PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Land Advisory Committee Meeting Minutes
Executive Director’s Office Conference Room – Kearney, NE
July 25, 2012

Meeting Participants

**Land Advisory Committee (LAC)**
- **State of Wyoming**
  - Harry LaBonde – Member, Wyoming State Engineer’s Office (via phone)

- **State of Colorado**
  - Suzanne Sellers – Member, Colorado Water Conservation Board

- **State of Nebraska**
  - Ted LaGrange – Member, Nebraska Game & Parks Commission

**Executive Director’s Office (EDO)**
- Jerry Kenny, Executive Director
- Jason Farnsworth
- Justin Brei
- Bruce Sackett
- Tim Tunnell

**Other Participants**
- Mark Morten, The Crane Trust
- Brice Krohn, The Crane Trust

**U.S. Fish and Wildlife Service (USFWS)**
- Matt Rabbe – Member, USFWS

**U.S. Bureau of Reclamation (USBOR)**
- Brock Merrill – Member, USBOR

**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)**
- Larry Reynolds – Member, TBNRD Landowner

**Local Nebraska Rep. – Joint CPNRD/TBNRD**
- John Thorburn – Member, TBNRD Staff
Welcome and Administrative

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

Czaplewski asked for agenda modifications. No modifications requested.

Sellers made a motion to approve the minutes from the May 18, 2012 LAC meeting. The motion was seconded by Rabbe and passed unanimously.

GC Update and Other Committee Coordination Information

GC Update

Czaplewski updated the LAC on recent GC activities. The GC met on June 12 & 13, 2012 in Cheyenne, WY.

Mike Purcell, the State of Wyoming representative to the GC is retiring, and will be replaced on the GC by Harry LaBonde. LaBonde has been appointed to replace Purcell as director of the Wyoming Water Development Commission. LaBonde said that as of now, he will remain the LAC representative.

Dave Galat, ISAC member, gave the GC a presentation on the ISAC’s opinion on Program management related to the Platte River Caddisfly. In land-related issues, the GC approved land management plans for 2010002, 2010003, 2010004, 2011001 and the Shoemaker Island Complex. The amended public access policy and the amended agreement with Nebraska Game & Parks to administer Program public access were approved. The GC approved the preferred buyer method of sale of land at 2009008 to Nebraska Game & Parks Commission. The Governor of Wyoming approved the transfer of the Wyoming Property (tract 2008001) to the Platte River Recovery Implementation Foundation, with the stipulation that it will revert to the U.S. Fish & Wildlife Service should the Program dissolve. Appraisals were authorized for tracts 1210 (complex), 1114 (non-complex), and 1211 (complex). A small sale of land on 2012002 was approved to fix and settle a property boundary. The GC approved the approach for sale of cropland on 2012002 in exchange for a management agreement on river ground owned by the potential buyer with cash covering the remaining value of sale. The GC approved the public auction method of sale for tract 1217 (far east pasture/woodland on tract 2011001).

The next GC meeting is September 11 & 12 in Kearney, NE.

Other Committee Coordination

Farnsworth updated the LAC on recent TAC and ISAC activities. The ISAC met in Kearney July 10 & 11. They discussed preliminary assessments of Program data and the ISAC provided feedback on the reports. The ISAC discussed the background and implementation constraints of Program target flows. The ISAC recommended a review of available methodology for determining target flows at a symposium later this year. The TAC last met on July 24. They discussed wet meadow construction design on 2009001, least tern and piping plover habitat assessments, data analysis plan for the geomorphology and in-channel vegetation data, and
received an update on sediment augmentation activities. Sediment augmentation contractors are under contract, permits are in-hand, and work will go forward this fall when irrigation demand for water subsides. Czaplewski asked Farnsworth to provide more detail on the Platte River Caddisfly discussion at the GC meeting. The GC instructed the EDO not to proceed with the PRCF management study, and to evaluate future management actions that may impact PRCF on a case by case basis.

Kenny updated the LAC on recent WAC activities. The WAC meets next on August 14. Groundwater recharge is one of the topics for discussion. The pilot project went well, and another project will proceed this winter using only the Phelps canal for recharge (no pit will be dug). There will also be additional monitoring in place. August 8th is the kickoff meeting with the contractors selected to review the J2 reregulating reservoir feasibility study. This review will critically assess the feasibility study and provide recommendations if issues are discovered. The WAC is working with local NRDs, NPPD, and CNPPID on potential for water leasing and with CNPPID on net controllable conserved water. The WAC is also continuing work to achieve 3,000 cfs through the North Platte chokepoint. Five proposals were received for investigation of flood proofing at this site in an effort to get the minor flood stage raised. The WAC will also discuss the use of hydroclimate indices to forecast long range hydrologic conditions.

Present Work in Progress
Tunnell walked the LAC through work completed, in progress, and upcoming. Details of activities were distributed to the LAC in advance.

Land Offering Reviews
Sellers moved to go into executive session with LAC members, alternates, and technical staff to review details of land offerings. The motion was seconded by Merrill. The motion carried and the committee entered executive session at 10:20 a.m.

Merrill moved to come out of executive session. Sellers seconded and the motion carried. The committee came out of executive session at 11:43 a.m.

Reynolds moved to accept the evaluation team recommendation for tract 1211 as complex land and to recommend the GC pursue appraisal and negotiations. Motion seconded by Rabbe and passed unanimously.

Land Plan Present Practice
Sackett distributed one of the Program’s hay leases as an example of their current content and to facilitate discussions of current program practices regarding typical agricultural operations and best management practices. Currently, hay leases do not contain any provisions requiring haying to occur after July 15 (the USFWS recommended date for management to avoid nesting birds under the Migratory Bird Treaty Act). The LAC discussed whether or not the Program should put these dates into the hay leases as the earliest available harvest date due to the MBTA restrictions. Sackett said that this is sometimes considered later than appropriate for grassland and forage condition, and asked if the Program should treat haying differently than a private
landowner. Rabbe said that the July 15 dates are not in the MBTA itself, but are USFWS recommendations to avoid take of migratory birds. The MBTA restricts any take of migratory birds no matter when or how it occurs. Rabbe suggested PRRIP abide by our recommendations and avoid the MBTA dates (April 15-July 15) when possible, or at a minimum, in unique instances such as this year (nesting began earlier and ended earlier), perform nesting bird surveys to document absence if work is to take place inside that window. Reynolds and Krohn discussed hay harvest timing with respect to quality. For typical grasses, July 15 is not a problem. Under drought conditions an earlier harvest would be preferred. LaGrange asked if haying of the entire field is precluded if a nest is found. Rabbe said yes, since if one nest is found there are likely others present because nesting is still occurring.

**Access Program Update**

Sackett reported that a new three year agreement with Nebraska Game and Parks Commission was approved by the GC in June and has been accepted by NGPC. This agreement provides for administration of the Program’s Public Access Policy.

**Service Agreements on PRRIF Land**

Sackett went over current active North American Wetlands Conservation Act (NAWCA) and USFWS Wildlife Extension Agreements (WEA) on Program land. These agreements were entered into by former landowners prior to the Program acquiring the land. An attorney for the Program examined these agreements and advised that these agreements were not legally transferred with the property, so the agreement remains with the original landowner – not the property itself. Any claims made as a result of these agreements are the responsibility of that original landowner. Sackett’s intent was only to inform the LAC of these agreements and the properties on which they exist. Typically, Program actions are similar and in support of activities covered by these agreements, so no conflict is expected. Rabbe agreed no conflict is expected, but expressed that the Program should make every effort to avoid any situation where agreements are violated and payback of funds would be required by working with USFWS when conflict with the agreements arise. Rabbe voiced concerns with any actions that would violate these agreements. Jerry Kenny said these are presented for the LACs information and use in management planning and to keep in mind on future acquisitions.

**Public Forum**

Chairman Czaplewski asked for public comments, none were offered.

**Other Business**

Larry Reynolds reminded the LAC of the Program’s willing seller willing buyer responsibility with respect to the J2 reregulating reservoir project. Jerry Kenny thanked Reynolds for the input, and said that real estate transactions for that project are under the purview of Central Nebraska Public Power and Irrigation District. Reynolds said that transactions other than willing buyer willing seller would not be well received in the community. Kenny said that those with the power of eminent domain are aware of these sentiments and are reluctant to invoke it unless necessary.
Czaplewski asked if any other LAC members would be interested in a tour of a few Program properties to see management actions that have taken place or new land that has been recently purchased. Several LAC members were interested. The EDO will select some properties to tour as a part of the next LAC meeting.

The next meeting of the LAC will be held at 2 p.m. central time on August 28, 2012 in Kearney, NE. An optional tour of Program properties for the LAC will occur the next morning, August 29, 2012, at 8 a.m.

**Closing Business**

With no further business, the meeting was adjourned by Chairman Czaplewski at 12:43 p.m.