

**Governance Committee Draft Minutes
Platte River Recovery Implementation Program
Country Inn and Suites, DIA, Denver
February 7, 2007**

Welcome and Introductions

Governance Committee Chair and Vice-Chair Elections

Mike Besson was elected Chair of the Governance Committee. Mike Purcell will take over responsibilities when he becomes the Wyoming representative in March. John Lawson accepted the nomination of Mike Ryan for Vice Chair.

Meeting Protocol and Procedures

The Governance Committee agreed that the order for running the meetings will be chair, vice-chair, the chair's alternate, and the vice chair's alternate.

The Governance Committee agreed that in cases where there are several identified delegates to a respective Governance Committee position (e.g., Upper North Platte Water Users have four members) that the delegates will identify an individual for voting purposes at each meeting. This will be recorded in the minutes. All delegates will be at the table. The Governance Committee noted that there still remain 10 representatives to the Governance Committee (two federal, three state, three water users, two environmental).

The Governance Committee agreed that the Program meeting locations will start with the following general rotation: CO-NE-CO-WY-CO-NE until the new Program Executive Director. Once the Executive Director is hired, the rotation will switch to the following general rotation: NE-WY-NE-CO-NE.

The Governance Committee requested that materials requiring action at a Governance Committee meeting be distributed at least 7 days prior to the meeting. Exceptions may be required and will be considered on a case-by-case basis.

The Governance Committee agreed on a set meeting schedule that consists of the second Tuesday (afternoon) and Wednesday (morning) of every other month beginning in April. Other meetings may be schedule between the regular scheduled meetings.

Future Meeting Dates and Locations

April 10-11 - Kearney
May 1-2 – Denver
June 12-13 – Wyoming
August 14-15 – Colorado
October 9-10 – Nebraska
December 11-12 – Colorado

Program Executive Director

Dale Strickland reported that the position had been re-announced with more information about the scope and budget and the clarification that the individual for Executive Director had to be specified if a company was applying. There were 121 requests for full information and 54 applicants. The Governance Committee authorized the existing subgroup to develop the shortlist of applicants by March 1 (this was changed to a later date after the meeting). The subgroup will consist of Alan Berryman, John Lawson, Mike Purcell, Mark Butler, Dan Luecke, Ann Bleed, Ted Kowalski, Kent Miller, and Dale Strickland. There was discussion regarding the interview process, including having the entire Governance Committee present to hear the interview, but not ask questions directly. The subgroup was tasked with developing the final process to be used. Interviews and selection will occur at a special meeting on May 1 and 2 in Denver, with contract negotiations to begin at this time also with a notice to proceed by July 1. The Governance Committee will discuss at a later meeting how they want the Program Executive Director to overlap with WEST,

Program Financial Management Entity

The DOI has been working with the states and NCF to extend the existing contract through September 30. This interim contract will use the same fee schedule as during the CA but will have the modified percentages from the signatories.

It was explained that there are three options for a long-term Program FME: 1) competitive bid, 2) sole source to NCF, and 3) amend existing NCF contract (could likely go for 5 years per the DOI). Major items for an extension are percentages from each party and the fee charged by NCF. The Finance Committee will be tasked with fleshing out this issue for signatory approval.

2007 Budget Review and Specific Funding Authorization

Dale reviewed a budget memo distributed before the meeting and noted that the role for the Finance Committee needs to be included in the overall process. The Governance Committee was in general agreement with the Year 1 budget of \$3,079,500 with the understanding that individual funding expenditures will be brought before the GC for approval. John Lawson noted that in regards to the Cottonwood Ranch maintenance within the Land Plan budget, the BOR cannot provide these funds until Congressional authorization, which is not likely in FY 2007. Brian Barels also noted that the current budget amount is for one year of maintenance and does not include the budget for past development costs reimbursements. Mark Butler commented that the NFWF has some funds remaining that could be used for enhancement (about \$200-300K). Mark will report back on the final amount remaining at the next meeting.

Dale reviewed specific budget items for spending authorization. Mike Purcell noted that the funds for the Channel Capacity Engineering and Permitting are from the Program but that any construction before Congressional authorization would require funds from CO/WY. It was noted that the aggressive timeline would put the Program ahead of schedule and if the effort is put back on the original schedule BOR funds may be available for construction. The Governance Committee representatives were asked to submit names to Dale to serve on a contractor selection committee. The Governance Committee agreed that the selection committee will select and negotiate the contract.

The Governance Committee approved spending authorization for the following items: Interim ED (\$175,000), Program Administration Assistance (\$55,000), Meeting Room Rental (\$27,500), Channel Capacity Permitting and Engineering (\$270,000), 2007 Whooping Crane Monitoring (\$160,000), Analysis of Whooping Crane Data (\$25,000), AMWG Assistance (\$25,000), and NCF Fees for 2007 (\$75,000).

Program Advisory Committees

- Adaptive Management Work Group in 2007 – Governance Committee approved funding for this group in 2007
- Independent Science Advisory Committee (ISAC) – Governance Committee agreed to wait for the Program ED to be hired before selecting the ISAC, will prioritize for the new ED as an immediate task.
- Establish Program Advisory Committees – Governance Committee will provide Advisory Committee members by February 16.

Land Interest Holding Entity

Margot Zallen provided an update on the purpose of LIHE and types of functions the LIHE will need to perform. The subgroup (Margot Zallen, Ted Kowalski, Deb Freeman, Mike Purcell, Mike Besson, Larry Schulz, Becky Falkerson, Mary Jane Graham, and Jim Cook) needed assistance and legal expertise on Nebraska trust laws. They interviewed land expert attorneys and selected Dave Smith. Dave Smith is the father of Governance Committee delegate Chad Smith. A disclosure clause will be added to the contract regarding this issue and Chad will be asked to send a letter stating he will remove himself from the room during any contract issues with Dave. Governance Committee approved using Dave Smith with funds remaining from the Cooperative Agreement (up to \$10,000).

Work Plan for 2007

Clayton Derby reviewed the process used by the AMWG and showed the current draft plan on the screen. A more detailed presentation and discussion will be provided at the April meeting.

Updates

- EA Pulse Flow Planning – Mark Butler updated the GC on plans for a 2007 pulse flow. CNPPID has requested the FERC to initiate formal consultation so that the FWS can issue the BO that has been worked on. Also need to get the EA Agreement in place and the insurance available, as specified in the Water Plan. If there is a situation where there is significant South Platte flow, EA water may be release from Lake McConaughy, but the FWS is not planning to use any bypass or Districts facilities for regulation at this time. Therefore, there is time to complete other items below.
 - EA Agreement - as called for in the last paragraph of Section 1 in the Water Plan. Districts will provide a draft for discussion and starting the process. A subgroup of Felipe Chavez-Ramirez, Brian Barels, Dennis Strauch, Don Kraus, Mark Butler, Alan Berryman, and a BOR representative will prepare a draft for the June meeting. Brian will chair the group.

- \$1M liability Insurance Policy for using the Districts systems for EA regulation. The same subgroup identified above for the EA Agreement document will also scope out insurance options.
- Program Legislation – Ted Kowalski provided the update. The current plan is to have the legislation submitted again by mid-February. The group of Don Ament/Ted Kowalski, Mike Purcell, Ann Bleed, and Tom Dougherty will keep track of the issue for the GC.

Public Comment Period

Mike Purcell reported that he has been working on an RFP for a contractor to review projects in the Water Plan that could best provide the 5000 cfs of Program water for a pulse flow and 800 cfs of Program water during the summer (Phase I study). Mike asked that if there are parties interested in commenting on the RFP that they should let him know.