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PRRIP – ED OFFICE FINAL 08/11/2009

1	PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
2	<b>Governance Committee Meeting Minutes</b>
3	Wyoming Water Development Commission - Cheyenne, WY
4	June 2-3, 2009
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6	Tuesday, June 2, 2009
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8	Executive Director's Office (ED Office)
9	Jerry Kenny – Executive Director
10	Bridget Barron
11	Chad Smith
12	Beorn Courtney
13	Jason Farnsworth
14	Bruce Sackett
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16	Governance Committee (GC)
17	Don Ament – State of Colorado, Chair
18	Brian Barels – Nebraska Public Power District
19	Alan Berryman – Northern Colorado Water Conservancy District
20	Mark Czaplewski – Central Platte Natural Resources District
21	Felipe Chavez-Ramirez – Platte River Whooping Crane Maintenance Trust
22	Norm DeMott – Upper Platte River Water Users
23	John Kolanz – Greeley Water and Sewer Department
24	Don Kraus – Central Nebraska Public Power and Irrigation District
25	Harry LaBonde – State of Wyoming
26	John Lawson – Bureau of Reclamation
27	Kent Miller – Twin Platte Natural Resources District
28	Jennifer Schellpeper – Nebraska Department of Natural Resources
29	Dennis Strauch – Pathfinder Irrigation District
30	Bill Taddicken – Audubon Rowe Sanctuary Kevin Urie – Denver Water
31 32	Deb Freeman – Colorado Water Users
33	George Williams – Upper North Platte River Water Users
34	June DeWeese – U.S. Fish and Wildlife Service
35	June De Weese - U.S. I ish and Whathe Service
36	Independent Scientific Advisory Committee (ISAC)
37	David Galat – USGS/University of Missouri Cooperative Fish & Wildlife Research Unit
38	Robb Jacobson – USGS
39	Kent Loftin – HydroPlan, LLC.
<del>1</del> 0	David Marmorek – ESSA Technologies
41	John Nestler – Environmental and Fisheries Services
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13	Participants
14	Mike Besson – State of Wyoming



- 45 Mark Czaplewski Central Platte Natural Resources District
- 46 Brock Merrill Bureau of Reclamation
- 47 Jim Jenniges Nebraska Public Power District
- 48 Brad Anderson Anderson Consulting Engineers
- 49 Larry Schulz Consultant
- 50 Ken Knox URS
- 51 Diane Hoppe MWH
- 52 Don Anderson U.S. Fish and Wildlife Service
- 53 Matt Raabe U.S. Fish and Wildlife Service
- 54 Matt Hoobler State of Wyoming
- 55 Tim Martin Riverside
- 56 Bill McCarthy WTE
- 57 Tekla Taylor Brown & Caldwell
- 58 Matt Lindburg Brown & Caldwell
- 59 Jim Schneider Nebraska DNR
- 60 Pat Goltl Nebraska DNR

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#### Welcome & Administrative

Ament called the meeting and the group proceeded with introductions. Kenny requested time on the agenda for Schellpeper to discuss the Nebraska New Depletions Plan. DeMott moved to approve the April 7-8, 2009 GC minutes and the April 17, 2009 GC special session minutes; Berryman seconded. **Both minutes approved.** 

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#### **ISAC Presentation**

Smith provided an update on recent ISAC activities and introduced the ISAC Chair, David Marmorek. Marmorek introduced the members of the ISAC attending the meeting and provided the GC with a Power Point presentation detailing ISAC progress answering the list of priority questions and recommendations for Program action. Kraus asked about updating sediment transport and how it fits with rapid prototyping. Marmorek said rapid prototyping is used to just rough out potential actions and consequences. Jacobson said sediment transport is assumed to be a fundamental process but also an expensive management action and the existing sediment augmentation RFP can cover this. Ament asked what is meant by a "mock report". Marmorek explained how it would come together and what might be included – example charts, graphs, differences between FSM and MCM, data analysis and organization, etc. Marmorek showed a Power Point slide detailing the steps of simulating AM actions/experiments and how to pull information into a mock report.

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Purcell said in essence what we have in front of us is a proposed habitat design (site distance for whooping cranes, nest availability for terns/plovers). He is certain with the right amount of materials that habitat can be built; habitat might be created by flows and sediment. He asked – if the species response is to the design, or how the habitat was created? Marmorek said there is doubt about which way is best to build habitat, and that should be part of the assessment. The Program can also assess species response to FSM habitat versus MCM habitat. Purcell asked – do the birds really care which way the habitat was build? Marmorek said the issue is not how



you built it, but what the habitat is. FSM may differ from MCM in how the habitat was created, as well as other features (connection to water, other parameters). Loftin said this is a good question and the best way to describe it is as humans we have our perceptions about how the habitat was built (FSM vs. MCM), but the birds have their own perspective that we do not sense. The birds can provide important information and you should let the birds tell you which they prefer. Purcell said if we are going to do a mock report, who will work on it? Smith said he will draft it with input from Program staff, all Program Advisory Committees, the ISAC, and the GC.

# **Program Committee Updates**

Land Advisory Committee (LAC)

Czaplewski provided an update on the latest LAC activities. Several tracts were discussed at the May LAC meeting. A sub-committee of the LAC met to discuss a potential policy for exchange lands. The LAC decided the sideboards needed more work and discussion will continue. The Program is now a landowner and a landlord, and the ED Office is working with the Nebraska Community Foundation (NCF) to deal with issues related to income generated off Program lands. The ED Office reported on potential Program fund availability for Phragmites removal near the choke point. The next LAC meeting will be in Kearney on July 15, 2009.

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Purcell asked about leasing versus purchasing and if the LAC is discussing terms that would suggest a lease. Czaplewski said that discussion is happening as potential lease tracts come before the LAC. So far, potential lease tracts have seemed to be on the expensive side. Sackett said the LAC discussion included thoughts about completing a complex with a lease versus trying to start a new complex with a lease.

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- Water Advisory Committee (WAC)
- 114 Courtney provided an update on the latest WAC activities. The WAC met on May 19 and the
- 115 WAPS met following that conference call. Anderson and Kenny gave an overview of the 2009
- 116 flow routing test and discussed the report now in production from that event. The WAC
- 117 discussed some discrepancies in the Water Plan Reference Material, as well as whether there
- 118 should be an adjustment to the hydrologic condition that accounts for EA water released during a
- 119 flow routing test, short-duration high flows, or other releases. The WAC decided no adjustment
- 120 is needed now, but the WAC and ED Office will investigate this issue more and review the entire hydrologic condition analysis. Three proposals were received for the Elwood Reservoir RFP and
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- five were received for the J-2 Reservoir RFP. The WAPS has reviewed all projects in the Water
- 123 Action Plan Reconnaissance Study and has begun ranking the thirteen projects to identify
- 124 priorities. The WAC requested that states give presentations on the state depletions plan reports
- 125 to the WAC to ask questions before providing official comments on them. Colorado and
- 126 Wyoming will make presentations at the July 21 WAC meeting. The WAC will officially make
- 127 comments on the plan, as per GC direction.

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- 129 Purcell asked about the report on the flow routing test – how much EA water used, ramping,
- 130 conveyance loss, etc.? Anderson said that information is included in the report outline, which
- also includes mechanics, logistics, problem areas (flooding, phragmites, etc.), water balance, 131



attenuation and losses, and lessons learned/recommendations. Barels asked when that report will be complete. Kenny said a draft will be available for the October GC meeting.

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- 135 Technical Advisory Committee (TAC)
- Smith provided an update on the latest TAC activities. The last TAC meeting was in April in
- Denver and the TAC acted on the following items:

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- 139 1) Approved minutes of February 2009 meeting.
- 140 2) Agreed to keep biocontaminants monitoring piece in the water quality monitoring protocol
- 141 3) Approved the aerial photography RFP.
- 142 4) Approved the sediment augmentation feasibility analysis RFP, with changes.
- 143 5) Agreed to focus on tern and plover habitat and monitoring issues at the June 2009 meeting.
- Did not approve the sole-source recommendation for the wet meadows information review; instead agreed to discuss wet meadows at the July 2009 AMWG workshop.
- 146 7) Did not support funding for the UNL phragmites research project.

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The next TAC meeting is June 17 in Kearney and the discussion will focus on tern/plover habitat criteria and measurements.

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- 151 Adaptive Management Working Group (AMWG)/ISAC/Peer Review
- Smith provided an update on the latest AMWG activities and the status of Program peer review.
- 153 The AMWG had a workshop on short-duration high flows (SDHF) in May and developed an
- objective for implementing SDHF over the next several years, with tentatively planned flows in
- 2011, 2012, and 2014 (see workshop notes). Smith reported that all four monitoring protocols
- are now out for peer review. Initial comments from all peer reviewers are due back to Smith by
- the end of June. The TAC will review and discuss peer review comments and make
- recommendations to the GC for how or if to make changes to the four monitoring protocols:
- geomorphology/in-channel vegetation, forage fish, water quality, and terns/plovers.

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- Finance Committee (FC)
- Purcell provided an update on the last two FC meetings. The FC provided comments and
- approved as amended the two reservoir RFPs, the sediment augmentation RFP, and the aerial
- photography RFP. The last meeting was a discussion of potentially increasing the budget for
- PD-13, Sediment Augmentation. Purcell said the FC will be discussing how to allocate revenues
- from Program lands. Kraus said it might be helpful to have a monthly list of contracts and where
- we are at on budget, schedule, where we are at on contracts, etc. for the FC to review. Kenny
- said the ED Office provides regular updates on distribution of the NCF funds, a one-page
- summary of the budget, and an updated budget spreadsheet. Kenny and Schulz are working on a
- contract list that will be shared with the FC and GC. Purcell said that would be helpful. Kenny
- said he is working through the mechanics of tracking land-related items for audits and providing
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- a better trail with Schulz and the NCF. Kenny requested a brief meeting with the Program
- signatories at the end of the meeting today to discuss this issue.

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# 176 **Wyoming Depletion Plan Amendment**

- 177 Purcell said Wyoming is seeking an amendment to their depletions plan because the depletions
- plan had to be completed before final conclusions were made on what land was being irrigated
- by non-hydrologically connected groundwater wells. Some minor mistakes in sub-basin
- definitions will be cleaned up as well. Purcell requested this be referred to the WAC.
- 181 Schellpeper moved to refer the amendment to the WAC; Chavez-Ramirez seconded.
- 182 **Motion approved.**

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#### Nebraska Depletion Plan

- Schellpeper provided the GC with information about proposed changes to the Nebraska
- Depletion Plan (these changes were not provided to the GC prior to the meeting). One change
- Nebraska is seeking in the plan is to extend the date of implementation of the plan until
- December 31, 2010. This change is largely due to the pace of implementation of Program Water
- Action Plan project feasibility studies. The second change is similar to changes made by
- 190 Colorado and Wyoming regarding the Recovery Agreement. Schellpeper did not seek action
- 191 from the GC at this time but will at the next GC meeting. Purcell said he is sympathetic to
- Nebraska's situation regarding the conflict between the schedule for the feasibility studies and
- the schedule in Nebraska's depletion plan. Purcell moved to approve the two proposed
- amendments to the Nebraska Depletion Plan.

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Freeman asked if the U.S. Fish and Wildlife Service is comfortable with the language. DeWeese requested time to review the changes. Barels said these are policy issues that need to be decided at the GC level. Purcell withdrew his motion and requested that the U.S. Fish and Wildlife Service review the amendments. **Ament added this item to the agenda for Wednesday.** 

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## **Considerations for Reservoir Feasibility Studies**

Lawson provided an update on the status of discussions about considerations on proceeding with feasibility studies for Water Action Plan reservoirs. The group has been working since March and has not yet reached full consensus. The group's understanding is the idea of the Elwood and J-2 Reservoir feasibility studies are going to be conducted in two phases. The group did get to a point of agreeing to recommend that Phase 1 should proceed (screening analysis, cost estimates of the alternatives). The second aspect is that the group learned institutional issues and negotiations will be much more complicated than originally anticipated. The reservoir feasibility will involve not only CNPPID but also FERC. That has to be taken into account before the group can recommend moving forward into Phase II. The ED Office will be investigating potential landowner issues, controversy, or other matters involving landowners at the location of potential reservoir projects.

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- The group had considerable discussion about ownership of the portion of the facility that the Program will participate in and what happens if the Program discontinues. The group will not recommend moving forward to Phase II until these items can be worked out. Freeman asked the group how some of the hard questions about the exit strategy and the term of benefits will be handled in Phase I. Lawson said he does not believe the term of benefits will enter into issues
- handled in Phase I. Lawson said he does not believe the term of benefits will enter into issues related to costs and benefits estimated in Phase I. The term will indeed be an important part of



deciding whether to go to Phase II, but more detail is needed to make these determinations. Lawson said a key phrase is "options for a potential contract" between the Program and CNPPID will be detailed and discussed before moving into Phase II. Kraus said CNPPID believes the group was getting into too much detail before the appropriate amount of information was in front of everyone. Barels asked if we have gone into enough detail to match what is in Phase I with Water Action Plan guidance for assessment of items like socioeconomics. Kenny said Phase I is basic information. Barels asked when a change in water operations gets evaluated. Kenny said that is Phase I. Barels said that it seems like there needs to be clearer guidance on the flow of the process for investigating all of these items. Purcell said in reviewing the scope of Phase I, successful resolution of the questions that the sub-committee faced is not required to successfully complete Phase I. Lawson said Phase I is going to have to address water operations to the extent that we know what the benefits of a potential project are.

Ament said the sub-committee needs to continue with membership staying the same. Lawson moved to proceed ahead with Phase I of the feasibility studies on the J-2 and Elwood Reservoirs. DeMott seconded. Kraus abstained and the motion was approved.

#### FY09 Budget Items Updates

PD-13: Sediment Augmentation Conceptual & Construction Design

Kenny discussed the recommended budget increase for sediment augmentation feasibility. The current budget for this was developed last fall. Further definition of need over the course of the past year indicates the need for a greater budget requirement. Program staff worked to develop specific budget estimates for each task identified in the sediment augmentation RFP. In particular, the thinking behind sediment transport modeling is that the Program needs a design analysis tool that will be used to focus and organize information for the alternatives but also test the sensitivities of key design parameters under our control related to sediment augmentation and transport. This will also be a predictive tool for indicating how introduced sediment will behave in the river as it moves downstream. We are not talking about developing a new model, but rather apply an existing model to fit the conditions for the central Platte and for this management action. As directed by the FC, potential contractors were made aware during the pre-proposal meeting that we wanted proposals to reflect applying an existing model (not new model development); to indicate if contractors could complete Phase II; and that Phase I was appropriately documented in case that information needed to be transferred to another entity.

Kenny said the RFP closed last week and we received six proposals. This is a qualifications-based RFP and the proposals do not include cost information. Negotiations will proceed once the most qualified contractor is selected. The existing budget is inadequate to cover the tasks in the RFP, so the budget increase recommendation is intended to be able to cover these tasks. Purcell said the FC discussed this in depth and the main concern was the potential cost of modeling. Those concerns were met by discussing the model issue at the pre-proposal meeting as requested by the FC. Barels asked if we think this budget will be adequate. Kenny said he believes it will be more than adequate. Ament asked where the money will come from. Kenny said this is a request to increase the Program budget. Kraus asked how that kind of increase works. Kenny said it would be committed this year but not fully expended, so the portion not



spent would be carried over to FY10 as Unliquidated Obligations. Lawson said Program expenditures do not really occur until the NCF makes payment. This is the same process in the Bureau of Reclamation (until the money is actually sent to the NCF). Lawson will discuss this in more detail with the FC and then come back to the GC. If expenditures don't start increasing dramatically, the large amount of obligated Reclamation funds that have not been spent are starting to raise red flags.

Purcell moved to approve the budget increase for PD-13 from \$75,000 to \$400,000 for FY09; Schellpeper seconded. Motion approved.

Purcell requested that Mike Besson from the State of Wyoming be added to the Proposal Selection Panel for the sediment augmentation RFP. Schellpeper requested that Pat Goltl from the Nebraska Department of Natural Resources be added to the Proposal Selection Panel. Miller moved to approve the new Proposal Selection Panel members; Urie seconded. Motion approved.

## PD-8: Database Management System

Farnsworth updated the GC on progress on DBMS development. Riverside, the contractor developing the DBMS, wanted to discuss data needs for the GC. Farnsworth asked if any GC members wanted to volunteer to talk to Riverside with thoughts on data needs. No volunteers were noted. Purcell asked if the Program got a credit back from the previous DBMS contractor. Kenny said a credit of \$75,000 has been received.

#### PD-3: IMRP Peer Review

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Smith discussed the need for the GC to approve a replacement member for the Peer Review Panel for the geomorphology/in-channel vegetation monitoring protocol. Urie commented that Peltz seemed to be young and did not have much experience. Smith said he came highly recommended and has particular experience with riparian vegetation monitoring. **DeWeese moved to approve the substitution; Taddicken seconded. Motion approved.** 

Meeting adjourned until 8:00 a.m. Mountain time on Wednesday, June 3, 2009.

# Wednesday, June 3, 2009

#### **Welcome and Introduction**

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

#### Nebraska Depletion Plan

Miller moved to approve the two changes (date change to December 31, 2010 and change in Section 7 process to remove requirement for a Recovery Agreement) to the Nebraska Depletion Plan; Chavez-Ramirez seconded. Motion approved.

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#### 308 **Colorado** Depletion Plan

- 309 Freeman updated the GC on the North Platte Basin portion of the Colorado Depletion Plan.
- 310 Current benchmarks are specific to agriculture and population numbers and not to federal water
- 311 uses. Colorado intends to come back to the GC with a proposed update that groups all
- 312 benchmarks into a "bucket" to be able to cover water uses that are not directly linked to
- 313 agriculture or population. Ted Kowalski will develop proposed language for GC consideration;
- 314 that language will be developed jointly with the U.S. Fish and Wildlife Service. This will not
- 315 change any assumptions (not a hydrology issue). Ament recommended that Colorado bring this
- 316 issue first to the WAC at their July 2009 meeting before coming back to the GC. Purcell moved
- 317 that this potential amendment be referred to the WAC; Schellpeper seconded. Motion
- 318 approved.

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#### **Program Outreach Update**

- 321 Barron provided an update on several recent Program presentations:
- Smith presented at a NGPC brown bag luncheon. 322
- 323 Kenny and Schellpeper presented at a Nebraska Water Resources Roundtable.
- 324 Schellpeper is presenting at the Nebraska Water Law Conference.
- 325 Smith and Kenny will be presenting at the AWRA adaptive management summer specialty conference in Utah in June. 326
  - Smith is part of a national team presenting an adaptive management workshop at the National Conference on Ecosystem Restoration and will represent the Platte River on a panel discussion at the same conference.
  - Kenny is presenting to the Four-States Irrigation Council in Kearney in July.
  - The Program will be exhibiting at the AWRA conference and will be sponsoring an afternoon break session at the NCER.

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The Program was mentioned in local newspapers for its role as a partner in the revitalization of the Crane Meadows Nature Center. Barron mentioned that Smith has an article on adaptive management in the latest issues of the AWRA journal "Impact". Save the Date cards for the Platte River Symposium in Kearney were distributed to the GC.

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## **GC Meeting Schedule**

- Purcell said the Program is "graduating" and maturing and the GC could go to quarterly meetings to conduct its business. The Advisory Committees can help bridge GC meetings, and conference calls could be held when the situation warrants. The budget is a major task that has to be approved in December, so the proposed 2010 meeting schedule is March, June, September, and December. Ament said we have an August, October, and December meeting scheduled for 2009. Miller said the downstream water users do not think it is time to move to quarterly meetings, with everyone having different reasons. Purcell requested that this change be considered seriously soon to help save costs and staff time, and because it seems like the GC can function well on four meetings per year. DeMott said quarterly meetings would be fine with
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- 349 conference calls when necessary. With no consensus, this issue will remain a discussion item 350 for the GC.

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<b>Public Commen</b>	nt
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Ament asked for public comment, none was offered.

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#### **Executive Session**

- 356 The Governance Committee took a fifteen-minute break and then re-convened in Executive
- 357 Session. Williams made a motion to enter executive session to discuss land offerings. Berryman
- 358 seconded and the GC entered Executive Session at 8:40 a.m.

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360 Purcell made a motion to exit Executive Session after a ten-minute break. Miller seconded and 361 the GC exited Executive Session at 10:35 a.m.

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#### **Program Land Tracts**

- Strauch moved to cease pursuing Tracts 0808, 0902, 0904, 0913, and 0914; Berryman seconded. 364
  - Motion approved.

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367 Miller moved to move forward with appraisals and negotiations of Tracts 0903, 0910, and 0915; 368 Williams seconded. Motion approved.

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370 Purcell moved to purchase Tract 0850 as presented and authorize the deposit check be released upon signature of the contract and the closing money be released upon completion of all 372 necessary closing documentation, respectively. DeWeese seconded. Motion approved.

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Schellpeper moved to purchase Tract 0849 as presented and authorize the deposit check be released upon signature of the contract and the closing money be released upon completion of all necessary closing documentation, respectively. The intent would be to develop a land exchange with the Nebraska Game and Parks Commission, failing that the excess lands disposal option would be exercised. Lawson seconded. Motion approved.

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Taddicken moved supporting that the PRRIF grant limited Power of Attorney to Bruce Sackett, Jerry Kenny, and Tim Tunnell as signatory to Farm Services Agency agreements on Program lands. Berryman seconded. Motion approved.

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#### **Future Meetings & Closing Business**

- Remaining 2009 GC meetings include:
- 386 • August 11-12 in Denver, CO
  - October 13-14 in Kearney, NE; followed by Platte River Symposium on October 15
- December 1-2 in Denver, CO 388

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Meeting adjourned at 10:45 a.m.

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#### 392 Summary of Action Items/Decisions from June 2009 GC meeting

- 1) GC approved minutes for April 7-8, 2009 GC meeting and April 17, 2009 GC special session 393 394 conference call.
- 395 2) GC referred Wyoming Depletion Plan amendment to the WAC.



- 396 3) GC approved moving ahead with Phase I of the feasibility studies for Elwood Reservoir and
   397 J-2 Reservoir.
- 398 4) GC approved FY09 budget increase for PD-13 (Sediment Augmentation) from \$75,000 to \$400,000.
- 5) GC appointed Mike Besson (State of Wyoming) and Pat Goltl (State of Nebraska) to the Proposal Selection Panel for the sediment augmentation feasibility RFP.
- 402 6) GC appointed Chris Peltz to serve as a member of the Peer Review Panel for the geomorphology/in-channel vegetation monitoring protocol.
- 7) GC approved two changes to the Nebraska Depletion Plan (date change to December 31, 2010 and correction in Section 7 process to remove requirement for a Recovery Agreement).
- 406 8) GC referred potential amendment to the Colorado Depletion Plan to the WAC.
- 407 9) GC agreed to continue discussion of potentially moving to quarterly GC meetings each year.
- 408 10) GC agreed to cease pursuing Tracts 0808, 0902, 0904, 0913, and 0914.

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- 409 11) GC agreed to move forward with appraisals and negotiations of Tracts 0903, 0910, and 0915.
- 410 12) GC agreed to purchase Tract 0850 as presented and authorize the deposit check be released 411 upon signature of the contract and the closing money be released upon completion of all 412 necessary closing documentation, respectively.
  - 13) GC agreed to purchase Tract 0849 as presented and authorize the deposit check be released upon signature of the contract and the closing money be released upon completion of all necessary closing documentation, respectively. The intent would be to develop a land exchange with the Nebraska Game and Parks Commission, failing that the excess lands disposal option would be exercised.
- 418 14) GC supported that the PRRIF grant limited Power of Attorney to Bruce Sackett, Jerry Kenny, 419 and Tim Tunnell as signatory to Farm Services Agency agreements on Program lands.

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