

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
Phone: (303) 866-3441
Fax: (303) 866-4474
www.cwcb.state.co.us



TO: Colorado Water Conservation Board Members

FROM: Suzanne Sellers
Interstate, Federal & Water Information Section

DATE: March 6, 2014

SUBJECT: **Agenda Item 24, March 18-19, 2014 Board Meeting**
– Platte River Recovery Implementation Program Update

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

Background

The Platte River Recovery Implementation Program ("Program" or "PRRIP") began on January 1, 2007 to implement the agreement between the Governors of Wyoming, Colorado and Nebraska, and the Secretary of the Interior to recover four threatened and endangered species (the whooping crane, interior least tern, piping plover and pallid sturgeon) in Nebraska while at the same time allowing water use and development to continue in Colorado and the other states. The Program is an incremental program with the first increment set at 13 years. At the July 2011 CWCB meeting, I presented a summary of the key Program efforts since 2009. Over the past three years, Program has made great progress in implementing the Cooperative Agreement. Below is a summary of Program efforts since my last update and a description of some of the efforts that the Program will be working on in 2014.

Financial Resources

The federal agencies have the largest financial contribution obligation under the Program (\$157 million in 2005 or 2008 dollars, depending on the context), and to date, the federal agencies have been able to dedicate substantial contributions to the Program (approximately \$62.9 million). The Bureau of Reclamation's ("BOR") federal budget justification for FY 2014 (Oct 2013-Sept 2014) includes \$10.1 million for the Program and related BOR expenses, while the President's proposed federal budget for FY 2015 (Oct 2014-Sept 2015) is \$15.1 million. Wyoming has fully funded its \$6 million obligation and contributed roughly \$2.5 million of those funds through 2013. Colorado's obligation is \$24 million in 2005 dollars and we have secured approximately \$26.4 million in authorizations from the General Assembly towards this obligation. Additional funds will need to be authorized to cover the inflationary adjustments.

Land

The Program has made substantial strides in land acquisition. The Program's land objective is to obtain and restore 10,000 acres in the first increment. In 2011, 2012 and 2013 the Program: 1) acquired approximately 3,000 additional acres of land through purchase, lease, or perpetual easement; 2) performed various land management activities (fencing, tree clearing, repairs,

controlled burns, weed spraying, seeding, etc.); 3) expanded its program to allow public access for hunting and other activities; and 4) leased up to 4,000 acres of these lands for agricultural use (grazing, crops, etc.).

The program has now acquired enough land (10,415 acres) to meet its overall land goal of 10,000 acres; however, an additional 146 acres of palustrine wetlands must still be acquired. Note that some of the excess acreage will be sold to willing buyers in the future.

Water

The Program's Cooperative Agreement commits the three states to certain water obligations, including: 1) a total of 80,000 acre-feet annually to be retimed to reduce target flow shortages at the habitat in Nebraska, and 2) additional water to cover each state's new (post-1997) depletions. The three states each have their own water projects to meet these obligations, and Colorado's is the Tamarack Project, which is described below. Additionally, the Program as a whole must annually provide on average 50,000 to 70,000 acre feet of water to reduce target flow shortages at the habitat in Nebraska ("Program Obligation").

Program-Related Water Activities

Over the last three years, the Program implemented several projects in an effort to meet the Program Obligation by the end of the first increment. These efforts are described below.

In 2011, the Program implemented a pilot-scale demonstration project to investigate the potential for groundwater recharge to retime available water to times when there are shortages to target flows. As a result of the pilot study's success, the Program implemented recharge in the Phelps canal in 2012 and 2013. The Governance Committee has assigned a score of 1,800 acre-feet of average annual reductions to target flow shortages for this project.

Also in 2011, the program negotiated a lease for up to 4,800 ac-ft of water annually from the Pathfinder Modification Municipal Account. The Pathfinder modification was completed in 2012 by Wyoming, allowing the program to lease water during 2012 and 2013. It is anticipated that the project may be assigned a score between 3,900-4,100 acre-feet of average annual reductions to target flow shortages. However, the Governance Committee has not yet voted on this matter.

In 2013, the Program entered into an agreement with the Central Nebraska Public Power and Irrigation District ("CNPPID") regarding a water service agreement associated with the J-2 reregulating reservoir. The Program's portion of the J-2 Project was assigned a score of 30,600 acre-feet of average annual reductions to target flow shortages. The project is owned and managed by CNPPID and is currently in the design, water rights and land acquisition phase.

Also in 2013, the Program entered into a water lease with the Central Platte Natural Resources District ("CPNRD") to provide water to the Platte River in amounts not to exceed 20,500 acre-feet annually. The source of water will consist of "transferred" surface water and ground water return flows from CPNRD's ditches. The yield for the Program is anticipated to be an average of 10,000 acre-feet annually, resulting in a score of roughly 5,000 acre-feet (very preliminary estimate) of average annual reductions to target flow shortages. However, the scoring committee and the Governance Committee have not yet considered this matter. The program is also pursuing similar leases with CNPPID and the Nebraska Public Power District ("NPPD").

Over the last three years, the Program has also been working on improving the channel capacity at the “choke point” in North Platte, NE. As part of this effort, the program has continued its cost share with the local weed management district for channel spraying to mitigate the encroachment of phragmites. In 2013, the program completed drainage improvements to prevent flooding (by Whitehorse Creek) to nearby neighbors during high flow events. Currently the Program is seeking a 404 Permit for repairing the “State Channel” to achieve additional flood proofing. These flood proofing efforts are to support a future request to raise the flood stage, which would allow more water to be safely delivered through the choke point.

Also during 2013, the Program collaborated with the CWCB in developing long-range stream flow forecasts (using Hydroclimatic Indices) for the North and South Platte Rivers, with additional work continuing in 2014.

Colorado-Related Water Activities

Regarding Colorado's water obligations, we have an obligation to retine up to an average of 10,000 acre-feet of water, from times of surplus at the habitat (December and January) to times of deficit at the habitat (February through June). The retiming of an average of 10,000 acre-feet of water is designed to meet Colorado's first obligation described above and is often referred to as the "Tamarack I" obligation. Additionally, Colorado has an obligation to retine water from times of net accretion (generally July through April) due to post-1997 population increases to times of net depletions due to these same increases (May and June). The retiming of these accretions from Colorado's post-1997 population increases is often referred to as the "Tamarack II" obligation. Future expansion of the Tamarack Project (“Tamarack III”) that would result in ground water return flows to the river that exceed the needs of the Tamarack I and II and that results in return flows during periods of deficit to Program target flows may potentially be leased to the Program to meet the Program Obligation.

In July of 2012, Colorado Parks and Wildlife (“CPW”) settled with objectors and the water court issued its final decree for the Tamarack project. Following issuance of the decree, CPW began design of an expansion of the Tamarack Project. In 2013, CPW completed construction of 6 additional headgate wells and 5 additional recharge ponds expanding the capacity of the Tamarack project to 19 wells, 12 recharge ponds and a slough. The project also provides water for CPW's minnow and dove ponds.

During the September 2013 flood, Ducks Unlimited's (“DU”) Heyborn recharge project sustained damages and is no longer operational. While this project is down, the State will not be able to receive credit for its portion of the retimed water provided by the project. Staff is currently working with DU in anticipation that existing Species Conservation Trust Fund dollars may be used to help rebuild the damaged portions of the project.

Adaptive Management

In 2011, 2012 and 2013, the Program continued its annual monitoring program including monitoring: whooping cranes, terns, plovers, forage fish, water quality, geomorphology, in-channel vegetation, wet meadows hydrology, ground surface elevation (“LiDAR”) and aerial photography. Also during this period, the following research was conducted: Tern and Plover Foraging Habits Study, Tern and Plover Habitat Colonization Study, Tern and Plover Habitat Availability Study, Lateral Erosion Research, Whooping Crane Telemetry, Habitat Selection by Whooping Cranes, Whooping Crane Habitat Availability Study, and Wet Meadows information review and model development. Over the last two years, implementation projects included:

sediment augmentation pilot scale management actions, the Flow-Sediment-Mechanical (“FSM”) “Proof of Concept” Experiment, hydraulic/sediment transport modeling, finalization of off-channel sand and water (“OCSW”) habitat construction, in-channel tern and plover nesting island construction, habitat rehabilitation actions, large-scale wet meadow construction, and pulse flow and natural high flow events. Many of these activities will continue in 2014. Additionally, the program will be looking into potential modification of the target flows

The Independent Science Advisory Committee (“ISAC”) has been convened several times over the last 3 years to review the overall scientific approach on projects initiated by the Program, and project specific independent peer reviews were also performed.

Benefits

One of the greatest benefits of the Program for Colorado is that it allows water use and development to continue through a streamlined Section 7 consultation process with the U. S. Fish and Wildlife Service (“FWS”). Since 2007, the FWS has provided 172 (118 in Colorado) streamlined Section 7 consultations for the three states, with no litigation occurring during that time. During the 2011 to 2013 period, Colorado benefited from 50 streamlined Section 7 consultations.

Staff Recommendation

This memorandum is provided as information only. There is no staff recommendation.