and
- (B) measures the progress in meeting the goals.

(2) ADVISORY PANEL.—

(A) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under paragraph (1).

(B) PANEL MEMBERS.—Panel members shall include—

Establishment.

(i) one representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(ii) one representative of the Department of Agriculture;

(iii) one representative of the Department of Transportation;

(iv) one representative of the United States Geological Survey;

(v) one representative of the United States Fish and Wildlife Service;

(vi) one representative of the Environmental Protection Agency;

(vii) one representative of affected landowners;

(viii) two representatives of conservation and environmental advocacy groups; and

(ix) two representatives of agriculture and industry advocacy groups.

(C) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(D) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Panel and any working group established by the Advisory Panel shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

(h) RANKING SYSTEM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(2) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in subsection (b)(2).

SEC. 8005. COMPARABLE PROGRESS.

33 USC 652 note.

(a) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this title, the Secretary shall—

(1) select appropriate milestones;

(2) determine, at the time of such selection, whether the projects are being carried out at comparable rates; and

(3) make an annual report to Congress, beginning in fiscal year 2009, regarding whether the projects are being carried out at a comparable rate.

Reports.

(b) NO COMPARABLE RATE.—If the Secretary or Congress determines under subsection (a)(2) that projects authorized under this title are not moving toward completion at a comparable rate, annual funding requests for the projects shall be adjusted to ensure that the projects move toward completion at a comparable rate in the future.