

**Platte River Recovery Implementation Program  
Governance Committee Minutes  
Ramada Inn, Kearney, Nebraska  
April 10-11, 2007**

**Minutes** – The Governance Committee (GC) requested that a list of meeting attendees be provided with the minutes. February minutes were approved as written.

**Updates**

- Program Legislation – Ted Kowalski provided the update. Hearings in both the House and Senate are hoped for in the next month or two. The groups are looking to do a streamlined hearing approach with one federal representative and another representative for the rest of the GC for the Senate hearings. The GC agreed that Mike Purcell should represent them as GC Chair. It was noted that more people can attend the House hearings if desired and written testimony will be accepted.
- Whooping Crane Monitoring – Clayton Derby reported that AIM Environmental was selected as the contractor and has been conducting surveys since mid-March. Surveys will continue until the end of April. Whooping cranes have been in the area every day of the surveys so far.
- North Platte Channel Restoration and Enhancement Project – Mike Purcell reported that three proposals were received and reviewed by the subgroup – SEH, Parsons, and JF Sato. The selection committee approved the Executive Director's office (EDO) to negotiate with SEH on two issues, cultural resources and Nebraska registered surveyor, with latitude of their proposed contract amount plus 10%. It was reported that the parties have reached a verbal agreement on the issues and budget.
- USFS South Platte Vegetation Management report – Colorado reported that the USFS will be participating in a workshop with Colorado on forest management and the GC will be invited. Comments from the workshop will be made public for the purpose of providing education on the topic.
- Committee Memberships – The EDO reviewed committee memberships and noted that some parties have not provided members. A current list will be circulated to the GC.
- Program Web Site – Dale Strickland reported that his office has been working with the BOR on getting the Program web site updated. The Program may want to host its own web site in the future. The GC asked that materials distributed before the meeting be posted on the web site for easier download and for review by various constituents. The EDO will look into having an ftp site for this purpose.

**Wyoming Depletions Plan** – Mike Purcell explained that some issues have been identified related to the discretionary templates in Attachment III to the plan. They have been erroneously interpreted to suggest that a water user must execute recovery agreements even though the water user does not need to provide mitigation for coverage by the plan and program. When no mitigation is required, the Wyoming State Coordinator will simply write to the federal action agency and FWS describing the action and explaining why a particular action does not require mitigation for coverage. If the federal action agency and FWS agree, the simplified consultation

process can proceed. In addition, it was interpreted that a water user must sign a recovery agreement with both the State of Wyoming and the FWS. This was never the case. Attachment III has been revised to clarify that when a water user must provide mitigation for coverage under the plan and program, the water user and the State of Wyoming will negotiate a Wyoming Recovery Agreement, which will be submitted to the federal action agency and FWS for review prior to execution. This eliminates the need for a recovery agreement between the water user and the FWS. Mark Butler agreed with the proposed changes. Mike Purcell will send a revised Depletions Plan including redline and clean versions for review. If parties have comments they should be sent to Mike Purcell. Concern was raised that this topic was not brought forward as a full action item with documentation before the meeting.

### **Program responsibilities regarding Cottonwood Ranch**

Brian Barels provided an overview of the Cottonwood Ranch development and enhancement efforts. There is a 6-phased plan that was approved by FERC after review and approval by the Cottonwood Ranch Management Oversight Committee. The FERC license agreement provides that once the Program begins, the Program becomes responsible for costs of previous development and management as well as future efforts. It is understood that the Program does not have federal authorization, and therefore cannot fund management/maintenance actions at this time. Brian explained that NPPD is willing to move forward with the 2007 portion of the development plan and conduct the maintenance activities with the understanding that NPPD will be reimbursed. The existing agreement also provides for reimbursement for the work through 2006. At the time reimbursement is requested, NPPD will provide a detailed accounting for all work done on Cottonwood Ranch as provided for by the FERC License Agreement. Brian noted that NPPD is still operating within the original cap of \$1.3 M in 1997 dollars.

The action items approved by the GC were: 1) reimburse NPPD for work through 2006, approximately \$800K, and 2) reimburse costs for 2007 maintenance activities (\$75K) and improvements (budget to be provided). The expectation is that NPPD will provide invoices with supporting materials and will be reimbursed within 1 year of federal authorization. It was noted that there may be a need for a more formal agreement with NPPD at some point on exactly what the Program's rights are in regards to Cottonwood Ranch, as identified in the Land Plan. NPPD will draft this agreement for the GC to consider when appropriate. In addition, the GC appointed the Executive Director to sit on the Oversight Committee.

### **Districts Monitoring**

Brian Barels reviewed the Districts monitoring efforts that they have been conducting since the licenses were provided. According to the licenses, the biological monitoring plan needs to be coordinated with the Program through consultation with GC within 6-months of Program initiation. Brian recommended that the Executive Director be appointed to the Monitoring Oversight Committee (different than the oversight committee identified above), to provide necessary coordination with the monitoring plan. GC appointed the Executive Director to the Monitoring Oversight Committee. Brian noted that if members of the GC have comments on the current monitoring plan that they can be sent directly to him, but in the future the coordination will be with the Executive Director.

### **Program Executive Director**

The GC reviewed and edited the selection process. Proposed questions to be asked of the candidates should be submitted to Dale Strickland by April 13 with a cc to Clayton Derby. The Selection Committee will meet via conference call on April 16 to develop a list of 5 questions each candidate will be asked. Dale will send a letter to the five candidates discussing the process, identifying the issues for a presentation from each candidate, and request a writing sample by April 20.

### **Program Financial Management Entity**

The States and DOI are working on authorizing an extension of the current NCF contract through September 2007. The GC needs to decide how to proceed with a long-term FME for the Program, if the GC decides to continue with the NCF, negotiations should begin soon to allow plenty of time for contracts. John Lawson noted that the DOI can extend current agreement for 5 years, but not indefinitely. Colorado may have some issues with simply extending the current contract further into the Program beyond September, and Colorado is working on getting this issue clarified. Colorado will report back at May 2 meeting. The GC agreed that they would like to continue with the NCF using a contract extension if contracting rules and regulations within the States and DOI will allow.

### **Funding Requests**

- ***Approval of RFP and funding for Water Delivery Study*** – Mike Purcell reported that the Subgroup developed an RFP to implement the study identified in the Program document. The RFP explain the system and the constraints of the system. Phase I of the study will be to look at the existing three state projects and the projects in the Water Action Plan. If the desired flows can not be achieved with these projects, then the contractor will begin to consider other projects not currently identified. The estimated budget for Phase I is \$75,000. The GC approved announcing the RFP, contractor selection using the current subgroup, and the budget up to \$75,000. If all contractor budgets are above \$75,000 for Phase I, the issue will be brought back to the GC. Any work on Phase II will need further GC approval. The subgroup will consist of Mike Purcell, Alan Berryman, Brian Dunnigan, Mike Drain, John Lawson, and Mark Butler.
- ***Platte River Vegetation Mapping Proposal*** – Felipe Chavez-Ramirez provided an update on a proposal from an existing cooperative effort in Nebraska that has started mapping existing vegetative conditions in the region. Felipe noted that the AMWG identified the need to map different vegetation types in Program study area and track the changes during the Program. The proposal is to fund technicians to do the remaining ground truthing in the Program area. Funds are needed in early summer (May/June) to start the mapping. Funds would be directed to the Trust to hire technicians and technicians would be supervised by FWS personnel. The GC requested that the TAC review the proposal and make a recommendation to the GC at the May 2 meeting.
- ***Database Management System Funding*** – Dale reviewed past discussions during the Cooperative Agreement on funding the database management system start-up. Options to create and maintain the Program's database are 1) go to bid (RFP) with an independent contractor or 2) negotiate directly with a party like the USGS. Dale was

asked to draft a proposal with the pros and cons of the different options, have the FAC review the proposal, and return to the GC with a recommendation.

### **Land Interest Holding Entity**

Margot Zallen provided an update and the LIHE Subcommittees work. Most notably, since last meeting the subgroup has been working with David Smith, NE attorney, to draft a contract for the LIHE. David Smith walked the GC through the draft contract and suggested edits were provided by the GC. Another draft will be distributed for comments and approval.

Margot noted that initially there were two groups potentially interested in serving as the LIHE, the Nebraska Community Foundation (NCF) and the Nebraska Land Trust. Recently there have been further discussions with the Land Trust and they are not interested in being the LIHE but would be interested in assisting with land negotiations and easements, which is their specialty. The LIHE Subcommittee recommended negotiating directly with the NCF once a contract is approved. The GC agreed with this recommendation and authorized Dale Strickland, Margot Zallen, and David Smith to begin negotiations with the NCF once the contract is completed.

### **Depletions Reports**

Nebraska and Colorado have provided their first annual reports on depletions, as specified in their respective Depletions Plans. The GC referred the plans to the Water Advisory Committee (WAC) for review. The WAC will bring back a report and recommendations after the review.

### **2007 Work Plan – Detailed review of work plan**

Dale Strickland reviewed the 2007 Work Plan summary page and several individual tasks in detail. The GC requested that the Work Plan be updated to include all budget items, as identified in the 2007 Program Budget, so that they can see where changes have been made and the total budget. Dale noted that the overall budget has been reduced for 2007 as several items have been delayed to 2008. The revised Work Plan and budget will be sent to the GC for the May 2 meeting.

**Public Comment Period** – No comments were expressed.