# PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
## Governance Committee Meeting Minutes
Executive Director's Office – Kearney, NE
September 11-12, 2012

## Tuesday, September 11, 2012

### Meeting Attendees

**Governance Committee (GC) Table**

**State of Wyoming**
Harry LaBonde – Member
Mike Besson

**State of Colorado**
Don Ament – Member
Suzanne Sellers – Alternate

**State of Nebraska**
Jim Schneider – Member

**U.S. Fish and Wildlife Service (Service)**
Michael Thabault – Member

**Bureau of Reclamation (BOR)**
Gary Campbell – Member

**Environmental Entities**
Tom Dougherty – Member
John Heaston – Member
Bill Taddicken – Member
Marian Langan – Alternate
Duane Hovorka – Alternate

**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)
Beorn Courtney
Jason Farnsworth
Bruce Sackett
Chad Smith

**Audience Members**
Tom Econopouly – Service
Eliza Hines – Service
Mike George – Service
Mike Drain – CNPPID
Kevin Urie – Denver Water
Brock Merrill – BOR
John Kolanz – Greely Water & Sewer Dept.
Duane Woodward – CPNRD
Cory Steinke – CNPPID
Pat Goltl – Nebraska DNR
Pat Engelbert – HDR
Jim Jenniges – NPPD
Lori Potter – Kearney Hub

## Welcome & Administrative

Thabault called the meeting to order at 2:02 p.m. Central time. Kenny noted there would not be an action item related to the Program/CPNRD Water Leasing Agreement; that will now be a discussion item. The group proceeded with introductions.

*Berryman moved to approve the June 2012 GC minutes; LaBonde seconded.* **Minutes approved.**

## Program Committee Updates

*Land Advisory Committee (LAC)*

Czaplewski provided an update on the latest LAC activities. The LAC met on July 25. The LAC recommended Tract 1211 as complex land for acquisition and is on the GC agenda for tomorrow. The August 28 meeting was postponed until October 2 or 3.

*Water Advisory Committee (WAC)*

Steinke provided an update on the latest WAC activities. Courtney presented on the Water Action Plan milestones during the last WAC meeting. Hovorka discussed the Net Controlled Conserved Water and how expensive it is, as well as options to make it more affordable. Woodward presented on the proposed water leasing projects that will be discussed later during the GC meeting. The ED Office presented on stream depletions for off-channel sand and water habitat. Steve Smith discussed the flood proofing projects at the North Platte choke point. John Henz from Dewberry presented on hydroclimatic indices and predicting water supply. The next WAC meeting is October 16 in Ogallala.

*Technical Advisory Committee (TAC)*

Besson provided an update on the latest TAC activities. The TAC met on August 21 in Kearney and took action on several items:

1) Approved minutes from the July 2012 TAC meeting
2) Recommended the GC approve Adrian Farmer and Brian Bledsoe for the ISAC committee.
3) Supported providing the tern metapopulation modeling team Program data as well as the following revised set of questions:
   - How would achieving productivity ratios of 0.60, 0.70, 0.80, 0.90, or 1.00 fledglings/pair affect persistence and growth of subpopulations within the Niobrara, Platte, & Upper Southern Missouri population (4); or the entire ILT metapopulation?
   - How would achieving and maintaining 150 breeding pair on in- and off-channel nesting habitat along the central Platte River (Lexington – Chapman, Nebraska) affect persistence and growth of subpopulations within the Niobrara, Platte, & Upper Southern Missouri population (4); or the entire ILT metapopulation?
   - How would a complete loss of in- and off-channel nesting habitat along the central Platte River (Lexington – Chapman, Nebraska) affect persistence and growth of subpopulations within the Niobrara, Platte, & Upper Southern Missouri population (4); or the entire ILT metapopulation?
4) Supported accepting the winter and spring whooping crane monitoring reports as final after comments/suggestions (above and in the documents) are incorporated
5) Supported conducting targeted monitoring efforts to document whooping crane habitat use within the Program area outside the timeframe of the current monitoring protocol.
6) Supported placing decoys in cornfields and lowland grassland/wet meadow areas to determine if detectability differs
7) Supported including additional information (standing water, etc) about whooping crane use areas in the notes section of the datasheets

8) Supported EDO staff reviewing landcover classifications and definitions to determine if some categories could/should be merged
9) Supported Trust, USGS, and EDO staff developing of a scope of work and proposal for evaluating whooping crane stopover sites
10) Supported accepting 2011 tern and plover report as final with the understanding the 2011 Executive Summary figures would include breeding pair metrics
11) Supported the Wet Meadow Working Group determining how Program grasslands should be surveyed and monitored
12) Scheduled upcoming AMWG meeting for September 18, 2012.

*Finance Committee (FC)*

Campbell provided an update on the latest FC activities. The FC met three times since the last GC meeting and took action on several items:

1) Approved the August 2, 2012 FC minutes, as amended.
2) Approved Sediment Augmentation Contract 4th Amendment.
3) Approved North Platte Choke Point Flood Proofing Contract.
4) Approved bid packages for the Fox Tract wet meadow, Shoemaker Island Complex habitat enhancement, and Ft. Kearny Complex habitat enhancement.
5) Approved the contract for Shoemaker Island Complex FSM Proof of Concept work.
6) Approved the June 28, 2012 FC minutes.
7) Approved J-2 Regulating Reservoir Engineering Review Services contract.
8) Approved Lateral Erosion Research task order.
9) Approved CNPPID Water Service Agreement.
10) Approved the May 13, 2012 FC minutes.
11) Approved the Choke Point RFP.
12) Approved the three habitat enhancement bid packages.
13) BOR agreed to evaluate additional options related to the indexing issue for the July FC meeting.

**<u>Program Outreach Update</u>**

**PRESENTATIONS**

- Chad Smith presented on adaptive management and the Program on August 14, 2012 to the University of Nebraska-Lincoln Adaptive Management Short Course in Lincoln, Nebraska.
- Jerry Kenny presented a Program update to the Nebraska Farm Bureau Central Platte River Meeting in Grand Island, Nebraska on August 22, 2012.

**UPCOMING PRESENTATIONS/EXHIBITS**

- The Program is exhibiting at Husker Harvest Days in Grand Island on September 11, 12 and 13, 2012 in the Natural Resources Districts building. 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.
- Bridget Barron will be representing the Program at the America's Great Watershed Initiative Summit in St. Louis, Missouri on September 26th and 27th. The focus on the summit is to examine collaborative ways to address geographic, institutional and issue-based barriers to maximizing the potential of the Mississippi watershed.
- The Program is a luncheon sponsor and exhibitor at the 23rd Annual South Platte Forum in Longmont, Colorado on October 24-25, 2012.

- Jerry Kenny is part of a panel on November 13th in Lincoln, Nebraska for the University's conference, Water: Science, Practice and Policy. The panel topic is Shifting to Groundwater Irrigation in the Central Platte: The NRD Proposal and Potential Effects and also includes J. Michael Jess as the Panel Moderator; Ronald Bishop, Central Platte Natural Resources District; Kent Miller, Twin Platte Natural Resources District; Don Kraus, Central Nebraska Public Power and Irrigation District; and Brian Barels, Nebraska Public Power District.
- At the same conference on the same day, Christine Reed of the University of Nebraska-Omaha will be presenting on Implementing the Platte River Recovery Implementation Program.
- Jerry Kenny will be presenting at the joint conference of the Nebraska State Irrigation Association and the Nebraska Water Resources Association on November 23 & 24, 2012 in Kearney, Nebraska.

**EXHIBITS/SPONSORSHIPS**

- The Program was a refreshment sponsor for the Nebraska Grazing Conference in Kearney, Nebraska on August 14 & 15, 2012.
- The Program participated in the new teacher welcome through the Kearney Chamber of Commerce. The Chamber assembles welcome bags for all new teachers in the Kearney school system from grade school to college. Fifty-five sets of PRRIP promotional pens, flag sets, card readers and hairbrushes were donated for the welcome bags.

**MEDIA/PRESS COVERAGE**

- NEBRASKALand magazine ran an article on the Platte River Recreation Access (PRRA) program in the August-September 2012 issue. "The quality of the hunt and the quality of the experience" were cited by one hunter as positives of the experience.

**PRRIP Budget Items**

Kenny discussed the status of the FY 2012 Program budget, expenditures, and action items from the year. Barels asked if the final column in the budget summary spreadsheet should be labeled as 2012 instead of 2011. Kenny said yes and that will be changed. Kenny said the bulk of land acquisitions will be in hand by the end of this year so the focus will then turn more to maintenance and disposal of excess properties either in 2012 or early in 2013. On the water front, besides J2, we will be pushing forward on groundwater recharge, scoring, and related issues. On adaptive management, a number of monitoring efforts will continue much as in the past, as well as a strong emphasis on implementation and evaluation of the FSM management strategy. We will also be moving more into data analysis and interpretation. There will be a focus on target flows, as well as the important aspects of independent science review (ISAC and peer review).

There is a Finance Committee meeting on October 4 where we will bring forward as much of a draft as possible of the FY 2013 budget. EDO staff will continue to work with the Advisory Committees to build individual pieces of the budget. Kenny said he will ask the GC to assemble via conference call at the end of October/beginning of November to discuss the draft FY 2013 budget in preparation for final review and approval at the December 2012 GC meeting.

**Independent Scientific Advisory Committee (SAC)**

Chad Smith discussed the recommendation to appoint two new members to the ISAC, Adrian Farmer and Brian Bledsoe.

*LaBonde moved to approve appointments; Ament seconded.* **Farmer and Bledsoe appointed to the ISAC.**

Smith discussed the issue of target flows and the upcoming ISAC meeting focusing on target flows and environmental flows. Berryman said he was concerned about what seemed to be a new direction on the target flows and what the implications might be for current agreements. Barels said there was some concern about where this target flow discussion was headed and there needs to be more work done with the GC to inform them about what is going on. There needs to be communication with the GC about what discussions have been had at the technical level, and what this means for what has been negotiated in the current Program. Berryman said there needs to be a clear link between target species needs and related flow needs. Chamberlain said he is concerned about high species flow needs at a time of high irrigation demand. Hovorka said it may be the right time to start looking at other ways of how we provide flow-related benefits for the target species in something like a Second Increment, if there is a better or different way to proceed.

Thabault requested that there be a significant piece of the GC agenda in December to talk about the discussions that have occurred so far on target flows and the results of the discussion in October with the ISAC about target flows and environmental flows. Barels agreed that was a good idea, but he and Kraus said there is currently certainty in target flows for the Program so any potential changes require careful thought and substantially more discussion with the GC.

**Groundwater Recharge Pilot Project**

Courtney discussed the recharge project and Schlautman delivered a presentation summarizing the results of the pilot project. Barels asked what caused the differences in the recharge rates between the canal and the associated properties. Schlautman said it may have been due to the sites selected. The report includes criteria for what makes a good recharge basin site. The relationship between the canal and the potential basin site is important – if you do it by gravity, it is much easier to work with and cheaper than using a pump. There was variability in the recharge rates over time so there were some fluctuations. Subsurface conditions at the site may have had an impact on that. Barels asked if it mattered if tractor wheels had gone over the land the past 20 years. Schlautman said potentially yes, but selecting sites that had not been developed might result in things like horizontal movement of recharge water. Chamberlain asked what was meant by wells on the bench near the canal. Schlautman said wells in the bottom were much more stable and changes due to the project were not as perceptible as wells on the bench near the canal. Hovorka asked if our goal is to hit target flow windows at certain times did you collect enough data to be able to see if this would work for that goal. Courtney said the EDO has been working with Special Advisor Bill Hahn to see if the model provides data similar to that experienced on the ground. That modeling effort will continue until there is confidence it can be used to help in the scoring process. Berryman asked if there are any water availability issues. Courtney said it will vary in different years, and the Program will continue to work with the Service to try to use EA water if it is available.

Taddicken said if our goal is to have recharge to the river and the wells closest to the river are showing the least impact, are we gaining anything here? Courtney said some of the wells are responding better than others to the rise, but the water is still all moving toward the river. Strauch asked about the lag time.

Courtney said she is going to talk about that some tomorrow during her GC presentation. Chamberlain asked if there is anything in the data that would indicate what is moving volumetrically between the well and the data. Courtney said 28% of the flow is reaching the river in 500 days. Barels said if we don't have the physical data, how can we build a model to get the answer? Kenny said we do have the physical data. We have water going into the canal and the pit, water in the monitoring wells, and all the parameters defining the aquifer the best we can. Like Tamarack I, it is a volumetric calculation. Thabault said then how do we protect the water. Kenny said under Nebraska water law, that water probably cannot be protected; the mechanism does not exist. Surface water returns can be protected. Courtney said there are a lot of different applications based on these analyses and quantifications.

Kraus asked if there were any changes in the drains. Schlautman said one thing we learned was that the connection was not as strong as thought, and the groundwater responded faster to rainfall than the drains. There was an increase in flow rates in the drains over time. There is not a lot of grade to the drains so you are trying to measure something relatively small.

**J-2 Reservoir**

Besson discussed the status of the latest discussions regarding the J2 project and the partnership between the Program, the Nebraska DNR, and CNPPID. The amount agreed to for discussions is roughly $60 million and gets us the furthest way toward the Program First Increment water objective. Issues surrounding water rights are key points of discussion. There is also an issue of operation and maintenance expenses, as well as taxes associated with the property where the project would be constructed. Besson created a subcommittee of engineers with experience in water rights, O&M, and other related technical issues to see if they could get to agreement on some of these issues. Once they come to agreement, we will take the items back to the full committee for review and approval. Kenny said he hoped by December there will be a final agreement that can be brought before the GC for approval.

**Program/CPNRD Water Leasing Agreement**

Kenny discussed the draft agreement between the Program and the Central Platte NRD for water leasing. The agreement is currently in a simple form but based on FC feedback more details are begin added. LaBonde asked if the leasing would be confined to the irrigation season. Kenny said yes. On the surface water side of this project, an application has been submitted for converting irrigation use to a different use. In terms of quantity, the Program will have access to ½ of the natural flow available. The groundwater recharge amount to be offered will be on a year to year basis. The Program will take whatever is offered whether it comes at a time of shortage or not. The FC said in terms of what is in the document itself there needs to be clarity on the surface water/groundwater details, and also the calculations for water quantities. Taddicken asked where the water resides right now. Kenny said it is water coming into the river now, but it is not in the Program's ledger column. That emphasizes the concept of paying at the end of the year so you know what you received, even though the benefit to the river will have already been derived. Taddicken asked if the surface water will go through the canal and then back to the river. Kenny said it will be diverted and almost all of it will immediately come back to the river. A portion of it will go to the canal to keep it whole. Berryman asked if the WAC has looked at this. Kenny said the score thus far is an estimate and it still has to be officially scored. Hovorka asked if the NRD is obtaining the rights from the canal companies that are being fully used and diverted at this point. Kenny said they are fully operational and functional. Taddicken asked about the response of landowners. Woodward said the response has been good so far and landowners are signing up. Thabault asked if we are on the hook to build something to get the water back to the river. Kenny said no, that is

covered in the purchase price through the ditch companies. Taddicken asked if water not being used is being diverted now or not. Kraus said it is not being diverted. Drain said in some cases water not being used may be being picked up by other irrigators.

**U.S. Fish and Wildlife Service Items**

Thabault said the Service published a not warranted finding on the Platte River caddisfly in August. The basis for that finding is that since discovery, we keep finding the species in a lot more places. Much of the degradation in basin that may have caused an impact has already happened so future impacts did not seem as self-evident. But, that does not mean the Service won't keep the species on the radar and the species is still a Species of Concern for the Program. The Service is still interested in having the Program keeping it in its vision. There have been no Notices of Intent to sue so far. Kolanz asked if Thabault could elaborate on what it means to keep the species on the radar. Thabault said generally it means looking at opportunities to consider benefitting the species as land management plans are developed or actions are taken on the ground. Kolanz said if there is something to do to benefit a target species that would be the priority consideration. Thabault said yes. LaBonde asked if we know enough about the caddisfly as to whether tree removal would cause a negative impact on the species. George said they are a habitat generalist and activities like that should be fine. Thabault said they seem to select shallow, slow-moving sloughs with lots of grass. That might be an opportunity for restoration for the caddisfly after tree removal. George said the Program was successful in helping keep this species from being listed because of Program land acquisition and management. It is a success story in that respect.

Thabault introduced Eliza Hines, the new Service staff person in Grand Island working as the EA Manager. She is from Florida and has a background in both the Platte River and Missouri River.

**Other Business**

Chamberlain said he wanted to say that the upper Platte water users are very happy with Harry LaBonde taking over for Mike Purcell and they are looking forward to having him work with everyone on the GC.

Meeting adjourned at 4:46 p.m. Central time.

## Wednesday, September 12, 2012

**Welcome and Introduction**

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

**Presentation from DOI Assistant Secretary for Water & Science**

Anne Castle delivered a presentation on the Program and the America's Great Outdoors Program. Castle discussed the Program in the context of Restoration, Reconnection, and Partnerships. Ament asked about the budget picture. Castle said the picture is not great and sequestration is starting to look more likely. Reclamation budget officers are well aware of the funding needs for the Program, and the Reclamation Commissioner recently discussed budget needs for priority project and specifically mentioned the Program. Dougherty said the Program has a "sunset" clause because it is only authorized through 2019. As much as has been accomplished, one fear is that by 2019 the job won't be done and we don't know what happens after the expiration of the First Increment. Castle said to the extent to which there is a continuing threat of jeopardy to the species, there will be a strong effort to keep work going that addresses that threat. There is also a strong effort in the country to work on prevention than to deal with a species once it is listed. The experience here with the caddisfly is a demonstration of that prevention. Castle

asked how the Program is viewed in local communities. Kenny said there is good and widespread support for the Program. Over the past five years, we have made significant progress in becoming part of the community, not external to it. A big part of that is the thought that went into how the Program is structured – willing seller, willing buyer; the "Good Neighbor" policy; water rights and control/ownership of water projects will remain with local organizations; and the Recreation Access Program has been well-received. Taddicken said early on there seemed to be a lot of worried questions, but now the questions are more fact-based, understanding of the Program, and inquisitive of how to engage with the Program.

Castle asked how a dry year like this affects the Program. Kenny said we learned a lot from the past couple years of high flows. No flows impact the aquatic community but we are opportunistic and we take advantage of what nature gives us. Castle asked what else Interior can do to help, beyond the money situation. Campbell said one item is to have Interior look into how to use grant funds for long-term contracts related to water, which has not been a typical use of these grant funds. Kenny said one idea might be to talk with the Corps to help with the process of securing permits for Program actions. Castle said there might be a way to pull together a meeting of the right people to talk with to help develop a good way forward. Taddicken said permits have become more and more difficult to come by. Castle said the Corps has really been hit hard on budgets, so she is not sure if it is a staffing issue or a policy issue. Taddicken said it seems to be more of an issue of interpretation. Campbell said dealing with issues like the Missouri River flood may have contributed to some limitation in staffing. Thabault said bringing the other federal family into the fold to help move these things forward at an institutional level could help to move things forward. Barels said he also sits on the stakeholder committee for the Missouri River and he sees a lack of alignment between the Clean Water Act and the Endangered Species Act. There may be conflicts between these two statutes (e.g. turbid water for pallid sturgeon), and this could be part of the issue too. Thabault agreed and said some shifts in thinking are probably required. Having flexibility to interpret things in a different way could be helpful.

**Public Comment**

Thabault asked for public comment; none offered.

**Executive Session**

*Heaston moved to enter Executive Session to discuss land issues; Campbell seconded.* ***GC entered Executive Session at 9:09 a.m. Central time.***

*Ament moved to end Executive Session; LaBonde seconded.* ***GC ended Executive Session at 10:23 a.m. Central time.***

**Program Land Tracts & Issues**

Dougherty asked about the debate going on relative to corn land versus wetland versus river bottom and what that means in terms of weighing habitat values within the Program. Kenny said in terms of the Program, acquired land is often crop land and we keep that going until land management plans are developed. In some cases, that has been converted to grassland. In the case of the palustrine wetland discussed today, some of the ground will be left in agriculture. It is generally a case-by-case basis.

*Heaston moved and LaBonde seconded:*

- *To approve allowing the ED Office to enter into a contract and complete acquisition of Tract 1110 as complex habitat; and*

- *To approve allowing the ED Office to enter into a contract and complete acquisition of Tract 1203 as non-complex habitat and to allow the lease-back of the agricultural ground to the east.*

**Motion approved.**

**PRRIP Water Plan Update**

Courtney provided an update on implementation of the Water Action Plan. Barels asked if this reach (Phelps County canal) of the river is always a gaining reach. Drain said it is such a short reach that we don't know that. We do know a lot of the river reaches gain or lose, but we don't track it below the J-2 return. We are likely at a gaining reach until Kearney. Farnsworth said the short reach on the south side of Jeffrey Island always has at least about 200 cfs. Thabault asked if there is a function of time and distance in terms of tracking the recharge, in particular because the canal takes a turn away from the river. Courtney said that is one of things that is now being investigated and modeled. Chamberlain asked about the Pathfinder municipal account. Courtney said her numbers reflect the loss model from Pathfinder to McConaughy, and then the loss from McConaughy to Grand Island. Kenny said the Pathfinder lease is until the end of the First Increment, but the amount of water we get over time will vary. Chamberlain asked if the Program has paid a lump sum of money to Wyoming for Pathfinder. Kenny said yes.

**PRRIP Adaptive Management Plan Update**

Smith provided an update on implementation of the Adaptive Management Plan.

**Future Meetings & Closing Business**

Upcoming GC meetings:

- Special Session conference call on the FY 2013 budget on November 16th, 2012 from 10:00 a.m. to Noon Central time
- December 4-5, 2012 @ Denver, CO; likely at the Warwick Hotel

**Meeting adjourned at 11:36 a.m. Central time.**

**Summary of Action Items/Decisions from September 2012 GC meeting**

1) Approved June 2012 GC minutes.
2) Appointed Adrian Farmer and Brian Bledsoe to the ISAC.
3) Approved allowing the ED Office to enter into a contract and complete acquisition of Tract 1110 as complex habitat; and
4) Approved allowing the ED Office to enter into a contract and complete acquisition of Tract 1203 as non-complex habitat and to allow the lease-back of the agricultural ground to the east.