



**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**  
**Land Advisory Committee Meeting Minutes**  
**Kearney, NE**  
**March 31, 2015**

**Meeting Participants**

**Land Advisory Committee (LAC)**

**State of Wyoming**

Harry LaBonde – Member, Wyoming Water Development Office  
Matt Hoobler – Alternate, Wyoming State Engineer's Office

**State of Colorado**

Suzanne Sellers – Member, Colorado Water Conservation Board  
Kevin Urie – Alternate, Denver Water

**State of Nebraska**

Ted LaGrange – Member, Nebraska Game & Parks Commission

**U.S. Fish and Wildlife Service (USFWS)**

Matt Rabbe – Member, USFWS

**U.S. Bureau of Reclamation (USBOR)**

Brock Merrill – Member, USBOR

**Power Districts**

Jim Jenniges – Alternate, Nebraska Public Power District

**Environmental Entities**

Andrew Pierson – Member, Audubon Rowe Sanctuary

**Local Nebraska Rep. – Central Platte Natural Resources District (CPNRD)**

Mark Czaplewski – Member (Chair), CPNRD

**Local Nebraska Rep. – Tri-Basin Natural Resources District (TBNRD)**

None

**Local Nebraska Rep. – Joint CPNRD/TBNRD**

Jim Bendfeldt – Alternate, CPNRD

**Executive Director's Office (EDO)**

Jerry Kenny, Executive Director  
Bruce Sackett  
Justin Brei  
Jason Farnsworth

**Other Participants**

Justin Haahr, Nebraska Game and Parks Commission



1      **Welcome and Administrative**

2      Chairman Czaplewski called the meeting to order at 9:30 am Central Time and the group  
3      proceeded with introductions.

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5      Czaplewski asked for agenda modifications, none were requested.

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7      Czaplewski asked for the LAC's recommendation on the minutes of the November 17, 2014  
8      meeting.

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10     **LaGrange made a motion to approve the minutes from the November 17, 2014 LAC  
11     meeting. The motion was seconded by Bendfeldt and passed unanimously.**

12     **GC Update and Other Committee Coordination Information**

13     *GC Update*

14  
15     Czaplewski updated the LAC on recent GC activities. The GC last met on March 17 & 18 in  
16     Kearney, NE. Chris Beardsley was introduced as Wyoming's new GC representative, assisting  
17     Brock Merrill at that meeting and eventually taking over the role. The GC received an update  
18     from CNPPID on the J-2 Reregulating Reservoir project. Sackett presented PRRIP land income  
19     and taxes for 2014. PRRIP collected approximately \$168,000 in income, and paid approximately  
20     \$154,000 in property taxes for the year. Another item of discussion was the non-complex goal  
21     numbers. Barels brought up the idea that, given the success so far of off-channel sand & water  
22     habitat and the difficulty in acquiring palustrine wetlands, that the Program might refocus the  
23     remaining 60 acres of non-complex into acquiring additional OCSW habitat. No action was  
24     taken, but the GC discussion was generally favorable to that concept and directed the TAC to  
25     discuss it further.

26  
27     The next GC meeting is June 9-10, 2015 in Cheyenne, WY.

28  
29     *Other Committee Coordination*

30     Kenny updated the LAC on recent WAC activities. The WAC met on February 3 in Ogallala.  
31     One item of discussion was the methodology for determining excess flows, which determines  
32     when the Program might have water available to capture for use to reach future target flows. The  
33     next WAC meeting is on May 12 and will focus on state depletion plans, and will include a tour  
34     of water facilities in the Platte River basin.

35  
36     Sellers updated the LAC on recent TAC activities. The TAC held a conference call on January 9  
37     to approve the LTPP monitoring RFP and selection panel. On February 24, the TAC met in  
38     Kearney and discussed peer review of PRRIP LTPP documents, the fall 2014 whooping crane  
39     monitoring report, among other topics. The TAC meets next on May 11 in Ogallala, NE.

40  
41     *General Update*

42     Sackett updated the LAC on recent developments following the early February ice jam that  
43     occurred on the Shoemaker Island Complex. Neighboring landowners brought the issue to the  
44     Hall County Board of Supervisors, and it was discussed at their March 24, 2015 meeting. The



45 Program was not made aware of this issue, despite being a central landowner affected by the  
46 flooding. The EDO strongly disagrees with the position presented by the landowners, as well as  
47 their avenue of addressing the issue. The EDO will request time on the next Hall County Board  
48 meeting agenda to present the facts on record. The local landowners have also requested time on  
49 the next Central Platte NRD board agenda. The EDO has briefed CPNRD staff on the events  
50 thus far and the facts of the ice jam, and will present to the CPNRD board in the future if  
51 necessary.

52 Sackett then discussed the current status of the Program's land acquisition milestone using  
53 documentation provided to the LAC. Currently, the Program protects 11,126.66 acres through  
54 ownership, easements, and leases. Some of this land is designated as excess and/or involved in  
55 various trades. After completion of deals in process or excess sales, the Program will need  
56 approximately 150 acres of palustrine wetland habitat.

57 **Land Offering Review**

58 **Rabbe moved to go into executive session with LAC members, alternates, and technical  
59 staff to review details of land offerings. The motion was seconded by LaGrange and  
60 approved unanimously. The LAC entered executive session at 9:55 a.m.**

61 **LaGrange moved to come out of executive session. Rabbe seconded and the motion  
62 carried. The LAC came out of executive session at 10:34 a.m.**

63 **Public Access Program Review**

64 Justin Haahr from the Nebraska Game and Parks Commission presented to the LAC about the  
65 2014-2015 Platte River Recreation Access Program and the usage of PRRIP lands for recreation.  
66 The presentation was mostly results of surveys sent to users of the PRRA program and covered  
67 types of use (hunting, hiking, etc), as well as hunting success if that was their activity. It also  
68 gave some insight into the locations where users of the PRRA program were coming from.

69 Rabbe then discussed the latest Public Access Subcommittee meeting and the PRRA public  
70 meeting. Rabbe said there were many supporters that showed up for the PRRA public meeting,  
71 and that the comments received during the public comment period were overwhelmingly  
72 positive. The Subcommittee met March 11 to discuss the comments received via letters or at the  
73 public meeting.

74 One issue was that a landowner adjacent to Area A raised a complaint, believing that the PRRA  
75 is violating the terms of an existing easement he holds on PRRIP land. Rabbe brought this to the  
76 LAC for discussion, asking first if there is basis for this claim or should the Program challenge it,  
77 and secondly should waterfowl hunting be disallowed on Area A as a result. Sackett discussed  
78 the easement details, explaining that the easement calls for PRRIP to place no "goose blinds"  
79 within 0.5 miles of the easement holder's hunting blinds, and that the easement is perpetual with  
80 the owner and his family. Jenniges asked what the Program stands to lose if the issue is  
81 contested and a lawsuit occurs. Sackett said that the easement was given to resolve a boundary  
82 dispute, so potentially the Program could lose land north of the river channel, as well as partial



89 management of the river channel depending how a following boundary claim was resolved.  
90 Rabbe said that he does not think it is appropriate for the Program to cater to neighbors  
91 differently than a normal private landowner's obligations. Hunting competition is not outside  
92 normal neighbor interactions and the Program should defend their rights as a landowner just as  
93 any private landowner would. Bendfeldt recommended that the Program seek legal opinion on  
94 the merit of the claims, suggesting that just giving in to threats of legal action sets poor precedent  
95 for landowner interactions. Czaplewski believes that, from the PRRIP's perspective as a  
96 manager of endangered species habitat, this is not worth the battle. Kenny said that when  
97 considering legal action, the Program would incur a timeline of 2-3 years, possibly \$30,000-  
98 \$50,000 in legal fees, and the potential outcome of lost habitat. LaBonde said that when this  
99 issue is brought to the GC for discussion, it should come with a legal opinion. LaBonde is also  
100 in agreement that the Program should not be pushed around by neighbors, saying that the  
101 easement gives explicit rights, and the Program should not allow those rights to be expanded to  
102 further encroach upon PRRIP land use.

103  
104 Rabbe next discussed the use of centerfire rifles for hunting on Area E southeast of Kearney.  
105 The subcommittee is recommending that use of these high power rifles be disallowed for this  
106 area, given its proximity to the interstate and city of Kearney. Muzzleloaders and shotguns, as  
107 well as archery, would still be acceptable methods of hunting on this tract.

108  
109 Rabbe said the subcommittee also recommends that the Liehs tract be added to the PRRA for  
110 2015. Due to the proximity to structures and relatively small size of the tract (160 acres), the  
111 subcommittee recommends that this tract be acceptable for all uses except deer hunting (no rifles  
112 allowed).

113  
114 **LaBonde moved to recommend that the GC approve a three year extension of the current**  
115 **contract with Nebraska Game and Parks Commission for administration of the PRRA**  
116 **program. Motion seconded by Uri. LaGrange abstained (NGPC staff). Motion carried.**

117  
118 **Rabbe moved to recommend the following changes to the PRRA program for the 2015-**  
119 **2016 season:**

- 120 a) **Require hunter orange to be displayed on the top of any temporary blinds or**  
121 **concealment used on the PRRA lands.**
- 122 b) **Construct an additional parking area on towards the west end of Area L.**
- 123 c) **Disallow the use of center-fire rifles on Area E.**
- 124 d) **Add the Liehs tract to the PRRA program for all uses except deer hunting.**
- 125 e) **Recommend that the ED Office seek a legal opinion on the Area A easement**  
126 **situation and forward the discussion to the GC for action.**

127 Motion was seconded by Bendfeld and passed unanimously. LaGrange abstained (NGPC  
128 staff).

129

130 **Recommendation for 2015 and forward Work Plans**

131 Farnsworth gave the LAC an update on the status and plan for completion of new management  
132 plans and 5-year management plan updates. The TAC is working to finalize and approve results



133 of data analysis and formation of habitat objectives, and that initial work is expected to be  
134 completed this summer. The EDO will work with the LAC to organize joint LAC/TAC working  
135 groups to tackle the management plan creation and updates. This iteration of the management  
136 plan process will rely heavily upon the scientific analysis completed to-date.

137

138 **Public Forum**

139 Chairman Czaplewski asked for public comments, none were offered.

140

141 **Closing Business**

142 **The next meeting was scheduled for May 27, 2015 and will include a tour of a few PRRIP**  
143 **tracts.**

144

145 With no further business, the meeting was adjourned by Chairman Czaplewski at 11:45 a.m.