

NEBRASKA NATURAL RESOURCES COMMISSION

MEETING MINUTES – April 3, 2024

CALL TO ORDER – PLEDGE OF ALLEGIANCE & ROLL CALL

Chairman Batie called the meeting to order at 1:07 p.m. in the Younes Conference Center South, Kearney, Nebraska. The roll was called following the Pledge of Allegiance.

Roll Call:

Commissioners		Absent	Present	Commissioners		Absent	Present
Rollie	Amsberry		X	Rick	Kubat	X	
Garry	Anderson		X	Larry	Mohrman		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	John	Shadle		X
Dave	Deines	X		LeRoy	Sievers	X	
Brad	Dunbar		X	Scott	Smathers	X	
Kevin	Fornoff		X	Jeff	Steffen		X
Randy	Fox		X	Dan	Steinkruger	X	
Steve	Kelly		X	Dennis	Strauch		X
Tom	Knutson		X	Greg	Wilke		X
				Vacant			

DNR staff in attendance:

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

Others in attendance were:

Scott Sobotka, LBBNRD & Kole Pederson, NE Farm Bureau

ANNOUNCEMENTS

Chairman Batie welcomed Larry Mohrman and John Shadle to the Commission.

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 Czaplewski seconded the motion to approve the minutes of the February 21st, 2024, Commission meeting.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amsberry	X				Mohrman	X			
Anderson	X				Mountford	X			
Batie	X				Rexroth				X
Bradley	X				Reynolds	X			
Brundage	X				Schroer				X
Clouse	X				Shadle	X			
Czaplewski	X				Sievers				X
Deines				X	Smathers				X
Dunbar	X				Steffen	X			
Fornoff	X				Steinkruger				X
Fox	X				Strauch	X			
Kelly	X				Wilke	X			
Knutson	X				Vacant				
Kubat				X	TOTALS	19	0	0	7

DNR UPDATE & PUBLIC COMMENTS

Director Riley stated Governor Pillen signed Legislative Budget Bills LB1412 & LB1413. Two items in the bills affect the Commission. The first, LB 1412 provides clarification for prohibiting payment to the Cedar Knox Rural Water project (WSF #10035) and revokes \$8,481,000.00 from the Water Sustainability Fund.

LB 1412: Section 130 of LB1412 reappropriates \$8,481,000 from the Water Sustainability Fund and further states,

None of the Cash Funds appropriated to this program shall be expended for a rural drinking water project that serves rural water connections and at least four communities in two contiguous counties in order to convert to ground water sources and to provide for water system infrastructure and distribution.

The second bill, LB 1413 contains an insertion to the Water Sustainability Fund statute: The Commission shall, when ranking and scoring applications for funding, prioritize projects for drinking water improvements for any federally recognized Indian tribe whose drinking water is under a no-drink order from the United States Environmental Protection Agency.

Chairman Batie noted the Executive Committee discussed this and does not anticipate the need for rules change, rather if an application fitting this description is submitted the Commission will find a way to give it priority. Riley noted the Commission has a mechanism in place for awarding bonus points, or perhaps if there is a tie give preference to a project of this type. There is a way to do this, Riley stated. Riley also noted the T-261 changes have been approved and are in play for this batch of applications.

No additional comments were offered from people in the audience.

PROGRAM COMMITTEE

Staff lead discussion on agenda topics pertaining to program activities. No unusual activity was reported.

Resources Development Fund

The status report showed business as usual.

Lower Turkey Creek Watershed Project Update

Scott Sobotka, General Manager, Lower Big Blue NRD, provided a review of this projects' history. The NRD is working on the final portion of this project, a Conditional Letter of Map Approval Revision (CLOMAR). This process was started in 2017, at that time the NRD discovered DNR was planning to work with FEMA to map Saline and Gage Counties. Therefore, the District paused the work it had planned while DNR completed its work. DNR has now completed a lot of the work and will soon be working in the area of interest to the NRD. The NRD's consultant has prepared maps for Turkey Creek and the downstream Big Blue River basin to model peak flows with the additional flood reduction provided by the dams built under this project and the information has been updated in the NRD's models. The NRD plans to complete this project within the next year.

Small Watersheds Flood Control Fund

This is currently an unfunded program.

Soil & Water Conservation Program Fund

The status report showed business as usual. NRDs returned \$71,000 of unobligated funds which will be reallocated split evenly between each NRD.

Natural Resources Water Quality Fund

The status report showed business as usual. A distribution of \$780,000 was made in February. The next distribution will go out in August.

Water Well Decommissioning Fund

The status report showed business as usual.

Water Sustainability Fund

The status report showed business as usual. Annual Status reports are required to be submitted by April 1st each year and most have been submitted. Those reports are available on the Commission's website under Reports. Several Close Out Reports are also available. Project Close Outs will occur during the August Commission meeting. Staff highlighted updates on the following projects:

- WSF #10035 The Commission's role in the Cedar-Knox Rural Water Source Solution and System Upgrade Project has been terminated and funding revoked by LB 1412. The Commission will Close Out this project at the August Commission meeting.
- WSF #10066 A group of landowners is objecting to development of the proposed new well field associated with the Little Blue NRD's Public Water Project.
- LB 1413 requires the Commission to prioritize projects for drinking water improvements for any federally recognized Indian tribe whose drinking water is under a no-drink order from the United States Environmental Protection Agency.

WSF Rules T-261 & Guidelines Update

In March, Governor Pillemer approved and signed the newly revised Rules Governing the Administration of the Water Sustainability Fund, Title 261. The updated rules are in effect and the revised Guidelines are posted on the NRC's website.

10th Round WSF Applications Submitted March 2024 Update

Staff reported a total of 12 applications for funding assistance were filed in March. In the large funding request category, four applications with combined requests totaling over \$12 million were received; seven applications were received requesting \$250,000 or less with a combined total request exceeding \$816,000 and one application was submitted for a combined sewer overflow separation project. One project, WSF #10056 was approved and partially funded last

year. That project has an unobligated balance of just over \$1 million and that obligation will be awarded prior to funding any new projects this year.

WSF #10013, #10036 & #10061 Project Updates

Scott Sobotka, General Manager of the Lower Big Blue NRD, distributed and reviewed a map of the Little Indian Creek watershed and the NRD's WFPO project (#10013). The project was approved in October 2022 and awarded over \$1.78 million. In April 2020, the NRD requested funding from NRCS's WFPO program and in August 2020, NRCS and the NRD entered into an agreement substantiating what was intended to be a 24-month planning process to look at alternatives for reducing flooding in the watershed. That process is ongoing, Nebraska NRCS submitted the plan to the National NRCS office in Little Rock, Arkansas for final review. The Nebraska NRCS and the NRD have received comments back from the National office and will respond to those items soon. Sobotka is hopeful the plan will be approved in a couple months. Mountford commented that NRCS's National Water Management Center (NWMC) in Little Rock Arkansas, has reviewed and commented on the Little Indian Creek Watershed Flood Prevention Operations (WFPO) Plan. There was some debate at NWMC whether this should be a rehabilitation project since it mostly involves upgrading many existing watershed dams that are 60 to 70 years old. Because the existing dams are well over their 50-year sediment life expectancy, NWMC's project review is presently moving forward as a new project request and not as a rehabilitation project. If approved for NRCS funding as a new WFPO project, there will be less financial requirements from the local sponsor. LBBNRD has indicated that it would not be financially feasible for them to move forward if it was considered a rehabilitation project.

Sobotka also distributed a map of the two areas studied under these AEM projects and stated the area covered under WSF #10036 is an area with water quantity concerns between groundwater users and development in an area with marginal water supply. The ability to identify paleo valleys, confined and unconfined aquifers and define the lower water quality areas associated with the Dakota aquifer helps the NRD manage this resource.

The AEM data gathering work they are about to begin (WSF #10061) is in an area that is in a Phase II water quality area with wellhead protection areas. This area is complicated and very diversified regarding aquifer characteristics. The information gathered by these AEM projects is considered highly valuable to the district and the producers in the district. Kelly commented as a director and for the NRD's Water Committee this information is very valuable and useful.

EXECUTIVE COMMITTEE

WSF Application Review Committee

Chairman Batie announced he will contact people and make appointments this summer when Commissioners begin reviewing applications.

Comprehensive Planning Committee

Chairman Reynolds offered no additional updates. Chairman Batie suggested that while reviewing applications and scoring, if anyone has ideas for improvements, they should email them to Reynolds.

Legislative Committee

Chairman Batie noted the two bills Director Riley had covered earlier in the meeting.

Governor’s Commission Member Appointment Update

Chairman Batie announced:

- The Governor has filled the vacancies for Public Power and Groundwater Irrigators as noted earlier with the introduction of Shadle and Mohrman. Both have completed legislative committee hearings.
- Commissioners who are up for reappointment will likely have to wait until this legislative session ends.
- Tim Krause’s appointment to the Commission has been revoked for failing to file his Accountability and Disclosure Report last year. The reports are due annually on March 1st. Anyone who has not filed their report should do so immediately. There now exists a vacancy to represent Range Livestock Owners on the Commission.
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OTHER BUSINESS

- Chairman Batie announced Jill Richters will be retiring on May 3rd.
- Chairman Batie announced Tom Knutson is not seeking reappointment and this will be Tom’s last meeting. Tom has served on the Commission since 2009.
- The next NRC meeting is scheduled for August 14, 2024.

ADJOURNMENT

The meeting was adjourned at 2:02 p.m.

Don Batie, Chair

Jesse Bradley, P.G., Interim Director