

**PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM**

**ATTACHMENT 2**

**MILESTONES DOCUMENT**

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**Milestones Document**

**December 7, 2005**

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## **I. PURPOSE OF MILESTONES**

During the First Increment of the Program, progress toward the Program objectives for Endangered Species Act (ESA) compliance purposes will be measured through the achievement of the Milestones. The Program will continue to serve as the ESA compliance for water related activities upstream of the confluence of the Loup River, Nebraska, so long as the Milestones are being met. The Governance Committee may change the Program's First Increment Milestones, provided such changes are consistent with accomplishing the First Increment Objectives.

## **II. MILESTONES**

The Milestones are as follows:

- 1. The Pathfinder Modification Project will be operational and physically and legally capable of providing water to the Program by no later than the end of Year 4 of the First Increment.**
- 2. Colorado will complete construction of the Tamarack I and commence full operations by the end of Year 4 of the First Increment.**
- 3. CNPPID and NPPD will implement an Environmental Account for Storage Reservoirs on the Platte System in Nebraska as provided in FERC licenses 1417 and 1835.**
- 4. The Reconnaissance-Level Water Action Plan, as may be amended by the Governance Committee, will be implemented and capable of providing at least an average of 50,000 acre-feet per year of shortage reduction to target flows, or for other Program purposes, by no later than the end of the First Increment.**
- 5. The Land Plan, as may be amended by the Governance Committee, will be implemented to protect and, where appropriate, restore 10,000 acres of habitat by no later than the end of the First Increment.**
- 6. The Integrated Monitoring and Research Plan, as may be amended by the Governance Committee, will be implemented beginning Year 1 of the Program.**
- 7. The Wyoming Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**
- 8. The Colorado Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**
- 9. The Nebraska Depletions Plan, as may be amended with the approval of the**

**Governance Committee, will be operated during the First Increment of the Program.**

- 10. The Federal Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

### **III. EXPLANATORY MATERIAL AND SCHEDULES**

Following are explanatory materials and estimated time frames for anticipated interim steps that will be taken toward meeting each Milestone. The explanatory information and related interim steps and schedules are to be considered as background information and are not to be considered as individual Milestones for purposes of ESA compliance. The scheduling, whether in relation to the Milestones themselves or the explanatory material, is referenced to the term of the First Increment, which is thirteen years.

The explanatory material illustrates progress that all parties expect to see and may form the basis to begin discussions within the Governance Committee concerning whether the Program should adjust or alter its current methods and administrative processes in order to achieve the Milestone using a revised approach.

#### **1. The Pathfinder Modification Project will be operational and physically and legally capable of providing water to the Program by no later than the end of Year 4 of the First Increment.**

##### Explanatory Information

A description of the Wyoming's Pathfinder Modification Project is found in the Program Water Plan (Attachment 5, Section 4). Funding the construction of this project is Wyoming's responsibility. Because Pathfinder Dam and Reservoir are federal facilities, however, the United States Bureau of Reclamation (USBR) is responsible for meeting federal construction specifications and oversight.

1.1. The appropriate party (Wyoming, USBR or Nebraska) is expected to apply for the necessary approvals and permits during Year 1 of the Program. It is expected that such approvals and permits will be obtained in Year 2. The approvals will include appropriate compliance pursuant to the National Environmental Policy Act (NEPA). It is expected that the following approvals and permits will be necessary:

1.1.1. The USBR, with assistance from Wyoming, will seek an amendment to the federal authorization for the Pathfinder Reservoir to allow the water that is stored in the Pathfinder Modification Project to be used for environmental and municipal purposes in a manner consistent with Wyoming law.

1.1.2. The USBR will seek a partial change of use for its water right for Pathfinder Reservoir from the Wyoming Board of Control to allow the water stored in the Pathfinder Modification Project to be used for environmental and municipal

purposes.

1.1.3. Wyoming will seek approval from the Wyoming Legislature for the export of water for downstream environmental uses specific to the goals and duration of the Program.

1.1.4. Subject to the appropriate approvals and conveyance losses, Wyoming, in accordance with its law, will assure delivery of the storage water from the Pathfinder Modification Project designated for downstream environmental purposes to the Wyoming/Nebraska state line. A permit will be secured by Wyoming pursuant to Nebraska water law to conduct the designated environmental water to specified locations between the state line and Chapman, Nebraska. Beyond the state line, Nebraska will assure delivery of the water in accordance with the terms of any such permit granted and applicable Nebraska law.

1.2. Project construction will be initiated and completed by no later than the end of Year 3 of the Program. Final operational criteria will be developed by no later than the end of Year 3 of the Program. The Pathfinder Modification Project will be operational and capable of providing water to the Program by no later than the end of Year 4.

1.3. Environmental releases from the Pathfinder Modification Project will be provided in coordination with the FWS Environmental Account Manager in accordance with the stipulation entitled, "Amendment of the 1953 Order to Provide for the Modification of Pathfinder Reservoir."

1.4. Wyoming will develop an annual operations plan for the environmental account in the Pathfinder Modification Project and coordinate those plans with the FWS Environmental Account Manager.

## **2. Colorado will complete construction of Tamarack I and commence full operations by the end of Year 4 of the First Increment.**

### Explanatory Information

A description of Colorado's Tamarack I is found in the Program Water Plan (Attachment 5, Section 3). Funding the construction of this project is Colorado's responsibility. It is anticipated that the following tasks will be accomplished leading up to full operation of Tamarack Phase I for Program purposes:

2.1. Colorado will secure any necessary Colorado or federal authorizations and appropriate compliance under the National Environmental Policy Act (NEPA) prior to the end of Year 2 of the Program.

2.2. Colorado will construct and begin operation of 50% of the Tamarack I by the end of Year 2 of the Program.

2.3. Colorado will account for Tamarack I water passing to the Colorado-Nebraska state line. Nebraska initially will rely on accounting to track this water within Nebraska to the associated habitats. The effectiveness of this strategy to accomplish Program objectives will be assessed. In the event that permitting is deemed necessary to protect this water, Colorado will cooperate with Nebraska to enable acquisition of the needed permits.

2.4. Colorado will commence full Tamarack I operations by the end of Year 4, after consultation with the FWS's Environmental Account Manager to help Colorado maximize the benefit of its operations for Program purposes.

2.5. Colorado will develop an annual operations plan and coordinate that plan with the FWS's Environmental Account Manager.

### **3. CNPPID and NPPD will implement an Environmental Account for Storage Reservoirs on the Platte System in Nebraska as provided in FERC licenses 1417 and 1835.**

#### Explanatory Information

“An Environmental Account for Storage Reservoirs on the Platte River System in Nebraska” (EA Document) is found in the Program Water Plan (Attachment 5, Section 5).

3.1. CNPPID will make contributions to the Environmental Account as set forth in its license, and will make releases from the Environmental Account as requested by the Environmental Account Manager in accordance with CNPPID's FERC-approved Administrative Plan.

3.2. Other water contributions may be provided to the Environmental Account as set forth in “An Environmental Account for Storage Reservoirs on the Platte River System in Nebraska” and as permitted and tracked by the Nebraska Department of Natural Resources (NDNR).

### **4. The Reconnaissance-Level Water Action Plan, as may be amended by the Governance Committee, will be implemented and capable of providing at least an average of 50,000 acre-feet per year of shortage reduction to target flows, or for other Program purposes, by no later than the end of the First Increment.**

#### Explanatory Information

The terms “reduction in shortage”, “target flows”, and how water projects are evaluated to determine their contribution to reduction in shortage is described in the Platte River Recovery Implementation Program, Section III.E.

The combined three state water projects (Pathfinder Modification, Tamarack I, and the Nebraska Environmental Account) were evaluated and determined to provide an average reduction in shortage of 80,000 acre-feet per year. The combined effect of the original three projects and the Reconnaissance-Level Water Action Plan is intended to achieve the Program objective of “providing water capable of improving the occurrence of Platte River

flows in the central Platte River associated habitats relative to the present occurrence of species and annual pulse target flows.... by an average of 130,000 to 150,000 acre-feet per year as measured at Grand Island....” (Platte River Recovery Implementation Program, Section III.A.3.b.(1)). Therefore, the Reconnaissance-Level Water Action Plan is intended to provide an average of at least 50,000 acre-feet per year reduction in shortage in addition to the three state water projects.

As Reconnaissance-Level Water Action Plan projects move forward from the reconnaissance level, to feasibility, to project implementation, the reduction in shortage credited to an individual project will remain as evaluated and agreed upon by the Governance Committee prior to project implementation, so long as the project is implemented in general and reasonable conformance with the project description. That amount of reduction in shortage for the Reconnaissance-Level Water Action Plan project will be credited towards the completion of Milestone 4, and is not dependent upon annual or day-to-day management decisions made by the Environmental Account Manager or future variations in hydrologic conditions during the First Increment.

The Program’s Reconnaissance-Level Water Action Plan is found in the Program Water Plan (Attachment 5, Section 6). The following steps are necessary to implement the Water Plan and are needed to successfully complete Milestone 4.

4.1. The Governance Committee is responsible for allocating funds necessary to implement the Reconnaissance-Level Water Action Plan in accordance with the Program budget, as approved by the signatories and may be revised by the Governance Committee.

4.2. The Governance Committee is responsible for acquiring the necessary permits for individual water related activities and for insuring compliance with all relevant local, state and federal laws and regulations.

4.3. The Governance Committee will determine which projects in the Reconnaissance-Level Water Action Plan are retained through the reconnaissance, feasibility, and implementation level. Water related activities implemented in accordance with the Water Plan will be credited to the Program’s long-term objective as set forth in the Platte River Recovery Implementation Program, Section III.A.3.a.(1) and the objective for the First Increment of the Program. As appropriate, the Governance Committee will develop and use protocols to determine what quantities of water are to be credited to the individual projects.

4.4. Recognizing that the initial Reconnaissance-Level Water Action Plan (Attachment 5, Section 6), is based on reconnaissance level project evaluations, the Governance Committee will complete feasibility studies on proposed projects and develop a Water Action Plan, if necessary, by the end of Year 3 of the First Increment.

4.5. This Water Action Plan, as may be amended by the Governance Committee, will be capable of providing at least an average of 25,000 acre-feet per year of shortage reduction to target flows, or for other Program purposes, by the end of Year 8 of the First Increment.

4.6. The Governance Committee will ensure that projects implemented under this Water Action Plan are operated in accordance with approved operating plans and that they are having the intended effects on Program purposes.

4.7. The Governance Committee will ensure that water produced by projects implemented under this Water Action Plan is included in approved tracking and accounting procedures and that these projects are coordinated with other Program activities including other water projects and with the management of the Environmental Account.

**5. The Land Plan, as may be amended by the Governance Committee, will be implemented to protect and, where appropriate, restore 10,000 acres of habitat by no later than the end of the First Increment.**

Explanatory Information

The Program's Land Plan is found in Attachment 4. The following steps are necessary to implement the Land Plan and are needed to successfully complete Milestone 5.

5.1. The Governance Committee is responsible for allocating the Land Plan funds in accordance with the Program budget, as approved by the signatories and may be revised by the Governance Committee.

5.2. The Governance Committee will insure the acquisition of necessary permits for individual land protection and habitat restoration activities and for insuring compliance with all relevant local, state and federal laws and regulations.

5.3. Land protected in accordance with the Land Plan and land acquired by or on behalf of existing water related activities completing ESA Section 7 consultation prior to the Program will be credited to the Program's long-term objective as set forth in Platte River Recovery Implementation Program, Section III.A.3.a.(2), and the objective for the First Increment of the Program.

5.4. NPPD is responsible for implementing the Cottonwood Ranch Development Plan as approved by FERC, in accordance with Article 407 of the license for Project 1835 and the settlement agreement. The Governance Committee will fund the habitat maintenance plan for the NPPD Cottonwood Ranch Property in accordance with the FERC License and the settlement agreement. The Governance Committee will reimburse NPPD for the Cottonwood Ranch development costs in accordance with the FERC License and the settlement agreement. The Program and this Milestone will be credited for 2,650 acres for the NPPD Cottonwood Ranch Property.

5.5. Management, restoration, and maintenance of Program lands will be accomplished according to the principles of adaptive management, including the identification of a habitat baseline for each parcel and the implementation of monitoring and research activities as described in the Program's Adaptive Management Plan found in Attachment 3.



5.6. A management and restoration plan specific to each parcel of land protected will be prepared within one year of acquisition and implemented as provided in the plan.

5.7. The Land Plan and management and restoration plan will be implemented with the advice of the Land Advisory Committee.

5.8. The Governance Committee will establish a land holding entity in accordance with the Program's Land Plan by the end of Year 1 of the Program.

5.9. Recognizing that restoration plans may require a number of years to complete, the Governance Committee will use its best efforts to protect 10,000 acres of habitat, including the 2,650 acres of habitat with the NPPD Cottonwood Ranch Property, by the end of Year 9 of the First Increment.

**6. The Integrated Monitoring and Research Plan, as may be amended by the Governance Committee, will be implemented beginning Year 1 of the Program.**

Explanatory Information

6.1. The Program's Integrated Monitoring and Research Plan (Attachment 3, Section 5) will be implemented to conduct biological response monitoring and research of all water and land actions as needed for adaptive management.

6.2. The Program is responsible for allocating the Integrated Monitoring and Research Plan (Attachment 3, Section 5) funds in accordance with the Program budget, as approved by the signatories and may be revised by the Governance Committee.

6.3. All aspects of the Program's Integrated Monitoring and Research Plan will be subject to independent peer review, as approved by the Governance Committee.

6.4. The results of the Program's Integrated Monitoring and Research Plan will be evaluated annually, to determine if the Program is operating as originally envisioned and to determine if management changes are warranted in accordance with the Adaptive Management Plan (Attachment 3).

6.5. Monitoring and research will be conducted to determine the impact of the Program's habitat development and maintenance activities and enable modifications to minimize impacts to the environment and adjoining landowners.

**7. The Wyoming Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Explanatory Information

7.1. Operate Wyoming's Depletions Plan according to Section 7 of the Water Plan (Attachment 5)

**8. The Colorado Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Explanatory Information

8.1. Operate Colorado's Depletions Plan according to Section 9 of the Water Plan (Attachment 5).

**9. The Nebraska Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Explanatory Information

9.1. Operate Nebraska's Depletions Plan according to Section 8 of the Water Plan (Attachment 5).

**10. The Federal Depletions Plan, as may be amended with the approval of the Governance Committee, will be operated during the First Increment of the Program.**

Explanatory Information

10.1. Operate the Federal Depletions Plan according to Section 10 of the Water Plan (Attachment 5).