



1 **PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**
2 **Governance Committee Conference Call Minutes**
3 June 26, 2013

4
5 **Meeting Attendees**

6
7 **Governance Committee (GC) Table**

8 **State of Wyoming**

9 Harry LaBonde – Member

10
11
12 **State of Colorado**

13 Don Ament – Member

14 Suzanne Sellers – Alternate

15
16 **State of Nebraska**

17 Jim Schneider – Member

18
19 **U.S. Fish and Wildlife Service (Service)**

20 Mike Thabault – Member

21
22 **Bureau of Reclamation (BOR)**

23 Gary Campbell – Member

24
25 **Environmental Entities**

26 John Heaston – Member

27 Marian Langan – Member

28 Bill Taddicken – Member

29 Duane Hovorka – Alternate

30
31 **Upper Platte Water Users**

32 Dennis Strauch – Member

33
34 **Colorado Water Users**

35 Alan Berryman – Member

36
37 **Downstream Water Users**

38 Brian Barels – Member

39 Don Kraus – Member

40 Mark Czaplewski – Member

41 Kent Miller – Member

42
43 **Welcome & Administrative**

44 Miller said Attachment 6, Appendix D regards Downstream Water Users representation. There are four
45 representatives to cast one vote. When putting together this representation package, there was consideration
46 for the NPPD and CNPPID structures and NRD groundwater management. There is a paragraph in that
47 document that says NRDs will not participate in discussions related to operation of CNPPID and NPPD

6
7 **Executive Director's Office (EDO) Staff**

8 Jerry Kenny, Executive Director (ED)

9 Dave Baasch

10 Beorn Courtney

11 Jason Farnsworth

12 Bruce Sackett

13 Chad Smith

14
15
16 **Audience Members**

17 Jesse Bradley – State of Nebraska

18 Mike Besson – State of Wyoming

19 Barry Lawrence – State of Wyoming

20 Brock Merrill – BOR

21 Tom Econopouly – Service

22 Ted Kowalski – State of Colorado

23 John Thorburn – Tri-Basin NRD

24 Jim Jenniges – NPPD

25 Greg Wingfield – Audubon Nebraska



48 facilities. The NRDs have determined that based on that document, the NRDs would be in violation if they
49 participate in the discussion. So, the NRDs support the J2 project but will just listen in on the discussion
50 and will not participate formally.

51
52 Ament called the meeting to order at 3:09 p.m. Central time after Kenny walked through introductions.
53 Ament thanked Besson and his team for working so hard on this agreement.

54 **Executive Session**

55 *Campbell moved to enter Executive Session; Berryman seconded. GC entered Executive Session at 3:12*
56 **p.m. Central time.**

57
58 *Schneider moved to end Executive Session; LaBonde seconded. GC ended Executive Session at 4:07 p.m.*
59 **Central time.**

60 **J2 Regulating Reservoir**

61
62 Besson said Kenny has a couple of very minor edits that need addressed. Kenny said there are a couple of
63 references to incorrect exhibits, and there is an incorrect reference to a table in Appendix B. The motion
64 should be to approve the agreement with the necessary grammatical/proofreading edits.

65
66
67 *LaBonde moved to approve the Water Service Agreement with CNPPID as presented by Besson including*
68 *the edits presented by Kenny, and authorize the Nebraska Community Foundation to proceed with the*
69 *agreement on behalf of the Governance Committee; Schneider seconded.*

70
71 Kowalski said on behalf of Colorado we are going to support it despite our misgivings because: this project
72 is close to the habitat/species, we need to live up to our water commitments, and the other Water Action
73 Plan projects to not appear as attractive as this project. Kowalski also stated:

74
75 Colorado is accepting this agreement in part to be responsive to the request of the Federal agencies and
76 other States and with the understanding that it will enable the FWS to continue to honor their score given
77 to this project of 40,800 acre-feet in average annual reduction to target flow shortages recognizing that the
78 project may be different than the one that the FWS scored. Colorado is also accepting this agreement with
79 the understanding that Central will act in good faith toward the Program under the agreement, and that
80 Nebraska and the FWS will exercise their authorities, as appropriate, to protect the Program's investment
81 and interests in the J-2 water service.

82
83 Barel said Nebraska Public Power District as a member of the Downstream Water Users believes that
84 considering Nebraska water law, that the only interpretation of the phrase in the definition of “Excess
85 Water” “and is available for use by the Reservoir Project” – is that senior downstream appropriations will
86 be considered and provided for in operation of the Reservoir Project.

87
88 Kraus said he abstained from voting.

89
90 Thabault asked Kowalski about supporting the project as scored or assuming the project will maintain that
91 score even if the project changes. Kowalski said under previous iterations of the agreement, Colorado
92 would have been more comfortable with the agreement understanding it is intended to provide the water
93 and obtain the score provided by the Service. We met resistance from Central so they could retain authority
94 to alter their operations and the Service indicated there are operational changes that might lead to a different



95 score. Thabault said the Service can honor the score if the project is operated as intended. Kowalski said
96 they are in agreement.
97 Berryman said Colorado Water Users support the agreement with the same concerns as voiced by the State
98 of Colorado, and they believe this project is extremely important.

99
100 Ament asked for a roll call vote. Kenny called the roll:

- 101
- 102 Campbell – yes
- 103 Thabault – yes
- 104 Ament – yes
- 105 Schneider – yes
- 106 LaBonde – yes
- 107 Strauch – yes
- 108 Berryman – yes
- 109 Barels – yes
- 110 Heaston – yes
- 111 Taddicken – yes

112

113 **J2 Water Service Agreement, as amended, approved unanimously.**

114

115 Ament thanked those involved for their hard work and for getting this project to where it is at.

116

117 **Closing Business**

118 Kenny said there are documents that are associated with the J2 project that have been on the stakeholder
119 side of the web site – Olsson feasibility study and RJH conceptual design report. Kenny is seeking
120 permission to post those documents on the public side of the web site. Ament said there was no
121 objection. Barels said through the discussion of the agreement among the Downstream Water Users there
122 may be a GANTT chart schedule for the project being prepared by the EDO. Kenny said the EDO will be
123 working on that and sharing it with the GC.

124

125 **Meeting adjourned at 4:23 p.m. Central time.**

126

127 **Summary of Action Items/Decisions from June 2013 GC conference call**

128 1) Approved the J2 Water Service Agreement, as amended.