



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP -or- Program)

Governance Committee (CC) Virtual Quarterly Meeting

Tuesday, June 09, 2021; 9:30 AM – 2:45 PM CST

Meeting held online via MS Teams.

Governance Committee (GC)

State of Wyoming

Harry LaBonde – Member

Brandon Gebhart – Alternate

State of Colorado

Don Ament – Member (2021 GC Chair)

JoJo La – Alternate

State of Nebraska

Tom Riley – Member

Jesse Bradley - Alternate

Upper Platte Water Users

Dennis Strauch – Member

Bob Mehling – Alternate

Downstream Water Users

Devin Brundage – Member

Kent Miller – Member

Lyndon Vogt – Member

John Shadle – Alternate

Executive Director's Office (EDO)

Jason Farnsworth, ED

Bridget Barron

Justin Brei

Patrick Farrell

Julia Grabowski

Malinda Henry

Mallory Jaymes

Kaley Keldsen

Kari Mohlman

Bruce Sackett

Chad Smith

Tom Smrdel

Tim Tunnell

Seth Turner Kevin Werbylo

Bureau of Reclamation (Reclamation)

Brock Merrill – Member (2021 GC Vice Chair)

U.S. Fish and Wildlife Service (Service)

Matt Rabbe – Alternate

Environmental Entities

Brice Krohn – Member

Bill Taddicken – Member

Rich Walters – Member

Colorado Water Users

Alan Berryman – Member

Deb Freeman – Alternate

Kyle Whitaker – Alternate

Jason Marks – Alternate

Other Participants

Mike Drain, Cory Steinke, & Dave Zorn – CNPPID

Jim Jenniges, Jeff Shafer, & Michael Kondrack – NPPD

Mark Porath, Brian Caruso, Tom Econopouly, & Jeff Runge – Service

Brian Hollis – Reclamation

Michelle Koch – NGPC

Melissa Mosier – Audubon Nebraska

Mirko Kruse – Trout Raley (CO Water Users)

David Galat – ISAC

Dave Marmorek – ISAC

Ned Andrews – ISAC



WELCOME & ADMINISTRATIVE

Introductions – Chair Ament called the meeting to order at 9:37 AM Central Time.

Agenda – No modifications offered.

Minutes – The GC approved the following minutes:

GC Motion: Riley moved and Taddicken seconded to approve the March 10, 2021, GC Virtual Quarterly Meeting minutes. **Minutes approved.**

GC Motion: Riley moved and Taddicken seconded to approve the April 8, 2021, GC Virtual Special Session minutes. **Minutes approved.**

GC Motion: Rabbe moved and Merrill seconded to approve the May 21, 2021, GC Virtual Special Session minutes. **Minutes approved.**

COMMITTEE UPDATES

Land Advisory Committee (LAC) – Zorn provided an update on the latest LAC activities. The LAC last met on April 5, 2021. There was an update from the PRRA subcommittee and tract field reviews (GC Special Session).

Water Advisory Committee (WAC) – Steinke provided an update on the latest WAC activities. The WAC last met on May 4, 2021. The WAC discussed whooping crane flow releases and all depletions plans (CO, WY, NE, federal).

Technical Advisory Committee (TAC) – Merrill provided an update on the latest TAC activities. The TAC last met on April 14, 2021. The TAC discussed land management on the Bergen Tract; Cottonwood Ranch broad-scale recharge; update on the spring WC migration; tern/plover monitoring plans for summer 2021; recent Program publication in Waterbirds; and progress on the Extension Science Plan.

Finance Committee (FC) – La provided an update on the latest FC activities. The FC last met on May 25, 2021. The FC discussed the Chapman Complex habitat enhancement bid package (approved) and the PRRIP Procurement Policy (discussion only).

OUTREACH UPDATE

PRESENTATIONS

- On April 8, 2021, Jason Farnsworth and George Oamek participated in a podcast regarding Nebraska water issues as part of a series of the Daugherty Water Center at the University of Nebraska Lincoln. The topic was *Experiences using economic incentives to support the Platte River ecosystem*. The link to the presentation is included below:
<https://waterforfood.nebraska.edu/news-and-events/news/2021/04/experiences-using-economic-incentives-to-support-the-platte-river-ecosystem>

EXHIBITS/SPONSORSHIPS

There were no exhibits in April or May.



UPCOMING PRESENTATIONS/EXHIBITS

- The Program plans to exhibit at Husker Harvest Days in Grand Island on September 14, 15, and 16, 2021 in the Natural Resources Districts building. Husker Harvest Days is recognized as the World's Largest Totally Irrigated Working Farm Show™ and features the most extensive state-of-the-art information and technology available for today's agricultural producers.
- The Program will be exhibiting at the Nebraska Natural Resources Districts Annual Conference on September 26 through 28, 2021 in Kearney, Nebraska
- The Program will be sponsoring the South Platte Forum on December 9th, 2021, in Westminster, Colorado.

MEDIA/OTHER

- The Cottonwood Ranch Broad-Scale Recharge Project won an Honor Award in the "Water Resources" category of the American Council of Engineering Companies (ACEC) Engineering Excellence Awards in the State of Nebraska Competition. This qualified the project to be entered into the National Competition, where the project won a National Recognition Award. The National Recognition Award is a prestigious distinction honoring projects which achieved exceptional engineering excellence but did not receive a national Grand or Honor Award. The State Honor Award was recognized in a special section of the World Herald on February 21, 2021, during Engineer's Week, and the National Recognition Award will be recognized during a virtual Awards Gala on June 17, 2021.
- The 2019/2020 Biennial Report will be distributed at the September GC meeting.

PRRIP BUDGET

Farnsworth discussed the status of the FY21 budget, expenditures, and budget-related action items for the GC today. La asked if it would be beneficial to add a footnote on why the percentages are off. Farnsworth agreed to add that to the summary.

Farnsworth discussed proposed changes to the PRRIP Procurement Policy and the process used to get the proposed changes to this point. The one policy change is related to procurement of goods or services of less than \$10,000. Also, all the contracting parts in the Procurement Policy have been moved into their own section to provide more clarity and detail on contracting once services are procured (when a contract is necessary, which contracting templates the Program uses, etc.). Taddicken asked about the Conflict of Interest statement and what is covered by the statement. There is the potential for familial relationships to pop up and may need to be added to or clarified in the Conflict of Interest portion of the policy. Taddicken suggested adding a statement saying any personal connection should be disclosed to the Finance Committee. Farnsworth said current contracting requires that all contractors sign a Conflict of Interest statement and anti-lobbying statement. Taddicken agreed this satisfies his concerns.

GC Motion: LaBonde moved and Riley seconded to approve the revised PRRIP Procurement Policy.
Motion approved.

WATER ACTION PLAN (WAP)

Turner gave an update on the North Platte chokepoint, EA release, Elwood recharge, and the Pathfinder municipal lease. Gebhart said Wyoming would continue to monitor the Pathfinder municipal account



and re-evaluate it throughout the month of June. Werbylo gave an update on the recapture network and the Cottonwood Ranch broad-scale recharge project.

2021 Surface Water Agreements – Farnsworth summarized the NPPD and CPNRD surface water agreements. Riley asked if the MOU is different for the two agreements. Farnsworth said yes, the final signed agreements will have the current MOUs attached to them.

GC Motion: *Miller moved and Riley seconded to approve the NPPD Surface Water Leasing Agreement.*
Agreement approved.

GC Motion: *Miller moved and LaBonde seconded to approve the CPNRD Surface Water Exchange Agreement.* **Agreement approved.**

ADAPTIVE MANAGEMENT PLAN

Target Species Monitoring – Mohlman gave an update on summer 2021 tern/plover monitoring and Keldsen gave an update on related predator management and monitoring. Jaymes gave an update from spring 2021 whooping crane monitoring.

Extension Science Plan – Henry gave an update on the status of the Extension Science Plan.

INTERIOR LEAST TERN (LT)

Rabbe summarized document changes related to the de-listing of the interior least tern and walked through additional changes to these documents developed after a previous version was sent to the GC in the meeting packet. Riley asked if this would be taken up as an approval motion today because if so that is inconsistent with his understanding. Riley also asked how or if this document is consistent with concerns about the cost of continued monitoring for a species that is no longer listed. For example, what is the intent of monitoring? Rabbe said maintaining status quo, with the exception that it is no longer required by federal law but is instead voluntary. Riley said there seems to be a lot of words for something that is fairly simple, meaning this voluntary monitoring would just be done on the back of an existing process in place. Because of that, you would be getting two birds with one stone so to speak. Is that the intent? Rabbe said the Service believes it is appropriate to state how this would be handled going forward. Riley asked then why were all those references made in the original document? Rabbe said because the tern was a target species. Riley said that was correct, but now it is de-listed and is no longer a target species. If it were not a target species initially, there would be no reference to terns in the original Program Document so maybe we do not need any references going forward.

Freeman said we have a situation where the Program Document and all appendices have dated terminology in them (referencing the tern as a federally listed species, which it is no longer). There is also the problem of the assumption that what we are doing is required for the tern due to ESA compliance. The new language makes it clear this is no longer the case (take, ESA Milestones, etc.). The third thing the group tried to deal with is to say management for the plover that also affects the tern can continue at the direction of the GC. Drain said it appears we no longer have an obligation to do anything for the tern, but Items 5 and 6 suggest we will continue to do what we are doing related to terns unless the GC directs otherwise. He asked what the voting procedures would be for decisions related to this over time. Freeman said in her mind this relates primarily to Paragraph 6 and the GC could say “the Program may continue to manage for the tern at the direction of the GC.” Drain said that is what he was



thinking. Rabbe said on Paragraph 5, the tern/plover survey protocol is still being finalized by the Service and the Nebraska Game and Parks Commission. At this point though, his understanding is that protocol will not split the two species (tern and plover). Drain asked if this could be resolved by re-wording the second sentence of Paragraph 5 by adding “follow the tern components” of the survey, which would be a recognition of the overlap but that any tern work by the Program would be voluntary and could be stopped at any time.

LaBonde asked about the status of the assumption that monitoring would continue as part of the delisting. Rabbe said there is not yet a post-delisting monitoring plan in place but there is an assumption that monitoring would continue at least at the level of the post-delisting monitoring plan (which is not yet done). LaBonde asked about the schedule for this plan and when it would be produced. Rabbe said he is not aware of an established date for this. LaBonde said the first statement says the Program will continue to treat the tern as a target species during the Extension and there will be a cost to that. Maybe there should be a statement in this document that it is the intent of the Program that a Second Increment will not include the interior least tern. Farnsworth said we can take more time on this document to get the language right, but we need the GC to discuss and approve the templates because they are regulatory documents.

Porath said we should be celebrating the delisting but we should be cautious because of changes that might come down the road. This appears to be an attempt to thread the needle – take the focus off the tern as a target species but keep enough information to address issues down the road if necessary.

Freeman said she has heard three points that need addressed:

- 1) Should we add language saying the tern will not be managed for as a target species in the Second Increment?
- 2) Do we include a specific head-nod to monitoring consistent with the post-delisting monitoring plan requirements once those are known?
- 3) Should the GC direction say this can continue as part of the science component of the Program at the direction of the GC?

So, should the group keep working on this language, or should any GC members be added to the group to make sure we are capturing all perspectives? Ament asked we should postpone approval of this document but go ahead and try to approve the templates? Rabbe said we do need to update and approve those because we cannot proceed with consultations until they are approved. *Riley said his thought is to send this back to the group and reflect on today’s discussion and see what edits can be made. Ament and the GC agreed.*

Rabbe said the only changes made to the templates were to remove references to the tern being a listed species, point to the tern being delisted, and provisions of the incidental take statement (and RPA) related to the interior least tern no longer apply. Freeman asked if all the templates are in the appendices to the Program Document and if so we are asking the GC to both approve them for use and to include them in the Program Document. Farnsworth said yes.

GC Motion: *Riley moved and LaBonde seconded to approve for use the revised Tiered BO template and the revised BA templates for CO, NE, and WY with additional revisions as noted during the GC meeting (use of the term “listed target species” for current and future references, maintain use of the term*



“target species” for past references) and to approve including these templates in the Program Document.
Templates approved.

LUNCH BREAK (45 min.)

PALLID STURGEON (PS)

Smith summarized the PS Agreement Framing Document. Henry summarized the PS research proposals. Marmorek summarized ISAC comments and conclusions on the PS research proposals. La asked about what we know/don’t know about pallids and what the relationship of this proposed work is to what the Missouri River Recovery Program is working on. Marmorek said the Corps funds most of the Missouri River work and their constraint is they can only fund research where pallid sturgeon are potentially affected by their operation of the Missouri River dams and reservoirs. The only exception is the Yellowstone River because the Corps is working with Reclamation to build a diversion bypass. Marmorek said there was some work done by researchers at UNL and some work done by the USGS to look at use and spawning on the lower Platte River. There were a few occasions in the past between 2010-2015 where fish were tracked in the Platte and spawning appeared to occur across a range of flows, but also did not occur across a range of flows, so there did not appear to be much correlation between spawning and flows. There were stronger correlations with temperature. Galat said the map from the ISAC presentation (and the EDO presentation) is the map that shows the spread of fish in the lower Platte and up the Elkhorn River. La said she is struggling with how the research will tell if something is coincidental or correlated or suggests causation. Marmorek said the proposals do not yet get into detail of the methods of data analysis. There are quantitative methods that can be applied. In terms of spawning, it will depend on the number of cases and what flow conditions are at the time. This will be more of a categorical approach but can still be statistical and quantitative. It becomes a question of probabilities – the likelihood that spawning will occur for different categories of physical conditions. LaBonde asked whether we need to include any river stretch above the Elkhorn – was finding fish up to the Loup in 2019 just the result of one high flow year? Marmorek said there is an example they have gone that far. As more hatchery fish mature, they may gradually move further upriver once they become reproductive (this is a reasonable hypothesis). Active tracking is much more time consuming, and you just won’t know whether or not pallid sturgeon are moving up to the Loup if you don’t have the passive trackers in place. Farnsworth said in the initial PS research, 7% of the fish tracked went above the Elkhorn. It is likely they go further up the Platte during wetter years and run down and out of the Platte during lower water years. There is a lot of uncertainty about how many, when, and why pallids might move above the Elkhorn River confluence so at a low cost we can try to reduce uncertainty about this.

LaBonde asked about the timing of getting this started and getting graduate students on board, and whether this could be pushed to the September GC meeting. Henry said the more lead time Heist has, the better. The Program needs the technology up and running soon so that when we get samples in hand we have the ability to analyze them and we don’t want to miss another season. LaBonde asked what time of year we will capture and tag fish. Henry said that would be in spring after all ice is gone and temperatures are up. Farnsworth said we would still have to go through the process of developing contracts, getting contracts approved by the GC, etc. Riley asked about the genetics work and if there is any concern about whether Heist can actually do the work. Henry said he has already developed the SNP markers, the GT-seq process is also under development and all this work appears promising. Riley asked about the bounds of risk of this process. Henry said if Heist just uses current technology, we will slow down the process and get less data. Marmorek said there was previous discussion about out-sourcing



some of the genetics sequencing but there are concerns about how quickly things could be turned around and loss of quality control. Riley said his concern is if we can't get to where the genetics proposal wants to go, is this a worthwhile effort? Henry said it is a question of getting the equipment to do the work which is done regularly and is not an experimental process. The use of GT-seq to do this kind of work has already been developed and is done regularly. Hiring the developer of the GT-seq technology as a consultant to work together with Heist provides the technical experience with the technique and the SNP markers required to reduce risk.

La asked if Heist will have to develop baseline data for the Missouri River program anyway and won't really be dependent on the Platte providing funding for the equipment. Henry said the baseline would be for the population as a whole. To do that, there would need to be samples from the Missouri, Platte, and other locations. Farnsworth said without Program funds for this work, there is no project.

Farnsworth summarized Steps 2 and 3 of the Framing Document. Runge said there has been a lot of discussion about spawning, but this is also a chance to get a better handle on overall habitat, use, timing, and other aspects of sturgeon life history from the telemetry that will be important even if we don't get the spawning data we are hoping for.

Meeting break for GC entity caucusing. On return, the GC edited language for a motion regarding the PS Agreement Framing Document and next steps on PS in the Extension.

GC Motion: *LaBonde moved and Mehling seconded that in accordance with the PRRIP Second Increment Policy Frame, the GC authorizes the EDO to pursue Steps 1-3 as outlined in the Pallid Sturgeon Agreement Framing Document, subject to GC review and approval of all related proposals, budgets, products, and conclusions. The GC and Service agree this fulfills PRRIP pallid sturgeon commitments described in the Program Document. The GC and Service also agree the outlined activities provide the Program ESA compliance for the Milestones during the Extension with the expectation that Program water management activities implemented under this framework will continue to afford defined benefits for the pallid sturgeon during the Second Increment.* **Motion approved.**

LAND PLAN

Platte River Recreation Access (PRRA) Program – Rabbe gave an update from the PRRA Subcommittee.
PRRIP Tiered Consultations – Rabbe provided the annual update from the U.S. Fish and Wildlife Service.

PUBLIC COMMENT

None offered.

EXECUTIVE SESSION

Riley moved and Merrill seconded to enter Executive Session. GC entered Executive Session at 2:45 PM Central Time.

Riley moved and LaBonde seconded to exit Executive Session. GC exited Executive Session at 2:47 PM Central Time.

EXECUTIVE SESSION MOTIONS

No motions coming out of Executive Sessions. Sackett provided the latest Land Objective Summary and reflected on his time with the Program. He is retiring as of August 19, 2021. Sackett said he appreciated



his 13 years, thanked Jerry Kenny and Bridget for bringing him on as an employee, and discussed some of the highlights of his work with Program land acquisition and management. He thanked the GC for working with him over the years. He read a small piece that he wrote in advance:

The Job

By Bruce Sackett

2021

Nineteen Seventy-Two was the year I began in conservation.
We did not know the future or where it would take us.
In that same year we married and would have our children three.
The days have flown the kids have grown, they visit now and then.

Our parents passed, some friends retired and yet we continued fore.
In looking back, it seems that life has given us all ... and more.
Memories and kindness enough to fill a lifetime.
If we could just see our effect and understand the meaning.

Where did the days go by so quickly and so fast?
How can we hold such memories and hope to make them last?
It seems we all get a chance to run the race and see,
A place to stand, and whom we each can be.

From high above the places bought for the people one and all.
From Wildcat Hills to Clark Island and Oak Glenn to Ash Fall.
Every face and story leaps to mind in individual names
Kirkpatrick, Broadfoot, Volintine; Robinson and James.

What comes to pass cannot be guessed from work we each have done
As time does pass each blade of grass becomes more precious won.
The best of times is yet to come for the future generation
All the places now in trust to make... memories and conservation.

A million miles have I driven to carry out the task
Seen the prairie, Pine Ridge Forest and rivers braided wide.
It can be said with no remorse nor any kind of sob
I loved it all because in the end it was always more than just a job.

Accolades for Bruce from the Teams meeting chat:

- Mark Porath – Congrats Bruce! Never thought I would see you retire twice, best wishes and thanks for all you have done.
- Jojo La – *clap *clap!! So beautiful! Thank you for all of your work! We're going to miss you!!!!
- Brice Krohn – Congratulations and Best of Luck! I will miss your stories!
- John Shadle – Thanks for all the good work Bruce, best of luck going forward.
- Devin Brundage – Congratulations Bruce!!!
- Lyndon Vogt – Thanks for all your work and have a great retirement



- Tom Riley – Congratulations on the next phase in life, Bruce. Best wishes!
- Bob Mehling – As long as I have been with PRRIP you have been an institution and an inspiration.

GC MEETING REVIEW & WRAP-UP

Action Items & Meeting Feedback – None.

2021 GC Meetings:

- GC *In-Person* Quarterly Meeting – **September 14-15, 2021 @ Kearney, NE**
- GC *Virtual* Special Session – **November 10, 2021**; discussion of FY22 budget and work plan
- GC *In-Person* Quarterly Meeting – **December 7-8, 2021 @ Denver, CO**

GC MEETING END

Meeting adjourned at 3:27 PM Central Time.

Summary of Action Items/Decisions from June 9, 2021, GC Virtual Quarterly Meeting

- 1) Approved the 03_10_21 GC Virtual Quarterly Meeting minutes.
- 2) Approved the 04_08_21 GC Virtual Special Session minutes.
- 3) Approved the 05_21_21 GC Virtual Special Session minutes.
- 4) Approved the revised PRRIP Procurement Policy.
- 5) Approved the NPPD Surface Water Leasing Agreement.
- 6) Approved the CPNRD Surface Water Exchange Agreement.
- 7) Approved for use the revised Tiered BO template and the revised BA templates for CO, NE, and WY with additional revisions as noted during the GC meeting (use of the term “listed target species” for current and future references, maintain use of the term “target species” for past references) and approved including these templates in the Program Document.
- 8) Approved the following motion regarding pallid sturgeon: in accordance with the PRRIP Second Increment Policy Frame, the GC authorizes the EDO to pursue Steps 1-3 as outlined in the Pallid Sturgeon Agreement Framing Document, subject to GC review and approval of all related proposals, budgets, products, and conclusions. The GC and Service agree this fulfills PRRIP pallid sturgeon commitments described in the Program Document. The GC and Service also agree the outlined activities provide the Program ESA compliance for the Milestones during the Extension with the expectation that Program water management activities implemented under this framework will continue to afford defined benefits for the pallid sturgeon during the Second Increment.