

# NEBRASKA NATURAL RESOURCES COMMISSION

## MEETING MINUTES – February 21, 2024

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

Chairman Batie called the meeting to order at 11:00 a.m. in the Holiday Inn Hotel & Conference Center, Kearney, Nebraska. The roll was called following the Pledge of Allegiance.

**Roll Call:**

Commissioners		Absent	Present	Commissioners		Absent	Present
Rollie	Amsberry		X	Tim	Krause		X
Garry	Anderson		X	Rick	Kubat		X
Don	Batie		X	Tom	Mountford		X
Lawrence	Bradley		X	Keith	Rexroth		X
Devin	Brundage		X	Mick	Reynolds		X
Stan	Clouse		X	Lyle	Schroer		X
Mark	Czaplewski		X	LeRoy	Sievers		X
Dave	Deines	X		Scott	Smathers		X
Brad	Dunbar		X	Jeff	Steffen		X
Kevin	Fornoff		X	Dan	Steinkruger		X
Randy	Fox		X	Dennis	Strauch		X
Steve	Kelly		X	Greg	Wilke		X
Tom	Knutson	X		Vacant			
				Vacant			

**DNR staff in attendance:**

Tom Riley, Bob Robles, Kent Zimmerman, and Jill Richters.

**Others in attendance were:**

Erinn Wilkins, UBBNRD; Russell Callan, LLNRD; Jason Moudry, LLNRD; Dan Bigbee, EA

### ANNOUNCEMENTS

None were offered.

### NOTICE OF THE MEETING AND PUBLIC MEETING LAWS

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.

**MINUTES**

**Rexroth moved and Reynolds seconded the motion to approve the minutes of the November 28<sup>th</sup>, 2023, Commission meeting.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amsberry	X				Kubat	X			
Anderson	X				Mountford	X			
Batie	X				Rexroth	X			
Bradley	X				Reynolds	X			
Brundage	X				Schroer	X			
Clouse	X				Sievers	X			
Czaplewski	X				Smathers			X	
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff			X		Strauch			X	
Fox	X				Wilke	X			
Kelly	X				Vacant				
Knutson				X	Vacant				
Krause	X				<b>TOTALS</b>	<b>20</b>	<b>0</b>	<b>3</b>	<b>2</b>

**DNR UPDATE & PUBLIC COMMENTS**

Director Riley offered updates on the following:

- DNR has a bill to remove filing fee requirements because it costs more to process a fee than the fee generates in revenue.
- The governor’s budget proposes to remove the Water Sustainability Fund appropriation awarded to the Cedar-Knox project in 2022 and the associated spending authority.
- \$85 million of the JEDI funding that was previously allocated for the I-80 lake project is proposed to go away.

- The Governor’s budget also proposes that DNR will receive a rebate for Information Technology costs associated with OCIO services as well as a proposed budget reduction in the same amount for future work.
- DNR is fully staffed, there are a few retirements in the works.
- The design work of the Perkins County Canal is about 10% complete and working towards being 30% complete by the end of next year including the layout of the final route.
- Bob Robles, DNR Deputy Director, was introduced. Robles takes care of Finance and Human Resources at DNR and will be assuming some of Jill Richters’ duties when she retires in May.

No additional comments were offered from people in the audience.

## **EXECUTIVE COMMITTEE**

### **Committee Chairs and Appointments**

Chairman Batie announced Committee chairs will remain in place for 2024. As a roster of each committee was read, Batie asked if Commissioners would like to be added or removed from each committee.

### **Annual Scheduling of Meeting Dates**

Chairman Batie stated the Executive Committee met prior to this meeting and proposed scheduling meeting dates for the following NRC quarterly meetings as follows:

- April 3, 2024
- August 14, 2024
- October 2, 2024
- Feb 19, 2025

### **Governor’s Commission Member Appointment Update**

The following appointment terms either expire on May 31, 2024, or are vacant. Those serving, that want to be reappointed, should go to the Governor’s website and fill out an application.

- MUD
- Muni Water Users Primary Class
- Muni Water Users from city of 2<sup>nd</sup> Class
- Public Power
- Surface Water Irrigators
- Groundwater Irrigators
- Manufacturing Interests
- Outdoor Recreation Users

### **WSF Guidelines Update**

Prior to the meeting, a revised Water Sustainability Fund Guidelines draft was emailed to commissioners with redline changes showing updates matching those pending revisions to WSF Rules T-261. After discussing the updates, no additional changes were offered. Revised guidelines will be posted on the NRC's website once pending updates to the rules go into effect. Batie requested Commissioners email any additional suggestions for revisions to the guidelines.

### **T-261 Rules Change Certification of Adoption**

Chairman Batie announced that following a public hearing on January 18<sup>th</sup>, 2024, the Executive Committee took an action on January 26<sup>th</sup>, 2024, to adopt the Rules Governing the Administration of the Water Sustainability Fund. This action was taken in accordance with the Commission's November 28<sup>th</sup>, 2023, motion to proceed, for the purpose of moving forward with the formal rules change process in order to allow these changes to be effective for the next round of application reviews. Chairman Batie, on behalf of the Commission, signed the Certificate of Adoption and forwarded the packet to the Attorney General's Office for review. The Attorney General has signed off on the proposed updates and forwarded the packet to Governor Pillen for signature. Once approved, the updated rules will take effect immediately.

### **COMPREHENSIVE PLANNING COMMITTEE**

Chairman Reynolds offered no additional updates.

### **LEGISLATIVE COMMITTEE**

Chairman Smathers offered no additional updates.

### **PROGRAM COMMITTEE**

No updates were given. Chairman Kubat asked staff to lead discussion on agenda topics pertaining to program activities. No unusual activity was reported.

### **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. Letters will be going out to NRD managers asking if they have unobligated funds.

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

The status report showed business as usual. A distribution just went out.

### **Water Well Decommissioning Fund**

The status report showed business as usual.

### **Water Sustainability Fund**

The status report showed business as usual. Staff also reviewed a closed projects report that had been requested by Chairman Batie for Commissioner's use and background knowledge describing project that have been successfully completed that were funded by WSF. Seven additional projects were noted as being ready for formal closeout during the August NRC meeting.

### **WSF #5209 Project Review**

Russ Callan, LLNRD; Jason Moudry, LLNRD; and Dan Bigbee, EA Engineering, appeared and gave an overview of their recently completed Cover Crop Impact Study (WSF #5209). The study looked at the effects of growing a second crop on the water budget regarding overall consumption and recharge. The study took place during the 20-21, 21-22 & 22-23 growing seasons which included a very wet year, a very dry year and a year with average rainfall. The study sites were all irrigated. Looking at each site independently on an annual basis, there was no statistical difference on potential recharge between cover crop and no cover crop at two sites, but there was a statistical difference on the third site. Looking at the combined data for all three sites over the entire three-year period, there was no statistical difference between the cover crop and no cover crop on groundwater recharge potential.

Geographically, this study was very finite with a very tight coverage location. Callan pointed out this study may have been located close to a rainfall divide where cover crops to the east receive more rainfall and to the west less which could also have an effect on recharge potential. Cover Crop management decisions could also affect recharge potential. Overall, the results showed either no effect or a slightly positive effect to groundwater recharge by adding cover crops.

Bigbee concluded that the study gives NRDs that cost share and promote the use of cover crops a little confidence, to the extent that there was not a glaring net water loss and that there is a slight positive effect under some conditions. Now there is a data point in this particular area for these particular fields under these cropping patterns. Under those parameters, the use of cover crops is not contributing to groundwater depletion.

**OTHER BUSINESS**

- Jill Richters announced that she will be retiring on May 3<sup>rd</sup>.
- Commissioners Financial Reports can be completed online and are due March 1<sup>st</sup>. Paper copies were mailed to Commissioners prior to the meeting. Batie noted that by completing the form online, the answers are saved online so in future years the form requires much less work to complete.

**ADJOURNMENT**

The meeting was adjourned at 12:20 p.m.



Don Batie, Chair



Thomas E. Riley, P.E., Director