PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Governance Committee Meeting Minutes
DIA Residence Inn – Denver, CO
August 11-12, 2009

Tuesday, August 11, 2009

Executive Director’s Office (ED Office)
Jerry Kenny – Executive Director
Bridget Barron
Chad Smith
Beorn Courtney
Jason Farnsworth
Bruce Sackett
Laura Belanger
Steve Smith

Governance Committee (GC)
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
Norm DeMott – Upper Platte River Water Users
John Kolanz – Greeley Water and Sewer Department
Don Kraus – Central Nebraska Public Power and Irrigation District
Mike Purcell – State of Wyoming
John Lawson – Bureau of Reclamation
Kent Miller – Twin Platte Natural Resources District
Kirk Nelson – Nebraska Game and Parks Commission
Dennis Strauch – Pathfinder Irrigation District
Ted Kowalski – State of Colorado
Deb Freeman – SP WRAP/Colorado Water Users
George Williams – Upper North Platte River Water Users
Michael Thabault – U.S. Fish and Wildlife Service
June DeWeese – U.S. Fish and Wildlife Service
John Heaston – The Nature Conservancy

Participants
Mark Czaplewski – Central Platte Natural Resources District
Brock Merrill – Bureau of Reclamation
Larry Schulz – Consultant to ED Office
Don Anderson – U.S. Fish and Wildlife Service
Greg Wingfield – U.S. Fish and Wildlife Service
Jeff Bandy – AECOM
Welcome & Administrative
Ament called the meeting to order and the group proceeded with introductions. Kraus presented Purcell with a token of appreciation for his previous service as GC Chair. June 2-3, 2009 minutes approved.

Program Committee Updates
Land Advisory Committee (LAC)
Czaplewski provided an update on the latest LAC activities. The LAC met on July 15 and July 27 to discuss Program land management activities and planning, specifically developing complex Land Management Plans. The next LAC meeting is September 15 in Kearney.

Water Advisory Committee (WAC)
Kwapnioski provided an update on the latest WAC activities. The WAC met on July 21 and focused discussion on depletions plans updates. Wyoming presented their depletion plan information and also an amendment to the plan – the WAC recommends GC approval. Colorado presented their depletion plan information and also an amendment to the plan – the WAC recommends GC approval. The ED Office discussed progress on updating the Water Action Plan (WAP) and weed management at the choke point at North Platte. There will be a presentation at the GC meeting in October on the April flow routing test. The next WAC meeting will be September 15.

Technical Advisory Committee (TAC), Adaptive Management Working Group (AMWG), Independent Scientific Advisory Committee (ISAC), and Peer Review Update
Smith provided an update on the latest activities. The next TAC meeting is September 29 in Kearney and will focus on early results from the lower Platte stage change study. The AMWG held a workshop on July 7-8 in Kearney and made significant progress on habitat and experimental design. A small-group habitat design discussion will be held on August 27 in Kearney. The 2009 ISAC report is being drafted and a draft is expected by the end of August. The full ISAC will attend the Platte River Symposium and take part in a panel discussion on October 15; there may be another ISAC meeting held in conjunction with the Symposium and the GC meeting at that time. Comments have been received from peer reviewers (except one) for all four monitoring protocols being peer reviewed and those comments are being assessed and summarized for further discussion with the TAC.

Finance Committee (FC)
Purcell provided an update on the last two FC meetings. The FC held a conference call on July 20 and approved the RFP for the Cottonwood Ranch Bridge. The CPNRD Elm Creek
Agreement was discussed and re-drafted. The FC held a conference call on July 27 to review the contracts for the sediment augmentation and reservoir feasibility projects.

Program Outreach Update

Several recent presentations:
- Schellpeper presented to the Nebraska Water Law conference on June 19.
- Kenny presented to The Nature Conservancy board on June 20.
- The Program had a booth at the AWRA adaptive management specialty conference in Utah in late June. Smith and Kenny presented at the conference as well.
- The Program sponsored a break at the National Conference on Ecosystem Restoration in Los Angeles in July. Smith led an AM workshop, and Smith and Jim Jenniges presented as part of an AM panel discussion.
- Kenny presented at the Kearney Arch on July 28 as part of the Four States Irrigation Tour.
- Tim Tunnell presented to The Nature Conservancy Working River tour on August 7, 2009. The group met at the Bartels property and Tunnell presented on Program land management.

Upcoming presentations:
- Farnsworth will be presenting on the 2008 high flow event and the Program to the Tri-Basin NRD board at their September meeting.
- Smith will present to a UNO ecosystem restoration class on October 8.
- Program is sponsor of Platte River Symposium on October 15, including moderating and participating in a panel discussion. ISAC will be part of panel discussion as well.

Exhibits/Sponsorships:
- Program is sponsoring a refreshment break at the Nebraska Grazing Conference on August 11-12, 2009 in Kearney.
- Program is sponsoring the North American Weed Management Association Conference and Trade Show on September 21-24, 2009 in Kearney.
- Program will have a booth at Husker Harvest Days in Grand Island on September 15-17; Program will be exhibiting in the Nebraska Association of Resources Districts tent.
- Nebraska Nature and Visitor Center will have grand opening on September 26; Program is a sponsoring partner for the Center.

Press Coverage:
- Kenny and Lawson were interviewed about the Program for a USBR Podcast scheduled to run the week of August 11, 2009. The Podcasts are intended to inform the public about land/water issues that the Bureau is working on.
- Program is featured in an article in the August/September 2009 NEBRASKAland magazine. The title of the article is “A Platte River Purchase” and it covers land acquisition and habitat restoration efforts.
- Czaplewski, Jenniges, and Peyton featured in “Rural Nebraskan” monitoring terns and plovers on the Niobrara River.
FY09 Budget Items Updates

Program Financial Status Report and Budget Spreadsheet

Kenny discussed the status of the Program budget and provided an update on budget items.

CPNRD/PRRIP Elm Creek Reservoir Agreement

Kenny discussed the Elm Creek Reservoir Agreement, which was formerly a MOU but is now in a simpler agreement form. Through discussions with the Central Platte NRD (CPNRD), the Program requested some additional investigations related to the project that are of interest to the Program. This agreement says the Program will reimburse CPNRD costs incurred for these additional investigations, including increased capacity for inflow, larger reservoir size, and a more expanded de-watering system. The Program and CPNRD will discuss what might happen further once these additional investigations are complete. The agreement also includes provisions regarding the need for close coordination with NPPD about the Dawson County Canal. Kenny worked with Bishop on the form of the agreement to ensure it was amendable to the CPNRD Board. Kraus asked Barels if the coordination with NPPD is acceptable. Barels said there would be an agreement for the next phase related to water supply and if it can be delivered through the Dawson County Canal, among other questions. Barels said there is no standing agreement between the CPNRD and NPPD on the reservoir because it is still under investigation. Ament asked about the timeline. Bishop said the reservoir topography is slowing things down now, but it should be made available soon. Actual work by the consultant should not last longer than three months once the topography is available.

Purcell moved approval of the agreement; Miller seconded. Agreement approved.

WP-6: Feasibility Studies

Farnsworth provided an update on the project. Olsson is off and running and has held three meeting so far. Alternatives and operation scenarios have been discussed, and a meeting this morning focused on ranking criteria and how to weigh these criteria. This project remains on an aggressive schedule and a report is scheduled for the end of the year.

PD-13: Sediment Augmentation Conceptual & Construction Design

Purcell discussed changes made to the contract through the FC regarding budget amounts and contract oversight. Smith said those changes were accepted by the selected consultant (The Flatwater Group) and that plans are underway for a kick-off meeting for the project.

LP-2: FSM/MCM Actions on Cottonwood Ranch

Farnsworth discussed potential actions on Cottonwood Ranch related to chipping tree piles and smoothing down an island in the main channel. The existing tree piles are generally burned and buried, but Bruce Sackett and Tunnell have been looking for a contractor to chip the trees because they are located in a potential off-channel nesting habitat site. A contractor in Grand Island can chip and grind the trees for a reasonable price. The bid package will be circulated to the FC prior to the next scheduled FC meeting.
Kowalski said the appropriations bill passed the House and Senate with a FY10 budget amount of $12.707 million. Lawson said that is the case. Barels asked about the 2009 work plan. Kenny said there would be a 2010 work plan and budget that would include all information like 2008, and would likely summarize work done in 2009 as well.

Program Database Management System
Tim Martin from Riverside Technologies and Daren from 3t Systems provided a presentation on their work developing a Program Database Management System (DBMS). Farnsworth reviewed what we had worked out with the previous DBMS contractor, which looked more like System C. The recommended system, System B, now includes GIS data. Kraus asked what current Program budget is for this. Farnsworth said about $1.3 million for the First Increment (@ $100,000/year); Kenny said the 2009 budget is $200,000, but that there were initial development funds returned from the previous effort in excess of this budget that add to the authorized funds still available. DeWeese asked if this would be a new web site or would build on existing web site. Kenny said this would replace the existing web site and immensely expand the capabilities. DeWeese asked if all data and information would be available. Kenny said all data would be available – public information, administrative information, land items, data from scientific monitoring/research, etc. Each type of data could have different levels of security/accessibility to protect confidential information and sensitive information on endangered species locations, for example. Berryman asked about the $100,000 annual cost, if it is stable, and if it is the same for all three systems proposed. Martin said that has not been finally determined, but System A would be about $135,000/year and System C would be about $70,000/year. Also, inflation rates for items like licenses and software upgrades are not known. Berryman said it might be worth checking into whether the Program could utilize Department of Interior ESRI licenses to help save costs.

Kraus asked where the hardware would reside. If 3tSystems would host, it would be in downtown Denver or Ft. Collins. Daren said everything would be through web site access. Purcell asked how difficult it would be to change the housing locations. Daren said it would include moving costs for hardware, but would be more expensive for virtual systems because they are harder to move. Martin said their recommendation is to house it with 3t Systems the first year, but the contract would include specific language to allow transfer of the data and hardware if necessary. Kraus asked if there is just one virtual server, what about the differences between one server versus two. Daren said it is largely memory capacity and processing capability. Strauch asked how data is backed up and kept secure. Daren said everything is backed up with another company so there are always two copies of everything. Purcell said he does not have sticker shock over needing something like an extra $200,000 to get a system up and running. Thabault asked if Riverside looked at other large ecosystem restoration programs as examples of data management. Daren said the Everglades system is one of the best, but most other examples fall short of what the Platte needs.

Kenny said he is a fan of System B – System C is not adequate, and not a fan of owning hardware under System A or the need to be able to remotely alter maps. System B is a nice...
middle-of-the-road approach that gets us functionality and keeps us working with professionals in this field. Farnsworth concurred. Kraus asked how long it would take to get this up and running. Farnsworth said we could get the team working on a final design document over the next couple of months. Heaston asked if we could get a working demo. Martin said they could provide a trial demo of the components. Kraus asked if the GC could still see all the land tracts like they are presented at GC meetings. Farnsworth said that is the case. Barels asked if there were people from the Proposal Selection Panel that would be involved in next steps. Martin said certain people from that team are contacted periodically for specific issues. Lawson said BOR firewalls do not allow BOR staff to use current Program file sharing sites. He asked if Riverside had talked to any BOR IT staff yet. Farnsworth said the new system would be compliant with Federal security standards.

Ament asked for a staff recommendation for which system to pursue further. Farnsworth recommended pursuing System B to hammer down implementation costs, schedule, and all parts and then bring it back to the GC for final approval; Kenny endorsed that staff recommendation. GC approved.

Depletions Plans Updates
Kenny provided an update on the status of depletions plans related to discussions at the last WAC meeting. The amendments to the depletions plans before the GC today were brought before the WAC in July and were sent on to the GC for approval. Kraus said there had been discussions by the Downstream Water Users in Nebraska about those amendments and some confusion about the document Colorado prepared regarding its proposed amendment. Because of that, Kraus had discussed with Kowalski the possibility of deferring this amendment until the October meeting. Kowalski said there is language in the federal depletions plan for the states to work with the federal agencies to help offset post-1997 federal depletions within that state. Colorado has been working diligently on the South Platte Plan on a MOU with the federal agencies; that is all but ready to go. The North Platte Plan has been more difficult; federal depletions are still under review. There are not a lot of new water depletions occurring in this portion of the basin. The only new piscatorial, wildlife, and environmental uses are federal in nature, which is the basis for seeking this amendment to the Colorado plan. This does not increase the 1997 baseline of consumptive uses.

Colorado has been in discussions with Kraus and Jennifer Schellpeper about concerns in Nebraska regarding this change. Kowalski wants to know more about where the Nebraska concerns are coming from. Ament said Kowalski was very effective in negotiations to this point in Colorado, and having to go back again on this issue in the North Platte basin would be very difficult. Kraus said one possibility might be to come to an understanding rather than change the agreement, but that he would have to talk more with Schellpeper about her concerns. Purcell said he does not think this is a decree issue; it seems to be just taking from one baseline and moving it to another baseline. Nelson said the main point is to give Nebraska a little more time to review this before taking action if it does not put Colorado in a tight spot. Kowalski said the North Platte Water Users are not supportive of any additional changes to the language, so if more time and understanding will get everyone more comfortable with the language contained in the
amendment he is willing to consider that. But, he needs to better understand Nebraska’s concerns very quickly so this can be addressed at the October GC meeting. Barels asked if this would have to go through the Colorado transfer process. Kowalski said the federal agencies would have to apply for a new use. Strauch asked if this would be reported on a five-year basis. Kowalski said that is the case. DeWeese asked if this is postponed until October if it will create a problem. Kowalski said if the changes can ultimately be accepted and approved in October that should still work. Ament said he did not think that delaying to try and develop new language would work for the North Platte Water Users. Kraus said it may be that they can resolve concerns without new language. Purcell said developing a sample report might help solve concerns.

Kowalski recommends Colorado bring this issue back to the GC at the October meeting after additional discussions with Schellpeper and the downstream water users.

Purcell discussed the amendment to the Wyoming depletions plan which reduces the acreage cap. This would remove acres that do not affect depletions and thus are not a part of the plan.

Berryman moved to approve the amendment; DeWeese seconded. Amendment approved.

Water Action Plan Update
Courtney provided a presentation updating the GC on the Water Action Plan. Purcell asked how projects will get credit for target flows versus Short Duration High Flows (SDHF); this is particularly applicable to the re-regulating reservoirs under investigation. Courtney said FWS indicated there is going to be some credit for target flows pertaining to the re-regulating reservoirs; this is something that remains under discussion. Anderson said it is an important question that the Service continues to wrestle with. The Service will think through scoring issues, including how to factor in management decisions for using water for SDHF versus target flow reductions. Kwapnioski said the focus is not just on high flow events but also on opportunities projects will have for target flow benefits.

Meeting adjourned until 8:30 a.m. Mountain time on Wednesday, August 12, 2009.

Wednesday, August 12, 2009

Welcome and Introduction
Ament called the meeting to order and the group proceeded with introductions.

Public Comment
Ament asked for public comment, none was offered.

Executive Session
The Governance Committee took a break and then re-convened in Executive Session. Purcell made a motion to enter executive session to discuss land offerings; Heaston seconded. GC entered Executive Session at 8:36 a.m.
Kraus made a motion to exit Executive Session; Bishop seconded. GC exited Executive Session at 9:54 a.m.

**Program Land Tracts**

The GC requested that Sackett show and discuss the conservation easement documents related to Tract 0805 when they are ready for review.

**Future Meetings & Closing Business**

Purcell requested that everyone continue to consider quarterly meetings for 2010. Bishop said the downstream water users raised concerns about this previously but are no longer concerned. Purcell requested that the 2010 GC meeting schedule be March, June, September, and December. Barels said the GC will also be open to additional meetings and/or conference calls if necessary during the year. Kenny said meetings would be in the second Tuesday/Wednesday of meeting months except for December, which would be the first Tuesday/Wednesday.

Kowalski moved to change GC meetings to a quarterly schedule; Purcell seconded. GC approved.

Upcoming GC meetings include:
- October 13-14, 2009 in Kearney, NE; followed by Platte River Symposium on October 15
- December 1-2, 2009 in Denver, CO
- March 9-10, 2010 in Kearney, NE
- June 2010 in Kearney
- September 2010 in Wyoming
- December 2010 in Colorado

Meeting adjourned at 10:03 a.m.

**Summary of Action Items/Decisions from August 2009 GC meeting**

1) GC approved minutes for June 2-3, 2009.
2) GC approved CPNRD/PRRIP Elm Creek Reservoir Agreement.
3) GC approved Program staff recommendation to pursue Database Management System B – includes refinement of details related to implementation costs and schedule and various parts of the system and bring those details back to the GC for final approval.
4) GC agreed to discuss the proposed Colorado depletions plan amendments at the October 2009 GC meeting.
5) GC approved amendment to Wyoming Depletions Plan.
6) GC requested that details related to the potential conservation easement on Tract 0805 be provided to the GC for review before finalizing the easement.
7) GC approved moving to quarterly meetings starting in 2010 – March (Kearney), June (Kearney), September (Wyoming), and December (Colorado).