



# **PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP or PROGRAM) Governance Committee (GC) Quarterly Meeting Minutes**

Tuesday, September 10<sup>th</sup>, 2019 – 2:00 PM – 5:45 PM  
Wednesday, September 11<sup>th</sup>, 2019 – 8:00 AM – 11:45 AM  
**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**

Harry LaBonde – Member (2019 GC Chair)

### **State of Colorado**

Don Ament – Member

JoJo La – Alternate

### **State of Nebraska**

Jeff Fassett – Member

Jesse Bradley – Alternate

### **Upper Platte Water Users**

Dennis Strauch – Member

Bob Mehling – Alternate

### **Downstream Water Users**

Mark Czaplewski – Member

Devin Brundage – Member

Joe Citta – Member

Kent Miller – Member

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

Jason Farnsworth, ED

Chad Smith, DED

Bridget Barron

Dave Baasch

Justin Brei

Patrick Farrell

Scott Griebing

Bruce Sackett Tom Smrdel

Tim Tunnell Kevin Werbylo

### **Bureau of Reclamation (Reclamation)**

Chris Beardsley – Member

Brock Merrill – Alternate

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

Steve Small – Member

Matt Rabbe – Alternate

### **Environmental Entities**

Bill Taddicken – Member

Brice Krohn – Member

Rich Walters – Member

### **Colorado Water Users**

Alan Berryman – Member

Deb Freeman – Alternate

Kyle Whitaker – Alternate

### **Audience Members**

Philip Halteman – Compass

Lori Potter – Kearney Hub

John Shadle – NPPD

Jeff Shafer – NPPD

Jim Jenniges – NPPD

Brandi Flyr – CPNRD

Lyndon Vogt – CPNRD

Kyle Ann Hopkins – NPNRD

Eliza Hines – Service

Rick Wilson – JEO

**TUESDAY, SEPTMEBER 10, 2019****Welcome & Administrative**

LaBonde called the meeting to order at 2:02 PM Central Time and the group proceeded with introductions.

**GC Decision** – *Ament moved and Fassett seconded to approve the June 11, 2019 GC Quarterly Meeting minutes as amended. 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. On September 5, a recon team did an evaluation of four tracts that will be taken to the full LAC soon.

***Water Advisory Committee (WAC)***

Steinke provided an update on the latest WAC activities. At the last WAC meeting, the Nebraska DNR presented on their Robust Review and the rest of the meeting was project updates.

***Technical Advisory Committee (TAC)***

Merrill provided an update on the latest TAC activities. The TAC has not met since the last GC meeting but the AMWG has met several times over the summer to discuss the Extension AMP.

***Finance Committee (FC)***

Beardsley provided an update on the latest FC activities. The FC met on June 27 and elected Beardsley 2019 Chair and La as Vice Chair. Two bid packages (sediment augmentation and wetland mitigation) were approved as was a contract amendment on the broad-scale recharge project.

**Program Outreach Update*****PRESENTATIONS***

- Staff and Governance Committee members presented on the Program at the Lower South Platte River Basin Tour on June 17-18, 2019.
- Don Ament and Scott Griebeling presented on the Program; what it is, how it works and the Program's future as the Colorado response to the ESA listings.
- Jojo La presented on the role of the State of Colorado's government in the Program and how the Colorado Water Conservation Board (CWCB) implements this role.
- Jon Altenhofen presented on how Tamarack works as a site in the context of the Program.
- Jason Farnsworth presented an overview of the Program to the Unicameral Natural Resources Committee on July 30, 2019 in Kearney, Nebraska.
- Jojo La presented on the Program at the Colorado Water Congress Summer Conference in Steamboat Springs, Colorado on August 22, 2019. Her presentation was titled, "*The Platte River Recovery Implementation Program: Why Water Managers Care about Birds*".

***UPCOMING PRESENTATIONS/EXHIBITS***

- Jason Farnsworth will be presenting a Program update at the Nebraska State Irrigation Association/Nebraska Water Resources Association joint conference in Kearney, Nebraska on November 26, 2019. The focus of the conference is *Flooding in Nebraska: Before, During & After*.
- The Program is exhibiting at Husker Harvest Days in Grand Island on September 10, 11, and 12, 2019 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 23 and 24, 2019 in Kearney, Nebraska
- The Program will be exhibiting at the South Platte Forum on October 23 & 24, 2019 in Westminster, Colorado.
- Chad Smith will give a presentation on the Program to a class of master's students at Western Colorado College taught by Felipe Chavez-Ramirez on Monday, September 16.

#### ***MEDIA/OTHER***

- Following the June Governance Committee meeting, The Kearney Hub published an article on June 14, 2019 on the Program extension bills. Jason Farnsworth was interviewed for the article.
- Distribution of the Program's 2017/2018 Biennial Report.

#### **PRRIP FY19 Budget Update**

Farnsworth discussed the status of the FY19 budget, expenditures, and forecast for the rest of 2019.

#### **PRRIP Indexing**

Merrill discussed the status of indexing Program funds related to October 2018 numbers, there will be one more round done this fall using October 2019 numbers. Merrill will begin to determine preliminary numbers for the Extension this fall as well.

#### **PRRIP First Increment Extension**

LaBonde discussed the status of the Extension legislation. La provided an update on the status of the legislation in the House and discussed Walters' testimony on the House bill this past summer. LaBonde discussed work in the states to develop a Signatory document to formalize the Extension in parallel with the legislation moving through Congress. Beardsley asked if this document could be finalized and signed before the legislation is passed.

#### **PRRIP Extension Adaptive Management Plan (AMP)**

Smith discussed the status of the process of updating the Program AMP for the Extension and the relationship of AM and target flows. GC discussion topics:

- Noted the previous decision to wait on further discussions of target flows.
- Discussion about the pace of work on AMP content, the status of Extension legislation, and the timing for further discussion of these issues with the GC.
- The intersection between AM and target flows in the agenda.
- Comments on the beginning of a process related to target flows – first step being individual interviews of GC members by Compass.

The EDO agreed to slow the pace of Extension AMP development and to work with Compass on developing a set of interview questions for the GC related to target flows and begin the interview process later in 2019.

#### **PRRIP Target Species Update**

Baasch discussed the latest data on tern and plover breeding pair counts and fledge ratios and whooping crane use of the Associated Habitat Reach (AHR). Farnsworth said the productivity issues with terns and plovers are a surprise the Program will need to address through the AMP during the Extension. Avian predation and assessing its impacts fit well with adaptive management for the Extension. Rabbe said an observation he had during the whooping crane migration this year is that there was greater use of the



Rainwater Basin because those basins were wet during migration for the first time in a long time. LaBonde asked about the winter count of the whooping crane population. Baasch said the January 2018 count was 505 individuals, there was not a count done in January 2019 because of the government shutdown.

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

Farnsworth discussed the Water Objective Summary. Beardsley asked if there is a priority list with the potential future water projects. Farnsworth said no but that the recharge recapture project is near the top of the list for several reasons including cost. Werbylo discussed the Cottonwood Ranch broadscale recharge (BSR) project. Close-out of that project is expected to be October 15. Werbylo also updated the GC on the Lakeside Slurry Wall project.

#### **PRRIP Recharge Agreements**

Farnsworth discussed the CNPPID, NPPD, and CPNRD groundwater recharge agreements based on canal diversions. The agreements have been updated to standardize payments and standardize the payment rate. The main difference is the term of the agreements which varies by District.

**GC Decision** – *Beardsley moved and Taddicken seconded to approve the three recharge agreements (CNPPID Phelps Recharge, CPNRD, NPPD); Brundage, Czaplewski, Citta, and Miller abstained.*  
Agreements approved.

**Meeting adjourned at 4:49 PM Central Time.**

**WEDNESDAY, SEPTEMBER 11, 2019****Welcome & Administrative**

LaBonde called the meeting to order at 8:03 AM Central Time and the group proceeded with introductions.

**Elwood Scoring**

Griebing discussed the scoring recommendation for Elwood Reservoir groundwater recharge. Fassett said he appreciates the work of the EDO and the patience of everyone in getting this completed. It is linked to water administration issues in Nebraska so it was important to take extra time to get this done correctly and consistently with other similar projects. Farnsworth said this was an important learning process for the Program moving forward.

**GC Decision** – *Strauch moved and Berryman seconded to approve the scoring recommendation for Elwood Reservoir groundwater recharge; Brundage and Czaplewski abstained. Score approved.*

**North Platte Choke Point**

Farnsworth discussed the history of issues related to the choke point and the effort to implement a test flow release through North Platte to see if we can get the National Weather Service comfortable with raising the flood stage to 3,000 cfs. The final agreement does several things:

- 1) Directs CNPPID to apply for a FERC waiver to do the test flow.
- 2) Issues of indemnity.
- 3) Limits the liability to the Program and to Program assets.

Farnsworth said if the agreement is approved, the EDO will move back into planning for a test flow likely late next spring or summer. Beardsley asked about the likelihood of having to mitigate flow-related impacts. Farnsworth said he is not concerned about that possibility and we are confident we are not going to cause damage in North Platte. If we are wrong, we are putting a process in place that allows us to incrementally increase flow to watch for indications of problems and then back flow down if anything is happening. Freeman mentioned the insurance coverage issue. Farnsworth said we have a \$1 million cash set-aside for incidentals that are not anticipated, and the Program carries liability insurance up to \$10 million. This event is not an exclusion so is covered by insurance. Miller asked if the plan is not to do this until 2020. Farnsworth said that is correct. LaBonde noted the document references 2019 and needs to be updated to 2020 or beyond. Farnsworth agreed. Freeman asked what is needed for additional advance notice with the NWS. Brei said we continue to coordinate with the NWS and they will have a local forecast office and regional staff involved. La asked if we monitored this season to see if there were any complaints. Farnsworth said Lake McConaughy has not had to spill, and all the heavy precipitation events happened below North Platte. Miller confirmed that North Platte has not had the kind of water that central and eastern Nebraska have had.

**GC Decision** – *Ament moved and Fassett seconded to approve the indemnification agreement as amended; Miller, Brundage, and Czaplewski abstained. Agreement approved.*

**Channel Vegetation Management**

Oamek gave a presentation about the economics of invasives species control. Farnsworth said the University of Nebraska-Lincoln has established a leadership team that has been trying to identify a priority agricultural water issue that needs addressed but does not fall under the purview of a regulatory agency. That group got to phragmites and its effects on the channel, and what would happen if control backed off or stopped completely. We understand that it is not the Program's job to control phragmites on the entire



central Platte but each year it is a scramble to get control actions completed. A potential solution is an endowment so there is a stable funding source through time but there has not been an attempt to establish the details of what an endowment would look like. Oamek has now done that. Discussions are ongoing about this idea and at some point we will bring this back to the GC for additional discussion. Miller said this is an ongoing issue for his board, some support continued contributions for control and some do not. The discussion about an endowment is important given that continued funding contributions are not guaranteed. Ament said channel maintenance is an important consideration all along the river and it is time to determine who is in charge. LaBonde asked about the \$650,000/year. Oamek said that includes the Platte Valley weed management area. Walters said Kingsley Dam down to Columbus (336 miles). Beardsley said we are going to have to have big debates on prioritizing money especially between water and allocating money for phragmites control.

#### **PRRIP Land Interest Holding Entity (LIHE) Trust Agreement**

Farnsworth discussed the creation of the LIHE and its relationship to Program land acquisition and management. This amendment would extend the agreement through 2032.

**GC Decision** – *Czaplewski moved and Strauch seconded to approve the amendment to the LIHE Trust Agreement. Amendment approved.*

#### **Public Comment**

LaBonde asked for public comment. None offered.

#### **Executive Session**

*Beardsley moved and Fassett seconded to enter Executive Session. GC entered Executive Session at 9:07 AM Central Time.*

**GC exited Executive Session at 10:42 AM Central Time.**

#### **PRRIP Executive Session Motions**

**GC Decision** – *Beardsley moved and Small seconded to approve the acquisition of Tract 1906 and all acquired acres would count toward the 1,500-acre Extension plus-up. Motion approved.*

#### **Future Meetings & Closing Business**

Upcoming 2019 GC meetings:

- 2019 AMP Reporting Session – **October 8-10, 2019** @ Omaha, NE
- GC Special Session (FY20 Budget/Work Plan) – **November 12, 2019** (conference call/webinar only)
- GC Quarterly Meeting – **December 3-4, 2019** @ Denver, CO

**Meeting adjourned at 10:48 AM Central Time.**

#### **Summary of Action Items/Decisions from September 10-11, 2019 GC Quarterly Meeting**

- 1) Approved the June 11, 2019 GC Quarterly Meeting minutes as amended.
- 2) Approved the CNPPID Phelps, NPPD, and CPNRD recharge agreements.
- 3) Approved the scoring recommendation for Elwood Reservoir groundwater recharge.
- 4) Approved the choke point indemnification agreement.
- 5) Approved the amendment to the LIHE Trust Agreement.
- 6) Approved acquisition of Tract 1906 and all acquired acres would count toward the 1,500-acre Extension plus-up.