

Platte River Recovery Implementation Program

The Land Plan and Land Acquisition

Background

Under the Endangered Species Act (ESA), federal agencies must ensure that water projects do not harm the continued existence of any threatened or endangered species or adversely modify critical habitat. The U.S. Fish and Wildlife Service concluded that habitat for the threatened piping plover and the endangered whooping crane and least tern, was significantly reduced by water diversions and other changes in land use through the Platte River Basin. In addition, the pallid sturgeon could be negatively affected by Platte River basin activities.

The Platte River Recovery Implementation Program (Program) brings together the states (Wyoming, Colorado and Nebraska), federal government, water users, and environmental groups to work collaboratively to improve and maintain the associated habitats for the designated species. The Program is intended to address the ESA and loss of habitat in Central Nebraska by managing key land and water resources in the central Platte region and the lower Platte River stretch.

Definition of Habitat Lands

The initial focus of the land acquisition process is on habitat complexes. A habitat complex consists of wet meadows, channel areas, and buffers. Channel area is the portion of the river that conducts flow and is bound on either side by stable banks or permanent islands with vegetation that obstructs view. At low flows it includes interconnected small channels and exposed sand or gravel bars and non-permanent islands. Wet meadows are areas with a generally level or low-lying undulating surface consisting of a mosaic of swales with wetland soils and vegetation and ridges with upland native or restored grasslands. Buffer is used to shield wet meadow or channel habitat areas from potential disturbances.



Purpose

The purpose of the Program's land plan is to acquire interests in lands between Lexington and Chapman, Nebraska, to restore them where appropriate, to maintain them, and otherwise to manage them so that they provide benefits to the target species based on the individual features of the land while using some or all of the characteristics of habitat complexes. Habitat acquisition is to be on a willing seller/willing lessor basis. All land acquisition and management decisions will take into account the costs, the relative benefit to the target species, and contribution toward fulfilling the Program's objectives. The Program will manage its lands in accordance with a good neighbor policy.

Budget

The First Increment (13 Years, 2007- 2019) land budget is \$39,131,000 (not including cash equivalent credits) in 2005 dollars. The budget covers acquisition of property rights and restoration and maintenance of Program lands during the first increment. The costs will also include tax payments and potential mitigation of adverse impacts.

Process of Land Acquisition

The Program is led by a Governance Committee (GC) consisting of representatives of Colorado, Wyoming, Nebraska, the Bureau of Reclamation, the Fish and Wildlife Service, South Platte River water users, North Platte River water users, Nebraska water users, and environmental groups.

The GC is assisted by an Executive Director and staff and several key standing committees including the Land Advisory Committee. The Land Advisory Committee provides advice and recommendations to the Governance Committee related to land acquisition, management and other land-related issues. The Executive Director's Office, working with the Land Advisory Committee, evaluates all parcels of property identified for possible acquisition. The evaluation process provides the information necessary for the Governance Committee to decide which lands to acquire.

Land Interest Holding Entity (LIHE)

Because the Governance Committee and Program are not legal entities that can enter into contracts or hold property, the Program uses a Land Interest Holding Entity (LIHE) [*The Platte River Recovery Implementation Foundation*] to hold title to Program lands, or to enter into leases, easements, and other contractual arrangements for Program lands. All purchases, leases, easements, and other land-holding transactions are made at the direction of the Governance Committee, working through contractual arrangements with the LIHE. The Platte River Recovery Implementation Foundation was established through the Nebraska Community Foundation. To avoid any potential conflicts of interest, the LIHE is prohibited from managing Program lands.

First Increment Goals (2007- 2019)

The overall goal of the Land Plan for the First Increment is protection and restoration of 10,000 acres of habitat for the three bird species. While the initial focus of the First Increment is on acquiring habitat complexes, non-complex habitat lands will also be considered. The Governance Committee will consider non-complex habitat lands that provide demonstrable benefits to the target species such as sandpits and existing or restorable non-riparian wetlands and wet meadows within the Program's area of interest. No more than 800 acres of the 10,000 acres acquired during the First Increment will be non-complex habitat unless it is determined through the Program's Adaptive Management Plan that additional non-complex habitat lands should be acquired.



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