

# NEBRASKA NATURAL RESOURCES COMMISSION

## MEETING MINUTES – October 19<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 Younes Conference Center North, 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
Brundage	Devin		X	Miller	John		X
Clouse	Stan		X	Reynolds	Michael (Mick)		X
Czaplewski	Mark		X	Schroer	Lyle	X	
Deines	Dave		X	Sievers	LeRoy	X	
Dunbar	Brad		X	Smathers	Scott		X
Fornoff	Kevin		X	Steffen	Jeff		X
Hadenfeldt	N. Richard	X		Steinkruger	Dan	X	
Halligan	Bill		X	Strauch	Walter Dennis	X	
Heaston	John	X		Wilke	Greg	X	
Knutson	Thomas		X	Vacant			
				Vacant			

**DNR staff in attendance:**

Kent Zimmerman and Jill Richters.

**Others in attendance were:**

Rachael Herpel, UNL, Jon Mohr, LRE Water, John Shae, NPPD, Dustin Wilcox, NARD & Rick Wilson, JEO

**Announcements:**

Chairman Steffen introduced Devin Brundage to the Commission, Brundage replaces Don Kraus as the representative for Public Power and Irrigation Districts.

### 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

**Knutson moved and Czaplewski seconded the motion to approve the minutes of the August 11<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			
Brundage			X		Reynolds	X			
Clouse	X				Schroer				X
Czaplewski	X				Sievers				X
Deines			X		Smathers	X			
Dunbar	X				Steffen	X			
Fornoff	X				Steinkruger				X
Hadenfeldt				X	Strauch				X
Halligan			X		Wilke				X
Heaston				X	Vacant				
Knutson	X				Vacant				
Krause	X				<b>TOTALS</b>	<b>15</b>	<b>0</b>	<b>3</b>	<b>7</b>

## **DNR UPDATE & PUBLIC COMMENTS**

Chairman Steffen opened the floor for comments, staff announced Director Riley sends his regards as he was unable to attend the meeting today. No public comments were offered.

### **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.

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

This is currently an unfunded program.

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

The status report showed business as usual.

Dustin Wilcox, Nebraska Association of Resources Districts, reported some of the NRDs are starting to look at the historic use and demand for this fund and are in the process of creating a survey to assess what potential demand exists for use of this fund in addition to its current use both for funding and additional practices.

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

The status report showed business as usual. A distribution of \$335,000 went out in August.

#### **Water Well Decommissioning Fund**

The status report showed business as usual.

#### **Water Sustainability Fund**

The status report showed business as usual.

The following Project Close Out and Grant Reduction table was distributed prior to the meeting.

# WSF Project Proposed Close Outs & Grant Reductions, 2022

App No.	Year Filed	Approved Grant	Grant Released	Final Grant	Sponsor	Final Report
4151	2016	195,000.00	6,533.28	188,466.72	LPSNRD	
5187	2017	2,000,000.00	200,740.46	1,799,259.54	Bostwick ID	X
5213	2018	528,643.00	10,891.81	517,751.19	FCID	X
5214	2018	56,270.00	-	56,270.00	CPNRD	
5218	2018	240,000.00	1.05	239,998.95	SPNRD	X

Total

218,166.60

**Smathers moved and Miller seconded the motion to adjust grants as described in the “WSF Project Proposed Close Outs & Grant Reduction, 2022” table (above) by reducing the amount granted to that proposed in the Final Grant column; hold the unused balance of \$218,166.60 as unassigned; and formally closeout each project listed in the table.**

**Motion Passed.**

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

Batie reviewed the transfer of funds into the WSF unassigned account as detailed on the WSF Available Funding 2022 table distributed prior to the meeting.

**Batie moved and Czaplewski seconded the motion to assign the unassigned balance of \$335,598.00 in the WSF account as follows; \$215,424.70 to the Small Projects available balance account and \$120,173.90 to the Large Projects available balance account.**

**Motion Passed.**

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

### EXECUTIVE COMMITTEE

Chairman Steffen stated the Executive Committee met prior to this meeting.

### APPLICATIONS REVIEW COMMITTEE

Committee Chairman Smathers thanked those who served on the review committee and described the process the committee went through in reviewing, scoring and ranking the applications and the recommendations for conditional approval on some applications. The project sponsor's applications were projected on one screen in the meeting room while the Committee's recommended scores were projected on another screen.

**Reynolds moved and Knutson seconded the motion to obligate \$1,308,443.17 to WSF No. 5317 in accordance with Title 261 Chapter 3 Subsection 002.03 and Neb. Rev. Stat § 2-1507 (4); and to approve City of Omaha's CSO application No. 10007 in the amount of \$1,086,503.30.**

**Motion Passed.**

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

Committee Vice Chairman Batie reviewed each application requesting \$250,000 or less and led discussion regarding questions.

**Batie moved and Reynolds seconded the motion to approve the Application Review Committee's recommended scores and fund all Small Project applications with a score of 31 or higher subject to the conditions (attached) proposed by the Application Review Committee.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Kubat	X			
Batie	X				McDonald		X		
Bradley	X				Miller	X			
Brundage	X				Reynolds	X			
Clouse	X				Schroer				X
Czaplewski	X				Sievers				X
Deines	X				Smathers	X			
Dunbar	X				Steffen	X			
Fornoff	X				Steinkruger				X
Hadenfeldt				X	Strauch				X
Halligan				X	Wilke				X
Heaston	X				Vacant				
Knutson	X				Vacant				
Krause	X				<b>TOTALS</b>	<b>17</b>	<b>1</b>	<b>0</b>	<b>7</b>

Committee Chairman Smathers reviewed each application requesting more than \$250,000 and led discussion regarding questions.

**Smathers moved and Fornoff seconded the motion to approve the Application Review Committee's recommended scores and fund all Large Project applications with a score of 44 or higher subject to the conditions (attached) proposed by the Application Review Committee; and limiting the obligation for WSF No. 10035 to all remaining funding \$4,857,167.13 in accordance with Title 261 Chapter 3 Subsection 002.03 and Neb. Rev. Stat. § 2-1507 (4). The allocation for WSF No. 10035 is \$8,481,000.00, the obligation is \$4,857,167.13, and the remaining unobligated balance is \$3,623,832.87.**

**Motion Passed.**



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

Smathers noted the next round of WSF applications will be received in March of 2023. The application reviews will likely take place in June/July with a Commission meeting in August/September.

#### **OTHER BUSINESS**

Reynold mentioned the changes to Title 261 have moved from the Attorney General to the Governor for signature.

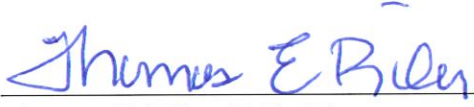
Batie mentioned there will be changes needed to update the WSF Guidelines once the Governor signs the revised rules. The Executive Committee, with permission of the Commission, will implement and circulate updates to the Guidelines to the full Commission in order to get them into the hands of the applicants as soon as possible. Smathers reminded Commissioners that Guidelines may be changed by DNR and the Commission at any time.

Kubat requested the Comprehensive Planning Committee include review of the assessment of points per question in the WSF applications and consider placing more emphasis towards groundwater quality.

ADJOURNMENT

The meeting was adjourned at 11:48 a.m.

  
\_\_\_\_\_  
Jeff Steffen, Chairman

  
\_\_\_\_\_  
Thomas E. Riley, P.E., Director

**2022 WSF Application Review Committee Recommendation for Conditional Approval**

A grant award from the Water Sustainability Fund (WSF) is contingent upon the following provisions being included in the grant award agreement between applicant and the Department of Natural Resources:

**Proposed Conditions for WSF # 10008, 10011, 10012, 10014, 10015, 10020 & 10036:**

**Coordination, Communication, and Data Sharing with the Department.**

A. Throughout the Project timeline, Sponsor shall coordinate and communicate with the Department on the Project's compatibility with water management goals, objectives, and action items resulting from the joint planning efforts between Sponsor and the Department.

i. Within sixty (60) days following the execution of this Agreement, Sponsor and Department shall meet to further mutually define the scope of this coordination and communication requirement.

B. Sponsor shall share with the Department all data that is generated as a result of this Project in a form that includes documentation and metadata and that is mutually agreed upon by Sponsor and Department.

**Proposed Condition for WSF # 10008, 10012 & 10020:**

Prior to entering into an agreement with the DNR for fund disbursement, applicant must agree to limit reimbursement for administration and project management expenses to those performed by parties other than applicant.

**Proposed Conditions for WSF # 10013, 10023, 10027 & 10035:**

The applicant will provide proof of ownership for land rights already held if requested by DNR.

Limit contract to only pay for the purchase price of the easement/land, not litigation costs or legal fees.

**Proposed Condition for WSF # 10014 & 10018:**

Prior to entering into an agreement with the DNR for fund disbursement, applicant must agree to limit cost share to those expenses remaining after all other sources of funding have been utilized as required by Title 261 CH 2 - 9.07.

**Proposed Condition for WSF # 10023:**

Prior to entering into an agreement with DNR for fund disbursement, an agreement between DNR and the sponsor must be obtained documenting the method for calculating cost share percentage to be used for reimbursements.

**Proposed Condition for WSF # 10027:**

Sponsor must implement conservation measures, as agreed to by the Applicant during prior coordination with NGPC, dated January 26, 2021, for the state-threatened Northern long-eared bat.

**Proposed Condition for WSF # 10035:**

Sponsor must consult NGPC regarding any permitting actions to address potential impacts to state-listed endangered or threatened species. Consultation with NGPC must include a plan of work that avoids harm to state-listed endangered or threatened species or to mitigate any adverse effects.

## 2022 NRC Application Review Committee Recommendation

App No	Large (↑\$250,000) Project Name	Quarters															Bonus	Total Points	Requested \$ Amount	Funding Recommendation
		Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15				
10013	Little Indian Creek WFP0	4	6	4	4	4	6	4	4	6	2	3	3	3	2	0	58	1,788,300.00	Yes	
10023	Sargent Flood Resiliency	4	4	4	6	4	4	2	4	1	2	3	1	3	2	0	46	858,290.00	Yes	
10035	CKRWP Source Solution	6	4	2	4	4	4	2	4	2	2	2	2	2	2	0	44	8,481,000.00	Yes	
10027	WP 2 & 4	2	4	4	6	4	4	2	4	2	2	2	1	2	2	0	43	6,607,517.00	No	
10011	Lower Platte GW Model	4	4	4	4	4	2	2	2	2	2	3	1	2	2	0	40	282,900.00	No	
Recommended Total																		\$ 11,127,590.00	(Using CAP)	

App No	Small (≤ \$250,000) Project Name	Quarters															Bonus	Total Points	Requested \$ Amount	Funding Recommendation
		Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15				
10018	Pender Ion Exchange Upgrade	6	4	4	4	4	4	2	4	3	2	2	1	2	2	0	46	172,008.00	Yes	
10012	Little Blue Hydrogeologic Assessment	4	6	4	4	4	4	4	2	2	2	2	1	2	2	0	45	85,800.00	Yes	
10015	NEWAHA NRD AEM	4	4	4	4	4	4	2	2	2	2	1	1	2	2	0	40	190,020.00	Yes	
10008	WWUMM Outreach Education Portal	2	4	2	2	4	4	4	2	2	2	2	2	2	2	0	38	240,000.00	Yes	
10020	LLNRD Buffalo Co GW Model	2	4	4	4	2	4	2	2	1	2	2	1	2	2	0	36	165,000.00	Yes	
10014	LPNNRD Nitrate Solution	4	4	0	2	4	4	0	2	3	2	2	1	2	2	0	35	233,100.00	Yes	
10036	LBBNRD AEM	2	4	2	2	2	4	2	2	2	2	1	1	2	2	0	31	216,000.00	Yes	
Recommended Total																		1,301,928.00		