



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

### Governance Committee (GC) Virtual Quarterly Meeting

Wednesday, September 16<sup>th</sup>, 2020: 9:00 AM – 2:00 PM CDT

Meeting held online via MS Teams

[Power Point presentations from meeting](#)

#### Governance Committee (GC)

##### State of Wyoming

Harry LaBonde – Member (2020 GC Vice Chair)

Brandon Gebhart – Alternate

##### State of Colorado

Don Ament – Member

JoJo La – Alternate

##### State of Nebraska

Jesse Bradley – Member

##### Upper Platte Water Users

Dennis Strauch – Member

Owen Williams – Alternate

##### Downstream Water Users

Devin Brundage – Member

Joe Citta – Member

Lyndon Vogt – Member

Kent Miller – Member

#### Executive Director's Office (EDO)

Jason Farnsworth, ED

Bridget Barron Tom Smrdel

Justin Brei Tim Tunnell

Patrick Farrell Seth Turner

Scott Griebing Kevin Werbylo

Malinda Henry

Mallory Jaymes

Kaley Keldsen

Kari Mohlman

Bruce Sackett

Chad Smith

##### Bureau of Reclamation (Reclamation)

Brock Merrill – Alternate

##### U.S. Fish and Wildlife Service (Service)

Steve Small – Member (2020 GC Chair)

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, John Shadle, Jeff Shafer, Randy

Zach, Christopher Elliott – NPPD

Kristal Stoner – Audubon Nebraska

Mirko Kruse – Trout Raley (CO Water Users)

John Thorburn – Tri-Basin NRD

Renate Rimsaite – UNL

Tom Econopouly & Jeff Runge – Service

Melissa Mosier – Audubon Nebraska

Brent Esplin – Reclamation

Michelle Koch – NGPC

Taylor Cassidy – UNK



## **WELCOME & ADMINISTRATIVE**

**Introductions** – Chair Steve Small called the meeting to order at 9:02 AM Central Time. Small greeted the group, thanked everyone for persevering through this time, noted “COVID fatigue,” and thanked everyone for making a virtual meeting work. Smith read the MS Teams participant list as roll call.

**Agenda** – No modifications.

**Minutes** – No edits offered.

**GC Motion:** *Taddicken moved and Merrill seconded to approve the June 10, 2020 GC Quarterly Meeting minutes as amended.* **Minutes approved.**

FINAL June 10, 2020 PRRIP GC Virtual Quarterly Meeting Minutes

## **COMMITTEE UPDATES**

**Land Advisory Committee (LAC)** – Zorn provided an update on the latest LAC activities. The LAC last met on August 11. Short meeting focused on: update on the PRRA program and location improvements; update on the purchase of the Lexington pit (tern and plover habitat for 2021 monitoring season).

**Water Advisory Committee (WAC)** – Steinke provided an update on the latest WAC activities. The WAC met on August 4. Short meeting focused on water projects that will be discussed during the GC meeting today.

**Technical Advisory Committee (TAC)** – Merrill provided an update on the latest TAC activities. The TAC met on August 17. Spent the majority of the meeting talking about land management plans and creation of wet meadow habitat (tree clearing, grubbing, re-seeding, etc.). Discussed a cost-benefit analysis to determine if this management action is advisable. Discussed a recent tern/plover re-nesting article. Also discussed the Adaptive Management Working Group (AMWG). The TAC will meet again in late October to discuss the draft FY21 PRRIP budget.

**Finance Committee (FC)** – La provided an update on the latest FC activities. The FC met on July 16. The FC approved the Clark Island bid package and approved the 2020 sediment augmentation bid package.

## **OUTREACH UPDATE**

### **Presentations**

- Jason Farnsworth presented on the Broad Scale Recharge project to the Tri-Basin Board Tour on August 11, 2020 at the site on Cottonwood Ranch.

### **Upcoming Presentations/Exhibits**

- Upcoming Conferences/Events cancelled/modified due to the COVID-19 social distancing requirements.
  - Husker Harvest Days – virtual farm demonstrations only, no exhibits
  - Nebraska’s Natural Resources Districts Annual Conference
  - South Platte Forum
  - Nebraska Water Resources Association/Nebraska State Irrigation Association Joint Conference will be a Webinar Series. The Program will sponsor the virtual conference.



- The Program contributed PRRIP logo items to the Colorado Water Congress Summer Convention “Conference in a Box” virtual networking event scheduled for September 17, 2020.

### **Media/Other**

- Press releases were sent out to the media and other interested parties on July 9, 2020 regarding the 2020 North Platte Chokepoint Test Flow Release.
- Climate Change Nebraska published an on-line story on July 15, 2020 titled “Colorado Construction Cranes May Harm Nebraska’s Sandhill Cranes” and mentioned the Program. Jesse Bradley from Nebraska Department of Natural Resources was interviewed for the article. <https://climatechangenbraska.com/2020/07/15/colorado-water-and-nebraska-cranes>
- The Kearney Hub published an article on August 16, 2020 on the Broad Scale Recharge Project at Cottonwood Ranch. Jason Farnsworth and John Thorburn were interviewed for the article.
- The International Crane Foundation published an article regarding the sentencing of a man who shot two whooping cranes in 2016. He was sentenced to five-years of probation, 360 hours of community service with the Louisiana Department of Wildlife & Fisheries (LDWF), and revocation of his hunting privileges until he completes his community service. He was also fined \$10,000 and ordered to pay \$75,000 in restitution to LDWF. Both cranes had been raised in captivity and had been released about a month before the shooting.

### **FY20 BUDGET UPDATE**

Farnsworth discussed the status of the FY20 budget, expenditures, and forecast for the remainder of 2020. He previewed two action items from the Budget Action Table for discussion later in the GC meeting today. La asked if we will see any cost savings due to COVID in the public outreach budget line item. Farnsworth said yes, Barron agreed and said there would be some money left over from things like sponsorships and other items. Farnsworth said there would be some savings in some AMP-related items as well such as AMWG workshops and related travel.

### **EXTENSION ACCOUNTING**

Merrill discussed the final indexing worksheet for the First Increment through October 2019. The proposed indexing approach for the Extension is making its way through Reclamation and Interior for discussion and approval. Farnsworth summarized the Cash Ceiling Memo.

### **ADAPTIVE MANAGEMENT PLAN**

**Terns/Plovers** – Mohlman provided an update on the status of 2020 tern/plover nesting in the Associated Habitat Reach (AHR).

**Predator Control** – Keldsen and Cassidy discussed the early results of a predator management pilot study designed to reduce losses of terns/plovers due to predation. Walters asked if turtles are being trapped anywhere that is not a tern/plover nesting site as a kind of control. Cassidy said no, will see what we find in the data. Henry said it is a good point. We did not incorporate an external control site for comparison, and we will consider it going forward.

**Adaptive Management Working Group (AMWG)** – Smith discussed the status of the revised AMP for the Extension and requested the GC approve a refreshed AMWG to work with the EDO to develop and refine that revised AMP. Walters asked about the link between the work of the AMWG and the target flow process. Smith said that link will become clearer in the near future as the GC works through the target



flow process and the “mock” Second Increment negotiation sessions. Walters said there might need to be changes in the AMWG in the future if flow issues require additional people or other forms of expertise. Smith agreed. Drain said the original AMWG during the Cooperative Agreement (CA) phase did not deal with target flows. Smith agreed and said the overlap would come if there are specific questions related to Program flow management actions and the response of river form/function and the target species to those management actions.

**GC Motion** – LaBonde moved and Merrill seconded to appoint the following members to the AMWG and to direct the AMWG to work with the EDO to develop and refine a revised AMP for the Extension:

- Interior least tern and piping plover expertise
  - Jeff Runge – USFWS
  - Jim Jenniges – NPPD
  - Dave Zorn – CNPPID
- Whooping crane expertise
  - Andy Caven – Crane Trust
  - Matt Rabbe – USFWS
- Hydrology/Hydraulics expertise
  - Tom Econopouly – USFWS
  - Mike Drain – CNPPID
  - Brandi Flyr – CPNRD
- Technically oriented policymakers
  - Brock Merrill - USBR
  - Jojo La – Colorado

**Motion approved.**

**Target Flows** – Smith provided an update on the status of the target flow process with the GC. Plans are in place for a series of sessions in October and November for a “mock” Second Increment negotiation. Smith asked GC members and alternates to watch for a revised schedule soon to accommodate key parties in the discussions.

**MEETING BREAK (10 min.)**

#### **WATER ACTION PLAN (WAP)**

**North Platte Choke Point** – Turner gave a presentation on the results of the North Platte chokepoint over the summer. LaBonde asked if there were any impacts or damage to Cody Park. Turner said no. The boat ramp and its adjacent parking lot flooded but that was expected. LaBonde asked about bank erosion there. Turner said no. LaBonde asked if the two properties were impacted through raising of the groundwater table. Turner said that was safe to say. Taddicken asked if the properties were bought out, does it eliminate that damage estimate by NWS and are they open to additional testing in the future? Farnsworth said the honest answer is we do not know. We assume NWS would be willing to monitor additional test releases in the future. Farnsworth said he lumps property buy-outs with other modifications to the Program Document related to this issue without NWS modifying flood stage. From the NWS perspective, the “minor flood damage” is not tied to a risk category and appears to be fairly subjective. It is hard to know how we will deal with this kind of situation. The Program would have to work through issues like a



permanent FERC waiver, the GC being OK with going above flood stage with releases, etc. The Program tied itself to flood stage which is good in a sense that it means the Program was mindful of possible impacts and would deal with them. The bad side of that is it ties the Program to something that is fairly subjective. Large-scale engineering solutions will be difficult for the Program to put on the ground. It would require working with all property owners because this is a private property setting. Building a channel may require eminent domain which this Program has always wanted to avoid.

Rabbe said during this last growing season we tried a “mock” growing season release. It got cut off in the end due to capacity in North Platte at the chokepoint. So, it appears at this time that the chokepoint does actually impact the ability to conduct Environmental Account (EA) releases and we likely cannot walk away from the chokepoint and expect we will be able to do summer germination flows. We should explore the process of updating the Program Document to allow, in some instances, to go above flood stage and deal with impacts and liabilities as they happen. Farnsworth said we did not have any claims against the Program during this test flow. Some of the impacts were from ag folks impacted by wet meadows slowing down the haying process. They said doing releases in June instead would actually be beneficial because we might sub-irrigate their hay meadows. Griebeling said we would have capacity issues during the driest 25% of years in terms of trying to do the summer germination suppression flows – both in terms of chokepoint capacity, but also in terms of water availability and volume constraints in the EA.

Econopouly asked who the law office represented that called the EDO during the event. Farnsworth said it was from an elderly neighbor, it was not a claim or a threat and the landowner was not overly worried about it. Brundage asked about the needs of the species and the needs of channel management, will the science say where we should be applying our water? Farnsworth said we have started down the road of looking at summer germination suppression flows in the revised AMP, that process is ongoing. This is something we will work on soon with the AMWG. One of the flow management actions that is still under consideration is a fall-timed SDHF, essentially tagging it onto the end of irrigation releases. We should be able to answer these questions more completely about six months from now.

Freeman said she has pause on the idea of moving away from staying below flood stage and the “Good Neighbor Policy.” This would cause some issues with perception. La agreed with Freeman on this point.

Farnsworth asked if any GC members objected to pulling back together the Program stakeholder components of the chokepoint planning work group and working up some recommendations for moving forward based on this learning. Taddicken said it would be great to see some updated modeling based on this information and current capacity issues to see what it would mean to try some of these re-engineering approaches. Farnsworth said that would be a part of this effort. Farnsworth asked Miller if he had any feedback from local parties. Miller said the right people were on the planning team. The comments he heard focused on the concern related to impacts on hay meadows. Those individuals said they would have planned their haying around the test and would have hayed before the releases started. Damage issues and complaints will always be an issue on the south side of the channel.

Farnsworth thanked the stakeholders from the GC that were part of the planning effort.



**Tri-Basin NRD (TBNRD) Recapture Agreement** – Farnsworth summarized the recapture agreement.

**GC Motion:** *Ament moved and Bradley seconded to approve the TBNRD Recapture Agreement. Brundage and Citta abstained.* **Agreement approved.**

**CNPPID Irrigator Lease** – Oamek gave a presentation on CNPPID irrigator lease water. LaBonde said his thoughts would be to discontinue this program at this rate but would support continuing the program at a reduced lease payment. The Program is paying too much now and the price needs to reflect commodity markets now. We could look for a one-year program for 2021 and then consider a multi-year approach beyond that. Farnsworth said this would be the least-complicated approach, especially given ongoing discussions about the Grand Water Bargain. LaBonde asked what the price of corn used in the past was. Oamek said we were using something in excess of \$4/bushel when this started. Now, we would likely use a 5-10-year moving average of corn that would be lower than that previous rate. LaBonde suggested if we are looking for a one-year contract, we just look at the current commodity price (slightly above \$3/bushel), see what we get for a price, then run that back by the GC before approaching Central and the irrigators.

Steinke said he has talked a couple of the producers and they said they have to pay their Central water bill and their irrigated land taxes. So, we need to keep those fixed costs in mind. Steinke said he is worried about a timeline; producers are already planning for next season. Central would prefer something very soon if this is going forward. Small said he had a similar question about timing. Farnsworth asked Oamek where he would recommend we come in on price. Oamek said probably around \$130/acre-foot would be reasonable for this year. Farnsworth asked the GC if they are willing to make that decision now as a price for 2021.

**GC Motion** – *Ament moved and LaBonde seconded to approve an effective price of \$130/acre-foot for CNPPID irrigator lease water in 2021. Brundage and Vogt abstained.* **CNPPID Irrigator Lease water price approved.**

### **MEETING BREAK (30 min.)**

### **LAND PLAN**

**Invasive Vegetation Management** – Tunnell discussed the Platte River Resilience Fund and the status of an endowment for invasive vegetation management on the Platte River. Walters discussed the status of contributions to the Fund so far. Ament asked if the Nebraska Department of Agriculture is going to help with invasive vegetation management. Walters said in the past \$200,000-\$225,000/year has been applied to the project through the Nebraska Department of Agriculture. La asked if the endowment fund is working off interest in perpetuity or if there is an end date, and how the \$4 million request from the Program was calculated, and what the timeline for a GC decision is relative to this request. Tunnell said it is a perpetual endowment with operating funds only coming out of the generated interest. Walters said the Program ask was based on the Program's current typical contribution of \$200,000/year. Based on a return of 5% on the principal an endowment pledge of \$4 million would equal that \$200,000. The Program contribution would meet half of that goal. Farnsworth said there are several moving parts on the GC decision timeline. Previously, some Signatories indicated they did not want the Program to be the first one in with a large pledge. There are two potential options for the Program: 1) go through the budgeting process in the fall of 2020 and put some amount of money in the budget for 2021 to be contributed to the Fund next year; and 2) have a conversation in December about an endowment contribution but not





budget more than the typical \$200,000 for 2021, with the contribution decided by the GC in December 2020 or March 2021 to be paid in 2022.

Strauch asked if there is an inflation factor included in the perpetual fund (due to increasing costs, etc.). Farnsworth said Oamek worked with the NCF on the financial analysis, the short answer is yes, there is inflation built into this. LaBonde asked if the Program brings forward \$4 million this year or next year, what guarantees do we have that the rest of the funding will come together? Tunnell said we share those concerns; fundraising is the only answer. It is possible that a large Program pledge will help to secure additional funding. Walters said the Central Platte NRD has already pledged \$500,000 so things have started. LaBonde asked if this fund has a set of bylaws, or if the creature controlling it is a 501(c)(3) or some other structure. Tunnell said we have a Fund Advisory Agreement with the NCF that dictates how the endowment works. Taddicken said the NCF has a strict way of setting up bylaws for each fund. There is a set for this Fund (fund use, mission, etc.); we can provide this to the GC. LaBonde said it is appropriate before we turn over \$4 million in funds we see the bylaws and what happens if this fund dissolves. Tunnell agreed and said we could have Diane Wilson from the NCF attend the December 2020 GC meeting and talk through these specific issues. Farnsworth said we will bring the topic back to the GC in December, get Wilson on board to talk through specifics, and at that point the GC can decide how to proceed with a pledge. We will not budget any money for a pledge into the budgeting conversation this fall.

#### **PUBLIC COMMENT**

None offered.

#### **EXECUTIVE SESSION**

*Ament moved and Strauch seconded to enter Executive Session. GC entered Executive Session at 1:18 PM Central Time.*

*Taddicken moved and LaBonde seconded to exit Executive Session. GC exited Executive Session at 1:39 PM Central Time.*

#### **EXECUTIVE SESSION MOTIONS**

**GC Motion** – LaBonde moved and Ament seconded to approve the EDO to move ahead with the property exchange with NPPD at Tract 2009002 as described. Citta abstained. **Property exchange approved.**

#### **GC MEETING REVIEW & WRAP-UP**

**Action Items & Meeting Feedback** – Small thanked everyone for their attendance today and working with the virtual format. He thanked the EDO Team for the prep in advance of this meeting. Small said the pandemic is still likely pushing us to host most meetings virtually, including the November Special Session on the budget and the December GC Quarterly Meeting. He asked the GC to think about their preferences for how to manage GC meetings virtually – two chunks of time with a longer break between, other formats? Small said he thought the meeting today went smoothly and the breaks seems appropriate, maybe a little longer lunch.

#### **Upcoming Meetings:**

- GC Special Session (FY21 Budget/Work Plan) – **November 10, 2020** (virtual in MS Teams)
- GC Quarterly Meeting – **December 02, 2020** (virtual in MS Teams)
- 2021 AMP Reporting Session – **February 2021** @ Omaha, NE (specific dates TBD; may be virtual)

**GC MEETING END**

Meeting adjourned at 2:45 PM Central Time.

**Summary of Action Items/Decisions from September 16, 2020 GC Virtual Quarterly Meeting**

- 1) Approved June 10, 2020 GC Virtual Quarterly Meeting minutes.
- 2) Appointed the following members to the AMWG and directed the AMWG to work with the EDO to develop and refine a revised AMP for the Extension:
  - Interior least tern and piping plover expertise
    - Jeff Runge – USFWS
    - Jim Jenniges – NPPD
    - Dave Zorn – CNPPID
  - Whooping crane expertise
    - Andy Caven – Crane Trust
    - Matt Rabbe – USFWS
  - Hydrology/Hydraulics expertise
    - Tom Econopouly – USFWS
    - Mike Drain – CNPPID
    - Brandi Flyr – CPNRD
  - Technically oriented policymakers
    - Brock Merrill - USBR
    - Jojo La – Colorado
- 3) Approved the TBNRD recapture agreement.
- 4) Approve a price of \$130/acre-foot for CNPPID irrigator lease water in 2021.
- 5) Approved the EDO moving ahead with the property exchange with NPPD at Tract 2009002 as described.