

**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM****Governance Committee Meeting Minutes****Hampton Inn & Suites Conference Center – Scottsbluff, NE****August 12-13, 2008****Tuesday, August 12, 2008****Welcome & Administrative**

Mike Purcell called the meeting to order and the group proceeded with introductions. **Alan Berryman moved to approve the June 2008 GC minutes; Tom Dougherty seconded. The June 2008 minutes were approved.**

**Program Committee Updates***Water Advisory Committee (WAC)*

Beorn Courtney provided an update on the latest WAC activities. The WAC held a meeting and workshop in July in Denver to discuss the status of the Boyle work on Water Action Plan priorities. The WAC discussed and recommended moving ahead on the potential purchase of a conservation easement on a tract of land that would be purchased in order to secure a small amount of Program water. Courtney discussed the interaction of the WAC with Program water quality monitoring efforts. The WAC is working to formalize a meeting schedule for the off-months from GC meetings. Frank Kwapnioski will continue to be the WAC chair for the next year.

Boyle presented their work on screening criteria and how to move forward with narrowing the activities for further evaluation. The three projects to receive focus at this time are Elwood Reservoir; a new Plum Creek Reservoir; and a combined set of approximately five separate off-channel storage projects.

*Land Advisory Committee (LAC)*

Mark Czaplewski (CPNRD) provided an update on the latest LAC activities. The last LAC meeting included a discussion of utilizing NGOs like Ducks Unlimited or The Conservation Fund to help expedite acquisition of important land tracts. The LAC reviewed approximately thirty separate tracts for Program priority. Five priority tracts will be discussed on Wednesday during Executive Session of the GC meeting. The next LAC meeting is September 9, 2008 in Kearney.

*Technical Advisory Committee (TAC)*

Chad Smith provided an update on the latest TAC activities. Shay Howlin from WEST attended the last TAC meeting in July in Kearney and discussed the results of the whooping crane monitoring data analysis and the tern/plover monitoring data analysis. The TAC also discussed the separate Program geomorphology and vegetation monitoring protocols and recommended that the two protocols be combined into one and moved to the FC and GC for approval through a RFP according to the Program procurement policy.



44  
45 Several TAC members (Mark Peyton, Jim Jenniges, Mark Czaplewski, Martha Tacha) and  
46 Program staff continue to assist with implementation of the Program tern/plover monitoring  
47 protocol as well as data collection efforts related to the high flow event in May. The same  
48 individuals also assisted members of the USGS/University of Minnesota team with data  
49 collection for phragmites-related research on the central Platte. The next meeting of the TAC  
50 will be a conference call on September 30, 2008.

51  
52 *Adaptive Management Working Group (AMWG)*

53 Smith provided an update on the latest AMWG activities. The focus of the July AMWG meeting  
54 was refining the five-year work plan for implementation of the Adaptive Management Plan  
55 (AMP) and included site visits to Cottonwood Ranch and the Cook property to discuss  
56 conceptual design issues related to sediment augmentation, channel widening, and other actions  
57 tied to the AMP's management strategies. Several AMWG members joined Smith and Drew  
58 Tyre from the University of Nebraska-Lincoln (UNL) in a structured decision making/rapid  
59 prototyping workshop designed to address some key questions related to implementation of the  
60 AMP and how to develop simple models to feed monitoring data into, identify data gaps in  
61 current monitoring, and provide some guidance on the scope and phasing of AMP management  
62 actions. The next meeting of the AMWG will be October 1-2, 2008 in Kearney and will focus  
63 on a discussion of the results of the structured decision making workshop and how to integrate  
64 those results into the AMP five-year work plan.

65  
66 *Finance Committee (FC)*

67 Purcell provided an update on the latest FC activities. Items in red on the GC agenda have been  
68 recommended from the FC for GC review and approval. Purcell said that during the last FC  
69 conference call, there was substantial discussion about Program monitoring protocol RFPs that  
70 would result in contracts with a firm that would help to develop or refine a protocol and then  
71 implement the monitoring. There was considerable debate, and the general thinking was that this  
72 was a good approach. However, the FC agreed to require in the initial proposal firms detail on  
73 the expertise required for monitoring and the associated hourly rate. That information could then  
74 be considered in the selection process, which should help to guard against any conflicts of  
75 interest or other business practice difficulties.

76  
77 The FC discussed the status of the whooping crane telemetry tracking project and potential  
78 revisions to the Program procurement policy, and increased the approved amount of a contract  
79 for Cottonwood Ranch enhancement activities because the submitted bid was higher than  
80 expected but within the approved budget.

### 81 82 **Program Outreach Update**

83 Bridget Barron provided an update on Program-related media items, including:

- 84  
85
  - July 15<sup>th</sup> Kearney Hub story on Program land acquisition
  - Article later in July in Kearney Hub on conservation easements86



- 87 • August issue of “Headwaters” from Colorado features Beorn Courtney  
88 • Jerry Kenny was interviewed for an upcoming issue of NEBRASKALand magazine  
89

90 Program presentations include:

- 91
- 92 • Kenny presented to the American Farm Bureau Federation in June
  - 93 • Kenny spoke to South Platte water users
  - 94 • Smith presented at the adaptive management short course at UNL
  - 95 • Kenny and John Heaston took part in the annual TNC Nebraska board tour
  - 96 • Kenny will speak at the Lower Platte Water Quality Summit in September
- 97

98 Smith mentioned publication of the new book *Large-Scale Ecosystem Restoration* from the  
99 Society for Ecological Restoration. The book includes a full section on the Platte River Program  
100 and details the process of developing the Program and challenges facing implementation.  
101

### 102 **General Program Items**

#### 103 *Procurement Policy*

104 Kenny said the revisions represent a fine-tuning of the policy as it stood before. The focus of the  
105 proposed modifications is on the aspect of multi-year services. Most of the changes are on Page  
106 6 of 7 of the policy. In the GC approval process for contract services, the changes ensure that  
107 multi-year services must be approved by the GC because such contracts affect future budgets and  
108 other responsibilities of the GC. Thus, the GC would have to approve such RFPs before they can  
109 be made public. The second change indicates that the ED can authorize single-year contracts if  
110 they fall within the approved budget, and the ED can authorize multi-year contracts if they fall  
111 within the approved budget, if the RFP has been approved by the GC, and if the RFP and  
112 contract require an annual Notice to Proceed. **Don Ament moved for adoption of the revised  
113 Procurement Policy; John Heaston seconded. The GC approved the revised Procurement  
114 Policy.**

115

#### 116 *Colorado Depletions Plan*

117 Ted Kowalski said the State of Colorado is still ironing out a couple of issues and postponed this  
118 discussion with the GC until probably the October GC meeting in Colorado.  
119

120

120 Purcell said Wyoming is in the second year of acreage monitoring. Wyoming is likely to come  
121 back and discuss acreage modifications at a future GC meeting.  
122

122

### 123 **General Information Items**

#### 124 *Missouri River Restoration Issues*

125 Purcell said the Corps of Engineers contacted Kenny to talk about the Missouri River Ecosystem  
126 Restoration Plan at the October GC meeting. The Corps will be invited to come in October and  
127 provide an overview to the GC. Purcell discussed the past experiences of Program cooperators  
128 with activities on the Missouri River. He said a state like Wyoming would not agree to provide  
129 water to the Missouri River basin like has been structured for the Platte River Program. The GC

This document is a draft based on one person's notes of the meeting. The official meeting minutes may be different  
if corrections are made by the Governance Committee before approval.



130 will be helpful to the extent it can without over-burdening Program staff or the Program as a  
131 whole.

132  
133 *Federal Budget 101*

134 John Lawson provided a Power Point presentation on the basics of federal budget development  
135 and how it relates to the Program. Lawson said it is important for the Program to be developing  
136 work plans at this time through at least FY2011 to ensure proper coordination with federal  
137 budget development. **Kenny agreed this would be a topic of discussion at the October GC**  
138 **meeting.**

139  
140 **FY08 Budget Items**

141 Kenny discussed the latest status of the Program FY08 budget. He said contributions have been  
142 received from the Bureau of Reclamation (BOR), but contributions from Colorado and Wyoming  
143 have yet to be received by the Nebraska Community Foundation (NCF). Both Purcell and  
144 Kowalski said checks went out in early July and should have been received by the NCF. Kenny  
145 said he would check with the NCF to ensure those funds have been received and deposited.

146  
147 Kenny discussed the updated Program budget spreadsheet. He pointed out the change in FY07  
148 unliquidated obligations; it has been adjusted to reflect actual obligations and expenditures.  
149 Column G (expenditures) now represents current expenditures through the month of July 2008.

150  
151 *G-1: LiDAR Acquisition*

152 Kenny requested that this budget line item be increased by \$10,000 to ensure acquisition of  
153 LiDAR data from Chapman to Kingsley Dam. The approved budget amount (\$250,000) will  
154 cover the area from Chapman to just west of North Platte; the additional funding will extend the  
155 area to Kingsley Dam and will ensure acquisition of data for dealing with choke point issues.  
156 Brian Barels asked for clarification as to why LiDAR data is necessary all the way to Kingsley  
157 Dam in relation to Program AMP purposes. Kenny said it is important for flow routing  
158 information related to pulse flows that are integral to the Flow-Sediment-Mechanical strategy in  
159 the AMP. This data will help us to understand conveyance issues and adequately predict travel  
160 of flow from Kingsley Dam to the critical reach. Dougherty asked how the FC addressed this  
161 matter. Purcell said the FC approved moving this to the GC for review and approval. Kenny  
162 said GC action is necessary because it is a budget increase. **Tom Dougherty moved for**  
163 **approval; Don Ament seconded. The GC approved the budget increase.**

164  
165 *G-5 & WMV-3: Monitoring the Channel Geomorphology and In-Channel Vegetation of the*  
166 *Central Platte River*

167 Kenny said this protocol and RFP have been discussed with the FC but it is a multi-year RFP and  
168 requires GC approval. The RFP involves refining the protocol and developing monitoring  
169 budgets and plans over the course of a 3.5-year period. The FC had considerable discussion over  
170 the phrasing of the RFP to ensure proposals include substantial detail about protocol refinement  
171 plans and monitoring plans to ensure no “feathering of the nest” occurs. The FC also discussed  
172 the role of peer review and how that might influence the protocol and subsequent monitoring.



173 Kenny said the RFP includes finalization of an interim protocol and that Year 1 monitoring can  
174 occur under the interim protocol while that protocol is being peer reviewed. It is expected peer  
175 review will only result in slight changes that will be integrated into the protocol as quickly as  
176 possible. **Don Kraus moved for approval of the RFP and the Proposal Selection Panel;**  
177 **Alan Berryman seconded. The GC approved RFP and Proposal Selection Panel.**

178  
179 Purcell added that this process now allows the GC and ED Office to start over if negotiations fail  
180 during the contracting phase which is important to ensure the Program gets the work it needs  
181 done.

182  
183 Kenny also mentioned that for clean-up purposes, it would be best for budget line item WMV-3  
184 to be collapsed into budget line item G-5 because the geomorphology and in-channel vegetation  
185 monitoring were combined into a single protocol and RFP. Kenny asked the GC to approve  
186 adding the WMV-3 money to G-5. This would change the amount of WMV-3 to \$0 and the  
187 amount of G-5 to \$85,000 with no changes in the overall budget. Don Ament asked where the  
188 funds came from for the data collection effort related to the high flow event in May. Kenny said  
189 that funding comes from WP-3 which was intended for pulse flow monitoring. Brian Barelis  
190 asked if there would be separate protocols and thus require separate budget line items. Smith  
191 said the protocols were combined and there is only a single RFP, so it made sense from a budget  
192 standpoint to combine the efforts into a single budget line item. **Bill Taddicken moved to**  
193 **approve combining this effort into a single budget line item (G-5); Alan Berryman**  
194 **seconded. The GC approved moving WMV-3 funds into G-5, making for a single**  
195 **geomorphology/in-channel vegetation monitoring budget line item.**

196  
197 **Budget Item Updates**

198 Smith provided a brief update on several FY08 Program items now in progress:

199  
200 *ISAC-1 & PD-3: ISAC/Peer Review Panels*

201 PBS&J continues to work on identifying potential members for the ISAC and several peer  
202 review panels. At least three potential strong ISAC candidates have been identified and have  
203 agreed to serve, pending GC approval. A draft report on the status of ISAC and peer review  
204 panel member identification is expected by September. The project is on schedule.

205  
206 *WC-2: Analysis of CA-Collected Whooping Crane Monitoring Data*

207 WEST has completed integrating comments into the WC data analysis report based on written  
208 comments and our discussion at the last TAC meeting. Dale Strickland from WEST will be  
209 giving a presentation during the GC meeting tomorrow summarizing results of the project  
210 tomorrow. Clayton Derby will be presenting at the September North American Crane Working  
211 Group meeting in Wisconsin. The project is on schedule.

212  
213 *TP-4: Tern/Plover Foraging Habits Study*

214 Closing date for submission of proposals was Friday, August 8<sup>th</sup>. Four proposals were  
215 submitted: AIM Consultants, a team led by the Nebraska Game and Parks Commission (NGPC),



216 USGS, and Virginia Tech. The Proposal Selection Team is now reviewing the proposals; a  
217 selection is expected by mid-September. NOTE: Mike Fritz from the NGPC was previously  
218 identified as a member of the Proposal Selection Team. Since one of the submitted proposals  
219 came from a team led by Joel Jorgensen from the NGPC, Fritz has been asked to recuse himself  
220 from the Proposal Selection Team. Fritz will provide the ED Office separate written  
221 information, without reviewing the proposals, pertaining to issues that need to be clarified to  
222 ensure the selected firm can secure the proper Nebraska scientific collecting permit before the  
223 study proceeds. The project is on schedule.

224

225 *TP-5: Analysis of CA-Collected Tern/Plover Monitoring Data*

226 WEST has completed draft report, which is now out for TAC review. The project is on schedule.

227

228 *PS-1: Pallid Sturgeon Information Review*

229 Ed Peters continues to work on compiling pallid sturgeon information. Peters was recently back  
230 in Nebraska talking with people from the NGPC, Corps of Engineers, and USFWS. A draft  
231 report is expected on August 27. The project is on schedule.

232

233 *PS-2: Lower Platte River Stage Change Study*

234 High flows from this summer threw the activities of the HDR Team off a little, but they have  
235 been able to grab at least some high-flow related data; additional high-flow data collection will  
236 occur next spring. Low-flow data collection on the lower Platte is likely to occur sometime in  
237 the next two weeks; the HDR Team is also working on hydrologic analysis and 1D model  
238 conversion. The project is on schedule.

239

240 *WQ-1: Platte River Water Quality Monitoring*

241 EA Science, Engineering, & Technology was selected to assist with development of the water  
242 quality monitoring protocol and Year 1 monitoring plan and budget. A contract and initial Scope  
243 of Work have been developed and finalized. A kick-off meeting with the EA team and a small  
244 group of Program cooperators was held on August 4<sup>th</sup> in Lincoln, NE. The EA Team is currently  
245 interviewing a small group of Program cooperators and working with the ED Office to identify  
246 key issues to be addressed in the water quality monitoring protocol, Year 1 monitoring locations,  
247 and other key components. The project is on schedule.

248

249 Purcell noted the agenda was completed for the day and asked if there was any discussion about  
250 items on the agenda for the following day. Purcell asked for more information about the status  
251 of Land Tract 0811 and why it was moving to the GC with a recommendation from both the  
252 LAC and the WAC. Kenny discussed the land tract and the fact that the LAC determined that  
253 the tract would not provide habitat important to the Program. However, the property is located  
254 very near the Jeffrey Island complex and the Platte in the critical reach. The tract is located in  
255 the Tri-Basin NRD, which does not yet have a water banking program like the Central Platte  
256 NRD. Discussion at the LAC ensued about the possibility of the land serving as a case study of  
257 the Program acquiring land that would result in valuable water being added back to the river  
258 through the retirement of irrigation use as opposed to acquiring land solely for habitat purposes.



259 The LAC did not recommend moving forward with this property from a habitat standpoint but  
260 did recommend moving it to the WAC for review as a case study in acquiring property solely for  
261 its water value. The WAC recommended bringing the tract to the GC as a potential case study.  
262

263 Purcell asked if it would be possible instead to make a case study out of a piece of Program land  
264 that could both provide water and habitat. Kenny said it could, but that this is the first  
265 opportunity that arose so it was deemed worthy of discussion at the GC. Don Kraus said he  
266 thought the Water Action Plan was focused more on fallowing land to retire surface water use as  
267 opposed to groundwater use. Kenny said that is correct, but the Water Action Plan does not  
268 prohibit consideration of retiring groundwater irrigation. Purcell asked if the Nebraska  
269 Department of Natural Resources (DNR) would oversee the crediting of this kind of water.  
270 Barels said there is a specific Program process for identifying and evaluating land in relationship  
271 to its importance to endangered species. It seems this kind of case study raises the notion that  
272 the Program should have a similar detailed process for identifying and evaluating water credits,  
273 the process for acquiring water and water rights, and other issues. Kenny said having a real-  
274 world example might be the best way to bring those issues up and discuss them. Kraus asked  
275 how the water would be treated once it makes its way to the river, and that several issues related  
276 to that concept need to be discussed. Dougherty asked if the net water gain could conceivably be  
277 zero. Kraus said not necessarily; it just raises several questions that need addressed. Bruce  
278 Sackett mentioned that an appraisal for this piece of property would include both “before and  
279 after” values.  
280

281 Felipe Chavez-Ramirez asked why the LAC is joining the WAC in recommending that  
282 negotiations for irrigation rights through a conservation easement on this tract when the LAC did  
283 not see habitat value in this property. Purcell said that LAC is part of the process and sees the  
284 potential value of land in terms of its water value. Dougherty asked if any other properties  
285 before the GC during this meeting have wells that could be retired in a similar way. Jason  
286 Farnsworth said one property does, but it has limited irrigation use.  
287

288 Meeting adjourned until 8:30 a.m. on Wednesday, August 13, 2008.  
289

### Wednesday, August 13, 2008

#### Welcome and Administrative

293 Mike Purcell called the meeting to order and the group proceeded with a roll call.  
294

#### Analysis of CA-Collected Whooping Crane Monitoring Data

296 Dale Strickland of WEST provided a Power Point presentation summarizing the results of the  
297 data analysis.  
298

#### EA Bypass Agreement

300 Ted Kowalski discussed the latest version of the EA Bypass Agreement and the recommendation  
301 of the Legal Ad Hoc Sub-Group for the GC to approve this version of the agreement. The



302 agreement also includes a draft letter from the U.S. Fish and Wildlife Service (FWS) that  
303 explains the FWS position on the agreement. Jerry Kenny said he had discussed the letter with  
304 the FWS and that letter will stay draft until the agreement is approved by the GC; at that time,  
305 the FWS will finalize the letter. Kowalski proceeded to run through the agreement in detail with  
306 the GC. Don Kraus discussed the details of the attached example of power costs. **Julie Lyke**  
307 **moved for approval of the EA Bypass Agreement; Jennifer Schellpeper seconded. The GC**  
308 **approved the EA Bypass Agreement contingent on finalization of the agreement letter from**  
309 **the U.S. Fish and Wildlife Service.**

310

311 **Wyoming Property Sponsorship Agreement**

312 Mike Purcell discussed the current version of the sponsorship agreement for the Wyoming  
313 property. The acreage in question is closer to 452 acres instead of 470 acres, and the agreement  
314 still needs the addition of detailed legal descriptions. Wyoming will retain funds from grazing  
315 leases to help offset property taxes. If the GC approves the agreement today, Purcell can get  
316 approval from the Wyoming Water Development Commission next week. **Felipe Chavez-**  
317 **Ramirez moved for approval; Don Kraus seconded. The GC approved the Wyoming**  
318 **sponsorship agreement.**

319

320 Don Kraus discussed Exhibit “B” and the inclusion of stakeholders for developing the Land  
321 Management Plan. Kraus said John Thorburn from the Tri-Basin NRD was interested in being a  
322 part of that stakeholder group. **Kenny said that interest was noted and John Thorburn would**  
323 **be added to the stakeholder group.**

324

325 **Public Comment**

326 Purcell asked for public comment; none was offered.

327

328 The Governance Committee took a ten-minute break and then re-convened in Executive Session.

329

330 The Governance Committee exited Executive Session and reconvened the public meeting.

331

332 **John Heaston offered a motion to commence appraisals and negotiations on Tracts 0803,**  
333 **0804, 0815, and 0829; Felipe Chavez-Ramirez seconded. The GG approved the motion.**

334

335 In regard to Tract 0811, Brian Barel's offered the following motion:

336

337 **This parcel needs to be considered by the Program as a water acquisition for which the**  
338 **Program does not yet have a set process for evaluating water purchases. In order to**  
339 **establish the process for evaluating and acquiring water for the Program, the GC moves to**  
340 **have the ED Office move forward with an appraisal for the evaluation of the conservation**  
341 **easement and to have the ED Office work with the WAC to use this parcel as a tool to**  
342 **develop water acquisition procedures for groundwater and surface water. Further, this**  
343 **action should not be portrayed to the landowner as a commitment to proceed with any**





344 further negotiations regarding the parcel. Prior to any negotiations with the landowner,  
345 approval will be received from the GC.

346

347 **John Heaston seconded. The GC approved the motion.**

348

349 **Future Meetings & Closing Business**

350 The next GC meetings will be:

351

352 • October 7-8, 2008 at the Holiday Inn Express in Kearney, Nebraska

353 • December 2-3 in Denver, CO

354 • February 10-11 in Kearney, NE

355 • April 7-8 in Cheyenne, WY

356

357 Meeting adjourned.

358

359 **Summary of Action Items/Decisions from August GC meeting**

360 1) GC approved June 2008 GC meeting minutes

361 2) GC approved revised Procurement Policy

362 3) October GC meeting will include a discussion of Program work plans out to FY2011

363 4) GC approved budget increase for G-1 to \$260,000

364 5) GC approved geomorphology/in-channel vegetation monitoring RFP and Proposal Selection  
365 Team

366 6) GC approved combining funds for WMV-3 with G-5 to make one budget line item (G-5) for  
367 geomorphology/in-channel vegetation monitoring

368 7) GC approved the EA Bypass Agreement contingent on finalization of the agreement letter  
369 from the U.S. Fish and Wildlife Service

370 8) GC approved Wyoming property Sponsorship Agreement

371 9) John Thorburn from the Tri-Basin NRD will be added to the stakeholder group that will help  
372 to develop the Land Management Plan for the Wyoming property

373 10) GC approved commencing appraisals and negotiations on Tracts 0803, 0804, 0815, and 0829

374 11) GC approved the following motion on Tract 0811: *This parcel needs to be considered by the*  
375 *Program as a water acquisition for which the Program does not yet have a set process for*  
376 *evaluating water purchases. In order to establish the process for evaluating and acquiring*  
377 *water for the Program, the GC moves to have the ED Office move forward with an appraisal*  
378 *for the evaluation of the conservation easement and to have the ED Office work with the*  
379 *WAC to use this parcel as a tool to develop water acquisition procedures for groundwater*  
380 *and surface water. Further, this action should not be portrayed to the landowner as a*  
381 *commitment to proceed with any further negotiations regarding the parcel. Prior to any*  
382 *negotiations with the landowner, approval will be received from the GC.*