



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Governance Committee Meeting Minutes

Ramada Inn – Kearney, NE

April 7-8, 2009

Executive Director’s Office

Jerry Kenny – Executive Director

Bridget Barron

Chad Smith

Jason Farnsworth

Bruce Sackett

Tim Tunnell

Justin Brei

Governance Committee

Don Ament – State of Colorado, Chair

Brian Barels – Nebraska Public Power District

Alan Berryman – Northern Colorado Water Conservancy District

Ron Bishop – Central Platte Natural Resources District

Felipe Chavez-Ramirez – Platte River Whooping Crane Maintenance Trust

Norm DeMott – Upper Platte River Water Users

June DeWeese – U.S. Fish and Wildlife Service

John Heaston – The Nature Conservancy

John Kolanz – Greeley Water and Sewer Department

Ted Kowalski – State of Colorado

Don Kraus – Central Nebraska Public Power and Irrigation District

Harry LaBonde – State of Wyoming

John Lawson – Bureau of Reclamation

Kent Miller – Twin Platte Natural Resources District

Jennifer Schellpeper – Nebraska Department of Natural Resources

Dennis Strauch – Pathfinder Irrigation District

Bill Taddicken – Audubon Rowe Sanctuary

Kevin Urie – Denver Water

Participants

Ryan Urie – Public

Mike Besson – State of Wyoming

Mark Czaplewski – Central Platte Natural Resources District

Dan Bigbee – EA Engineering, Science, and Technology, Inc.

Brock Merrill – Bureau of Reclamation

Ann Bleed – CDR Associates

Mike Drain – Central Nebraska Public Power and Irrigation District

Frank Kwapnioski – Nebraska Public Power District

Greg Wingfield – U.S. Fish and Wildlife Service



45 Larry Reynolds – Tri-Basin Natural Resources District
46 John Engel – HDR
47 Diane Hoppe – MWH
48 Ken Knox – URS
49 Kevin Prior – Olsson Associates
50 Jim Jenniges – Nebraska Public Power District

51

52

Tuesday, April 7, 2009

53

Welcome & Administrative

55 Ament called the meeting and the group proceeded with introductions. Heaston moved to
56 approve the February 2009 GC minutes; Bishop seconded. **Minutes approved.**

57

Program Committee Updates

Land Advisory Committee (LAC)

60 Czaplewski provided an update on the latest LAC activities. The LAC met on March 11 and
61 established a subcommittee to work on guidelines and principles for the potential of the Program
62 acquiring land for trade/exchange. The LAC approved the Wyoming Property and Cottonwood
63 Ranch Land Management Plans (LMP). The next LAC meeting is May 20 in Kearney.

64

Water Advisory Committee (WAC)

66 Kwapnioski provided an update on the latest WAC activities. The WAC met on January 20 in
67 Ogallala. The focus of the WAC has been through the subgroup and priorities include reviewing
68 Central projects (Elwood and J-2); tools for assessing water availability and management; and
69 reviewing and updating Water Action Plan items. There was a subgroup meeting on February 26
70 and the subgroup has developed a draft RFP to look at Central projects including Elwood
71 Reservoir and a potential J-2 Return Reservoir. Several WAC members have been involved in
72 planning efforts for the flow routing test that will begin soon. The next full WAC meeting is
73 May 19.

74

Technical Advisory Committee (TAC)

76 Smith provided an update on the latest TAC activities. The TAC did not meet since the February
77 GC meeting. The next TAC meeting is in Denver on April 22, and the TAC will consider a RFP
78 on the sediment augmentation feasibility analysis, discuss methodologies for measuring habitat,
79 and other items.

80

Adaptive Management Working Group (AMWG)

82 Smith provided an update on the latest AMWG activities. The AMWG held a workshop in early
83 March to discuss experimental design for mechanical management actions such as channel
84 widening, flow consolidation, and island building. The next AMWG workshop will focus on
85 experimental design for pulse flows and will be in Ogallala, NE on May 5-6.

86

87

88



89 *Independent Scientific Advisory Committee (ISAC)*

90 Smith provided an update on the latest ISAC activities. The first ISAC meeting was held in
91 Kearney, NE in March. The ISAC discussed general issues related to implementation of the
92 Adaptive Management Plan (AMP) as well as questions related to the forage fish monitoring
93 protocol and the management objective in the AMP related to whooping cranes. The next
94 meeting of the ISAC will be June 1-2 in Cheyenne. The ISAC will provide a summary
95 presentation on their response to priority questions and issues to be addressed in the 2009 ISAC
96 report to the GC. Miller asked if GC members should consider attending the public session on
97 Monday afternoon, June 1 during the next ISAC meeting. Smith said GC member time would
98 probably be better spent at the GC meeting, but that issues or concerns the GC wants the ISAC to
99 consider should be passed along to Smith as soon as possible to make sure the ISAC discusses
100 those items at the Cheyenne meeting.

101
102 *Finance Committee (FC)*

103 Smith provided an update on the latest FC activities. The focus of the last FC conference call
104 was a discussion of upcoming budget items related to implementation of the Adaptive
105 Management Plan and the Water Action Plan. Those items will be discussed later today with the
106 GC; there were no decision items discussed during the conference call.

107
108 **Colorado Depletions Plan**

109 Kowalski said Colorado is 70% of the way toward a Depletions Plan report, but that the State is
110 still working with numerous water providers on compiling a list of all sources of new supply and
111 depletions. Colorado suggests that it will provide its report to the GC and WAC in April and the
112 WAC will consider it at the scheduled May meeting. Kowalski asked the GC for an extension of
113 time, and to make sure that the WAC is given proper time to review the report and that Colorado
114 has time to incorporate those comments. Miller moved to approve the time extension; LaBonde
115 seconded. **Colorado request for a time extension approved.**

116
117 **CNPPID/Program MOA**

118 Lawson said the subcommittee developed two draft Memoranda of Agreement (MOA), one with
119 the Program responsible for all aspects of construction and the other with CNPPID responsible
120 for construction. CNPPID responded that they prefer being responsible for construction and
121 provided a modification to the version that kept CNPPID in charge of construction
122 responsibilities. At this point, the subcommittee continues to head down that road. Ownership
123 and operation will remain with CNPPID. Lawson said it appears there should be a document
124 offered to the GC for consideration in the very near future. Besson asked how the funding will
125 track for operation and construction. Lawson said the Program will be responsible for all
126 funding aspects (construction, operation, and maintenance) commensurate with the benefits
127 provided. The subcommittee offered a 50-year term for the MOA; Central offered a 30-year
128 term.

129
130 **FY09 Budget Items Updates**

131 Kenny discussed the FY09 Program budget status sheets and the overall budget condition. There
132 is a good balance and the Program is trying to reduce that balance by acquiring land as rapidly as



133 possible. The budget spreadsheet closes out the FY08 budget and shows recent history of
134 expenditures.

135
136 *WP-1: North Platte Channel Capacity Project*

137 Phragmites clearing work has been completed at the choke point. The flow routing test should
138 reflect the impact of that vegetation removal. Kenny met with the West Central Weed
139 Management Authority to discuss the logistics of accomplishing the removal of phragmites
140 downstream of the choke point to the Central diversion dam. By July 1, West Central should
141 have a Project Coordinator in place. The intent is to do the clearing work this fall and West
142 Central will do the heavy lifting of developing a RFP and selecting a contractor. RFP should be
143 issued after the first of July with work to be completed in September/October.

144
145 *G-1: LiDAR Implementation*

146 LiDAR flights were completed March 17-19 under preferred conditions (low flow, no snow, no
147 ice, leaf-off). Kenny noted the Program’s appreciation to Central and NPPD to keep flows low
148 during this time period. Collected data should be of high quality. Brei of the ED Office
149 coordinated this effort.

150
151 *G-2: Aerial Photography*

152 Brei discussed the revised aerial photography protocol and changes to the timing and methods of
153 aerial imagery acquisition. The ED Office requests that the GC increase the G-2 budget from
154 \$10,000 to \$40,000 to acquire aerial images in late May/early June to best correspond to habitat
155 measurements and other Program data needs. This flight will correspond to the height of
156 tern/plover nest initiation on the central Platte. Kenny said the ED Office is asking for a budget
157 increase and to secure a contractor on a multiple-year basis (three-year contract requiring an
158 Annual Notice to Proceed and annual Program budget approval). Brei said the budget request is
159 based on asking the contractor that flew Program aerial imagery last June what the cost would
160 be. Lawson asked if a three-year contract would be less than \$120,000; Brei said yes, because
161 the \$40,000 figure is based on only one year of imagery. The contractor Brei talked with said a
162 multi-year contract would result in lower annual costs. Kraus moved to approve the budget
163 increase and the multi-year contract; Schellpeper seconded. **Budget increase and multi-year
164 contract approved.**

165
166 Chavez-Ramirez asked about changing the timing of the flights from the original protocol. Brei
167 said the Program will now have better control of the timing and that data will be more
168 comparable to past imagery and more compatible with the new LiDAR data.

169
170 *WQ-1: Water Quality Monitoring*

171 Kenny said the current approved budget will satisfy implementation activities in FY09. There is
172 a protocol ready for implementation this year; that protocol will still be peer reviewed, but
173 implementation can proceed in 2009. Additional sampling has been proposed starting in 2010
174 that would capture information related to biocontaminants; that proposed change will be
175 discussed at the TAC meeting on April 22. Schellpeper asked about the changes and if they
176 relate to trying to determine the impact of waterfowl use of the river. Kenny said that is the case



177 and it will be discussed at the next TAC meeting, though that part of the protocol would not be
178 implemented until 2010.

179

180 *PD-8: Database Management System*

181 Farnsworth thanked GC members that had staff on the Proposal Selection Panel. Riverside
182 Technology Inc. from Ft. Collins was selected as the contractor. A signed contract is now in
183 hand and work is proceeding. The first phase is information discovery and system design (likely
184 to be proprietary as opposed to open-source). The first phase will last approximately three
185 months. Kenny said a refund has been received from the Fish and Wildlife Service for the
186 previous effort. Besson asked about the issues related to proprietary versus open source.
187 Farnsworth said proprietary software is more expensive out of the box but provides access to
188 more robust and ready-to-go tools; open source software is free but requires more customization.

189

190 *General Budget Items Update*

191 Kenny updated the GC on three RFPs that will come up before the next GC meeting in June.
192 Two RFPs deal with feasibility investigations related to the Elwood Reservoir and the J-2 Return
193 Reservoir. Comments have been received from the WAC and the MOA subcommittee. ED
194 Office staff is integrating those comments and will pass the RFPs by the WAC again before
195 taking them to the FC on April 27. The combined budget total for those two RFPs is \$500,000.
196 The RFPs will ask for qualifications and approach and will not ask for cost estimates. Proposed
197 members of the Proposal Selection Panel are: Farnsworth, Besson, Kwapnioski, Brian Anderson
198 (BOR), Anna Mauss (CWCB), Cory Steinke (CNPPID), Pat Diederich (Nebraska). Chavez-
199 Ramirez asked to add Bill Taddicken to the Panel; that request was approved. Barel moved to
200 approve the Proposal Selection Panel; Chavez-Ramirez seconded. **Panel approved.**

201

202 Kenny said the third RFP is for the sediment augmentation feasibility analysis – conceptual
203 design, sediment locations and options, and other design criteria. This RFP will ask for
204 qualifications and approach; cost estimates will not be requested. Proposed members of the
205 Proposal Selection Panel include: Smith (ED Office), Jim Jenniges (NPPD), Lisa Fotherby
206 (Bureau of Reclamation), and Scott McBain (McBain and Trush; Program advisor). **The GC**
207 **will consider additional panel members to recommend during the Wednesday meeting.**

208

209 **Program Outreach Update**

210 Several Program presentations over the past couple of months:

- 211 • Smith presented at the Nebraska Tern and Plover Annual Meeting in Lincoln.
- 212 • Kenny and Smith presented at the CAMNet Rendezvous in Kearney.
- 213 • Barron presented at the Society for Applied Anthropology in Santa Fe, NM.
- 214 • Farnsworth, Sackett, and Kenny presented at the Rivers and Wildlife Celebration in Kearney.
- 215 • Smith presented at a Lifelong Learning Course in Lincoln.
- 216 • Smith presented at Ann Bleed's Integrated Resources Management course in Lincoln.
- 217 • Sackett presented at the Rainwater Basin Private Lands Working Group.

218

219 Barron discussed the Program press release on the flow routing test and how the story was



220 picked up widely around the basin. The Nebraska Environmental Trust awarded a \$240,000
221 grant to help re-open Crane Meadows Nature Center. The Program is a partner with Hastings
222 College to manage Crane Meadows; an Executive Director has been hired and that will be
223 announced soon.

224
225 Barron and Kenny handed out hard copies of the 2007 & 2008 Program accomplishments report.
226 Kenny requested that the GC review the report and provide comments to the ED Office within
227 the next two weeks. Those comments will be incorporated into the final draft and the report will
228 be printed and bound for distribution to the general public. Kowalski said he will provide Barron
229 with examples of similar reports from other systems to provide some possible templates for
230 additional reports. DeWeese said she will set a date with Jerry to talk about how to report on
231 progress toward Program milestones.

232
233 **Pathfinder Project**
234 LaBonde discussed the status of the Pathfinder Project and the storage recapture effort. The
235 petition for change of use has been approved by the Board of Control, and the Legislature has
236 now approved the export statute to take water out of the Pathfinder Reservoir and convey it to
237 the state line. In the export statute, water for the program can come from the Environmental
238 Account (33,493 acre-feet) and the Wyoming account (9,600 acre-feet). The water in the
239 Wyoming account is only available if it is not needed for Wyoming uses. Lawson said the
240 Bureau is working with the Wyoming Water Development Commission to develop a contract to
241 proceed with construction of Pathfinder Mod. Besson said we are at 98% complete on design
242 specs.

243
244 **Disbursement of Funds for Land Purchases**
245 Kenny proposed a short-cut disbursement process for funds associated with land purchases. The
246 normal process is Kenny receives bills/invoices, reviews them, and then sends them on to
247 Lawson’s office with a Request for Disbursement. That is sent to signatories for approval, and
248 then the Nebraska Community Foundation (NCF) receives approval and cuts checks only on
249 Fridays. That process works well for most contractors and vendors and ensures most people get
250 paid within thirty days. For land purchases, this process does not work as well – the time cycle
251 is too long for earnest money and closing. To this point, the ED Office has been using a
252 somewhat expedited process to get requests moving more quickly. Kenny instead is asking the
253 GC to consider a shortcut – the GC motion to move forward with appraisal and negotiations on a
254 tract will include approval to disperse earnest money and closing costs. Kenny would send a
255 Request for Disbursement to the Bureau for information purposes, but would simultaneously
256 send a Request to the NCF for immediate payment (based on the “pre-approval” in the new
257 motion format).

258
259 Kraus asked about where the GC approval of final acquisition fits in this process. Kenny said it
260 comes back to the GC when negotiations are complete and price is settled on. Kraus asked why
261 that is not in the minutes. Kenny said that occurs in closed session and is not recorded in the
262 minutes. Sackett said those numbers will come out in public once the deed is transferred to
263 protect the landowner. Lawson asked if price will continue to be shared at closed session.



264 Sackett said it will and the final negotiated price will generally be close to that figure shared in
265 Executive Session with the GC. **Kraus said add the words “as presented” in the new motion**
266 **after “...purchase of the XXX tract”**. Urie asked about the ability to include a “not to exceed”
267 cost. Sackett said if accretion acres turn out to be more than expected, that might prevent us
268 from acquiring important land. DeWeese asked how big of variety on the bottom-line price
269 might be. Sackett said the ED Office presents tracts on a per-acre basis, and so far all tracts have
270 ended up very close to that appraised value. DeWeese asked if there is a range of risk of a
271 potential 25% increase or decrease in cost; Sackett said possibly, especially when dealing with
272 land that has accretion ground. DeMott asked about how the Program deals with accretion
273 ground. Sackett said higher land prices mean that accretion ground has to be acquired.

274

275 Kraus moved to approve:

- 276 • Revised language for the motion to accept a Contract of Sale.
- 277 • Revised Request for Disbursement process for real estate transactions.
- 278 • The revised Request for Disbursement process will be implemented for all real estate
279 transactions from this point forward.

280

281 Kowalski seconded. **Revised language and process approved.**

282

283 **High Flow Event Report**

284 Farnsworth provided the GC with a presentation on the 2008 High Flow Event Report. Kraus
285 asked when the Program airboat would arrive. Farnsworth said mid-May. LaBonde asked if any
286 terns or plovers nesting on the river were impacted by the high flows. Farnsworth said no birds
287 were swamped by the flows because birds that were nesting on the river were nesting on higher
288 elevation constructed bars. A later storm did actually injure birds and disrupt nests due to strong
289 wind, hail, and lightning. Smith said birds can re-nest if nests are destroyed early in the May-
290 August nesting season.

291

292 Meeting adjourned until 8:00 a.m. Wednesday.

293

294 **Wednesday, April 8, 2009**

295

296 **Welcome and Administrative**

297 Ament called the meeting to order and the group proceeded with introductions. Ament thanked
298 Headwaters and Bill Taddicken for hosting the activities the previous night.

299

300 **Sediment Augmentation RFP Selection Committee**

301 Colorado members of the GC asked that Alan Berryman be added to the selection panel for the
302 Sediment Augmentation RFP. The recommended selection panel consists of Chad Smith, Jim
303 Jenniges (NPPD), Lisa Fotherby (Bureau of Reclamation), Scott McBain (McBain and Trush;
304 Program advisor), and Alan Berryman (Colorado Water Users). **DeMott moved approval of**
305 **the committee with the recommended membership. Heaston seconded and the committee**
306 **was approved.**

307



308 **EA Flow Routing Test**

309 Wingfield gave an update on the planned flow routing test in the coming weeks. He explained
310 the releases will start at midnight tonight (April 8), and ramp up slowly. Releases will occur
311 from April 9-16. The four peak days at North Platte will be the 14th through the 17th. The same
312 four days CNPPID will “intentionally bypass” 1,100 cfs. Wingfield expects to achieve 3 days
313 near 3,000 cfs at Overton, April 17-19. Intense monitoring will occur during the release,
314 including participation by USFWS, Nebraska DNR, Program staff and other partners. The total
315 intentional bypass expected is 8,750af, at a cost of about \$125,000. Estimated amount of EA
316 water remaining in Lake McConaughy after the release is 85,000af. Wingfield described the
317 outreach activities with interested parties along the river. This includes North Platte hydro
318 operators, CNPPID staff, congressional delegations from the three states, and public through
319 news releases in area newspapers. Ament asked who would be monitoring the choke point at
320 North Platte. Kenny said SEH and TC consultants are monitoring the choke point area.
321

322 **Program Land Management Plans**

323 Sackett introduced the Wyoming and Cottonwood Ranch Management Plans for approval. He
324 described each plan’s intent to be a five-year plan, and showed the group the work plans which
325 will be created yearly under each management plan. Sackett walked the group through some of
326 the activities planned for this year at the Wyoming property, including wheatgrass treatment and
327 treatment of noxious weeds, and some of the planning and research activities listed in the annual
328 work plan. Ament asked why we are decommissioning groundwater monitoring wells on the
329 property. Sackett said the wells are a remnant of a wetland study on the property, and the wells
330 occur scattered throughout the property and would impede planned activities such as grazing,
331 burning, and disking. Sackett described this as a “clean-up” activity. Chavez-Ramirez expressed
332 concern at removing the wells, and at the lost opportunity to gather data on wetlands and
333 groundwater levels as we implement changes to river flow through the Program. Czapski
334 said that the wells have not been read for ten years, and their location is not ideal with respect to
335 the river.
336

337 Chavez-Ramirez asked if the plans have been reviewed by the TAC and expressed concern over
338 the technical items in the plan. Sackett described the process for creating the plans. The plans
339 are created by a selected team of volunteers from the TAC and LAC, and then the plans are sent
340 in draft form to both committees. The TAC may offer comment, but the plans are only formally
341 approved by the LAC. Chavez-Ramirez again returned to the issue of the wells. Jenniges agreed
342 that the wells should be left at least until the AMWG has the wet meadows workshop and defines
343 research and monitoring activities on that issue. There was general agreement that the wells
344 should not be removed in 2009.
345

346 Sackett asked DeWeese to explain the changes caused by the USFWS Section 7 consultation
347 requirements. DeWeese discussed the process within USFWS on the issue of performing work
348 activities between 10am and 3pm. DeWeese contacted the Section 7 experts within USFWS to
349 discuss possibilities to make changes within these work plans and still comply with the original
350 Biological Opinion. The result of that conversation was that USFWS can amend the incidental
351 take statement. The USFWS and the Program will provide language to modify the incidental



352 take statement and make these changes in the BO. On each parcel, the Program will request
353 informal consultation and provide a statement that they expect no take to occur based on steps
354 provided in the management plans, and the USFWS will provide a statement of concurrence.
355 Those two statements will be included as appendices to the management plans.

356
357 Bishop asked if the types of grasses intended to be planted had been decided, with considerations
358 for depth to water. Sackett said initially oats will be interseeded, but the type of grass had not
359 been decided. Bishop said that as the Program moves forward, we must be concerned with the
360 types of grasses incorporated into work plans so that we are not increasing consumptive use.

361
362 **LaBonde moved approval of the Wyoming Property Land Management Plan, amended to**
363 **remove the section that calls for decommissioning of the monitoring wells. Kraus seconded**
364 **and the plan was approved.**

365
366 Sackett introduced the Cottonwood Ranch (CWR) Plan. Jenniges said the current five-year
367 management plan outlines activities that bring CWR very close to a final state as far as
368 restoration, and activities beyond that would consist mainly of management and monitoring.
369 NPPD will continue to obtain the necessary section 404 permits for CWR. Sackett then walked
370 the group through some of the activities in the CWR annual work plan.

371
372 **Kraus moved approval of the Cottonwood Ranch Land Management Plan as presented.**
373 **Chavez-Ramirez seconded and the plan was approved.**

374
375 Sackett informed the group that with the approval of the Cottonwood Ranch Management plan,
376 NPPD and the PRRIP Executive Director will now sign the sponsorship agreement for the
377 Cottonwood Ranch property.

378 **Public Comment**

379 Ament asked for public comment, none was offered.

381 **Executive Session**

382 The Governance Committee took a fifteen-minute break and then re-convened in Executive
383 Session. **Schellpeper made a motion to enter executive session to discuss land offerings.**
384 **LaBonde seconded and the GC entered Executive Session at 9:28am.**

385
386
387 **Kraus made a motion to exit executive session. Schellpeper seconded and the GC exited**
388 **executive session at 9:56am.**

389 **Future Meetings & Closing Business**

390 Remaining 2009 GC meetings include:

- 391 • June 2-3 in Cheyenne, WY (ISAC will meet June 1-2)
- 392 • August 11-12 in Denver, CO
- 393 • October 13-14 in Kearney, NE; followed by Platte River Symposium on October 15
- 394 • December 1-2 in Denver, CO. (*Changed from December 8-9*).



396
397 With no further business, Ament adjourned the meeting at 10:02 am.
398

399 **Summary of Action Items/Decisions from April 2009 GC meeting**

- 400 1) GC approved February 2009 minutes.
401 2) GC approved request for deadline extension of the Colorado Depletions Plan.
402 3) GC approved budget increase for item *G-2: Aerial Photography* from \$10,000 to \$40,000
403 and the offering of a three-year contract for aerial photography services.
404 4) GC appointed a Proposal Selection Panel to review proposals for two upcoming reservoir
405 feasibility studies – Jason Farnsworth (ED Office), Mike Besson (State of Wyoming), Frank
406 Kwapnioski (NPPD), Brian Anderson (BOR), Anna Mauss (Colorado Water Conservation
407 Board), Cory Steinke (CNPPID), Pat Diederich (Nebraska).
408 5) GC approved a short-cut funds disbursement process for land purchases.
409 6) GC appointed a panel to review proposals for the sediment augmentation feasibility study –
410 Chad Smith (ED Office), Jim Jenniges (NPPD), Lisa Fotherby (Bureau of Reclamation),
411 Scott McBain (McBain and Trush; Program advisor), and Alan Berryman (Colorado Water
412 Users).
413 7) GC approved Wyoming Property Land Management Plan.
414 8) GC approved Cottonwood Ranch Land Management Plan.