PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM (PRRIP or Program)
Governance Committee Meeting Minutes

Country Inn & Suites
Denver International Airport
4343 N. Airport Way
Denver, CO 80239
(303) 375-1105

Meeting Attendees

Governance Committee (GC) Table

State of Wyoming
Harry LaBonde – Member
Bryan Clerkin – Alternate

State of Colorado
Don Ament – Member (Chair)
Suzanne Sellers – Alternate

State of Nebraska
Jeff Fassett – Member
Jennifer Schellpeper – Alternate

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

Bureau of Reclamation (Reclamation)
Brock Merrill – Alternate

Environmental Entities
Bill Taddicken – Voting Member
Rich Walters – Voting Member
Duane Hovorka – Member

Upper Platte Water Users
Dennis Strauch – Member
Bob Mehling – Alternate
George Williams – Alternate

Colorado Water Users
Alan Berryman – Member
Kevin Urie – Alternate
Deb Freeman – Alternate

Downstream Water Users
Don Kraus – Member
Brian Barels – Member
Mark Czaplewski – Voting Member
Kent Miller – Member

Executive Director's Office (EDO) Staff
Jerry Kenny, Executive Director (ED)
George Oamek
Bruce Sackett
Chad Smith
Seth Turner
Kevin Werbylo

Audience Members
Matt Rabbe – Service
Bill Hahn
Brad Anderson
Mike Applegate
Tom Econopouly – Service
Lyndon Vogt - CPNRD
Elizabeth Miller – NPNRD

TUESDAY, JULY 26, 2016

Welcome & Administrative

Ament called the meeting to order at 2:12 p.m. Mountain Time. The group proceeded with introductions.

J2 Reservoir Project

Ament said several GC parties have been meeting lately to discuss the status of the First Increment water goals and the J2 Reservoir Project. We need to address how we are going to address our Water Milestones in a timely fashion. Kraus gave an update on activities related to the reservoir since the last GC meeting.

Merrill asked to enter into a short Executive Session to discuss legal and contractual issues related to the J2 project. LaBonde seconded. **GC entered Executive Session at 2:19 p.m. Mountain Time.**

Kraus moved to end Executive Session; Taddicken seconded. **GC ended Executive Session at 2:40 p.m. Mountain Time.**

Water Plan Update

Kenny discussed aspects of Plan A and Plan B for the Program Water Plan. Kraus asked when you do economics on slurry wall gravel pits, how many years does that include? Kenny said 50 years. Ament asked if that is because that is how J2 was projected. Kenny said yes, it is a common basis of comparison and it is a number regularly used in infrastructure projects. Ament asked how big the gravel pits be. Kenny said they will address that in the upcoming presentation.

Werbylo gave a presentation on Broad Scale Recharge. Ament asked how much water would there be at Cottonwood Ranch with the recharge projects. Werbylo said the estimate is just under 450 acre-feet. Barels asked how long it would take water to seep. Werbylo said for bermed areas about 0.3 feet/day, for excavated areas about 0.1 feet/day. The preliminary score for this project would be roughly 3,400 acre-feet. Barels asked how the groundwater model is built and whether is it built on real data. Werbylo said the model is based on real data. Hahn said there has been some drilling on the site and there is some data available from COHYST. Barels asked if all the water goes to the river or if some goes to the aquifer. Hahn said some of the water will be intercepted by evapotranspiration but most of it will go to the river. Taddicken asked if the ponding will occur during the crane migration season. Werbylo said the estimated ponding times include the spring and fall migration seasons.

Thabault asked what kind of flexibility there is to move this kind of project around to get better infiltration rates. He wondered if there has been a cost/benefit done of optimizing/maximizing location and infiltration. Kenny said that process is underway. Thabault asked if the water for this would be excess flows. Kenny said yes, this would be part of the water that would have been in the J2 Reservoir. Thabault asked about how confident we are with our projections of excess flows into the future. Kenny said with more time there likely will be better conformance between recent and historic flows, so we have good confidence in scoring projections. Hovorka asked if we know how long it will take to get a feel for the models and when we will be confident in the numbers. Kenny said the groundwater model is just now complete and we will be exercising that model. We likely will have an update for the September GC meeting. Thabault asked if we put water there and don't pump it, how do we get access to the water later? Vogt said we don't allow new uses unless they are offset so that water is protected without doing anything. The main issue is working out the details of a recovery process (i.e. reclamation well). Kenny said we will have to work out the operational details to know how much water could be pumped when at times when some of the water may have already made its way back to the river. Berryman asked if the recharge project includes buying all the land necessary

or if arrangements will be considered to share land or otherwise coordinate with other parties. Kenny said any and all options are on the table.

Applegate gave a presentation on slurry wall gravel pits. Taddicken asked what the lifespan is of a slurry wall. Applegate said 50 years or better. Thabault asked how our geology affects the prospects of this project as opposed to how it works in Colorado. Applegate said he needs to look at bore logs to get an idea of what we would be working with. He said we will need a significant number of borings to get assurance. They will leak. Kraus asked about the surface size of pits used with this approach. Applegate said there are some pits in Colorado that are 200-300 acres in size. Kraus asked about the suggested withdrawal rate. Applegate said a rapid draw-down rate of about one foot a day keeps from causing sloughing.

Turner gave a presentation updating the GC on the progress of evaluating sites for the slurry wall gravel pit approach for the Program. Rabbe asked about the range of surface acres we are talking about. Turner said so far we have assumed a maximum of one foot of drawdown a day. The size range we have looked at is up to 300 surface acres. Hovorka asked if any of these sites are existing pits. Turner said the Lindstrom site has an existing pit that could be cleaned up but the rest are prospective pits. Barels asked if there has been consideration for incorporating piping plover nesting habitat in these pits. Kenny said we will be raising and lowering water levels, likely during nesting season, and our thought now is this would not work well. Barels said we should look at tweaking the design to see if that would work. Farnsworth said one consideration is that habitat would reduce your storage capacity. Ament asked how quickly we could do a pilot project on this. Applegate said you could have a design on the ground in 6-9 months and then depending on permitting issues we could have a slurry well in the ground in two years.

Kenny asked Applegate to talk about the issue of patents related to slurry walls when used to construct a confined aquifer. There has been a patent issued on one form of a slurry wall. The original patent owners have been bought out and the new owners are not interested in pursuing patent infringement lawsuits. Hovorka asked about the timing for a broad scale recharge project like the one at Cottonwood Ranch and whether it would be two years before that project would be on the ground. Kenny said that is probably likely. Farnsworth said the permitting will be something that slows the process down. Ament said we need to push the timeline on some of these ideas to ensure we are working toward satisfying the water milestone.

Acquire and Retire

Oamek gave a presentation on the Acquire and Retire approach. Ament asked if there is a market for dryland farm ground. Oamek said there appears to be. Miller said the small percentage over a large area is correct. But, if you take X number of acres over a small school district then you might really impact a school district, fire district, library district, etc. Oamek said he agrees and we would have to have policy mechanisms in place to help with this. Miller said it will be really hard to overcome this. A second issue is going into direct competition with NRDs who are trying to deal with their offsets. Kraus said that is a principle adopted by Nebraska for the Program. Miller said a third issue is potential issues of conflicts with NRDs and land transactions that will require regular communication. Drain said there is a time limit on these changes in use. Miller said it would now be an instream flow use and that would only last for 30 years. Barels said the land would have to remain on the tax rolls as irrigated land. Kenny expressed doubt that this interpretation is correct as that is not how it has worked on previous Program acquisitions. Vogt and Miller said they would have to investigate that. Freeman said we need to get clarification on the tax issue and what this means for the likelihood of land sales.

CNPPID Leases

Kenny discussed the potential for running water lease arrangements with CNPPID for another year. Lake McConaughy is full so there will be the opportunity to run the same deal and test the theory we may get

more offers this year. We would use the same terms and not raise the price so it would be a worthwhile experiment. If the GC is interested, then Kraus needs to let his Board know of that interest so we can all start down the path.

The GC agreed to try this approach one more time.

Public Comment

Ament asked for public comment. None offered.

Meeting adjourned at 5:57 p.m. Mountain Time.

WEDNESDAY, JULY 27, 2016

Welcome and Administrative

Ament called the meeting to order at 8:00 a.m. Mountain Time. The group proceeded with introductions.

Executive Session

Merrill moved to enter Executive Session; Berryman seconded. **GC entered Executive Session at 8:07 a.m. Mountain Time.**

LaBonde moved to end Executive Session; Merrill seconded. **GC ended Executive Session at 9:19 a.m. Mountain Time.**

PRRIP Executive Session Motions

LaBonde moved and Berryman seconded to allow the Executive Director's Office to move forward with acquisition of Tract W1602. Kraus abstained. **Motion approved.**

PRRIP First Increment Extension Proposal

Discussions related to the Extension Proposal were recorded and will be incorporated into a revised draft of the Extension Proposal for discussion at the August 17, 2016 GC meeting in Denver. Please see the attached document for a record of those discussions.

Water Plan Implementation

Hovorka moved and LaBonde seconded to put the proposed J2 Regulating Reservoir Project on hold as the Program pursues other Water Action Plan opportunities, and to direct the EDO to work with CNPPID and Nebraska DNR to develop a related addendum to the existing Water Service Agreement. Czaplewski, Miller, and Kraus abstained. **Motion approved.**

LaBonde moved and Hovorka seconded to:

- *Move ahead with geotechnical testing and other components needed on potential slurry wall gravel pit sites with the intent of putting in place at least one project;*
- *Move ahead with permitting and other components needed on potential broad scale recharge project sites with the intent of putting in place at least one project. Develop a management plan for the Cottonwood Ranch broad scale recharge project that includes an evaluation of potential impacts (positive or negative) on existing whooping crane habitat.*
- *Move ahead to answer legal, financial, and other issues related to the Acquire and Retire initiative including identifying the Program's ability to control, time, and protect the water and assign appropriate scores for types of irrigated acres that could be acquired.*

- *Update the Water Action Plan to incorporate feasible new projects such as broad scale recharge and slurry wall gravel pits and bring revised Water Action Plan back to the GC for review and approval.*

Motion approved.

Future Meetings & Closing Business

Upcoming 2016 GC meetings:

- **August 17, 2016** @ Denver, CO (discuss Extension Proposal)
- **September 13-14, 2016** @ Kearney, NE (quarterly meeting)
- **November 15, 2016** @ Denver, CO (GC Special Session on FY17 Budget)
- **December 6-7, 2016** @ Denver, CO (quarterly meeting)

Upcoming 2016 ISAC meetings:

- 2016 AMP Reporting Session – **October 18-20, 2016** @ Omaha, NE

Kenny said he will be developing a press release related to the status of the J2 Regulating Reservoir Project.

Barels asked what our vision for the August 17 meeting will be. Kenny said the GC will be discussing a revised draft of the Extension Proposal and a related draft budget.

Meeting adjourned at 2:44 p.m. Mountain Time.

Summary of Action Items/Decisions from July 2016 GC meeting

1) Agreed to try the approach of CNPPID leases again.
2) Allowed the Executive Director's Office to move forward with acquisition of Tract W1602.
3) Put the proposed J2 Regulating Reservoir Project on hold as the Program pursues other Water Action Plan opportunities, and directed the EDO to work with CNPPID and Nebraska DNR to develop a related addendum to the existing Water Service Agreement.
4) Approved:

- Moving ahead with geotechnical testing and other components needed on potential slurry wall gravel pit sites with the intent of putting in place at least one project;
- Moving ahead with permitting and other components needed on potential broad scale recharge project sites with the intent of putting in place at least one project. Develop a management plan for the Cottonwood Ranch broad scale recharge project that includes an evaluation of potential impacts (positive or negative) on existing whooping crane habitat.
- Moving ahead to answer legal, financial, and other issues related to the Acquire and Retire initiative including identifying the Program's ability to control, time, and protect the water and assign appropriate scores for types of irrigated acres that could be acquired.
- Updating the Water Action Plan to incorporate feasible new projects such as broad scale recharge and slurry wall gravel pits and bring revised Water Action Plan back to the GC for review and approval.

ATTACHMENT: Notes from Extension Proposal discussion

GC Discussion – July 27, 2016
Denver, CO

Potential PRRIP First Increment Extension Proposal Negotiation Topics

TIER 1 TOPICS (fundamental issues that will drive Extension Proposal form, activities, and budget)

1. **Extension Budget Approach** – Should Extension priorities and work plan be built around a negotiated budget or should the Extension budget be dictated by a work plan?
   - Merrill – work plan needs to be built around available funding
   - Thabault – don't want to artificially constrain discussions according to an arbitrary funding level; focus on what we need to achieve and winnow from there; keep open mind about prioritization process
   - Taddicken – agree with Thabault on that point

2. **Extension Length** – Extension lengths of 10 years and 13 years have been proposed.
   - Thabault – ambivalent on 10 vs. 13 years; sooner is better; need to be able to link time to implementation of water projects (e.g. pivoting from J2 to a broader water portfolio)
   - Ament – shorter time frame might keep us from having to argue over plus-ups
   - Fassett – need more time to do what we have already committed to do
   - Barels – need to have a timeline on alternative water actions to help develop a path forward
   - Freeman – need to be informed by timeline related to mixing/matching Plan A and Plan B
   - LaBonde – 10-year period came up originally because of links to when J2 was going to come online; we have had a setback on Water Plan so 10 years may not be enough to put projects in place, do good science, report out, and design a full Second Increment
   - Merrill – will need to be closer to 13 years; at end of Extension, will have to pivot to Second Increment; have to consider processes like new EIS, new BO, etc.
   - Thabault – whatever timeline we set, we need to hit; needs to have an administrative and biological rationale (Ament – this is imperative for when we need to go to Congress for Extension funding)
   - Hovorka – thought 10 years seemed overly long at first glance; we are approaching 100,000 acre-feet in Program (80% of Water Plan in place); not all the water we want, but we can do a lot of science now with what we have; can do smaller projects more quickly without J2, may have 90% of Water Plan in place by 2019; not sure why we would need 10-13 more years to do science on top of that; hard sell to ask for 13-year Extension to do what we agreed to do in first 13 years
   - LaBonde – with 90% of water, can we reach scientific conclusions we will all be in agreement on? Does SDHF work the way we thought? Thought he heard Service say we don't have enough water to adequately test SDHF; 13 years for First Increment may have been too short or too ambitious; if we reach conclusions early, then we can start designing Second Increment, new EIS, etc.
   - Thabault – challenge for Service is bringing disparate water assets together to use at the same time to achieve purposes; that seems like it mitigates for more time to ensure we can do that

3. **Adjustments to Milestones** – Can/should First Increment Milestones be changed to incorporate Extension "enhancements" and/or to specify the schedule for Second Increment negotiations?
   - Ament – have not heard any discussion about adjustment to milestones
   - Freeman – Program document is kind of the constitution; framed in general and clear terms; sets out general timeframe for when you need to start developing and laying out Second Increment; cautious about going back and amending the Program document

- Sellers – echo those thoughts; more milestones will detract from what we are trying to get done; would need to be really clear that we need to adjust a milestone, leaning toward not adjusting them at this time
- Thabault – may be semantics; now that we are saying we need more time, then there is something to be done in addition to what we agreed to in the original document; not so much a milestones discussion, but can the Service continue to say the actions if implemented are not likely to post a threat to the species; that was the genesis of more time means some "plus-ups"
- Ament – we may find new ways to implement or do things as we put projects on the ground
- Barels – the Service is saying they need more water to test SDHF; but we have had significant flow occurrences during the First Increment and we have a lot of data; some of us look at that data and say we have some of those answers; what is it the Service needs? Are there decision criteria? That will help with knowing the timeline and how or if the AM Plan needs to be updated or changed; would be helpful if the Service would lay out the needs
- Thabault – one aspect in light of the AM context is we may have had serendipitous events but we need to have a structured, controlled release to evaluate the impacts of SDHF
- Barels – understand that, but need to know how things fit together and how we get to answers; for example, how much flow do we really need to achieve at the Choke Point (Kenny – update on this in September)

4. **New habitat acres** – Should additional complex habitat acres be acquired during the Extension? If so, how many acres?
   - Czaplewski – 10,000 acres was floor not a ceiling and we have exceeded that; probably more like 33,000 acres if you count conservation land; there is the offer to bring in the Jeffrey Island property; with budget concerns, this should not be a priority
   - Thabault – the land acquisition budget will most likely be far less for the Extension that for the First Increment; Service estimate is more like 28,000 acres of what is out there; Jeffrey Island not in a state we want to see it in for habitat value; there is a need to continue strategically focused land acquisition; looking at about 1,500 acres over the next 13 years (Gibbon to Shelton bridge segment)
   - Rabbe – made sure to not double count acres; need to have LAC and TAC sit down and analyze what acres are out there so we agree on the total acreage
   - Thabault – our thinking about 1,500 new acres is that some modest contribution to habitat acres is appropriate (based on what the Program has done and the existence of 29,000 acres of conservation lands that won't be considered until the Second Increment)
   - Walters – of conservation lands don't come online until Second Increment, that is a long time before Program management is applied to those lands (15 years)
   - Thabault – concern that conservation groups won't have dollars to continue to manage all lands to meet Program objectives from now until the Second Increment starts
   - Kraus – should think about ways we can work cooperatively with conservation groups with things like weed management, spraying, etc.
   - LaBonde – would it be appropriate to include language related to development of joint management language to address this issue during the Extension (for example, money to help clear trees); fits in with goals of ESA and goals of conservation owner

5. **Counting of conservation lands** – Should some portion of existing conservation lands be incorporated into the Program prior to the end of the Extension? Addition of 7,000 acres by 2024 and a total of 14,000 acres by 2029 was proposed (related to disposition of Jeffery Island).
   - Taddicken – Rowe is now 2,400 acres; Crane Trust is not at the table and not sure we can consider their lands; not cut and dried as to how many conservation acres we have that could be counted

- Walters – TNC lands are not free; need to have discussion about agreements made for management
- Thabault – need to know how we defined conservation lands and what the intent was for counting them
- Freeman – it was important to the conservation orgs and the Service that this Program not rely on conservation lands until it had done its contribution; thus the 10,000-acre habitat goal before counting other lands out there; no discussions at the time about the Program paying for these lands or for management on these lands; counting of the land and the terms were contemplated as a Second Increment discussion, so we need to focus on what needs done on the land during an Extension period; is there something else that needs done during an Extension
- Hovorka – recollection is that the 29,000 acres was the result of a multiplication exercise from the Service
- Czaplewski – that number came from the Joint Study
- Urie – have to recognize that some of the conservation groups like the Crane Trust have shifted in their lands and management
- Walters – just clarifying that the decision was made to not have any additional conservation land be included in the proposed Extension. If additional acres would be included in the Extension, conservation lands could be counted if under a management agreement with the Program and if that land assists in a complex or other quality habitat
- Thabault – agree that conservation lands do not count for Extension

6. **Extension water target** – Should Extension water target be a range of 130,000 – 150,000 ac-ft or 150,000 ac-ft?
   - Ament – where are we right now?
   - Kenny – original 80,000 acre-feet; 10,000 through leases and recharge; around 90,000 acre-feet total right now
   - Sellers – reiterate that we need to treat this as an Extension so we should stay flexible on the range instead of ratcheting down to a smaller range or a single number; need to show we can get there until we commit to getting to a specific number
   - Taddicken – concern is we add 10-13 years but shouldn't always be heading toward least amount we have to do; just a goal to reach the maximum number that we said we think we can do; not a plus-up, stretching to reach ultimate goal
   - Fassett – either one of Plan A or Plan B would get us over the 130,000 low end of the range
   - Freeman – where Program has had a minimum, this group has been willing to put money toward going beyond minimum (look at land); current milestone gives us a minimum but also a range to go higher
   - Walters – could think about what kind of water that is; water for management, or recharge water that is fuzzy in terms of tying it back to species? Real water you can manage is one thing for the lower end
   - Merrill – have to think about what is really important to me in terms of available budget
   - Thabault – Plan B has to achieve the water goals; if the water is not in a useable block, then the choke point becomes more important in terms of moving EA water downstream; keeping the milestone as-is is fine; need to define how water will be used and attributed to species benefits; has to be useable water to be able to do the science
   - Ament – generally in agreement with Service; disappointed that we have had extreme water events and have done research; was hoping that would have opened our eyes more; what more is there to find out?

7. **Choke point capacity** – Should the choke point capacity target be increased from 3,000 cfs to 5,000 cfs?
   - Kraus – have had big releases down North Platte River (up to 4,000); have to be careful about going above 3,000 cfs because of flooding issues
   - Thabault – need to make a concerted effort to mitigating people in the flood zone so we can use the channel the way we need to use it; if I can't push EA water through the system then that water is irrelevant
   - Kenny – previewed the choke point discussion for the September GC meeting
   - LaBonde – 3,000 cfs seems manageable but 5,000 cfs would take extraordinary improvements; not only are people flooded but there is water in basements, other ways people get wet, etc.
   - Barels – is the Service saying that 3,000 cfs is not the goal at the choke point?
   - Thabault – thought there was discussion about the need to get 6,000 cfs through the choke point to actually use the EA to help achieve SDHF and target flows; do we need to develop more in the lower basin to make up for what we can't get through the choke point; looking at outcomes
   - Kraus & Czaplewski – 3,000 cfs has always been the target capacity at the choke point, 6,000 cfs has never been a consideration.

8. **Pallid sturgeon** – Should the Extension Proposal stipulate that flows can be released to benefit pallid sturgeon? Should the Proposal stipulate pallid sturgeon research be conducted prior to flow releases to benefit the species?
   - Ament – CO is interested in research on pallids; want to make sure we don't do anything to damage sturgeon but this is a bird program and our goal is not to recover sturgeon
   - Thabault – Service is not going to agree to limitations on its use of EA water; they won't do something that doesn't have a basis; an up-front stipulation that they cannot use EA water in some way will not be acceptable
   - Kraus – we have guidelines in the Program now on coordination between the Service and the Program on how EA water will be used; need to keep communicating; trying to do an Extension that keeps the current framework in the documents as our guide
   - Freeman – the sensitivity is that we mapped out an approach on pallids; we did the stage change study; will have to talk more about the future study approach for the pallid; flow management for pallids in the view of some could be seen as getting out in front of that
   - Thabault – ESA standard is best available science; suggesting we be silent, rely on Program documents we already have; pallids are already covered by the Program; we will communicate and will get new information over the years
   - Berryman – go back to the IMRP language and make sure we do those items
   - Thabault – should invest in knowledge acquisition for pallids
   - Freeman – how do you see the framing of what we do for pallids;
   - Thabault – need to remove limitation on EA water; could say additional water resources from the Program will not be used for pallid releases until additional research and knowledge is acquired to direct use of that water
   - Hovorka – current Program document says if Service uses EA water, that counts for the Program; would not like to see preclude the use of other Program water for pallids if we decide at some point we can provide benefits for pallids; what role during the Extension will the Program play to determine what benefits the Program can provide for pallids?
   - Berryman – that's why I go back to the IMRP for the guidance

- Barels – trying to tie this to the Program document; agree the Service gets to decide how to use EA water; Program document says it will be used to reduce shortages to target flows; don't want to score things the same, use it differently, then say we need more to get to the target flows
- Thabault – have a limited amount of resources, so if we use water in a certain way that doesn't give us the authority to come back for a second bite at the apple
- Barels – we need to know what we are using the water for

9. **Target flows -** How should AMP revisions and testing of target flows be addressed in the Proposal?
   - Rabbe – comments related to the timing of investigating these; originally laid out that we would investigate this all in the next few years and then implement in the Extension; need to state that during the Extension we would look into these
   - Kraus – don't want to miss this part of it in the Extension; as we bring more water projects on, helpful to inform us on next steps
   - Barels – don't have a problem with this, but the sooner we undertake this task, the sooner we would know there are unanswered questions

TIER 2 TOPICS (significant issues that could potentially be addressed in the Extension Proposal or outside of the Proposal through existing Program Document language and/or committee and work planning processes)

10. **Willing buyer/willing seller** – Should the Proposal document contain language specifying willing buyer/seller approach applies to lands acquired by the Program for WAP projects?
    - Merrill – this is one of the things codified in the federal legislation and I don't see that changing
    - Ament – this has been the feeling around the table for a long time
    - Freeman – should we single this out or just assume the Program document language remains controlling
    - Ament – might be helpful to reiterate as we try to get more money for the Extension
    - Thabault – if this is what it takes to continue to get resources for the Program then we are all for it
    - Kenny – the current language focuses on the Land Plan, this language will expressly be tied to the Water Plan
    - Fassett – be clear about it, don't muck it up as we move into finalizing the Extension

11. **Disposition of Jeffery Island** – Should Jeffery Island (4,100 ac) be added to the Program through a sponsorship agreement with CNPPID?
    - Thabault – Service is OK bringing it in, but need to have a conversation about how it counts; not sure it meets habitat objectives in current state; would need to do a lot of management at least in part to bring it into Program objectives for habitat
    - Rabbe – also worth considering disposition of other properties so there needs to be a clear recognition that there will be a considerable amount of work required to bring it up to a level meeting habitat objectives; will need discussion at the LAC
    - Ament – decision seems to be to handle it through the existing process
    - Urie – given dialogue over budget constraints, it will take management dollars to bring this land up to objectives and how might this impact available funds to get the water projects online; the Service said they would like to see an additional 1,500 acres (Thabault/Rabbe – already planned on this, we are talking about 1,500 new acres)

12. **Depletions Plans** – Should the Proposal document specify changes to depletions plans and/or specify that the Nebraska Depletions Plan be updated to prohibit trans-basin diversions and/or other consumptive use of excess flows?
    - Hovorka – issue is 20 years ago the Service said here are our target flows, excesses, deficits; said we needed 417,000 acre feet; instead put First Increment in place, depletions plans to protect water, Water Plan to restore some of those flows; some language in Nebraska's plan restricting storage of those excess flows; concern is several new proposal to take excess to target flow flows and use them for things like trans-basin diversions; concern is if we do a 10 or 13 year Extension and learn we need more water over the 130,000-150,000 acre feet it won't be available; wanted to consider putting in protections for those excess flows
    - Fassett – there is a lot of talk but no applications to move water; there is a lot of state law that applies; have allowed the Program to use excesses for groundwater recharge
    - Miller – our board is totally opposed to moving water to the Republican
    - Kraus – Nebraska law allows these transfers and it is up to state law to follow the process and meet the public interest test
    - Drain – all three states have depletion plan to prevent cutting out the floor for target flows; Nebraska's very clearly intended to allow Nebraskans to have access to excesses to target flows
    - Thabault – Nebraska needs to go back and see how new water project plans impact the Nebraska depletion plan

13. **Sediment augmentation** – Should the Proposal document specify sediment augmentation as a management action?
    - Taddicken – all the proposals we are looking at are highly dependent on sediment so taking it out is the wrong way to go; can't take it off the table, we have a sediment deficit
    - Thabault – need to keep it on the table
    - Ament – this is still one of the management choices
    - Kraus – you are doing it under AM now
    - Taddicken – ok not being in this document, just don't take it off the table
    - Ament – will address this through existing Program document language

TIER 3 TOPICS (issues that can be addressed outside of the Extension Proposal through existing committee or work planning processes)

14. **Selling of marginal Program habitat lands** – Should the Extension proposal direct the Program to consider selling marginal habitat lands and using money to purchase high priority lands?
    - LaBonde – Program has capability now, continue to consider it; not sure it needs to be explicitly stated
    - Taddicken – would those lands be required to go through LAC for marginal determination? Kenny – that is how it has been working and I would see that continuing
    - Hovorka – if we have prioritized lands we have, don't necessarily have to sell them but if we find a gold standard property we could buy that and then sell off property at the bottom of the list
    - Farnsworth – work item to prioritize Program land holdings

15. **Requirements for crediting conservation lands** – Should the Extension proposal dictate that improvements to conservation lands be required in order for those lands to be credited?
    - Taddicken – conservation lands are for Second Increment; this is not a consideration for Extension

16. **Review of conservation lands** – Should the Extension proposal dictate a review of the amount, use, distribution and characteristics of all conservation lands be conducted to guide future land acquisition, management, and consideration for crediting?
    - Walters – covered by previous discussions
    - Thabault – doesn't need to be in Extension document, need clear guidance from GC for LAC and TAC to work on this

17. **Grassland restoration investigation** – Should the Extension proposal specify an investigation to identify potential for improving quality of grasslands to reduce negative impacts to other at risk species?
    - Freeman – is this a non-target species issue? Farnsworth – yes
    - Thabault – we ought not do something that will be bad for something else
    - Walters – captured in existing process with evaluation of quality of acres and current ownership

18. **Success or failure of short-duration high flow (SDHF) releases** – Should Extension proposal contain language describing the potential success or failure of this management action?
    - Thabault – need to keep door open through AM process for this management action