



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Governance Committee Meeting Minutes

DIA Marriott Residence Inn – Denver, CO

December 2-3, 2008

Tuesday, December 2, 2008

Welcome & Administrative

Mike Purcell called the meeting to order and the group proceeded with introductions. Mike Purcell requested that at the close of business the GC elect the 2009 Chair and Vice Chair.

Dennis Strauch moved to approve the October 2008 GC minutes; Alan Berryman seconded. The October 2008 minutes were approved.

Program Committee Updates

Water Advisory Committee (WAC)

Frank Kwapnioski (NPPD) provided an update on the latest WAC activities. He thanked everyone in attendance at the Water Management (WMS) Study Phase II workshop the morning prior to the GC meeting. The WAC met on November 12 at Kingsley Dam. Agenda items included a presentation on the ED office evaluation of the May 2008 high flow event; a WMS update from Boyle Engineering; a presentation by Duane Woodward about the conjunctive management model; a lengthy discussion about next steps with the Boyle WMS; and the WAC identified a subgroup to work through issues related to water project feasibility studies. Purcell said the sub-group should discuss during their December 18th meeting how to approach the Water Action Plan in conjunction with the three water projects that are receiving the most attention through the WMS Phase II effort. Purcell said there is credit for 80,000 acre-feet of water from state water contributions and it seems like channel work and other activities would enhance the grading of the state water credit. If re-regulation and re-use enhance water assets, it seems like that would result in favorable grading for the state water credit. Don Anderson said that is among the range of items that will be discussed at the December 18 meeting.

Land Advisory Committee (LAC)

Mark Czaplewski (CPNRD) provided an update on the latest LAC activities. The last meeting was November 4 and advanced four land tract recommendations to the GC. The LAC started reviewing a land management planning process document. The group considered several new land tracts for further evaluation. Scott Woodman was re-elected as Chair; Czaplewski was re-elected as Vice-Chair.

Technical Advisory Committee (TAC)

Chad Smith provided an update on the latest TAC activities. The next TAC meeting is scheduled for Wednesday, January 7, 2009 in Kearney. Ed Peters will make a presentation regarding the final draft of his pallid sturgeon information review report.



44 *Adaptive Management Working Group (AMWG)*

45 Chad Smith provided an update on the latest AMWG activities. Brian Barels asked about AMP
46 management objective #2 and how the Program will measure whether whooping crane survival
47 during migration has improved. Smith said data needs related to assessing progress toward this
48 objective and others are continually in development and specific data needs related to whooping
49 crane objectives would be discussed at a TAC meeting on December 11.

50

51 *Finance Committee (FC)*

52 Purcell provided an update on the latest FC activities. The FC met twice since the last GC
53 meeting and both times discussed the details of the draft FY09 Program budget. The FC has
54 discussed direction of the Database Management System and approved the Contractor
55 Prequalification Request and Form for restoration/management activities that amount to less than
56 \$25,000. Other items will be discussed later in the GC meeting.

57

58 **Program Outreach Update**

59 Bridget Barron provided an update on Program-related media items and presentations, including:

60

- 61 • Smith presented at the UNL Water Colloquium on October 16.
- 62 • Kenny presented at the South Platte forum on October 23.
- 63 • Smith presented at the annual meeting of the UNL/USGS Cooperative Fish and Wildlife
64 Research Unit.
- 65 • Kenny presented at the 2008 Lower Platte River Summit in Fremont, NE on November 6.
- 66 • Lori Potter had a story in the Kearney Hub about the record number of whooping cranes
67 spotted on the river during the fall 2008 migration season.
- 68 • Potter also had a story on the progress of land evaluation and management. Both stories
69 were also picked up by the Omaha World-Herald.
- 70 • The ED Office has generated a Land and Water fact sheet; please provide any editorial
71 comments to Barron.
- 72 • Barron is working on a plan for strategic education and outreach with four major focus areas.
- 73 • Barron discussed branding ideas for the Program and each GC member and alternate was
74 presented with a briefcase with the Program logo provided by Headwaters Corp.

75

76 Barels asked about how the Program intends to deal with contractors/consultants speaking to the
77 media with Program-related data before the GC has a chance to review and discuss the
78 information. This could be a problem in the future as more consultants are brought on board.
79 Barron said Gary Lingle spoke to both Kenny and Smith prior to speaking to the press. Kenny
80 said he gave Gary some guidelines on how to talk about the Program relationship. Barels said
81 we should consider adding a clause to all contracts about talking to the media. Norm DeMott
82 said all media activity should be coordinated with Kenny. Kenny said that coordination did
83 happen. Don Kraus said others may not contact Kenny first so this issue should be though
84 through. Purcell said all Wyoming contracts stipulate that contractors may not talk to the media
85 without prior approval. Kenny asked Purcell to forward than language on to him. Felipe



86 Chavez-Ramirez asked how this will work in the future. Barel's said this raises an issue about
87 how to deal with and control information. Kraus said Kenny should develop some guidelines for
88 how contractors/consultants deal with the media. Purcell said he thinks that nobody should
89 represent the Program unless previously authorized by the Program to do so. **Kenny said he will**
90 **work to develop guidelines for Program contractors talking to the media.**

91
92 **FY08 Budget Items**

93 *FY08 Program Progress Update*

94 Kenny discussed the progress of several FY08 budget items. There has been significant progress
95 on all fronts, including:

- 96
- 97 • Land – Substantial effort in land evaluation and acquisition; Land Interest Holding Entity is
98 up and running; lease agreement on Wyoming property; sponsorship agreement on
99 Cottonwood Ranch in progress; evaluation process is fleshed out and implemented; 47
100 parcels of land have come to the Program for examination; passed on six properties leaving
101 41 in the queue; thirteen of those are in appraisal/negotiation or will be by the end of the
102 December GC meeting; offer to sell will be presented to the GC tomorrow.
 - 103 • Water – WMS Phase I completed; Phase II report expected by the end of the year; more
104 focus and clarity on water projects for moving forward in FY09 on Water Action Plan; choke
105 point work continues with phragmites mechanical removal, conversations with National
106 Weather Service about flood stage (seeking a flood easement for pulse flows).
 - 107 • Administration and Outreach – processes in place; establishing connections with other
108 groups to leverage outreach activities; spreading the message of the Program.
 - 109 • Adaptive Management – annual species monitoring underway; looking at how to improve
110 monitoring efforts; close to finalizing water quality monitoring protocol; selected
111 geomorphology/in-channel vegetation monitoring contractor; stage change study underway;
112 pallid sturgeon information review near completion; ISAC and peer review recommendations
113 to be discussed by GC tomorrow; worked out a process for defining adaptive management
114 experiments and getting actions on the groups (workshops, Structured Decision Making,
115 rapid prototype models); focused in on “need to know” as opposed to “nice to know”;
116 prepared to minimize false starts and implement through a disciplined approach to stay on
117 track for accomplishing key objectives
 - 118 • Data/Database – GC will discuss RFP for new direction today; two new stream gages
119 installed (Lexington, Shelton) and managed by the Nebraska Department of Natural
120 Resources; analyzing data collected during high flow event in May 2008.

121
122 John Lawson asked if Kenny was going to prepare a report summarizing this progress for GC
123 members to use. **Kenny said he was moving forward to develop that annual report.**

124
125 *WP-2(b): Water Management Study Phase II*

126 Comments are being integrated on the draft Phase II report and a final report is expected by the
127 end of December.

128



129 *WP-1: North Platte Channel Capacity Project*

130 Kenny said the island will not be removed at the choke point; the focus for now is mechanically
131 removing phragmites sprayed in 2007. Ted Kowalski asked how much the flood easement
132 would cost. Kenny said it did not appear there would be a charge for that. Bill Taddicken asked
133 how the noxious weed designation would impact the landowner at the choke point that does not
134 want the island or the phragmites removed. Jason Farnsworth said there is a one- to two-year
135 window where removal is voluntary.

136
137 *G-5: Geomorphology/In-Channel Vegetation Monitoring*

138 Proposal Selection Team met in Omaha on November 21 to conduct interviews of four potential
139 contractors. The team unanimously selected the Ayres/Olsson team to refine the protocol and
140 implement the monitoring effort.

141
142 *IMRP-1: EA Pulse Flow Monitoring*

143 Farnsworth discussed the status of the data analysis effort on the May 2008 high flow event and
144 Smith said a final report would be presented and discussed at the February 2009 GC
145 meeting/AMP reporting session.

146
147 *TP-4: Tern/Plover Foraging Habits Study*

148 A final contract has been sent to the USGS for signature so the study process can begin.

149
150 *PS-1: Pallid Sturgeon Information Review*

151 Ed Peters has presented his final report to the ED Office and will discuss it with the TAC during
152 the January 7 TAC meeting in Kearney.

153
154 *PS-2: Lower Platte River Stage Change Study*

155 HDR has presented a draft Year 1 progress report to the ED Office. Comments have been sent to
156 HDR and once incorporated the draft progress report will be sent to the TAC for review.

157
158 *WQ-1: Platte River Water Quality Monitoring*

159 The monitoring protocol is nearing completion and the EA Team is preparing for Year 1
160 implementation of the protocol.

161
162 *LiDAR*

163 Kenny said the flight will occur before December 19 to hopefully give us leaf-off, no snow, and
164 low flow data. Kenny will be processing the request for disbursement for this line item and
165 given the structure of this agreement a speedy approval would be appreciated.

166
167 *PD-8: Database Management System Development and Maintenance*

168 Farnsworth discussed the status of development of the DBMS. The Fish and Wildlife Service
169 Technical Application Team (TAT) was eliminated and most of those employees moved to the
170 USGS. The ED Office did not receive sufficient information indicating that the new USGS team
171 could adequately complete the work for the Program, so the ED Office recommends moving



172 forward with a Request for Qualifications (not a typical RFP) to initiate a competitive selection
173 process. Kowalski asked where deliverables are specified in the process. Farnsworth said that
174 would be a part of the contract negotiation process since it depends on what kind of database
175 architecture firms recommend for Program use. Kowalski said he has several technical edits for
176 the RFQ that he would like to include in any motion related to this RFQ. Barels said it looks like
177 we are asking for proposals to develop the database, but the document is titled as a RFQ.
178 Farnsworth said we are asking for proposals that outline their qualifications, approach, and
179 methodology but not a detailed budget. Barels said we need to be clear what we are asking for –
180 are we choosing based only on qualifications or qualifications and proposed approach?
181 Farnsworth said qualifications and proposed approach, so he will change the title to a RFP.
182 Kowalski said that might mean we need to include specific deliverables.

183

184 Recommendations for the Proposal Selection Panel:

185

186 Jason Farnsworth, ED Office

187 Susan Leshefsky, State of Colorado

188 Orlando Stevenson, NPPD

189 Ralph Jones, TNC

190 John Heaston, TNC

191 State of Nebraska representative

192

193 Kowalski moved to approve moving forward with the RFP with guidance from the Proposal
194 Selection Panel on specific deliverables and finalizing the RFP with discretion to change it as
195 appropriate. DeMott seconded. **Motion approved.**

196

197 **Program FY09 Budget and ED Contract**

198 Kenny discussed the latest status of the FY09 Program budget. The budget numbers have been
199 discussed by the FC twice in November, and the budget was presented initially to the GC in
200 October. Program advisory committees have all reviewed the budget and provided input.

201 Details for ED-1 are spelled out in Exhibit B of the Executive Director's contract. Future
202 budgets for the ED category are now in line with projections in the Finance Document. Job

203 descriptions and the organizational chart for the ED Office have also been developed and
204 submitted to the GC. The ED Office envisions 12 as the maximum number of Program staff.

205

206 Kenny said we should be in a position to have \$1.7 million in unliquidated obligations in FY08
207 land acquisition funds. The FY09 reflects the need to develop a Water Action Plan as well as
208 focusing on projects for additional feasibility study. We also need to establish a reserve to take
209 advantage of water acquisition opportunities and to retain contractors for specific water-related
210 needs. Lawson asked if feasibility studies include design specifications and why those budget
211 numbers are so high. Kenny said feasibility is first but then these processes will move into the
212 design stage and additional work. Lawson said there needs to be a better definition of what
213 "feasibility studies" are and how the funds will be applied. Kenny said the scope will be worked
214 through with the WAC and then brought back to the GC for input and direction. Lawson also



215 asked about water acquisition funds for FY09. Kenny said that is to have money available if
216 opportunities arise for the Program to acquire water rights or get into a water leasing
217 arrangement as well as to secure contractors to get assistance in evaluation of yields and how
218 much the potential water is worth. Lawson asked if the Program will be more proactive in
219 seeking water opportunities. Kenny said that there will indeed be a more active approach.

220

221 PD-12 represents funding for the refinement and development of modeling tools for AMP
222 implementation. There is also one-time funding in support of the whooping crane Conservation
223 Action Plan. Money for an invasives strategy is to provide the Program with the ability to be
224 involved in research and coordination on invasives as opposed to mechanical removal.

225

226 Deb Freeman said the Colorado River Recovery Program has a general permit from the Corps to
227 conduct recovery-related work. She asked if the Platte Program had considered this kind of
228 approach. Kenny said that is being discussed with the Corps but that the ED Office would
229 explore that example to discuss with the Corps.

230

231 Kenny said details for research in IMRP-2 will be defined through workshops in 2008 and 2009
232 and that will provide better direction for Program research and investigations.

233

234 Ron Bishop moved to adopt the FY09 Program budget; Lawson seconded. **FY09 Program
235 budget approved.**

236

237 John Heaston moved to approve the FY09 ED contract; Chavez-Ramirez seconded. **FY09 ED
238 contract approved.**

239

240 **GC Officer Election**

241 Norm DeMott moved to appoint Don Ament as 2009 GC chair; Kent Miller seconded. **Don
242 Ament appointed 2009 GC chair.**

243

244 Don Ament moved to appoint John Lawson as 2009 GC Vice-Chair; Ted Kowalski seconded.
245 **John Lawson appointed 2009 GC Vice-Chair.**

246

247 **FY09 Environmental Account (EA)-WY2009 Annual Operating Plan**

248 Greg Wingfield provided a presentation on plans for an EA-augmented pulse flow in 2009.
249 Improved inflows helped to provide some storage recovery for Lake McConaughy. There were
250 about 85,000 acre-feet in the EA as of October 1, 2008. Purcell asked about tracking releases
251 from the EA and when previous releases were made. Wingfield said 2008 releases were made
252 over 35 days from July 2 through August 5 and that NDNR accounts for the EA component of
253 total daily flows at the Overton, Kearney and Grand Island gages. EA releases in the summer of
254 2008 led to exceeding the 600 cfs target over 60% of the time (without EA releases that target
255 would have only been exceeded 20% of the time). Plans for 2009 include a 25,000 acre-foot
256 March flow routing test and 35,000 acre-feet allotted to summer nesting season releases. Order
257 of EA release priorities are: high for pulse flow, medium for summer releases, carryover, and



258 medium/low for spring whooping crane flows. Plans for a spring 2009 flow routing test are for a
259 peak flow of 2,900 cfs at Overton for less than two days in March. Kenny said the National
260 Weather Service (NWS) flood level is specifically targeted at a boat ramp, unpaved parking lot,
261 and grassy areas in Cody Park. Lawson said it seems that if the Program got a flowage easement
262 from the NWS that higher flows could be used for EA releases. Kenny said he is meeting with
263 them on December 23 to discuss these issues. Kowalski said the Program policy is that if the
264 NWS determines a release is above flood stage then that release cannot be made on behalf of the
265 Program even if the Program has a flowage easement. Purcell said Kenny needs to investigate if
266 a flowage easement would allow the NWS to say the Program is not violating flood stage with
267 EA releases. Barels said it seems like the Program has to end up with some kind of agreement
268 with the NWS about making the appropriate changes to allow Program efforts to move ahead.
269 Wingfield said that is important, but even more important for the next steps of pulse flows above
270 the planned small flow routing test in March 2009. The FWS would request about 10,500 acre-
271 feet of intentional bypass at a cost of \$155,000-\$210,000 (FWS has revised the estimate to
272 \$180,000-\$200,000 based on updated cost estimates from NPPD).

273

274 Meeting adjourned until 8:00 a.m. on Wednesday, December 3, 2008.

275

276

Wednesday, December 3, 2008

277

Welcome and Administrative

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

280

Independent Scientific Advisory Committee (ISAC) and Peer Review

282 Chad Smith discussed the ISAC and Peer Review Panel member selection process and
283 introduced Tom St. Clair from PBS&J, the contractor selected to help with that process. St. Clair
284 provided a presentation on the work of his team to identify, interview, and recommend ISAC and
285 Peer Review Panel members. *St. Clair talked about the importance of independent science
286 review and how to best integrate it into evaluation of ecosystem restoration efforts. He discussed
287 efforts in the Everglades and suggested from that experience that the Platte River Program use
288 the ISAC “real time”, meaning the Program should have the ISAC review reports and
289 documents in real time and provide immediate feedback. He suggested giving the ISAC time to
290 evolve and adapt to meet Program needs, interact with Program scientists and technical folks,
291 and be flexible in how the ISAC works with the Program. He also said the Program has
292 developed a strong framework for how to create and implement an adaptive management
293 program and encouraged us to get the message out because it is a success story.*

294

295 Kent Miller asked how the ISAC chair would be selected. Smith said the intention was to have
296 the ISAC members themselves designate the chair. Brian Barels asked if the draft Strategic
297 Science Plan was the best place to integrate advice from the ISAC. Smith said that was the
298 intention. Purcell said that the Program should heed the advice from St. Clair about keeping the
299 ISAC flexible and making sure ISAC advice is used to help implement the AMP effectively.

300



301 Ron Bishop moved to approve the six recommended ISAC members; John Heaston seconded.

302 **Motion approved.**

303

304 John Heaston moved to approve the recommended Peer Review Panel members; Norm DeMott
305 seconded. **Motion approved.**

306

307 Ron Bishop moved to approve the recommended FY09 stipend levels for ISAC and Peer Review
308 Panel members; Don Kraus seconded. **Motion approved.**

309

310 Nebraska Depletion Plan

311 Jennifer Schellpeper gave an update on the status of implementation of the Nebraska Depletion
312 Plan. Key tasks include:

- 313 a) Refine the COHYST models as needed following the completion of peer review
- 314 b) Determine the extent of any increase in irrigated acreage in the COHYST modeled area
315 between 1997 and 2005.
- 316 c) Determine the extent of any increase in average annual consumptive use by municipalities,
317 industries, rural domestic and other new water related activities in the COHYST modeled
318 area between 1997 and 2005.
- 319 d) Determine the amount, timing and location of any depletion to the Platte River or a baseflow
320 tributary because of any increase in b or c.
- 321 e) Determine by stream reach and time period the flows that will serve as state-protected flows
322 for purposes of this plan.
- 323 f) Develop a tracking system to route depletions described in d. above downstream to locations
324 where those depletions adversely affect state-protected flows and/or target flows.
- 325 g) Quantify by stream reach and time period the extent to which the increases described in b.
326 and c. above cause depletions to state-protected flows and/or target flows.
- 327 h) Determine what measures will be utilized to offset, in amount, timing and location the
328 depletions quantified as per g.
- 329 i) Secure funding for and implement the measures identified in h; includes formation of the
330 Platte Basin Habitat Enhancement Program (PBHEP) with \$3 million from the five Platte
331 River basin NRDs and a potential grant from the Nebraska Environmental Trust; Nebraska
332 will contribute \$250,000 to Program water project feasibility and water plan studies.
- 333 j) [and k)] Establish 2005 baselines for irrigated acreage, municipal, industrial, rural, domestic
334 and other water related activities in the Platte basin and inside the 28% in 40 year lines.
- 335 l) Determine methods to be used to measure post-2005 changes in water consumption for
336 municipal, industrial and other water related activities inside the COHYST modeled area, but
337 outside the Platte River Basin and/or the 28% in 40 year lines.
- 338 m) Adopt and implement integrated management plans governing the initiation of new water
339 related activities and the expansion of water related activities initiated through 2005.

340

341 Ted Kowalski asked how Nebraska came to the \$250,000 contribution level for Program
342 feasibility studies. Schellpeper said she made the recommendation based on the
343 Reconnaissance-Level Water Action Plan, discussions with Jerry Kenny about the Program



344 budget, and available funds from Nebraska. Purcell said a good deal of work is being planned
345 for the feasibility studies and the Water Action Plan and suggested that Nebraska keep the
346 money ready and at that time there will be a discussion about what is fair and equitable.
347 Kowalski asked when the Nebraska Depletion Plan will be taken to the WAC for review.
348 Schellpeper said annual reports on permitting will go to the GC; the GC could send that to the
349 WAC for review if necessary.

350

351 **Public Comment**

352 Purcell asked for public comment; none was offered.

353

354 **Executive Session**

355 The Governance Committee took a fifteen-minute break and then re-convened in Executive
356 Session to discuss Land Tracts 0805, 0813, 0839, 0847, and 815. The Governance Committee
357 exited Executive Session and reconvened the public meeting.

358

359 **Program Land Tracts**

360 Don Ament offered a motion to commence appraisals and negotiations on Tracts 0805, 0839, and
361 0847; Ron Bishop seconded. **Motion approved.**

362

363 Dennis Strauch offered a motion to proceed with acquisition of Tract 0815; John Lawson
364 seconded. **Motion approved.**

365

366 **Future Meetings & Closing Business**

367 The next GC meetings will be:

- 368 • February 10-11 in Kearney, NE
- 369 • April 7-8 in Kearney, NE
- 370 • June 9-10 in Cheyenne, WY
- 371 • August 11-12 in Denver, CO

372

373 Meeting adjourned.

374

375 **Summary of Action Items/Decisions from December GC meeting**

- 376 1) GC approved October 2008 GC meeting minutes.
- 377 2) Kenny will develop guidelines for how Program contractors should talk to the media when
378 conducting work on behalf of the Program.
- 379 3) Kenny will provide the GC with an annual report summarizing FY08 Program progress.
- 380 4) GC approved moving forward with the database management system RFP with guidance
381 from the Proposal Selection Panel on specific deliverables and RFP changes.
- 382 5) GC approved the FY09 Program budget.
- 383 6) GC approved the FY09 ED contract.
- 384 7) Don Ament was appointed 2009 GC Chair.
- 385 8) John Lawson was appointed 2009 GC Vice-Chair.
- 386 9) GC approved recommended members for the ISAC.



- 387 10) GC approved recommended members for four Peer Review Panels.
388 11) GC approved FY09 stipend levels for ISAC and Peer Review Panel members.
389 12) GC approved ED Office to commencing appraisal of and negotiations on Tracts 0805, 0839,
390 and 0847.
391 13) GC approved ED Office proceeding with acquisition of Tract 0815.