PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Governance Committee Meeting Minutes
Executive Director's Office – Kearney, NE
March 13-14, 2012

Tuesday, March 13, 2012

Meeting Attendees

Governance Committee (GC) Table

State of Wyoming
Mike Purcell – Member
Mike Besson – Alternate

State of Colorado
Don Ament – Member
Suzanne Sellers – Alternate

State of Nebraska
Jesse Bradley – Alternate

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

Bureau of Reclamation (BOR)
Gary Campbell – Member

Environmental Entities
John Heaston – Member
Marian Langan – Member
Duane Hovorka – Alternate

Upper Platte Water Users
Dennis Strauch – Member
Doug Chamberlain – Member

Colorado Water Users
Alan Berryman – Member

Downstream Water Users
Brian Barels – Member
Don Kraus – Member
Kent Miller – Member
Mark Czaplewski – Proxy for Ron Bishop, Member

Executive Director's Office (EDO) Staff
Jerry Kenny, Executive Director (ED)
Dave Baasch
Bridget Barron
Justin Brei
Beorn Courtney
Jason Farnsworth
Julie Liakos
Bruce Sackett
Chad Smith

Audience Members
Tom Econopouly – Service
Pat Engelbert – HDR
Mike Drain – CNPPID
Pat Goltl – Nebraska DNR
Mary Harner – Platte River Trust
John Kolanz – Colorado Water Users
Kevin Urie – Colorado Water Users
Brock Merrill – BOR
Jeff Runge – Service
Matt Rabbe – Service
Harry LaBonde – State of Wyoming
Dale Schlautman – EA Engineering
Greg Glunz – URS
Andrea Parker – URS
Ed Toms – URS

Welcome & Administrative

Thabault called the meeting to order. The group proceeded with introductions. Kenny noted an agenda modification adding Merrill to talk about indexing at the end of the day.

Purcell moved to approve the December 2011 GC minutes; Berryman seconded. **Minutes approved.**

Smith noted that on February 1, 2012 all GC parties voted unanimously via e-mail poll to approve the Program's sediment augmentation peer review panel and associated scope of work.

Program Committee Updates

Land Advisory Committee (LAC)

Czaplewski provided an update on the latest LAC activities. The LAC met on February 1 and accepted recommendations on Tracts 1202 and 1203; recommended the GC reappraise Tract 0837; and received an update on the Public Access Program. The LAC met again on February 24 to discuss a recommendation related to Tract 092008. The next LAC meeting is April 24 in Kearney.

Water Advisory Committee (WAC)

Courtney provided an update on the latest WAC activities. The WAC met on February 7 in Ogallala and Cory Steinke was re-elected WAC chair. The EDO gave an update on the J-2 reservoir project and related scoring. The EDO and Bill Hahn gave a presentation on the groundwater recharge project. There was discussion about a possible Tri-Basin NRD groundwater management project, and there was an update on the choke points in North Platte and Kearney. After the WAC meeting, there was a workgroup meeting on water leasing. The next WAC meeting is May 8 in Ogallala.

Technical Advisory Committee (TAC)

Besson provided an update on the latest TAC activities. The TAC met on January 12. Much of the discussion focused on habitat availability assessments for the target species and extending tern and plover work to whooping cranes. The Wet Meadows Working Group met on February 15 to discuss wet meadow habitat criteria for whooping crane use. The next TAC meeting is on April 18 in Kearney.

Finance Committee (FC)

Purcell provided an update on the latest FC activities. The FC met on January 30 and approved the fire services RFP and a contract amendment for the Program database. The FC met on March 2 and approved the sediment augmentation bid package (subject to acquisition of proper permits); approved the fire services contract; approved the water quality monitoring contract, subject to GC approval of a budget revision; approved the Elm Creek FSM contract amendment; and approved a motion to move the sole-source agreement on to the GC for further discussion.

Program Outreach Update

PRESENTATIONS

- On February 27, 2012 Steve Smith presented to the "Silver Jackets", a group of Nebraska flood managers on the Program and specifically about the Program objectives related to potential flooding in North Platte, Nebraska.

EXHIBITS/SPONSORSHIPS

- The Program sponsored the Four States Irrigation Council in Fort Collins, Colorado on January 11 – 13, 2012 at the Friend level.

- The Program exhibited at the Nebraska Weed Management Association annual conference in Kearney, Nebraska on January 17 & 18, 2012. We made 177 contacts over the course of the two days.
- The Program exhibited at the Colorado Water Congress Annual Convention in Denver, Colorado January 25 - 27, 2012. We made 162 contacts over the course of the three days.
- The Program exhibited at the Rainwater Basin Joint Venture 17th Annual Informational Seminar on February 8, 2012 in Hastings, Nebraska. We made 120 contacts during that event.

UPCOMING EXHIBITS/PRESENTATIONS

- The Program was invited by the Colorado Division of Parks and Wildlife to share exhibit space with them at the Irrigationist's Symposium on March 14 & 15, 2012 in Loveland, Colorado. The Symposium is sponsored by the Colorado Division of Water Resources.
- The Program will be exhibiting at the Rivers and Wildlife Conference in Kearney, Nebraska on March 16 & 17, 2012.
- The Program will have PRRIP informational materials at both Rowe Sanctuary and the Nebraska Nature and Visitor's Center throughout migration season.
- Jerry Kenny will be presenting on the Program at the Crane Trust Nature & Visitor Center in Alda, NE on March 25, 2012 as part of the "Wild about Nebraska" speaker series at the Center.
- Beorn Courtney will be presenting on the Program to the Water Resources and Management in the US West class at the University of Colorado in Boulder, Colorado on March 19, 2012.
- Mike Thabault, Gary Campbell, Don Kraus, Jerry Kenny, Chad Smith, and David Freeman will be presenting on the Program to the National Research Council Committee on Sustainability Linkages in the Federal Government in Omaha, Nebraska on April 12, 2012. The committee is charged with identifying the linkages among areas such as energy, water, health, agricultural production, and biodiversity that are critical to promoting and encouraging long term sustainability within the federal policy framework. The April meeting is focusing on the land, water, and energy linkages in nonurban areas using the Mojave Desert and the PRRIP as case study sites.

MEDIA/PRESS COVERAGE

- The Program was a Silver Sponsor of Prairie Fire's "Nebraska Skies 2012" series. The January, February, and March issues of Prairie Fire highlighted birding migration and wildlife viewing in Central Nebraska. Sponsorship included an ad in the February, March, and April editions of Prairie Fire, listing on the Prairie Fire and Crane Trust Nature & Visitor Center websites, and signage in the blinds at the Center. The February issue has a pull-out section, "Field Guide to Nebraska Birding".
- The proposed J-2 reservoir and sediment augmentation were the focus of an article in the Omaha World Herald on March 1, 2012. Jerry Kenny, Cory Steinke, and Jeff Buettner were interviewed and quoted in the article.

<u>PRRIP Budget Items</u>

Kenny discussed the status of the FY 2012 Program budget, expenditures, and action items from the year. Campbell discussed a $1 million grant in BOR funds that has been allocated to the Program in 2012. Kenny reminded the GC that at the December 2011 GC meeting all 2012 expenditures will come from federal dollars. Purcell asked about the President's budget. Campbell said that budget is about $8 million for 2013. Purcell said it seems likely that a budget will not be approved until after the election so we may be operating under a Continuing Resolution. The Reid bill that established the Super Committee will sequester $1 trillion starting in 2013 if an agreement cannot be reached, and $500 billion of that will come from discretionary spending. Colorado and Wyoming do not plan to write letters to Congress or make a

trip to Washington, DC. There may be a need to do some additional research into alternative funding. Kenny said he would do that additional research and communicate his findings to the GC.

Water Quality Monitoring

Smith discussed the water quality monitoring contract and the requested Program budget shift. Chamberlain asked what kind of events this money will be spent on. Smith said for Program action-based water quality monitoring, such as monitoring before, during, and after sediment augmentation. Chamberlain asked if the money is shifted, does it stay in the new line item even if that money is not spent. Purcell said yes, but you could request moving the money back to the original line item if necessary.

Miller moved to approve the budget revision associated with the water quality monitoring contract; Campbell seconded. **Budget revision approved.**

Habitat Availability Assessment

Smith discussed the habitat availability assessment work and the requested sole-source agreement. Czaplewski asked about hardware needs for this project and if the Program would get this hardware back at the end of the agreement. Brei said this is more like use, wear, and tear. Kraus asked if this is the price for equipment. Brei said no, this is more like a use fee. Purcell said make sure in negotiations that the Program is not paying for this twice.

Miller moved to approve the sole-source agreement; Purcell seconded. ***Sole-source agreement approved.***

ISAC Membership

Smith discussed the proposal for rotating membership on the Independent Scientific Advisory Committee (ISAC). Miller asked if it is clear that current members cannot be re-appointed. Ament said there may be cases where you want to bring someone back. Purcell said the TAC and GC should have the option to recommend reappointments if necessary. Thabault said one good piece of the proposal is that ISAC members are identified by areas of expertise so that new areas of expertise can be brought on when necessary. Hovorka said the rotation seems fine, but will people be rotating off too quickly based on the learning curve? Besson said the way this is set up, at least a few members will have good experience to help the new appointees. Purcell said it is good business to consider this each year and implement the rotation plan but be able to keep members that are very beneficial.

Heaston moved to approve the ISAC rotating membership plan; Ament seconded. ***Rotating membership plan approved.***

Barels asked for an e-mail to the GC any time an ISAC meeting is scheduled so that GC members can attend if they are interested and available. **Smith agreed.** Czaplewski reiterated the importance of delivering technical information to the GC. Thabault said: 1) maybe there should be a block of time at an upcoming GC meeting for face time with the ISAC, and 2) maybe there should be an exit interview for members rotating off the ISAC to pick their brains one last time. **Smith agreed.**

Winter Whooping Crane Monitoring

Baasch gave a presentation on winter whooping crane monitoring efforts. Miller asked how many WC are on the river now. Baasch said one as of today. Berryman asked about the maximum number observed. Baasch said 12 in one day, but one could have been a leucistic Sandhill crane.

2012 AOP Update

Runge provided an update on the EA releases made in 2012 and plans for the remainder of the year. The February 15-March 15 pulse flow release just concluded. There was a lot of effort put into coordination to abide by the Good Neighbor Policy – canal operators, flood managers, city officials, county officials, etc. Flows started late to avoid icing problems, and the release ended early on March 6 because of concerns about flood stage. Total flow release was less than 20,000 acre-feet. The Service will develop a report on the release and all work and coordination during the water year. Miller asked if there are more planned releases. Runge said there will be a 2,400 cfs WC release in the spring, a 2,400 cfs or less WC release in the fall, and a 1,200 cfs release in the summer. Berryman asked how much water is now left in the EA. Runge said it is difficult to tell, but probably around 120,000 acre-feet. Bradley asked when the spring flow decision will be made. Runge said the Service does not have a schedule yet for making that decision. Besson asked about the duration of summertime releases. Runge said it will depend on how much of what is released actually gets to the central Platte based on capacities.

Thabault said two things have come up in his mind relative to this: 1) EA operators left a lot of water on the table last year that was lost, and 2) the North Platte choke point is limiting the ability to utilize EA water so he wants to elevate making progress at the choke point. Purcell asked about the status of the choke point. Kenny said capacity at flood stage was about 2,300 cfs last year, but now flows have receded after the high flows and because of areas filling in we are back to 1,600-1,700 cfs. Additional vegetation and root ball removal is now occurring. The alternative that is being considered is mechanical dredging or similar activities that will have to be repeated periodically because Phragmites and other invasives lead to channel areas filling in quickly.

2011 Tiered Platte River Biological Opinions

Rabbe talked about 2011 tiered biological opinions. Sellers asked about the last column ("Not Covered by MOA"). Rabbe said he thinks the first MOA was in 2009, but those first three projects on the list were not covered by the MOA. Econopouly agreed and said he would get back to Suzanne with an answer.

Other Business

Merrill discussed indexing of Program funds for 2011. Merrill said last year, the BOR construction cost trends showed land values declining in Nebraska, but Sackett reports land values are going up. Purcell said the GC has not accepted that is the way to do business. Merrill said it would probably require development of a new process that would have to be taken back for evaluation and approval. Purcell asked if this process was suggested from on high. Merrill said it was suggested to keep this as close as possible to Reclamation's process. Purcell asked if this causes any adjustment to the budget or if we are going to move ahead with the budget as approved. Kenny said he did not anticipate making any adjustments this year. Sellers said Colorado is considering making payments for the J-2 project in a manner that might be out of the negotiated percentage allocation – in effect, pre-paying Colorado's share of the project. The effect would be those funds would no longer accrue interest. So, Colorado is considering bringing to the GC in June a proposal on how to mitigate that problem for Colorado. This might mean adjusting Colorado's index, or estimating the amount of interest we may have received. Thabault asked if it would be brought to the GC cold or if it will be shared ahead of time. Sellers said

they would not bring it cold to the GC meeting. Purcell asked if the money is spent, would Colorado have to take any inflation indicators in the future. Merrill said it only applies to the unspent amount. Thabault said it might be good to have an ad hoc group work through this. Purcell said the Finance Committee is the place to discuss this.

PRRIP Permits

Kenny and Farnsworth talked about permitting issues related to construction of in-channel tern and plover nesting islands and sediment augmentation. Besson asked if there is a water quality variance required on pushing sand. Kenny said no, just for the sand pumping. Barels noted that the Corps could not get a permit from their own agency to build islands on the Missouri River, so they just did it to comply with the ESA. Thabault said he is thinking maybe a quick letter to the Corps that could be signed by all GC members in attendance before leaving tomorrow could be a useful tool. Kenny said the EDO will draft a letter for review and signature tomorrow during the GC meeting.

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

Wednesday, March 14, 2012

Welcome and Introduction

Thabault called the meeting to order and the group proceeded with a roll call. Kenny noted additions to the agenda: 1) discuss Tract 1115; and 2) discuss Tract 1117.

Platte River Recreation Access Program

Matt Steffl and Ryan Chramosta from the Nebraska Game and Parks Commission gave a presentation on the first year of implementation of the Recreation Access Program. Kraus asked about multiple people hunting the same site and how that gets worked out. Steffl said the policy calls for an opportunity to resolve the issue among themselves or else access will be restricted. Farnsworth said for rifle season, all successful lottery applicants were given contact information for other hunters. Chamberlain asked about landowner liability. Steffl said a full page waiver of liability was added to the agreement to make sure all parties were covered. Hovorka asked about when the deer season lottery would be held. Steffl said they hope to have the lottery in October so there is some more time for scouting. Heaston asked if we could require all rifle hunters to report their harvest to keep track of numbers. Steffl said a better route would be to follow up with hunters with a phone call or other direct communication. Hovorka thanked the NGPC for their oversight and implementation of the access program and said he was glad to see the Program allow recreation access on Program lands. Czaplewski said the LAC has a subcommittee evaluating the access plan and related issues to help suggest next steps. Langan said if this expands it may become onerous to be calling all hunters to get information. Steffl said if we are only talking about rifle deer season it will be a manageable number. Langan said we could ask hunters to report and then follow up with a call if they don't report. Steffl agreed.

Public Comment

Thabault asked for public comment; none offered.

Executive Session

Purcell moved to enter Executive Session to discuss land issues; Langan seconded. ***GC entered Executive Session at 8:56 a.m. Central time.***

Heaston moved to end Executive Session; Strauch seconded. ***GC ended Executive Session at 10:47 a.m. Central time.***

Program Land Tracts & Issues

Purcell moved and Berryman seconded:

- *To authorize continued appraisal and negotiation of Tract 0837 as complex habitat.*
- *To approve allowing the ED Office to seek appraisal of and begin negotiations for acquisition of Tracts 1202 & 1203 as non-complex habitat, and to allow acquisition of adjacent properties for access consideration if available.*
- *To approve acquisition of Tracts 1101 and 1102 as complex habitat.*
- *To authorize the ED Office to pursue abandonment of Road I at Tract 2010001.*
- *To authorize the ED Office to seek appraisal for sale of surplus land at Tract 2009008 and to seek input from the WAC on disposition of irrigated acres at this Tract.*
- *To authorize the ED Office to enter into an easement on Tract 1115 in exchange for settling a boundary line including exchanging quit claim deeds to define the boundary.*
- *To authorize the ED Office to negotiate terms for the sale of Tract 1117 at 2011001East with a no-build deed reservation.*

Motion approved.

Future Meetings & Closing Business

Upcoming GC meetings:

- June 12-13, 2012 @ Cheyenne, WY @ Wyoming Water Development Commission
- September 11-12, 2012 @ Kearney, NE
- December 4-5, 2012 @ Denver, CO

Strauch moved to adjourn; Heaston seconded. **Meeting adjourned at 11:00 a.m. Central time.**

Summary of Action Items/Decisions from March 2012 GC meeting

1) Approved December 2011 GC minutes.
2) Approved budget revision of $13,800 for water quality monitoring.
3) Approve sole-source agreement for habitat availability assessments.
4) Approved the rotating membership plan for the Independent Scientific Advisory Committee.
5) The Executive Director's Office agreed to alert the GC via e-mail about all upcoming ISAC meetings, to set up time at upcoming GC meetings for ISAC members to be present, and to establish a system of "exit interviews" for all ISAC members rotating off the panel.
6) Approved a motion to:
    - To authorize continued appraisal and negotiation of Tract 0837 as complex habitat.
    - To approve allowing the ED Office to seek appraisal of and begin negotiations for acquisition of Tracts 1202 & 1203 as non-complex habitat, and to allow acquisition of adjacent properties for access consideration if available.
    - To approve acquisition of Tracts 1101 and 1102 as complex habitat.
    - To authorize the ED Office to pursue abandonment of Road I at Tract 2010001.
    - To authorize the ED Office to seek appraisal for sale of surplus land at Tract 2009008 and to seek input from the WAC on disposition of irrigated acres at this Tract.

- To authorize the ED Office to enter into an easement on Tract 1115 in exchange for settling a boundary line including exchanging quit claim deeds to define the boundary.
- To authorize the ED Office to negotiate terms for the sale of Tract 1117 at 2011001East with a no-build deed reservation.