



1 **PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
2 **Governance Committee Meeting Minutes**  
3 Ramada Inn – Kearney, NE  
4 October 13-14, 2009  
5

6 **Tuesday, October 13, 2009**  
7

8 **Executive Director’s Office (ED Office)**

- 9 Jerry Kenny – Executive Director
- 10 Bridget Barron
- 11 Beorn Courtney
- 12 Jason Farnsworth
- 13 Bruce Sackett
- 14 Dave Baasch
- 15 Tim Tunnell
- 16 Justin Brei
- 17 Chad Smith

18  
19 **Governance Committee (GC)**

- 20 Don Ament – State of Colorado, Chair
- 21 John Shadle – Nebraska Public Power District
- 22 Alan Berryman – Northern Colorado Water Conservancy District
- 23 Kevin Urie – Denver Water
- 24 Ron Bishop – Central Platte Natural Resources District
- 25 Norm DeMott – Upper Platte River Water Users
- 26 Don Kraus – Central Nebraska Public Power and Irrigation District
- 27 Mike Purcell – State of Wyoming
- 28 John Lawson – Bureau of Reclamation
- 29 Kent Miller – Twin Platte Natural Resources District
- 30 Jennifer Schellpeper – Nebraska DNR
- 31 Dennis Strauch – Pathfinder Irrigation District
- 32 Michael Thabault – U.S. Fish and Wildlife Service
- 33 June DeWeese – U.S. Fish and Wildlife Service
- 34 Bill Taddicken – Audubon Rowe Sanctuary
- 35 Felipe Chavez-Ramirez – Platte River Whooping Crane Maintenance Trust

36  
37 **Independent Scientific Advisory Committee (ISAC)**

- 38 Dave Marmorek, Chair – ESSA Technologies, Inc.
- 39 David Galat – Missouri Cooperative Fish and Wildlife Research Unit
- 40 Robb Jacobson – USGS
- 41 John Nestler – Fisheries and Environmental Services
- 42 Kent Loftin – HydroPlan, LLC



44 **Participants**

45 Mark Czaplewski – Central Platte Natural Resources District  
46 Brock Merrill – Bureau of Reclamation  
47 Don Anderson – U.S. Fish and Wildlife Service  
48 Greg Wingfield – U.S. Fish and Wildlife Service  
49 Pat Goltl – Nebraska DNR  
50 Jim Schneider – Nebraska DNR  
51 Frank Kwapnioski – NPPD  
52 Jim Jenniges – NPPD  
53 Matt Lindburg – Brown & Caldwell  
54 John Engel – HDR  
55

56 **Welcome & Administrative**

57 Ament called the meeting to order and the group proceeded with introductions. Ament asked for  
58 agenda modifications. Kenny added the need for action on the GC special session minutes which  
59 were distributed with the GC packet. Purcell moved approval of the August 11-12<sup>th</sup>, 2009 and  
60 August 31, 2009 special session minutes, seconded by Berryman. **August 11-12, 2009 minutes  
61 and August 31, 2009 special session minutes approved.**  
62

63 **Depletions Plan Update**

64 Ted Kowalski was absent due to travel conflicts. Berryman introduced the Colorado Depletions  
65 Plan amendments. The WAC approved a motion to recommend GC approval of the amendment.  
66 Kowalski had some changes since the last distributed version and Berryman explained those  
67 changes. First, in the second paragraph above section F, beginning “If a non-federal water user  
68 is going to exceed ...”, the third sentence now reads “The Jackson County Water Conservancy  
69 District will report to the State of Colorado and SPWRAP all approved requests for depletion  
70 coverage from the North Platte Baseline, as well as denied requests and the basis for each denial,  
71 and the state will keep an accounting ...”. Second, the following paragraph was added directly  
72 above section F: “The State of Colorado, as a signatory to the Program Agreement, will provide  
73 its independent authority regarding administration of water-related activities in Jackson County  
74 for consistency with Colorado water law, and the objectives of the Program.” Third, a change  
75 was made to the accounting sheet. The footnote regarding the 0.83 ac-f/ac consumptive use  
76 factor now reads “...full water supply, could be as high as 1.82 acre-feet per acre, or higher.”  
77 Purcell moved approval of the North Platte and South Platte amendments including changes by  
78 Kowalski; Schellpeper seconded. **Downstream water users (Kraus) abstained. North Platte  
79 amendments approved and South Platte assumptions changed.**  
80

81 **Program Committee Updates**

82 *Land Advisory Committee (LAC)*

83 Czaplewski provided an update on the latest LAC activities. The LAC last met September 15 in  
84 Kearney. They focused on development of draft management plans, including discussions of  
85 level of detail and the review process (including USFWS review). The LAC took action on three



86 tracts, one of which will be discussed at the GC tomorrow. The other two tracts were tabled.  
87 Next meeting is November 15, 2009.

88  
89 *Water Advisory Committee (WAC)*  
90 Kwapnioski provided an update on the latest WAC activities. The WAC last met in October in  
91 Ogallala, NE. Items of discussion included the CO Depletions plan, a WAPS update, North  
92 Platte choke point update, and discussion on the flow routing test report. There was also  
93 significant discussion on the CO depletions plan report, and the WAC approved a motion to  
94 recommend GC approval of the assumptions memos. The WAC and ED Office have been  
95 working to update WAP project and yield information. The ED Office informed the WAC that  
96 Ann Bleed and George Oamek were retained by the ED Office as special advisors on water  
97 issues. The ED office will bring a draft WAP update to the WAC at the November meeting and  
98 to the GC in December for approval. A draft Flow Routing Test report will be provided to the  
99 WAC before the November meeting and to the GC in December. Kwapnioski informed the GC  
100 that he was resigning as chair of the WAC as a result of his upcoming retirement from NPPD.

101  
102 *Technical Advisory Committee (TAC), Adaptive Management Working Group (AMWG),*  
103 *Independent Scientific Advisory Committee (ISAC), and Peer Review Update*  
104 Kenny provided an update on the latest TAC activities. The TAC last met September 29 in  
105 Kearney. Main topics covered included a presentation by the HDR team on the lower Platte  
106 stage change study. The HDR team will present to the GC on this report in December. In  
107 addition, general updates to numerous studies that occurred over the summer. Discussion also of  
108 ISAC final report and peer review comments. ISAC report was received by the TAC and will be  
109 presented to the GC tomorrow morning. Peer review comments requested for certain Program  
110 protocols have been received and compiled and distributed to the TAC for review. TAC also  
111 discussed Program's modeling approach that Farnsworth will present on later.

112  
113 *Finance Committee (FC)*  
114 Purcell provided an update on the latest FC activities. On August 24, the FC approved bid  
115 packages for clearing trees and island leveling at Cottonwood Ranch. On September 23, the FC  
116 approved bid packages for controlling access at two Program properties and a bid package for  
117 habitat enhancement work at Program property 2009003.

118  
119 Lawson informed the GC of the need to revise the agreement with the Nebraska Community  
120 Foundation (NCF) as a result of new Bureau of Reclamation rules. The cause for the change is  
121 that the Federal Government cannot retain interest. Interest in excess of \$250 annually must be  
122 returned to the U.S. treasury. Now, the ED Office must provide monthly estimates on upcoming  
123 expenses so that money forwarded to the Foundation account is expended in approximately 30  
124 days, in an attempt to avoid accumulating interest. At the end of the fiscal year, accumulated  
125 interest must be returned to the federal treasury. As a reference, since the beginning of the  
126 Program, approximately \$50,000 in interest has accumulated. A letter has been sent to NCF  
127 requiring the \$50,000 to be sent to the U.S. treasury. Starting with this fiscal year, every effort  
128 will be made not to accumulate interest, and any interest accumulated will be returned to the



129 treasury. Lawson expressed appreciation for the help and cooperation from the three states and  
130 the NCF in getting this large task accomplished. Kenny talked about the practical ramifications  
131 of the new rules. The ED Office now, on a monthly basis, will provide an estimate of  
132 expenditures a month or two in advance, so that federal funds are being received and expended  
133 within the time allotted. Process is divided into “estimates for contractors” and “estimates for  
134 land purchases.” Program does not want a reputation of being difficult to work with in land  
135 deals, thus the separation of the processes. There is great difficulty in forecasting land deals,  
136 which can occur suddenly and require quick turnaround. Program funds are distributed in a  
137 “fair share” fashion, so even though large amounts may be present in the account due to how  
138 States handle their contributions, money cannot be distributed if sufficient funds are not available  
139 to cover each contributor’s share.

140

141 Purcell asked if there any consequences if interest is accrued. Lawson said no, as long as it can  
142 be shown that every effort was made to avoid it. Purcell said this may affect the way Wyoming  
143 distributes funds, and will work with Kenny and the NCF to work out the details. The Bureau  
144 had still been operating under the financial agreement of the Cooperative Agreement. The new  
145 agreement is a Program agreement. Current agreement expires in 2012, and then a new  
146 agreement must be created.

147

148 Shadle commented on the 2009002 access control bid package, saying NPPD was not fully in  
149 agreement but was not opposed. Kenny explained that the gates were necessary at these two  
150 properties as they are frequently accessed and some problems have already occurred with  
151 obstructing access to permitted persons. At 2009002 for example, there are 7-10 locks connected  
152 to each other. Controlled access gates will also allow tracking of entrants.

153

#### 154 **Program Outreach Update**

##### 155 *Recent Presentations:*

- 156 • Jason Farnsworth presented on the 2008 high flow event and the Program to the Tri-basin  
157 NRD board at their September 8, 2009 meeting.
- 158 • Jerry Kenny presented on the Program to the UNL Environment and Water Law Seminar  
159 class on September 18, 2009. The class met at the Bartels property and viewed the work  
160 completed on the property.
- 161 • Jerry Kenny presented an update on the Program to the 2009 NARD annual conference in  
162 Kearney on September 28, 2009.
- 163 • Bruce Sackett presented on the Program to the Backyard Wetlands Project in Gibbon, NE on  
164 October 3, 2009.
- 165 • Chad Smith presented on the Program with a focus on the Adaptive Management Plan to the  
166 UNL Ecology Seminar at the School of Natural Resources on October 6, 2009.
- 167 • Bruce Sackett provided a Program update to the Acquisition Workgroup of the Rainwater  
168 Basin Joint Venture on October 6, 2009.
- 169 • Chad Smith presented on the Program, Adaptive Management Implementation, and the  
170 science/policy interface at the UNO Environmental Policy & Management Class on October  
171 8, 2009.

172 *Upcoming Presentations:*

- 173 • Jerry Kenny will be part of a panel of Program participants at the October 15, 2009 Platte  
174 River Symposium in Kearney. Chad Smith will moderate the panel.
- 175 • ISAC members will also have a panel at the October 15, 2009 Platte River Symposium.

176

177 *Exhibits/Sponsorships:*

- 178 • The Program exhibited in the Nebraska Association of Resources Districts tent at Husker  
179 Harvest Days in Grand Island on September 15, 16 & 17<sup>th</sup>. We made 1,615 direct contacts  
180 with the public over the course of those three days. The estimated overall attendance was  
181 330,000 people.
- 182 • The Program exhibited at the Nebraska Nature & Visitor Center grand opening on Saturday  
183 September 26, 2009. We made 145 direct contacts with the public and estimated overall  
184 attendance was 400 people. The Program is a sponsoring partner for the Center.
- 185 • The Program was a sponsor of the North American Weed Management Association  
186 Conference and Trade Show on September 21-24, 2009 in Kearney, Nebraska.

187

188 *Press Coverage:*

- 189 • Nate Jenkins of the Associated Press wrote an article entitled “Fewer acres could be taken  
190 out of irrigation around Platte” for the Lincoln Journal Star. Jerry Kenny was interviewed  
191 and quoted in the article and it was published on September 6, 2009. The article was also  
192 picked up by Channels 10/11 and 5 over that Labor Day weekend.
- 193 • David Freeman published an essay, “*Negotiating Implementation of the Endangered Species*  
194 *Act in the Platte River Basin*” in September/October 2009 newsletter of the Colorado State  
195 University Water Center. The essay covered the history, objectives, and significance of the  
196 Program. David’s manuscript is currently under review by the Colorado University Press,  
197 tentatively titled: **Negotiating New Environmental Governance on the Platte River Basin**  
198 **Water Commons: Mobilizing Water Users to Implement the Endangered Species Act.**

199

200 **FY09 Budget Items Updates**

201 Kenny introduced the FY09 budget items update. A status report was distributed with the GC  
202 packet. Detailed spreadsheet includes current expenditures through last week. For 2009 to date,  
203 the Program has expended close to \$8 million. It is expect to spend approximately \$3 million  
204 through October and November and potentially an additional \$3 million in December. For  
205 perspective – in 2007 \$1.1 million was expended and in 2008 \$3.5 million was expended.  
206 Expected 2009 expenditures are approximately \$14 million. Kenny provided update on some bid  
207 items approved by FC. Cottonwood Ranch (CWR) tree clearing and island leveling work is  
208 under way. CWR tree pile removal (i.e. chipping) package was intended to move away from  
209 “burn and bury” concept, but bids received were higher than expected by an order of magnitude  
210 and the clearing and leveling contractor was asked to provide a quote for burning and burying the  
211 tree piles. Still intend to look for alternate methods of disposal in the future. Some  
212 clearing/debris removal is occurring at WY property. CWR bridge contract was awarded,  
213 kickoff meeting next week.

214



215 **Program Modeling Strategy**

216 Farnsworth gave a presentation on the Program’s approach to modeling strategy. Presentation  
217 covered the Program’s needs for modeling (current data gaps), the models currently used by the  
218 Program, the various limitations and advantages to additional available models, and ED Office  
219 recommendations. The suggested approach is outlined in the modeling memo distributed in the  
220 GC packet. This approach includes a 1-D flow and sediment model from North Platte to  
221 Chapman, localized 2-D flow and sediment models at specific reaches within the associated  
222 habitat, and a vegetation analytical model at specific reaches within the associated habitat  
223 including experimentation to identify vegetation response to various flow/sediment conditions.  
224

225 Recommended next steps include creation of the NP to Chapman 1-D model and implementation  
226 of the 2-D model at one site. Money to create the 1-D model appears in the 2010 draft budget.  
227

228 Chavez-Ramirez asked how the Program would manage the models after they were created –  
229 who would use the model on a daily basis. Farnsworth said a contractor would be hired to create  
230 the model, and due to the popularity and ease of use of the 1-D HEC-RAS models, the models  
231 would be used by ED Office and contractors and could be used within most organizations with  
232 hydraulics staff. The 2-D model is more complicated and would likely be applied by contractors  
233 working on specific Program projects. Chavez-Ramirez asked how Program will overcome the  
234 shortcomings of models with regards to vegetation. Farnsworth said that most models do not  
235 deal with vegetation, but vegetation scour could be dealt with in part via velocity. Experiments  
236 would identify necessary velocities to perform scour, the models would identify the velocity for  
237 a certain discharge. Purcell asked what alternative the Program has to a 1-D model, what would  
238 occur if the Program did not have this model. Kenny said likely localized 1-D models would be  
239 implemented on a project basis. A system wide model would allow prediction of  
240 changes/consequences outside of where a localized model may predict. Berryman asked if the  
241 model would be peer-reviewed. Kenny said it is not included in the draft budget, but is a case  
242 where peer review may be warranted. Kraus asked if ED Office is asking approval for modeling.  
243 Kenny said this presentation was informational to coincide with the budget line item requesting  
244 2010 money for modeling.  
245

246 Lawson requested the budgets reflect the 1-D, 2-D, and model maintenance items individually.  
247 Kenny said the 2010 budget as currently presented is to develop the system-wide 1-D model.  
248

249 **Draft FY 2010 Program Budget and Work Plan**

250 Kenny introduced the 2010 budget and work plan. Kenny walked the GC through each line of  
251 the budget, explaining details of amounts and tasks. This version of the budget has been through  
252 one round with the FC and has included input from advisory committees. The GC was not asked  
253 to approve the draft budget, but Kenny addressed questions as they were raised. Thabault asked  
254 about the \$300,000 mentioned in the modeling memo to proceed with 2-D modeling in 2010.  
255 Kenny said the recommendation has been adjusted to consider only the 1-D model in 2010, and  
256 is reflected as the \$400,000 in the draft budget. Purcell asked if the budget and work plan would  
257 be refined for the November FC meeting. Kenny indicated that was the case.



258 With nothing further, Ament adjourned for the day at 5:42 p.m.

259

260

### **Wednesday, October 14, 2009**

261

#### **Welcome and Introduction**

263 Ament called the meeting to order and the group proceeded with a roll call.

264

#### **Fish and Wildlife Service Update**

266 Thabault reported that Don Anderson is leaving the U.S. Fish and Wildlife Service to join the  
267 Bureau of Reclamation. Thabault recognized Don's service to the Platte and the Service and the  
268 GC offered their recognition as well.

269

#### **Final ISAC Report**

271 Smith discussed the ISAC report and the recommendations contained in the report. Schellpeper  
272 asked about procedures related to the ISAC report and the GC. Smith said there is no formal  
273 process for approving the report, but that it is up the GC to approve ISAC recommendations and  
274 actions related to implementing those recommendations. Chavez-Ramirez said that  
275 recommendations like re-prioritizing hypotheses should be considered carefully and might cause  
276 enough "heartburn" that further discussion at the GC level will be required. Kraus asked if one  
277 mock report would be created, or if there would be a mock report created for each of the 42  
278 priority hypotheses. Marmorek said the intent on the part of the ISAC is to sequence hypotheses  
279 and focus on the highest priorities and decisions. Loftin added that in trying to govern a large  
280 program, it is important to prioritize now and build a mock report in order to identify if key  
281 questions are not going to be addressed or if there is an information gap related to  
282 experiments/management actions that needs to be filled. Kraus asked about looking outside the  
283 interests of the Program in the Conceptual Ecological Models (CEMs). Smith said the idea of  
284 changing the CEMs to include outside influences is something that is being considered, but any  
285 formal changes have to be approved by the GC and those changes will mean that the Program  
286 will not do any work or spend any money outside the associated habitats. DeWeese asked if a  
287 mock report had ever been created and used before. Marmorek said one had been created for an  
288 earlier assessment of acid rain, and in concept it has been done related to some of the efforts  
289 related to salmon populations.

290

291 Kraus asked who will do the mock report. Smith said it will be done by Program staff with  
292 assistance from special advisors, the TAC, and the AMWG. Chavez-Ramirez said it had been  
293 clearly defined that the Program would not spend time assessing influences on Program target  
294 species outside the associated habitats, so changes to CEMs along those lines will require GC  
295 input. Schellpeper said there needs to be a better paper trail as to what the Program does in terms  
296 of responding to ISAC recommendations and what the result is. Kenny said that is an excellent  
297 recommendation and will establish a clearer link between actions and consequences.

298

299 Purcell asked what guidance we ended up with. **Kenny said Program staff will make a clear  
300 link between ISAC recommendations and proposed actions, including work plans and**

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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 Governance Committee before approval.



301 **budget items, as well as interplay between Program staff and Program advisory**  
302 **committees on implementing ISAC recommendations.** Ament thanked the ISAC for their  
303 good work.

304  
305 **Public Comment**

306 Ament asked for public comment. None was offered.

307  
308 **Executive Session**

309 The Governance Committee took a break and then re-convened in Executive Session. Kraus  
310 made a motion to enter Executive Session to discuss land offerings; Schellpeper seconded. **GC**  
311 **entered Executive Session at 9:05 a.m.**

312  
313 **Program Land Tracts**

314 Purcell motioned to move forward with an appraisal on Tract 0818 and for the ED Office to  
315 develop a recommendation for GC approval for further action after reviewing the appraisal;  
316 Bishop seconded. **Motion approved.**

317  
318 **Future Meetings & Closing Business**

319 Upcoming GC meetings are scheduled for:

- 320  
321 December 1-2, 2009 @ Denver, CO; DIA Marriott Residence Inn  
322 March 9-10, 2010 @ Kearney, NE  
323 June 8-9, 2010 @ Cheyenne, WY  
324 September 14-15, 2010 @ Kearney, NE  
325 December 7-8, 2010 @ Denver, CO

326  
327 Meeting adjourned at 10:32 a.m.

328  
329 **Summary of Action Items/Decisions from October 2009 GC meeting**

- 330 1) Approved August 11-12, 2009 and August 31, 2009 Special Session minutes.  
331 2) Approved North Platte amendments to New Depletions Plan and South Platte assumptions  
332 changes.  
333 3) Kenny and Smith agreed to develop for a GC a response to ISAC recommendations including  
334 relationships to future Program work and budget implications.  
335 4) Approved moving forward with an appraisal on Tract 0818 and for the ED Office to develop  
336 a recommendation for GC approval for further action after reviewing the appraisal.  
337 5) GC approved meeting dates through December 2010.