

to implement the provisions of its approved Cultural Resources Management Plan. The Commission reserves the authority to require changes to the Cultural Resources Management Plan at any time during the term of the license. If the Programmatic Agreement is terminated, the Licensee shall obtain approvals from or make notifications of the Commission or State Historic Preservation Officer where the Cultural Resources Management Plan calls upon the licensee to do so.

Reservation of Authority

Article 426. The Commission reserves the right, after prior notice and opportunity for hearing, to amend this license as necessary for the Commission to comply with its obligations under the Endangered Species Act including following reinitiation of Endangered Species Act section 7 consultation at the request of the U.S. Fish and Wildlife Service under the terms of the Cooperative Agreement or Program, with prior notice to include notification of the Licensee, the licensee for Project No. 1835, the Department of the Interior, the State of Colorado, the State of Nebraska, the State of Wyoming, the Nebraska Game and Parks Commission, the Nebraska Water Users, Inc., the Platte River Whooping Crane Critical Habitat Maintenance Trust, the National Audubon Society, the Sierra Club, American Rivers and the Nebraska Wildlife Federation. Nothing in this Article shall be construed to limit or restrict any party from seeking different or modified license conditions through Article 15.

Report on the Cooperative Agreement or Program

Article 427. For so long as the Cooperative Agreement or a Program is in effect, on March 1 of each year the Licensee shall file a report on the status of activities under the Cooperative Agreement or Program during the prior calendar year consisting of the minutes of the Governance Committee meetings and copies of Cooperative Agreement or Program documents adopted during that year.

The Licensee shall file the Programmatic Environmental Impact Statement evaluating the Program proposed under the Cooperative Agreement and alternatives to that proposed Program within 30 days of issuance. If a Program is adopted, the Licensee shall file a copy of the Program and the agreement among the Department of the Interior and the States of Colorado, Nebraska and Wyoming adopting such Program within 30 days of its signing.

In the event the Cooperative Agreement fails (a signatory withdraws from the Cooperative Agreement, the Cooperative Agreement terminates and a Program is not adopted, or activities under the Cooperative Agreement are not adequately completed and the situation cannot be remedied through the Cooperative

Agreements's Governance Committee or by the Governors of the States of Colorado, Nebraska and Wyoming and the Secretary of the Interior), or the Program fails (terminates or expires, a signatory withdraws from the Program, or Program activities are not adequately completed or milestones are not met and The Department of the Interior makes a final determination that the Program is not serving as the reasonable and prudent alternative under the Endangered Species Act), the License shall within 30 days report such failure to the Commission.

Future Filings


Article 428. The Licensee shall serve copies of any Commission filing required by this order on any entity specified to be consulted on matters related to that filing. In cases where the Licensee is required to consult with the Governance Committee, copies of any filings shall be filed on the three state signatories to the Cooperative Agreement. The Licensee shall serve all applications to amend this license on the Department of the Interior's attorney of record and on the Regional and Grand Island offices of the U.S. Fish and Wildlife Service. The Licensee shall serve notice of the substance of any applications to amend Exhibit X or Articles 400, 401, 402, 403, 404, 405, 406, 407, 408, 410, 411, 412, 415, 416, or 423 upon the Platte River Whooping Crane Critical Habitat Maintenance Trust. Proof of service as required by this article must accompany the filing/amendment application.

(G) The licensee shall serve copies of any Commission filing required by this order on any entity specified in this order to be consulted on matters related to that filing. Proof of service on these entities must accompany the filing with the Commission.

(H) This order is final unless a request for rehearing is filed within 30 days from the date of its issuance, as provided in Section 313(a) of the FPA. The filing of a request for rehearing does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission. The licensee's failure to file a request for rehearing shall constitute acceptance of this license.

By the Commission.

(S E A L)


Linwood A. Watson, Jr.
Acting Secretary.