



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

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

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



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.

4
5 Czaplewski asked for agenda modifications. No modifications requested.

6
7 **Sellers made a motion to approve the minutes from the May 18, 2012 LAC meeting. The**
8 **motion was seconded by Rabbe and passed unanimously.**

9
10 **GC Update and Other Committee Coordination Information**

11 *GC Update*

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

14
15 Mike Purcell, the State of Wyoming representative to the GC is retiring, and will be replaced on
16 the GC by Harry LaBonde. LaBonde has been appointed to replace Purcell as director of the
17 Wyoming Water Development Commission. LaBonde said that as of now, he will remain the
18 LAC representative.

19
20 Dave Galat, ISAC member, gave the GC a presentation on the ISAC's opinion on Program
21 management related to the Platte River Caddisfly. In land-related issues, the GC approved land
22 management plans for 2010002, 2010003, 2010004, 2011001 and the Shoemaker Island
23 Complex. The amended public access policy and the amended agreement with Nebraska Game
24 & Parks to administer Program public access were approved. The GC approved the preferred
25 buyer method of sale of land at 2009008 to Nebraska Game & Parks Commission. The
26 Governor of Wyoming approved the transfer of the Wyoming Property (tract 2008001) to the
27 Platte River Recovery Implementation Foundation, with the stipulation that it will revert to the
28 U.S. Fish & Wildlife Service should the Program dissolve. Appraisals were authorized for tracts
29 1210 (complex), 1114 (non-complex), and 1211 (complex). A small sale of land on 2012002
30 was approved to fix and settle a property boundary. The GC approved the approach for sale of
31 cropland on 2012002 in exchange for a management agreement on river ground owned by the
32 potential buyer with cash covering the remaining value of sale. The GC approved the public
33 auction method of sale for tract 1217 (far east pasture/woodland on tract 2011001).

34
35 The next GC meeting is September 11 & 12 in Kearney, NE.

36
37 *Other Committee Coordination*

38 Farnsworth updated the LAC on recent TAC and ISAC activities. The ISAC met in Kearney
39 July 10 & 11. They discussed preliminary assessments of Program data and the ISAC provided
40 feedback on the reports. The ISAC discussed the background and implementation constraints of
41 Program target flows. The ISAC recommended a review of available methodology for
42 determining target flows at a symposium later this year. The TAC last met on July 24. They
43 discussed wet meadow construction design on 2009001, least tern and piping plover habitat
44 assessments, data analysis plan for the geomorphology and in-channel vegetation data, and



45 received an update on sediment augmentation activities. Sediment augmentation contractors are
46 under contract, permits are in-hand, and work will go forward this fall when irrigation demand
47 for water subsides. Czaplewski asked Farnsworth to provide more detail on the Platte River
48 Caddisfly discussion at the GC meeting. The GC instructed the EDO not to proceed with the
49 PRCF management study, and to evaluate future management actions that may impact PRCF on
50 a case by case basis.

51
52 Kenny updated the LAC on recent WAC activities. The WAC meets next on August 14.
53 Groundwater recharge is one of the topics for discussion. The pilot project went well, and
54 another project will proceed this winter using only the Phelps canal for recharge (no pit will be
55 dug). There will also be additional monitoring in place. August 8th is the kickoff meeting with
56 the contractors selected to review the J2 reregulating reservoir feasibility study. This review will
57 critically assess the feasibility study and provide recommendations if issues are discovered. The
58 WAC is working with local NRDs, NPPD, and CNPPID on potential for water leasing and with
59 CNPPID on net controllable conserved water. The WAC is also continuing work to achieve
60 3,000 cfs through the North Platte chokepoint. Five proposals were received for investigation of
61 flood proofing at this site in an effort to get the minor flood stage raised. The WAC will also
62 discuss the use of hydroclimate indices to forecast long range hydrologic conditions.

63

64 **Present Work in Progress**

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

67

68 **Land Offering Reviews**

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

72

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

75

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

79

80 **Land Plan Present Practice**

81 Sackett distributed one of the Program's hay leases as an example of their current content and to
82 facilitate discussions of current program practices regarding typical agricultural operations and
83 best management practices. Currently, hay leases do not contain any provisions requiring haying
84 to occur after July 15 (the USFWS recommended date for management to avoid nesting birds
85 under the Migratory Bird Treaty Act). The LAC discussed whether or not the Program should
86 put these dates into the hay leases as the earliest available harvest date due to the MBTA
87 restrictions. Sackett said that this is sometimes considered later than appropriate for grassland
88 and forage condition, and asked if the Program should treat haying differently than a private



89 landowner. Rabbe said that the July 15 dates are not in the MBTA itself, but are USFWS
90 recommendations to avoid take of migratory birds. The MBTA restricts any take of migratory
91 birds no matter when or how it occurs. Rabbe suggested PRRIP abide by our recommendations
92 and avoid the MBTA dates (April 15-July 15) when possible, or at a minimum, in unique
93 instances such as this year (nesting began earlier and ended earlier), perform nesting bird surveys
94 to document absence if work is to take place inside that window. Reynolds and Krohn discussed
95 hay harvest timing with respect to quality. For typical grasses, July 15 is not a problem. Under
96 drought conditions an earlier harvest would be preferred. LaGrange asked if haying of the entire
97 field is precluded if a nest is found. Rabbe said yes, since if one nest is found there are likely
98 others present because nesting is still occurring.

99

100 **Access Program Update**

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

104

105 **Service Agreements on PRRIF Land**

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

120

121 **Public Forum**

122 Chairman Czaplowski asked for public comments, none were offered.

123

124

125 **Other Business**

126 Larry Reynolds reminded the LAC of the Program’s willing seller willing buyer responsibility
127 with respect to the J2 reregulating reservoir project. Jerry Kenny thanked Reynolds for the input,
128 and said that real estate transactions for that project are under the purview of Central Nebraska
129 Public Power and Irrigation District. Reynolds said that transactions other than willing buyer
130 willing seller would not be well received in the community. Kenny said that those with the
131 power of eminent domain are aware of these sentiments and are reluctant to invoke it unless
132 necessary.



133
134 Czaplewski asked if any other LAC members would be interested in a tour of a few Program
135 properties to see management actions that have taken place or new land that has been recently
136 purchased. Several LAC members were interested. The EDO will select some properties to tour
137 as a part of the next LAC meeting.

138
139 **The next meeting of the LAC will be held at 2 p.m. central time on August 28, 2012 in**
140 **Kearney, NE. An optional tour of Program properties for the LAC will occur the next**
141 **morning, August 29, 2012, at 8 a.m.**

142
143 **Closing Business**

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