

# Integrated Management Plan Stakeholders Meeting

## Twin Platte Natural Resources District

### October 17, 2005

**Stakeholders present:** Phil Armstrong, Don Colvin, Lisa Dominisse, Jim Goeke, Jim Hawks, Tina Kurtz, Frank Kwapnioski, Dudley Oltmans, Roric Paulman, Robert Petersen, Page Peterson, Dennis Schilz, Jerry Steinke, Doug Teaford, Steve Van Boening, Joe Wahlgren, Mike Wheeler.

**Stakeholders absent:** Burdette Cooley, John Kilpatrick, Steve Krajewski, Marion Kroeker, Todd Kramer, Jim Meismer, Kenneth Schilz, Mike Svoboda, Jerry Weaver, Robert Wiseman.

**Resource People:** Ann Dimmitt, Kent Miller.

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The Stakeholders Meeting was called to order at 6:30 p.m. CDT.

#### **Educational Presentation:**

##### **Environmental/Habitat Needs: Platte River Basin – Sharon Whitmore, Platte River Team Leader, Nebraska Ecological Services, U.S. Fish and Wildlife Service (FWS)**

U.S. Fish and Wildlife Service's (FWS) Platte River Activities, managed by the Nebraska Ecological Services Field Office in Grand Island, include environmental aspects of the Platte River Cooperative Agreement, licensing Federal Energy Regulatory Commission (FERC) Water Projects and managing the Environmental Account. The work is largely driven by the Endangered Species Act (ESA), which seeks to conserve endangered and threatened species. Section 4 of the ESA defines how citizens can petition for a new listing on the endangered and threatened species list and how FWS determines if the listing is warranted. Currently, in Nebraska, there are 10 animals and 4 plants on the federal list. FWS must develop a recovery plan for each listed species with the ultimate goal to save the species from extinction and to remove it from the list. Recovery plans identify activities needed to recover the species using the best scientific information available. Species recovery is a continual process of gathering information, conducting research and implementing recovery activities. Examples of recovery activities: maintaining a database of whooping crane sightings during migrations, pallid sturgeon propagation and stocking, and habitat restoration. Section 7 of the ESA requires that federal agencies consult with FWS on actions they fund, permit, or carry out to insure they do not jeopardize listed species. Since the 1970s, FWS determined that any further water depletions from projects in the Platte River basin would jeopardize one or more listed species in the central and lower Platte River and adversely modify designated critical habitat for the whooping crane in the central Platte. In Nebraska no projects have been stopped because of this statute. Instead, alternative actions have been incorporated to mitigate impacts.

In 1938, prior to water development, the Platte River averaged more than 2.8 million acre feet (af) of flow annually at Grand Island. By 1998, this declined to an average of 1.4 million af and has reduced habitat for several of the listed species. In 1994, FWS developed Instream Target Flows for the central Platte River. They are defined as the amount of water needed to recover habitat for endangered and other native species and are for the purposes of rehabilitating and maintaining habitats and ecosystem structure, functions, patterns and processes. Target flows have been used by FWS during ESA consultation to determine depletions associated with water projects. Average Flow Targets vary by season and by hydrological conditions and are prioritized. Pulse/peak flows (the highest priority flows) historically occur in the spring, are beneficial for scouring and sediment supply for channel maintenance and sandbar formation; nutrient cycling; ground water recharge; fish spawning, reproduction and redistribution; wetland and backwater recharge. With the drought, pulse flows have diminished significantly leading to infrequent scouring floods and substantial growth of vegetation in the river. Summer flows, the second highest priority, are important for the fish community, nesting least terns and piping plovers. A chart of average instream flow recommendations compared to historic Grand Island flows show numerous times during the year when water levels are significantly lower than instream recommendations.

In 1994, governors of Nebraska, Colorado and Wyoming and the Secretary of the Department of the Interior signed a Memorandum of Agreement to develop a basin-wide Program for endangered species in the central Platte River area so water development projects in the basin could meet ESA requirements. In 1997, a Cooperative Agreement was signed to develop a basin wide Platte River Recovery Implementation Program to benefit the federally listed whooping crane, least tern, and piping plover in the central Platte River, and the pallid sturgeon in the lower Platte River so water development could meet ESA requirements. Completion is expected in 2006. This program will serve as the "reasonable and prudent" alternatives for water-related projects that have already undergone consultation and will set up a streamlined consultation process for future water projects requiring federal permits. Long-term goals of the Recovery Implementation Program are to improve and maintain habitats for listed species and reduce the likelihood of additional listings of other species. In the first 13-year increment of this plan the Program will restore 10,000 acres of central Platte River habitat and reduce shortages to FWS target flows by 130,000 to 150,000 af.

The Environmental Account (EA) was established in Lake McConaughy in 1999 to supplement flows in the Platte River to benefit listed species. The EA is a requirement of NPPD's and CNPPID's Federal Energy Regulatory Commission (FERC) licenses. An Annual Operating Plan predicts projected flows and determines when EA releases will be made. In recent years, drought conditions have precluded any EA releases, so effectiveness of the EA has been limited. Other difficulties are substantial conveyance losses between Lake McConaughy and Grand Island, limited channel capacity at North Platte and an inability to prevent zero-flows even with EA augmentation due to a lack of base flows. As a result there has been degradation of habitat in the central Platte as vegetation in the river channel becomes increasingly well established. See the attached Environmental Account Update for more detailed information about the EA.

Future plans are to develop and implement the basin-wide plan that will contribute additional water to the system, increase channel conveyance capacity at North Platte, minimize habitat impacts from hydrocycling, improve system processes, work with NPPD and CNPPID to improve planned EA releases to facilitate pulse flows and explore options for benefiting species and habitat throughout the water year.

### **Questions**

1. *What percentage of the water in Lake McConaughy would have to be released to meet the required 417,000 af?* Approximately 25% of the reservoir when full (answered by Frank Kwapnoiski)
2. *Would that mean that no irrigation would be allowed?* The EA and the basin-wide Program were developed so irrigation deliveries could continue at current levels.
3. *What is the maximum channel capacity at North Platte?* 1,980 cfs. The goal would be to increase this to 3,000 cfs.
4. *How do you measure the benefit from the proposed investment of water?* Any reduction to the FWS's instream flow recommendations is considered a benefit toward recovery of listed species. The Program will include extensive monitoring to determine effectiveness of flow releases.
5. *Won't vegetation in the river back up the water and have a negative effect?* It is possible. This is one of many reasons why the FWS will be very cautious in releasing water to minimize potential problems.
6. *How can Colorado essentially shut off water on the South Platte River at the Nebraska border?* Compacts between the two states require only minimal amounts of South Platte water to be delivered to Nebraska.
7. *With flood control dams, does pulse flow work anywhere in the U.S.? Is this just a laboratory experiment?* On the Platte River it is new and experimental, so FWS is moving gradually. When more average flows are available, the EA will be more effective. Drought has negated results so far.
8. *Won't the birds adapt? Aren't they moving further west in their migration patterns?* No. Monitoring shows that the whooping crane migration pattern is actually shifting more to the east.
9. *How do you get exact numbers on endangered species?* Extrapolating from samples. International surveys, which include the Platte River region, are completed every year to monitor whooping cranes

and every 3 years to monitor terns and plovers. It is more difficult to measure the number of sturgeons.

10. *What is the economic value of endangered species?* This ESA was passed at the national level establishing that we have decided that preservation of endangered species is a priority. The FWS is simply the federal agency assigned to administer the Act.
11. *If you could meet your target of 1,800 cfs for 5 years, could you prove your plan is effective?* If bird numbers increase this would indicate effectiveness but birds are far ranging so it is difficult to prove if numbers are directly impacted. Habitat conditions are a better measure and if flow targets were met on a longer-term basis, it would be considered an effective result. Species biology is not an exact science but FWS's flow and habitat recommendations for the listed species in the central Platte River have been recently scrutinized and endorsed by the National Academy of Sciences.
12. *What about the lawsuit that FWS improperly designated critical habitat in Nebraska for the Piping Plover?* One part of the ruling was that the economic analysis was not correct. The court ruling will not affect the Cooperative Agreement because it was based on just the piping plover listing. Critical habitat for the piping plover was not designated until 2002.
13. *What is the difference between threatened and endangered?* Endangered has a more imminent threat of extinction. Recovery plans are impacted by this distinction but both are treated the same in consultations.
14. *Was the pulse event that occurred in 2005 assessed to determine what affect it had on habitat?* FWS collected observational information from Kearney down. Some scouring occurred but the pulse happened so fast that it didn't alleviate much of the problem.
15. *Can you partner with USGS to gauge stream effects?* Yes. FWS regularly partners with USGS and is working with them on long-term Platte River monitoring.
16. *Do you only count piping plover in their original habitat or do you also look in new areas they've migrated to?* Surveys count birds wherever they historically occur. If birds are found in new places by FWS, other federal or state agencies, Universities, or private citizens they are counted.

### **Educational Presentation:**

#### **Environmental/Habitat Needs: Platte River Basin – Frank Albrecht, Nebraska Game and Parks Commission**

The mission of the Nebraska Game and Parks Commission (NGPC) is stewardship of the state's fish, wildlife (both game and non-game), and parkland resources. The Wildlife Division works extensively with private landowners since 98% of the state is privately owned. They also manage public lands, state parks and wildlife areas. The Fisheries Division is involved in private pond stocking, aquatic habitat rehabilitation and other lake and stream projects. A major source of revenue for these projects comes from the sale of hunting and fishing permits and stamps.

The Commission has some very junior (1993) surface water rights in the Central Platte, Lower Platte and Long Pine Creek. They operate under a State Non-Game and Endangered Species Act that addresses state actions (i.e. DNR, DEQ and DOR projects). The Consultation process is similar to the federal ESA process. NGPC also reviews NEPA documents (EIS, EA).

- Lower Platte River: This reach extends from Columbus downstream with major tributaries (Elkhorn and Loup) that contribute to a more natural hydrograph with a scouring spring flow. This part of the river has lots of diversity, is very wild and functional. The Commission is taking a protective, proactive stance. They have counted 15 pallids in this section but do not know if they are successfully spawning.
- Central Platte River: This area is subject to the 3-State Cooperative Agreement. NGPC is involved with several committees working on meeting requirements of this agreement including a new depletion plan with target flows. This is a separate process from the IMP required by LB962. A chart of annual peak mean daily flow shows wide variations until the 1940s when Lake McConaughy lowered daily flow substantially. There have also been significant declines in channel width over time. While this has negatively impacted species on the ESA list, there have been increases in whitetail deer and wild turkeys in this region.

- LB 962 is the most significant water legislation passed in Nebraska. District and basin-wide groups are working simultaneously to forge integrated management plans. As stakeholders in this process, NGPC will work to protect fish and wildlife resources along with instream flows and target flows. NGPC and DNR consider the development of IMPs a consultable action under the State Conservation Act.

The Central Platte River is a tremendous asset to the state's economy impacting agriculture, recreation and quality of life. Many people are drawn to this region because of recreation possibilities and positive quality of life. NGPC is committed to continuing strong partnerships with state and federal agencies, counties, cities, landowners and industry. They support improved research to guide actions and urge all parties to take a long view and plan for at least 20 years in the future.

### **Questions**

1. *Since you have some of the same responsibilities as FWS, is there much coordination, or do you see duplication of efforts?* NGPC works with the Grand Island FWS office almost daily. There are interagency meetings to discuss 404 permits and coordination in all planning efforts.

### **Stakeholder Discussion – Goals**

Stakeholders were given a summary sheet of goals discussions from the past two meetings (see yellow sheet) and asked to "Draft a Goals Statement that recognizes the unique characteristics and history of this district and incorporates the most important concerns voiced by individual Stakeholders."

Stakeholders met in four small groups to share ideas and compile lists of elements they all agreed should be included in a final goals statement. Below are the lists from the four groups:

The Goal of TPNRD's IMP should include:

- Group 1: Equitable balance between the competing interests
  - Must be flexible to recognize changing needs
  - Manage the resource as it relates to supply available
  - To be consistent with Basin-wide IMP plan
  
- Group 2: Shared responsibility for water supply issues among surface water and ground water users
  - Maintain a good quality water supply
  - Maximize economic, social and environmental use of available water
  
- Group 3: Balance conservation and preservation of critical natural resources
  - Economic expansion
  - Quality of life
  
- Group 4: Preserve and maintain current economic viability
  - Preserve water quality
  - Regionally coordinated plan
  - Plan for flexibility for the producer should controls be necessary
  - KISS (Keep it simple)
  - Be environmentally responsible

### **Future Meetings**

#### **Monday, November 21 at the Holiday Inn Express in North Platte from 7:00 to 9:00 p.m. CDT**

- Tina Kurtz (DNR) will report on the November 15 basin wide IMP Stakeholder's meeting
- Continued work on Goals Statement and Objectives for the TPNRD Integrated Management Plan.

#### **No meeting in December**

The meeting was adjourned at 9:35 p.m. CDT.