

**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM****Governance Committee Meeting Minutes****Holiday Inn Express – Kearney, NE****October 7-8, 2008****Tuesday, October 7, 2008****Welcome & Administrative**

Mike Purcell called the meeting to order and the group proceeded with introductions. No agenda changes were proposed. **John Heaston moved to approve the August 2008 GC minutes; John Lawson seconded. The August 2008 minutes were approved.**

Program Committee Updates*Water Advisory Committee (WAC)*

Frank Kwapnioski (NPPD) provided an update on the latest WAC activities. The WAC met in Denver on September 17. The committee realigned representation to ensure it was in sync with GC representation. The WAC discussed how to value land in terms of water value and established a sub-committee to develop more details. Phase II of the Water Management Study will be available from Boyle Engineering in October. The WAC will meet in November to discuss the Phase II report and will hold a workshop prior to the beginning of the GC meeting in Denver in December (9:30 a.m.-noon Mountain time) to finalize the Phase II recommendations.

Land Advisory Committee (LAC)

Mark Czaplewski (CPNRD) provided an update on the latest LAC activities. The LAC met on September 9th to discuss various land tracts and evaluations. The GC will be discussing much of the outcome of that meeting during the meeting on Wednesday. The LAC will meet next in November in Kearney. Purcell asked about the status of the tracts discussed during the August GC meeting. Czaplewski said that would happen during the GC meeting tomorrow.

Technical Advisory Committee (TAC)

Mark Peyton provided an update on the latest TAC activities. The TAC held a conference call on September 30. Much of the meeting focused on a discussion with Ed Peters about his draft pallid sturgeon existing information review report. The TAC discussed the status of the tern/plover foraging habits study RFP, the geomorphology/in-channel vegetation monitoring RFP, water quality monitoring, and whooping crane telemetry. The next meeting of the TAC will be Tuesday, January 7.

Adaptive Management Working Group (AMWG)

Chad Smith provided an update on the latest AMWG activities. The AMWG met in Kearney on October 1-2 and discussed the results of the Structured Decision Making/Rapid Prototyping workshop held in July. The AMWG walked through the draft FY09 budget. Lisa Fotherby voiced concerns about future direction of geomorphology investigations and when those investigations will get started. Smith said those investigations are being taken seriously and generally will be addressed through the following formats:



- 45 • Planned AMWG workshops on sediment augmentation, channel consolidation, pulse flows,
46 and other topics will provide a forum for discussing geomorphology investigation and how
47 they can provide important information for assessing the results of Adaptive Management
48 Plan (AMP) experiments – “need to know” versus “nice to know”.
- 49 • Kenny has asked outside geomorphology experts Brad Anderson and Chester Watson to
50 provide assistance to the ED Office in handling geomorphology issues and to talk with
51 Fotherby about implementation of geomorphology investigations largely outlined in the
52 Parsons/EIS Team report.
- 53 • Independent science review by the ISAC of the approach to implementing the AMP and
54 planned scientific activities will help to identify how priorities for geomorphic investigations
55 fit into AMP implementation and linking results to priority hypotheses and Conceptual
56 Ecological Models.

57

58 *Finance Committee (FC)*

59 Purcell provided an update on the latest FC activities. The FC met on September 16th and
60 discussed several budget-related items including the initial draft FY09 budget.

61

62 **Program Outreach Update**

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

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- 65 • Kenny presented at the Lower Platte Water Quality Open on September 4th.
- 66 • Jason Farnsworth presented a Program update at the Nebraska Association of Resources
67 Districts in September.
- 68 • Beorn Courtney presented a Program update at a Colorado Watershed Assembly conference.
- 69 • Bruce Sackett presented a Program update at the Midwest Appraisers conference.
- 70 • Smith will present on AMP-related modeling at the UNL Water Colloquium on October 16th.
- 71 • Kenny will present a Program update at the South Platte Forum in Longmont, CO on October
72 23rd.
- 73 • Smith will present on AMP-related modeling at the Nebraska Fish & Wildlife Co-op Unit
74 annual meeting (UNL/USGS) on October 24th.
- 75 • The Collaborative Adaptive Management Network (CAMNet) Rendezvous will be held in
76 March 2009 in Kearney and will focus on the Program and its AMP.

77

78 Barron passed out a Land Plan fact sheet to use with the public and additional fact sheets are in
79 development. Barron said the ED Office is seeking additional opportunities to exhibit at
80 conferences so the GC is requested to pass along any opportunities they are aware of to discuss
81 the Program with the public. Ted Kowalski thanked Bridget for spending time discussing public
82 outreach efforts with him and using Colorado River examples as a model.

83

84 **FY08 Budget Items**

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

86 PBS&J submitted a draft report to the ED Office recommending members for the Independent
87 Scientific Advisory Committee (ISAC) and several peer review panels. The Program’s ISAC



88 Selection Panel and Peer Review Working Group are reviewing the draft report and will meet on
89 October 21st to discuss the recommendations and what names to move onto the GC for approval
90 at the December meeting in Denver.

91

92 *PD-8: Database Management System Development and Maintenance*

93 Kenny said he previously briefed the FC that the Technical Applications Team with the U.S.
94 Fish and Wildlife Service (Service) that was working on the Program database and web site was
95 moved over to the USGS and no longer exists. Kenny continues to talk to the Service about
96 possible locations within the Service for continuing the work. If that effort is not successful, the
97 Program will develop a RFP and seek outside contracting help to develop the database and
98 website. Kenny is confident that contracted work not accomplished will not be charged; that a
99 fair price will be paid for completed work; and all products and equipment acquired thus far will
100 be turned over to the Program. By the end of October, a determination will be made as to
101 whether this effort stays within the Service or if proposals are solicited. Purcell asked if the
102 existing Service IT group is willing to take this effort on. Kenny said they are interested in the
103 prospect but it is different than their normal work. Farnsworth added that the primary developer
104 working on the database quit and is no longer available within the Service, meaning we would
105 have to start from scratch even if the Program stays within the existing Service IT team. Purcell
106 asked if the Service was going to staff up to handle a project like this. Kenny said it seemed they
107 are just thinking of doing it with existing staff.

108

109 Barel's asked if we will need a new contract and RFP and when that would come back for review.
110 Kenny said the process will first move into assessment of whether the Service should stay on the
111 job or if we move into RFP phase. Barel's said that assessment should be brought back to the GC
112 for review, especially since this was initially a sole-sourced project. Kenny added this will also
113 be discussed at FC meetings now scheduled prior to the GC meeting in Denver. One option
114 might be convening a GC conference call prior to December if there is a need to get the RFP
115 process started as quickly as possible. Purcell said potential contractors in a RFP process would
116 need at least a month or six weeks to review current products and develop a strong proposal.
117 Kenny said we are in a very good position to write a RFP with specificity. Alan Berryman asked
118 if there is at least some form of an existing database available. Kenny said there is some basic
119 architecture in place. Farnsworth said one item that will be included in the assessment is a
120 discussion of whether the existing products will serve as a good starting point, or if the Program
121 will need to start over completely.

122

123 *TP-4: Tern/Plover Foraging Habits Study*

124 Purcell said typically a budget would be defined and a RFP would ask for work within that
125 budget; extra work above that would have to be discussed. Barel's said that putting estimated
126 budget numbers in RFPs has always been a concern. The budget numbers are generally
127 placeholders, but we need to think through how we use these placeholders and how we provide
128 this information to potential contractors. He is concerned that including estimated budget
129 numbers may be limiting in terms of the kind of proposals we receive in response to RFPs.
130 Purcell said firm numbers should be included, but estimated numbers beyond first-year firm
131 numbers may not be helpful. One idea might be to provide the firm number but then ask for



132 suggestions from potential contractors about how much work will cost during the
133 implementation phase. When current year funds are approved but out-year costs are estimated, a
134 compromise would be to say there is current year funding at a certain level for developing a
135 protocol or research study and that we need estimates for out-year implementation. Barels said
136 that early in the Program it is going to require greater up-front work to provide meaningful
137 budget numbers to avoid giving wrong impressions to consultants. June DeWeese said even if it
138 feels like the Program is a different animal and it is harder to put together solid up-front budget
139 estimates, to the extent we can we need to provide specifics to get the best results.

140
141 Kenny said he has always found it helpful in the consulting world for RFPs to provide some kind
142 of guidance for potential budgets to help consultants figure out what a client wants and needs.
143 That mindset has driven the approach we have taken thus far with RFPs. Kenny also said that
144 given the kind of work we are asking for in many cases, we can continue to expect proposals
145 from potential contractors that are new to the game of developing proposals. Kenny said we
146 could not have been clearer in this process about what the \$120,000 budget figure meant. Purcell
147 agreed. Heaston asked if we could ask for proposals without numbers first to see who develops a
148 scope of work that meets Program need, and then invite those that match up well to develop full
149 proposals that include cost estimates (Total Qualification-Based process). Barels said one option
150 might be to bid out development of a monitoring or research protocol, and then separately bid
151 out the actual implementation work. Don Kraus said it seems like this is how the Procurement
152 Policy is structured. Purcell said sometimes we have protocols developed, sometimes we need
153 protocols developed; those are different in terms of what we want to see from potential
154 contractors. Barels said it may not be most efficient to have one contractor both develop a
155 protocol and also implement it.

156
157 *PS-1: Pallid Sturgeon Information Review*

158 Smith said that Ed Peters is now incorporating comments from the Service and several TAC
159 members into his draft pallid sturgeon information review report and will generate a final report
160 by November. Peters will be invited to provide a final presentation to the TAC in January 2009.

161
162 *PS-2: Lower Platte River Stage Change Study*

163 Smith said the HDR Team remains on schedule. Low flow and high flow data collection is
164 complete for the year, and medium flow data collection on the lower Platte will occur in October.
165 The HDR Team is working on model conversion and development now.

166
167 *WQ-1: Platte River Water Quality Monitoring*

168 Smith said the EA Team is on schedule to develop a water quality monitoring protocol based on
169 comments from the water quality monitoring sub-group, TAC, and AMWG. Budget estimates
170 for implementing this protocol are already built into the draft FY09 budget. After the protocol is
171 revised, based on AMWG and TAC comments, it will be peer reviewed.

172
173 *WP-1: North Platte Channel Capacity Project*

174 Kenny said he wants to advertise a bid for moving sand and removing vegetation. The bid
175 document is now in development and will be distributed to the FC for approval. It will be a bid



176 process for the actual work in the choke point and the advertisement will be posted in the North
177 Platte and Kearney newspapers, as well as the Program website. There will not be major
178 earthwork involved but there is interest on the part of several contractors because of the potential
179 for additional Program-related work. By the end of 2008, the work we had hoped to have
180 completed for this year will be done. The National Weather Service has raised flood stage but
181 lowered flood flow in this area; flood stage is now about 1,600 cfs as a result of flooding
182 downstream of the North Platte bridge which means additional work downstream will likely be
183 required. It appears the changes were made in response to some flooding at an area boat ramp.
184 **Kowalski asked if Kenny could ask the National Weather Service to discuss with the GC**
185 **how these new determinations were made; Kenny agreed to follow up.** Purcell asked if the
186 bid was quantity-based or an hourly rate. Kenny said it would be a fixed-price bid based on an
187 hourly rate. Barels asked if the Program has a 404 permit for this work. Kenny said the Corps of
188 Engineers indicates a permit is not needed, but he is seeking that determination in writing. In
189 addition, an easement agreement will be in place with the one landowner involved. Greg
190 Wingfield said the Service will be looking at options for a 2009 pulse flow soon, so we need to
191 explore options with the National Weather Service to see how to handle this revised flood stage.
192 Kowalski said we might be able to enter into a “hold harmless” agreement with the owner of the
193 boat ramp or other options to resolve this issue.

194

195 **Draft FY09 Budget**

196 Kenny and Smith walked through the specifics of the draft FY09 budget, as well as projected
197 numbers out to FY19.

198

- 199 • ED-1: FY09 estimate is for ED Office staff of twelve people; possible number of staff could
200 grow as need arises, thus higher budget estimates for FY10 and beyond; this line item should
201 level out and stay steady within the next two years. Purcell said it is important to explain job
202 descriptions to the GC as the ED Office adds staff. It is important to show how hiring staff
203 replaces the need for hiring contractors to do work; this will help in evaluating budgets and
204 how the Program is getting the “bang for the buck”. Purcell considers contract management
205 an administrative function, as opposed to actual work on the ground. Kenny said some staff
206 will be doing both contract management as well as work that would otherwise have to be
207 done by contractors. **Kenny said he would circulate job descriptions for ED Office staff**
208 **to the GC for review.** Lawson said it would help to have a list of positions and what those
209 individuals work on. **Kenny agreed that would be provided.** Kowalski said he had
210 concerns about going above what was previously budgeted for Project Administration and
211 that he needs to see where the cost justification is for increasing staff and then saving money
212 in implementation costs because a contractor(s) would not have to be hired to do the work.
213 **Kenny said that information would be provided to the GC.**
- 214 • Lawson said the bottom-line budget numbers in the out-year columns may represent targets
215 that are not reasonable, so we have to work through how to get more reasonable targets.
216 Purcell asked what reasonable targets are. Lawson said budgets are not likely to go up and
217 will just maintain if we are lucky. The federal funds target should probably be estimated
218 around \$12M for each year FY09-FY11. Purcell asked if Lawson was suggesting that Kenny
219 establish priorities now for FY09 and FY10. Lawson said we should probably create a base



- 220 budget and then think about needs that might result in over-target recommendations. Barel's
221 suggested adding a revenue line at the bottom of the spreadsheet so that potential
222 expenditures are linked to the federal and state contribution percentages. Heaston said all
223 line items will have to be reduced in order to get to more reasonable budget targets.
- 224 • LP-3: Purcell asked Lawson if it was necessary to budget aggressively but also be prepared
225 for the reality of available funds. Lawson said an aggressive target could be something like
226 \$17M a year, but in reality the Program is not likely to have that much money available and
227 such a budget would be considered over-target if only \$14M is available. The budget should
228 reflect what should be bought with the first \$14M and then identify "over target items".
 - 229 • LP-4: Purcell said it seems like if the ED Office hires a land manager, then this line item
230 should reflect less budget because the Land Manager would complete some of the work that
231 a contractor would otherwise have to be hired to do. Jennifer Schellpeper asked if this line
232 item included potential management expenses for properties other than Cottonwood Ranch
233 and Wyoming. Bruce Sackett said it did at this point; it represents a good-faith estimate of
234 potential annual management costs for all Program properties.
 - 235 • Kowalski said costs for things like meeting rooms and expenses were originally considered
236 to be a part of the estimated \$1.49M/year for Project Administration. Purcell asked if we
237 should keep a separate set of books to track against the estimated budget provided in the
238 Program document. Kowalski said any veering away from that estimated budget should be
239 done with eyes wide open and the GC should discuss that. Barel's said the estimated budget
240 could be a "first page" for the overall budget document. Purcell said that would be a tool to
241 compare against.
 - 242 • WP-1: Purcell said the Program needs to be careful not to become the responsible entity for
243 removing phragmites from the entire Platte River. Kenny and Heaston discussed ongoing
244 efforts and ways the Program could be involved without taking a primary role, such as
245 coordinating invasives efforts. Ron Bishop asked when we were planning on clearing out the
246 sprayed phragmites at the choke point. Kenny said spraying occurred last fall and removal
247 will proceed in fall 2008 (need to wait a year before removal).
 - 248 • WP-5: Lawson asked what the \$300,000 would buy. Kenny said it would give the Program
249 access to the conjunctive use model, training on how to use it, and determining how to use
250 the tool in implementation of the Water Action Plan. Lawson asked for a written description
251 of what this would mean. **Kenny said this written description is being developed with the
252 assistance of the WAC.** Purcell said if this can be used as a tool for the Service to grade
253 water projects, then it has application for the Program. Barel's said it would not. Schellpeper
254 said her understanding it could potentially be useful as a tool to evaluate offsets for both the
255 Nebraska Depletion Plan and the Program. Barel's said the current design is not directed at
256 that approach. The model is being developed for the parties that are paying for it and it may
257 not be publicly available. The entities developing the model have not yet heard of the
258 Program interest. Barel's and Bishop indicated that they had just been informed that the
259 model would not be completed until the end of 2009, which would eliminate the need for a
260 FY09 budget item and allow the parties time to discuss the potential usefulness of the model
261 to the Program. **The GC agreed to remove the \$300,000 from WP-5 for FY09.**
 - 262 • WP-6: Purcell said this estimate is low and will take more than one year to complete. **The
263 GC agreed to add \$500,000 for this line item in FY10.**



- 264 • Lawson asked about what the numbers in FY10 for WP-4 and WP-7 mean and asked to
265 clarify changes. **The GC agreed to remove \$8.8M from WP-4 and added \$500,000 for**
266 **WP-7 in both FY11 and FY12.**
- 267 • PD-4: **Smith said this line item would be revised downward or moved to zero each year.**
- 268 • PD-13: **Smith said to delete this line item.**
- 269 • PD-12: Lawson asked who would do the hydraulic modeling effort. Kenny said it would be
270 done through RFP. Lawson indicated that he would like to see a description of the potential
271 uses and benefits to the Program before the RFP is released.
- 272 • IMRP-2: Lawson said the FY09-FY11 budget needs to accurately reflect what will be done
273 on the ground; specific research should be identified within this budget line item, or separate
274 line items should be created
- 275 • PS-2: Kenny said this should be FY08 Unliquidated Obligations.
- 276 • Don Anderson said the Program’s Biological Opinion said there is a need to implement pallid
277 sturgeon conservation measures before the end of the First Increment to avoid a jeopardy
278 biological opinion. There likely needs to be a pallid sturgeon placeholder in the long-term
279 budget for these activities. Barels asked if this was the case, or if future activities were to be
280 determined by the results of the ongoing studies. Purcell said that was the case. Kowalski
281 said the Program agreement said there would be no pre-determination about pallid research
282 and activities and the first actions would be to assess the likelihood of Program impacts on
283 pallid sturgeon.
- 284 • Barels said we should link the budget to the milestones, possibly as another column. **Purcell**
285 **and Barels said this should be a FY09 task, not for the December GC meeting.**
- 286 • TP-4: **Purcell requested that the comments section reflect that the USGS was awarded**
287 **this study.**
- 288 • WC-1: **Purcell requested that the budget specify in the comments section how long AIM**
289 **is under contract to conduct whooping crane monitoring.**

290
291 Meeting adjourned until 8:00 a.m. on Wednesday, October 8, 2008.

292
293 **Wednesday, October 8, 2008**

294
295 **Welcome and Administrative**

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

297
298 **Nebraska Depletion Plan**

299 Jennifer Schellpeper provided the GC with an update on the status of the Nebraska Depletion
300 Plan and walked through an outline of the approach. There has been a funding agreement
301 reached between the states and the NRDs. The state committed to \$2M annually and the NRDs
302 \$1M annually. In addition, a NET grant application has been submitted for \$2M annually,
303 making for \$5M available each year for the depletion plan. A starting point would be 15 years of
304 retirement of water through the CREP program; the state would permanently buy those rights
305 with the \$5M. Ron Bishop said the plan is to use the \$5M to tag on to CREP short-term
306 retirement to make it permanent retirement. The Nebraska Game and Parks Commission is one



307 of the sponsors of the NET grant and will be putting money into converting retired areas that
308 become grassland for public hunting opportunities. Kent Miller said all NRDs have this
309 integrated into their budgets. Bishop said a decision on the NET grant will be in February 2009.
310 Purcell asked about the water acquisition goals. Schellpeper said about 15,000 acre-feet of
311 water, and the focus would be on acres that are closer to the river. Bishop said COHYST has
312 already identified the impact to the river in the Central Platte NRD; Central Platte NRD has
313 already acquired 1,000 acre-feet through their water banking program. Schellpeper said there are
314 9,000 acres signed into the CREP program in the Platte River basin already; those acres would
315 be targeted initially for permanent buyout if any of those landowners are interested. Kowalski
316 asked about the CREP authorization. Schellpeper said about 50,000 acres are signed up and
317 there is a cap of 100,000 acres. State money for permanent buyout would not be available until
318 2009 out of the water resources cash fund, but federal money is available through CREP. Purcell
319 asked if the HDR conjunctive use model would be used for this effort. Bishop said it would not
320 be; that tool is focused on helping to better analyze how surface and groundwater use could be
321 made more efficient.

322
323 Schellpeper said there is a new report available on the COHYST website that analyzes
324 depletions. The DNR is also looking at additional uses as part of the depletion plan. The
325 Overappropriated Basin plan has gone through subcommittee and is going back to a larger group
326 of stakeholders for approval; that plan will be tied to individual Integrated Management Plans
327 being developed by NRDs.

328
329 **Contractor Prequalification for Restoration and Maintenance (BPA)**

330 Jason Farnsworth discussed the need for contractor prequalification for restoration/management
331 activities on Program lands. The process described will improve accountability and ensure the
332 Program gets the best product for its dollars. The prequalification process would only be used
333 for projects under \$25,000; larger-dollar projects would be done under separate individual bid
334 packages. Contractors would fill out a packet including a description of their capabilities,
335 equipment, experience, and other related information. John Heaston asked if annual rate updates
336 were enough, given the volatile nature of how those rates change. Farnsworth said we can make
337 exceptions if fuel prices jump quickly or other costs increase unexpectedly. Mike Drain said the
338 Program needs to watch closely to make sure a contractor is working at a rate that is
339 commensurate with their work. Farnsworth said that is the intention. Drain asked if cost would
340 be the determining factor for deciding which contractor to use and if contractors would
341 understand how the selection process is conducted. Farnsworth said we could lay out the process
342 of selecting first by cost, then by capability. Rich Walters said this is a tough question because
343 the small number of contractors that do this work on the river. Heaston said updating rates on
344 more than an annual basis would keep contractors more responsive. Purcell said put the rate
345 issue burden on the contractors – each time they change rates they have to advise the Program.
346 He suggested it may require settling up every day as to hours worked and tasks completed. This
347 process is expedient and will take more staff time to manage.

348
349 Brian Barels said he likes the prequalification process but is still concerned about the selection
350 process. If the low-cost vendor is not selected, that contractor will be upset. Barels said there



351 needs to be clear information provided on how the selection process will be conducted.
352 Farnsworth said under those conditions, the prequalification option may not be best. Drain said
353 maybe the prequalification process could be used to identify contractors to contact, and then
354 those contractors would be the ones to submit bid packages. Another piece of information to
355 gather from contractors would be their ability to mobilize. Farnsworth said that is captured in
356 the required information, such as requests for mileage rates. Felipe Chavez-Ramirez said you
357 also have to consider situations such as when a contractor retires and turns the business over to a
358 new person – that new person may not be as efficient as the other owner. Purcell said that if a
359 contractor makes it through the prequalification process, then the Program should just accept the
360 best quote based on price and select that contractor to take subjectivity out of the selection
361 process. Heaston asked if the ED Office had identified a way to determine who is qualified. He
362 said there needs to be something objective put together that potential contractors will understand,
363 possibly some weighting criteria. Walters said in-channel work is a new game and those
364 contractors do not yet have a feel for the per acre cost. John Lawson asked about the phrase
365 “most qualified” in the existing Procurement Policy and how that relates to prequalifying several
366 contractors. Purcell said there may be a hole in the Procurement Policy because at the state level
367 contractors for this physical work are selected based on low bid. Farnsworth asked if the
368 selection is quote-driven, whether we need to have some minimum specifications as to the work
369 that needs to be done. Purcell said that will be determined in the contract. **The GC agreed that**
370 **they need to see a revised version of this document and approach at the December meeting.**
371

372 Acquisition of Lands from Conservation Organizations

373 Jerry Kenny discussed the recommendations from the ED Office on the potential acquisition of
374 Program land that is currently owned by conservation organizations – can lands purchased by
375 conservation organizations prior to July 1, 1997 be acquired, and if so can they be counted
376 toward First Increment Program land goals? Purcell believes this action is off the table because
377 the GC is not interested in acquiring land that will not count toward Program acquisition goals.
378 Drain said the problem is that these lands could be lost through sale and in the future then would
379 not be available to count in the future (potentially in the Second Increment). The Program
380 document says acquisition will be on a case-by-case basis with GC approval. The
381 recommendations from the ED Office seem to just reaffirm this language and may not be needed.
382 Bruce Sackett said this was precipitated by two properties being brought in front of the LAC for
383 consideration as potential Program lands. Barels said the Program document language was
384 intended to address whether lands held by conservation organizations were to be counted toward
385 long-term Program land goals but does not say anything as to whether land owned by a
386 conservation organization that comes on the market can be considered. Purcell said the LAC
387 should decide if a parcel is a good investment, and the U.S. Fish and Wildlife Service needs to
388 say at that time if that land will be credited. Purcell said this policy is not needed and the LAC
389 should be careful about recommending property that may not count toward the 10,000 acre goal
390 of the First Increment.

391
392 Lawson said there seems to be two basic principles: 1) the Program will not purchase land that
393 will not be credited toward the First Increment goal (**the GC agreed**), and 2) there is no blanket
394 prohibition against consideration of the purchase of land owned by conservation organizations



395 now on the market for sale (**the GC agreed**). Greg Wingfield said that the Service’s view is that
396 the heart of the Program is providing progress toward species recovery, within which the land
397 component’s key contribution is acquiring new habitat to improve over the 1997 baseline. He
398 stressed that the Service must be guided by the large body of information describing the intent of
399 the First Increment habitat objective as that of acquiring habitat not protected and functioning
400 prior to July 1, 1997, but that the Service acknowledges that case-by-case flexibility is ultimately
401 provided for and that the need for this flexibility is sound. According to the Program document,
402 if the GC acts to acquire land interest it will count toward the First Increment goal. However, as
403 provided for in the Program document (Organizational Structure – Governance Committee) such
404 action requires either (a) informal consensus or (b) affirmative vote of 9 of the 10
405 representatives, including representatives of the states, Service, and Bureau of Reclamation. So,
406 the Service’s involvement is deciding whether they support the acquisition and subsequent
407 crediting up front. Harry LaBonde asked if the Service could provide a determination to the
408 LAC at the time the LAC is considering a particular tract. Wingfield said they can provide their
409 opinion to the LAC but that the issue should ultimately also be brought in front of the GC at
410 which time the final Service determination would be reflected in the informal consensus or
411 voting process. He provided some suggested edits to the ED Office recommendations.

412
413 June DeWeese said the Service wants to increase the 1997 baseline of protected habitat, not just
414 move land back and forth between ownership. However, the Service would not want the 1997
415 baseline eroded by potential land use conversion resulting from a change in ownership. This
416 means the parcel size will be an important factor in how this question will be answered. Chavez-
417 Ramirez said the Trust owns several properties that no longer fit its mission. Much of that land
418 is agricultural land and the Trust will not be restoring that land; restoration would have to be
419 done under the Program. Heaston said there is an estimate of 2,800-3,500 acres of land
420 purchased by NGOs since 1997. We need to determine what “contribute” means in regard to
421 conservation lands and how they might fit into the Program. TNC has also gone through an
422 evaluation process and certain properties do not fit its mission; the Program is being given the
423 first opportunity to consider acquiring certain of these properties. Purcell said pre-1997 land can
424 be considered for acquisition but will have a bigger hurdle to clear. Barels said he does not agree
425 with this assessment.

426
427 **Public Comment**

428 Purcell asked for public comment; none was offered.

429
430 The Governance Committee took a fifteen-minute break and then re-convened in Executive
431 Session.

432
433 The Governance Committee exited Executive Session and reconvened the public meeting.

434
435 **Ted Kowalski offered a motion to commence appraisals and negotiations on Tracts 0807,**
436 **0822, 0823, and 0837, 0838, and 0842; June DeWeese seconded. The GG approved the**
437 **motion.**

438



439 **Future Meetings & Closing Business**

440 The next GC meetings will be:

441

- 442 • December 2-3 in Denver, CO at the new Marriott Residence Inn near the Denver Airport
- 443 • February 10-11 in Kearney, NE
- 444 • April 7-8 in Cheyenne, WY
- 445 • June 9-10 in Kearney, NE (the GC requests that Don Kraus arrange a golf outing)

446

447 Purcell requested that everyone review the draft FY09 budget again and call Kenny with any
448 concerns/edits as soon as possible to ensure a smooth budget discussion at the December GC.
449 Meeting adjourned.

450

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

452 1) GC approved August 2008 GC meeting minutes

453 2) ED Office agreed to provide the GC with a list of positions/job descriptions in the ED Office,
454 what those individuals work on, and integrate into the budget how ED Office staff work can
455 reduce costs in other areas of the Program budget because staff will do work as opposed to
456 contractors.

457 3) ED Office will develop a written description of the conjunctive use model and how that tool
458 would be used to benefit the Program; that description is being developed in conjunction with
459 the WAC.

460 4) GC agreed to remove the \$300,000 from WP-5 for FY09.

461 5) GC agreed to add \$500,000 for this line item in FY10.

462 6) GC agreed to remove \$8.8M from WP-4 and added \$500,000 for WP-7 in both FY11 and
463 FY12.

464 7) ED Office revised PD-4 down to \$10,000/year from FY09-FY19.

465 8) ED Office deleted line item PD-13 (AMP Science Plan).

466 9) Budget will be expanded to include relationships to milestones, revenue
467 projections/contribution percentages, and relationship to budget estimates in Finance
468 document as a FY09 task.

469 10) ED Office revised comment section for TP-4 to reflect that the USGS was awarded this
470 study.

471 11) ED Office revised comment section for WC-1 to specify how long AIM is under contract to
472 conduct whooping crane monitoring.

473 12) GC wants to see a revised version of approach to contractor prequalification at the December
474 meeting.

475 13) GC agreed on two key principles: the Program will not purchase land that will not be
476 credited toward the First Increment goal and 2 there is no blanket prohibition against
477 consideration of the purchase of land owned by conservation organizations now on the
478 market for sale.

479 14) GC approved motion to commence appraisals and negotiations on Tracts 0807, 0822, 0823,
480 and 0837, 0838, and 0842.



481 15) ED Office will follow up with the National Weather Service to learn more about their recent
482 determinations on flood stage and see if they would be willing to discuss those
483 determinations with the GC.