

Association of Midwest Fish and Wildlife Agencies

60th Annual Meeting Proceedings



July 11-13 1993
Eugene T. Mahoney State Park
Ashland, Nebraska

FEB 21 1994

Association of Midwest Fish & Wildlife Agencies

ANNUAL MEETING

July 11-13, 1993

Eugene T. Mahoney State Park
Ashland, NE

Hosted By
Nebraska Game and Parks Commission

Association Meeting Places and Dates

1. Des Moines, Iowa	1934	31. Milwaukee, Wisconsin	1964
2. St. Paul, Minnesota	1935	32. Toronto, Ontario	1965
3. Madison, Wisconsin	1936	33. Wichita, Kansas	1966
4. Sioux Falls, South Dakota	1937	34. Des Moines, Iowa	1967
5. Omaha, Nebraska	1938	35. Chicago, Illinois	1968
6. Madison, Wisconsin	1939	36. St. Louis, Missouri	1969
7. Mason City, Iowa	1940	37. Winnipeg, Manitoba	1970
8. St. Louis, Missouri	1941	38. Aspen, Colorado	1971
9. Duluth, Minnesota	1942	39. Wichita, Kansas	1972
10. Fox Lake, Illinois	1943	40. Bismarck, North Dakota	1973
11. Bismarck, North Dakota	1944	41. Duluth, Minnesota	1974
12. Indianapolis, Indiana	1945	42. Traverse City, Michigan	1975
13. Rapid City, South Dakota	1946	43. Rapid City, South Dakota	1976
14. Roscommon, Michigan	1947	44. Lincoln, Nebraska	1977
15. Put-in-Bay, Ohio	1948	45. Milwaukee, Wisconsin	1978
16. Lincoln, Nebraska	1949	46. Nashville, Indiana	1979
17. Milwaukee, Wisconsin	1950	47. Columbus, Ohio	1980
18. Wichita, Kansas	1951	48. Des Moines, Iowa	1981
19. Des Moines, Iowa	1952	49. Springfield, Illinois	1982
20. Dorset, Ontario	1953	50. Lexington, Kentucky	1983
21. St. Louis, Missouri	1954	51. Hannibal, Missouri	1984
22. Estes Park, Colorado	1955	52. Wichita, Kansas	1985
23. Springfield, Illinois	1956	53. Vail, Colorado	1986
24. Park Rapids, Minnesota	1957	54. Winnipeg, Manitoba	1987
25. Bismarck, North Dakota	1958	55. Bismarck, North Dakota	1988
26. West Lafayette, Indiana	1959	56. Duluth, Minnesota	1989
27. Rapid City, South Dakota	1960	57. Grand Rapids, Michigan	1990
28. Higgins Lake, Michigan	1961	58. Rapid City, South Dakota	1991
29. Omaha, Nebraska	1962	59. Green Bay, Wisconsin	1992
30. Columbus, Ohio	1963	60. Ashland, Nebraska	1993

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60th Annual Meeting of the Association of Midwest

Fish and Wildlife Agencies

July 11-13, 1993

AGENDA

SUNDAY — JULY 11

1-5 p.m. Registration

5-8 p.m. President's Reception

MONDAY — JULY 12

8 a.m. Registration

8:30 a.m. Call to Order — *Rex Amack, AMFWA President*

Remarks — *E. Benjamin Nelson, Governor, State of Nebraska*

Welcome — *Randall Stinnette, Chairman, Nebraska Game and Parks Commission*

8:45 a.m. Implementation and experience with the National Migratory Bird Permit

Missouri Experience — *Ken Babcock, Assistant Director,*

Missouri Conservation Commission

South Dakota Experience — *Doug Hansen, Director, Division of Wildlife*

9:25 a.m. The Great Plains Initiative — *Jo Clark, Western Governors Association*

9:55 a.m. BREAK

10:15 a.m. Mississippi Interstate Cooperative Resource Agreement:

History, Development & Status — *Wes Sheets, Assistant Director,*

Nebraska Game and Parks Commission

10:45 a.m. Concepts of restoring & managing highly altered river systems — *Larry Hesse,*

Fisheries Specialist, Nebraska Game and Parks Commission

11:45 a.m. Travel to Ak-Sar-Ben Aquarium

12:15 p.m. LUNCH at Ak-Sar-Ben Aquarium

1-3 p.m. Effectiveness of Fish and Wildlife Agency Management — *Spencer Amend, U.S.*

Fish & Wildlife Service, Ft. Collins, CO

3 p.m. BREAK

3:20 p.m. An unfinished case history of relicensing two hydropower projects on the Platte River by the Federal Energy Regulatory Commission

Description of the Projects — *Jim Cook,*

Nebraska Natural Resources Commission
Perspectives of the Central Nebraska Public Power and Irrigation District —
Dave Mazour

Perspectives of the NE Public Power District — *Brian Barels*
Perspectives of the U.S. Fish & Wildlife Service — *Bob McCue*
Perspectives of the State of Nebraska — *Jim Cook*

4:45 p.m. ADJOURN — Return to Park

6 p.m. Board vans for tour of Lied Jungle and dinner.

TUESDAY — JULY 13

8 a.m. Business Meeting
Committee Reports
IAFWA Activities Report

10 a.m. BREAK

10:15 a.m. Old Business

1. Report on Midwest Attorney's meeting
2. Report of Ad Hoc Committee on operation of Midwest Association
3. Report of Private Lands Committee

11 a.m. New Business

1. Proceedings of North American Fisheries Implementation Workshop
2. Report on FWS Region 6 — *Skip Ladd, Assistant Regional Director*
3. Report on FWS Region 3 — *Sam Marler, Regional Director*

Noon ADJOURN

12:15 p.m. LUNCH — Abel Nebraska Room

60TH ANNUAL MEETING
July 13, 1993
Business Meeting Agenda/Minutes

I. Call to Order and Roll Call

II. Presidents Remarks

III. Approval of Minutes from 1992 Meeting

IV. Treasurer's Report

V. Committee Reports

Executive

Audit

Legislative

Resolutions

Nominations

Awards

VI. Report of IAFWA Activities - The Great Plains Initiative

VII. Old Business

- a. Report of Association of Midwest Fish and Wildlife Agencies Attorney's Meeting - Linda Willard - Nebraska
- b. Report from Ad Hoc Committee on operation of the Midwest Association of Fish and Wildlife Agencies - Steve Miller - Wisconsin
- c. Report on Private Lands Committee (July 26-29 Bismarck) - Pat Cole - Nebraska

VIII. New Business

- a. Proceedings of North American Fisheries Implementation workshop - Wes Sheets - Nebraska
- b. Report on Fish and Wildlife Service Region 6 - Skip Ladd - Assistant Regional Director
- c. Report on Fish and Wildlife Service Region 3 - Sam Marler - Regional Director

IX. Passing of the Gavel

X. Adjourn

Business Meeting

The Association of Midwest Fish and Wildlife Agencies met at Ashland, Nebraska, July 11 - 13, 1993. President Rex Amack from Nebraska called the meeting to order at 8:15 a.m.

Joe Kramer, Secretary/Treasurer called roll and the following members were present: Rex Amack, President, Nebraska; Bruce McCloskey, Colorado; Jeff VerSteeg, Illinois; Wayne Bivans, Indiana; Al Farris, Iowa; Joe Kramer, Kansas; Tom Young, Kentucky; Roger Holmes, Minnesota; Ken Babcock, Missouri; Dick Pierce, Ohio; Doug Hansen, South Dakota; Steve Miller, Wisconsin. Members absent were: Manitoba; Michigan; North Dakota; Ontario; Saskatchewan.

Minutes of the 59th Annual Meeting held in Green Bay, Wisconsin, were reviewed.

Motion by Al Farris (IA), seconded by Joe Kramer (KS) to approve the minutes. Motion carried.

Minutes of the Association of Midwest Fish and Wildlife Agencies meeting held at the International Association of Fish and Wildlife Agencies in Toledo, Ohio, on September 11, 1992, were reviewed.

Motion by Dick Pierce (OH), seconded by Bruce McCloskey (CO) to approve the minutes. Motion carried.

Joe Kramer (KS), Secretary/Treasurer, presented the financial report. Mr. Kramer stated the balance as of December 31, 1992, was \$14,150.15. A copy of the financial report is attached.

Motion by Tom Young (KY), seconded by Doug Hansen (SD), to approve the financial report. Motion carried.

Bruce McCloskey (CO) presented the Audit Committee Report. Mr. McCloskey stated that Dick Pierce (OH) and Tom Young (KY) also served on the Audit Committee.

Motion by Al Farris (IA), seconded by Roger Holmes (MN), to accept the Audit Committee Report. Motion carried.

Dick Pierce (OH) presented the Legislative Committee Report. Mr. Pierce presented updated information on the Endangered Species Act. Information was also presented on the Clean Water Act, the Fish and Wildlife Refuge Act, and Legislation on new Firearms Ammunition Taxes. The taxes will be used to benefit victims of crimes.

Tom Young (KY) stated there were no official nominations from the Nominating Committee, but that consideration should be given to the proposal from Jeff VerSteeg (IL) regarding a meeting schedule. Mr. VerSteeg proposed that the meeting be held by going alphabetically by state. President Amack stated that since Colorado is the host state next year, that language be developed to implement the proposal and present the information at the 61st Annual Meeting and amend the language into the bylaws.

Motion by Mr. McCloskey (CO), seconded by Mr. Young (KY) that the incoming President accept the responsibility of drafting the potential bylaws changes to incorporate the proposal and hold the 1994 meeting in Colorado. Motion carried.

Steve Miller (WI) presented a report on the Ad Hoc Committee on operations of the Association of Midwest Fish and Wildlife Agencies. Ken Babcock (MO) and Joe Kramer (KS) were also members of the committee. Mr. Miller proposed a change in the bylaws to allow for the use of technical

committees, such as the Midwest Deer and Turkey Group; Midwest Pheasant Study Group, and the Mid-Continent Warm Water Propagation Council, and for the technical committees to report to the Ad Hoc Committee on a regular basis. Mr. Miller also proposed that the Association consider establishing additional technical committees on issues such as, endangered species and biodiversity.

Motion by Mr. Miller (WI), seconded by Mr. Kramer (KS) that as we are going to have a short meeting at Lake Placid that is where we would take action. Motion carried.

President Amack (NE) requested that Steve Miller (WI) continue to serve as Chairman of the Ad Hoc Committee and that the Committee prepare a report within the next 30 days.

Pat Cole, Administrative Assistant to the Resource Services Division of the Nebraska Game and Parks Commission, presented a report on the Private Lands Committee.

Wes Sheets, Assistant Director of the Nebraska Game and Parks Commission, presented information on the North American Fisheries Implementation Workshop that was held in March.

Meeting recessed at 9:45 a.m.

Meeting reconvened at 10:06 a.m.

Linda Willard, Assistant Attorney General of the Nebraska Attorney General's Office, presented a report on discussions held by the legal counsel representatives of the participating states in the Association of Midwest Fish and Wildlife Agencies.

Wilbur "Skip" Ladd, Assistant Regional Director for Refuges and Wildlife, representing the U.S. Fish and Wildlife Service, Region VI, in Colorado, presented a report on funding issues that the Fish and Wildlife Service is involved with.

Sam Marler, Regional Director, representing the U.S. Fish and Wildlife Service, Region III, in Minnesota, presented information on activities in Region III.

Al Farris (IA) made a presentation regarding the Partners in Flight program. Mr. Farris also volunteered that Iowa and the Fish and Wildlife Service have the most up-to-date model Environmental Impact Statement, if anyone is interested and would like to use it. Information was also presented on the CONCEP program.

John Christian, representing Region III of the U.S. Fish and Wildlife Service, presented information on new federal programs and non-game grant monies that are available for states coastal wetlands grant programs.

Ken Babcock (MO) presented a Resolution in support of the Migratory Bird Harvest Information Program.

Motion by Mr. Babcock (MO), seconded by Mr. Miller (WI) to accept the Resolution. Motion carried. (Resolution attached.)

President Amack passed the gavel to incoming President Bruce McCloskey (CO).
Meeting adjourned at 11:58 a.m.



Rex Amack, President

RESOLUTION

In Support of the Migratory Bird Harvest Information Program Enacted at the Annual Meeting of the Association of Midwest Fish and Wildlife Agencies at Ashland, Nebraska, July 11-13, 1993.

WHEREAS, it has been widely recognized for at least a quarter of a century that the absence of reliable harvest data for migratory wildlife is a serious wildlife management problem, and

WHEREAS, the International Association of Fish and Wildlife Agencies approved recommendations in the August 1990 report of the Ad Hoc Committee on Waterfowl Breeding Ground Surveys and Migratory Bird Harvest Surveys calling for the U.S. Fish and Wildlife Service and the states to work together to develop a program to address this deficiency, and

WHEREAS, a Final Rule in the Federal Register published on March 19, 1993, requires that the U.S. Fish and Wildlife Service and State wildlife agencies cooperatively establish a national migratory Bird Harvest Information Program in which migratory game bird hunters will be required to participate by supplying their names, addresses and other necessary information to develop surveys that will improve harvest estimates for migratory game birds.

THEREFORE, LET IT BE RESOLVED, that the Association of Midwest Fish and Wildlife Agencies at its annual meeting on July 11-13, 1993, at Ashland, Nebraska, go on record in complete support of the Migratory Bird Harvest Information Program as published in the Federal Register on March 19, 1993, and

BE IT FURTHER RESOLVED, that Association Directors contact their congressional delegations urging their funding support for this important program, and

BE IT FURTHER RESOLVED, that the Association urge the U.S. Fish and Wildlife Service to provide funding for the Migratory Bird Harvest Information Program, placing special emphasis on development of cooperative agreements that include provisions for start-up monies to states as they come on-line in the program, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to:

*Directors of Association of Midwest Fish and Wildlife Agencies
Mollie Beattie, Director, U.S. Fish and Wildlife Service
Paul Schmidt, Office of Migratory Bird Management, U.S. Fish and Wildlife Service
R. Max Peterson, Executive Vice President, International Assn. of Fish and Wildlife Agencies
Rollin Sparrowe, President, Wildlife Management Institute*

BY: *Rex Amack*
*President, Association of Midwest
Fish and Wildlife Agencies*

Date *July 13, 1993*

[Signature]

REPORT OF THE TREASURER
Eugene T. Mahoney State Park — July 13, 1993

<i>Balance of assets brought forward from 1991</i>	<i>\$ 12,734.99</i>
<i>Total receipts for the business year 1992, including dues from 17 members and interest on cash management account</i>	<i>\$ 1,936.17</i>
<i>Total expenditures for Green Bay, WI, conference</i>	<i>\$ 500.00</i>
<i>Engraving for Association awards</i>	<i>\$ 21.00</i>
<i>Status of the Association's funds at close of business for year 1992</i>	<i>\$ 14,150.15</i>
<i>Balance of the 1992 checking account forwarded to the 1993 account</i>	<i>\$ 6,434.98</i>

The official Association financial ledger, showing receipts and expenditures, has been made available to the Audit Committee.

Joe E. Kramer, Treasurer (1992)

TREASURER'S REPORT
1992 Transactions

<i>Total assets beginning January 1, 1992</i>	<i>\$ 12,734.99</i>
<i>Receipts 1992:</i>	
<i> Annual dues</i>	<i>\$ 1,700.00</i>
<i> Interest on cash management account</i>	<i><u>236.16</u></i>
	<i><u>1,936.16</u></i>
<i>Total available assets</i>	<i>\$ 14,671.15</i>
<i>Disbursements 1992:</i>	
<i> Association advance to Wisconsin</i>	<i>\$ 500.00</i>
<i> 1992 awards engraving</i>	<i>21.00</i>
	<i>\$ 521.00</i>
<i>Accounting of Assets as of December 31, 1992:</i>	
<i> Cash in checking account</i>	<i>\$ 6,434.98</i>
<i> Cash in Management Acct. No. 1212990-4750</i>	<i><u>\$ 7,715.17</u></i>
	<i>\$ 14,150.15</i>
<i>Total Assets, December 31, 1992</i>	<i>\$14,150.15</i>

ABSTRACTS
OF
PRESENTATIONS

Migratory Bird Harvest Information Program Missouri's Experience

Ken Babcock
Missouri Department of Conservation

Conservationists have long recognized that lack of reliable migratory bird harvest information is a serious wildlife management deficiency. The Migratory Bird Harvest Information Program (HIP) enacted by the U.S. Fish and Wildlife Service (FWS) provides a unique opportunity for the Service and states to cooperatively implement hunter surveys to provide needed information. States will gradually come on line, with participation of all states by 1993. Missouri was one of three states participating in 1992. All migratory bird hunters were required to obtain an HIP Program Card, issued by permit vendors for a \$2.00 fee. Vendors forwarded survey cards, filled out on-site by hunters, to the FWS Harvest Surveys office where data entry and harvest surveys were conducted. Initial results of harvest surveys are encouraging. Strong public information efforts resulted in favorable media, hunter, and vendor support. Those who opposed the program generally reversed their position when reasons for the program were explained. The spirit of cooperation displayed by the FWS was excellent, resulting in a workable program. Missouri strongly supports this program and recommends endorsement and participation by other Association of Midwest Fish and Wildlife Agencies.

Implementation and Experience With the Migratory Bird Harvest Information Program South Dakota's Experience

Doug Hansen
South Dakota Division of Wildlife

As a volunteer pilot state for the Migratory Bird Harvest Information Program (MBHIP), South Dakota Division of Wildlife committed to three basic objectives: provide information needed by the U.S. Fish and Wildlife Service (USFWS); establish a user database to satisfy internal needs, and make the process "friendly" to participants.

The process selected incorporates MBHIP participation into our existing licensing procedures. All buyers of licenses required to hunt migratory birds must complete a short survey form that is a part of the license application. Through the purchase of these licenses, hunters are automatically certified as MBHIP participants. The MBHIP logo appears on the back side of the buyer's license. The survey portion, containing name and address of the buyer, is mailed to us by the license agent. Name and address information is encoded into a NAMES database which can be accessed for internal survey or enforcement purposes. Names of migratory bird hunters are sent to USFWS.

After one full year and one partial year of experience, results have been mostly positive. We have had excellent cooperation from license buyers and agents. Approximately 207,000 license/survey forms were encoded during year one of which 56,000 were migratory bird hunters. Total operational cost during year one was approximately \$155,000. A portion of program costs are recovered through a Federal Aid P.R. project. Improvements planned for 1994 include revision of license forms to facilitate automated scanning, enhance hunter acceptance, and allow more convenient and less costly return of forms by agents.

The Great Plains Initiative A New Way of Doing Business

Jo Clark

Western Governors Association

Great Plains Initiative is an experimental program to get ahead of the endangered species curve — to take preventative actions which will protect and conserve the biological richness of the Great Plains in ways that maintain and enhance the economic health of the region. Approximately 300 species of plants, vertebrates, and invertebrates are on the candidate list for threatened and endangered species. Of these, the endemic species unique to the Plains are of special concern. To quote Fritz Knopf, "These endemic species are the biotic integrity of the region, the unique offerings by the Great Plains to the biological diversity of North America."

The goal of the Great Plains Initiative is to promote the health and well-being of the Great Plains by demonstrating that both economic and environmental interests can be served by preventing the decline of species and their ecosystems. The objectives include:

- Encourage cooperation rather than conflict
- Promote a viable and sustainable economic future
- Avert future endangered species listings
- Build consensus among residents and managers of resources of the Great Plains in designing their own solutions

After completing a phase of initial scoping, an action mode will include several avenues:

1. Pilot projects and demonstration projects
2. New cooperation and partnerships
3. Legislative initiatives
4. Public education and outreach

MICRA
Mississippi Interstate Cooperative Resource Agreement
Wes Sheets
Nebraska Game and Parks Commission

MICRA represents a coalition formed by all 28 state conservation departments with fisheries management jurisdiction and joined by other federal, non-federal, and private "entities" with aquatic resource responsibilities within the Mississippi River Drainage System. The purpose and mandate of MICRA is to assess the fishery resources and endeavor to assist in its protection, maintenance, and enhancement on a system-wide basis. If improved coordination and communication can improve the conservation, development, management, and utilization of the inter-jurisdictional fisheries, MICRA will accomplish its goal. Initial assessments and strategic planning has been completed with communications growing.

Concepts of Restoring and Managing
Highly Altered River Systems
Larry Hesse
Nebraska Game and Parks Commission

Recent political initiatives, the expanding state of knowledge regarding river science, and the degraded condition of fish and shellfisheries in the Mississippi River Basin have provided the stimulus to begin restoration of rivers in the basin. The Missouri River is a case in point; lost function included separation of the floodplain from the channel, loss of the natural hydrograph, curtailment of sediment and organic matter transport, altered temperature regimes, and the removal of instream cover. We have approached restoration from the perspective that it is essential to recover part of all lost function rather than to pursue a new direction, acknowledging the profound changes in morphology, because it is our opinion that the native community will be served best by such an approach. Hydraulic reconnection of channel and floodplain features, cutoff by channelization and degradation, and recovery of the natural hydrograph are paramount.

Effectiveness of Fish and Wildlife Agency Management

Session at the
Association of Midwest Fish & Wildlife Agencies
Annual Meeting; July 12, 1993

Session Leader
Spencer R. Amend — U.S. Fish and Wildlife Service
Division of Federal Aid Management Assistance Team

We are in Phase 3 (the "getting the word out" phase) of a study jointly conceived and conducted by the Management Assistance Team, Virginia Tech, and the Organization of Wildlife Planners. The first 2 phases were (1) identification of factors describing fish and Wildlife agency effectiveness and (2) case studies to identify specific actions and strategies making agencies effective in the 21 areas identified in phase 1.

Prior to the session, Midwest Agency Directors (and a few others) had ranked the 21 factors according to those they most wanted to talk about during the session. The attached list shows the order of factors according to their rankings.

The main objective for the session was to continue focused dialogue about fish and Wildlife agency effectiveness. Especially, phase 3 (and this session) is aimed at the sharing of success stories about good fish and wildlife agency management. It is not our belief that success stories should be copied or imitated, rather that ideas formulated and tailored to specific situations will produce the best results. With very little prompting, those present at the session shared several of their success stories, primarily in the area of Openness to Public Input. Roger Holmes told the story of Minnesota's use of fishing round tables. Steve Miller shared Wisconsin's success with the Wisconsin River Citizen Task Force. Bruce McClosky shared what they had learned from Colorado's bear ballot initiative; Wayne Bivans talked about Indiana's deer advisory committee, and Doug Hansen spoke about South Dakota's planning successes.

What Steve McMullin and I think we've learned from the case studies can be boiled down to the following eight principles of Management Effectiveness: Proactive on issues; Closeness to customers; Employee autonomy and empowerment; Valued employees; Missionary zeal; Biological base; Stable, respected, enlightened leadership; and Simultaneously political and nonpolitical. Several available publications describe these in more detail.

At the present time and into the near future, our efforts to facilitate the systematic sharing of success stories among all fish and wildlife agencies will continue. We are also involved with helping several individual agencies develop specific improvement programs in areas of interest to them. Anybody wanting more information, or wanting to explore possible applications of Management Effectiveness Project results to their agency, please call me at (303) 282-2001.

Fish and Wildlife Agency Management Effectiveness Factors
ranked by
Midwest Fish and Wildlife Agency Directors

1. Openness to Public Input
2. Public Perception of Fairness in Decision Making

Tie:

- 3-5. Adaptability and Innovation
Agency Monitors Trends, Looks Towards the Future
Participative Decision Making

Tie:

- 6-7. Sensitivity to Politics
Teamwork Within the Agency

Tie:

- 8-9. Amount, Diversity and Stability of Funding
Leadership and Management Skills of Agency Leaders

Tie:

- 10-14. Ability to Resolve Issues Before Conflicts Arise
Employee Morale
Internal Communication
Public and Personnel Understanding of Agency Mission
Public Awareness of Agency Programs

Tie:

- 15-18. Agency Credibility with Executive and Legislative Branches
Agency Planning System Links Planning and Budgeting
Employee Recognition and Rewards
Public Support for the Agency

19. Ability to Resolve Conflicts Without Appeal or Override

Tie:

- 20-21. Definition of Personnel Roles
Relationships with other Agencies

An Unfinished Case History of Relicensing Two Hydropower Projects on the Platte River

By the Federal Energy Regulatory Commission

Description of the Projects — Jim Cook

With over 30,000 surface acres and nearly 1.8 million acre feet of storage when full, Lake McConaughy is Nebraska's largest lake. Known by most Nebraskans for its recreation potential, it is one of Nebraska's best fisheries and is enjoyed by several hundred thousand users each year. However, Kingsley Dam, which impounds the water for Lake McConaughy and was completed in 1941, was built to store water for two other purposes, irrigation and hydropower production. Because it provided water for hydropower facilities, it was subject to the jurisdiction of the Federal Power Commission, now the Federal Energy Regulatory Commission (FERC). The original license, issued in 1937, expired in 1987, necessitating relicensing according to present federal law and FERC rules.

Two separate licenses are involved, one held by the Central Nebraska Public Power and Irrigation District (Central), the owner of Lake McConaughy, and the other by the Nebraska Public Power and Irrigation District (NPPD). NPPD's system was constructed prior to Central's, and takes water from both the North Platte River below Kingsley Dam and from the South Platte River. It uses that water for cooling purposes for a large coal-fired power plant at Sutherland (the plant itself is not subject to the license), before routing the water through the North Platte hydro and returning it to the South Platte River just upstream from the confluence of the North Platte and South Platte.

Central's use of water from Lake McConaughy begins immediately upon its release through the Kingsley hydro unit put into service in the 1980's. During the irrigation season, some of the water released bypasses NPPD's diversion dam to provide water for irrigation districts in the North Platte basin upstream from North Platte. Just downstream from North Platte and from NPPD's return to the river, Central diverts water to its main supply canal which delivers it to three hydropower plants. In the non-irrigation season, most of the water is then returned to the Platte River at Overton. During the irrigation season most of the water is instead diverted to Central's irrigation service area in South Central Nebraska. In excess of 100,000 acres in three counties are irrigated directly from Central's irrigation system. In addition, more than 200,000 acres irrigated with ground water benefit directly from the recharge that occurs from the seepage from the canals, laterals, and other irrigation facilities.

Preparation for relicensing began by the districts in the early 1980's. The initial application for a new license was filed in 1984, but it was not until May of 1990 that FERC decided that the application was complete and ready for consideration. Annual licenses, which have been the subject of litigation have been issued since 1987. During that time, work has progressed toward issuing the new long-term licenses; they are expected to be for a period of about 30 years.

After the application was found to be complete, FERC began the process of identifying a number of relicensing alternatives. A Draft Environmental Impact Statement was issued in January of 1992. After public review, that draft was determined to be inadequate and preparation of a revised DEIS is now underway with release expected around the end of 1993. A decision on licensing will occur in 1994 at the earliest. With appeals expected, a final decision is not likely until the latter half of the decade.

Perspectives of the Central Nebraska Public Power and Irrigation District

David F. Mazour

This presentation focused on the Endangered Species Act and its implementation with regard to the relicensing of Kingsley Dam and associated facilities. Potential problems were identified caused by the U.S. Fish and Wildlife Service proposed definition of the "Baseline." This is the reference point from which future project operations would be evaluated. The Nebraska Plan and the flexibility associated with it was discussed from the standpoint of the extra value for wildlife obtained from the given water supply.

Perspectives of the Nebraska Public Powers District

Brian Barels

NPPD has been attempting to relicense its Sutherland project (Project No. 1835) with the Federal Energy Regulatory Commission since 1984. The Sutherland project includes the North Platte hydro, a 24-megawatt facility, a 3,000-acre storage facility, a 1,600-acre regulating reservoir, 62 miles of canals and diversion structures on the North and South Platte rivers. The FERC relicensing process has been ongoing over an extended period of time as a result of changes in laws, regulations, the development of scientific information related to the Platte River, the relationship of the Federal Power Act and Endangered Species Act and the FERC relicensing process itself. NPPD believes that a resolution to the FERC relicensing can minimize the amount of time and costs which must be expended disputing the various issues and move forward to provide benefits for the environment. This would be in the best interest of all parties.

Perspectives of the U.S. Fish and Wildlife Service
For the Recommendations of the Department of the Interior on
New Licenses for Kingsley Dam and the
North Platte/Keystone Diversion Dam Projects

Robert L. McCue

The U.S. Fish and Wildlife Service (USFWS) has had an active and extensive role in the relicensing proceedings for the Kingsley Dam Project and the North Platte/Keystone Diversion Dam Project (Federal Energy Regulatory Commission (FERC) Project numbers 1417 and 1835). The Service has specific responsibilities for the public trust resources of federally listed threatened and endangered species and migratory birds, but is also charged with protecting, restoring, and enhancing all fish and wildlife resources (and the naturally functioning ecosystems on which these resources depend) and the human recreational uses of the resources subject to the effects of water developments.

To address the past and continued deterioration of North Platte River, Platte River, and Rainwater Basin habitats, the Department of the Interior (Department) has made recommendations, under Section 10(j) of the Federal Power Act and Section 2 of the Fish and Wildlife Coordination Act, for instream flow/water management, habitat restoration and maintenance, and water conservation/efficiency. Pursuant to the Endangered species Act, FERC must ensure that licensed operations are not likely to jeopardize the continued existence of any threatened or endangered species or adversely modify or destroy designated critical habitat of such species.

The USFWS believes that implementation of the Department's 10(j) recommendations can be accomplished without appreciably affecting current project purposes including irrigation, power, and recreation interests. In particular, the concept of re-regulating Project water releases for irrigation and instream flows holds great promise for addressing downstream riverine habitat needs while maintaining the existing fish and wildlife benefits of the Projects.

Perspectives of the State of Nebraska

Jim Cook

More than any other single entity involved in the relicensing process, the State of Nebraska has the legal and political accountability for all the competing beneficial uses of Platte River water. Irrigation and power generation are permitted and encouraged under state water law; the recreation resources provided by both project facilities and the river itself are enjoyed by hundreds of thousands of Nebraskans each year; the fish and wildlife, including endangered species, that depend on the Platte River habitat are extremely important not only within the state but nationally and internationally; and several municipalities obtain their drinking water supplies from aquifers dependent upon Platte River flow. How Lake McConaughy and the other project facilities are operated significantly affects all of these beneficial uses. In addition, while there is considerable storage in the North Platte basin, the Platte is still subject to flooding and that flooding can be aggravated by reservoir operating policies that cause more water to be "spilled" during wet cycles.

During the course of the relicensing process, the State of Nebraska made two different proposals to FERC for licensing conditions. The first was made by the Nebraska Game and Parks Commission in November of 1990. Those recommendations, which are called Section 10(j) recommendations, must be given extensive weight by FERC in its decision-making.

The second state proposal for relicensing was made by Governor Nelson in June of 1992 and was detailed in October of that year. That proposal was an outgrowth of state efforts to attain a negotiated solution among at least Nebraska interests.

Neither of the state proposals has received consensus support. Many of the environmental organizations felt that the NGPC proposal provided for too little water for endangered species while the districts and water users felt that it provided for too much. The number of endorsements for the Governor's plan is greater, but does not include endorsements from all interests.

FERC has already indicated that both the NGPC and the Governor's plans will be among the alternatives analyzed in the revised DEIS. What FERC selects as its "preferred alternative" will determine the nature of any settlement activity that occurs thereafter. It is certainly possible that the RDEIS will trigger new negotiations. Thus far, FERC has shown no indication of which way it might be leaning.

Perhaps the best indicator of the problems in this relicensing process is shown by the cost of the process itself. The districts alone have already spent in excess of \$20 million for relicensing and expect that total to increase to over \$30 million before the final license is issued. Not included in those figures are the costs to the Fish and Wildlife Service, the Nebraska Game and Parks Commission, environmental organizations, and all the other parties to the process. It is not very comforting to realize that the cost of the relicensing process may exceed what the districts will be economically able to contribute to environmental improvement during the term of the licenses.

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