



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Land Advisory Committee Meeting Minutes
Kearney, NE
March 31, 2015

Meeting Participants

Land Advisory Committee (LAC)

State of Wyoming

Harry LaBonde – Member, Wyoming Water
Development Office
Matt Hoobler – Alternate, Wyoming State Engineer’s
Office

State of Colorado

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

State of Nebraska

Ted LaGrange – Member, Nebraska Game & Parks
Commission

U.S. Fish and Wildlife Service (USFWS)

Matt Rabbe – Member, USFWS

U.S. Bureau of Reclamation (USBOR)

Brock Merrill – Member, USBOR

Power Districts

Jim Jenniges – Alternate, Nebraska Public Power
District

Environmental Entities

Andrew Pierson – Member, Audubon Rowe Sanctuary

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

Mark Czaplewski – Member (Chair), CPNRD

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

None

Local Nebraska Rep. – Joint CPNRD/TBNRD

Jim Bendfeldt – Alternate, CPNRD

Executive Director’s Office (EDO)

Jerry Kenny, Executive Director
Bruce Sackett
Justin Brei
Jason Farnsworth

Other Participants

Justin Haahr, Nebraska Game and Parks Commission



Welcome and Administrative

Chairman Czaplewski called the meeting to order at 9:30 am Central Time and the group proceeded with introductions.

Czaplewski asked for agenda modifications, none were requested.

Czaplewski asked for the LAC's recommendation on the minutes of the November 17, 2014 meeting.

LaGrange made a motion to approve the minutes from the November 17, 2014 LAC meeting. The motion was seconded by Bendfeldt and passed unanimously.

GC Update and Other Committee Coordination Information

GC Update

Czaplewski updated the LAC on recent GC activities. The GC last met on March 17 & 18 in Kearney, NE. Chris Beardsley was introduced as Wyoming's new GC representative, assisting Brock Merrill at that meeting and eventually taking over the role. The GC received an update from CNPPID on the J-2 Reregulating Reservoir project. Sackett presented PRRIP land income and taxes for 2014. PRRIP collected approximately \$168,000 in income, and paid approximately \$154,000 in property taxes for the year. Another item of discussion was the non-complex goal numbers. Barels brought up the idea that, given the success so far of off-channel sand & water habitat and the difficulty in acquiring palustrine wetlands, that the Program might refocus the remaining 60 acres of non-complex into acquiring additional OCSW habitat. No action was taken, but the GC discussion was generally favorable to that concept and directed the TAC to discuss it further.

The next GC meeting is June 9-10, 2015 in Cheyenne, WY.

Other Committee Coordination

Kenny updated the LAC on recent WAC activities. The WAC met on February 3 in Ogallala. One item of discussion was the methodology for determining excess flows, which determines when the Program might have water available to capture for use to reach future target flows. The next WAC meeting is on May 12 and will focus on state depletion plans, and will include a tour of water facilities in the Platte River basin.

Sellers updated the LAC on recent TAC activities. The TAC held a conference call on January 9 to approve the LTPP monitoring RFP and selection panel. On February 24, the TAC met in Kearney and discussed peer review of PRRIP LTPP documents, the fall 2014 whooping crane monitoring report, among other topics. The TAC meets next on May 11 in Ogallala, NE.

General Update

Sackett updated the LAC on recent developments following the early February ice jam that occurred on the Shoemaker Island Complex. Neighboring landowners brought the issue to the Hall County Board of Supervisors, and it was discussed at their March 24, 2015 meeting. The



Program was not made aware of this issue, despite being a central landowner affected by the flooding. The EDO strongly disagrees with the position presented by the landowners, as well as their avenue of addressing the issue. The EDO will request time on the next Hall County Board meeting agenda to present the facts on record. The local landowners have also requested time on the next Central Platte NRD board agenda. The EDO has briefed CPNRD staff on the events thus far and the facts of the ice jam, and will present to the CPNRD board in the future if necessary.

Sackett then discussed the current status of the Program's land acquisition milestone using documentation provided to the LAC. Currently, the Program protects 11,126.66 acres through ownership, easements, and leases. Some of this land is designated as excess and/or involved in various trades. After completion of deals in process or excess sales, the Program will need approximately 150 acres of palustrine wetland habitat.

Land Offering Review

Rabbe moved to go into executive session with LAC members, alternates, and technical staff to review details of land offerings. The motion was seconded by LaGrange and approved unanimously. The LAC entered executive session at 9:55 a.m.

LaGrange moved to come out of executive session. Rabbe seconded and the motion carried. The LAC came out of executive session at 10:34 a.m.

Public Access Program Review

Justin Haahr from the Nebraska Game and Parks Commission presented to the LAC about the 2014-2015 Platte River Recreation Access Program and the usage of PRRIP lands for recreation. The presentation was mostly results of surveys sent to users of the PRRA program and covered types of use (hunting, hiking, etc), as well as hunting success if that was their activity. It also gave some insight into the locations where users of the PRRA program were coming from.

Rabbe then discussed the latest Public Access Subcommittee meeting and the PRRA public meeting. Rabbe said there were many supporters that showed up for the PRRA public meeting, and that the comments received during the public comment period were overwhelmingly positive. The Subcommittee met March 11 to discuss the comments received via letters or at the public meeting.

One issue was that a landowner adjacent to Area A raised a complaint, believing that the PRRA is violating the terms of an existing easement he holds on PRRIP land. Rabbe brought this to the LAC for discussion, asking first if there is basis for this claim or should the Program challenge it, and secondly should waterfowl hunting be disallowed on Area A as a result. Sackett discussed the easement details, explaining that the easement calls for PRRIP to place no "goose blinds" within 0.5 miles of the easement holder's hunting blinds, and that the easement is perpetual with the owner and his family. Jenniges asked what the Program stands to lose if the issue is contested and a lawsuit occurs. Sackett said that the easement was given to resolve a boundary dispute, so potentially the Program could lose land north of the river channel, as well as partial



management of the river channel depending how a following boundary claim was resolved. Rabbe said that he does not think it is appropriate for the Program to cater to neighbors differently than a normal private landowner's obligations. Hunting competition is not outside normal neighbor interactions and the Program should defend their rights as a landowner just as any private landowner would. Bendfeldt recommended that the Program seek legal opinion on the merit of the claims, suggesting that just giving in to threats of legal action sets poor precedent for landowner interactions. Czaplewski believes that, from the PRRIP's perspective as a manager of endangered species habitat, this is not worth the battle. Kenny said that when considering legal action, the Program would incur a timeline of 2-3 years, possibly \$30,000-\$50,000 in legal fees, and the potential outcome of lost habitat. LaBonde said that when this issue is brought to the GC for discussion, it should come with a legal opinion. LaBonde is also in agreement that the Program should not be pushed around by neighbors, saying that the easement gives explicit rights, and the Program should not allow those rights to be expanded to further encroach upon PRRIP land use.

Rabbe next discussed the use of centerfire rifles for hunting on Area E southeast of Kearney. The subcommittee is recommending that use of these high power rifles be disallowed for this area, given its proximity to the interstate and city of Kearney. Muzzleloaders and shotguns, as well as archery, would still be acceptable methods of hunting on this tract.

Rabbe said the subcommittee also recommends that the Liehs tract be added to the PRRA for 2015. Due to the proximity to structures and relatively small size of the tract (160 acres), the subcommittee recommends that this tract be acceptable for all uses except deer hunting (no rifles allowed).

LaBonde moved to recommend that the GC approve a three year extension of the current contract with Nebraska Game and Parks Commission for administration of the PRRA program. Motion seconded by Urie. LaGrange abstained (NGPC staff). Motion carried.

Rabbe moved to recommend the following changes to the PRRA program for the 2015-2016 season:

- a) **Require hunter orange to be displayed on the top of any temporary blinds or concealment used on the PRRA lands.**
- b) **Construct an additional parking area on towards the west end of Area L.**
- c) **Disallow the use of center-fire rifles on Area E.**
- d) **Add the Liehs tract to the PRRA program for all uses except deer hunting.**
- e) **Recommend that the ED Office seek a legal opinion on the Area A easement situation and forward the discussion to the GC for action.**

Motion was seconded by Bendfeld and passed unanimously. LaGrange abstained (NGPC staff).

Recommendation for 2015 and forward Work Plans

Farnsworth gave the LAC an update on the status and plan for completion of new management plans and 5-year management plan updates. The TAC is working to finalize and approve results



133 of data analysis and formation of habitat objectives, and that initial work is expected to be
134 completed this summer. The EDO will work with the LAC to organize joint LAC/TAC working
135 groups to tackle the management plan creation and updates. This iteration of the management
136 plan process will rely heavily upon the scientific analysis completed to-date.

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138 **Public Forum**

139 Chairman Czaplewski asked for public comments, none were offered.
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141 **Closing Business**

142 **The next meeting was scheduled for May 27, 2015 and will include a tour of a few PRRIP**
143 **tracts.**

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145 With no further business, the meeting was adjourned by Chairman Czaplewski at 11:45 a.m.



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM
Land Advisory Committee Meeting Minutes
Kearney, NE
May 27, 2015

Meeting Participants

Land Advisory Committee (LAC)

State of Wyoming

Matt Hoobler – Alternate, Wyoming State Engineer's Office

State of Colorado

Suzanne Sellers – Member, Colorado Water Conservation Board

State of Nebraska

Ted LaGrange – Member, Nebraska Game & Parks Commission

U.S. Fish and Wildlife Service (USFWS)

Matt Rabbe – Member, USFWS

U.S. Bureau of Reclamation (USBOR)

Brock Merrill – Member, USBOR

Power Districts

John Shadle – Member, Nebraska Public Power District (by phone)

Environmental Entities

Andrew Pierson – Member, Audubon Rowe Sanctuary

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

Mark Czaplewski – Member (Chair), CPNRD

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

Larry Reynolds – Member, TBNRD Landowner
Dave Raffety – Alternate, TBNRD Landowner

Local Nebraska Rep. – Joint CPNRD/TBNRD

John Thorburn – Member, TBNRD

Executive Director's Office (EDO)

Bruce Sackett
Justin Brei
Jason Farnsworth
Tim Tunnell

Other Participants

Justin Haahr, Nebraska Game and Parks Commission

**Welcome and Administrative**

Chairman Czaplewski called the meeting to order at 9:30 am Central Time and the group proceeded with introductions.

Czaplewski asked for agenda modifications, none were requested.

Czaplewski asked for the LAC's recommendation on the minutes of the March 31, 2015 meeting.

Merrill made a motion to approve the minutes from March 31, 2015 LAC meeting. The motion was seconded by LaGrange and passed unanimously.

GC Update and Other Committee Coordination Information*GC Update*

The GC has not yet met since the last LAC meeting.

The next GC meeting is June 9-10, 2015 in Cheyenne, WY.

Other Committee Coordination

Sellers updated the LAC on recent TAC activities. The TAC met May 11 in Ogallala, NE. They reviewed and recommended GC approval of a tern and plover breeding pair manuscript. Additionally, they discussed and approved the revised whooping crane monitoring protocol. At the last GC meeting, the TAC was requested to discuss the possibility of reassigning some non-complex acres, currently designated for palustrine wetlands, for acquisition of additional off-channel sand and water areas. The TAC's recommendation is not to give up on wetlands altogether, but the Program should seek and consider additional off-channel sand and water sites.

Sellers then updated the LAC on recent WAC activities. The WAC met on May 12 in Ogallala, NE. The J-2 Reservoir is progressing with permitting activities and land acquisition discussions. One property has been acquired by CNPPID so far. The WAC was also updated on the North Platte Chokepoint progress. The next option to be considered for the chokepoint may involve approaching landowners in the area to purchase agreements similar to flood easements.

Reynolds said that CNPPID has said that the PRRIP has not discussed the willing-seller willing-buyer means of acquiring property with them. Sellers said that this has indeed been discussed at the GC in the past, and that ultimately the PRRIP is leasing the J-2 water from CNPPID, and that CNPPID is responsible for land acquisition, construction, ownership, and operations of the reservoir. Both CNPPID and the GC would of course prefer that property is acquired through willing sellers. Reynolds asked if taxes would be paid on the land. Sackett said the GC has committed to making the counties whole for any lost property taxes, and referred Reynolds to the September 2014 GC meeting discussion.



Reynolds asked what the Program's target flow was through the North Platte chokepoint area. Brei said that the target is 3,000 cfs, which currently equates to a stage of under 7 feet. Current minor flood stage is 6.0 ft.

Reynolds asked if PRRIP has had success so far with in-channel tern and plover nesting. Baasch said that success so far has been limited, but we have dealt with both high and low water extremes over the last 3-4 years. Reynolds asked if PRRIP has considered abandoning in-channel nesting. Farnsworth said that the GC has committed to certain activities through the first increment of the Program, and has not yet discussed changes to in-channel habitat. PRRIP only begun creating in-channel habitat in 2013.

Recommendation for 2015 and forward Work Plans

Farnsworth gave the LAC an update on the status and plan for completion of new management plans and 5-year management plan updates. The TAC is still working to finalize and approve results of data analysis and formation of habitat objectives. Initial targets will likely include creation of channel widths of at least 600 feet and unforested widths of an additional 200 feet from the river bank. PRRIP already meets or exceeds this at several locations, so sweeping changes are not expected. The EDO will produce drafts of plans and updates based on the existing templates over the next few months. The LAC should expect to start seeing drafts in the August-September timeframe.

Work in Progress Update

Tunnell distributed the Work in Progress handout and gave the LAC the tract-by-tract update of upcoming work and work that has been completed to-date.

Public Forum

Chairman Czaplewski asked for public comments, none were offered.

Closing Business

The next meeting was scheduled for August 12, 2015 at 9:30 a.m. central time.

With no further business, the meeting was adjourned by Chairman Czaplewski at 11:12 a.m.