



PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM **Finance Committee Conference Call Minutes** June 1, 2010

Attendees

Jerry Kenny – ED
 Jason Farnsworth – ED Office
 Beorn Courtney – ED Office
 Jennifer Schellpeper – State of Nebraska
 Jim Schneider – State of Nebraska
 Greg Wingfield – U.S. Fish and Wildlife Service
 John Lawson – Bureau of Reclamation
 Dennis Harmon – State of Colorado
 Ted Kowalski – State of Colorado
 Don Kraus – Central Nebraska Public Power and Irrigation District (CNPPID)
 John Heaston – The Nature Conservancy (TNC)
 Larry Schulz – ED Office Consultant
 Mike Purcell, Chair – State of Wyoming

Welcome and Administrative

Finance Committee Chair Purcell called the meeting to order at 2:04 PM. Purcell asked if there were any changes to the March 9, 2010 draft minutes. No changes were offered. Kowalski moved to approve minutes; Schneider seconded. **March 9, 2010 minutes approved, without changes.**

Review Standard Contract Language

Kenny provided background on the process utilized to develop standard contract language for consultant services. The ED Office utilized the State of Wyoming Water Development Commission standard contract as a starting template and incorporated Nebraska-specific information and other suggested revisions. Due to the timing of new Program work, the draft template was used for most of the contracts that were brought before the FC for approval. After receiving input from the FC, the ED Office will submit the draft contract to a Nebraska attorney for formal review.

Kowalski indicated that the State of Colorado would like to send the draft contract to the Colorado Attorney General for review and will provide the results of that review. The ED Office will provide those comments as well as the comments from the Nebraska Attorney review to the FC at the next meeting. Dennis Harmon suggested that consideration be given to raising the General and Commercial Liability levels, followed by the suggestion from Purcell that the level of those limits be determined by the level of risk associated with a particular project, including the option of waiving these requirements for low risk, small dollar (\$50,000 or under) study type projects. Purcell indicated that no FC action was necessary at this time.



1-D Model and Peer Review Contracts

Kenny discussed the draft contracts for the 1-D model development and peer review. A peer reviewer was selected from the list of consultants that submitted proposals for the 1-D project in an effort to integrate peer review early in the project process instead of reviewing a final work product. Lawson asked about the compressed timeline of the HDR 1-D modeling schedule. Kenny responded that he is comfortable with the schedule given that HDR is currently working on the modeling associated with the sediment augmentation project and already has the background information and modeling framework in place.

Kowalski asked how the integrated peer review process will work. Kenny explained that the peer reviewer was involved with the kickoff meeting in order to provide up-front input on project approach. They will then reengage near the midpoint of the project to review draft work products and will then also review the final model.

Kowalski moved to approve both the 1-D and 1-D peer review contracts and enter into agreements with both consultants; Kraus seconded. Schellpeper asked why the peer review budget was being taken from budget line item WP-9. Kenny explained that that line item was reserved for miscellaneous water-related activities not associated with Water action Plan alternatives, and the conveyance capacity analysis aspects of the 1-D model capabilities was in-line with the intent of that line item. The 1-D modeling effort is both adaptive management and water-related and that seemed to be the most appropriate line item. Lawson asked about the peer review contractor selection process in light of the Program's procurement policy. Kenny responded that the thinking was that the most qualified peer reviewers available were already in the pool of respondents to the original proposal, and that in all other peer reviews the peer reviewers had been targeted and approached rather than through a RFP process. Given these considerations, and the "time is of the essence" nature of getting this peer review initiated simultaneously with model development; he is comfortable that the Program is on solid ground moving forward in this manner. Kenny further noted that a similar type of peer review situation associated with the Stage Change Study and the approach for that selection would be a discussion topic at the June GC meeting. **FC approved the 1-D modeling and peer review contracts without revision.**

CNPPID J-2 Re-Regulation Reservoir Feasibility Contract First Amendment

Kenny updated the FC on the first amendment to the CNPPID J-2 contract with Olsson Associates. The total cost for the next phase of the project is \$340,000. However, the cost to the Program will only be \$310,000 due to the cost-sharing agreement between the Program and CNPPID. The consultant will bill CNPPID directly for the \$30,000. Schneider indicated that Footnote 8 of Table 1 was missing on page 3 of the amendment. Courtney indicated that the ED Office would fix the discrepancy before finalizing the contract (upon review, footnote 8 was supposed to be identical to footnote 7). Schneider moved approval of the contract amendment; Wingfield seconded. **FC approved the CNPPID J-2 Re-Regulation Reservoir contract amendment.** Kraus abstained.

**Cottonwood Ranch OCSW Design & Flow Consolidation Conceptual Design Contract**

Kenny provided background on the selection of a contractor for the OCSW and flow consolidation project and development of a contract. Farnsworth indicated that NPPD had provided two revisions to the contract for FC consideration. The first revision is the inclusion of the words “and Unconsolidation” in the Phase II title on page 12 of the scope of services. The second edit would be to also include language in the scope of services relating to the need for an analysis or assessment of risk of damage to downstream landowners as a result of flow consolidation activities. Kraus moved approval of the contract with the two proposed edits; Heaston seconded. **FC approved the Cottonwood Ranch OCSW Design & Flow Consolidation Conceptual design contract.**

Agreement with NPPD for Canal Investigations

Kenny provided the background of the Agreement in the context of it be similar to the Agreements developed previously between the Program and CPNRD for investigations of Elm Creek Reservoir and CNPPID for investigation of J2 Re-Regulation and Elwood Reservoirs. This agreement was focused on investigations associated with NPPD’s canals (Gothenberg, Cozad, and Dawson County). No commitment beyond cooperation through feasibility level was made by either party, and the expectations and responsibilities of both parties were defined. Specifically, two feasibility studies were identified – a winter operations study and a ground water recharge study. For the winter operations study NPPD would be in the lead for selection and oversight of the consultant, with funding provided by the Program. For the ground water recharge study, the Program would be in the lead and follow the standard Program process for contractor selection and payment. Comments from Lawson, Purcell, Kraus, and Schneider provided direction on definition of process and further clarifications of responsibilities and expectations. Kenny will work with NPPD to revise the document in response to the comments received prior to bringing the document before the GC in June.

Wet Meadows Information Review Contract

Kenny provided information on the selection of The Platte River Whooping Crane Trust to conduct the wet meadows information review. Schellpeper indicated that the State of Nebraska would like to propose a modification to the contract to include supplemental information in the information review as related to the development of a working definition of a high quality wet meadow. Wingfield moved to approve the contract with the suggested modification; Kowalski seconded. **FC approved the Wet Meadow Information Review contract.**

Directed Vegetation Research Contract

Kenny provided information on the selection of the USDA Agricultural Research Service to conduct directed vegetation research for the Program. The contract format for the agreement was abbreviated from the new standard language due to the timing of the contract development as well as requirements for contracting with a federal entity. Lawson moved approval of the contract; Wingfield seconded. **FC approved the Directed Vegetation Research Review contract.**



Closing Business

Upcoming FC conference call:

- Hold the date of **Monday, June 28 at 10:00 a.m. Central time** for a FC meeting.
- Hold the date of **Tuesday, August 31 at 10:00 a.m. Central time** for a FC meeting.

Meeting adjourned at 3:30 p.m. Central time.

Summary of Action Items/Decisions from February 2010 FC meeting

- 1) Approved March 9, 2010 FC meeting minutes.
- 2) Approved the 1-D modeling and 1-D model peer review contracts.
- 3) Approved the CNPPID J-2 Re-Regulation Reservoir contract amendment.
- 4) Approved the CWR OCSW Design & Flow Consolidation Conceptual Design contract.
- 5) Approved the Wet Meadow Information Review contract.
- 6) Approved the Directed Vegetation Research contract.
- 7) Held the date of **Monday, June 28 at 10:00 a.m. Central time** for a FC meeting.
- 8) Held the date of **Tuesday, August 31 at 10:00 a.m. Central time** for a FC meeting.