



**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
**Land Advisory Committee Meeting Minutes**  
**Executive Director’s Office Conference Room – Kearney, NE**  
**April 24, 2012**

**Meeting Participants**

**Land Advisory Committee (LAC)**

**State of Wyoming**

Harry LaBonde – Member, Wyoming State Engineer’s Office

**State of Colorado**

Suzanne Sellers – Member, Colorado Water Conservation Board (via phone)  
Kevin Urie – Alternate, Denver Water (via phone)

**State of Nebraska**

Ted LaGrange – Member, Nebraska Game & Parks Commission (via phone)

**U.S. Fish and Wildlife Service (USFWS)**

Matt Rabbe – Member, USFWS

**U.S. Bureau of Reclamation (USBOR)**

Brock Merrill – Member, USBOR (via phone)

**Power Districts**

John Shadle – Member (Vice-chair), Nebraska Public Power District

**Environmental Entities**

John Heaston – Member, The Nature Conservancy

**Local Nebraska Rep. – Central Platte Natural Resources District (CPNRD)**

Mark Czaplewski – Member (Chair), CPNRD Staff

**Local Nebraska Rep. – Tri-Basin Natural Resources District (TBNRD)**

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**Local Nebraska Rep. – Joint CPNRD/TBNRD**

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**Executive Director’s Office (EDO)**

Jerry Kenny, Executive Director  
Jason Farnsworth  
Justin Brei  
Bruce Sackett

**Other Participants**

Mark Morten, The Crane Trust



1 **Welcome and Administrative**

2 Chairman Czaplewski called the meeting to order at 9:00 am Central Time and the group  
3 proceeded with introductions.

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5 Czaplewski asked for agenda modifications. No modifications requested.

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7 **LaBonde made a motion to approve the minutes from the February 1, 2012 and February**  
8 **24, 2012 LAC meetings. The motion was seconded by Rabbe and passed unanimously.**

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10 **GC Update and Other Committee Coordination Information**

11 *GC Update*

12 Czaplewski updated the LAC on recent GC activities. The GC met on March 13 & 14, 2012 in  
13 Kearney, NE.

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15 The GC approved a rotating membership plan for the Program’s Independent Scientific Advisory  
16 Committee (ISAC), where members will be rotated out after three years of service. The GC also  
17 approved a sole source agreement with Rainwater Basin Joint Venture to perform a GIS habitat  
18 availability analysis for whooping cranes.

19  
20 In land-related issues, the GC received a presentation from NGPC on the first year of the Platte  
21 River Recreation Access program. Appraisals were authorized for tracts 0837, 1202, and 1203.  
22 Final acquisition was approved for tracts 1101 and 1102. The GC authorized the ED office to  
23 pursue the closure of “I” road in Phelps County, which dead-ends in the center of tract 2010001.  
24 The approach for disposal of excess land at tracts 2009008 and 2011001 was approved. The  
25 WAC will be involved in decision making for the irrigated acres present on the surplus of  
26 2009008. The GC approved an easement for tract 1115 (part of tract 2009003) given in  
27 exchange for a quit-claim deed received by the Program to settle the boundary in the river.

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29 The next GC meeting will be held on June 12 & 13, 2012 in Cheyenne, WY.

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31 *Other Committee Coordination*

32 Farnsworth updated the LAC on recent TAC activities. The TAC last met on April 18. The  
33 primary topic of discussion at that meeting was developing a Program approach to examining  
34 target flows. The ED office and TAC will work to develop target flow objectives. The TAC  
35 also approved an RFP for a FSM proof of concept experiment at the Shoemaker Island Complex.

36  
37 Kenny updated the LAC on recent WAC activities. The WAC is still working to find solutions  
38 to increase the capacity through the North Platte chokepoint. The groundwater recharge  
39 monitoring and data analysis is being finished up and a scoring approach for this project is being  
40 developed. The WAC is in the final stages of completing the feasibility investigation for the J2  
41 reregulating reservoir. A subgroup of the WAC is looking at water leasing, particularly the  
42 transfer of surface water irrigation to instream flow on acres that will be groundwater irrigated in  
43 the future. The WAC meets next on May 7 in Ogallala, and the focus will be on state depletions



44 plans. LaBonde asked for the status of the ownership and management agreement for the J2  
45 reservoir. Kenny said the hope is to bring an agreement before the GC in June.

46  
47 Sackett updated the LAC on discussions from the WAC/LAC subgroup working on the excess of  
48 irrigated land at 2009008. This group is working on a decision tree to assist the LAC in deciding  
49 when the WAC should be involved in the process.

50  
51 Heaston updated the LAC on the activities of the LAC subgroup working on the disposal of  
52 excess Program lands. This group is partially waiting for the outcome of the discussions of the  
53 WAC/LAC subgroup to deal with the water, but is very close to a recommendation for tract  
54 2009008. If NGPC as a preferred buyer is unable to complete the purchase of the majority of the  
55 excess, as first intended, the subgroup will reconvene to decide how to approach private sale.

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57 **Present Work in Progress**  
58 Farnsworth provided the LAC with a 2011 Program Work Report that summarized expenditures  
59 for 2011 on land activities. Farnsworth said a large part of the difference between budgeted and  
60 actual expenditures was the continued lack of 404 permits for work at the Elm Creek Complex.  
61 Czaplewski asked that non-complex and complex tracts/expenditures be more clearly identified  
62 in the report, and that there be a separation of the types of income (ie. ag income vs. sand &  
63 gravel income). Shadle asked which channels on Cottonwood Ranch are subject to the flow  
64 consolidation. Farnsworth said both north and south channels will be worked on to achieve pre-  
65 2010 conditions. The ED office is still working with the consultant on feasibility. The  
66 implementation design will be approved by the TAC once completed. Likely 2012 construction  
67 activities are installation of channel plugs which were breached in 2010. New flow  
68 consolidation construction is likely to occur in 2013. Shadle asked if the downstream landowner  
69 is agreeable to the proposed activities. Sackett said the ED office is still working with that  
70 landowner, and so far there are scenarios available that may work for both parties. Negotiations  
71 can proceed once implementation design is completed.

72  
73 Farnsworth then walked through work completed, in progress, and upcoming. A new hangup in  
74 spraying activities this year is the need for a DEQ permit for herbicide application. LaGrange  
75 said national legislation required the EPA to regulate herbicide application on rivers, and the  
76 state became responsible for part of this process. It is a work in progress, and they are working  
77 to expedite this process for the future. The other large activity on Program lands was the  
78 execution of a number of prescribed burns. A contractor from California won the bid for this  
79 project and burned almost 1,500 acres for the Program in three weeks. Having a professional  
80 burning contractor for this project was instrumental in getting these burns completed. The  
81 contractor was very professional, and had excellent coordination with local fire chiefs. Tim  
82 Tunnell developed good burn plans and visited fire chiefs with the contractor. The contractor  
83 even offered their services to local fire departments if they needed help. Two fire departments  
84 accepted this offer and the contractor assisted in fighting two rural wildfires. In addition to  
85 Program lands, time allowed the contractor to burn a property for Ducks Unlimited. On days  
86 with unfavorable burning weather, the contractor did work on Program lands such as chain  
87 sawing, clearing fences, etc.



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**Land Offering Reviews**

**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 LaBonde. The motion carried and the committee entered executive session at 10:09 a.m.**

**Heaston moved to come out of executive session. LaBonde seconded and the motion carried. The committee came out of executive session at 11:26 a.m.**

**Shadle moved to table tract 1209, accept the evaluation team recommendation for tract 1210 as complex land and tract 1114 as non-complex land, and to recommend the GC pursue appraisal and negotiations for 1210 and 1114. Motion seconded by LaBonde and passed unanimously.**

**Land Plans**

Brei talked with the LAC about land management plans distributed before the meeting. Land management plans were developed in cooperation with a subgroup of LAC members, and were presented to the LAC for comment. Rabbe said that the start date for the migratory bird treaty act in the land plans should be changed to April 15. Czaplewski said there is a discrepancy in the acres mentioned throughout the 2010002 plan – it should be consistently 15 acres.

Any further LAC comments were requested by April 27. Final drafts will be distributed to the LAC and TAC for comment, with final LAC approval scheduled for a conference call on May 18, 2012 from 9-11am central time.

**Extension of Pumping at 2009008**

Sackett discussed an agreement for extension of pumping activities with the sand and gravel contractor operating at 2009008. The contractor would like a longer commitment so they can better plan how to continue mining the east pit. Czaplewski asked if the agreements reference MSHA responsibility – ie. is the Program bound in any way by this agreement to MSHA, insurance, or liability. Sackett and Heaston said that is not the case. The contractor is asking for a three-year rolling agreement (rolls to additional year at the end of each year to maintain a 3-year agreement). Czaplewski says he does not see any major biological advantage to having the contractor move faster w/ the amount of habitat already available just to the west. Sackett recommends approval of the proposed agreement.

**Rabbe moved to recommend GC approval of the 3-year rolling agreement extension for pumping activities at 2009008. Seconded by Czaplewski and passed unanimously.**

**Public Access Program Review**

Heaston discussed activities of the LAC subgroup reviewing the current public access policy. The 2011 season with NGPC went very well. To ensure stability, the subgroup recommends moving from an annual agreement for access program implementation to a 3-year agreement. Additionally, the subgroup recommends adding waterfowl hunting and upland bird/small game



132 hunting as allowed uses on tract 2010001 and, subject a TAC/LAC review of compatible use, on  
133 tract 2012002. Heaston also discussed the need for a landowner representative on the subgroup.  
134 The public access policy is slated to be reviewed annually, and it was proposed that this be  
135 formalized to occur by the June GC meeting each year. Czaplewski said that, in entering a  
136 longer agreement, we must make sure the agreement includes the standard clauses pertaining to  
137 Program budget availability, performance, escape, etc. Sackett discussed a request by the  
138 landowner to the west of 2012002 that no hunting be allowed within 100 yards of the shared  
139 boundary, and that deer hunting be doe-only. Heaston and LaGrange said that sets a poor  
140 precedent for the Program access policy, and that it is beyond the scope of the Good Neighbor  
141 Policy to make these kinds of concessions. LaBonde said we do not want to generate a different  
142 set of hunting regulations for the NGPC to enforce.

143

144 Sackett will assemble a modified public access policy document and memo for approval on the  
145 May 18 conference call.

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147 **Public Forum/Next Meeting**

148 Chairman Czaplewski asked for public comments, none were offered.

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150 **The next meeting of the LAC will be held via conference call on Friday, May 18, 2012 at**  
151 **9:00 a.m. central time.**

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153 **Closing Business**

154 With no further business, the meeting was adjourned by Chairman Czaplewski at 12:17 p.m.