PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP or PROGRAM)

**Governance Committee (GC) Quarterly Meeting Agenda**

Tuesday, March 10th, 2020 – 2:00 PM – 6:00 PM

Wednesday, March 11th, 2020 – 8:00 AM – 12:00 PM

***Note: All times Central.***

**Meeting Location:**

PRRIP EDO Conference Center

4111 4th Avenue, Suite 6

Kearney, NE 68845

(308) 237-5728

**Governance Committee (GC)**

**State of Wyoming Bureau of Reclamation (Reclamation)**

Harry LaBonde – Member (2020 GC Vice Chair) Brock Merrill – Alternate

Brandon Gebhart – Alternate (by phone)

**State of Colorado** **U.S. Fish and Wildlife Service (Service)**

Don Ament – Member Steve Small – Member (2020 GC Chair)

JoJo La – Alternate Matt Rabbe – Alternate

**State of Nebraska Environmental Entities**

Jesse Bradley – Member Rich Walters – Member

Jennifer Schellpeper – Alternate Brice Krohn – Member

**Upper Platte Water Users** **Colorado Water Users**

Dennis Strauch – Member Alan Berryman – Member

Owen Williams – Alternate Deb Freeman – Alternate

Bob Mehling – Alternate Kyle Whitaker – Alternate

Jason Marks – Alternate (by phone)

**Downstream Water Users Audience Members**

Mark Czaplewski – Member Mike Drain and Dave Zorn – CNPPID

Devin Brundage – Member John Shadle and Jeff Shafer – NPPD

Joe Citta – Member Jessie Winter - NDNR

Kent Miller – Member Matt Pillard – HDR

Jake Miriovsky – JEO

**Executive Director’s Office (EDO)** Renata Rimsaite – UNL

Jason Farnsworth, ED Rachel Saunders – Jacobs Engineering

Bridget Barron Chad Smith Lyndon Vogt and Brandi Flyr – CPNRD

Justin Brei Tom Smrdel John Thorburn – Tri-Basin NRD

Patrick Farrell Tim Tunnell David Galat – ISAC

Scott Griebling Seth Turner Dave Marmorek – ISAC (by phone)

Mallory Jaymes Kevin Werbylo Philip Halteman – Compass

Kaley Keldsen John Moor, Jake Mirovsky, and ? - JEO

Kari Mohlman Jeff Runge, Tom Econopouly, and Brian Caruso

George Oamek - Service

Bruce Sackett

**TUESDAY, MARCH 10, 2020**

**Welcome & Administrative**

Chair Steve Small called the meeting to order at 2:00 PM Central Time and the group proceeded with introductions. Czaplewski said the Downstream Water Users would like to talk about a potential change to their Charter.

**GC DECISION –** *Czaplewski moved and LaBonde seconded to approve the December 03, 2019 GC Quarterly Meeting minutes and the February 18, 2020 GC Special Session minutes.* Minutes approved.

**Program Committee Updates**

*Land Advisory Committee (LAC)*

Czaplewski provided an update on the latest LAC activities. The LAC has not met since the last GC meeting, the next meeting is April 14 in Kearney.

*Water Advisory Committee (WAC)*

Steinke provided an update on the latest WAC activities. The WAC had a conference call on February 4, Steinke was elected Chair. Project updates are now in a memo from the EDO for discussion at WAC meetings. Also discussed broad-scale recharge, Lakeside project, recapture wells, WAP project scoring, EA AOP, choke point test flow plan, sediment augmentation project update, and reviewed the WAC charter. The next WAC meeting is May 5.

*Technical Advisory Committee (TAC)*

Merrill provided an update on the latest TAC activities. The TAC met on February 4 and approved the fall 2019 whooping crane monitoring report and the 2019 tern/plover monitoring report. Discussed the 2019 State of the Platte report and had a good discussion about the predator research project.

*Finance Committee (FC)*

La provided an update on the latest FC activities. The FC met on February 5 and elected Chris Beardsley as Chair. The FC approved the ISAC contracts, the website and database contract amendment, and the 2020 predator trapping agreement.

**Program Outreach Update**

*PRESENTATIONS*

* Kevin Werbylo presented on the Broad Scale Recharge project to the Nebraska Weed Control Superintendents on December 12, 2019 as part of the annual Nebraska Association of County Officials conference in Kearney, Nebraska.
* Jason Farnsworth presented on the Program to the Kearney Sertoma Club on February 3, 2020 in Kearney, Nebraska.
* Mark Czaplewski presented on the Program at the Central Platte NRD annual water program update on February 12, 2020 in Lexington, Nebraska.

*EXHIBITS/SPONSORSHIPS*

* The Program exhibited at the annual meeting of the Four States Irrigation Council in Fort Collins, Colorado on January 8-10, 2020. We made 84 contacts.
* The Program exhibited at Colorado Water Congress in Denver, Colorado on January 29 – 31, 2020. We made 225 contacts.
* The Program exhibited at the Joint Venture Rainwater Basin Information Seminar in Grand Island, Nebraska on February 6, 2020. We made 142 contacts.

*UPCOMING PRESENTATIONS/EXHIBITS*

* Bruce Sackett and Patrick Farrell will be presenting on the Program to a youth group from Big Red Agricultural Growers (BRAG) on March 16, 2020 in Kearney, Nebraska. BRAG educates youth ages 12-15 about ag-related issues and encourages them to speak up for agriculture.
* Scott Griebling will be presenting at Audubon’s Crane Festival in Kearney, Nebraska on March 21, 2020. His presentation is titled, *“Are Cranes Hydrologists” Platte River flows and crane habitat”.*
* The Executive Directors Office will present a panel discussion on the Program for the Nebraska Water Leaders Class on March 26, 2020 in Kearney, Nebraska.
* Patrick Farrell will be part of the Conservation Nebraska Speaker Series on April 14, 2020 at the Kearney Public Library in Kearney, Nebraska. His presentation will focus on how the Program has positively impacted the central Platte River for endangered species.
* Scott Griebling and Jojo La will be presenting on the Program to the CSU student chapter of the Environmental Water Resources Institute on April 21, 2020 in Fort Collins, Colorado.
* The river model, purchased in part by the Program, will be utilized by Scott Griebling as interactive education at the Children’s Water Festival in Greeley, Colorado on April 22, 2020.
* The Program will be exhibiting at the Audubon Crane Festival in Kearney, Nebraska on March 21, 2020.

*MEDIA/OTHER*

* There were numerous press releases/articles published in December 2019/January 2020 regarding the Program extension for an additional 13 years.

Barron presented Czaplewski with an award in recognition of his many years of service to the Program. Sackett presented Czaplewski with an award in recognition of his many years of service to the LAC as Vice Chair and Chair since 2008.

**PRRIP FY20 Budget Update**

Farnsworth discussed the status of the FY20 budget, expenditures, and forecast for the remainder of 2020 and also presented a retrospective of Program funding and expenditures during the First Increment, 2007-2019.

**State of Nebraska New Depletions Plan**

Bradley discussed a report showing that Nebraska is now in compliance with the Nebraska New Depletions Plan and has achieved that milestone and also discussed the status of Nebraska’s Robust Review. LaBonde asked where someone could look to find pre-2006 depletions. Bradley said NDNR tracks the overall level of use in the districts and compare that to the 1997 use. La asked if Table 6 reflects the future recharge network. Bradley said other than the management activities described on Page 10, none of the projects like the recharge network are carried forward so as those are added that will make the water balances better. Runge asked about N-CORPE and putting water into the Republican or Platte based on need. This report seems to show a steady pumping of water into the Platte. Bradley said generally N-CORPE is replacing depletions in time and location, but in a month like January there were no target flow shortages. Farnsworth said in the next biannual report we will say 9 out of 10 milestones have been achieved.

**State of the Platte & ISAC**

Smith provided a short summary of the 2019 State of the Platte including highlighting the Big Question summary table and the general conclusions related to the status of the AMP management objectives during the First Increment. Galat asked the GC why the management objectives are staying the same during the Extension and don’t seem changeable. Rabbe said one reason is that this is an Extension and not a true Second Increment. Based on timing, a decision was made to complete the appropriate NEPA steps in time and that meant keeping things “business as usual” – since there are still higher-order milestones to meet related to water, that meant keeping objectives, commitments, process, etc. in place in the same way to move more quickly through the NEPA process and get the Extension authorized, funded, and started. Galat said this is one of the best adaptive management (AM) programs the ISAC has ever seen and it is kind of a “downer” not to reflect on things like the language of objectives and their measurability as you go forward given how well this Program has done with all other aspects of AM.

Freeman said we are living within the sideboards provided by our environmental commitments. For example, the issue of the additional 10,000 acre-feet of water is one of the items that relates to defined commitments and contributions for set increments. Freeman said she disagrees with the perception that this limits opportunities. Instead, we have definition on our toolbox but we have freedom to use this toolbox within these limits. Galat said one of the foremost objects of AM is to have objectives you can measure and it will get harder and harder to show progress toward objectives that cannot be measured or that use layers like “proxy measures”.

La asked about whether the proposed rulemaking to delist the interior least tern will have impacts on what this Program does in relation to terns. Rabbe and Runge said a final determination will be made likely around October of this year. Post-delisting monitoring will have to occur but we need to determine roll-out wise how we treat monitoring and management actions related to co-location of a delisted species (tern) and a listed species (plover). Galat said there have been discussions about delisting the plover as well. What happens in this Program if that occurs? Runge said it would have to be delisted because it is threatened (as opposed to endangered). Small said there are three populations of plovers. Galat asked if delisting would have to be a package for all three subpopulations. Small said it could be broken out. La said the Program should consider some sequencing of planning when considering

**PRRIP Extension AMP & Target Flows**

Smith discussed the status of the Extension AMP. Halteman discussed the results of recent interviews with the GC regarding target flows.

GD discussion points:

* Freeman – said the target flows include some values related to other species, but the perspective from the original negotiations are that we agreed to use them for the target species. We did not agree at the time that we were looking for flows inclusive of the broader ecosystem values. The meeting summary assumes there was buy-in on the broader system approach and there was not. We would like to offer some edits for Halteman to consider in the interview summary to ensure this issue is portrayed accurately.
* Drain – say that the people that created target flows are the ones that thought it was explicit they would address the whole system.
* Farnsworth – did anyone talk about the role of target flows in administration? Halteman said yes, that is related to clarity of water availability.
* Drain – four categories; the broader ecosystem group is the one that encompasses the original creation and usage beyond the Program. The other groups are related to the Program.
* La – what were the big disagreements? Halteman – biggest disagreements were around which of these four categories were most important; what is the relative importance of these categories?
* Small – were there any answers that were really outside the box that did not fit these categories? Halteman – nothing major, mostly this raised issues of core identify of the Program and how to go forward.
* Drain – a lot of us have been beat up by target flows for years; we didn’t agree they were necessary at the time and wanted a commitment to take a look at them; but now some of us are worried about what reviewing them would mean; maybe we should consider whether there are really more than one set of “target flows” and think about what that means for reviewing them.
* La – did the Second Increment come up during the interviews? Halteman – yes, mostly in the context of where we are going with a potential review of target flows.
* Halteman – fascinating to listen to those who were around in the beginning to talk about the level of uncertainty and anxiety to set up the Program but you believed in the process and you jumped in and did it and now have 13 years of great success; it feels like the Program is back in the same place and maybe you can jump into the process again; Freeman – we were able to garner the support for the Program back in the day by characterizing it as an insurance policy with known contributions; in return we got a reasonably negotiated period of certainty; the reason for the increments because of the characterization of the commitments and costing those out over manageable chunks of time.
* Ament – much easier back in the day to put something like this together other than not having enough water; now we are in a different situation; Program is effective but the monetary piece of it is not as easy, much more difficult politics.
* La – one thing to remember is that we are not in charge of the jeopardy opinion and ESA coverage and setting the flows.
* Freeman – it seems like at the time of setting the Program up there was acknowledgment that there might be changes to the target flows; what level of flexibility do we have?
* Is something broken that needs to be fixed?
* What are each GC members views on how we evaluate target flows?
* Need to first know what the certainty is.
* Halteman – you have 13 years of certainty now, right? Ament – tough to say because we are in a very different budget world now; what is it going to cost?
* Don’t want to devolve into something that is less certain than what we have now.
* LaBonde – shortage is 417,000 a/f, only have 130,000-150,000 a/f as First Increment and Extension; benefit of looking at target flows is a way to see if we can get below 417,000 a/f; worthwhile to go forward focused on endangered species recovery and not ecosystem restoration; get an opinion from the GC group as to what criteria are important to consider; then can formulate a plan going forward.
* What are the specific risks are you trying to mitigate? Lay out what are the risks and concerns.
* Citta – need to know how much water we need to manage the purpose of this Program; is 120,000 a/f adequate or do we need more?
* Farnsworth – keep hearing how much water do we need? Need to know the Program’s obligation in relationship to target flows; they were not developed for the Program; maybe need to pare down to what the Program’s obligation is, that might lower the risk that people are concerned about.
* Should the GC pass a resolution on this setting the guidelines?

**GC Meeting adjourned at 5:45 PM.**

**WEDNESDAY, MARCH 11, 2020**

Small called the meeting to order at 8:00 AM Central Time and the group proceeded with introductions.

**PRRIP Financial Database**

Farnsworth discussed the current process of managing Program financial details and seeking help to improve the database and procedures used to track Program finances. The EDO accountant, Pat Doyle, will be retiring soon so now is the time to review possibilities for moving forward. The current Program database and website contractor, DJ Case, is well-positioned to update the financial management database, move it online, and help manage it for the Program as a web-based database.

**GC DECISION** – *Miller moved and Merrill seconded to approve the DJ Case contract amendment.* Contract amendment approved.

**PRRIP Finance Committee (FC)**

Farnsworth discussed the FC charter and now that the Program is in the Extension the need to review the organizational structure and operation of the various Program Advisory Committees. Farnsworth recommended that the Program entities identify an FC member and alternate as described in the FC Charter and bring those names to the next FC meeting.

**Downstream Water Users Charter**

Czaplewski discussed the Downstream Water Users Charter and the updates made to the Charter by the GC in June 2012. He offered a few additional proposed changes to the Charter for GC consideration.

**GC DECISION** – *Czaplewski moved and LaBonde seconded to approve the proposed changes to the Downstream Water Users Charter.* Motion approved.

Smith discussed how to update and store revisions to the Program Document. Freeman and Citta suggested a change log in the back of the document and using updated revision dates to keep track of this over time. Farnsworth said the EDO would work to collect all changes made to the Program document over time, including changes made today to the Downstream Water Users Charter, and make the revised document easily available for reference going forward.

**PRRIP Water Action Plan (WAP) Update**

Turner and Werbylo provided an update on the WAP. Werbylo provided a summary of the Recapture Well Network. Thorburn said he looks forward to working with the Program on the Recapture Well Network. Farnsworth said the EDO is working with the Tri-Basin NRD on a Water Service Agreement similar to the Cottonwood Ranch pipeline agreement.

**PRRIP Adaptive Management Plan (AMP) Update**

Farnsworth announced that Headwaters has hired a new Science Lead for the EDO named Dr. Malinda Henry. She will start at the EDO in Kearney in April. Ament said it would be good if staff members in the EDO could spend time in front of the GC so that the GC could get to know the team. Farnsworth agreed.

Brei discussed the Remote Sensing RFP and the purposes of acquiring these data. Brei said the EDO is requesting approval of the RFP and appointment of a Proposal Selection Panel. Rabbe asked if the EDO anticipates any proposals that might end up requiring interviews. Brei said that is probably not likely, usually the technical expertise and experience of the offerors will speak through their proposals. Farnsworth said our experience at this point suggests that we will know whether potential contractors can do what we need, especially if they have not worked on the Platte River before. LaBonde asked if bathymetric LiDAR is now part of the base proposal. Brei said yes.

**GC DECISION** – *LaBonde moved and Strauch seconded to approve the Remote Sensing RFP*. RFP approved.

Jaymes provided a presentation on the results of fall 2019 whooping crane monitoring. Freeman asked why it is harder to spot decoys than real whooping cranes. Farnsworth asked about the main benefit of continuing to place decoys. Jaymes said at this point it has become a way to keep spotters in the plane alert to watching for decoys which translates into staying alert to see real birds. Williams asked how you know that you are missing more decoys than cranes. Jaymes and Farnsworth said in large part it is because especially during the spring, there are so many people looking for cranes that they are all reported to the Service and we can compare our detection to bird sighting reports.

**GC DECISION** – *Ament moved and Schellpeper seconded to approve the fall 2019 whooping crane monitoring report.* Monitoring report approved.

Mohlman provided a presentation on the results of 2019 tern/plover monitoring. Mohlman discussed recent declines in plover fledge ratios and the relationship between nest success, weather, and predation. She discussed the impact of turtle drawing terrestrial predators to nest sites and needing to investigate ways to keep turtles away from nest sites to reduce the impact of terrestrial predators on tern/plover nests as a secondary effect.

**GC DECISION** – *Ament moved and LaBonde seconded to approve the 2019 tern/plover monitoring report.* Monitoring report approved.

Farrell discussed the plan for a pilot project to assess the practicality of methods and potential impacts of additional predator management. LaBonde asked if the EDO has considered lethal trapping of predators. Farrell said there is continual trapping at all sites during each nesting season but we are still having problems with predation. Drain asked if you see a positive response, how do you tease out whether it was because turtles have been excluded or whether it is because the fencing was a deterrent? Drain also asked about stopping if there is a negative response on tern/plover nest success and we should not be too quick to stop because it may take a few years for the positive effects to show up.

**PRRIP Land Plan Update**

Tunnell summarized the 2019 Land Work Report. Farnsworth gave the GC an update on the Platte River Resilience Fund and its potential as an endowment to deal long-term with phragmites control on the Platte River. The people organizing the fund are trying to develop an Oversight Committee to manage the fund and its applications. The group wants to have a Program representative on the Oversight Committee and Farnsworth is requesting the GC appoint a representative to the Oversight Committee (GC representative, EDO staff, etc.).

**GC DECISION** *– Czaplewski moved and Ament seconded to appoint Farnsworth as the GC/Program representative on the Platte River Resilience Fund Oversight Committee.* Motion approved.

**Public Comment**

None offered.

**Executive Session**

*Ament moved and Merrill seconded to enter Executive Session.* **GC entered Executive Session at 10:30 AM Central Time.**

*Miller moved and LaBonde seconded to exit Executive Session.* **GC exited Executive Session at 10:50 AM Central Time.**

**PRRIP Executive Session Motions**

**GC DECISION** – *LaBonde moved and Czaplewski seconded to authorize the EDO to acquire Tract 1910 as off-channel sand and water habitat acres contingent upon an Executive Director (ED)-approved mining agreement. The GC agrees:*

* *Tract 1910 counts as off-channel sand and water habitat acres toward the overall Program Land Objective;*
* *Tract 1910 completes the 60 acres of off-channel sand and water habitat approved as part of the GC’s tern/plover Structured Decision Making (SDM) process; and*
* *Tract 1910 does not count toward the Extension plus-up acres.* Motion approved.

Rabbe asked Sackett about the status of the 10 acres of on-channel sandbar habitat in the Moving Complex Approach (MCA) approved as part of the term/plover Structured Decision Making (SDM) process. Sackett and Tunnell said design of those acres are being considered as part of the development of a management plan for Program acres near Chapman, NE.

**Future Meetings & Closing Business**

2020 GC meetings:

* GC Quarterly Meeting – **June 09-10, 2020** @ Cheyenne, WY
* GC Quarterly Meeting – **September 15-16, 2020** @ Kearney, NE
* GC Special Session (FY21 Budget/Work Plan) – **November 10, 2020** (conference call/webinar only)
* GC Quarterly Meeting – **December 01-02, 2020** @ Denver, CO
* 2021 AMP Reporting Session – **February 2021** @ Omaha, NE (specific dates TBD)

Williams asked if the Service can give the GC a “report card” on how the target species are doing, where the Program is at in terms of water and habitat relative to the target species, and how to move forward in the Extension. Rabbe said the Service last did an update like this in a biannual report two years prior to the negotiations for the Extension and development of the supplemental Biological Opinion for the Extension. The Service believes the supplemental BO serves as the latest biannual report, now that the Extension has started the Service will begin discussing how and when to develop its next biannual report. Williams asked about the specifics provided in those biannual reports. Rabbe said it largely reports against the Program’s Milestones and whether or not they have been achieved. There is some commentary provided regarding Programs aspects that are proceeding well and those that may need some work. Williams said it would be helpful to know if the 417,000 target flow shortage amount is still accurate, what the number might be now, and what could be done in the Extension to make the ultimate number more palatable for the entities involved in the Extension. Farnsworth said we are inching toward that conversation. Small said that Halteman and the EDO will be developing questions on target flows for the next round of GC interviews. Those questions will be sent out to the GC in the next couple of weeks to review and provide comments, and to offer additional questions. Please take that opportunity to think about questions that ask that start to move the GC into the kind of issues raised by Williams and raised during the discussion yesterday.

**Meeting adjourned at 11:05 AM Central Time.**

**Summary of Action Items/Decisions from March 10-11, 2020 GC Quarterly Meeting**

1. Approved the December 03, 2019 GC Quarterly Meeting minutes and the February 18, 2020 GC Special Session minutes.
2. Approved the DJ Case contract amendment.
3. Approved proposed changes to the Downstream Water Users Charter.
4. Approved the Remote Sensing RFP.
5. Approved the fall 2019 whooping crane monitoring report.
6. Approved the 2019 tern/plover monitoring report.
7. Appointed Farnsworth as the GC/Program representative on the Platte River Resilience Fund Oversight Committee.
8. Authorized the EDO to acquire Tract 1910 as off-channel sand and water habitat acres contingent upon an Executive Director (ED)-approved mining agreement. The GC agrees:

* Tract 1910 counts as off-channel sand and water habitat acres toward the overall Program Land Objective;
* Tract 1910 completes the 60 acres of off-channel sand and water habitat approved as part of the GC’s tern/plover Structured Decision Making (SDM) process; and
* Tract 1910 does not count toward the Extension plus-up acres.