



**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
**Governance Committee Meeting Minutes**  
EDO Conference Center – Kearney, NE  
March 17-18, 2015

**Meeting Attendees**

**Governance Committee (GC) Table**

**State of Wyoming**

Harry LaBonde – Member (Chair)

**State of Colorado**

Don Ament – Member

Suzanne Sellers – Alternate

**State of Nebraska**

Jim Schneider – Member

**U.S. Fish and Wildlife Service (Service)**

Eliza Hines – Member

**Bureau of Reclamation (BOR)**

Brock Merrill – Member

Chris Beardsley

**Environmental Entities**

Marian Langan – Member

John Heaston – Member

**Upper Platte Water Users**

Dennis Strauch – Member

George Williams – Member

**Colorado Water Users**

Alan Berryman – Member

**Downstream Water Users**

Brian Barels – Member

Don Kraus – Member

Mark Czaplewski – Member

Kent Miller – Member

**Executive Director's Office (EDO) Staff**

Jerry Kenny, Executive Director (ED)

Bridget Barron

Jason Farnsworth

Scott Griebing

Bruce Sackett

Sira Sartori

Chad Smith

Dave Baasch

**Audience Members**

Christine Reed – UNO

Tracy Zayac – North Platte NRD

Pat Engelbert – HDR

Mike Drain – CNPPID

Deb Freeman – Colorado Water Users

Philip Stuckert – State of Wyoming

Kevin Urie – Colorado Water Users

Duane Hovorka – Environmental Entities

Jim Jenniges – NPPD

Lori Potter – Kearney Hub

David McAdams – Duke University

Cory Steinke – CNPPID

Dave Ford – CNPPID

Matt Rabbe – Service

Lyndon Vogt – CPNRD

Michael Farrell – Platte Basin Timelapse

Michael Forsberg – Platte Basin Timelapse

Jim Bendfeldt – CPNRD

Barry Lawrence – State of Wyoming

George Oamek – EDO Special Advisor

Jen Rae Wang – Nebraska DNR

Jennifer Schellpeper – Nebraska DNR

**By Phone**

Tom Econopouly – Service



**Tuesday, March 17, 2015**

### **Welcome & Administrative**

Schneider called the meeting to order at 2:00 p.m. Mountain Time. The group proceeded with introductions. Kenny said there was a late-breaking Water Service Agreement with NPPD that was distributed today. The best course of action would be to discuss it at the end of today and then take it up as an action item on Wednesday morning. Schneider agreed.

*LaBonde moved to approve the December 2014 GC minutes; Ament seconded. Minutes approved.*

### **Program Committee Updates**

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

Czaplewski provided an update on the latest LAC activities. The LAC last met in 2014 prior to the December 2014 GC meeting. The Public Access Subcommittee met twice this year including the annual public meeting on March 2. There will be more discussion of this at the June GC meeting.

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

Kenny provided an update on the latest WAC activities. The WAC last met on February 3 in Ogallala. Steinke was re-elected WAC chair for 2015. Project updates provided on current and active WAP projects including the J2 reservoir; Phelps groundwater recharge; water leasing quantification and scoring; Water Action Plan update and the draft report was circulated to the WAC for review; wet meadows hydrology monitoring update and discussion of peer review. There was a discussion on interim hydrologic conditions; the excess flow determination method; hydroclimatic indices and the 2015 forecast; and Special Advisor Brad Anderson gave a presentation on geomorphology and the choke point. The next WAC meeting will be May 12 and will be followed by a tour of Program properties and water projects. Schneider said in terms of excess flows Nebraska is learning about

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

Sellers provided an update on the latest TAC activities. The TAC held a conference call on January 9 to discuss the tern/plover monitoring RFP and recommended the GC approve a selection panel for that RFP. The TAC met in Kearney on February 24 and accepted previous minutes; recommended the GC approved the tern and plover habitat synthesis chapters peer review packet; accepted the fall 2014 whooping crane monitoring report; accepted the 2014 whooping crane stopover study report. The next TAC meeting is May 11 in Ogallala.

#### *Finance Committee (FC)*

Campbell provided an update on the latest FC activities. The FC met on February 25 and approved contracting for peer review of the wet meadows hydrology monitoring project monitoring approach; approved a contract amendment for 2015 geomorphology/vegetation monitoring; and approved a contract amendment for the Shoemaker Island Complex FSM project.

### **Program Outreach Update**

#### **PRESENTATIONS**

- Alan Berryman hosted a table focused on the Program at Water Tables in Denver, CO on January 29, 2015. The topic of discussion was the Program and titled, *Partnering is for the Birds*.
- Sira Sartori presented a Program update to the *Water Resources and Management of the Western U.S.* class at the University of Colorado in Boulder, Colorado on February 27, 2015.

**EXHIBITS/SPONSORSHIPS**

- The Program was an exhibitor at the annual meeting of the Four States Irrigation Council in Fort Collins, Colorado on January 14-16, 2015. We made 101 contacts during the event.
- The Program exhibited at the Nebraska Weed Management Area Coalition (NEWMAC) Summit in Grand Island on January 20 – 21, 2015. We made 63 contacts during the event.
- The Program exhibited at Colorado Water Congress in Denver, Colorado on January 29 – 30, 2015. We made 408 contacts over the course of the three days.
- The Program exhibited at the Rainwater Basin Informational Seminar on February 10, 2015 in Grand Island, Nebraska. We made 93 contacts during the event.
- The Program is a Partnership Sponsor for the 2015 Nebraska Envirothon, which will be held on April, 19<sup>th</sup> 2015, near Cozad, NE. The Envirothon has high school teams competing in seven areas of environmental studies; soils, aquatics, forestry, wildlife, range, and current environmental policy.

**UPCOMING PRESENTATIONS/EXHIBITS**

- Jason Farnsworth is representing the Program in a panel discussion titled, “*Use and Sustainability of the Aquifer into the Future*” at the University of Nebraska – Lincoln Water Symposium on March 19, 2015 in Lincoln, NE.
- Jerry Kenny and Jason Farnsworth are presenting at Audubon’s Nebraska Crane Festival in Kearney, Nebraska on March 21, 2015. Their session is titled, “Water for Birds – A Platte River Recovery Implementation Program Update”.
- The Program will be exhibiting at Audubon’s Nebraska Crane Festival in Kearney, Nebraska on March 21, 2015.

**MEDIA/OTHER**

- The Program hosted a group of 10 journalism students and their instructors from Metro State University of Denver on March 13 & 14, 2015. The students are enrolled in a Social Documentary class. The goal of the trip was to view the Sandhill crane migration, learn about environmental and water issues related to the cranes, and then put that knowledge into a journalistic format.
- The Program will be hosting Jane Goodall and her group from the Jane Goodall Institute in the Binfield blind on the evening of March 17, 2015.

**PRRIP FY15 Budget Update**

Kenny discussed the status of the FY15 PRRIP budget and associated expenditures and contracts. Kenny said the FC recently voted by electronic poll to approve a 2015 contract for prescribed fire at an estimated cost of \$94,000 and approved a bid package for the Liehs wetland project. Sellers asked Kenny to explain the difference between the Net Income and the Actual Year columns in the Land Income and Taxes table. Kenny said Net Income is income minus taxes. Actual Year is the actual income from a year minus the taxes paid for that year (which are paid during the following year).

Smith discussed the 2015-2018 tern/plover monitoring contract. Czaplewski asked about the budget. Smith said the estimated costs were higher than estimated in building the 2015 budget so there is a shortfall of roughly \$73,000 in the TP-1 line item for the monitoring work. The Program is not likely to complete all of the estimated peer reviews anticipated in line item PD-3 so there is extra money approved in that line item that could be applied for tern/plover monitoring.



Berryman moved to approve the tern/plover monitoring contract and to allocate \$75,000 from PRRIP 2015 Budget Line Item PD-3 to TP-1; Miller seconded. **Contract and budget re-allocation approved.**

Farnsworth discussed the sole source contract for 2015 imagery acquisition. The current four-year contract for this work is now up and the plan was to re-compete the work but the ISAC meeting this summer is now focused on geomorphology/vegetation monitoring and there may be recommended changes to move away from some field-intensive monitoring and more toward remote data collection. Instead of locking into another contract now if more imagery will be required, the preferred course of action is to extend the current contract by one year for 2015 and then address a longer-term contract for 2016 and beyond after a new course of monitoring action is determined.

Ament moved to approve the sole source contract for 2015 PRRIP imagery acquisition; LaBonde seconded. **Sole source contract approved.**

Kenny discussed the sole source contract for the hydroclimatic indices project. The EDO is not asking for approval of a sole source contract at this time, only approval to move down the sole source contracting path and to develop a contract with Dewberry to continue this work. The actual contract will be brought back to the GC for review and approval when complete.

LaBonde moved to approve the process of developing a sole source contract for the hydroclimatic indices project; Merrill seconded. **Sole source contract development process approved.**

Kenny discussed the proposed Water Service Agreement with NPPD for excess flow recharge. Barels said NPPD will be working with the Program to investigate methods and operations. Kenny asked Barels if there were any wasteways or returns to the river that need to be accounted for. Barels said there are but there is not enough amount to require wasteway accounting. Kraus asked if this is on the whole canal or just a section. Barels said it would be working on the whole canal. Kenny said there is no number yet in terms of how much is diverted. Czaplewski asked if there is a maximum dollar amount set aside. Kenny said not in the contract but there are provisions on capping water amounts. Miller asked what the payment amount is. Barels said \$27/acre-foot diverted. Berryman asked if NPPD would work with Nebraska and the Program on the accounting. Barels said yes. Schneider asked if any GC members wanted to wait until tomorrow to discuss the Water Service Agreement.

Heaston moved to approve the Water Service Agreement; Berryman seconded. Czaplewski, Miller, and Barels abstained. **Water Service Agreement approved.**

### **PRRIP Indexing**

Merrill discussed the results of indexing through October 2014. Sellers said in reviewing the spreadsheet Colorado's share increased by about \$400,000 over the percentages negotiated. Colorado and Wyoming agreed to adjust their payment schedule when the Bureau of Reclamation had funding issues and that should not penalize the states. Sellers said the spreadsheet should be adjusted to fix this problem. Schneider asked if Colorado is asking to shift some of their costs back to the federal share. Sellers said yes, it was not the intent when Wyoming and Colorado offered to pay ahead that they would be penalized. Schneider said that Colorado will only pay this money if the federal funds run out before the end of the Program. Sellers said that is true but Colorado should not have something even if it is just "on the books". Schneider said one option is to say that Colorado won't spend money if it is not being matched by the federal government.



Kenny said that would mean fixing it by a footnote instead of tinkering with the formulas in the spreadsheet. Sellers agreed to work on drafting a footnote.

### **PRRIP Peer Review**

Smith discussed the results of the tern/plover habitat synthesis chapters peer review and implications for Program decision making.

*Miller moved to approve the Technical Advisory Committee recommendation to accept the Tern and Plover Habitat Synthesis Chapters, revised by the Executive Director's Office in response to peer review comments, as FINAL. These chapters are approved by the Governance Committee as final with the understanding they will be used for decision making purposes, and with the understanding the revised chapters and all associated peer review documents will be made available to the public and posted on the Program web site; LaBonde seconded. Motion approved.*

Smith discussed the proposed scope of work and peer review panel for the wet meadows hydrology monitoring approach peer review.

*Berryman moved to approve the peer review scope of work and appoint the peer review panel; Heaston seconded. Motion approved.*

### **Whooping Crane Tracking Project**

Schneider said there have been problems in the past with the USGS peer review process. Sellers asked if others would need to review and approve Program publications using this data under the original language. Smith said yes. Hines asked about the use of data for a project like the Loup Power Biological Opinion. Smith said it would be available if the Service had a sponsor on the Partnership like Wade Harrell from the Service. Kenny talked about discussions held regarding what constitutes data. Schneider asked for further comment and discussion from the GC; none offered. Schneider summarized on behalf of the GC that the GC is willing to live with the re-interpretation of Whooping Crane Tracking Partnership publication language as included in a March 11, 2015 email from Aaron Pearse of the USGS to Jerry Kenny, ED.

### **PRRIP Tern/Plover Resource Allocation**

Farnsworth gave a presentation on the resource allocation memo. Schneider asked what the flow augmentation is for the on-channel habitat example. Farnsworth said 300 cfs which fits the main guilds of what are considered forage fish for terns. Hovorka asked if high flows are taking sand off constructed islands isn't the river then depositing that sand downstream in the form of new habitat. Farnsworth said that has not happened, any bars that form are very low and are not showing up as actual habitat. The previous thinking was that bars would build to the water surface elevation, but the Program is finding through its science program that bars do not build that high and are not developing as bars high enough to provide safe habitat in the channel. Williams asked if there is a chance of territorial return to the off-channel habitat. Baasch said to date we have only seen chicks return to different nest locations.

### **J2 Regulating Reservoir Update**

Kraus and Drain provided an update on the status of the J2 project. Kraus said a final report on the Jeffrey Island option is now on the J2 project web site. Hines said a Service response letter is going to Sen. Fischer today.

**Meeting adjourned at 4:51 p.m. Central Time.**



**Wednesday, March 18, 2015**

### **Welcome and Administrative**

Schneider called the meeting to order at 8:02 a.m. Central Time and the group proceeded with introductions. Kenny said after the discussion of the EA AOP the Platte Basin Timelapse will be the first presentation which is a change from the agenda.

### **U.S. Fish and Wildlife Service Items**

Hines discussed the 2015 EA AOP which is relatively the same as the 2014 AOP. The highest priority for 2015 is the spring whooping crane release that starts on March 23.

### **Platte Basin Timelapse Project**

Mike Forsberg and Michael Farrell from the Platte Basin Timelapse Team gave a presentation on the status of the project. Kenny asked if the team is looking for any other camera locations. Farrell said they still hope to get a camera at the confluence of Cherry Creek in Denver. Forsberg said most cameras will be left as long as they can but they will be moving a few cameras to new locations and that includes into the South Platte basin. Heaston asked what has been the most challenging aspect of the project over the past four years. Forsberg said one thing is the project has grown larger than first anticipated but that is a good thing. Farrell said the educational opportunities are exciting. Heaston asked about a ballpark annual cost to operate a camera. Forsberg said the camera equipment itself costs about \$4,000-\$6,000. Farrell said the technology architecture and management costs about \$250,000/year. Forsberg said these aren't just pictures but they are visual data that can be used in the future for many purposes.

### **Water Auctions**

Schneider said Nebraska is getting away from the word "auction" and is instead focusing on water rights markets. David McAdams from Duke University gave a presentation on water rights markets. Williams said in Wyoming they are seeing people wanting to come in and buy the water but they can't because the water is tied to the land. McAdams said they are working through issues like these to see if water can be sold legally. In that case, it might require a new law or regulation or other mechanism to allow water to be sold separately from the acreage that the water is "tied" to. Barels asked how groundwater and correlative rights would be handled, and does this mean groundwater would move to a first in time, first in right system. Correlative rights means that for groundwater there is equal access. Schneider said this would allow somebody to say I don't need it, and somebody else to say I will use it. There is already a market for streamflow, now we are going back to more intelligently design the market. It does not mean anyone can come in and buy up all the water on an open market, instead it is about setting up the proper qualifications for participation in the market. McAdams said this is "bidder qualification" and that will all be established before the market event. The initial market event that is being discussed would operate the same way that the current market operates between farmers that trade water rights among themselves. Schneider said the market will not allow additional reductions in streamflow. McAdams said trades that take water away from the river are not allowed and market outcomes are constrained to never allow less streamflow. Schneider said Nebraska hopes to have a market ready to go this fall. Kraus asked if there has been any thought about how this would be implemented. McAdams said it would all be online and would include sealed bids. Langan asked if any states are doing this now. McAdams said this is a novel idea and to his knowledge the concept of linking groundwater use to surface water use in a market setting has never been done anywhere.

**Wyoming Weather Modification Project**

Lawrence gave a presentation on the Wyoming weather modification project. Beardsley asked about potential effects of seeding causing less snowfall further away from the seeding area. Lawrence said so far there does not seem to be an issue with negative downwind effects of these weather modification projects. Zayac asked about expectations going forward related to how much water for streamflow might result from these efforts. Lawrence said the Bureau of Reclamation is looking into the technology, whether it makes sense, and what the impacts might be. Larger discussions basin-wide are starting to ramp up. LaBonde said current water is divided by compacts and when Wyoming talks to the other states they talk about a cooperative approach to dealing with the resulting water.

**Public Comment**

Schneider asked for public comment. None offered.

**Executive Session**

*Heaston moved to enter Executive Session; Ament seconded. GC entered Executive Session at 10:49 a.m. Central time.*

*Heaston moved to end Executive Session; Ament seconded. GC ended Executive Session at 11:33 a.m. Central time.*

Barels asked the GC to consider asking the TAC to evaluate whether there would be any issues switching land acquisition for palustrine wetlands to land acquisition for potential off-channel tern and plover habitat. **GC agreed.**

**Future Meetings & Closing Business**

Upcoming 2015 GC meetings:

- June 9-10, 2015 @ Cheyenne, WY
- September 8-9, 2015 @ Kearney, NE
- December 1-2, 2015 @ Denver, CO

2015 AMP Reporting Session:

- Summer ISAC meeting, July 14-16, 2015 @ Kearney, NE
- October 13-15, 2015 @ Denver, CO @ Warwick Denver Hotel

**Meeting adjourned at 11:37 a.m. Central Time.**

**Summary of Action Items/Decisions from March 2015 GC meeting**

- 1) Approved the December 2014 GC minutes.
- 2) Approved the tern/plover monitoring contract and re-allocated \$75,000 from PRRIP 2015 Budget Line Item PD-3 to TP-1.
- 3) Approved the sole source contract for 2015 PRRIP imagery acquisition.
- 4) Approved the process of developing a sole source contract for the hydroclimatic indices project.
- 5) Approved the Water Service Agreement with NPPD for excess flow recharge.
- 6) Approved the Technical Advisory Committee recommendation to accept the Tern and Plover Habitat Synthesis Chapters, revised by the Executive Director's Office in response to peer review comments, as FINAL. These chapters are approved by the Governance Committee as final with the understanding they will be used for decision making purposes, and with the understanding the revised chapters and



all associated peer review documents will be made available to the public and posted on the Program web site.

- 7) Approved the peer review scope of work and appointed the peer review panel for the wet meadows hydrology project monitoring approach peer review.
- 8) Agreed to support the new interpretation of publication language for the Whooping Crane Tracking Partnership.
- 9) Directed the Technical Advisory Committee (TAC) to evaluate whether there would be any issues switching land acquisition for palustrine wetlands to land acquisition for potential off-channel tern and plover habitat.