PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Governance Committee Meeting Minutes
DIA Staybridge Suites – Denver, CO
December 7-8, 2010

Tuesday, December 7, 2010

Executive Director's Office (ED Office)
Jerry Kenny – Executive Director
Bridget Barron
Chad Smith
Beorn Courtney
Jason Farnsworth
Bruce Sackett
Dave Baasch
Steve Smith
Sira Sartori

Governance Committee (GC)
John Lawson – Bureau of Reclamation (Chair)
Don Ament – State of Colorado
Brian Barels – Nebraska Public Power District
Alan Berryman – Northern Colorado Water Conservancy District
Mark Czaplewski – Central Platte Natural Resources District
John Heaston – The Nature Conservancy
Ted Kowalski – State of Colorado
Harry LaBonde – State of Wyoming
John Kolanz – Greeley Water and Sewer Department
Don Kraus – Central Nebraska Public Power and Irrigation District
Kent Miller – Twin Platte Natural Resources District
Mike Purcell – State of Wyoming
Jennifer Schellpeper – Nebraska DNR
Jim Schneider – Nebraska DNR
Dennis Strauch – Pathfinder Irrigation District
Bill Taddicken – Audubon Rowe Sanctuary
Michael Thabault – U.S. Fish and Wildlife Service
George Williams – Upper Platte River Water Users

Participants
Mike George – U.S. Fish and Wildlife Service
Tom Econopouly – U.S. Fish and Wildlife Service
Jeff Bandy – AECOM
Jeff Runge – USFWS
David Freeman – Colorado State University
Pat Goltl – Nebraska DNR
Suzanne Sellers – State of Colorado
Kevin Urie – Colorado Water Users

John Nestler – ISAC
Andrew Kuhlman – State of Wyoming
Mark Lorie – Consultant
Monte McDonald – Riverside Technology

Welcome & Administrative

Lawson called the meeting to order and the group proceeded with introductions. Lawson asked for agenda modifications. Heaston moved to approve the September 2010 GC minutes, October 2010 GC Special Session Minutes, and October 2010 GC PRRIP Budget Conference Call Minutes; Thabault seconded. **All minutes approved.**

Program Committee Updates

Land Advisory Committee (LAC)

Czaplewski provided an update on the latest LAC activities. The LAC met twice since the September GC meeting. Recommendations for several tracts were advanced to the GC and will be discussed tomorrow. Work continues on the PRRIP Outdoor Recreation Policy and the goal is to have a recommendation for the GC to discuss in March 2011. The LAC also discussed several tract Operations & Maintenance Plans. Farnsworth said we had previous GC approval to split these plans from Complex Management Plans but concerns were expressed about that process and this item will be discussed tomorrow during the GC land discussion.

Water Advisory Committee (WAC)

Courtney provided an update on the latest WAC activities. The WAC last met on November 9 and discussed channel improvements related to Phragmites removal. Rich Walters presented an update on the Weed Management Area activities in the Platte River corridor. Greg Wingfield reviewed the preliminary 2011 short duration high flow planning. The ED Office provided updates on the Water Action Plan projects and the FY 2011 Program budget. Doug Hallum gave an overview of the Nebraska Depletions Plan. The next WAC meeting is scheduled for February 1, 2011 in Ogallala.

Technical Advisory Committee (TAC)

Chad Smith provided an update on the latest TAC activities. The TAC met on November 1 and again this morning prior to the GC meeting. The TAC discussed the FY 2011 PRRIP budget, potential FSM activities at the Elm Creek Complex, and tern and plover monitoring issues. The TAC also met on the morning of December 7 in Denver to discuss the draft Mock Synthesis Report and the draft AMP Implementation Plan. The next TAC meeting has not been set pending results of the ISAC meeting of December 8-9, 2010.

Finance Committee (FC)

Purcell provided an update on the latest FC activities. The FC met on November 23 to discuss the FY 2011 budget as well as other items. The FC recommended to the GC approval of the non-competitive selection for Science Review Services, approved the groundwater recharge contract, and approved an amendment to the Database Management System contract. The FC also reviewed and recommended to the GC for approval the FY 2011 PRRIP budget and work plan.

Program Outreach Update

Presentations

- Jerry Kenny and Don Kraus presented on the Program as part of a panel on the Platte River at the 2010 Water Summit of the Platte Institute on September 23, 2010 in Gothenburg, Nebraska.
- Chad Smith presented on adaptive management as applied in the Platte River Basin to the Trinity River Recovery Program on September 23, 2010 in Weaverville, California.
- Jerry Kenny & Kent Miller presented on responsibilities and the progress of the Program and the State of Nebraska toward meeting water goals to the Nebraska Association of NRD's annual conference on September 28, 2010 in Kearney, Nebraska. Beorn Courtney presented on the Program as it relates to irrigated agriculture to the U.S. Committee on Irrigation and Drainage on September 28, 2010 in Ft. Collins, Colorado.
- Chad Smith presented on Adaptive Management at the University of Nebraska-Lincoln's annual Water Law Conference on October 6, 2010 in Lincoln, Nebraska.
- Jerry Kenny presented on the Program's Water Plan Implementation Status at the University of Nebraska Lincoln's Greater Platte Symposium on October 7, 2010 in Lincoln, Nebraska.
- Beorn Courtney and Laura Belanger had a poster presentation at the South Platte Forum on October 20-21, 2010 in Longmont, Colorado.

Upcoming Presentations/Exhibits

- Jerry Kenny and Dennis Strauch are presenting on the Program at the 4 States Irrigation Council in Fort Collins, Colorado on January 12 – 14, 2011.
- The Program will have an Exhibit at Colorado Water Congress in Denver, Colorado on January 26 – 28, 2011.
- The Program is a sponsor of the joint meeting of the North American Crane Working Group and The Waterbird Society to be held in Grand Island, Nebraska on March 12 – 16, 2011.

Exhibits/Sponsorships

- The Program exhibited at the Nebraska Nature and Visitors Center Open House in Alda, Nebraska on September 25, 2010. We made 122 contacts during that event.
- The Program exhibited at the South Platte Forum in Longmont, Colorado on October 20 and 21, 2010. We made 134 contacts over the course of the two days.
- The Program exhibited at the Gateway Farm Expo in Kearney, Nebraska on November 17 and 18, 2010. We made 956 direct contacts with the public over the course of those two days.

Media/Press Coverage

- David Freeman's book, "Implementing the Endangered Species Act on the Platte Basin Water Commons", has been published by University Press of Colorado.
- All GC members and alternates were presented with a copy that can be signed by Freeman. Freeman discussed his book and how it developed.

PRRIP Budget and Work Plan

Kenny discussed the latest status sheet for the Program budget in 2010. The Program will end the year with expenditures just under $10 million. Kenny discussed the proposed FY 2011 budget, work plan, and ED contract Exhibit B. Kenny said one new line item is LP-7, Public Access Management. Barels asked if that would be brought back to the GC for discussion. Kenny said there would be ample opportunity for discussion at the advisory committee level on up through the GC. Purcell asked how many contacts the

Program has had regarding hunting and other activities. Farnsworth said well over 100 so far. Kenny said there is a great deal of interest, particularly in regard to hunting. Taddicken asked if there would be a public information document that would go out on public access policies. He said he has been hearing concerns that Program lands are the private hunting club for Headwaters Corporation. Kenny said that is not true and once the sub-committee is finished the information will be distributed widely to the public.

Heaston said the biological opinion and Program document are being used as sideboards, as well as the Nebraska recreation liability statute. The sub-committee is working on a tiered list of activities that will be subjected to some kind of review process to ensure there is some level of accountability. The Nebraska Game and Parks Commission offered to be the manager of recreation access. The sub-committee asked Game and Parks to put an offer together on paper to detail what kind of services they can provide. Barels said he wonders if there are revenue opportunities to offset any associated costs and requested the sub-committee start to look at those options. Heaston said that is an alternative of last resort because that will open the Program up to recreation-associated liability. Going with the pay route might have financial gains but also might set the Program back in terms of public perception. Thabault wondered if there would be a problem charging fees since the land is acquired largely with federal funds. Lawson said that is something that needs to be looked at.

Kenny discussed the addition of PD-20, Wet Meadows Restoration at Tract 2009001. Farnsworth said the plan would be done in 2011 but work would not likely start until the beginning of 2012. Kenny discussed the addition of $75,000 for G-1, LiDAR Implementation. Costs have dropped dramatically for the acquisition of LiDAR and makes annual acquisition reasonable in terms of cost.

Kenny said what is being asked for is approval of the FY 2011 PRRIP budget, FY 2011 PRRIP work plan, and FY 2011 ED contract Exhibit B. Purcell so moved; Kraus seconded. Purcell asked what happens with Unliquidated Obligations (UO). Kenny said that is moved into the budget for FY 2011 as New Money plus UO.

Kowalski asked about Special Advisors under WP-8 and IMRP-3. He asked if the ED Office would come back to the FC each time they want to engage the services of Special Advisors. Kenny said no, there is a provision in the Procurement Policy that exempts Special Advisors and Legal Advisors from the requirement of coming back to the FC for specific approval. Kowalski said the main concern is where Special Advisor categories are listed as "TBD", for example Systems Operations & Modeling under WP-8. Kenny said there is a question about scoring and the credit for Water Action Plan projects. There is a question about whether the OPStudy is the way to proceed or if we use something more like was used this year to score the potential re-regulation reservoir. The ED Office wants to retain the opportunity to bring in expertise to discuss options and pros/cons to alternative scoring methods. Kowalski asked about the Economics & Water Markets item in WP-8. Kenny said we are treading new turf in Nebraska with possibly establishing water markets where none currently exist. This is a new approach and it would be beneficial to have an economist advising on valuations and how to determine worth. Kolanz asked how it related to WP-7, Water Acquisition. Kenny said the economics Special Advisor would provide guidance on how best to spend money under WP-7.

Kowalski asked about ED-3 and the $10,000 increase. Kenny said there are additional opportunities that the Program wants to capitalize on that include exhibitor fees and costs associated with additional venues for telling the Program story. There are also some educational programs that have requested funding such

as the SOAR program that works closely with Audubon. We don't want to get into the education end of things but providing assistance in small amounts would help to provide basic Program education.

Kowalski asked about the fee escalation at the Nebraska Community Foundation. He cannot say anything bad about the NCF and the good job they are doing but we need to be careful about negotiating the extension within the next year and see if there is any room for give on their end. Kenny said it is a good point that we are coming up on the re-negotiation of the agreement and we will take a look at the reasonableness of the fees. The NCF gets money on the transactions, but any interest accrued goes back to the owner of the funds. Kowalski said we should start that process sooner rather than later because of the time involved in getting contracts approved and updated.

Barels asked if unspent funds are carried over to the next year. Kenny said no. Barels asked about expenses related to farm management and if there is a revenue component to the budget that the GC has not seen. Kenny said there is a revenue component to the PRRIF as the land interest holding entity that cycles back into the Program coffers. Barels asked if that offset some Program costs. Kenny said that is true. Barels said it would be good to see those numbers. Kenny said we are developing a report to do exactly that. So far, it appears that costs associated with managing agricultural lands are largely being covered by the revenue. Kraus asked if Kenny anticipates a summary report at the end of the year that shows costs and revenues and where things end up. Kenny said yes and that would be complete by about March of each year. Farnsworth said we are not tracking it like a typical farm manager. We will show total costs and revenue, but there are things the Program has to do (like tracking down grazing lessees that can work with our species constraints) that a normal farm manager does not have to deal with. Purcell asked if excess revenues in the PRRIF have been applied back to costs. Sackett said those revenues are weighed against costs at the end of the year and any excess is applied back to the NCF proportionate to the three parties that contributed Program funds. Kenny said this will be the first year that we will have farm income, hence the first year we will be reporting farm income.

Kolanz asked about the funding level for FY 2011 for WQ-1 is accurate. Farnsworth said there is an additional amount of about $27,000 that will go back to NPPD for Kearney Canal monitoring. Kowalski said Colorado got a notice that there is an independent audit being done of Program spending through the NCF. Kenny said to date there has not been an audit of Program expenditures other than the auditing the Bureau of Reclamation and the NCF do themselves, as well as Larry Schulz does for the ED Office as an independent consultant.

Motion approved.

<u>Independent Science Review Services & Stage Change Study Scope of Work</u>

Smith discussed the proposal for non-competitive selection of PBS&J to provide science review services for PRRIP peer review activities in 2011. Thabault said he was concerned that the GC would retain approval authority for individual peer reviewers and suggested that language be removed from the scope of work. Smith said that language is from the Program document. Barels asked if recommendations from PBS&J would go first through the Peer Review Working Group. Smith said that would be the case.

Kowalski moved to approve the non-competitive selection of PBS&J to provide independent science review services; Schneider seconded. Motion approved.

Smith discussed the Scope of Work for peer review of the Lower Platte River Stage Change Study. Barels said the GC needs to see the package of materials that will be transmitted to the peer review panelists. Thabault agreed. Barels did not agree that just giving the peer reviewers the RFP would be enough guidance. He recommended the Scope of Work be drafted again as it would be transmitted to the peer reviewers and it be brought back to the GC for approval. Purcell suggested that instead a work group be appointed to clean up the Scope of Work and then send that to the peer reviewers instead of bringing it back to the GC for approval. Kowalski volunteered Suzanne Sellers; Mike Thabault volunteered; Brian Barels volunteered; Mike Besson was added; Chad Smith will provide staff support. Barels volunteered to chair the work group.

Schneider said the Scope of Work should be changed to ensure that all communication is in written form instead of including possible conference calls to help establish the record of comments.

Purcell moved to approve the GC authorizing the committee established by the GC chair (Barels (chair), Sellers, Thabault, Besson, and Chad Smith) to edit and approve the Lower Platte River Stage Change Study Peer Review Scope of Work. Williams seconded. Motion approved.

Nebraska Depletions Plan

Schneider provided an update on the status of the Nebraska Depletions Plan. The deadline to report how the state plans to offset uses begun from 1997-2205 was extended to the end of 2010 and the DNR continues to work on a plan for those uses as they work with several NRDs in the state. That report is expected by the end of the year. Lawson asked if the DNR reports will be submitted to the GC. Kenny said they would be made available through the Program web site. Kowalski asked if the WAC would review the reports at their next meeting. Schneider said that would work. Lawson said that has been the protocol in past. Kenny said the next WAC meeting is February 1 so if the reports are received by the end of the year that would be ample time for WAC review prior to that meeting. Purcell asked Courtney how the other plans are addressed at the WAC level. Courtney said they are reviewed at the first WAC meeting after the plans are received, which is usually April-May or over the summer. Lawson asked Courtney if this was possible (February review of the Nebraska plan and then report back to the GC during the March meeting). Courtney said that would work.

Additional Business

Purcell said a draft Pathfinder agreement has been submitted to Lawson and Kenny for review and the agreement should be ready by the end of December. Lawson then has to do NEPA review and it should be ready for GC review in March 2011.

Land Operations & Maintenance Plans

Farnsworth discussed the process the ED Office has been using to develop both Complex Restoration & Management Plans and individual tract Operations & Maintenance Plans. One issue that arose at the last LAC meeting is whether the Program "white book" allows tiered plans (Complex Plan to O&M Plan to Annual Work Plan) or if there can only be one single comprehensive plan for each individual tract. Purcell asked what the recommendation is. Farnsworth said the recommendation is to keep working under the tiered plan approach. Lawson asked what the LAC felt about this from a technical side. Heaston said one perspective is that the unit of analysis is the working complex in bridge segments so a tract plan should be subordinate to its related complex plan. The LAC is asking to have the complex plan in conjunction with the individual tract plans to count for the "plan" requirement. Czaplewski said part of the problem is the land items tend to be out in front of other items like the Adaptive Management Plan so

there is a concern about getting land items locked in that might preclude science activities that are not yet fully detailed. Berryman asked if there is one approach that works better to prevent that problem. Czaplewski agreed with Farnsworth that the tiered approach probably works best.

Barels said the white book is written to tract plans. It seems like to go to a tiered approach the LAC should develop a proposal for how the tiered approach is revising the white book and how those changes relate to carrying forward the current language in the white book. He does not want to drop something because we have artificially adopted a new process that contradicts the current language. Lawson said he is hearing we need the LAC to lay out the tiered approach and how it will meet the white book requirements. Purcell asked if we are asking for an amendment to the white book to allow the tiered approach, and if so that amendment needs to be written and brought back to the GC for approval.

Farnsworth said the second policy issue is how to address AMP actions like flow consolidation at Cottonwood Ranch in land management plans that are required to be developed within one year. We could keep the one-year deadline with placeholders for items that will be filled in over time, or the GC could waive the one-year requirement. Purcell asked if the plans require GC approval. Farnsworth said yes. Purcell asked if amendment would require GC approval. Farnsworth said yes. Purcell said then just keep the one-year deadline but bring back substantial amendments with future deadlines for GC approval. Lawson said we need to keep track of timelines and schedules so the GC can be ready to check in when necessary to see where things stand. Purcell said he suggested Farnsworth, Heaston, and Czaplewski develop an amendment to the white book for GC discussion tomorrow. Barels said he would rather have that run through the LAC and brought back to the GC for approval in March 2011. Thabault said he thinks it can be taken care of with a simple amendment that could be addressed tomorrow. **Farnsworth said he will draft an amendment and bring it back to the GC for discussion tomorrow.** Barels said he will agree to discuss it tomorrow.

Meeting adjourned at 5:06 p.m. Mountain time.

Wednesday, December 8, 2010

Welcome and Introduction

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

Land Management Plans

Farnsworth discussed a proposed amendment to the white book language on land management plan requirements. Barels asked what the definition of a "tier plan" is. Farnsworth said that is addressed in the revised language but a sentence could be added with a specific definition. Kraus said the first sentence of the amendment seems to confuse the difference between a complex plan and a parcel-specific plan and wondered how the tiered approach is more efficient. Farnsworth walked through the contents of the draft conceptual complex plan for the Cottonwood Ranch Complex as an example of how the tiered approach is more efficient. Thabault said a tract plan is comprised of a complex plan and a tiered parcel-specific plan and should be completed within one year of acquisition – it seems as simple as that. Lawson said we need to understand what we are doing and that we all agree with what we are doing. Thabault said we are targeting a complex but within that we are targeting specific parcels and the plans for each parcel tier off the larger complex plan. Lawson said we should end up with about five complex plans and about three non-complex plans and each would contain parcel-specific plans tiered off those larger plans. Barels said the land plans were intended to be written from a landowner's perspective and there should be one

document a landowner can go to figure out what is going on. Heaston said that is all still there and all of the information will be collected together and available. The LAC is assuming the complex plan is the minimal functional unit for a complex; a parcel-specific plan is the minimal functional unit for non-complex parcels.

Kraus asked about Section B in the white book that is related to parcel-specific tracts that is proposed to be changed to tiered plans. Farnsworth said some of the items in that section apply more to complexes. Kraus said some of it seems to apply to complexes; some of it applies to parcels. Lawson said the concept is well laid out but the language may not be where everyone wants it. He asked Barels and Kraus if there is a problem with the concept or if the problem is with the language. Kraus said he is the least familiar with these items but looking at the big picture there needs to be more definition for what the plans mean. Schneider said conceptually this makes sense but it would be beneficial to have more time to make sure the language is satisfactory to everyone and to have the LAC develop an example with one of the complexes to show how this would work to discuss during the March 2011 GC meeting. Heaston said the next LAC meeting is in February and this needs to be done before then. Lawson said if there is no conceptual problem but the problem is more language, then we could try moving forward with the concept and clean the language up by March. Barels said an example might be a modification of Appendix E, the Land Plan Glossary; be sure to make necessary modifications in this appendix.

Lawson said the recommendation is to assign the LAC to clean up the language and modify the appendices as appropriate to give something in draft form to the GC in March 2011. The GC agreed.

Pallid Sturgeon Monitoring & Research

Tim Welker from the U.S. Army Corps of Engineers' Missouri River Recovery Program delivered a presentation to the GC regarding pallid sturgeon monitoring and population assessment activities on the Missouri River and tributaries, including the lower Platte River. Runge asked Welker if he was aware of the shovelnose sturgeon study that the University of Nebraska at Lincoln is currently conducting in the Lower Platte River because researchers for the shovelnose sturgeon study record conditions associated with all incidental pallid sturgeon captures. Runge then asked if methodology used to capture shovelnose sturgeon is different from methods used to capture pallid sturgeon. Welker said he is not totally sure about the specific details of UNL's methodology but in general methods to capture shovelnose and pallid sturgeon are similar. George Williams (PRRIP) asked what the water quality difference is between the hatchery and the mainstem. Mike George said the hatcheries use Missouri River water but that water is sterilized. Williams asked how close to the mouth of the Platte sturgeon have been released; Welker said close. Williams said then it seems likely we are seeing released fish instead of an actual population using the lower Platte. Welker said really the only tributary information they have is from the lower Yellowstone River. Czaplewski asked what the average annual cost for monitoring and research is as well as costs for all pallid activities. Welker said for population assessment alone it runs about $3.25 million/year (including six staff). For research, it is about $2-3 million/year. Propagation is about $400,000/year. Mike George said the Missouri River folks try to keep science/research close to about 15% of the total Missouri River budget per year out of a $65 million program. Lawson asked about mitigation. Welker said the Corps does have mitigation authority on both the mainstem and on the Yellowstone related to the Intake Diversion Dam. The focus on the mainstem is on creating shallow water habitat for pallids. Thabault said the BiOp has a RPA to provide a longer drift reach below Ft. Peck Dam by increasing pallid sturgeon access to the lower Yellowstone River.

John Nestler said he sees a theme in the literature about organic matter being redistributed in large rivers. Fish seem to take advantage of this kind of redistribution of organic matter. He does not see these ideas in the monitoring/research program on the Missouri River. Welker said they are measuring productivity like zooplankton and macroinvertebrates but they are still deciding on related metrics to track. George Williams from the Corps said one thing being looked at is how mini-pulses out of tributaries relate to nutrient availability. Urie asked if the Corps spends any time looking at competition with non-native fish (like on the mainstem Colorado River). Welker said the Corps is looking at the impact of predation on small pallids in the lab but that is about it at this point. Urie asked if the presentation can be made available on the web site. **Smith said he will post it on the PRRIP site for the GC to access.** Kowalski asked what the Corps is doing on any tributaries regarding their authority to look at tributaries. Welker said the only thing really happening is on the lower Yellowstone River. Czaplewski asked to what degree the Corps sets up monitoring itself or coordinates with other entities. Welker said monitoring and research efforts are always developed in coordination with the Service and the states. Sellers asked if the Corps is measuring for exotic chemicals in their water quality program. Welker said to some degree they are looking at estrogen disruptors.

Environmental Account Update

Runge provided an update on the status of development of the 2011 Environmental Account (EA) Annual Operating Plan (AOP). Priorities for EA releases in 2011 include whooping crane spring releases, summer releases, and another flow routing test. There will not be the ability to implement a full SDHF in 2011 because of system limitations. Williams said there was a presentation at a previous GC meeting about the impact of flow releases on pallids in the lower Platte. Runge said that was related to Program flow releases in general but not EA releases specifically (stage change study). Kraus asked when a flow routing test would occur. Runge said if it occurs it would be in conjunction with higher South Platte River flows in something like February or March. Lawson said the BOR has a probable operation plan. He wondered if that kind of probable operation plan will be part of the AOP. Runge said yes. Purcell asked if the AOP includes inputs from plans like from the BOR and Wyoming. Runge said yes. Barels asked about the choke point and said at some point in time there needs to be a summary about what the Program did, what was learned, and recommendations for next steps. Kenny said he plans to do that once the new model is developed to help identify problems and options. Kenny said the original plan was to excavate a significant channel above the bridge but instead the direction taken was a less-intrusive approach of vegetation removal that allowed natural flows to clear the channels. Flooding issues on properties upstream of the bridge have clearly been shown to have been related to tributary inflows and not Platte River flows. A problem still exists downstream of the bridge. Vegetation is being cleared in that area and so far has had nominal effect on channel capacity. There is also a concern that there may be a constricting point related to City of North Platte structures, the railroad bridge, or a delta build-up related to the diversion dam. The new model should be completed in a few weeks and it should give us a good read on the current problems. Lawson asked if model run results will be available for sharing at the March meeting. Kenny said yes. Purcell asked if the relationship with the landowners in the choke point area has improved. Kenny said landowners both upstream and downstream have largely been very cooperative.

Public Comment

Lawson asked for public comment. None offered.

Executive Session

Purcell moved to enter Executive Session to discuss land issues; Schneider seconded. **GC entered Executive Session at 10:10 a.m. Mountain time.**

Purcell moved to end Executive Session; Thabault seconded. **GC ended Executive Session at 11:41 a.m. Mountain time.**

Program Land Tracts & Issues

Purcell moved and Czaplewski seconded:

- **Tract 1001** – The GC authorizes the ED Office to negotiate acquisition of Tract 1001. Both parcels (west and east) of Tract 1001 will be credited toward the Program's First Increment land objective. The east parcel will be considered excess land and the ED Office is directed to pursue sale in whole or in part of that excess property within three years of the closing date of the original Program acquisition pending a habitat evaluation by the U.S. Fish and Wildlife Service and the LAC.
- **Tract 1017** – The GC authorizes the ED Office to finalize the exchange of property for services at Tract 1017.
- **Tract 1007** – The GC authorizes the ED Office to seek appraisal of a lease for Tract 1007.
- **Tracts 1008 and 1010** – The GC authorizes the ED Office to seek appraisal of Tracts 1008 and 1010.
- **Tract 1014** – The GC authorizes the ED Office to decline further pursuit of Tract 1014.

Motion approved.

Management Agreements

Kenny discussed management agreements with owners of non-Program land tracts to be able to proceed with habitat rehabilitation efforts. He used management agreements at the Elm Creek Complex as an example. If these agreements are to be credited toward the Program's First Increment land objective, they will have to be brought back to the GC through the LAC process. Purcell asked if we are only talking about 90 acres at this point. Kenny said yes but it could be in the 200-300 acre amount depending on how much of the land is to be counted. Barels asked about the LAC process. Kenny said it is just a procedural question to make sure these are treated in the same way as other land tracts. Kowalski said the 10,000 acres objective is a floor. It is also kind of a ceiling, but he does not expect that the Program will hit 10,000 acres exactly. **Thabault said he is not philosophically opposed but wants the LAC to consider three things: 1) putting management agreements on something that already has a conservation overlay; 2) the length of the agreements in relation to Program properties (which are held in perpetuity for the life of the Program); and 3) the overall habitat value and what the landowners are able to do in the long term (what if the landowner violates the management agreement).** Lawson asked if it is the GC's wish to take this back to the LAC to discuss and make a recommendation back to the GC, including considering Thabault's considerations. Purcell said he agrees the 10,000 acres is a floor and that there should be an accounting for the properties in the management agreements. Barels said when this comes back to the GC we should by default approve the agreements. Kenny agreed. Barels said these agreements should come back to the GC for approval even if they are ultimately deemed to not be credited toward the First Increment land objective. Purcell said we don't want to hamstring progress but we need to know what "other interests" in land are and at a minimum all agreements need to be reported to the GC. Lawson said the GC is asking the ED Office to bring back to the GC in March an explanation of all the possible types of agreements that might be influenced by this "other interests"

language. Purcell said in the interim it is business as usual for items like management agreements and ag leases. **The GC agreed.**

Monitoring Agreements for Water Related Projects

Sackett discussed negotiations with landowners on properties that are necessary for some of the water projects. In Nebraska, to be able to do a water project, you have to enter into some type of agreement. Sackett said we are considering two-year agreements for pilot projects to set monitoring wells. We are not asking for credit or any special treatment except to be able to do the work; in Nebraska, that requires an agreement or lease. Purcell said in Wyoming if a project is far enough along they provide a budget to get to completion. As long as the project stays within a line item, they are free to do what is necessary. Barels said this needs to be another item that comes back to the GC for review and discussion. This might necessitate development of another process. Lawson asked if there is a time crunch. Kenny said yes and there is already money approved in the budget to handle this work. Strauch asked if this was already done related to the re-regulation reservoir project. Kraus said he agrees this needs to be addressed but he does not want to delay the process so we might proceed like we did with the land management agreements. Schneider asked if this is addressed in the Procurement Policy. Kenny said not specifically. Kenny said we have legal counsel assisting us with these agreements. Lawson asked the GC if we could proceed with business as usual but bring recommendations back to the GC in March. Kraus said to make sure budget considerations are addressed. Kowalski said the Program document says items like this generally allow day-to-day flexibility unless the agreements would result in budget implications or impacts on Program ESA coverage. Purcell asked if the work plan for the groundwater recharge projects shows this as a cost. Kenny said not explicitly, but it is included.

Future Meetings & Closing Business

Miller moved to have Jim Schneider begin serving as GC chair starting January 1, 2011; Purcell seconded. **Motion approved.** The Vice-Chair for 2011 will be Mike Thabault.

Purcell said he is not getting the fully executed copies of budget amendments back from the BOR. **Lawson said he will make sure those get to Wyoming and Colorado.**

Upcoming GC meetings:

- March 8-9, 2011 in Kearney, NE
- June 14-15, 2011 in Cheyenne, WY or Scottsbluff/Gering, NE
- September 13-14, 2011 in Kearney, NE
- December 6-7, 2011 in Denver, CO

Meeting adjourned at 12:31 p.m. Mountain time.

Summary of Action Items/Decisions from December 2010 GC meeting

1) Approved September 2010 GC minutes.
2) Approved October 2010 GC Special Session minutes.
3) Approved October 2010 GC Budget Conference Call minutes.
4) Approved FY 2011 PRRIP budget.
5) Approved FY 2011 PRRIP work plan.
6) Approved FY 2011 ED contract Exhibit B.
7) Approved non-competitive selection of PBS&J to provided independent science review services.

8) Established committee (Barels, Sellers, Thabault, Besson, and Chad Smith) and authorized that committee to edit and approve the Scope of Work for the Lower Platte River Stage Change Study.
9) Assigned the LAC to clean up the proposed amendment language for the Land Plan related to Land Management Plan requirements and modify any related language and appendices as appropriate to give something in draft form to the GC in March 2011.
10) Asked Smith to post the presentation on pallid sturgeon from Tim Welker (U.S. Army Corps of Engineers) on the PRRIP web site.
11) Approved the following Land Tract items:
    - **Tract 1001** – The GC authorizes the ED Office to negotiate acquisition of Tract 1001. Both parcels (west and east) of Tract 1001 will be credited toward the Program's First Increment land objective. The east parcel will be considered excess land and the ED Office is directed to pursue sale in whole or in part of that excess property within three years of the closing date of the original Program acquisition pending a habitat evaluation by the U.S. Fish and Wildlife Service and the LAC.
    - **Tract 1017** – The GC authorizes the ED Office to finalize the exchange of property for services at Tract 1017.
    - **Tract 1007** – The GC authorizes the ED Office to seek appraisal of a lease for Tract 1007.
    - **Tracts 1008 and 1010** – The GC authorizes the ED Office to seek appraisal of Tracts 1008 and 1010.
    - **Tract 1014** – The GC authorizes the ED Office to decline further pursuit of Tract 1014.
12) Directed the ED Office to work with the LAC to bring back to the GC in March an explanation of all the possible types of agreements that might be influenced by the "other interests" language described in the Land Plan. This includes considering:
    - The impact of putting management agreements on something that already has a conservation overlay;
    - The length of the agreements in relation to Program properties (which are held in perpetuity for the life of the Program); and
    - The overall habitat value and what the landowners are able to do in the long term (what if the landowner violates the management agreement?).

    The GC agreed that until this is worked out with the LAC and brought back to the GC for consideration in March, it is "business as usual".
13) Directed the ED Office to come back to the GC in March with direction on how to handle agreements related to landowners involved with potential Program water projects. The GC agreed that until this is brought back to the GC for consideration in March, it is "business as usual".
14) Appointed Jim Schneider with the Nebraska DNR as 2011 GC Chair and Mike Thabault with the U.S. Fish and Wildlife Service as 2011 GC Vice-Chair.
15) Set the 2011 GC meeting dates and locations:
    - March 8-9, 2011 in Kearney, NE
    - June 14-15, 2011 in Cheyenne, WY or Scottsbluff/Gering, NE
    - September 13-14, 2011 in Kearney, NE
    - December 6-7, 2011 in Denver, CO