



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Nebraska Field Office  
203 West Second Street  
Grand Island, Nebraska 68801

August 23, 2016

**FWS-NE: 2016-162**

Dr. Jerry Kenny  
Platte River Recovery Implementation Program  
4111 4th Avenue, Suite 6  
Kearney, NE 68847

**RE: 2016 Platte River Recovery Implementation Program Milestones Report**

Dear Dr. Kenny:

The enclosed document represents a formal assessment of the Platte River Recovery Implementation Program's (PRRIP or Program) progress toward meeting the milestones described in the 2007 Program Document, through calendar year 2015. The United States Fish and Wildlife Service (Service) uses the PRRIP 2013 and 2014 Bi-annual Report in combination with other available information to complete the assessment. The Service has not been provided a formal report for use in assessing milestones throughout the first nine (9) years of PRRIP implementation; instead, we have used the biannual reporting process to assess progress made. The Service is committed to providing bi-annual reports assessing progress in achieving the PRRIP milestones as described in the October 24, 2006, Program Document. Our last report was provided in 2014.

The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA); 2) Fish and Wildlife Coordination Act (FWCA); 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act. The National Environmental Policy Act requires compliance with all of these statutes and regulations. It should be noted the Service and PRRIP staff have successfully worked together since the inception of the PRRIP to maintain compliance with these federal laws.

The PRRIP has made considerable progress over the last two years despite encountering many obstacles, uncertainties, and constraints, many out of the PRRIP's control. We look forward to continued cooperation in the future to ensure ESA compliance as well as progress on many important facets of the Programmatic Biological Opinion (PBO), including the reasonable and prudent measures and conservation recommendations. The

Service is committed to providing the necessary resources to facilitate successful PRRIP implementation.

Communication and collaboration between the Executive Director's Office, stakeholders from the states of Colorado, Nebraska, and Wyoming, and the Department of Interior has provided an excellent template nationwide for effective conservation through collaboration and the implementation of adaptive management. The PRRIP also serves as a model for recovery of threatened and endangered species and the ecosystems they depend upon. To date, we are encouraged with many facets of the PRRIP and are confident in the continued progress toward meeting milestones and maintaining ESA compliance during the first increment. We remain optimistic about the future and look forward to assisting with implementation for the remainder of the first increment. As the first increment progresses toward the scheduled December 31, 2019 end date, the Service is committed to working with the PRRIP and its stakeholders to explore the entire suite of available options and develop a path forward capable of providing ESA compliance beyond the first increment.

If you have any questions or comments please contact me at (308) 382-6468, extension 204, or by e-mail at [eliza\\_hines@fws.gov](mailto:eliza_hines@fws.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eliza Hines', with a stylized flourish at the end.

Eliza Hines  
Nebraska Field Supervisor

Enclosures

*Enclosure 1* - Service Comments on the PRRIP Bi-Annual Report for 2013 and 2014 and assessment of progress on the PRRIP milestones through 2015

## ENCLOSURE 1

### U.S. Fish and Wildlife Service Comments Assessment of Progress on the Platte River Recovery Implementation Program Milestones through 2015

#### I. Background

On June 16, 2006, the U.S. Fish and Wildlife Service (Service) issued a programmatic biological opinion (PBO) for the Platte River Recovery Implementation Program (PRRIP or Program) and water-related activities<sup>1</sup> affecting flow volume and timing in the central and lower reaches of the Platte River in Nebraska. The action area for the PBO included the Platte River basin upstream of the confluence of the Platte River with the Loup River in Nebraska, and the main stem of the Platte River downstream of the Loup River confluence.

The Federal Action addressed by the PBO included the following:

- 1) funding and implementation of the PRRIP for 13 years, the anticipated first increment of the PRRIP; and
- 2) continued operation of existing and certain new water-related activities<sup>2</sup> including, but not limited to, U.S. Bureau of Reclamation and Service projects that are (or may become) dependent on the PRRIP for Endangered Species Act (ESA) compliance during the first 13-year stage of the PRRIP for their effects on the target species<sup>3</sup>, whooping crane critical habitat, and other federally listed species<sup>4</sup> that rely on central and lower Platte River habitats.

The Program Document, dated October 24, 2006, became effective January 1, 2007, after the governors of Colorado, Wyoming, Nebraska and the Secretary of the Interior signed the agreement. The document was developed to guide implementation of the PRRIP

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<sup>1</sup> The term “water-related activities” means activities and aspects of activities which (1) occur in the Platte River basin upstream of the confluence of the Loup River with the Platte River; and (2) may affect Platte River flow quantity or timing, including, but not limited to, water diversion, storage and use activities, and land use activities. Changes in temperature and sediment transport will be considered impacts of a “water related activity” to the extent that such changes are caused by activities affecting flow quantity or timing. Impacts of “water related activities” do not include those components of land use activities or discharges of pollutants that do not affect flow quantity or timing.

<sup>2</sup> “Existing water related activities” include surface water or hydrologically connected groundwater activities implemented on or before July 1, 1997. “New water-related activities” include new surface water or hydrologically connected groundwater activities including both new projects and expansion of existing projects, both those subject to and not subject to section 7(a)(2) of the ESA, which may affect the quantity or timing of water reaching the associated habitats and which are implemented after July 1, 1997.

<sup>3</sup> The “target species” are the endangered whooping crane (*Grus americana*), the Interior least tern (*Sternula antillarum*), the pallid sturgeon (*Scaphirynchus albus*), and the threatened northern Great Plains population of the piping plover (*Charadrius melodus*).

<sup>4</sup> Other listed species present in the central and lower Platte River include western prairie fringed orchid (*Platanthera praeclara*), American burying beetle (*Nicrophorus americanus*), and Eskimo curlew (*Numenius borealis*).

throughout the 13-year first increment. During this first increment, progress toward meeting the PRRIP objectives for ESA compliance purposes will be measured through the achievement of the ten “milestones<sup>5</sup>.”

The PBO<sup>6</sup> describes the process the Service will use to review progress toward meeting PRRIP milestones.

*“As part of the Program’s annual review process, the Service will evaluate the Program’s land, water, and administrative accomplishments in order to track progress and provide information to be used by the Governance Committee (GC) and the Service during the first increment. The framework of the Service’s reviews of the Program will be based, in part, on the information provided in the Milestones Document<sup>7</sup>. The milestones and explanatory language will serve as a means to track Program accomplishments during the first increment. As part of the annual review process, the Service will also consider other measures of progress. Examples include, but are not limited to:*

- *Progress toward the integration of the implementation of the land and water management activities to assist in restoring system processes through the acquisition and restoration of habitats and implementation of water projects.*
- *In the event individual projects identified in the Water Action Plan are determined to be not feasible through the reconnaissance, planning, and implementation processes, a replacement project of equivalent or greater water yield is described, and a feasibility report for that proposed substitute project is submitted to the GC for approval within one year of the date a project was determined not feasible.*
- *Habitat restoration and management plans are developed and implemented within approximately one year following the acquisition of each parcel of land by the Program.*
- *The GC will select and enter into an agreement with a land interest holding entity within six months following the date of Program implementation.*
- *Protection and restoration of land into habitat complexes is occurring in a timely manner (e.g., on an average annual basis through the end of year 9, acquisition of approximately 676 acres per year would be needed to procure the remaining 6,080 acres land for restoration into habitat complexes).*
- *Site specific plans for each land and water action are developed during the planning phase of the proposed project before any on-the-ground management occurs.*

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<sup>5</sup> Milestones Report, PRRIP Document, p. 3-4

<sup>6</sup> See pg. 49

<sup>7</sup> See Attachment 2 of the Program Document

*Concerns or shortcomings regarding Program implementation and accomplishment will be formally conveyed by the Service to the Executive Director for inclusion in the draft annual report to the GC regarding Program progress and plans for the coming year. The Service will also review and provide comments to the Executive Director regarding the content of each draft annual report that will be provided to the GC for its consideration and approval.”*

In the Service’s 2014 Milestones Report, we stated:

*“In the past, the Service has used the Bi-Annual Report as the mechanism for assessing the PRRIP’s progress toward meeting these milestones. While we understand the report was not intended primarily for this use, until we are provided additional reporting mechanisms, we will continue using this report in our assessment. Because the Bi-Annual Report is general in nature given it’s intended audience (the public, GC, Independent Science Advisory Committee [ISAC], etc.), we recommend consideration be given to more detailed PRRIP progress reporting through a separate report if the PRRIP does not wish to expand on the Bi-Annual Report.”*

The Service has not received a formal report solely intended for use in assessing the PRRIP milestones. We urge the PRRIP to consider providing this in the future. In absence of this, we continue to use the PRRIP Bi-Annual Report. The 2013 and 2014 Bi-Annual Report (Bi-Annual Report) submitted by the PRRIP and the Service’s response serve as the basic framework for reporting on milestones and verifies progress made by the PRRIP toward achieving goals and objectives as described in the Program Document. The Service has received the supplemental information (e.g. cumulative take estimates under PRRIP implementation) the Executive Director’s Office (EDO) provided in response to a variety of comments and requests within the draft 2016 Milestones Report the Service distributed. We will continue working with the PRRIP in preparation of our 2018 Milestones Report to incorporate this as well as any other supplemental information provided in the future.

## **II. Land**

The Land Plan contained within the Program Document was developed to provide guidance in implementing the land component of the PRRIP. Milestone 5 requires implementation of the Land Plan to protect and, where appropriate, restore 10,000 acres of habitat by no later than the end of the first increment. Through 2015, the Program has acquired or managed (through lease, fee title or sponsorship agreement/management agreement) approximately 12,000 acres. The Service commends the PRRIP on successful acquisition and/or management of land within the first nine (9) years. The complex and non-complex lands acquired and/or managed to date provide a solid foundation for land management and restoration activities which future efforts can maintain and improve upon. A number of these complexes will need to undergo initial restoration or management in the near future while others are due for an evaluation of past, ongoing, and future management through an update to the complex restoration and management plans. The Service is pleased with efforts and progress made by the PRRIP in the last few years to strategically seek out, evaluate, and acquire additional high

priority tracts of land, as requested by the Service. These new land acquisitions formed the foundation of a new complex (Pawnee Complex) and are located in what we consider one of the highest priority bridge segments (Kearney to Odessa) remaining.

We recognize that the PRRIP has now met and exceeded the 10,000 acre milestone objective, which is to be commended. We also recognize that due to multiple PRRIP acquisitions of conservation lands owned or managed prior to 1997, the GC committed to using 10,000 acres as a “floor” for acquisition and management, not a “ceiling”<sup>8</sup>. The Service appreciates recent efforts to build upon the “floor” by developing a new complex in a previously unmanaged high priority bridge segment. We look forward to working together with the PRRIP to restore and improve habitat conditions within this and other complexes.

The Service supports pursuing additional opportunities to acquire, manage, or restore high priority land and habitat; we urge the PRRIP to be open-minded and flexible with respect to acquiring or managing additional land, particularly if the need or right opportunity arises. Opportunities to purchase high priority properties may only come about once in a generation. While acquisition within remaining priority areas remains challenging and elusive, we believe this is still vitally important and should continue to be considered during the remainder of the first increment. Past, ongoing, and future efforts related to land acquisition and management will further fulfill the intent of both the first increment milestones and the long-term land target objective. This will assist in providing the non-water related benefits to the target species as the PRRIP continues to make progress on other water related milestones.

#### Public Access

In 2011, the PRRIP began allowing public access on PRRIP lands through implementation of the Platte River Recreation Access (PRRA) Program; this was done by contracting with Nebraska Game and Parks Commission to manage day-to-day operations and enforcement of recreation on PRRIP property. The PRRA Program was chosen by the Department of Interior as a key component of the “America’s Great Outdoors Initiative.” To date, 16 high quality properties (combined into 14 unique use areas) totaling approximately 6,200 acres on or near the central Platte River provide multiple outdoor opportunities available to the general public on a limited basis. As additional properties are added, this unique opportunity for the public will continue to improve. With very little public land open to hunting, fishing and outdoor recreation (comprising 2-3 percent of Nebraska’s total land area), the PRRA Program has greatly increased outdoor recreation opportunities where they are needed most. The PRRA Program continues to provide a model for blending public outdoor recreation opportunities with managing/protecting threatened and endangered species habitat without adverse effects. The PRRA Program has received overwhelmingly positive feedback from those who have benefited from these outdoor opportunities. As we have in the past, we support and encourage the PRRIP to continue increasing the amount of land available to the public where the opportunity exists. In addition to providing

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<sup>8</sup> See our February 14, 2014, Milestones Report for further information regarding the “floor not a ceiling.”

benefits to the general public, the PRRA Program is one of the best and most powerful outreach and education tools available for the PRRIP.

### **III. Water**

The Water Plan contained within the Program Document provides a roadmap for projects and strategies to meet the overall Program goal of reducing shortages to Service target flows by 130,000-150,000 acre-feet per year (af/yr). A number of the PRRIP milestones are specifically tied to the Water Plan and there have been a number of successes. As previously mentioned in our 2011 and 2014 Milestone Reports, Milestones #1, #2, and #3 have all been completed as described within the Milestones Document. However, while not required as part of the milestones related to ESA compliance, a sub-component of Milestone #2 (specifically, Milestone sub-component #2.3) has not been completed and further investigation is needed. It is unclear if Tamarack water is protected from the Colorado border to the associated habitat area. Additionally, the effectiveness of this strategy to accomplish Program objectives has yet to be assessed as described in the milestone. We recommend using the Bi-Annual Report (or another report as mentioned previously) to further document progress in meeting Water Plan milestones.

#### Reducing Shortages to Target Flows

Progress continues on the Water Action Plan (WAP); we are concerned that the target of reducing water shortages by 50,000-70,000 af/yr (Milestone #4) will not be achieved by the end of the first increment. In 2013, PRRIP members agreed to build the J-2 Regulating Reservoir Project (J-2 Project), which has potential to provide both benefits and a large portion of the WAP target. However, recent cost increases related to the J-2 Project have increased uncertainty related to the project's future. At a GC meeting held in July 2016, it was determined that the J-2 Project would be put on hold, further increasing the uncertainty surrounding future implementation.

Another sub-component of Milestone #4 (Milestone #4.5) has also not been achieved. This milestone calls for the WAP to be capable of providing at least an average of 25,000 af of shortage reduction to target flows by the end of Year 8 of the first increment. The uncertainty with respect to construction of the J-2 Regulating Reservoir has resulted in not reaching this milestone. To date, the Program has fully implemented and scored two WAP projects: Phelps County Canal Groundwater Recharge and the Pathfinder Municipal Account. The total score for the two projects is 6,700 af. The Program does have many projects in various stages of implementation and scoring and new water projects to meet milestone #4 targets are under development; however, it remains unclear when the 25,000 af target will be reached.

The Service is concerned with the prospect of the PRRIP falling short of achieving its water goals before the end of the first increment. We acknowledge that financial limitations may also affect the PRRIP's ability to meet its water goals. We remain committed to working with the PRRIP to develop a path forward in regards to successful implementation and ESA compliance throughout the remainder of the first increment and continuing into the future. Ultimately, we will continue working together to investigate how the PRRIP water contributions contributes toward the common goal of securing

defined benefits for the target species, their associated habitats and the Platte River ecosystem to assist in their conservation and recovery.

#### Depletions Plans

The states of Colorado, Nebraska, and Wyoming have made excellent progress in the development and implementation of their respective new depletion plans (Milestone #7, #8, and #9). Through 2015, 161 depletions projects have relied on the PBO and the PRRIP for ESA compliance using the streamlined tiered consultation process. The depletions plans for Colorado and Wyoming are currently operational. However, while the states' efforts are to be commended, uncertainty exists regarding Nebraska's new depletions plan and its capability to offset new depletions if the J-2 Project is not completed. In future PRRIP milestone documents, the Service suggests the itemization of obligations in the respective state depletions plans and whether these obligations have been fulfilled.

Development of specific actions or mechanisms to offset depletions within the Federal New Depletions Plan is ongoing within Nebraska and Wyoming, though to date, there has not been a need for federal depletions offsets in those respective states. Each state has agreed to secure up to 350 acre-feet of water annually, if needed, to offset new federal depletions in each state with the understanding new federal depletions in cumulative excess of 1,050 acre-feet will not be in compliance with the BO. In Colorado, mechanisms and offsets have already been secured through the development and implementation of memorandum of understanding/agreement with multiple federal agencies. We commend the State of Colorado for successful development and implementation of their federal depletions plan.

#### Channel Conveyance and High Flow Events

Channel conveyance at the North Platte and Kearney chokepoints severely limits the Service's ability to use Environmental Account (EA) water for a variety of water releases, including implementation of a short duration high flow (SDHF) or similar magnitude event. The Service commends the PRRIP for past efforts to improve the North Platte and Kearney chokepoints. We acknowledge that continued efforts will be needed to achieve the intended effect but that unintended delays in implementation may occur that are beyond the PRRIP's control. The chokepoint was briefly discussed within the Bi-Annual Report and we encourage the PRRIP to expand upon this if applicable in the future and summarize progress toward achieving Section III.E.2.d requirements of the Program Document. Peak flows are known to be a valuable component of maintaining system processes, which support target and other trust species' habitat on the central Platte River. The Service believes that SDHF releases, the Service's pulse flow releases, or similar natural peak flow events are capable of improving or maintaining important components of target species habitat (throughout the entire associated habitat reach [AHR]) and the ecosystem they depend upon over conditions that would exist in absence of those flow events. We are currently unable to release water at the magnitude of a SDHF due to channel capacity limitations. These same limitations contribute to the Service's inability to consistently deliver 800 cfs to the associated habitat area during the irrigation season and limit the Service's ability to release water during the May-June pulse release. Uncertainty surrounding the J-2 Project (anticipated to assist in achieving



SDHF magnitude releases), which is now on hold, further increases the importance of improving the conditions at the choke point to allow for improved channel capacity. In absence of assistance from other WAP projects in providing water for such flow events, a higher capacity at the choke point may be needed to both achieve the Service's desired flow releases and improve our ability to use the EA.

#### **IV. Adaptive Management**

The PRRIP has managed uncertainty through the application of adaptive management (AM). Multiple studies have been undertaken and additional studies are planned in an effort to reduce uncertainty. Additionally, the PRRIP has made considerable progress in assessing scientific data and using AM to guide future implementation. The development of documents such as the "State of the Platte Report," as well as tern, plover and whooping crane synthesis reports [in chapters targeted for publication or peer review] has facilitated open dialog and critical thinking about the role of science in decision making. We are encouraged that the PRRIP has emphasized peer-review and publication of scientific papers. The Service believes this is a necessary step in ensuring the best available science is used for decision-making.

The PRRIP has accumulated a large amount of scientific information and is successfully working to analyze the data and assess it. This will prove to be an important step moving forward with the implementation of AM. Recently, the PRRIP has begun using structured decision making as a mechanism for evaluating alternatives and integrating science and policy into decision-making (specifically related to least tern and piping plover reproduction). This approach proved successful in allowing the PRRIP to move forward with tern and plover management decisions for the remainder of the first increment. While it is unknown whether this process will work for other aspects of the PRRIP, it seems a useful tool that could be applied to other areas of uncertainty and will help in completing the final stage in the adaptive management cycle (adapting).

#### Flow Sediment Mechanical (FSM) Strategy Implementation

The current inability to implement SDHF events limits the Program's capacity to conclusively assess the ability of these events to create and maintain habitat for the target species. While the PRRIP was able to answer questions related to the ability of SDHF to create and maintain suitable nesting islands for terns and plovers, uncertainty remains regarding the effects of near annual SDHF's on channel maintenance and vegetation encroachment. The Service is committed to investigating and implementing a strategy that uses a variety of flows to naturally maintain ecosystem functions throughout the entire associated habitat area. While we acknowledge a mechanical component will likely be required in many locations, a strategy that does not include flow management is incapable of improving and maintaining habitat conditions and ecosystem processes throughout the entire AHR.

In absence of increased channel capacity and the ability to implement a SDHF, the Service will continue assessing different ways to use the EA for flow releases. However, we recommend continuing to focus on implementing projects (e.g., resolving issues at the North Platte chokepoint) that would allow flow releases of 5,000 cfs initially, and 8,000

cfs ultimately. The emphasis on higher magnitude peak flows becomes important as recent investigations conducted by the Executive Director's Office (EDO) reveal that the combination of mechanical intervention (disking, herbicide) and the annual high flow appear to be the key components in determining unvegetated channel widths every year. We support continuing to monitor and learn from natural flows. Additionally, in the absence of the ability to release flows of 5,000-8,000 cfs, we support evaluating the success of other flow releases of varying magnitude, duration and timing but caution that conclusions related to a simple success or failure should be avoided. Conversely, the intent of these flow releases should be to investigate how these flows of varying magnitude, duration, and timing can improve habitat conditions on the Platte River in the near- term and long-term.

In 2012, PRRIP began successfully augmenting sediment into the river at two locations through implementation of a pilot scale project. The Service recommends continuing to implement sediment augmentation and believes any efforts that increase the abundance of sediment in the central Platte River are beneficial in creating and maintaining habitat. Effects of sediment deficits as well as augmentation occur at a very fine scale over a very long period of time. Detecting changes resulting from sediment augmentation may be expensive, challenging, and there is uncertainty as to the amount and locations needed. The Service supports continuation of existing efforts at the Plum Creek Complex, though a re-examination of the size, amount and location (within the AHR) may be warranted after sufficient time has passed to ensure the goals and purposes of sediment augmentation are being met.

#### Managing Flow and the Pallid Sturgeon

Significant uncertainty still exists related to pallid sturgeon, the stage change study, and a path forward. We will continue to work with the PRRIP to reduce the uncertainty surrounding the pallid sturgeon in the future to ensure the PRRIP continues to act as an agreement to offset the impacts of federal water-related activities on federally listed species in the Platte River basin above the Loup River confluence.

We provide the following suggestions as a means to achieving this goal. We recommend the PRRIP hold a symposium with experts in the field of pallid sturgeon biology and ecology as well as river processes and geomorphology. The scientific panel could assist in reviewing all existing information pertinent to pallid sturgeon and the relationship of the PRRIP operations to pallid sturgeon in the Platte River.

### **V. Incidental Take Reporting and Reasonable and Prudent Measures**

Section 9 of ESA and federal regulations pursuant to section 4(d) of ESA prohibit the take of endangered and threatened species without special exemption. The PRRIP was issued an incidental take statement as a supplement to the PBO<sup>9</sup>. The incidental take statement outlined a process for reporting incidental take. In the two previous milestones letters, we recommended PRRIP provide an annual report of all forms of incidental take or a report that documents an absence of incidental take. While PRRIP may not wish to

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<sup>9</sup> page 309

use the Bi-Annual Report for this type of reporting, we recommend submitting the information independently or using another report to address this and other suggestions included within this letter. Currently, PRRIP is using the annual species reports to indicate any incidental take, which is not all inclusive of the requirements detailed in the PBO (see Service response to the 2009 and 2010 Bi-Annual Report for a list of the suggested components of incidental take reporting). Additionally, reasonable and prudent measures were developed and included within the incidental take statement for each species and we believe PRRIP has been successful in adhering to these measures.

## **VI. Fish and Wildlife Coordination Act**

The FWCA (FWCA; 48 Stat. 401 as amended; 16 U.S.C. 661 *et seq.*) provides a basic procedural framework for the orderly consideration of fish and wildlife conservation measures in Federal and federally permitted or licensed water development projects. According to Section 2 (a) of the FWCA, whenever any water body is proposed to be controlled or modified for any purpose by a Federal agency or by any public or private agency under a Federal permit or license, that Federal agency is required first to consult with the wildlife agency (i.e., Service or head of state fish and wildlife agency as specified under FWCA) with a view to the conservation of fish and wildlife resources in connection with that project.

The final “January 26, 2006, FWCA Report: Platte River Recovery Implementation Report” (2006) was developed as part of the PRRIP final Environmental Impact Statement to ensure consideration was given for the conservation of fish and wildlife resources in Nebraska, Colorado, and Wyoming. The GC, acting on behalf of the lead federal agency, is responsible for ensuring that FWCA resources are receiving consideration. As we have in the past, the Service recommends that the PRRIP staff, the GC, and the PRRIP subcommittees review recommendations in the PRRIP FWCA to ensure FWCA resources are considered as actions are developed and implemented. The Service, through assistance on the PRRIP subcommittees, will continue to provide technical assistance and recommendations related to the FWCA.

## **VII. Conservation Recommendations**

Section 7(a)(1) of ESA directs Federal agencies to utilize their authorities to further the purposes of ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of an action on listed species or critical habitat, to help implement recovery plans, or to develop information. Conservation recommendations are provided in the PBO (pages 328-329) for possible accomplishment by the PRRIP. We encourage the PRRIP to continue making progress on these conservation recommendations in the future.

## **VIII. Literature Cited**

Platte River Recovery Implementation Program document. 2006.

U.S. Department of the Interior. 2006. Platte River Recovery Implementation Program Final Environmental Impact Statement.

U.S. Fish and Wildlife Service. 2006. Fish and Wildlife Coordination Act Report: Platte River Recovery Implementation Program.

U.S. Fish and Wildlife Service. 2006. Biological opinion on the Platte River Recovery Implementation Program.

## ATTACHMENT 2

## Numeric Milestones Progress Checklist

1. *The Pathfinder Modification Project will be operational and physically and legally capable of providing water to the Program by no later than the end of Year 4 of the First Increment.*

Progress through 2015 - Completed



2. *Colorado will complete construction of the Tamarack I and commence full operations by the end of Year 4 of the First Increment.*

Progress through 2015 - Completed



Milestone 2.3 needs to be addressed. The Service is concerned that the water is not protected, and the "effectiveness of this strategy to accomplish Program objectives" has not been assessed yet.

3. *CNPPID and NPPD will implement an Environmental Account for Storage Reservoirs on the Platte System in Nebraska as provided in FERC licenses 1417 and 1835.*

Progress through 2015- Completed



4. *The Reconnaissance-Level Water Action Plan, as may be amended by the Governance Committee, will be implemented and capable of providing at least an average of 50,000 acre-feet per year of shortage reduction to target flows, or for other Program purposes, by no later than the end of the First Increment.*

Progress through 2015 – Incomplete



Significant issues need resolution. The goal of reducing target flow shortages by 25,000 af by the end of year 8 was not achieved. Significant progress is needed to achieve the milestone of 50,000 af within the first increment.

5. *The Land Plan, as maybe amended by the Governance Committee, will be implemented to protect and, where appropriate, restore 10,000 acres of habitat by no later than the end of the First Increment.*

Progress through 2015 – Completed



The Service recommends continuing efforts (in accordance with the “floor not a ceiling policy”) to strategically seek out, acquire and/or manage (lease or management agreement) new high priority tracts of land when the opportunity arises.

6. **The Integrated Monitoring and Research Plan, as may be amended by the Governance Committee, will be implemented beginning Year 1 of the Program.**

Progress through 2015 - Completed



7. **The Wyoming Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Progress through 2015 - Completed



8. **The Colorado Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Progress through 2015 - Completed



9. **The Nebraska Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Progress through 2015 – Incomplete



Additional information is needed to verify the status of this milestone. While Nebraska’s Depletion Plan is being implemented, it is unclear if Nebraska has secured the water offsets needed to fulfill obligations described in the Depletions Plan as Nebraska was relying on the J-2 Project, which is indefinitely on hold, to offset new depletions. Uncertainty surrounding the J-2 Project requires Nebraska to secure offsets.<sup>10</sup>

<sup>10</sup> Nebraska Depletions Plan, Section IV: “By December 31, 2008, the state (or other responsible person or entity when applicable) will (a) put into place the measures necessary to offset in amount, timing and location then existing depletions to target flows and to state-protected flows caused by new water uses that are not subject to the Federal Depletions Plan and are begun between July 1, 1997 and December 31, 2005 and/or (b) will indicate the extent to which it intends to rely on water from one or more Program water projects that have not yet been completed but for which yields are reserved by Nebraska for the purpose of providing such offsets. To the extent that option (b) is utilized, the state shall at the same time demonstrate its preparedness to assume its proportionate share of the responsibility to complete that Program project. In the event that it is determined by the Governance Committee that a Program water project relied upon by Nebraska under option (b) either will not be implemented at all or that the operational date for such project

**10. The Federal Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Progress through 2015 - Completed



Colorado is to be commended for development of the Memorandum of Understanding/Agreement with multiple federal agencies, providing a mechanism to offset federal depletions. There has not been a need for offsets in Nebraska or Wyoming to date as federal depletions projects within those states have not occurred.

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will be delayed by more than two years past the operational date projected by the Governance Committee at the end of Year 3 of the First Increment, Nebraska will, no later than two years after such originally projected operational date, implement such other interim or permanent offset measures as are necessary to fulfill its extant offset obligation. Offset measures for depletions that are caused by such new (7-1-97 to 12-31-05) water uses but that do not occur until after December 31, 2008 will be put into place as necessary to offset such new depletions in amount, timing and location by the time they occur, or the state will indicate the extent to which it intends to utilize option (b) above for that purpose. Reliance on option (b) as the means for achieving such offsets will be subject to the same conditions as described above.”