PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Land Advisory Committee Meeting Minutes
Executive Director's Office – Kearney, NE

May 20, 2009

Attendees
Mark Czaplewski, Vice Chair, presiding
Jerry Kenny, Executive Director
Bruce Sackett - ED Office
Chad Smith - ED Office
Justin Brei - ED Office
Jason Farnsworth - ED Office
Tim Tunnell - ED Office
Greg Wingfield - U.S. Fish & Wildlife Service
June DeWeese - U.S. Fish & Wildlife Service
Matt Rabbe - U.S. Fish & Wildlife Service
John Shadle - Nebraska Public Power District
Jim Jenniges - Nebraska Public Power District
Ted LaGrange - Nebraska Game & Parks Commission
Matt Steffl - Nebraska Game & Parks Commission
Harry LaBonde - State of Wyoming
Mark Peyton - Central Nebraska Public Power & Irrigation District
Joe Frank - State of Colorado, Lower South Platte Water Conservancy District
Larry Reynolds - Tri-Basin Natural Resources District
David Raffety - Tri-Basin Natural Resources District
John Thorburn - Tri-Basin Natural Resources District
John Heaston - The Nature Conservancy
Patricia Grant - Federal Energy Regulatory Commission

Welcome and Administrative
Chairman Scott Woodman was absent due to illness. Vice Chairman Mark Czaplewski called the meeting to order at 9:10 am Central Time and the group proceeded with introductions. John Shadle introduced Patricia Grant, Federal Energy Regulatory Commission, in town to perform some site visits with NPPD later in the morning. Ted LaGrange introduced Matt Steffl, who took over Laurel Badura's position with the Nebraska Game & Parks Commission and may be appointed the Nebraska representative to the LAC.

Czaplewski asked for agenda modifications and none were provided.

Harry LaBonde made a motion to approve the March 11, 2009 minutes without revision. The motion was seconded by Greg Wingfield and approved.

GC Meeting Update

This document is a draft based on one person's notes of the meeting. The official meeting minutes may be different if corrections are made by the Land Advisory Committee before approval.
Mark Czaplewski gave an update on GC activities since the LAC last met. The GC met on April 7-8 in Kearney, NE and held a conference call on April 17.

At the April 7-8 meeting, the GC approved a short-cut disbursement process for funds associated with land purchases. Future motions from the GC with regard to progressing land purchases will include language approving disbursement of earnest money and closing costs.

Also at the April 7-8 meeting, the GC approved the land management plans for the Wyoming Property and for Cottonwood Ranch, with some amendments. John Shadle reported that upon approval of the land management plan for Cottonwood Ranch, the sponsorship agreement was signed by NPPD and the Program. June DeWeese described the changes the USFWS had requested to the section titled “Measures to Minimize or Eliminate Take of Whooping Crane” in these and future Program management plans. She explained that the Service is concurrently working to amend the incidental take language in the Program BO to incorporate these changes. The Program will request informal consultation and provide a statement that they expect no take to occur based on implementation of the measures provided in the management plans, and USFWS will provide a statement of concurrence. These statements will be included as appendices to the management plans and “footprint consultation” will thus be completed. In essence, these changes will provide more flexibility for Program management activities to take place: from one hour after sunrise to two hours before sunset during Whooping Crane migration, provided no cranes are present, rather than from 10:00 a.m. to 3:00 p.m. The GC also made an amendment to the Wyoming Property management plan, removing the section calling for decommissioning of the monitoring wells on the property. John Thorburn expressed concern over this amendment, stating that the wells have not been read or maintained for several years, and may prove to be a hazard as well as a nuisance to management activities. Harry LaBonde suggested the Program operate as approved by the GC for the coming year and revisit the issue should the wells prove to be a hindrance. LaBonde also suggested the Program obtain a complete set of the monitoring well data for the Program’s records.

Czaplewski reported that the GC authorized final purchase and closing on Tracts 0804 and 0839. For tract 0839, the GC will allow the ED Office latitude to dispose of the peninsula surrounded by Cottonwood Ranch, contingent upon NPPD’s availability of funds.

Sackett informed the LAC that the Program has closed on and now owns two properties, 0803 and 0842.

**Review Land Exchange Program Committee Outline for Future Land Exchanges**

Sackett provided an update from the land exchange committee, which met March 25 to discuss how exchange lands fit into the Program. The subcommittee felt that land exchanges should be examined on a case-by-case basis. Land exchanges proposed by the ED Office should come to the LAC with a plan in mind for that property. The subcommittee agreed that exchanges may be pursued using a holding period between three and five years. If the exchange was unable to be completed in that time, the land would be disposed of. LaBonde said purchases by the Program must have a Program purpose or specific exchange possibility identified. Sackett said the
Program is not in the land speculation business. Czaplewski said the origin of this topic is a request from the GC for a policy. LaBonde did not see the current exchange memo as a policy, and Czaplewski said the LAC could return to this discussion in the afternoon after some examples were discussed.

**Update on Land Management**

Tim Tunnell gave a brief update on some activities to-date on the Wyoming property. He informed the LAC that some tree clearing had taken place north of the river, and that a prescribed burn was planned for the half of the southern grassland area soon. Tunnell also informed the LAC that the RFP for the bridge at Cottonwood Ranch is currently being reviewed and will be released soon.

The current plan is to develop management plans for the recently closed tracts, 0803 and 0842, by October 1. Tunnell said it might occur sooner so that tenants can be notified by September 1.

Czaplewski said that the Program needs to start considering income from tenants in the budget. Heaston said the income should be used on basic operations first, such as fence repair, weed control, taxes. Kenny said these discussions are already in progress. Kenny has been working with the NE Community Foundation to allow the audit reports to track income as well as expenses.

**Other Committee Coordination Information**

Chad Smith discussed the Adaptive Management Plan as it relates to management activities in response to concerns over management taking place without an objective. Smith said that the AMP roughly defines management goals, and that the focused AM Working Group workshops further refine these goals. So far, the workshops have been focused on in-channel activities, and the upcoming wet meadow workshop should address out of channel management goals and how to plan and evaluate this management. Smith identified 2011 as the planned "big year" when sediment augmentation and other AMP experiments will be better defined and likely ready to come online. The TAC and AMWG has a heavy planning workload this summer so that preparation work can take place this fall and throughout 2010. Kenny said the ED office will work to define some general management guidelines (such as cedar control) that will take place until adaptive management dictates it is not necessary or is detrimental.

Jason Farnsworth gave an update on a few WAC activities. Two RFPs are out and due by the end of May to assess the feasibility of two reservoir locations. Kenny also said that the Program is in discussion with Central Platte NRD on the Elm Creek Reservoir project. CPN RD is the lead on this project, and Kenny is working with them to develop an MOU for sharing of some of the cost and benefits of the project with the Program.

Farnsworth and Wingfield gave a short wrap-up on the flow routing test which occurred last month. Wingfield said all the data has not been mined, but that the test of coordination was very successful.
Kenny said the WAC has recommended that Program funds be made available for phragmites removal for the area downstream of the North Platte Hwy 83 bridge extending to Overton. These funds would likely be made available in some type of cost share fashion, but the details have not been fully defined. The LAC gave general consensus support for funding this type of activity.

**Public Comment/Closing Business**
Vice Chairman Czapelewski asked for public comments. None were offered.

The next meeting of the LAC will be held in Kearney, Nebraska at the Executive Director’s Office on Wednesday, July 15, 2009 at 9:00 a.m. CST.

**Discussion of Evaluation Team Recommendations**

*Tract 0808*

John Heaston moved to accept the evaluation team's recommendation and forward Tract 0808 to the GC with a recommendation to stop pursuit of the tract, seconded by Harry LaBonde. Motion carried.

*Tracts 0902, 0913, 0914*

The LAC discussed how leases will likely be encountered more and more as the Program progresses. LaBonde said that leases should not start complexes, but instead be utilized to enhance them. Sackett said initial discussions for activities under the lease on these tracts included clearing some of the woodland, and requiring that the area be grazed to be maintained. Sackett said that grazing is in the interest of the landowners and that the lease price would likely be low. **Harry LaBonde moved that Tracts 0902, 0913, and 0914 be forwarded to the GC with a recommendation to stop pursuit of these tracts, seconded by Joe Frank. Czapelewski abstained (conflict of interest), motion carried.**

*Tract 0904*

John Heaston moved that Tract 0904 be forwarded to the GC with a recommendation to stop pursuit of this tract, seconded by Greg Wingfield. Motion carried.

*Tract 0905*

The evaluation team recommended that the lease offer be declined, citing potential issues with landowner and hunting, and possible disturbances on the south side of the river. The LAC discussed how the Dippel property is becoming a Program area of interest and that tract 0905 could be important as habitat or as buffer. Sackett said the landowner was in no hurry to complete a transaction. **Harry LaBonde moved that the LAC table tract 0905 but continue discussions with the landowner until further complex options at Dippel are explored, seconded by John Heaston. Motion carried.**

*Tract 0910, 0903*
Tract 0903 was introduced by Sackett. It adjoins tract 0910 to the northeast and Cottonwood Ranch to the northwest. Tract 0903 came to the Program within the last week with an urgent desire to sell, and a review was not able to be completed before this LAC meeting. Since 0903 may produce additional value for tract 0910, it was suggested that tract 0910 be tabled until 0903 had been reviewed. **Harry LaBonde moved that tract 0910 be tabled until a review is completed for tract 0903, seconded by John Heaston. Motion carried.**

**Tract 0911**

The LAC felt that the current strength of tract 0911 was mostly as trade land, and with no current trade opportunities identified, the tract should not be pursued at this time. **John Heaston moved that tract 0911 be tabled until such time that a trade opportunity arises, seconded by Harry LaBonde. Motion carried.**

LaBonde made the clarification that if the LAC declines to pursue a property, that property can and should be brought back if the situation or circumstances surrounding that tract have changed.

**Tract 0915**

The LAC discussed the non-complex habitat potential for tract 0915, should the mining operation be moved. The LAC also discussed the issues surrounding the eroding dike that separates the river from the lake, and the potential that the site could be used in Program sediment augmentation activities. Farnsworth explained that, pending the feasibility analysis, sediment augmentation would likely take place east of tract 0915 where the active mining would be occurring. **John Heaston moved to accept the evaluation team's recommendation and forward tract 0915 to the GC with a recommendation to continue with appraisal and negotiations, to continue discussions related to sediment augmentation at the site, and to reiterate that the Program does so claiming no responsibility for the current state of the dike. Motion seconded by John Shadle. Motion carried.**

**Executive Session**

John Heaston moved to go into executive session with LAC members, alternates, and technical staff to review details of land offerings. The motion was seconded by Harry LaBonde. The motion carried and the committee entered executive session at 2:25 p.m.

John Shadle moved to come out of executive session. Greg Wingfield seconded and the motion carried. The committee came out of executive session at 2:55 p.m.

The meeting was adjourned by Vice Chairman Czaplewski at 3:00 p.m.