



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Land Advisory Committee Meeting Minutes
Executive Director's Office Conference Room – Kearney, NE
April 24, 2012

Meeting Participants

Land Advisory Committee (LAC)

State of Wyoming

Harry LaBonde – Member, Wyoming State Engineer's Office

State of Colorado

Suzanne Sellers – Member, Colorado Water Conservation Board (via phone)
Kevin Urie – Alternate, Denver Water (via phone)

State of Nebraska

Ted LaGrange – Member, Nebraska Game & Parks Commission (via phone)

U.S. Fish and Wildlife Service (USFWS)

Matt Rabbe – Member, USFWS

U.S. Bureau of Reclamation (USBOR)

Brock Merrill – Member, USBOR (via phone)

Power Districts

John Shadle – Member (Vice-chair), Nebraska Public Power District

Environmental Entities

John Heaston – Member, The Nature Conservancy

Local Nebraska Rep. – Central Platte Natural Resources District (CPNRD)

Mark Czaplewski – Member (Chair), CPNRD Staff

Local Nebraska Rep. – Tri-Basin Natural Resources District (TBNRD)

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Local Nebraska Rep. – Joint CPNRD/TBNRD

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Executive Director's Office (EDO)

Jerry Kenny, Executive Director
Jason Farnsworth
Justin Brei
Bruce Sackett

Other Participants

Mark Morten, The Crane Trust



Welcome and Administrative

Chairman Czaplewski called the meeting to order at 9:00 am Central Time and the group proceeded with introductions.

Czaplewski asked for agenda modifications. No modifications requested.

LaBonde made a motion to approve the minutes from the February 1, 2012 and February 24, 2012 LAC meetings. The motion was seconded by Rabbe and passed unanimously.

GC Update and Other Committee Coordination Information

GC Update

Czaplewski updated the LAC on recent GC activities. The GC met on March 13 & 14, 2012 in Kearney, NE.

The GC approved a rotating membership plan for the Program's Independent Scientific Advisory Committee (ISAC), where members will be rotated out after three years of service. The GC also approved a sole source agreement with Rainwater Basin Joint Venture to perform a GIS habitat availability analysis for whooping cranes.

In land-related issues, the GC received a presentation from NGPC on the first year of the Platte River Recreation Access program. Appraisals were authorized for tracts 0837, 1202, and 1203. Final acquisition was approved for tracts 1101 and 1102. The GC authorized the ED office to pursue the closure of "I" road in Phelps County, which dead-ends in the center of tract 2010001. The approach for disposal of excess land at tracts 2009008 and 2011001 was approved. The WAC will be involved in decision making for the irrigated acres present on the surplus of 2009008. The GC approved an easement for tract 1115 (part of tract 2009003) given in exchange for a quit-claim deed received by the Program to settle the boundary in the river.

The next GC meeting will be held on June 12 & 13, 2012 in Cheyenne, WY.

Other Committee Coordination

Farnsworth updated the LAC on recent TAC activities. The TAC last met on April 18. The primary topic of discussion at that meeting was developing a Program approach to examining target flows. The ED office and TAC will work to develop target flow objectives. The TAC also approved an RFP for a FSM proof of concept experiment at the Shoemaker Island Complex.

Kenny updated the LAC on recent WAC activities. The WAC is still working to find solutions to increase the capacity through the North Platte chokepoint. The groundwater recharge monitoring and data analysis is being finished up and a scoring approach for this project is being developed. The WAC is in the final stages of completing the feasibility investigation for the J2 reregulating reservoir. A subgroup of the WAC is looking at water leasing, particularly the transfer of surface water irrigation to instream flow on acres that will be groundwater irrigated in the future. The WAC meets next on May 7 in Ogallala, and the focus will be on state depletions



plans. LaBonde asked for the status of the ownership and management agreement for the J2 reservoir. Kenny said the hope is to bring an agreement before the GC in June.

Sackett updated the LAC on discussions from the WAC/LAC subgroup working on the excess of irrigated land at 2009008. This group is working on a decision tree to assist the LAC in deciding when the WAC should be involved in the process.

Heaston updated the LAC on the activities of the LAC subgroup working on the disposal of excess Program lands. This group is partially waiting for the outcome of the discussions of the WAC/LAC subgroup to deal with the water, but is very close to a recommendation for tract 2009008. If NGPC as a preferred buyer is unable to complete the purchase of the majority of the excess, as first intended, the subgroup will reconvene to decide how to approach private sale.

Present Work in Progress

Farnsworth provided the LAC with a 2011 Program Work Report that summarized expenditures for 2011 on land activities. Farnsworth said a large part of the difference between budgeted and actual expenditures was the continued lack of 404 permits for work at the Elm Creek Complex. Czaplewski asked that non-complex and complex tracts/expenditures be more clearly identified in the report, and that there be a separation of the types of income (ie. ag income vs. sand & gravel income). Shadle asked which channels on Cottonwood Ranch are subject to the flow consolidation. Farnsworth said both north and south channels will be worked on to achieve pre-2010 conditions. The ED office is still working with the consultant on feasibility. The implementation design will be approved by the TAC once completed. Likely 2012 construction activities are installation of channel plugs which were breached in 2010. New flow consolidation construction is likely to occur in 2013. Shadle asked if the downstream landowner is agreeable to the proposed activities. Sackett said the ED office is still working with that landowner, and so far there are scenarios available that may work for both parties. Negotiations can proceed once implementation design is completed.

Farnsworth then walked through work completed, in progress, and upcoming. A new hangup in spraying activities this year is the need for a DEQ permit for herbicide application. LaGrange said national legislation required the EPA to regulate herbicide application on rivers, and the state became responsible for part of this process. It is a work in progress, and they are working to expedite this process for the future. The other large activity on Program lands was the execution of a number of prescribed burns. A contractor from California won the bid for this project and burned almost 1,500 acres for the Program in three weeks. Having a professional burning contractor for this project was instrumental in getting these burns completed. The contractor was very professional, and had excellent coordination with local fire chiefs. Tim Tunnell developed good burn plans and visited fire chiefs with the contractor. The contractor even offered their services to local fire departments if they needed help. Two fire departments accepted this offer and the contractor assisted in fighting two rural wildfires. In addition to Program lands, time allowed the contractor to burn a property for Ducks Unlimited. On days with unfavorable burning weather, the contractor did work on Program lands such as chain sawing, clearing fences, etc.

**Land Offering Reviews**

Heaston moved to go into executive session with LAC members, alternates, and technical staff to review details of land offerings. The motion was seconded by LaBonde. The motion carried and the committee entered executive session at 10:09 a.m.

Heaston moved to come out of executive session. LaBonde seconded and the motion carried. The committee came out of executive session at 11:26 a.m.

Shadle moved to table tract 1209, accept the evaluation team recommendation for tract 1210 as complex land and tract 1114 as non-complex land, and to recommend the GC pursue appraisal and negotiations for 1210 and 1114. Motion seconded by LaBonde and passed unanimously.

Land Plans

Brei talked with the LAC about land management plans distributed before the meeting. Land management plans were developed in cooperation with a subgroup of LAC members, and were presented to the LAC for comment. Rabbe said that the start date for the migratory bird treaty act in the land plans should be changed to April 15. Czaplewski said there is a discrepancy in the acres mentioned throughout the 2010002 plan – it should be consistently 15 acres.

Any further LAC comments were requested by April 27. Final drafts will be distributed to the LAC and TAC for comment, with final LAC approval scheduled for a conference call on May 18, 2012 from 9-11am central time.

Extension of Pumping at 2009008

Sackett discussed an agreement for extension of pumping activities with the sand and gravel contractor operating at 2009008. The contractor would like a longer commitment so they can better plan how to continue mining the east pit. Czaplewski asked if the agreements reference MSHA responsibility – ie. is the Program bound in any way by this agreement to MSHA, insurance, or liability. Sackett and Heaston said that is not the case. The contractor is asking for a three-year rolling agreement (rolls to additional year at the end of each year to maintain a 3-year agreement). Czaplewski says he does not see any major biological advantage to having the contractor move faster w/ the amount of habitat already available just to the west. Sackett recommends approval of the proposed agreement.

Rabbe moved to recommend GC approval of the 3-year rolling agreement extension for pumping activities at 2009008. Seconded by Czaplewski and passed unanimously.

Public Access Program Review

Heaston discussed activities of the LAC subgroup reviewing the current public access policy. The 2011 season with NGPC went very well. To ensure stability, the subgroup recommends moving from an annual agreement for access program implementation to a 3-year agreement. Additionally, the subgroup recommends adding waterfowl hunting and upland bird/small game



132 hunting as allowed uses on tract 2010001 and, subject a TAC/LAC review of compatible use, on
133 tract 2012002. Heaston also discussed the need for a landowner representative on the subgroup.
134 The public access policy is slated to be reviewed annually, and it was proposed that this be
135 formalized to occur by the June GC meeting each year. Czaplewski said that, in entering a
136 longer agreement, we must make sure the agreement includes the standard clauses pertaining to
137 Program budget availability, performance, escape, etc. Sackett discussed a request by the
138 landowner to the west of 2012002 that no hunting be allowed within 100 yards of the shared
139 boundary, and that deer hunting be doe-only. Heaston and LaGrange said that sets a poor
140 precedent for the Program access policy, and that it is beyond the scope of the Good Neighbor
141 Policy to make these kinds of concessions. LaBonde said we do not want to generate a different
142 set of hunting regulations for the NGPC to enforce.

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144 Sackett will assemble a modified public access policy document and memo for approval on the
145 May 18 conference call.

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147 **Public Forum/Next Meeting**

148 Chairman Czaplewski asked for public comments, none were offered.

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150 **The next meeting of the LAC will be held via conference call on Friday, May 18, 2012 at**
151 **9:00 a.m. central time.**

152
153 **Closing Business**

154 With no further business, the meeting was adjourned by Chairman Czaplewski at 12:17 p.m.



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Land Advisory Committee Meeting Minutes
Conference Call
9:00 a.m. CDST
May 18, 2012

Meeting Participants (all via phone)

Land Advisory Committee (LAC)

State of Wyoming

Harry LaBonde – Member, Wyoming State Engineer's Office

Executive Director's Office (EDO)

Tim Tunnell
Jason Farnsworth
Bruce Sackett

State of Colorado

Suzanne Sellers – Member, Colorado Water Conservation Board
Kevin Urie – Alternate, Denver Water

Other Participants

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State of Nebraska

Jennifer Schellpeper – Alternate, Nebraska DNR

U.S. Fish and Wildlife Service (USFWS)

Kirk Schroeder – Alternate, USFWS

U.S. Bureau of Reclamation (USBOR)

Brock Merrill – Member, USBOR

Power Districts

John Shadle – Member (Vice-chair), Nebraska Public Power District

Environmental Entities

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Local Nebraska Rep. – Central Platte Natural Resources District (CPNRD)

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Welcome and Administrative

Chairman Czaplewski called the meeting to order at 9:00 am Central Time and the group proceeded with introductions.

Czaplewski asked for agenda modifications. No modifications requested.

LaBonde made a motion to approve the minutes from the April 24, 2012 LAC meeting. The motion was seconded by Shadle and passed unanimously.

Land Plans

Jason Farnsworth discussed the methodology for preparing plans. Final draft of these five plans went to LAC and TAC for final review. No comments were received from either group about the final plans. There was a question regarding the naming system used in the management plans and the system is explained here.

Four types of documents make up the land planning system.

1. Operations and Maintenance Plan – This plan is developed for every individual Program tract that is part of a larger “Complex Restoration and Management Plan”. This O&M plan typically details operations activities (infrastructure, weed control, etc) and species habitat activities that are not necessarily associated with complex-level (many tracts) goals and objectives. This document is revisited and updated every 5 years.
2. Complex Restoration and Management Plan – This plan typically details larger-scope adaptive management and species habitat goals, objectives, and activities that occur across several tracts in a Program “complex”. Operations and Maintenance Plans for tracts covered by a Complex Plan are included as appendices to this Complex Plan. Complex plans also include standard language drawing attention to the various state and federal laws observed on the properties (ie. Endangered Species Act, Migratory Bird Treaty Act, SHPO, etc). This document is revisited and updated every 5 years.
3. Restoration and Maintenance Plan – This plan is created for tracts that are not part of a larger “Complex Restoration and Management Plan”. This typically includes non-complex (sandpit or palustrine wetland) tracts, and complex (riverine/wet meadow) tracts that are currently stand-alone and not included as part of larger land complex for planning purposes. This plan covers a single tract and combines the items in 1. and 2. above (operations activities, species habitat activities, adaptive management goals and objectives, standard language regarding state and federal laws, etc). This document is revisited and updated every 5 years.
4. Annual Work Plan – This document is created for and appended to each “Complex Restoration and Management Plan” and “Restoration and Management Plan”. This document is created annually and details specific activities and associated costs for the upcoming budget year. This document is created annually prior to each budget year.

Shadle made a motion to accept the land plans for 2010002, 2010003, 2010004, 2011001 and Shoemaker Island Complex and forward to the GC for approval. The motion was seconded by LaBonde and passed unanimously.

**Public Access Review**

Bruce Sackett presented the workgroup recommended changes to the Public Access Policy following the annual review of the Public Access Program. The word “game” should be included into the accepted practices under Appendix B – List of Compatible Uses number 6. Now to read: “6. upland game hunting”.

LaBonde made a motion that the Public Access Policy changes be forwarded to the GC with a recommendation to approve these changes. The motion was seconded by Shadle and passed unanimously.

Jim Bendfeldt was appointed as a landowner representative on the Public Access Policy workgroup to fill the position previously held by Scott Woodman.

Bruce Sackett presented the Public Access workgroup recommended changes, following the review of the contract with the Nebraska Game and Parks Commission, providing oversight of the public access on Program lands. Czaplewski suggested adjustments to page 3 “Terms and Conditions” paragraph “G” removing the portion ...“, after the first year of the agreement,”... The remaining red line changes are acceptable.

Urie made a motion that the recommended Access Agreement Contract with Nebraska Game and Parks Commission changes be forwarded to the GC with a recommendation to approve these changes. The motion was seconded by Merrill and passed unanimously.

Land Disposal Memo

Bruce Sackett presented the Memo to the GC outlining the disposal plan for excess land on 2009008. Discussion occurred over the WAC response and negotiations with NGPC along with how those items crafted the final form of the memo.

Urie made a motion that the Land Disposal Plan Memo for 2009008 be forwarded to the GC with a recommendation to approve. The motion was seconded by LaBonde and passed unanimously.

Closing Business

With no further business, the meeting was adjourned by Chairman Czaplewski at 9:54 a.m.