

d. Delivery of Program Water.

- i. The Program has agreed to secure defined benefits for the target avian species and their associated habitats. To do so, the Program seeks to deliver Program water at the appropriate time, place, and in the appropriate quantity. The Integrated Monitoring and Research Plan (Attachment 3, Section V) will study the geomorphological processes of the Platte River, including the feasibility of using Program water or other tools to provide defined benefits for the target avian species and their associated habitat. Undertaking these studies will not increase the habitat maintenance requirement of the Program (which is 10,000 acres for the First Increment), or the water requirement of the Program (which is providing water capable of reducing shortages to target flows by an average of 130,000 to 150,000 acre-feet of water per year for the First Increment). Ultimately the Program is anticipated to select and implement an effective suite of activities including the delivery of Program water that, in conjunction with other Program actions, will create sufficient species benefits to be ESA sufficient.
- ii. The Governance Committee shall complete a study no later than the end of Year 2 of the First Increment to evaluate the feasibility of delivering by the end of Year 5 (1) 5000 cfs of Program water for three days to the upper end of the associated habitat (at Overton gage) for pulse flows when other demands on water are low (normally September 1 – May 31) and (2) quantities of Program water that are likely to yield 800 cfs at the habitat during the irrigation season.

The first phase of the study, to be completed by the end of Year 1 by an independent consultant retained by the Governance Committee, will identify alternative means to provide water in the quantities described above. The alternatives identified shall be limited to those that can be accomplished with water provided by the three initial Program projects and projects identified in Attachment 5, Section 6 of the Program Water Plan, using the National Weather Service flood stage for the North Platte River at North Platte, Nebraska, after taking into account the capital and maintenance measures described below in Section E.2.d.iii below. The monetary costs of each alternative will be estimated. In addition, the impacts of each alternative on the Program's capability to reduce shortages to target flows or to meet other Program objectives will be defined. Following completion of the first phase of the study, the Governance Committee will determine if the deliveries identified above are feasible, and if

not, the Governance Committee will expand the study (second phase) to identify new water supply and conservation projects and/or other means to increase the ability to deliver water. However, any expanded studies must be limited to alternatives that can be accomplished consistent with the First Increment water objective, Section E of this document, and Program budget (Attachment 1).

Based on the results of the study and the adaptive management process, a plan would be developed and implemented. The plan shall include measures expected to deliver, by the end of Year 5 (1) 5,000 cfs of Program water for three days to the upper end of the associated habitat (at Overton gage) for pulse flows when other demands on water are low (normally September 1 – May 31) and (2) quantities of Program water that are likely to yield 800 cfs at the habitat during the irrigation season, unless the feasibility study and the adaptive management process find that these deliveries are infeasible or unnecessary and the Governance Committee concurs. If the evaluation finds these deliveries are infeasible, the Governance Committee commits to develop alternative means of providing similar benefits to the target avian species and their associated habitats.

- iii. In Program Year 1, the Governance Committee will begin implementing the capital investment and maintenance measures that are described in Attachment 5, Section 2 and are designed to increase the channel capacity of the North Platte River upstream of Highway 83 to 3,000 cubic feet per second. The maintenance measures described in that attachment will continue as the Governance Committee deems appropriate until and during implementation of the plan described in Section E.2.d.ii. or until alternative means of providing similar benefits to the target avian species and their associated habitats have been developed.

### 3. Depletions Plans to Mitigate the Impacts of New Water Related Activities

The three states and the federal government have each prepared a depletions plan, all of which are consistent with the Program purpose described in Section I.A.4. These plans are intended to mitigate the impacts of new water related activities on the occurrence of target flows and on the effectiveness of the Program in reducing shortages to target flows, whether or not the new water related activities are subject to Section 7(a)(2) of the ESA or are intended to mitigate the impacts of other new water related activities. Each plan identifies the existing water related activities covered by the Program, and specifies the means by which new water related activities, both those subject to and those not subject to Section 7(a)(2) of