



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

**FROM:** Jojo La, Endangered Species Policy Specialist  
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**DATE:** July 18-19, 2018 Board Meeting

**AGENDA ITEM:** 6. Platte River Recovery Implementation Program Update

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**Background:**

The Platte River Recovery Implementation Program ("PRRIP" or "Program") is a partnership that was established in 2006 with an agreement signed between the governors of Colorado, Wyoming, Nebraska, and the Secretary of the Interior. PRRIP provides Endangered Species Act compliance for existing and new water-related activities in the South Platte and North Platte River Basins. The Program supports recovery of four threatened (T) and endangered (E) species by improving and maintaining habitat in the Platte River in Nebraska. The target species are the piping plover (T), least tern (E), whooping crane (E), and pallid sturgeon (E).

PRRIP is vital for allowing water users to continue to pursue water projects in Colorado's growing South Platte Basin. The Program embodies the goals of Colorado's Water Plan by simultaneously supporting a productive economy and a strong environment. The Program allows water use and development to continue through a streamlined Section 7 consultation process with the U.S. Fish and Wildlife Service (USFWS). Since the inception of the Program, USFWS has provided 141 out of 180 total streamlined Section 7 consultations in Colorado. Additionally, the least tern is exceeding recovery plan goals; a recent 5-Year Review from the USFWS has recommended delisting the species (pending demographic modeling and securing agreements to continue current conservation measures).

The following memorandum summarizes key Program activities and recent developments.

**Staff recommendation:**

This item is informational only. No Board action is requested.

**Discussion:**

**Current Program Activities Under the First Increment**

The PRRIP sets goals in multi-year increments. The First Increment covers the 13-year period from 2007 to 2019. The objectives set forth in the First Increment include:

- Using incentive-based water projects to provide sufficient water to and through the central Platte River habitat area. This includes re-timing and improving flows to reduce target flow shortages by an average of 130,000 to 150,000 acre-feet per year.
- Protecting, restoring where appropriate, and maintaining at least 10,000 acres of habitat between Lexington and Chapman, Nebraska.



Additionally, the Program includes an Adaptive Management Plan which provides a systematic process to test hypotheses and apply the information learned to improve management decisions. For example, the USFWS had hypothesized that large reservoir releases conducted over a short duration would help provide whooping crane habitat and remove invasive vegetation. Recent science has disproven this hypothesis, allowing the Program to focus on more effective measures.

### **First Increment Extension**

The PRRIP partners have reached an agreed-upon approach for a 13-year extension of the First Increment (from 2020 to 2032). This would provide additional time to meet the water goals of the First Increment, which are not achievable by the original deadline of 2020; Note, this would *not* be considered a new, Second Increment.

The objectives of the First Increment Extension remain largely the same, with two primary additions:

1. Increased flexibility regarding the water objectives of the program
2. An agreement to acquire 1,500 acres of additional habitat

One feature of the First Increment Extension is that the Program will only be required to reduce target flow shortages by 120,000-150,000 acre-feet of water per year, rather than the original 130,000-150,000 acre-feet objective. This revised water goal will allow for additional science to be conducted to determine whether the last 10,000 acre-feet of water is needed. This last 10,000 acre-feet would be very expensive to secure, so the opportunity to assess the value it would provide to the target species is a helpful step to ensure that Program dollars are spent wisely.

Though the plan for the First Increment Extension has been agreed on by all partners, the extension will require congressional authorization and formal approval by the Program Signatories—the governors of the three partner states and the Secretary of the Interior—before implementation can begin. PRRIP is currently congressionally authorized through 2019. Members of the congressional delegation of the three states are aware of the need to extend the Program for the duration of the First Increment Extension and will determine when the best timing for introducing the legislation would be, either this year or next.

### **Financial Obligations**

The Program partners are committed to provide \$157 million through 2019 for the First Increment. To date, the federal agencies have contributed approximately \$88.4 million; Wyoming's obligation is \$6 million; Colorado's original obligation through 2019 was \$24 million (in 2005 dollars) and has approximately \$28 million in authorizations from the General Assembly (along with interest income) towards this obligation.

The First Increment Extension will require an additional \$106 million. Colorado's contribution would remain roughly the same at \$24.9 million (2005 dollars adjusted for inflation) over the 13-year extension. Wyoming will contribute an additional \$3.1 million. The federal agencies will contribute \$78 million. This represents a marked decrease in funding, a matter which received pushback from Program partners during negotiations; however, the federal agencies conveyed that this was the most they could provide.

Colorado's representative to the PRRIP, Don Ament, testified before the Colorado General Assembly's Water Resources Review Committee on June 19, 2018. Mr. Ament spoke to the need to reauthorize the Program and to secure funding for its implementation. The Committee was receptive to Mr. Ament's message. A state funding bill has not yet been introduced. CWCB staff is working with DNR to determine what next steps are required before taking on such an effort.

#### Colorado's Tern to Pipe Up

Colorado's participation in the PRRIP is at a turning point, not only in working to open a new chapter of the PRRIP by pursuing the First Increment Extension, but also in that some of the individuals who have worked on the Program on behalf of Colorado's water users have reached retirement. CWCB recognizes the value of capturing the institutional knowledge of those individuals and others who have been involved in the Program since its inception.

On June 20-21, 2018, CWCB hosted a workshop titled "Colorado's Tern to Pipe Up" to interview and document the knowledge of Colorado's representative, Don Ament, and water user representatives including Alan Berryman (Northern Water), Kevin Urie (Denver Water), and Deb Freeman (Trout Raley, representing Northern Water). CWCB staff is working on processing the video, audio, and notes collected during the workshop to create public informational materials as well as internal training documents for future CWCB staff.

#### Water

The Program is making progress towards continued development of projects that will cumulatively reduce shortages to USFWS target flows by an average of 120,000-150,000 acre-feet per year. The Program has focused on long-term projects to facilitate the retiming of excess flows, with secondary emphasis on short-term purchase or lease of water. The initial state water projects—the Environmental Account in Lake McConaughy (Nebraska), the Pathfinder Modification Project (Wyoming), and Tamarack (Colorado)—were completed by 2012 and are credited with providing 80,000 acre-feet towards the Program's water objective.

Other Program water projects completed during the First Increment include the Phelps County Canal groundwater recharge, the Pathfinder Municipal Account Lease, and a combined water leasing-groundwater recharge project with the Central Platte Natural Resources District. The Program's water projects provide an estimated 100,000 acre-feet of water cumulatively.

Potential future Program water projects under evaluation include broad-scale recharge, slurry wall pit storage, and water leases and transfers. In addition to these water supply projects, the Program continues to evaluate ways to increase flow capacity through the North Platte chokepoint to allow larger flow releases from the Lake McConaughy Environmental Account. These proposed projects will provide an estimated 20,000 acre-feet of water.

Colorado is obligated to retime an average of 10,000 acre-feet of water annually at the state line in the First Increment and extension. Colorado's water contribution was designed to retime water that is physically and legally in excess of our demands, meaning that retimed water would normally flow out of the state. The retiming of water is accomplished through groundwater recharge via the Tamarack Plan.

### Land

During the First Increment, the Program met its objective to obtain, protect and restore 10,000 acres of habitat for the three avian species. The Program currently protects more than 12,000 acres of land. Although the Program has acquired enough land to meet its overall land objective, an additional approximately 154 acres of non-complex land is still required to meet the First Increment subcategory land requirement, which includes acquiring additional off-channel and palustrine wetlands habitat. The Program has also acquired 120 acres of land towards its First Increment Extension land objective of 1,500 acres of additional habitat.

### Species Status

Continued progress and implementation of the Program's land and water plans serves as the Reasonable and Prudent Alternative for the USFWS' Final Biological Opinion on the Platte River and thus is helping to secure "defined benefits for the target species and their associated habitat to assist in their conservation and recovery." Systematic monitoring for piping plovers, least terns, whooping cranes, and their habitat has continued to determine species production and survival.

Since 2007, the number of piping plover and least tern nesting habitat and breeding pairs have increased, indicating that off-channel habitat creation is effective. In 2001, nesting habitat acreage for piping plovers and least terns was approximately 50 acres. Currently, the Program provides almost 150 acres of managed nesting habitat. Since 2001, the number of piping plover breeding pairs has increased from approximately 25 pairs to now over 45 pairs. The number of least tern breeding pairs has also increased from 50 pairs in 2001 to over 75 pairs today.

At the inception of the Program, approximately 182 whooping cranes were counted. In 2018, a record 431 whooping cranes were counted—the most crane-use days ever documented. This is a marked difference from the 48 whooping cranes observed in 1967, when the species was first listed as endangered.

Finally, the Program is currently developing a plan for potential future activities related to the pallid sturgeon. The Program is compiling existing research and data on the pallid sturgeon on the lower Platte River to facilitate discussion on potential conservation strategies.