



# **PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP or PROGRAM) Governance Committee (GC) Special Session Minutes**

Tuesday, August 14, 2018 – 9:00 AM – 1:30 PM

**Note: All times Mountain.**

## **Meeting Location:**

Hampton Inn & Suites Denver/Airport-Gateway Park  
4310 Airport Way  
Denver, CO 80239

## **Governance Committee (GC)**

### **State of Wyoming**

Harry LaBonde – Member

### **State of Colorado**

Don Ament – Member

Carlee Brown – Alternate

JoJo La – Alternate

### **State of Nebraska**

Jeff Fassett – Member (2018 GC Chair)

### **Upper Platte Water Users**

Dennis Strauch – Member

Bob Mehling – Alternate

### **Downstream Water Users**

Brian Barels – Member

Mark Czaplewski – Member (via conference call)

Don Kraus – Member (via conference call)

Kent Miller – Member (via conference call)

John Shadle – Alternate (via conference call)

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

Jason Farnsworth, ED

Chad Smith, DED (via conference call)

Bridget Barron

Scott Griebeling

Bruce Sackett (via conference call)

Seth Turner

Kevin Werbylo

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

Brock Merrill – Alternate

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

Michael Thabault – Member

Tom Econopouly – Alternate

Eliza Hines – Alternate

Matt Rabbe – Alternate

### **Environmental Entities**

Bill Taddicken – Member

Rich Walters – Member (via conference call)

### **Colorado Water Users**

Alan Berryman – Member

Deb Freeman – Alternate

Jason Marks – Alternate



## **Welcome & Administrative**

Fassett called the meeting to order at 9:00 AM Mountain Time. The group proceeded with introductions.

## **PRRIP First Increment Extension**

Merrill discussed the status of the Extension NEPA process. Rabbe summarized the content of the related Biological Opinion (BO). Freeman said she thought the Service did a very disciplined job of where we are at today with the Extension and pulling that through the structure of the BO. Rabbe said he appreciated that comment. Specific comments:

- Freeman said it was a bit confusing how the Extension water milestone is characterized. Rabbe said they used the Extension language but the fundamental milestone of 130,000-150,000 acre-feet was not changed. The Service acknowledged that the resources will be put forward to achieve 120,000 acre-feet as quickly as possible and that the additional 10,000 acre-feet will be justified by science and adaptive management. Freeman offered language changes to clean this up so the BO is informed by the language of the Extension document. Hines said she was uncomfortable removing any language but rather would just want to see some re-ordering or editing. Barels said you could reference the original water goal language and then go on to describe the Extension language. Thabault said it is really just a differentiation in the implementation approach. Freeman said she found three other spots where this kind of language shows up so if we could marry the original water goal language, the Extension language, and the implementation approach and make that consistent in the BO that would be helpful. Rabbe committed to making those language changes and making sure those changes match throughout the document.
- Freeman said on the target flows the document does a good job of explaining that we will invest in evaluating those flows. But there is territory staked out relating to peak flows and other flow management. It will be a rigorous process to get all of us together and re-evaluate the target flows. Going into that process, we need to keep an open slate as to what that re-evaluation will include. Freeman said she questions whether we need those statements in the BO rather than a recognition that we will re-evaluate the target flows through the Extension and that will inform what we do with AM and how we set up the Second Increment. Rabbe said it was important to the Service that we include the science we have and that we say peak flows are important. We don't have to marry it to target flows but the Service maintains these are incredibly important flows. Freeman said she thinks it is not necessary to marry them directly with the target flow evaluation process. Freeman offered some language examples on Pages 54 and 85. Thabault and Hines said they can see language that gives a nod to what we have learned but that also stays true to the language of the Extension document that focuses on an evaluation of target flows.
- Freeman said on Page D-12 there is discussion of the components of the Water Action Plan. If there ends up being some variation of what projects get implemented to meet our water goal, it would be helpful to have a sentence in the BO that there may be some variation in the actual projects that are implemented to meet the water milestone and that this BO covers those variations. Thabault said we can say "may include but is not limited to" to keep things open. Farnsworth says the language related to Pathfinder irrigator water needs to be removed. Rabbe agreed.
- Farnsworth said there is a reference to 2020 dollars that needs to be changed to 2017 dollars in Section D-2.
- Freeman said she had a couple comments on the pallid sturgeon. On Page 97, it says this BO is not really doing an additional analysis of effects to the pallid from the covered activities because those were addressed in the original BO and that is all still being looked at. It reads funny to say the effects of continued and new water activities were not evaluated in this BO. Rabbe said the Service changed that language to try to address this issue so that it says the effects will not be evaluated in the supplement.



- Freeman said the section on changes to the Program research plan it would be helpful to include a reference to the stage change study being done. Rabbe agreed.
- Freeman said on the pallid that leaves us moving forward as agreed to in the Extension document. There is an incidental take statement. On Page 112, there is a statement that take is anticipated to occur through monitoring. Freeman asked for a sentence to be added that says the scope of any re-initiation would address just revisions to activities, not the Program as a whole.
- Barels asked if there is documentation that the central Platte contributes sediment to the lower Platte. Farnsworth said if you increase flow, you necessarily increase sediment transport. Effectiveness is another topic. Barels asked if the language should instead say that there may be sediment available for transport, just not that the Program is on the hook for purposely depositing sediment in the lower Platte.
- Freeman said the document at times characterizes the Program's purpose as restoration of ecosystem functions. We appreciate the ESA has an underlying goal of looking after ecosystems for species, but there are times in this document (BO) where the Program purpose is broadened to encompass more than just benefits to target species such as "structure and function of habitat". There was a lot of discussion of this issue when the Program was being put together. Freeman said she questions whether this language is correct. Berryman said he remembered that it was limited to taking defined habitat actions for the target species to not inhibit their recovery. Thabault said they did not mean to imply they were trying to restore the entire river. It is clear that what we are trying to do is restore ecosystem structure and function in specific places and under certain circumstances in a way that assists target species recovery. Rabbe and Hines said they will do a word search to make sure "ecosystem" is clarified to reference habitat for the target species.
- Freeman said there is a sentence about the Program finding that plovers were selecting the river for foraging over the sandpits. Is that correct? Farnsworth said yes but that we do not yet know why. Rabbe said the Service can just say the river is important for foraging and leave it there. Freeman said that is responsive to her concern.

**BO process comment** – Rabbe said all comments will go to Reclamation and they will organize, combine, and file all comments so the Service can then provide final responses and changes. Merrill said all comments are due by the close of business today.

#### **PRRIP Cottonwood Ranch Broad-Scale Recharge (BSR) Project**

Farnsworth discussed the status of the CNPPID and NPPD agreements for this project and thanked both for helping get to these versions of the agreements. LaBonde said the CNPPID agreement addresses his concerns.

**GC Decision** – Ament moved to approve the CNPPID WSA; LaBonde seconded. Czaplewski, Kraus, and Miller abstained. WSA approved.

**GC Decision** – LaBonde moved to approve the NPPD agreement; Strauch seconded. Barels, Czaplewski, and Miller abstained. Agreement approved.

#### **PRRIP Slurry Wall Project**

Farnsworth discussed the EDO cost summary for the slurry wall project. Thabault asked about an increment above the recharge that would be controllable and cheaper. Farnsworth said this the potential to recapture a portion of the BSR project. Recharge recapture is a concept we are working through with the Nebraska DNR to see if it is feasible. Farnsworth said if the GC votes to continue on we will continue to track costs and will bring forward any red flags that come up in terms of project costs, water costs, and alternatives such as moving controllable water out of Lake McConaughy and through the North Platte choke point to



the AHR. The GC concurred that final design work could proceed and approval of moving to final construction would occur at a later time.

### **Platte-to-Republican River Diversion (PRD)**

Farnsworth discussed the draft comment letter from the PRRIP on the PRD. Ament said it seems like we rattle enough cages already without jumping into this fight. Taddicken said this letter says we are OK with it when the work done so far by the Program suggests we still need peak flows. Audubon seriously objects to this project so Taddicken said he could not approve sending this letter. Walters said he agrees with Taddicken. He suggested the GC should send a letter opposing the project outright and state that up front. LaBonde said the letter offers a mid-point step with regard to this project and the conditions stipulated in the letter protect the Program's ability to protect its water in the future. LaBonde said he would like to make it a matter of record that these conditions are important to the Program. Thabault said he agrees with LaBonde. Strauch said there will be a decision either way and that the Program should go on record with positions that will protect our interest in water. Mehling said we should send the letter because it states our position in terms of water use and covers excess flows and peak flows which are valuable to us.

LaBonde suggested that Fassett pass the GC Chair gavel to someone else to avoid any issue of conflict. Fassett said he would do that and would be abstaining from any further discussion of this topic and from voting. Thabault assumed the role of GC Chair for this item.

### **GC Decision**

*Motion – LaBonde moved to direct the EDO to send the PRRIP letter of comment on the PRD; Strauch seconded.*

After discussion, LaBonde amended his motion:

*Amended Motion – LaBonde moved to direct the EDO to send the PRRIP letter of comment on the PRD with the clarification that the PRRIP takes no position on this application, but if the Department chooses to move forward with the project the conditions set forth in the letter should be placed on the project; Merrill seconded. Abstentions – Fassett, Taddicken, Kraus, Czaplewski, Miller. Amended motion approved.*

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

*Upcoming 2018 GC meetings:*

- GC Quarterly Meeting – September 11-12, 2018 @ Kearney, NE
- 2017 AMP Reporting Session – October 16-18, 2018 @ Omaha, NE
- GC Special Session (FY19 Budget/Work Plan) – November 13, 2018 (conference call/webinar only)
- GC Quarterly Meeting – December 4-5, 2018 @ Denver, CO

**Meeting adjourned at 11:57 AM Mountain Time.**

### **Summary of Action Items/Decisions from August 14, 2018 GC Special Session**

- 1) Approved the CNPPID WSA for the Cottonwood Ranch BSR project.
- 2) Approved the NPPD agreement for the Cottonwood Ranch BSR project.
- 3) Concurred that final design of the slurry wall storage facility project could proceed.
- 4) Approved amended motion directing the EDO to send the PRRIP letter of comment on the PRD with the clarification that the PRRIP takes no position on this application, but if the Department chooses to move forward with the project the conditions set forth in the letter should be placed on the project.