



**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
**Governance Committee Meeting Minutes**  
Wyoming Water Development Commission – Cheyenne, WY  
June 8-9, 2010

**Tuesday, June 8, 2010**

**Executive Director's Office (ED Office)**

Jerry Kenny – Executive Director  
Bridget Barron  
Chad Smith  
Beorn Courtney  
Jason Farnsworth  
Bruce Sackett

**Governance Committee (GC)**

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

**Participants**

Mike Drain – Central Nebraska Public Power and District  
Brock Merrill – Bureau of Reclamation  
Jeff Bandy -- AECOM  
John Cochnar – U.S. Fish & Wildlife Service  
Pat Goltl – Nebraska DNR  
Larry Schulz – Consultant



### Welcome & Administrative

Lawson called the meeting to order and the group proceeded with introductions. Lawson asked for agenda modifications; none offered. Heaston moved to approve the March 2010 GC minutes; Purcell seconded. **Minutes approved.**

### Program Committee Updates

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

Czaplewski provided an update on the latest LAC activities. The LAC last met on April 9. Several issues were discussed: 1) accepted evaluation team recommendation to decline pursuit of Tract 0919 for habitat; 2) recommended TAC or WAC evaluate Tract 0919 for sediment augmentation; 3) recommended GC seek lease of Tract 0818. Update on land management activities and discussed two land trades that are on the GC agenda for this meeting. The LAC spent a good deal of time discussion an outdoor recreation policy for Program lands. The next LAC meeting is June 15 in Kearney.

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

Courtney provided an update on the latest WAC activities. The three states updated the WAC on depletion plans at the last meeting. Nebraska anticipates having a completed plan by December 2010 and the Fish and Wildlife Service is working on federal depletions with Wyoming and Nebraska. There was a brief discussion of Water Action Plan project scoring that will be addressed by the GC during the meeting. The WAC received an update on five Water Action Plan projects: 1) CNPPID re-regulating reservoir (project now underway); 2) Elm Creek Reservoir; 3) groundwater recharge and management prefeasibility study (possible draft RFP in August for feasibility of a Nebraska recharge project); 4) water management incentives scope of work; and 5) water acquisition and leasing update.

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

Besson provided an update on the latest TAC activities. The last TAC meeting was on May 6. Dave Baasch from the ED Office discussed small editorial changes to the tern and plover monitoring and research protocols. Baasch also discussed tern and plover summer monitoring and research activities. Most of the meeting was a review and discussion of ongoing TAC-related work, including wet meadows information review; Cottonwood Ranch off-channel sand & water habitat and flow consolidation conceptual design; and the FSM proof of concept work at Elm Creek. TAC set a meeting in June to discuss sequencing tern and plover priority hypotheses. Steve Smith discussed 1-D modeling efforts. The next full TAC meeting will be September 1.

#### *Finance Committee (FC)*

Purcell provided an update on the latest FC activities. The ED Office developed standard contracting language for the Program (similar to Wyoming contract language). That language is under review by the State of Colorado and will also be reviewed by a Nebraska attorney. The FC met on June 1 and approved: 1) 1-D modeling and 1-D model peer review contracts; 2) J2 contract amendment; 3) Cottonwood Ranch off-channel sand & water habitat and flow consolidation conceptual design; 4) directed vegetation research; and 5) wet meadows information review. Next FC meetings are June 28 and August 31.

### Program Outreach Update

#### *Presentations*

- Kenny presented to North Platte NRD board on March 18.
- Smith presented at Rivers and Wildlife Celebration on March 20.

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- Several University of Missouri students met with Kenny and Barron on March 19 to discuss Program actions.
- Smith presented to UNL OLLI course on April 27. The class focused on Platte River issues this semester.
- Kenny presented poster at UNL Water for Food conference and won a “Best Poster” award.
- Barron presented to UNL OLLI course on May 14 during their field visit.

#### *Exhibits/Sponsorships*

- Exhibit at Rivers and Wildlife celebration.
- Exhibit at Nebraska Nature and Visitor Center and Rowe Sanctuary during migration season.
- PRRIP is platinum sponsor of four-day UNL Water Center field tour focusing on the Platte River this summer. Kenny and Lawson will be presenters.

#### *Press Coverage*

- Smith manuscript on Program adaptive management accepted for publication in upcoming special adaptive management issue of Journal of Environmental Management.
- Barron presented slides from Cattlemen’s Ball (NE cancer fundraiser) – Program airboat rides and Program cowboy boot that was purchased by Headwaters Corporation and decorated with Program images.

#### **PRRIP Pallid Sturgeon Assessment**

Kenny and Smith discussed the ED Office memo summarizing Program pallid sturgeon actions to date and potential next steps. Lawson asked if the ED Office wanted approval of moving ahead with peer review of the stage change study and with a workshop on pallid sturgeon issues. Smith said that is correct. Kraus asked if the TAC had discussed peer review of the stage change study and what process would be used. Kenny said the TAC supported peer review and the usual Program process of seeking peer review over a two to four month time period. Kenny said the peer reviewers would provide comments on the stage change study and if everything is sound, the tool could be used in management decision-making. If peer reviewers suggest changes, approval would be sought from the TAC and GC for making those revisions with the help of the HDR team. Barels asked if the TAC developed a scope of work for peer review. Kenny said no, only support of the concept of peer review.

Schneider asked if the question of the representativeness of the stage change study reach could be handled in the peer review. Barels said that seemed more like an independent science committee question. Kenny and Smith agreed and said that is why that question is addressed as a separate item to be discussed in the proposed workshop. Thabault asked if the workshop would be used as a roundtable event to try to fill gaps in knowledge about pallid sturgeon as opposed to discussing Program water management. Kenny agreed. Ament asked Thabault how this fits with Missouri River activities. Thabault said this would be a complementary effort that would not duplicate Missouri River activities, as long as people working on the Missouri River are consulted and included in discussions so that everyone is aware of ongoing activities. Ament said there should first be more effort to understand what is happening on the Missouri River regarding tributaries. Thabault said there is not a lot of work going on in the tributaries related to the Missouri River. Kenny said that kind of coordination could be a benefit of having Missouri River involvement in the proposed workshop.

Kowalski said he had a larger concern about what activities there is agreement to do regarding pallid sturgeon within the Program. The first sentence in the “Conclusion” section of the ED Office memo (Page 4) seems to be the punch line – “Generally, Program water management will not result in



141 *measurable changes on flow in the lower Platte River*". Kowalski said this fundamental question needs  
142 to be clarified before moving ahead with any of the other recommendations in the memo. There seems to  
143 be a blurring of the lines in the memo between ESA requirements in the Program document, what the  
144 Program committed to do for pallid sturgeon, and AMP implementation efforts. Thabault said he  
145 consulted the "institutional knowledge" at the Fish & Wildlife Service prior to this discussion. It is  
146 partially right that the question raised by Kowalski is a primary question, but the flip side is if not water,  
147 what then? The proposed workshop would provide information about what could be done to benefit  
148 pallid sturgeon other than water management. The stage change study is the junction of looking at both  
149 water and possibly other actions for pallid sturgeon and what opportunities the Program could exercise on  
150 the habitat side to improve conditions for pallids. Thabault said the ED Office memo is a measured and  
151 appropriate presentation of current information and provides an incremental approach to next steps for the  
152 GC to consider. The Service does not necessarily concur that water alone is the only action the Program  
153 could take to benefit pallid sturgeon.

154  
155 Kenny said the stage change study ended up with generally showing no measurable change on water  
156 levels in the lower Platte, but that the dry conditions analysis does show there could be some potential  
157 impact in certain hydrological conditions. The Program could choose to not make diversions under those  
158 circumstances to avoid the potential for impacts, but in crafting the document, it appeared the door was  
159 left open a crack and it is not definitive that the Program would always avoid adverse impact. Czaplewski  
160 said there is really no reason why the stage change study tool could not be used to help guide Program  
161 water management, but in talking with Mark Pegg (UNL fisheries biologist that worked on stage change  
162 study) it seems like connectivity may actually not really be a problem even during dry years. His  
163 recollection of the negotiation process for the Program regarding pallid sturgeon is that non-water  
164 activities were not a major point of discussion – does the Service think the Program should consider land  
165 management activities or similar actions in the lower Platte? Thabault said there is a dual role of "do no  
166 harm" and "benefit" for pallid sturgeon that needs to be addressed. Barels said the HDR study  
167 accomplishes the assessment of whether harm is occurring in the lower Platte due to the Program, but  
168 more work is necessary to define what it means to "benefit" the pallid sturgeon through Program water  
169 projects (according to the Program goal).

170  
171 Kraus said we need to complete the peer review before embarking on another area, and maybe the GC  
172 needs to think about the Program goal more, too. **Purcell moved** to proceed with peer review and table  
173 the proposed workshop until the GC can see the results of the peer review. The GC would appreciate a  
174 presentation at the next GC meeting about ongoing and planned pallid sturgeon activities on the Missouri  
175 River. **Czaplewski seconded.** Thabault said it seems like the purpose of the workshop would be to  
176 figure out how to coordinate Platte and Missouri efforts. Purcell said the main issue is that there is a  
177 disagreement about language in the Program document and that we should proceed carefully starting with  
178 the peer review. Barels said he has the luxury of sitting on the independent science group for the  
179 Missouri River MRRIC and there is no USGS study documenting spawning in Missouri River tributaries.  
180 USGS is tracking spawning-capable pallids and that information will tell us where spawning will occur.  
181 The Program will not be able to test the assumption of benefit to pallids until Program water projects are  
182 on line and we know how they are operated. Thabault said he would reluctantly go along with Purcell's  
183 motion but at some point it has to happen that fish impacts and Program benefits be linked. Wingfield  
184 said testing the assumption of benefits through Program water actions is tied to the five activities that are  
185 listed in the IMRP, some of which are not yet being fully addressed.

186  
187 Lawson said he wanted to be clear on the Purcell motion:

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- 1) **Approve peer review of stage change study**
- 2) **Table the proposed expert workshop and provide the GC with a presentation at an upcoming GC meeting on Missouri River pallid sturgeon activities before discussing the workshop further**

**Motion approved.**

#### **FY 2010 Program Budget, RFPs, and Contracts**

Kenny provided an update on the Program budget and discussed the Program financial status report. Large expenditures related to land and water acquisition are yet to come, but a large amount of work is underway. The “just-in-time” funding process is working pretty well so far and all contractors have always been paid on time. Lawson said we are six months into this year but we have only spent about \$250,000 out of the land budget with about \$6.4 million left – is it reasonable we will get this accomplished? Kenny said most of the \$6 million was targeted at acquisition. Activities now are focused on management; with the complexes generally identified, we have fewer options in terms of location; and we are finding acquisition more difficult in the eastern portion of the associated habitats. So, it is a concern that the \$6 million will get expended by the end of the year. Lawson asked if there is a plan to accelerate the process because there may start to be questions on the federal side about the pace of utilizing this funding. Kenny replied that what could be done was being done, but Program staff would give that issue focused attention.

Kenny discussed the revised version of the agreement between the Program and NPPD to conduct two separate feasibility studies for: 1) winter operations feasibility to investigate how water conveyance might work during the winter (NPPD would retain and manage the contractor with Program involvement and funding up to \$100,000), and 2) groundwater recharge feasibility because several potential groundwater recharge projects are associated with NPPD canals (Program would take lead through RFP selection process with NPPD involvement). The ED Office is seeking approval from the GC for this agreement. Purcell said if this is not a contract, is it still the instrument by which the Program will reimburse NPPD for the winter operations feasibility? Barels said it is an agreement between NPPD and the Program but not an agreement to do the work. Purcell asked if this is the instrument by which NPPD will be reimbursed. Kenny said that is correct. Schneider asked if the normal Program procurement policy would be used. Kenny said the selection committee would be representatives of NPPD and the ED Office. Purcell asked if the WAC would be involved in development of the winter operations feasibility scope. Kenny said that will be an ED Office/NPPD scope development. Barels said the study will look for expertise to learn how to operate canals in the winter that are not operated in the winter now.

**Schneider moved to approve the agreement; Berryman seconded. Barels abstained. Motion approved.**

#### **Water Action Plan Scoring Status Update**

Lawson discussed the recent work of the sub-group working on issues related to Water Action Plan scoring. Lawson commended the group on all the hard work, in particular the ED Office and Don Anderson (formerly of the Fish & Wildlife Service). The GC memo includes recommendations and Lawson is seeking GC approval of the recommendation to use the methodology explained in the memo for scoring the CNPPID Reregulating Reservoir (and potentially for other Program water projects) and to approve scoring this project at 40,000 acre-feet (with the provisions in the memo). Strauch asked about scoring benefits related to pulse flows. Lawson said there was considerable discussion about that but



there was not additional information included in this analysis for that. Wingfield said the Service felt that boiled down to a policy decision and not a technical decision. The Service's position was that the Program was obligated to both reduce shortages to target flows and provide certain capacities to accommodate short-duration high flows, so they could not support any "bonus score" at his point. But the project works well to incorporate operations likes short-duration high flows and that is an effective use of Program resources. Lawson noted that the group suggested possible additional issues that the GC may want to refer to the WAC for further consideration.

**Ament moved to approve the recommendations from the sub-group to adopt the methodology used to score the CNPPID Reregulating Reservoir project; to consider utilizing the methodology for future Program water projects; and to accept the 40,000 acre-foot score for the CNPPID Reregulating Reservoir project. Heaston seconded. Kraus abstained. Motion approved.**

The GC asked the WAC to consider the three items suggested in the memo:

- 1) Effects of operation of Wood River floodway on the Platte River flows at Grand Island
- 2) Potential for using a 2- or 3- day running average to analyze excesses and shortages
- 3) Questions related to the OPStudy adjusted Three State hydrology dataset

#### **Elm Creek Complex Actions**

Farnsworth updated the GC on the status of actions at the Elm Creek Complex related to the FSM proof of concept experiment and the bird response experiment. Freeman asked about 404 permits for the Program and if the ED Office looked into a regional general permit. Kenny said we did look into it and the Omaha District of the Corps said move forward with individual nationwide 27 permits because they are used to that approach and they were concerned about the time it would take to secure a regional general permit. Freeman said it would seem that over time, the Program would develop a standard set of guidelines for management practices and a general permit would make sense. Kenny said possibly, as the Program works with the Omaha District their comfort level might increase. In addition, the Corps is familiar with similar actions at Cottonwood Ranch that provides a level of comfort. Freeman asked if the permits being sought cover annual maintenance. Kenny said the ED Office would look into that issue. Thabault asked about use versus preference and whether the bird response experiment will be robust enough to secure important data for the Program. Smith said the tern and plover monitoring and research will provide both use and productivity/survival data so that will afford the Program with strong inferential data. Whooping crane numbers and use are small so it will be more difficult for that target species.

Barels said NPPD is concerned about sediment in the Kearney Canal and the impacts that may occur from Program actions related to this work, especially regarding sediment augmentation. The GC needs to be aware that NPPD wants to cooperate but that the potential for sediment in the canal is serious and NPPD likely will not enter into an agreement unless sediment impacts are minimized and mitigated. This will likely add to overall project costs.

**Meeting adjourned at 4:59 p.m. Mountain time.**



**Wednesday, June 9, 2010**

**Welcome and Introduction**

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

**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 9:06 a.m. Mountain time.**

Purcell moved to end Executive Session; Thabault seconded. **GC ended Executive Session at 9:45 a.m. Central time.**

**Program Land Tracts & Issues**

- 1) Czaplewski moved to approve the lease involving Tract 0818 as recommended by the LAC and to count the acres as non-complex; Berryman seconded. **Motion approved.**
- 2) Williams moved to approve the trades involving Tract 2009003 and Tract 2009004 as recommended by the LAC; Ament seconded. **Motion approved.**
- 3) Ament moved to approve the LAC recommendation to remove Tracts 911 and 917 from further consideration; Purcell seconded. **Motion approved.**
- 4) Schneider moved to approve the LAC recommendation to remove Tract 918 from further consideration at this time; Berryman seconded. **Motion approved.**

**PRRIP Web Site**

Monte McDonald from Riverside Technologies provided the GC with a presentation and demonstration of the new Program web site. Farnsworth walked the GC through how the ED Office intends to use the web site. Purcell asked if there are any guidelines developed yet for when a document goes into the public library. Kenny and Farnsworth said only final versions of documents and reports will be available on the public site.

**Future Meetings & Closing Business**

Upcoming meetings:

- ISAC meeting on July 13-14, 2010 @ Kearney, NE
- GC meeting on September 14-15, 2010 @ Kearney, NE
- GC meeting on December 7-8, 2010 @ Denver, CO

**Meeting adjourned at 10:45 a.m. Mountain time.**

**Summary of Action Items/Decisions from June 2010 GC meeting**

- 1) Approved March 2010 GC minutes
- 2) Approved peer review of stage change study
- 3) Tabled the proposed expert workshop on pallid sturgeon and requested the ED Office organize a presentation to the GC at an upcoming meeting on Missouri River pallid sturgeon activities before discussing the workshop further



- 329 4) Approved agreement with NPPD for canal operation feasibility studies  
330 5) Approved the recommendations from the sub-group to adopt the methodology used to score the  
331 CNPPID Reregulating Reservoir project; to consider utilizing the methodology for future Program  
332 water projects; and to accept the 40,000 acre-foot score for the CNPPID Reregulating Reservoir  
333 project.  
334 6) Approved the lease involving Tract 0818 as recommended by the LAC and to count the acres as non-  
335 complex.  
336 7) Approved the trades involving Tract 2009003 and Tract 2009004 as recommended by the LAC.  
337 8) Approved the LAC recommendation to remove Tracts 911 and 917 from further consideration.  
338 9) Approved the LAC recommendation to remove Tract 918 from further consideration at this time.