



**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
**Governance Committee Meeting Minutes**  
Warwick Denver Hotel – Denver, CO  
December 6-7, 2011

**Tuesday, December 6, 2011**

**Meeting Attendees**

**Governance Committee (GC) Table**

**State of Wyoming**

Mike Purcell – Member

**State of Colorado**

Don Ament – Member

Suzanne Sellers – Member

**State of Nebraska**

Jim Schneider – Member (Chair)

Jennifer Schellpeper – Alternate

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

Mike Thabault – Member

Mike George – Alternate

**Bureau of Reclamation (BOR)**

John Lawson – Member

Gary Campbell

**Environmental Entities**

John Heaston – Member

Marian Langan – Member

Bill Taddicken – Member

**Upper Platte Water Users**

Dennis Strauch – Member

Doug Chamberlain – Member

**Colorado Water Users**

Alan Berryman – Member

**Downstream Water Users**

Brian Barels – Member

Don Kraus – Member

Kent Miller – Member

Mark Czaplewski – Proxy for Ron Bishop, Member

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

Jerry Kenny, Executive Director (ED)

Bridget Barron

Beorn Courtney

Jason Farnsworth

Bruce Sackett

Chad Smith

**Audience Members**

Mike Besson – State of Wyoming

Mike Carnevale – Consultant

Tom Econopouly – USFWS

Tom Dougherty – National Wildlife Federation

Mike Drain – CNPPID

Deb Freeman – Colorado Water Users

Pat Goltl – Nebraska DNR

Duane Hovorka – Nebraska Wildlife Federation

John Kolaniz – Colorado

Brock Merrill – BOR

Larry Schulz – EDO Consultant

Cory Steinke – CNPPID

Kevin Urie – Colorado Water Users

Chad Wallace – CO Attorney General's Office



### Welcome & Administrative

Schneider called the meeting to order. The group proceeded with introductions. Schneider noted additional set of October GC minutes need to be approved, and the Habitat Availability Analysis item will not have any action associated with it. The GC needs to elect a chair and vice-chair at the end of the meeting today.

- *Heaston moved to approve the September 2011 GC minutes; Kraus seconded. Minutes approved.*
- *Purcell moved to approve the October 2011 GC minutes as amended; Berryman seconded. Minutes approved as amended.*
- *Lawson moved to approve the November 2011 GC minutes; Heaston seconded. Minutes approved.*

### FY2012 PRRIP Budget & Work Plan

Kenny discussed the status of the FY 2011 Program budget, expenditures, and action items from the year. Kenny discussed the latest draft of the FY 2012 Program budget and associated work plan. Some editorial and clarification comments were received from Czaplewski after the November 2011 GC Special Session conference call on the budget and those changes have been attached. In addition, in regard to Czaplewski's request for clarification on land-related expenditures, they were not added to the overall Program work plan but were provided to the GC in a separate item (2012 Complex Work Plans). Those complex work plans were thoroughly reviewed and vetted by the LAC. The budget is unaltered from what was presented to the GC on November 18. The only work plan changes involve some minor wording adjustments. Kenny said we are seeking approval of the FY 2012 budget, FY 2012 work plan, FY 2012 Headwaters contract, and the overall Program equipment approach. Kraus asked about what has happened with discussions about Program financing. Kenny said that will be discussed after the budget is approved.

*Purcell moved to approve the FY 2012 Program budget; Taddicken seconded. FY 2012 Program budget approved.*

*Heaston moved to approve the FY 2012 Headwaters contract for the ED Office; Kraus seconded. FY 2012 Headwaters contract for the ED Office approved.*

*Lawson moved to approve the FY 2012 Program work plan; Ament seconded. FY 2012 Program work plan approved.*

Strauch asked where equipment charges show up in the budget. Kenny said in line item PD-18 in the Program budget. Purcell asked Kenny to explain why this approach is proposed. Kenny said the purpose is to move equipment assets from the Program to Headwaters to resolve issues related to titling that equipment (e.g. pick-up, Argo, etc.). Instead of the Program owning the equipment, Headwaters will own the equipment and charge a use rate for work-related use. Equipment already in hand will be purchased by Headwaters at cost without an attempt to make any money on the acquisition. *Heaston moved to approve the Program equipment approach (sale of existing equipment and charging of use fees for future use); Strauch seconded. Program equipment approach approved.*

Kenny discussed options for future Program financing related to proportionate share and the flexibility related to altering portions at various points in time. The Program document says changes to the overall portions of the signatories must be approved by the Oversight Committee, but it does not speak to changing annual proportions to retain funding flexibility as long as the total proportions at the end remain the same. Kenny discussed this with Diane Wilson at the Nebraska Community Foundation (NCF) and Wilson reports there are no restrictions in the Program's agreement with the NCF that would preclude the



95 NCF making expenditures in a different manner. Lawson asked if the NCF contract has the percentages  
96 in it, and if so would we have to amend the contract to use a different percentage? Sellers said no, there is  
97 language in the contract that allows for alterations to the percentages. Kenny said Wilson pointed out the  
98 Letter of Authorization that goes to the NCF could be altered to make changes in the percentages, even as  
99 frequently as disbursement to disbursement. Schneider said we were looking at the potential to rely more  
100 heavily on state dollars two or three years out if annual federal dollar amounts decline for a time. Kenny  
101 said yes, that is one of the purposes of looking at options like utilizing different annual percentages and  
102 considering using mostly federal dollars in 2012 while the dollars are available. Purcell said we would  
103 need to track how much Wyoming is not paying to keep tabs over time. This proposal is beneficial to  
104 Wyoming. Sellers said the only concern about the interest is that so far the index (BOR adjustment for  
105 inflation) has been higher than what has been earned in interest. If Colorado waited two years to pay the  
106 money, the state would lose that difference. If Colorado were to pay first, the state would want  
107 immediate credit because there would be no interest. Purcell asked Colorado if it is because the state has  
108 pre-paid already. Sellers said that is correct.

109  
110 Lawson said the Program has not been expending at the rate anticipated so a considerable amount of  
111 federal funds are obligated but have not been spent. This cannot continue and the obligated money needs  
112 to get cleaned up as soon as possible. If we proceed this way, we need FY 2012 expenditures to be as  
113 close to the \$25 million budget as possible and not leave large unexpended funds on the table next year.  
114 Campbell said we want to avoid this to avoid putting Reclamation in an uncomfortable position. Lawson  
115 said the budget should get more refined each year so future budgets and expenditures more closely match  
116 as we get through this “start-up phase” of the Program. Kenny said a large portion of the 2012 budget is  
117 associated with the J-2 project and land acquisition related to that project. We are trying to spend as fast  
118 as we can, but land acquisition and water projects only afford a certain degree of control in terms of the  
119 pace of expenditures. Lawson said we are learning, but we are getting close with things like overall land  
120 acquisition so that should help. The J-2 project still required a lot of discussion about future funding  
121 availability. Purcell said it would be helpful for Reclamation to relate to Congress that it is largely one  
122 issue that is holding up large expenditures (J-2 project). Lawson said even if we explained it, within the  
123 agency it is a possibility that the funds could be de-obligated from the Program and used on other  
124 Reclamation projects.

125  
126 Purcell asked if the decision for this meeting is whether to spend 100% federal funds starting in January  
127 2012. Schneider said yes. Purcell asked what we do about the state carryover funds. Kenny said  
128 logistically the easiest thing would be to leave it in the NCF and accrue interest, while switching to 100%  
129 federal funds starting with expenditures associated with the 2012 Budget. Sellers asked if the indexing is  
130 decided upon based on the legislation or decided ~~upon~~ based on the agreement at the GC level. Lawson  
131 said the indexing itself is in the legislation, but the methodology was decided by the GC. Sellers said then  
132 if we are going to decide here to front-load with federal dollars, then we should also decide on how to  
133 change the indexing to reflect a condition where Colorado would already have paid. Lawson said the  
134 indexing is based on what is left to spend on the Program, not looking at whose money. The indexing  
135 methodology will index the same amount of money no matter which dollars are spent. Sellers said if  
136 there is a way to adjust the indexing equation Colorado would like to explore that. Lawson said he would  
137 have to sit down with Colorado to figure out if it would make a difference. Purcell said this is the  
138 demand side. Wyoming obligated \$6 million plus interest. How this is paid is not a major concern as  
139 long as the total obligation is not exceeded. The commitment includes the indexing amount. Lawson said  
140 that is correct.



Schneider said we can try this approach, track it closely, and then stop at any time if necessary. Lawson said this is a benefit to the states because their money can be left in the NCF longer and can accrue more interest over time. Purcell said Wyoming and the federal government are comfortable with this and we need to know Colorado's thoughts. Sellers said we can address interest issues at the next GC meeting. Ament said Colorado is comfortable. Purcell moved that starting with 2012 Requests for Disbursements that the Program use federal funds exclusively. Lawson suggested we put an end point on it and extend it later if necessary. *Purcell modified his motion to exclusively use federal dollars on all Program expenditures based on the approved FY 2012 Program budget; Taddicken seconded. Motion approved.*

### **Water Quality Monitoring**

Smith discussed the water quality monitoring RFP. Chamberlain asked if the monitoring is related to Program actions. Smith said yes, future monitoring activities would be oriented toward specific Program actions such as sediment augmentation and island building in the channel. Barels asked how baseline is acquired. Smith and Farnsworth discussed the collection of data from 2008-2011 and agreed with Barels that before/after data would be collected under this protocol for Program activities to acquire a more real-time baseline for specific actions. Czaplewski said the pre-proposal meeting for this RFP and the geomorphology monitoring RFP are the same and need adjusted. **Smith said that change would be made.** Chamberlain asked what the obligation of the Program is if the water quality parameters change after a Program action. Farnsworth said that would be dictated by permit requirements for activities like sediment augmentation or channel manipulations.

*Strauch moved to approve the RFP and appoint the following Proposal Selection Panel: Kevin Urie (Colorado), Mike Besson (Wyoming), Mark Czaplewski (Downstream Water Users), Will Meyers (Nebraska DNR), Steve Smith (EDO); Kraus seconded. Motion approved.*

### **Geomorphology/In-Channel Vegetation Monitoring**

Smith discussed the geomorphology/in-channel vegetation monitoring RFP. Purcell said the FC often discusses continuing contracts and asked if this RFP is clear about annual funding requirements and annual changes to the scope of work. Smith said yes, both RFPs clearly state that funding and scopes of work have to be reviewed annually by the TAC and FC and have to be approved annually by the GC.

*Thabault moved to approve the RFP and appoint the following Proposal Selection Panel: Jim Jenniges (Downstream Water Users), Pat Goltl (Nebraska), Mike Besson (Wyoming), Tom Econopouly (Service), Suzanne Sellers (Colorado), Steve Smith (EDO), Jason Farnsworth (EDO); Purcell seconded. Motion approved.*

Barels asked how the results of 2007-2011 monitoring will be communicated to the GC. Smith said it will come in a couple of formats during 2012, likely during the June and September GC meetings.

### **Habitat Availability Analysis**

Smith discussed the status of habitat availability analysis work. Purcell said we are probably moving beyond the original scope if we try to add on whooping crane work. Smith discussed some of the thinking that went into the idea of sole-sourcing this work and the discussion that occurred about this item at the December 2011 TAC meeting. Purcell asked why the RBJV is such an economical option. George explained the make-up of the RBJV, the use of university GIS technicians, and the set-up they have with the proper computer equipment. Smith said this item would be discussed further with the TAC at a



January 2012 workshop and would be brought before the GC again for further discussion and action likely during the March 2012 meeting.

### **Public Comment**

Schneider asked for public comment. None offered.

### **2012 GC Officers**

Schneider asked for nominations for the 2012 GC Chair and Vice-Chair. Thabault is the current Vice-Chair and would rotate into the Chair, while (Wyoming) Purcell would be Vice-Chair for 2012. Heaston moved to approve these officers. Purcell said he is resigning in July, so it might be good to deviate from the order. *Heaston amended his motion to nominate Thabault as GC Chair and Ament as GC Vice-Chair in 2012; Kraus seconded.* **Motion approved.**

### **Executive Session**

Ament moved to enter Executive Session to discuss land issues; Kraus seconded. **GC entered Executive Session at 4:02 p.m. Mountain time.**

Lawson moved to end Executive Session; Strauch seconded. **GC ended Executive Session at 4:59 p.m. Mountain time.**

### **Program Land Tracts & Issues**

*Czaplewski moved and George seconded:*

- *To authorize the land exchange at Tract 1111;*
- *To approve allowing the ED Office to seek appraisal of and begin negotiations for acquisition of Tract 1109 as complex habitat;*
- *To approve allowing the ED Office to seek appraisal of Tract B at Tract 2011001 East Portion both with and without a no-build easement, and to consider Tract A as non-complex land.*
- *To extend the disposition process for excess property at Tract 2009008 for one year (to December 12, 2013).*
- *To table further consideration of Tracts 1101 and 1102 until the March 2012 GC meeting subsequent to further negotiations.*

**Motion approved.**

### **Other Business**

Kenny noted that Lawson will be retiring at the end of the year and will be sorely missed from the GC and the Program. On behalf of the GC, Lawson will be receiving a Michael Forsberg print of a whooping crane standing among Sandhill cranes on the central Platte River ("Serendipity"). The group offered a round of applause.

**Meeting adjourned at 5:10 p.m. Mountain time.**



**Wednesday, December 7, 2011**

**Welcome and Introduction**

Schneider called the meeting to order and the group proceeded with a roll call.

**Program Outreach Update**

**PRESENTATIONS**

- Jerry Kenny presented on *Current Activities of the Platte River Recovery Implementation Program and the J2 Water Action Plan Project* to the Upper Platte River Basin Meeting at the Nebraska Association of Resources Districts annual conference on September 27, 2011 in Kearney, Nebraska.
- Jerry Kenny and Bruce Sackett represented the Program at the Nebraska Natural Legacy Project conference in Grand Island, Nebraska on October 4 & 5, 2011. The project is working on a blueprint for conserving Nebraska's flora, fauna and natural habitats.
- Sira Sartori and Beorn Courtney had a poster presentation at the South Platte Forum on October 20-21, 2010 in Longmont, Colorado.
- Jerry Kenny presented on the Program to the Nebraska chapter of Agricultural Engineers on October 21, 2011 in Grand Island, Nebraska.
- Chad Smith presented on Adaptive Water Management at the 2011 Joint Annual Convention of the Nebraska State Irrigation Association & Nebraska Water Resources Association in Kearney, Nebraska on November 21, 2011.

**UPCOMING PRESENTATIONS/EXHIBITS**

- Jason Farnsworth will present an update on the Program to the Nebraska Association of County Officials meeting on December 14, 2011 in Kearney, Nebraska.
- The Program will sponsor the Four States Irrigation Council in Fort Collins, Colorado on January 11 – 13, 2011 at the Friend level.
- The Program will have an Exhibit at Colorado Water Congress in Denver, Colorado on January 25 – 27, 2012.

**EXHIBITS/SPONSORSHIPS**

- The Program exhibited at Husker Harvest Days in Grand Island on September 13, 14 and 15, 2011 in the Natural Resources Districts tent. We made 2,380 contacts over the course of the three days. Husker Harvest Days is recognized as the World's Largest Totally Irrigated Working Farm Show™ and features the most extensive state-of-the-art information and technology available for today's agricultural producers.
- The Program exhibited at the South Platte Forum in Longmont, Colorado on October 19 and 20, 2011. We made 205 contacts over the course of the two days.

**MEDIA/PRESS COVERAGE/OTHER**

- The Program is highlighted in the publication *Bureau of Reclamation River Restoration Programs: A Summary of 16 Programs and Shared Institutional Challenges*. The document was developed subsequent to a conference hosted by the Bureau of Reclamation and The Utton Center at the University Of New Mexico School Of Law.
- The Platte River Recovery Implementation Program and the Platte River Recreation Access program are the Nebraska projects chosen to be highlighted in the final America's Great Outdoors 50-state report outlining some of the country's most promising ways to reconnect Americans to the natural



world. Two projects were chosen from each state to be featured in the report, part of President Obama's America's Great Outdoors initiative to establish a 21<sup>st</sup> century conservation and recreation agenda and reconnect Americans to the outdoors.

George provided an update to the GC on the America's Great Outdoors initiative. He is the "quarterback" for the initiative in Nebraska and will be working with the Program to assist with its role as one of the initiative's highlighted projects. Kenny said a press release will be going out on December 12<sup>th</sup> noting the launch of the Public Access Program.

### **Program Committee Updates**

#### *Land Advisory Committee (LAC)*

Czaplewski provided an update on the latest LAC activities. The LAC met on October 26 in Kearney. An ad hoc group formed to discuss disposition of the excess property at Tract 2009008. Motions were made on Tract 2011001 and recommending pursuit of Tract 1109, and there was an update on the Public Access Program. The LAC met on November 11 and elected Czaplewski Chair for 2012 and John Shadle (NPPD) as Vice-Chair.

#### *Water Advisory Committee (WAC)*

Steinke provided an update on the latest WAC activities. The WAC met on October 25 and took a tour of the Pathfinder project. The WAC discussed the J-2 project and a sub-group is working on moving that project forward. Groundwater recharge projects have been in operation since late September. The water leasing and water management incentives workgroup held a conference call recently. Sira Sartori from the ED Office provided an update on hydrologic conditions. There was also a discussion about the Environmental Account and the North Platte choke point. Since the meeting, the National Weather Service has shifted some stages at North Platte, raising the moderate flood stage up which is good news. Duane Woodward presented on the Platte River appropriations status. The next WAC meeting is February 7 in Ogallala.

Purcell said the Pathfinder modification project will be completed by the end of the year and water will start accruing into the Wyoming and BOR accounts and both accounts will fill. Parties should be talking and thinking about releases coming down in the fall. There will be 9,600 acre-feet available to the Program in the Wyoming account. Secondly, negotiations are ongoing about the sponsorship agreement for the J-2 project. There will be a face-to-face meeting soon to finalize that agreement and get it done so project activities can begin. This will likely require a special GC meeting.

#### *Technical Advisory Committee (TAC)*

Besson provided an update on the latest TAC activities. The TAC met on October 5-6, a budget conference call in November, and then met on November 29-30 with the ISAC. The joint ISAC meeting focused on the Elm Creek FSM Proof of Concept and bird response experimental designs. The TAC discussed the results of the peer review of the stage change study, especially comments on the scale of the study. It seems the peer review process worked well, but the TAC needs to discuss some of the issues before bringing it to the GC for further discussion. The TAC will have a workshop on January 12 to try to establish minimum habitat criteria for whooping cranes. The TAC will have a conference call soon to discuss a draft scope of work for the ISAC. Smith said the EDO would soon be asking the GC to approve a peer review panel and scope of work for peer review of the sediment augmentation pilot-scale management action technical memo. Thabault asked if the stage change study peer review was complete. Smith said yes. Thabault asked if it was putting the cart before the horse to set minimum habitat criteria



for whooping cranes prior to getting the RBJV under contract for the habitat availability work. Smith said the criteria have to be set prior to starting that work.

Urie asked Besson to update the GC on discussions with the ISAC about terms of ISAC membership. Besson said there was a good discussion and the general consensus was to build a process for staggered rotating membership to keep the ISAC fresh but to also ~~to~~ allow time ~~to~~ for ISAC members to move up the learning curve. Smith agreed and said he would be putting together a proposal for this on paper to bring before the TAC and GC for further discussion.

Kraus asked if the stage change study team (HDR, The Flatwater Group, Tetra Tech, and Mark Pegg – UNL) contributed to responses to the peer review comments. Smith said yes.

#### *Finance Committee (FC)*

Purcell provided an update on the latest FC activities. Recent FC discussions focused on the FY 2012 Program budget and future Program financing options, all of which were discussed and decided yesterday by the GC.

#### **PRRIP Permits**

Kenny provided an update on the status of permits for island construction in the channel at the Elm Creek Complex and a permit for the sediment augmentation pilot-scale management action. Barels asked if any Program modeling tools could be used to help answer Tri-Basin NRD concerns. Kenny said we have extensively explained the modeling that was done and how those tools are being used to design the pilot-scale management action, to help with monitoring, and to help with data analysis to determine results. Those discussions have not seemed to help with what seems to be Tri-Basin's general concern about sediment augmentation as an action. Kenny said that so much work has gone into working on these individual permits that work has been deferred on developing a Regional General Permit for the Program. Work on that is expected to start in 2012.

#### **Other Business**

Purcell asked about the scoring of the J-2 project. Kenny said that is being done as part of the white paper on the project and the previous score for the project is being updated. Purcell asked if both benefits (reg/pulse flow and hydrocycling) are part of the scoring. Kenny said yes.

#### **Future Meetings & Closing Business**

Upcoming GC meetings:

- March 13-14, 2012 @ Kearney, NE
- June 12-13, 2012 @ Cheyenne, WY
- September 11-12, 2012 @ Kearney, NE
- December 4-5, 2012 @ Denver, CO

**Meeting adjourned at 9:02 a.m. Mountain time.**

#### **Summary of Action Items/Decisions from December 2011 GC meeting**

- 1) Approved September 2011 GC minutes.
- 2) Approved October 2011 GC minutes.
- 3) Approved November 2011 GC minutes.
- 4) Approved the FY 2012 Program budget.

This document is a draft based on one person's notes of the meeting. The official meeting minutes may be different if corrections are made by the Governance Committee before approval.





- 375 5) Approved the FY 2012 Headwaters contract for the ED Office.  
376 6) Approved the FY 2012 Program work plan.  
377 7) Approved the Program equipment approach (sale of existing equipment and charging of use fees for  
378 future use).  
379 8) Approved exclusively using federal dollars on all Program expenditures based on the approved FY  
380 2012 Program budget.  
381 9) Approved the water quality monitoring RFP and appointed the following Proposal Selection Panel:  
382 Kevin Urie (Colorado), Mike Besson (Wyoming), Mark Czaplewski (Downstream Water Users), Will  
383 Meyers (Nebraska DNR), Steve Smith (EDO).  
384 10) Approved the geomorphology/in-channel vegetation monitoring RFP and appointed the following  
385 Proposal Selection Panel: Jim Jenniges (Downstream Water Users), Pat Goltl (Nebraska), Mike  
386 Besson (Wyoming), Tom Econopouly (Service), Suzanne Sellers (Colorado), Steve Smith (EDO),  
387 Jason Farnsworth (EDO).  
388 11) Approved Mike Thabault as GC Chair and Don Ament as GC Vice-Chair in 2012.  
389 12) Approved:  
390 • To authorize the land exchange at Tract 1111;  
391 • To approve allowing the ED Office to seek appraisal of and begin negotiations for acquisition of  
392 Tract 1109 as complex habitat;  
393 • To approve allowing the ED Office to seek appraisal of Tract B at Tract 2011001East Portion  
394 both with and without a no-build easement, and to consider Tract A as non-complex land;  
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