



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Governance Committee Meeting Minutes
Warwick Denver Hotel – Denver, CO
December 3-4, 2013

Tuesday, December 3, 2013

Meeting Attendees

Governance Committee (GC) Table

State of Wyoming

Harry LaBonde – Member

Mike Besson – Alternate

State of Colorado

Don Ament – Member

Suzanne Sellers – Alternate

State of Nebraska

Jim Schneider – Member (by phone)

U.S. Fish and Wildlife Service (Service)

Michael Thabault – Member

Bureau of Reclamation (BOR)

Gary Campbell – Member

Environmental Entities

John Heaston – Member

Duane Hovorka – Alternate

Upper Platte Water Users

Dennis Strauch – Member

Colorado Water Users

Alan Berryman – Member

Kevin Urie – Alternate

Deb Freeman – Alternate

Downstream Water Users

Brian Barel – Member

Don Kraus – Member

Mark Czaplewski – Member

Kent Miller – Member

Executive Director’s Office (EDO) Staff

Jerry Kenny, Executive Director (ED)

Bridget Barron

Beorn Courtney

Jason Farnsworth

Bruce Sackett

Chad Smith

Larry Schulz – EDO Consultant

Audience Members

Tom Econopouly – Service

Duane Woodward – CPNRD

Brock Merrill—BOR

Mike Drain – CNPPID

Mike George – Service

Monte Macdonald –RTI

Blaine Dwyer – HDR

Ralph Morgenweck

Margot Zallen

Lyndon Vogt – CPNRD

Mike Carnavale – URS

John Kolanz

**Welcome & Administrative**

Ament called the meeting to order at 2:05 p.m. Mountain time and the group proceeded with introductions.

Heaston moved to approve the September 2013, October 2013, and November 2013 GC minutes; LaBonde seconded. Minutes approved.

Kraus asked if the GC wanted to have a discussion about the potential delisting process for the interior least tern. Ament agreed. Kenny said Kraus would also be giving a brief update on the status of the J2 reservoir project.

Program Committee Updates*Land Advisory Committee (LAC)*

Czaplewski provided an update on the latest LAC activities. The LAC met on November 26 in Kearney. Highlights included: land reclassification for Dyer tract; 2014 annual land work plan; election of officers (Czaplewski chair, John Shadle vice-chair for 2014). The next LAC meeting is February 25, 2014 in Kearney.

Water Advisory Committee (WAC)

Courtney provided an update on the latest WAC activities. The WAC met on October 8 and primarily discussed the FY14 PRRIP budget. There was a J2 project status update, September excess flows and related diversions; Phelps groundwater recharge. The next WAC meeting is February 4, 2104 at Lake McConaughy.

Technical Advisory Committee (TAC)

Besson provided an update on the latest TAC activities. The TAC had a conference call on October 30 and primarily discussed the FY14 PRRIP budget. There was a long discussion about peer review and journal articles that will be addressed through the GC via the budget discussion and ISAC commentary.

Finance Committee (FC)

Campbell provided an update on the latest FC activities. The FC held a conference call in September and also in October. Approvals includes North Platte choke point bid package and Phelps Canal groundwater recharge project. The October meeting focused on the FY14 PRRIP budget.

Program Outreach Update**PRESENTATIONS**

- Chad Smith presented to the Leadership Kearney class at Rowe Sanctuary on October 9, 2013. Chad presented on the Program's Adaptive Management plan, tying conservation to economics, as part of Leadership Kearney's Ag Energy and Environment Day.
- Jason Farnsworth presented on *Using Flow & Sediment to Create and Maintain Endangered Species Habitat – PRRIP Learning 2007-2012* at the Crane Trust 2nd Annual Research Symposium in Alda, Nebraska on October 18, 2013. The symposium focused on the Platte River ecosystem.
- Jerry Kenny, Cory Steinke (CNPPID) and Jesse Bradley (Nebraska Department of Natural Resources) presented on the proposed J-2 Reservoir to the Water Round Table of the Nebraska Water Resources Association in Lincoln, Nebraska on November 11, 2013.

**EXHIBITS/SPONSORSHIPS**

- The Program exhibited at Husker Harvest Days in Grand Island on September 10, 11 and 1, 2013 in the Natural Resources Districts building. We made 2,995 contacts over the course of the three days.
- The Program exhibited at the Natural Resources Districts annual conference at the Younes Conference Center in Kearney, Nebraska on September 23 & 24, 2013. We made 254 contacts at the conference.
- The Program exhibited at the Society for Ecological Restoration (SER) World Conference on Ecological Restoration on October 7-10, 2013 in Madison, Wisconsin. We made 658 contacts over the course of the four days. SER attendees represented countries from around the world interested in the science and practice of ecological restoration as it relates to natural resource management, climate change, biodiversity conservation, environmental policy and sustainable livelihoods.
- The Program exhibited at the South Platte Forum on October 23 & 24, 2013 in Longmont, Colorado. We made 442 contacts at the event. The Program was also a luncheon sponsor of the event.
- The Program exhibited at the joint conference of the Nebraska Water Resources Association and the Nebraska State Irrigators Association on November 24 -26, 2013 in Kearney, Nebraska. We made 161 contacts at the conference.

UPCOMING PRESENTATIONS/EXHIBITS

- Chad Smith will present on adaptive management to a UNK freshwater management techniques course in Kearney on December 9, 2013.
- The Program will be a break sponsor and will be exhibiting at the annual meeting of the Four States Irrigation Council in Fort Collins, Colorado on January 15-17, 2014.
- The Program will be exhibiting at Colorado Water Congress in Denver, Colorado on January 29-31, 2014.

OTHER

- The Program nominated Amy Sandeen of the Prairie Loft Center for Outdoor and Educational Learning for the Nebraska Wildlife Federation's 2013 Conservation Education award. The award was presented to Ms. Sandeen at the Nebraska Wildlife Federation's Annual Conservation Awards dinner on October 24, 2013 at Mahoney State park.

Ament asked about outreach contacts and what kind of questions the Program gets. Barron said we still get a few "who are you" or related comments but by and large people know of the Program and make positive comments. The Platte River Access Program has increased the positive view of the Program.

J2 Project Update

Kraus provided an update on the J2 reservoir project status and distributed a quarterly report on the project. There was a Notice to Proceed on August 30, a meeting with FERC in September, selected the Project Team, and there was a project kick-off meeting in Kearney on November 20-21. An overall project work plan is expected to be completed in January or February 2014. Kraus said the report is brief and asked the GC how much detail they want in the future. Kraus said one issue to be discussed and decided in the future is how to handle property taxes related to the project. Kenny said in the contractual agreement the Program can pay property taxes as a landowner or can go the in lieu route or not pay taxes; it is at the discretion of the GC.



139 **PRRIP FY13 Budget Update**

140 Kenny discussed the status of the FY13 PRRIP budget and associated expenditures and contracts. Kenny
141 expects to expend around \$23.5M by the end of FY13. The difference between expenditures and budget is
142 largely driven by lower expenditures for land acquisition than anticipated. We are now halfway into the
143 First Increment and total expenditures through 2013 will be roughly \$75.5M. We have begun the process
144 of catching up funds due to the federal government shutdown. Campbell asked for copies of the budget
145 Power Point presentation; Farnsworth said he would post it on the GC web site.

146

147 **PRRIP FY14 Budget**

148 Kenny discussed the latest draft of the FY14 Program budget and work plan and the development process
149 for both, including the special GC meeting in Denver on November 20 focused on the draft budget and
150 work plan. Kenny discussed changes since the November 20 meeting – reduced LP-3 by \$500,000; reduced
151 sediment augmentation by \$100,000; eliminated lateral erosion research (\$100,000); the remaining changes
152 are in the Water Plan section of the budget. The final budget number for FY14 is roughly \$25.2M. Kenny
153 discussed Unliquidated Obligations (money obligated via contract but not yet expended). This year, the
154 Unliquidated Obligation numbers will be small; work has been completed in most cases. Barels asked what
155 happens to that money. Kenny said the UO money comes out of the 2013 budget if it is spent but UO
156 monies not spent and other unspent and unobligated funds go back in the pool for the future based on the
157 state/federal allocations. The same is true for income generated from Program lands, it is distributed
158 proportionately into the state and federal funds. Starting in March 2014, Kenny will also start reporting on
159 Program land income during the budget update section of the agenda.

160

161 Kraus asked about professional staff and Headwaters adding three new people in 2014. Kenny discussed
162 the additional staff that will be added in 2014 under adaptive management – one technician in Kearney to
163 help with field and contractor oversight and free up time of existing staff to work more on data analysis,
164 synthesis, and reporting; a PhD-level ecological statistician in Kearney focused on data analysis; and a
165 position with a skill set in data analysis, synthesis, and technical writing skills. Kenny said it would only
166 amount to adding two FTEs based on adjustments in time of existing staff. Kraus asked about the publishing
167 papers and peer review and how that relates to staff additions and time adjustments. Smith discussed the
168 approach for 2014 and, based on the FY14 budget and work plan, the large jump in effort in those two line
169 items. Thabault asked if peer review and publication is driving the need for additional staff or if there are
170 other activities that would be completed as well. Kenny said that with the existing workload of monitoring,
171 contractor oversight, and other annual activities the additional work load would leave the EDO understaffed
172 to complete the full load of peer review and publications as detailed in the FY14 work plan, in addition to
173 an expanded level of data analysis and synthesis. Drain said at least two of three new individuals is to
174 permit the additional work of peer review and publication. Kenny said that is generally correct – two of
175 the three positions would be heavily focused on data analysis and publication, the third person would be
176 more operational in the field but would free up time of existing staff to work on more analysis and
177 publication.

178

179 Freeman asked about how topics and manuscripts would be brought to the GC. Kenny said the publications
180 go through the TAC and that is how it has been done in the past. Besson said that is how it has been done
181 in the past, but with the big push for peer review and publication we may want to start bringing these items
182 to the GC on a case-by-case basis. Barels said he is a strong proponent of the Program's peer review process
183 but not publication. There should be more discussion about which items are peer reviewed or published,
184 which ones to proceed on, etc. Thabault asked what the GC would do with a manuscript that came before
185 the body. Freeman said her question was directed more at how Program dollars are directed at developing



186 a manuscript. LaBonde said as these manuscripts are made ready for publication, it would be important to
187 bring them before the GC to discuss what the recommendations are within the manuscripts. The GC should
188 understand what conclusions are being made and how they matter for decision-making. Freeman said the
189 work plan does not provide clarity on who gives authority to proceed on moving an item into a published
190 manuscript – is this a GC decision or not? Kenny said listing the items intended for peer review and
191 publication is the EDO’s attempt to let the GC know what items are on the priority list for publication and
192 peer review. Barels said he is willing to authorize the budget but not these specific task items, but that the
193 documents to be peer reviewed and published need to be brought to the GC for a decision regarding which
194 ones to move forward with. Kraus said we may not be comfortable deciding on those documents today but
195 we could be in a short time with more information. Barels said he also wants to know why the Service
196 wants the items peer reviewed or published, more information about the discussions that have been
197 happening about these items within the TAC. Thabault said he would commit the Service to prepare a
198 white paper on which items they feel are most important for review. Kraus said the issue is that just because
199 it is in the budget doesn’t mean the EDO will move forward with each of these; the GC will retain the
200 authority to understand each of these documents, the rationale behind peer review or publication, and will
201 make the decision to move forward on each one or not.

202

203 Campbell said we should approach this as a budget authority issue, but expenditure authority will be made
204 in the future and will allow the process to begin but still ensure the GC retains its authority to decide how
205 to move forward.

206

207 *Campbell moved to approve the FY14 budget and work plan as shown, with actual expenditure authority*
208 *reserved for the future once there is more information about items such as peer review and publication;*
209 *Berryman seconded. Motion approved.*

210

211 *LaBonde moved to approve the Headwaters Corporation 6th amendment for EDO staffing in FY14; Strauch*
212 *seconded. Motion approved.*

213

214 Smith discussed the recommendation for approval of a one-year sole-source extension of the current USGS
215 contract, which was awarded through a competitive process, for annual tern/plover monitoring that is
216 expiring at the end of 2013. Barels asked if the same USGS personnel will return in 2014. Kenny said the
217 USGS continues to discuss if the current team leader will return, but there are two potential candidates that
218 are both experienced on the Platte and trusted with the work.

219

220 *Czaplewski moved to approve the one-year sole-source extension with Exhibit A of the Tern/Plover*
221 *Monitoring Sole Source Memo serving as the basis for the extension; Thabault seconded. Motion*
222 *approved.*

223

224 **Independent Scientific Advisory Committee (ISAC) Members**

225 Smith discussed the addition of two new ISAC members, Jennifer Hoeting and Ned Andrews, to replace
226 current members Philip Dixon and Robb Jacobson. Barels asked if both candidates were still interested and
227 available. Smith said yes.

228

229 *Kraus moved to appoint Hoeting and Andrews; Berryman seconded. Motion approved.*

230



231 Kenny said the EDO intends to continue working with Jacobson as potentially a Special Advisor,
232 particularly assisting with potential publications, peer review, and data analysis/synthesis. Ament agreed
233 that would be a good idea.

234
235 Morgenweck said in working with similar programs across Interior, it is clear that the Platte River Program
236 is doing “first-rate” work in its approach to science, with the ISAC, peer review, and implementation of the
237 Adaptive Management Plan. He encouraged the Program to “keep it up”. Campbell asked if Morgenweck
238 would be willing to send a letter to the Secretary of the Interior to that effect; Morgenweck said he would.

239 **Groundwater Scoring**

241 Besson discussed the work of the Scoring Subcommittee and the proposed score for the Phelps recharge
242 project.

243
244 *Berryman moved to approved the recommended score of 1,800 AFY for the Program; LaBonde seconded.*
245 Thabault asked how confident we are in the number. Besson said he believes it is conservative and in
246 practice could be higher, but based on the state of the science this is as good as the score for the J2 project.
247 Thabault asked if there is a good probability that we will achieve that score most of the time; Besson said
248 yes. **Motion approved.**

249

250 **Tern Delisting Discussion**

251 Kraus asked what implications the potential delisting will have. Thabault said the five-year review of the
252 tern is done, and the recommendation is that the species is due for a delisting action with two caveats: the
253 population viability study needs to be completed, and work needs to continue on the Missouri River. The
254 Service could move for a delisting action, or they could wait it out for a delisting petition. It is not likely
255 that Region 4 will pick this up until federal FY15. Thabault said he would prefer to avoid getting a petition
256 on this. Freeman said Thabault should talk about the timeframe were the Service to field a petition.
257 Thabault said it is an APA action and the Service could say it is not a priority. Once a proposed rule is
258 published, a review has to be completed in 12 months. Barels asked what it would mean to the Program if
259 the species is delisted. Thabault said you can’t just walk away from all activities. There would be a five-
260 year post-delisting monitoring plan. Activities to avert threats would need to continue, but there could be
261 some discussion about reducing the intensity of monitoring. The due diligence that went into the listing
262 would continue post-listing.

263

264 **AMP/Land Management Issues**

265 Farnsworth gave a presentation on issues related to management of Program grasslands and associated
266 Migratory Bird Treaty Act (MBTA) restrictions. Farnsworth said the EDO wants to begin discussions with
267 the Service about options for better timing between Program management actions, intended results, and
268 MBTA restrictions. Freeman asked if the Service could consider depredation permits for the Program.
269 Thabault said there is a lot of turmoil within the Service about the MPTA. The crux of the issue is how to
270 implement the law yet make it sync with conservation efforts. Freeman asked if there was any flexibility
271 about the nature of the vegetation. Thabault said the MBTA is geared toward the birds, not toward the
272 habitat. Barels asked if the monoculture is still good for the target species. George said there is no challenge
273 on what the right thing to do, it is an issue of application of the law. Kenny said other organizations can
274 run the risk of not getting caught, but in the case of the Program the Service sits at the table and these
275 management actions are in the Land Plans. There is no wiggle room. Thabault said he is happy to embark
276 on a conversation to see where this might go. Farnsworth said that is a good step.

277



278 Farnsworth discussed the status of an issue related to potentially clearing trees in a slough on the Shoemaker
279 Island habitat complex. The EDO is doing some data analysis to inform a GC decision on this issue in the
280 future. Thabault said it seems like a no-brainer given the Program's focus on the whooping crane as a target
281 species.

282

283 Documentation & Monitoring of the 2013 High Flow Event

284 Farnsworth gave a presentation highlighting the 2013 high flow events in the South Platte and Central Platte
285 due to runoff from rain in Colorado and discussing Program data collection efforts related to the flow.
286 Heaston asked if some version of that presentation could be posted on the public section of the web site.
287 Farnsworth said yes.

288

289 **Meeting adjourned at 5:00 p.m. Mountain time.**

290

291

Wednesday, December 4, 2013

292

293 Welcome and Administrative

294 Ament called the meeting to order at 8:07 a.m. Mountain Time and the group proceeded with introductions.

295

296 *Kraus moved to elect LaBonde as the 2014 GC Chair, Campbell Vice-Chair; Berryman seconded. Motion*
297 **approved.**

298

299 ISAC Commentary

300 Smith discussed the status of the 2013 State of the Platte Report and the process for completing that
301 document. Galat presented the ISAC responses to questions from the Program, including thoughts on
302 preliminary 2013 Big Question assessments and peer review/publication. Kraus said there needs to be
303 clarity on how Big Questions #6 and #7 relate to both in-channel and off-channel tern/plover habitat, and
304 how the relationship between those two habitat types is reflected in the annual assessment for those
305 questions. Campbell asked about the difference between published Program documents versus publishing
306 in a journal. Galat said the difference is between having a final report to the Program for a monitoring or
307 research project, versus turning that report into a manuscript to be published in a refereed journal. Freeman
308 asked if there is a difference in the nature of review for the three different types of publication discussed by
309 the ISAC. Galat said in general separate journals have the highest rigor of peer review. Freeman asked if
310 this is a blind review. Galat said always, sometimes it is even double-blind review. Galat asked Freeman
311 what kind of review counts most in legal arenas. Freeman said she wasn't sure but blind reviews in top
312 journals seem like they provide a high level of confidence in the review. Galat said for special issue
313 compendiums, the editor of the special issue usually serves as the reviewer for all the papers.

314

315 Sellers asked about the rigor of the Program's peer review process versus review from a top journal and
316 how that might relate to Program decision-making. Galat said his personal view and most of the ISAC
317 panel supports this is what counts in the quality of review, not where it occurs. Sellers asked Galat about
318 his experience with Biological Opinions and how the Service being at the table in this Program is different
319 than in other programs. Galat said his experience is that the Service gives a lot of weight to published
320 documents. George said there is a level of peer review that will make the Service comfortable. Publication
321 is often looked upon more favorably, particularly in the legal arena. Galat said in general the published
322 paper will always be perceived as more correct. George said the Service will look at all the information
323 developed by the Program as it considers progress, but if the whole thing goes to court that is where having
324 published journal articles will help. Barels said it sounds like we need to do peer review to make sure the



325 GC has the best information available to it for decision-making, but down the road we need to publish
326 articles to help bolster the conclusions. Galat said you need to be thinking about all of this as you develop
327 future budgets and make sure you are building money for peer review and publication in budgets and
328 contracts. George said one thing to consider is that at some point, some parties to the Program may have
329 to get to the point of saying their thinking of what is needed is wrong. Barels said we all need to understand
330 that we are working on getting answers to important questions to help us make decisions. Freeman said the
331 art of this is working collectively to get answers and then make decisions based on good information.
332 George agreed and said the important thing for the second Biological Opinion is to get the right answers.
333 Galat said the structure you have is not trying to point fingers as to who is right or wrong, but rather to
334 change approaches based on good information – that is why you are using adaptive management.

335
336 Urie asked if you might bias data collection if you plan to publish before you start a project, versus simply
337 collecting the data, analyzing it, and then publishing the results. Galat said you probably will do a better
338 job of designing a study if you plan to publish ahead of time. The Big Questions can actually be used as
339 the objective for a paper and you can then set up your contracts with contractors this way, and you can build
340 your manuscripts this way. Barels asked if the sideboards in preparing to publish are different than the
341 sideboards in preparing for peer review. Galat said no. The hook for the Platte is to write manuscripts from
342 the perspective of managing a semi-arid river with water quantity as a key driver.

343
344 **Public Comment**
345 Ament asked for public comment; none offered.

346
347 **Executive Session**
348 *Heaston moved to enter Executive Session; LaBonde seconded. GC entered Executive Session at 10:00*
349 **a.m. Mountain time.**

350
351 *Heaston moved to end Executive Session; Strauch seconded. GC ended Executive Session at 11:00 a.m.*
352 **Mountain time.**

353
354 **PRRIP Executive Session Motions**
355 *LaBonde moved to approve the water lease agreement with CPNRD with two minor modifications*
356 *(paragraph reference revision and reach end point revision); Heaston seconded. Motion approved.*
357 *Czaplewski abstained.*

358
359 *George moved to not acquire the NCCW from CNPPID; Berryman seconded. Motion approved. Kraus*
360 *abstained.*

361
362 *LaBonde moved and Berryman seconded:*
363 • *To approve allowing the ED Office to enter into a contract and complete acquisition of Tract 1227 as*
364 *complex habitat and to sell property 2012005 retaining a no-build easement in favor of PRRIF. Motion*
365 **approved.** *Heaston abstained.*

366
367 *Heaston moved and Czaplewski seconded:*
368 • *To approve allowing the ED Office to enter into a contract and complete the sale of Tract 1223, Tract*
369 *1205, and Tract 1311 with water rights and no reservations to the title. Access to the sold land is from*
370 *the south and not through PRRIF property 2009008. Motion approved.*

371



372 *Heaston moved and LaBonde seconded:*

- 373 • *To approve allowing the ED Office to enter into a contract and complete acquisition of Tract 1301 as*
374 *complex habitat. Motion failed.*

375

376 **Future Meetings & Closing Business**

377 2014 GC meetings:

- 378 • March 11-12, 2014 @ Kearney, NE
379 • June 10-11, 2014 @ Cheyenne, WY
380 • September 9-10, 2014 @ Kearney, NE
381 • December 2-3, 2104 @ Denver, CO

382

383 Barel asked if the information for the December 2014 GC meeting could be sent to the GC with more time
384 prior to Thanksgiving 2014 in order to give GC members more time to review the information prior to
385 Thanksgiving. Kenny agreed.

386

387 **Meeting adjourned at 12:45 a.m. Mountain time.**

388

389 **Summary of Action Items/Decisions from December 2013 GC meeting**

- 390 1) Approved September 2013, October 2013, and November 2013 GC minutes.
391 2) Approved the FY14 budget and work plan as shown, with actual expenditure authority reserved for the
392 future once there is more information about items such as peer review and publication.
393 3) Approved the Headwaters Corporation 6th amendment for EDO staffing in FY14.
394 4) Approved the one-year sole-source extension of the current contract with the USGS for Program
395 tern/plover monitoring in 2014 with Exhibit A of the Tern/Plover Monitoring Sole Source Memo
396 serving as the basis for the extension.
397 5) Appointed Jennifer Hoeting and Ned Andrews to three-year terms on the ISAC beginning January 1,
398 2014.
399 6) Approved the recommended score for the Phelps recharge project of 1,800 AFY.
400 7) Approved the water lease agreement with CPNRD with the two modifications.
401 8) Approved not acquiring the NCCW from CNPPID.
402 9) Approved allowing the ED Office to enter into a contract and complete acquisition of Tract 1227 as
403 complex habitat and to sell property 2012005 retaining a no-build easement in favor of PRRIF.
404 10) Approved allowing the ED Office to enter into a contract and complete the sale of Tract 1223, Tract
405 1205, and Tract 1311 with water rights and no reservations to the title. Access to the sold land is from
406 the south and not through PRRIF property 2009008.