



1                                   **PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
2                                   **Governance Committee Meeting Minutes**  
3                                   Warwick Denver Hotel – Denver, CO  
4                                   December 4-5, 2012

5  
6                                   **Tuesday, December 4, 2012**

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8                                   **Meeting Attendees**

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10                                  **Governance Committee (GC) Table**

11                                  **State of Wyoming**

12                                  Harry LaBonde – Member

13                                  Mike Besson

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15                                  **State of Colorado**

16                                  Don Ament – Member

17                                  Suzanne Sellers – Alternate

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19                                  **State of Nebraska**

20                                  Jim Schneider – Member

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

23                                  Michael Thabault – Member

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25                                  **Bureau of Reclamation (BOR)**

26                                  Gary Campbell – Member

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28                                  **Environmental Entities**

29                                  Tom Dougherty – Member

30                                  John Heaston – Member

31                                  Bill Taddicken – Member

32                                  Duane Hovorka – Alternate

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34                                  **Upper Platte Water Users**

35                                  Dennis Strauch – Member

36                                  Doug Chamberlain – Member

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38                                  **Colorado Water Users**

39                                  Alan Berryman – Member

40                                  Deb Freeman

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42                                  **Downstream Water Users**

43                                  Brian Barels – Member

44                                  Don Kraus – Member

45                                  Mark Czaplewski – Proxy for Ron Bishop, Member

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47                                  **Executive Director's Office (EDO) Staff**

Jerry Kenny, Executive Director (ED)

Bridget Barron

Beorn Courtney

Jason Farnsworth

Bruce Sackett

Chad Smith

**Audience Members**

Tom Econopouly – Service

Mike George – Service

Mike Drain – CNPPID

Kevin Urie – Denver Water

Brock Merrill – BOR

Larry Schulz – EDO Consultant

Diane Hoppe – MWH

Pat Goldt – Nebraska DNR

David Galat – ISAC

Robb Jacobson – ISAC

Andy Moore – CWCB

Monte Macdonald – Riverside Technologies

Seth Turner – CDM Smith



## Welcome & Administrative

Thabault called the meeting to order at 2:01 p.m. Mountain time. The group proceeded with introductions. Strauch noted the passing of former GC member Norm DeMott. Kenny said flowers were being sent to the funeral on behalf of the GC and there is an opportunity for donating in behalf of DeMott to the Gering Fire Department.

*Strauch moved to approve the September 2012 GC minutes; Ament seconded. Minutes approved.*

## Program Committee Updates

### *Land Advisory Committee (LAC)*

Czaplewski provided an update on the latest LAC activities. The LAC last met on October 2. The LAC recommended action on several tracts on the GC agenda tomorrow. Czaplewski was re-elected LAC chair and John Shadle from NPPD was re-elected vice- chair. The LAC met via conference call on November 5 to discuss the FY13 PRRIP budget and 2013 land work plans.

### *Water Advisory Committee (WAC)*

Courtney provided an update on the latest WAC activities. The WAC last met on October 16 via conference call to discuss the FY13 PRRIP budget and work plan. The next WAC meeting is February 12 in Ogallala.

### *Technical Advisory Committee (TAC)*

Smith provided an update on the latest TAC activities. The TAC met in both September and October in Kearney, NE and addressed the following items:

- Discussed the draft FY13 PRRIP budget and work plan
- Recommended GC support for the whooping crane stopover site evaluation project
- Recommended GC support for the Directed Vegetation Research Report peer review
- Upcoming meetings (January 2013) – vegetation monitoring objectives (Wet Meadows Working Group), whooping crane data analysis, habitat availability assessments

### *Finance Committee (FC)*

Campbell provided an update on the latest FC activities. The FC held three conference calls since August. The FC approved several contract/task order items:

- Cottonwood Ranch Complex Habitat Enhancement Bid Package
- Elm Creek Nesting Island Bid Invitation
- Elm Creek Complex Habitat Enhancement Bid Package
- J-2 Regulating Reservoir Engineering Review Services
- Lateral Erosion Research Task Order
- Groundwater Recharge Water Service Agreement
- Sediment Augmentation & Permitting
- North Platte Choke Point Flood Proofing
- Fox Wet Meadow Bid Package
- Shoemaker Island Complex Habitat Enhancement Bid Package
- Fort Kearny Complex Habitat Enhancement Bid Package
- Shoemaker Island Complex FSM Proof of Concept Contract

The FC also discussed the FY13 budget and work plan as well as the sole-source motion from the TAC for the whooping crane stopover site project.

**Program Outreach Update****PRESENTATIONS**

- The Program exhibited at Husker Harvest Days in Grand Island on September 11, 12 and 13, 2012 in the Natural Resources Districts building. We made 2,650 contacts over the course of the three days.
- Bridget Barron represented the Program at the America's Great Watershed Initiative Summit in St. Louis, Missouri on September 26<sup>th</sup> and 27<sup>th</sup>, 2012. The focus on the summit is to examine collaborative ways to address geographic, institutional and issue-based barriers to maximizing the potential of the Mississippi watershed.
- Chad Smith presented on Adaptive Management on the Platte river at the Lower Platte River Summit on October 18, 2012 in Fremont, Nebraska.
- Chad Smith presented on the Program at the Crane Trust Research Symposium in Alda, Nebraska on October 19, 2012. The symposium focused on the Platte River ecosystem.
- Jerry Kenny was part of a panel on November 13<sup>th</sup> in Lincoln, Nebraska for the University's conference, Water: Science, Practice and Policy. The panel topic is Shifting to Groundwater Irrigation in the Central Platte: The NRD Proposal and Potential Effects and also includes J. Michael Jess as the Panel Moderator; Ronald Bishop, Central Platte Natural Resources District; Kent Miller, Twin Platte Natural Resources District; Don Kraus, Central Nebraska Public Power and Irrigation District; and Brian Barel, Nebraska Public Power District.
- At the same conference on the same day, Mike George and Christine Reed of the University of Nebraska-Omaha presented on Implementing the Platte River Recovery Implementation Program.
- Jerry Kenny presented a Program update at the joint conference of the Nebraska State Irrigation Association and the Nebraska Water Resources Association on November 23 & 24, 2012 in Kearney, Nebraska.

**EXHIBITS/SPONSORSHIPS**

- The Program was a luncheon sponsor and exhibitor at the 23<sup>rd</sup> Annual South Platte Forum in Longmont, Colorado on October 24-25, 2012. We made 250 contacts over the course of the two days.
- Mark Czaplewski staffed an exhibit for the Program at the Central Platte Natural Resources District 40 year anniversary open house in Grand Island, Nebraska on October 25, 2012.
- The Program exhibited at the Nebraska Community Foundation's annual banquet in Kearney, Nebraska on November 8, 2012. We made 99 contacts.

**UPCOMING PRESENTATIONS/EXHIBITS**

- Jason Farnsworth will be presenting a Program update at the annual meeting of the Nebraska Association of County Officials on December 13, 2012 in Kearney, Nebraska.
- Jerry Kenny and Dennis Strauch will be presenting on the progress of the Program at the annual meeting of the Four States Irrigation Council in Fort Collins, Colorado on January 18, 2013.
- The Program will be a sponsor and will be exhibiting at the annual meeting of the Four States Irrigation Council in Fort Collins, Colorado on January 16-18, 2013.
- The Program will be exhibiting at Colorado Water Congress in Denver, Colorado on January 30 – February 1, 2013.
- The Program will be exhibiting at the Rainwater Basin Informational Seminar on February 6, 2013 in Hastings, Nebraska.

**OTHER**

- The Program nominated Brad Mellema of the Crane Trust Nature and Visitor's Center for the Nebraska Wildlife Federation's 2012 Conservation Education award. The award was presented to Mr. Mellema at the Nebraska Wildlife Federation's Annual Conservation Awards dinner on October 16, 2012 at Mahoney State Park.

**PRRIP Budget Items**

Kenny discussed the status of the FY12 PRRIP budget. The Program passed the \$50M expenditure mark over the course of 2007-2012. Kenny discussed the proposed FY2013 PRRIP budget and work plan. The draft budget was discussed with the FC and all other Advisory Committees starting in October, and has been discussed with the GC during a Special Session conference call in November. The FC discussed the budget and work plan one more time on November 30. Kenny highlighted line items G-5 and IMRP-5 that increased slightly due to improved estimates from contractors. Line item GFC-1 increased based on a cleaner calculation of the NCF reimbursement process.

*LaBonde moved approval of the FY2013 PRRIP budget and work plan; Schneider seconded. **FY2013 budget and work plan approved.***

*LaBonde moved to approve the FY2013 Headwaters Corporation 5<sup>th</sup> amendment; Kraus seconded. **Amendment approved.***

Smith discussed the WC stopover site evaluation project. Heaston asks how long the Program has access to the telemetry data. Czapski said the stopover site contract needs to clearly show the TAC has formal review of all reports and data coming from the project. Smith said that would be the case and those provisions would be held in force through the normal Program contracting mechanisms. LaBonde asked about the life of the telemetry equipment. Smith said generally 3-4 years. Dougherty discussed the importance of the telemetry project for gathering whooping crane data and it is a very important project with relevance to the Program.

Barels asked how someone that wants the data can get access to it, and can they do something like pay to get the data. Campbell said the science and research make sense, but where he is having a problem is the Program being asked to provide 46% of the funding for the project. It seems like the USGS and Trust should approach entities like the wind energy firms to provide funding for a project like this. Thabault said it is likely the wind energy industry would want something in return for paying for the project, and there may be regulatory roadblocks to providing that. Campbell said he understands that but in times of tight federal budgets he is struggling with the knowledge that maybe other funding partners should be sought. Smith said to his knowledge other funding sources have not yet been sought by the USGS and Trust. Kenny said in addition that might also necessitate bringing others to the table in the overall telemetry tracking partnership. Barels said we need to get the data for the species.

*Ament moved to approve the whooping crane stopover site sole source; Kraus seconded. Dougherty abstained. **Sole source approved.***

**2012 "State of the Platte" Executive Summary**

Smith discussed the 2012 State of the Platte Report. Thabault asked if the Program has actually done the adaptive management tests that would help us really answer questions like Big Question #1. The Program has not yet conducted a full SDHF with sediment. Smith agreed but said the approach to the



187 2012 report was to use all of the information available to provide insight about what we have learned to  
188 this point. Farnsworth said we are likely now in a paradigm where we are going to have to constantly be  
189 taking mechanical actions in the channel to complement other management actions. LaBonde said his  
190 suggestion is that the Program should be asking which method is more effective in creating the habitat.  
191 The Program needs to optimize resources – the most effective approach may be a combination of  
192 mechanical actions and flow, but the Program needs to get at what is most effective. Freeman said the  
193 document is well-presented and digestible. Hovorka asked if the report is now a public document. Smith  
194 said yes.

195

### 196 **Target Flows**

197 Smith gave a presentation on the background of target flow discussions in 2012. Farnsworth gave a  
198 presentation on assumptions and constraints related to implementation of target flows. Galat and  
199 Jacobson gave a presentation on the ISAC's recommendation for a possible approach to evaluating  
200 potential new options for developing target flows for the Second Increment. Dougherty asked if the  
201 opinion is that if we are successful with this target flow process, will we end up with a non-jeopardy  
202 opinion from the Service on moving forward with implementing the new target flows. Jacobson said he  
203 could not speak to the jeopardy opinion but this would result in cutting-edge approach to dealing with  
204 target flows.

205

206 Dougherty asked why the target flows were picked the way they were. Farnsworth said it was the best  
207 information available at the time, but now we have much more complete information and can make much  
208 better recommendations for flows based on what we know about the target species and the habitat they  
209 utilize. Galat said now after spending a lot of money getting really good information, why would you  
210 ignore that information? Kraus said this is good background information, but what does the Service  
211 think? Barels asked if going through this process would result in something that everyone could agree to.  
212 Thabault said that is a different question. The Service is open to these ideas and has experience working  
213 with environmental flow ideas in other systems, and the Service is not afraid of science. Thabault said  
214 nothing presented today gives him any heartburn. Galat said in the process of developing these  
215 recommendations the ISAC looked at the Trinity River and there are approaches from that system that  
216 might be helpful for the Platte.

217

218 Hovorka asked about the response to the question of whether to push ahead with the existing target flows.  
219 Galat said it pertains both to how the Program uses water and how the AMP is used to evaluate water as a  
220 management action. Hovorka said the 1994 target flows are not without any science. The Program is not  
221 just about science but also delivering environmental benefits. Hovorka said he is having trouble figuring  
222 out how to test the existing target. Jacobson said the "no" does not mean no to the existing target flows,  
223 but instead using the existing AMP to evaluate just the SDHF and not the existing target flows. Freeman  
224 said we need to be measured as we move forward relative to our current accounting under the existing  
225 targets (we have a lot of First Increment to still live through). We need to know when this process would  
226 unfold and when it would apply. What are the consequences of updating that information now, and how  
227 do we update it in a way that is not disruptive.

228

229 Kraus said what the Program has always focused on are the defined benefits for target species. Other  
230 species have always been brought up, but the focus has always stayed on the endangered species. This  
231 can't get lost in the mix if a new process begins – we don't want to dilute potential defined benefits for  
232 endangered species. Galat said the existing target flows are for a lot more than just the target species.  
233 Kraus said there are concerns about what this means for the endangered species-focus of the Program.



234 Barel said this is the whole basis by which this Program was formed. Thabault said his first response  
235 was we can't walk away from the existing target flows. But, we can't spend the money and time building  
236 an adaptive management approach for target flows we know are not based on the current, best science.  
237 We can continue to implement the existing flows doing the best we can, but we can also look to doing  
238 something better for a Second Increment. Freeman said we just have to be careful about the commitments  
239 on which the Program is currently built. She emphasized the sensitivity of the targets in relation to the  
240 Program's structure and water accounting. Czaplewski said one of the biggest questions to be faced is  
241 where pallid sturgeon factor in. They are not in the current mix of target flows and can have a huge  
242 impact on future target flows.

243  
244 Meeting adjourned at 5:30 p.m. Mountain time.

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### **Wednesday, December 5, 2012**

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#### **Welcome and Introduction**

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

249

250 *Schneider nominated Don Ament for 2013 GC Chair; Dougherty seconded. LaBonde moved to approve*  
251 *the nomination with unanimous consent; Campbell seconded. Ament appointed.*

252

253 *Strauch nominated LaBonde for 2013 GC Vice-Chair; Kraus seconded. Schneider moved to approve the*  
254 *nomination with unanimous consent; Kraus seconded. LaBonde appointed.*

255

256

#### **J2 Water Service Agreement**

257 Besson discussed the status of the J2 agreement and the significance of the project. There is a meeting  
258 following the GC meeting today to talk about fatal flaws with certain aspects of the agreement to try to  
259 iron out a final agreement for GC review and approval. Ament said Besson has done a very good job  
260 keeping everyone at the table and talking through some difficult issues. He said he appreciates the time  
261 and effort everyone is putting into the discussions because it is an important project.

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263

264

#### **CPNRD Lease Agreement**

265 Kenny discussed the status of the water lease agreement with the Central Platte NRD related to the  
266 CPNRD acquisition of three canal companies in central Nebraska. It would involve two categories of  
267 water, one kind being transferring irrigation uses to instream uses, and the other kind of water is excess  
268 flows that were recharged and returned to the river (new water recharged specifically for return to the  
269 river). CPNRD is working on permits for both kinds of water. It has become apparent the best course of  
270 action is to work through the WAC on the quantification procedures – with discussions planned in  
271 February 2013. An agreement would likely be brought before the GC for considering in March 2013.  
272 Campbell asked if the GC approves this in March, does the accounting begin and payment starts in 2014.  
273 Kenny said we could receive water in 2013 and we would pay for it in 2013, or we could move it to 2014  
274 funds if necessary. There is a line item in the 2013 budget that includes potential payment to CPNRD for  
275 this water.

276

277

#### **2013 EA AOP**

278 George announced that Steve Guertin has been appointed Assistant Director of the USFWS and Noreen  
279 Walsh has been appointed Regional Director for Region 6 of the USFWS. Econopouly discussed the  
280 latest draft of the 2013 EA Annual Operating Plan (AOP). The AOP includes three high priorities –



281 groundwater recharge, the SDHF, and a whooping crane release in early spring. Kraus asked about the  
282 reference to Pathfinder in the AOP. Econopouly said an attempt was made to simplify things and roll up  
283 number; numbers will be updated in the next draft. Kraus asked about informing the GC about EA  
284 releases when they occur. Kenny said we can send a note, or we can make an addition to the web site like  
285 the hydrologic condition page. Barels said they need to be notified that releases have changed. Kenny  
286 said notifications would start being sent. George said the obvious challenge to the AOP this year is  
287 climate. Kenny said related to the SDHF, the Twin Platte NRD assisted in brokering meetings with the  
288 North Platte canals and the Program is working on a pilot project to try running water around the choke  
289 point. There have been preliminary discussions with the Twin Platte NRD and NPPD to take water from  
290 the North Platte system through the Paxton syphon and return it to the South Platte River in the vicinity of  
291 Sutherland.

292

### 293 **Public Comment**

294 Ament asked for public comment; none offered.

295

### 296 **Executive Session**

297 *Heaston moved to enter Executive Session to discuss land issues; Berryman seconded. GC entered*  
298 **Executive Session at 8:36 a.m. Mountain time.**

299

300 *Ament moved to end Executive Session; LaBonde seconded. GC ended Executive Session at 9:46 a.m.*  
301 **Mountain time.**

302

### 303 **Program Land Tracts & Issues**

304 *Dougherty moved and LaBonde seconded:*

- 305 • *To authorize the ED Office to seek appraisal of and begin negotiations for acquisition of Tract 1220*  
306 *as complex habitat; and*
- 307 • *To authorize the ED Office to negotiate the sale of Tract 1221 to the Nebraska Game and Parks*  
308 *Commission, subject to GC approval of final sale terms.*

309

### 310 **Motion approved.**

311

312 *Heaston moved and Kraus seconded:*

- 313 • *To authorize the ED Office to extinguish the easement on Tract 1219 in exchange for a first right of*  
314 *refusal to The Crane Trust;*

315

316 Dougherty abstained. **Motion approved.**

317

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

319 Upcoming GC meetings:

- 320 • March 12-13, 2013 @ Kearney, NE
- 321 • June 11-12, 2013 @ Cheyenne, WY
- 322 • September 10-11, 2013 @ Kearney, NE
- 323 • December 3-4, 2013 @ Denver, CO

324

325 **Meeting adjourned at 9:56 a.m. Mountain time.**

326



327 **Summary of Action Items/Decisions from December 2012 GC meeting**

- 328 1) Approved September 2012 GC minutes.
- 329 2) Approved the FY2013 PRRIP budget and work plan
- 330 3) Approved the FY2013 Headwaters Corporation 5<sup>th</sup> amendment.
- 331 4) Approved the whooping crane stopover site evaluation project sole source.
- 332 5) Authorized the ED Office to seek appraisal of and begin negotiations for acquisition of Tract 1220 as  
333 complex habitat.
- 334 6) Authorized the ED Office to negotiate the sale of Tract 1221 to the Nebraska Game and Parks  
335 Commission, subject to GC approval of final sale terms.
- 336 7) Authorize the ED Office to extinguish the easement on Tract 1219 in exchange for a first right of  
337 refusal to The Crane Trust.
- 338 8) Set 2013 GC meetings:
- 339 • March 12-13, 2013 @ Kearney, NE
- 340 • June 11-12, 2013 @ Cheyenne, WY
- 341 • September 10-11, 2013 @ Kearney, NE
- 342 • December 3-4, 2013 @ Denver, CO