



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP or Program)

Governance Committee (CC) Virtual Quarterly Meeting

Wednesday, September 16th, 2020: 9:00 AM – 2:00 PM CDT

Meeting held online via MS Teams

[Power Point presentations from meeting](#)

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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



1 **WELCOME & ADMINISTRATIVE**

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

5
6 **Agenda** – No modifications.

7
8 **Minutes** – No edits offered.

9
10 **GC Motion:** *Taddicken moved and Merrill seconded to approve the June 10, 2020 GC Quarterly Meeting*
11 *minutes as amended . Minutes approved.*

12
13 FINAL June 10, 2020 PRRIP GC Virtual Quarterly Meeting Minutes

14
15 **COMMITTEE UPDATES**

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

19
20 **Water Advisory Committee (WAC)** – Steinke provided an update on the latest WAC activities. The WAC
21 met on August 4. Short meeting focused on water projects that will be discussed during the GC meeting
22 today.

23
24 **Technical Advisory Committee (TAC)** – Merrill provided an update on the latest TAC activities. The TAC
25 met on August 17. Spent the majority of the meeting talking about land management plans and creation
26 of wet meadow habitat (tree clearing, grubbing, re-seeding, etc.). Discussed a cost-benefit analysis to
27 determine if this management action is advisable. Discussed a recent tern/plover re-nesting article. Also
28 discussed the Adaptive Management Working Group (AMWG). The TAC will meet again in late October to
29 discuss the draft FY21 PRRIP budget.

30
31 **Finance Committee (FC)** – La provided an update on the latest FC activities. The FC met on July 16. The FC
32 approved the Clark Island bid package and approved the 2020 sediment augmentation bid package.

33
34 **OUTREACH UPDATE**

35 **Presentations**

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

38
39 **Upcoming Presentations/Exhibits**

- 40 • Upcoming Conferences/Events cancelled/modified due to the COVID-19 social distancing
41 requirements.
- 42 ○ Husker Harvest Days – virtual farm demonstrations only, no exhibits
 - 43 ○ Nebraska’s Natural Resources Districts Annual Conference
 - 44 ○ South Platte Forum
 - 45 ○ Nebraska Water Resources Association/Nebraska State Irrigation Association Joint
46 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://climatechangenebraska.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



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

99
100 **GC Motion** – *LaBonde moved and Merrill seconded to appoint the following members to the AMWG and*
101 *to direct the AMWG to work with the EDO to develop and refine a revised AMP for the Extension:*

- 102
- 103 • Interior least tern and piping plover expertise
 - 104 ○ Jeff Runge – USFWS
 - 105 ○ Jim Jenniges – NPPD
 - 106 ○ Dave Zorn – CNPPID
 - 107 • Whooping crane expertise
 - 108 ○ Andy Caven – Crane Trust
 - 109 ○ Matt Rabbe – USFWS
 - 110 • Hydrology/Hydraulics expertise
 - 111 ○ Tom Econopouly – USFWS
 - 112 ○ Mike Drain – CNPPID
 - 113 ○ Brandi Flyr – CPNRD
 - 114 • Technically oriented policymakers
 - 115 ○ Brock Merrill - USBR
 - 116 ○ Jojo La – Colorado

117
118 **Motion approved.**

119
120 **Target Flows** – Smith provided an update on the status of the target flow process with the GC. Plans are
121 in place for a series of sessions in October and November for a “mock” Second Increment negotiation.
122 Smith asked GC members and alternates to watch for a revised schedule soon to accommodate key parties
123 in the discussions.

124
125 **MEETING BREAK (10 min.)**

126
127 **WATER ACTION PLAN (WAP)**

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



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

145
146 Rabbe said during this last growing season we tried a “mock” growing season release. It got cut off in the
147 end due to capacity in North Platte at the chokepoint. So, it appears at this time that the chokepoint does
148 actually impact the ability to conduct Environmental Account (EA) releases and we likely cannot walk away
149 from the chokepoint and expect we will be able to do summer germination flows. We should explore the
150 process of updating the Program Document to allow, in some instances, to go above flood stage and deal
151 with impacts and liabilities as they happen. Farnsworth said we did not have any claims against the
152 Program during this test flow. Some of the impacts were from ag folks impacted by wet meadows slowing
153 down the haying process. They said doing releases in June instead would actually be beneficial because
154 we might sub-irrigate their hay meadows. Griebing said we would have capacity issues during the driest
155 25% of years in terms of trying to do the summer germination suppression flows – both in terms of
156 chokepoint capacity, but also in terms of water availability and volume constraints in the EA.

157
158 Econopouly asked who the law office represented that called the EDO during the event. Farnsworth said
159 it was from an elderly neighbor, it was not a claim or a threat and the landowner was not overly worried
160 about it. Brundage asked about the needs of the species and the needs of channel management, will the
161 science say where we should be applying our water? Farnsworth said we have started down the road of
162 looking at summer germination suppression flows in the revised AMP, that process is ongoing. This is
163 something we will work on soon with the AMWG. One of the flow management actions that is still under
164 consideration is a fall-timed SDHF, essentially tagging it onto the end of irrigation releases. We should be
165 able to answer these questions more completely about six months from now.

166
167 Freeman said she has pause on the idea of moving away from staying below flood stage and the “Good
168 Neighbor Policy.” This would cause some issues with perception. La agreed with Freeman on this point.

169
170 Farnsworth asked if any GC members objected to pulling back together the Program stakeholder
171 components of the chokepoint planning work group and working up some recommendations for moving
172 forward based on this learning. Taddicken said it would be great to see some updated modeling based on
173 this information and current capacity issues to see what it would mean to try some of these re-engineering
174 approaches. Farnsworth said that would be a part of this effort. Farnsworth asked Miller if he had any
175 feedback from local parties. Miller said the right people were on the planning team. The comments he
176 heard focused on the concern related to impacts on hay meadows. Those individuals said they would have
177 planned their haying around the test and would have hayed before the releases started. Damage issues
178 and complaints will always be an issue on the south side of the channel.

179
180 Farnsworth thanked the stakeholders from the GC that were part of the planning effort.



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

182
183 **GC Motion:** *Ament moved and Bradley seconded to approve the TBNRD Recapture Agreement. Brundage*
184 *and Citta abstained. Agreement approved.*

185
186 **CNPPID Irrigator Lease** – Oamek gave a presentation on CNPPID irrigator lease water. LaBonde said his
187 thoughts would be to discontinue this program at this rate but would support continuing the program at
188 a reduced lease payment. The Program is paying too much now and the price needs to reflect commodity
189 markets now. We could look for a one-year program for 2021 and then consider a multi-year approach
190 beyond that. Farnsworth said this would be the least-complicated approach, especially given ongoing
191 discussions about the Grand Water Bargain. LaBonde asked what the price of corn used in the past was.
192 Oamek said we were using something in excess of \$4/bushel when this started. Now, we would likely use
193 a 5-10-year moving average of corn that would be lower than that previous rate. LaBonde suggested if we
194 are looking for a one-year contract, we just look at the current commodity price (slightly above \$3/bushel),
195 see what we get for a price, then run that back by the GC before approaching Central and the irrigators.

196
197 Steinke said he has talked a couple of the producers and they said they have to pay their Central water
198 bill and their irrigated land taxes. So, we need to keep those fixed costs in mind. Steinke said he is worried
199 about a timeline; producers are already planning for next season. Central would prefer something very
200 soon if this is going forward. Small said he had a similar question about timing. Farnsworth asked Oamek
201 where he would recommend we come in on price. Oamek said probably around \$130/acre-foot would be
202 reasonable for this year. Farnsworth asked the GC if they are willing to make that decision now as a price
203 for 2021.

204
205 **GC Motion** – *Ament moved and LaBonde seconded to approve an effective price of \$130/acre-foot for*
206 *CNPPID irrigator lease water in 2021. Brundage and Vogt abstained. CNPPID Irrigator Lease water price*
207 *approved.*

208
209 **MEETING BREAK (30 min.)**

210 **LAND PLAN**

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



227 budget more than the typical \$200,000 for 2021, with the contribution decided by the GC in December
228 2020 or March 2021 to be paid in 2022.

229
230 Strauch asked if there is an inflation factor included in the perpetual fund (due to increasing costs, etc.).
231 Farnsworth said Oamek worked with the NCF on the financial analysis, the short answer is yes, there is
232 inflation built into this. LaBonde asked if the Program brings forward \$4 million this year or next year,
233 what guarantees do we have that the rest of the funding will come together? Tunnell said we share those
234 concerns; fundraising is the only answer. It is possible that a large Program pledge will help to secure
235 additional funding. Walters said the Central Platte NRD has already pledged \$500,000 so things have
236 started. LaBonde asked if this fund has a set of bylaws, or if the creature controlling it is a 501(c)(3) or
237 some other structure. Tunnell said we have a Fund Advisory Agreement with the NCF that dictates how
238 the endowment works. Taddicken said the NCF has a strict way of setting up bylaws for each fund. There
239 is a set for this Fund (fund use, mission, etc.); we can provide this to the GC. LaBonde said it is appropriate
240 before we turn over \$4 million in funds we see the bylaws and what happens if this fund dissolves. Tunnell
241 agreed and said we could have Diane Wilson from the NCF attend the December 2020 GC meeting and
242 talk through these specific issues. Farnsworth said we will bring the topic back to the GC in December, get
243 Wilson on board to talk through specifics, and at that point the GC can decide how to proceed with a
244 pledge. We will not budget any money for a pledge into the budgeting conversation this fall.

245
246 **PUBLIC COMMENT**
247 None offered.

248
249 **EXECUTIVE SESSION**
250 *Ament moved and Strauch seconded to enter Executive Session. GC entered Executive Session at 1:18 PM*
251 **Central Time.**

252
253 *Taddicken moved and LaBonde seconded to exit Executive Session. GC exited Executive Session at 1:39*
254 **PM Central Time.**

255
256 **EXECUTIVE SESSION MOTIONS**
257 **GC Motion** – LaBonde moved and Ament seconded to approve the EDO to move ahead with the property
258 exchange with NPPD at Tract 2009002 as described. Citta abstained. **Property exchange approved.**

259
260 **GC MEETING REVIEW & WRAP-UP**
261 **Action Items & Meeting Feedback** – Small thanked everyone for their attendance today and working with
262 the virtual format. He thanked the EDO Team for the prep in advance of this meeting. Small said the
263 pandemic is still likely pushing us to host most meetings virtually, including the November Special Session
264 on the budget and the December GC Quarterly Meeting. He asked the GC to think about their preferences
265 for how to manage GC meetings virtually – two chunks of time with a longer break between, other
266 formats? Small said he thought the meeting today went smoothly and the breaks seems appropriate,
267 maybe a little longer lunch.

268
269 **Upcoming Meetings:**
270 • GC Special Session (FY21 Budget/Work Plan) – **November 10, 2020** (virtual in MS Teams)
271 • GC Quarterly Meeting – **December 02, 2020** (virtual in MS Teams)
272 • 2021 AMP Reporting Session – **February 2021** @ Omaha, NE (specific dates TBD; may be virtual)



273 **GC MEETING END**

274 Meeting adjourned at 2:45 PM Central Time.

275

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

277 1) Approved June 10, 2020 GC Virtual Quarterly Meeting minutes.

278 2) Appointed the following members to the AMWG and directed the AMWG to work with the EDO to
279 develop and refine a revised AMP for the Extension:

280

281 • Interior least tern and piping plover expertise

282 ○ Jeff Runge – USFWS

283 ○ Jim Jenniges – NPPD

284 ○ Dave Zorn – CNPPID

285 • Whooping crane expertise

286 ○ Andy Caven – Crane Trust

287 ○ Matt Rabbe – USFWS

288 • Hydrology/Hydraulics expertise

289 ○ Tom Econopouly – USFWS

290 ○ Mike Drain – CNPPID

291 ○ Brandi Flyr – CPNRD

292 • Technically oriented policymakers

293 ○ Brock Merrill - USBR

294 ○ Jojo La – Colorado

295 3) Approved the TBNRD recapture agreement.

296 4) Approve a price of \$130/acre-foot for CNPPID irrigator lease water in 2021.

297 5) Approved the EDO moving ahead with the property exchange with NPPD at Tract 2009002 as
298 described.