PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Governance Committee Meeting Minutes
Executive Director's Office (EDO) Conference Room – Kearney, NE
September 9-10, 2014

Meeting Attendees

Governance Committee (GC) Table

State of Wyoming
Harry LaBonde – Member (Chair)

State of Colorado
Don Ament – Member
Suzanne Sellers – Alternate

State of Nebraska
Jim Schneider – Member

U.S. Fish and Wildlife Service (Service)
Eliza Hines – Alternate

Bureau of Reclamation (BOR)
Gary Campbell – Member

Environmental Entities
Marian Langan – Member
Bill Taddicken – Member

Upper Platte Water Users
Dennis Strauch – Member
George Williams – Member

Colorado Water Users
Alan Berryman – Member
Deb Freeman – Alternate

Downstream Water Users
Brian Barels – Member
Don Kraus – Member
Mark Czaplewski – Member
Kent Miller – Member

Executive Director's Office (EDO) Staff
Jerry Kenny, Executive Director (ED)
Jason Farnsworth
Bruce Sackett
Chad Smith

Audience Members
Brock Merrill – BOR
Cory Steinke – CNPPID
Matt Rabbe – Service
Kevin Urie – Colorado Water Users
Philip Stuckert – WY State Engineers' Office
Amy Jeffrey Hill – Landowner
Dianne Jeffrey – Landowner
Joe Jeffrey – Landowner
Duane Woodward – CPNRD
Pat Engelbert – HDR
Jim Jenniges – NPPD
Christine Reed – UNO
Lori Potter – Kearney Hub
Bob Wallace – Landowner
Jeff Shafer – NPPD
Tyler Krevalek – KRVN

Welcome & Administrative

LaBonde called the meeting to order at 2:00 p.m. Central time. The group proceeded with introductions.

Berryman moved to approve the June 2014 GC minutes; Strauch seconded. **Minutes approved.**

Program Committee Updates

Land Advisory Committee (LAC)

Czaplewski provided an update on the latest LAC activities. The LAC met on August 26 via conference call and addressed Tract 1405 and the sale of easement land at 2011001 East (both on GC agenda). The next LC meeting is October 20 in Kearney.

Water Advisory Committee (WAC)

Kenny provided an update on the latest WAC activities. The WAC met on August 12 at Lake McConaughy Visitors Center and heard updates on all Water Action Plan alternatives. There was a presentation from Jeff Shafer at NPPD on the permit application and a discussion on replacing surface water irrigation with groundwater irrigation and the DNR will make a presentation at the next WAC meeting on how that is addressed in state regulation and process. The WAC talked about E65 groundwater recharge; Phelps groundwater recharge and active well pumping; an update on the wet meadows hydrologic monitoring project; presentation on the draft SDMF spring 2013 release; and preliminary discussions of the 2015 draft Water Plan budget. The next WAC meeting is October 21 at Lake McConaughy.

Technical Advisory Committee (TAC)

Sellers provided an update on the latest TAC activities. The TAC met on June 23rd in Kearney with a regular meeting followed by a grassland vegetation management workshop. The TAC recommended publication of the Horn response (in GC packet), approved the 2013 tern/plover monitoring report as final, and moved the tern/plover habitat synthesis chapters on to the GC for review. The TAC also met via conference call on August 13 and approved the scope of work for peer review of the tern/plover habitat synthesis chapters. The TAC recommended peer review panelists for the tern/plover habitat synthesis chapters. The annual AMP Reporting Session is in Omaha October 14-15 and the TAC will be meeting jointly there with the ISAC. There may be another TAC meeting/conference call the previous week while several TAC members are at the CAMNet Rendezvous on the Trinity River in California on October 6-8.

Finance Committee (FC)

Campbell provided an update on the latest FC activities. The FC met on August 18 and approved the multi-year permitting RFP, had a discussion on a new J2 invoice, discussed securing additional funding through NRCS grant funding, and discussed negotiations for water agreements with NPPD and CNPPID. The next FC meeting is November 4.

Program Outreach Update

PRESENTATIONS

- Jerry Kenny presented on the Program to the Walkers in the Great March for Climate Actions at the Holdrege Community Center on July 10, 2014. The group of approximately 35 walkers is walking from Los Angeles, California to Washington, D.C. to raise awareness among Americans about the country's climate crisis. Mike Drain and John Thorburn also presented to the group.

- Jerry Kenny presented on the Program to the Annual Water and Natural Resources Tour participants at the Elm Creek Complex on July 15, 2014.
- Justin Brei conducted a tour of the Cottonwood Ranch complex for the Nebraska Floodplain Managers Association conference attendees on July 16, 2014.

EXHIBITS/SPONSORSHIPS

- The Program was a co-sponsor of the Annual Water and Natural Resources Tour, presented by the Nebraska Water Center, Central Nebraska Public Power and Irrigation District (CNPPID) and the Kearney Area Chamber of Commerce. This year the tour was of the Upper Platte River Watershed and took place from July 15-18, 2014.
- Jerry Kenny, Chad Smith and Bridget Barron attended the Conference on Ecological and Ecosystem Restoration (CEER) in New Orleans, Louisiana from July 28 – August 1, 2014. Jerry moderated a session titled, "Restoration to Support Fisheries Habitat". Bridget moderated a session titled, "Adaptive Management and Monitoring" and Chad moderated a session titled, "Collaborative Adaptive Management". CEER is a collaborative effort of the National Conference on Ecosystem Restoration (NCER) and the Society for Ecological Restoration (SER).
- The Program will be a sponsor of the CAMNet Rendezvous on the Trinity River on October 6-8, 2014 in Weaverville, California. The CAMNet Rendezvous brings together innovative natural resource managers, scientists, policy makers, and citizens to share successes and challenges from programs and projects that are conducting collaborative adaptive management on the ground in order to advance the practice of CAM. Chad Smith is a member of the CAMNet Core Group and will be presenting on the Program during a session on examples of large-scale adaptive management. Several members of the Program's TAC will be attending the Rendezvous as well.

UPCOMING PRESENTATIONS/EXHIBITS

- The Program is exhibiting at Husker Harvest Days in Grand Island on September 9, 10, and 11, 2014 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.
- The Program will be exhibiting at the Natural Resources Districts annual conference at the Younes Conference Center in Kearney, Nebraska on September 21 through the 23, 2014.
- Bruce Sackett will present a Program overview at the Nebraska Natural Legacy Conference in Gering, Nebraska on October 8, 2014.
- The Program will be exhibiting at the South Platte Forum on October 22 & 23, 201 in Longmont, Colorado. The Program is also a break sponsor of the event.
- The Program will be exhibiting at the joint conference of the Nebraska Water Resources Association and the Nebraska State Irrigators Association on November 24 -26, 2014 in Kearney, Nebraska.
- The Program will be exhibiting at the Kearney Children's Museum annual Halloween event on October 30, 2014 in Kearney, Nebraska.

MEDIA/OTHER

- The Program was featured in the Kearney Hub Natural Resources weekend section on June 14 -15, 2014. Dave Zorn and Dave Baasch were interviewed for the article.
- The Kearney Hub featured an update on the J-2 Regulating Reservoir on August 29, 2014. The article focused on progress in design of the reservoir, needed studies, protection of cultural resources and relationships with affected landowners. Mike Drain and Cory Steinke were interviewed for the article.

Other articles about the project and the historical significance of the Plum Creek area were published in the Kearney Hub on August 30, 2014.

PRRIP FY14 Budget Update

Kenny discussed the status of the FY14 PRRIP budget and associated expenditures and contracts. Total expenditures to date total just under $81 million. It looks like this year an additional invoice will not be received from CNPPID for the J2 reservoir so that budget line item will not be expended. The net controllable conserved water line items will also not be expended, so it appears the Program will end up with expenditures of $8-$9 million in 2014 (similar to 2011). Expenditures are caught back up and proportionate expenditures are back in effect. Campbell asked as farmland go down in value, do taxes go down as well. Sackett said historically over the past 10 years there were two years where taxes went down. Now, taxes are moving upward at about 6-7%.

Kenny and Farnsworth updated the GC on the status of the NET grant application for funds to assist with in-channel vegetation management. The Program is a partner in the grant application and committed to $200,000 per year for the next three years. The FC reviewed the draft grant application and the final application was submitted on September 3. Farnsworth said flood flows have taken out low-lying vegetation but older vegetation remains in place and we will need to be able to get in the channel and do mechanical work, even on private land where access is granted. A decision on the grant is expected in early 2015.

Kenny and Sackett updated the GC on the opportunity afforded the Program to submit a proposal to the USDA for a one-time grant. Sackett described the Regional Conservation Partnership Program (RCPP) and the pre-proposal submitted by the Program with other partners. The pre-proposal described a project of $4.4 million in each of the next 5 years with the RCPP providing $1.7 million annually if awarded. The pre-proposal was submitted in late July and we received notice that the Program made the first cut. A full application must be submitted by the end of the September. Kenny said this would not add to the funds needed for the Program, but instead would take some pressure off funds from the Department of Interior. Funds would be used for the same projects as planned under the Program, it would just take funds from a different source than the Department of Interior. Campbell said there is $2.4 billion available nationally under this program.

Kenny introduced the multi-year permitting RFP and Smith discussed the purposes. Freeman asked if the timeline was realistic and what it means for the long term in regard to sediment augmentation. Smith said the hope is that by having secured permits previously for similar work (mechanical placement of sediment, not pumping) that permits can be secured more quickly, and that mechanical placement can then be used a long-term strategy to deal with sediment deficits.

Schneider moved to approve the RFP; Berryman seconded. **RFP approved.**

The GC appointed Hines (Service), Sellers (Colorado), and Smith (EDO) to the Proposal Selection Panel.

PRRIP Peer Review & Publications

Smith discussed the peer review process for the tern/plover habitat synthesis chapters, the proposed scope of work for the peer review, and the proposed peer review panel. Schneider said he was curious as to where this gets us. Smith discussed what the intent behind the chapters is – to synthesize large amounts

of data, have them reviewed and fix any problems, cite them in future State of the Platte reports, and deliver information to the GC that can be utilized more definitively in decision-making.
Campbell moved to approve the peer review scope of work and appoint the recommended peer review panel (Buenau, Catlin, Wiley, Zelt); Ament seconded. **Tern/plover habitat synthesis chapters peer review scope of work approved and peer review panel appointed.**

Smith discussed the response developed by the EDO to the Horn et al. article. *Berryman moved to submit the response for publication; Barels seconded.* **Motion to submit response for publication approved.**

Target Flows

Smith discussed the independent expert scope of work and objectives for that work. Barels said he sits on said a stakeholder committee on the Missouri River and they have similar issues (species, flows, etc.) to the Platte. The Missouri River has an independent science body as well and recommended that the Missouri River program develop an adaptive management plan around species needs, flows, and management activities. That panel includes Dennis Murphy from the University of Nevada and he has worked on structured effects analysis. That process applies the science that is known to the questions that are associated with the species. The Platte has been ahead of the game on adaptive management but he wonders if that Missouri River process has merit on the Platte versus the process offered by the Platte River ISAC. He has been impressed with the results of the effects analysis process so far and thinks it might be worth looking at on the Platte.

Hines said Loftin might have familiarity with effects analysis and maybe could scope that process out for the Platte. There is a scale difference between the Missouri and Platte that might be a complicating factor. LaBonde said he is hearing it might be worth scoping out an effects analysis along with the original ISAC process to see what that might entail. Barels said the Platte River ISAC could be asked to weigh in on the effects analysis process and whether it would be a useful option for the Platte to consider. Smith said this can be added to the discussion at the October AMP Reporting Session. Hines said the effects analysis process might be a good way to broker disagreements, and there are things we could adopt from the Missouri like conceptual models and other tools. Campbell asked what Barels was saying in terms of how the Platte looks at this process. Barels said he is only considering the process as an example, not the entities involved. Hines said Barels is just saying this might be a better process to use to set target flows. Campbell said he just wants to make sure the Platte doesn't get linked into the Missouri River. Hines and Barels said that won't happen.

Berryman said it sounded more like an operations plan as opposed to setting up target flows. Barels said to a certain degree what we have pulled together in the tern/plover chapters is similar to the effects analysis. Schneider said he wanted to make the point about hydrology and the water budget and that there are practical constraints and limitations that need to be addressed. Smith agreed and said that was definitely part of the ISAC discussion about this when they developed their recommended process.

UNO Research

Kenny introduced Christine Reed from UNO and she gave a presentation on her research regarding the Program. Schneider said a main question is how the GC makes decision and how to do that most effectively. Reed said some of the internal structures in the Program are already in place to help, and most of that is built around social capital – talking at dinner between the first day and second day of the GC meeting, for example. Compared to what is happening in many other places, the Platte Program is really a model that her institute intends to use widely as a model of success. Kenny asked if Reed was

going to compare/contrast any other models. Reed said it all depends on the funding and whether funds can be put together for travel and further investigations.

Public Comment

Diane Jeffrey spoke as a landowner along the Platte. She asked when the Program started. Kenny said 2007. She is interested in the J2 reservoir because it affects her. She has been living along the Platte since 1960 and has a biology degree from Colorado State University. She said Reed gave a good statement on balancing human needs, and not taking agriculture out of production for comments. That needs to be considered very carefully in your decision-making.

Meeting adjourned at 5:00 p.m. Central time.

Wednesday, September 10, 2014

Welcome and Administrative

LaBonde called the meeting to order at 8:02 a.m. Central time and the group proceeded with introductions.

J2 Reservoir Update

Kraus and Steinke gave an update on the J2 project. Letters are likely going to landowners in October, there can be no negotiations with landowners for 45 days after that, and there will likely be a public meeting in November. The Nebraska DNR approved the CNPPID petition for the project. CNPPID has been working with the counties on road realignment and there is now a preferred option for moving roads. The consultation letter from the Service is generally a positive response on the project, but there are certain items that have to be dealt with. LaBonde asked where we are at with permitting with the State of Nebraska. Kraus said extension of the Phelps Canal is approved. Berryman asked about the comment considering the reservoirs as storage and not re-regulation. Kraus said the DNR considered that but moved forward with approving the petition. Schneider said the petition was narrow in what it was asking and that is what DNR acted on.

PRRIP Procurement Policy

Kenny discussed the proposed amendment to the PRRIP Procurement Policy. The action required by the GC is approving the amendment of the policy to ensure that potential PRRIP contractors are not suspended or debarred from receiving federal funds.

Taddicken moved to adopt the amendment to the PRRIP Procurement Policy; Schneider seconded. **Procurement policy amendment approved.**

Public Comment

LaBonde asked for public comment. Diane Jeffrey said she owns Jeffrey Island that is adjacent to the J2 project area. The island has been used for many years to raise Black Angus cattle by Robb Ranch. The island has been used since 1874. The island is next to Canaday Steam Plant. CNPPID will own the island within a year, so this is a perfect opportunity to put the reservoirs on the island and avoid impacts to landowners along the river in the current design of the reservoirs. There would be wildlife benefits to having the reservoirs on Jeffrey Island. This will allow for the benefits of the reservoir to go forward, both for endangered species and target flows. There are 4,000 acres on this island, but the project only calls for 200 acres. So there is plenty of room on the island and that will save time, money, and lawsuits for trying to procure other land that is now under consideration. Diane said she was told engineers were looking at the island as a possible spot at one point and it seems like they can determine how to make it work on the island. This would also save problems with moving roads, moving Plum Creek, and causing problems for agriculture. The island location would also avoid conflicts with historical areas like the Oregon Trail and the cemetery burial plots. There are ruts of the Oregon Trail on our land and they are also along the project area. We have Oregon Trail and Pony Express followers in the area and this will be eliminated by the current project area. This is something you should talk about when you go into Executive Session. Thank you for letting me offer my comments.

How many of you have ever recovered any of the Platte River? There is one person that has physically done that for seven miles, and that is Joe Jeffrey. In 1960, the only way to the island was to go to Overton and go back in because the North Channel was dry. Mr. Jeffrey made a dike to go over to the

island and that recovered 7 miles of river habitat land so the water flowed on both sides of Jeffrey Island and that led to many wildlife benefits. Mr. Jeffrey deserves recognition for his efforts.

Please take this map and talk about the option of putting the reservoirs on the island during the Executive Session. Thank you.

Joe Jeffrey said he will be conducting a tour of the damage done to the Robb Ranch by CNPPID with the county commissioners and the press. We will talk about seepage, erosion, bridges, drainage, irrigation tubes, and will generally have an extended tour of this damage. Until CNPPID talks to him about this damage, nothing further will be done with Robb Ranch. This tour will be after the corn and soybeans are out and it is up to the county commissioners if they want to invite others to attend. Thank you.

Executive Session

Berryman moved to enter Executive Session; Schneider seconded. **GC entered Executive Session at 8:45 a.m. Central time.**

Heaston moved to end Executive Session; Berryman seconded. **GC ended Executive Session at 10:15 a.m. Central time.**

GC Action Items

Hines moved to utilize the Program's Good Neighbor Policy to ensure affected counties are made whole due to lost tax revenues from removing lands on those county tax rolls for the J2 regulating reservoir project; Strauch seconded. **Motion approved.**

Schneider moved to approve the LAC recommendation to cease pursuit of Tract 1405; Kraus seconded. **Motion approved.**

Ament moved to approve the LAC recommendation to not sell the access easement on Tract 2011001 East and stay with the original agreement; Heaston seconded. **Motion approved.**

Schneider moved to authorize the EDO to seek acquisition of Tract 1404; Taddicken seconded. **Motion approved.**

Heaston moved to give the EDO authority to exchange Tracts 1406 and 1407 (80 acres) for Tract 0832; Berryman seconded. **Motion approved.**

Ament moved to give the Nebraska Game and Parks Commission until noon Central time on November 3, 2014 to respond to the Program on acquisition of Tract 1221. If no written commitment to purchase is proffered, the EDO is given authority to seek sale of the property at auction; Campbell seconded. **Motion approved.**

Future Meetings & Closing Business

Upcoming 2014 GC meetings:

- November 12, 2014; 9:00 a.m. to 2:00 p.m. Mountain time; @ Denver airport hotel TBD
- December 2-3, 2104 @ Denver, CO; @ Warwick Hotel

Hines said the Service will not revise the latest milestones report because so much time has passed. Instead, the Service will work with the EDO to determine if another document is being developed before the next bi-annual report that the Service could provide updated comments on.

Meeting adjourned at 11:56 a.m. Central time.

<u>Summary of Action Items/Decisions from September 2014 GC meeting</u>

1) Approved the June 2014 GC minutes.
2) Approved the multi-year permitting RFP and appointed Hines (Service), Sellers (Colorado), and Smith (EDO) to the Proposal Selection Panel.
3) Approve the scope of work for peer review of the five tern/plover habitat synthesis chapters and appointed the peer review panel (Buenau, Catlin, Wiley, Zelt).
4) Approved seeking publication of the EDO response to the 2012 Horn et al. article.
5) Agreed to utilize the Program's Good Neighbor Policy to ensure affected counties are made whole due to lost tax revenues from removing lands on those county tax rolls for the J2 regulating reservoir project.
6) Approved utilizing the Program's Good Neighbor Policy to ensure affected counties are made whole due to lost tax revenues from removing lands on those county tax rolls for the J2 regulating reservoir project.
7) Approved the LAC recommendation to cease pursuit of Tract 1405.
8) Approved the LAC recommendation to not sell the access easement on Tract 2011001 East and stay with the original agreement.
9) Authorized the EDO to seek acquisition of Tract 1404.
10) Gave the EDO authority to exchange Tracts 1406 and 1407 (80 acres) for Tract 0832.
11) Gave the Nebraska Game and Parks Commission until noon Central time on November 3, 2014 to respond to the Program on acquisition of Tract 1221. If no written commitment to purchase is proffered, the EDO is given authority to seek sale of the property at auction.