

02/06/2008

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Land Advisory Committee Meeting Minutes
January 29, 2008

Attendees

Scott Woodman, Chair
Mark Czaplewski, Vice Chair
Jerry Kenny, Executive Director
Bruce Sackett
Jason Farnsworth
Chad Smith
Harry LaBonde
Mark Peyton
Kent Aden
Ted Kowalski
John Heaston
Greg Wingfield
Kirk Schroeder
Christine Quinlan
Jim Jenniges
John Shadle
Jeff Runge
David Frost
Brad Mellema
Jennifer Schellpeper

Welcome and Administrative

Scott Woodman called the meeting to order and the group proceeded with introductions. No agenda modifications were made. Approval of the November 14, 2007 minutes was delayed until later in the meeting when a quorum was present. The minutes were approved without amendment when a quorum was present.

Overall Platte River Program Update

Jerry Kenny provided an update on the status of the following land-related program activities:

- 2008 Program Budget – The FY 2008 Program budget has been approved by the GC. The budget includes \$6,000,000 for land acquisition. The budget also includes \$850,000 for pre-2007 Cottonwood Ranch maintenance and enhancement and \$275,000 for 2007 maintenance and enhancement.
- Program Website – The Program now has a functional website. The web address is <http://platteriverprogram.org>
- New Program Staff – The Executive Director’s Office is now fully staffed. Three staff members were added in January: Bruce Sackett, Jason Farnsworth and Beorn Courtney.
- LIHE Update - A Land Interest Holding Entity (LIHE) is being established with the Nebraska Community Foundation (NCF) and is close to completion. The LIHE would be a separate 501(c)(3) spun off from the NCF and would be called the Platte River Recovery Implementation Foundation.

- LAC Member Reimbursement - . The Program document says that committee members who are not employees of an agency are eligible for reimbursement. Committee members should submit expenses to Kenny and he would process a check. Jerry has the forms. After submittal, the approval requires the LAC Chair's approval, the ED's approval and approval of the contracting person for the Bureau of Reclamation.
- GC Liaison for LAC – John Heaston will serve as the LAC liaison with the GC.
- Wyoming Property Management Transfer Agreement – Wyoming has developed a draft management transfer agreement. Shadle indicated that he has reviewed the agreement and it appears to him that the agreement lacks some of the requirements outlined in the Land Plan. **Shadle will forward comments on the draft agreement when they become available.**
- NPPD Cottonwood Ranch Management Transfer Agreement – NPPD legal representation is currently reviewing a draft management transfer agreement for Cottonwood Ranch.

Wyoming Land Overview

Greg Wingfield presented a PowerPoint presentation about the history and restoration/management actions on the Wyoming property. The PowerPoint Presentation is included as an attachment to these minutes.

CPNRD Water Bank Program

Matt Bohnenkamp and Mark Czaplewski gave a PowerPoint Presentation about NRD Water Bank program developed by the CPNRD to outline the baseline water use, monitoring and follow-up of water uses and corrective action when imagery showed a differential in certified irrigated acres vs. actual irrigated use.

The NRD has land ownership boundaries, images of water use, names and addresses of water users. Certification of all irrigated fields is near completion and now transfers of water use are being processed. A web location can allow owners to review their land and estimate values in exchanges or sale of present certified acres. Czaplewski said that the NRD will make up offsets for water savings in Municipal areas. This is a new area and still in process.

Existing Network of Land Acquisition/Leases/Easements

Sackett led a discussion of ongoing work of conservation groups, agencies, and other partners. Budget limitations for both State and Federal and Private groups have limited the funding for all types of land acquisition. The Rainwater Joint Venture / DU have NAWCA funding and NET funds but they appear to be mostly committed to properties already in the acquisition process.

Christine Quinlan from Conservation Fund (a national nonprofit) was given an opportunity to address the committee. The Conservation Fund has been in existence for around 23 years and was formed by Patrick Noonan. The Conservation Fund employs approximately 200 people across the country.

The Conservation Fund specializes in land acquisition support. They do not permanently hold land, but instead work within their partner's acquisition processes to help them acquire land

interests. They have a long track record assisting DOI, USFW, BLM, USFS and states in acquiring land for conservation purposes

Quinlan indicated that it is not yet clear if there is a role for the Conservation Fund in Program land acquisition activities. However, some potential areas may be:

- Assisting with acquisition-related tasks for high-priority parcels
- Providing a mechanism to acquire and temporarily hold high-priority parcels while the Program proceeds through the mandated acquisition tasks.
- Assisting in organizing multiple funding sources for land acquisition projects that include multiple funding partners.

Shadle asked Quinlan if/how the Conservation Fund recuperates their costs when assisting in acquisition projects. Quinlan indicated that the Conservation Fund does need to have a mechanism to recuperate their staff and overhead costs and that can be done in several ways.

Kenny invited Quinlan to make a presentation at the April GC meeting in Cheyenne. In the meantime, Program Staff will continue to communicate and coordinate with the Conservation Fund to determine if there is a role for the organization in land-related Program activities.

Criteria for Land Acquisition/Leases/Easements

Sackett led a discussion of criteria for land acquisition based on a draft process flow chart developed by Program Staff. The preliminary screening phase of the land evaluation process can be initiated by Program Staff or by landowners approaching the Program. Shadle indicated that the flow chart should include a callout for Program identification of priority lands, which was inferred but not included. During preliminary screening, Program Staff will determine if the parcel is located within the appropriate geographic boundaries and will commission a preliminary title search and legal review to identify actual landowners and any encumbrances. During this process, the landowner will also need to sign a Memorandum of Understanding (MOU), which is currently being developed. The MOU will outline the acquisition process for the landowner and will include language authorizing Program Staff and LAC members to access the property for evaluation purposes.

If a parcel qualifies for full screening, it will undergo a land evaluation worksheet process. This process includes evaluation of the physical features of the property as well as compatibility with Program research and monitoring activities. This process may also include a site visit by an evaluation team. Farnsworth indicated that the process for determining members of the evaluation team needs to be developed. Several LAC members also indicated that this group needs to be fairly small (4-5 members). Smith also mentioned that it will be important to develop a solid link between the TAC and LAC in order to make sure that Program lands meet research and monitoring needs. **Farnsworth and Smith will coordinate on development of a process for identifying evaluation team members and making sure research and monitoring needs are sufficiently included in the evaluation process.**

The LAC can also make a site visit if necessary. Woodman indicated that he would prefer not to take the entire LAC to sites unless they so desire. Having that many people on-site may make

some landowners nervous. Once the worksheet is completed, the Program Staff will compile a report for the LAC and present the parcel at a LAC meeting. The LAC will attempt to reach a consensus decision on whether or not to recommend acquisition of the property. If consensus is reached, the parcel will be forwarded to the GC for consideration. If consensus cannot be reached, the Program Staff will develop a document outlining the various views of the LAC and forward to the GC. Kowalski indicated that he had concerns about how various parcels would be ranked or compared and asked if a matrix or ranking system would be appropriate. Sackett indicated that in his experience, matrixes do not adequately allow comparison because of the many intangible aspects of acquisition. Farnsworth mentioned that the many experienced members of the LAC could probably adequately rank parcels based on their experiences and continued involvement in acquisition and restoration activities in the critical habitat area.

Once presented to the GC, they can either vote to proceed with formal negotiations, recommend additional analysis or terminate the evaluation. If they vote to proceed, the parcel will enter the negotiation phase of the process. Frost indicated that this may be a good time to secure an option on the property due to the amount of time needed to complete the process. The negotiation phase will begin with an appraisal and appraisal review, which will be followed by negotiations with the landowner and presentation to the GC for final approval.

Czaplewski indicated that some portions of the outlined process are not well defined and the GC will likely need more information before feeling comfortable with the acquisition process. Heaston agreed and volunteered to meet with Sackett to add more detail to the various tasks outlined in the flow chart. The LAC decided that it would be appropriate to circulate the revised flow chart and then hold a conference call to review and approve. The process will then be forwarded to the GC for review and approval.

Establishing Resources for Land Plan Implementation

Marketing Strategy

Sackett led discussion of possible ways to reach landowners. The Program website will include landowner resources that will allow them to contact Program Staff regarding a possible parcel. In addition, the Program could attend local events, direct information to individual landowners, and advertise on the radio. Sackett indicated that there is already significant interest by the public and advertisements or marketing may not be necessary. Frost indicated that a significant number of people could be reached by advertising on KVRM.

Mapping

Program Staff are working to develop resources to accurately map individual parcels for LAC evaluation. Sackett shared a map example with the LAC. Sackett and Farnsworth are meeting with USFW staff on Monday, February 4 to discuss their GIS data and mapping resources and abilities.

Appraisers, Surveyors, Realtors, Land Brokers, Others

Sackett led a general discussion about land-related services. Program Staff will identify multiple providers of each service. Kenny indicated that as long as services are less than \$25,000, they can be contracted directly via an informal selection process.

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Public Forum/Closing Business

Frost reiterated that he felt information could be given over local radio stations, and possibly in local venues to make the public aware of the Programs needs for land and water rights.

The next meeting of the LAC will be held via conference call on February 29. The call time and agenda will be posted on the website.

The meeting was adjourned by Woodman.