

# NEBRASKA NATURAL RESOURCES COMMISSION

## MEETING MINUTES – August 11<sup>th</sup>, 2022

### CALL TO ORDER – PLEDGE OF ALLEGIANCE & ROLL CALL

Chairman Steffen called the meeting to order at 10:30 a.m. in the Holiday Inn and Convention Center, Kearney, Nebraska, and called the roll.

**Roll Call:**

Commissioners		Absent	Present	Commissioners		Absent	Present
Anderson	Garry		X	Krause	Timothy P		X
Batie	Donald		X	Kubat	Rick		X
Bradley	Lawrence		X	McDonald	Mike		X
Clouse	Stan		X	Miller	John		X
Czaplewski	Mark		X	Reynolds	Michael (Mick)		X
Deines	Dave	X		Schroer	Lyle	X	
Dunbar	Brad		X	Sievers	LeRoy		X
Fornoff	Kevin		X	Smathers	Scott		X
Hadenfeldt	N. Richard	X		Steffen	Jeff		X
Halligan	Bill	X		Steinkruger	Dan		X
Heaston	John	X		Strauch	Walter Dennis		X
Knutson	Thomas		X	Taylor	Loren	X	
Kraus	Don	X		Wilke	Greg		X
				Vacant			

**DNR staff in attendance:**

Tom Riley, Kent Zimmerman, Emily Rose and Jill Richters.

**Others in attendance were:**

Rob Lawson NRCS & Dustin Wilcox NARD

**Announcements:**

Chairman Steffen introduced Rob Lawson, our newly appointed NRCS State Conservationist.

### NOTICE OF THE MEETING

Notice of the meeting was published on the State Public Meetings Calendar and on the Natural Resources Commission (Commission) web site at <https://nrc.nebraska.gov>. A copy of Nebraska’s open meeting statutes was available in the room. The following DHHS guidelines regarding COVID-19 were implemented:

- Tell invitees not to attend if they are sick.
- Face coverings were provided, and use was encouraged when not seated.
- Seating arrangements provide at least six feet of distancing between attendees and presenters.

- Food, beverages, and snacks stations were not available to reduce physical proximity and community touching of common surfaces.
- Proper social distancing expectations was reviewed with the attendees related to discussions, training room entry and egress, restroom breaks, etc.
- Attendee roster was completed verbally and recorded by the meeting organizer instead of sign-in sheets.
- Minimize sharing resources/equipment such as pens, markers, presentation remotes, handouts, etc.

**MINUTES**

**Reynolds moved and Knutson seconded the motion to approve the minutes of the April 13<sup>th</sup>, 2022, Commission meeting.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Kubat	X			
Batie	X				McDonald	X			
Bradley	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer				X
Deines				X	Sievers	X			
Dunbar	X				Smathers			X	
Fornoff	X				Steffen	X			
Hadenfeldt				X	Steinkruger			X	
Halligan				X	Strauch	X			
Heaston				X	Taylor				X
Knutson	X				Wilke	X			
Kraus				X	Vacant				
Krause	X				<b>TOTALS</b>	<b>17</b>	<b>0</b>	<b>2</b>	<b>7</b>

## **DNR UPDATE & PUBLIC COMMENTS**

Chairman Steffen opened the floor for comments, Director Riley discussed and reviewed the following:

- DNR finalized the Statewide Hazard Mitigation Plan.
- We are just getting started with the JEDI legislative funding for the evaluation of the Lincoln public water supply and well field and for the lake between Lincoln and Omaha. An independent contractor has been hired to do the first phase of the work for the Perkins County Canal. A status report for the canal is due to the legislature by December 31<sup>st</sup> and there is information on the DNR website.
- DNR and other agencies have moved into Fallbrook. It is good to have the ability for collaboration with these other agencies.
- DNR is attempting to fill vacant positions.

## **PROGRAM COMMITTEE**

Staff lead discussion on agenda topics pertaining to program activities. No unusual activity was reported during review of status reports for the following funds.

### **Resources Development Fund**

The status report showed business as usual. The Hay and Dirt sales revenue balance is \$44,293.50 and the obligated funds balance for the Buck & Duck Creek project is \$39,724.50.

### **Small Watersheds Flood Control Fund**

This is currently an unfunded program.

### **Soil & Water Conservation Program Fund**

The status report showed business as usual. The new allocation is about \$1.8 million.

### **Natural Resources Water Quality Fund**

The status report showed business as usual. A distribution of about \$335,000 is being issued.

### **Water Well Decommissioning Fund**

The status report showed business as usual. An allocation of about \$65,000 is being issued.

### **Water Sustainability Fund**

The status report showed business as usual.

## **EXECUTIVE COMMITTEE**

Chairman Steffen stated the Executive Committee met prior to this meeting and discussed the following items.

A. RDF Project Close Out & Grant Reduction

Both the Nemaha NRD's Buck and Duck Creek project and the Papio Missouri River Tributaries NRD's Pigeon Jones Creeks project are complete and ready to close out. The Buck and Duck Creek project's remaining obligation must be transferred from the project and the final allocation and obligation reduced accordingly.

**Smathers moved and Clouse seconded the motion to close-out two RDF projects, Pigeon-Jones Creek and Buck-Duck Creeks; and to reduce the final amount of Allocation and Obligation for the Buck-Duck Creeks project to \$1,717,562.82.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Kubat	X			
Batie	X				McDonald	X			
Bradley	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer				X
Deines				X	Sievers	X			
Dunbar	X				Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt				X	Steinkruger	X			
Halligan				X	Strauch	X			
Heaston				X	Taylor				X
Knutson	X				Wilke	X			
Kraus				X	Vacant				
Krause	X				<b>TOTALS</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>7</b>

B. Transfer Unused RDF Funds to WSF

The RDF sales revenue and the obligation balance from close out of the Buck and Duck Creek project is eligible to be transferred to the Water Sustainability Fund as per Neb. Rev. Stat. 2-1588.

**Czaplewski moved and Reynolds seconded the motion to transfer from the Resources Development Fund to the Water Sustainability Fund \$39,724.50 of unused obligation from the Buck and Duck Creeks project and \$44,293.50 of revenue for a total of \$84,018.00.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Kubat	X			
Batie	X				McDonald	X			
Bradley	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer				X
Deines				X	Sievers	X			
Dunbar	X				Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt				X	Steinkruger	X			
Halligan				X	Strauch	X			
Heaston				X	Taylor				X
Knutson	X				Wilke	X			
Kraus				X	Vacant				
Krause	X				<b>TOTALS</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>7</b>

**C. NSWCP Modify Eligible Practices NC-16**

Currently there is a limit of 10 wind break renovations per year per NRD under NC-16 A (1). Anderson mentioned the NRDs use this funding after the Federal funding from NRCS has been used up, but there still isn't a lot of money available for this work. Removing the 10 restorations per year limit would allow NRDs to do more work in this area. The current NSWCP cap is on number of restorations, not on funding amount. Along with removal of dead or damaged trees, new shelter belts must be installed for this practice.

Miller noted that this could reduce reallocation as some of the NRDs that do not utilize their full allocation, might now use more of it.

Batie noted an option to approach the Legislature regarding increasing the amount of allocation to this program. Riley stated staff will look into historical funding levels and NRD utilization levels.

**Reynolds moved and Anderson seconded the motion to modify NSWCP Eligible Practice NC-16 windbreak restoration by removing the limit to the number of restorations allowed per year (NC-16 A (1)).**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Kubat	X			
Batie	X				McDonald	X			
Bradley	X				Miller		X		
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer				X
Deines				X	Sievers	X			
Dunbar	X				Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt				X	Steinkruger	X			
Halligan				X	Strauch	X			
Heaston				X	Taylor				X
Knutson	X				Wilke	X			
Kraus				X	Vacant				
Krause	X				<b>TOTALS</b>	<b>18</b>	<b>1</b>	<b>0</b>	<b>7</b>

**D. T-261 Rules Change – Certification of Adoption**

A hearing was held on July 13<sup>th</sup>, 2022. No formal or informal comments were received. The next step is for the Commission to approve these changes, forward the packet to the Attorney General’s office, and then to Governor Ricketts for signature.

Reynolds noted the revisions include:

- Change DEQ references to DEE throughout the rules.
- Strike CH 2 # 9.01 and allow feasibility studies to be funded if scoring warrants.
- Strike CH 2 #9.02 and don't require permits to be obtained prior to making application.
- Change the date applications are received from July 16<sup>th</sup> – 31<sup>st</sup> to March 16<sup>th</sup> – 31<sup>st</sup>

**Reynolds moved and Knutson seconded the motion to adopt the revisions to Natural Resources Commission Rules Title 261 entitled “Rules Governing the Administration of the Water Sustainability Fund,” which after notice as provided by law, were the subject of public hearings held on July 13, 2022.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Kubat	X			
Batie	X				McDonald	X			
Bradley	X				Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer				X
Deines				X	Sievers	X			
Dunbar	X				Smathers	X			
Fornoff	X				Steffen	X			
Hadenfeldt				X	Steinkruger	X			
Halligan				X	Strauch	X			
Heaston				X	Taylor				X
Knutson	X				Wilke	X			
Kraus				X	Vacant				
Krause	X				<b>TOTALS</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>7</b>

- Steffen noted that seven applications in the small project category totaling over \$1.3 million, six applications in the large project category totaling over \$21.5 million and one CSO application had been filed during the Water Sustainability Fund application period last July. The total request is just under \$24 million.

Regarding the large dollar amounts requested by sponsors in the large project category, Riley suggested talking to the sponsors about tackling the projects in phases.

- Steffen noted that he is in the process of talking to Commissioners and appointing members to the next Applications Review Committee.

### COMPREHENSIVE PLANNING COMMITTEE


Chairman Reynolds thanked Rose for drafting redline changes for the additional Title 261 revisions the committee is currently working on.

### OTHER BUSINESS

- DNR staff member Pam Bonebright presented a walk-through of recent changes to the Water Sustainability Fund's electronic login and scoring data base, as well as other modifications implemented to the Water Sustainability Fund system. Commissioners also discussion the process used for review and scoring the next round of applications in an open round table setting.
- The Expense Reimbursement Document form has been modified to reflect the increased mileage rate which took effect July 1<sup>st</sup>.

### ADJOURNMENT

The meeting was adjourned at 11:12 a.m.



Jeff Steffen, Chairman



Thomas E. Riley, Director of Natural Resources