

# NEBRASKA NATURAL RESOURCES COMMISSION

**DRAFT** MEETING MINUTES – April 9, 2025

## **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      |         | Tom           | Mountford   | X      |         |
| Don           | Batie      | X      |         | Doug          | Reeves      |        | X       |
| Lawrence      | Bradley    |        | X       | Keith         | Rexroth     |        | X       |
| Devin         | Brundage   |        | X       | Lyle          | Schroer     |        | X       |
| Mark          | Czaplewski |        | X       | John          | Shadle      |        | X       |
| Lane          | Darnall    | X      |         | Matt          | Smallcomb   |        | X       |
| Christopher   | Dierks     |        | X       | Scott         | Smathers    | X      |         |
| Brad          | Dunbar     |        | X       | Jeff          | Steffen     |        | X       |
| Randy         | Fox        |        | X       | Dan           | Steinkruger | X      |         |
| Nate          | Jenkins    |        | X       | Dennis        | Strauch     |        | X       |
| Steve         | Kelly      |        | X       | Greg          | Wilke       |        | X       |
| Rick          | Kubat      |        | X       | Vacant        |             |        |         |
| Kennon        | Meyer      |        | X       | Vacant        |             |        |         |
| Larry         | Mohrman    |        | X       |               |             |        |         |

### **DNR staff in attendance:**

Kent Zimmerman

### **Others in attendance were:**

Dustin Wilcox, NARD; Russ Callan, LLNRD; Tylr Naprstek, LLNRD; and Chris Hobza, USGS.

## **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**

**Dunbar moved and Brundage seconded the motion to approve the minutes of the February 19<sup>th</sup>, 2025, Commission meeting.**

**Motion Passed.**

| <b>Commissioner</b> | <b>Aye</b> | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> | <b>Commissioner</b> | <b>Aye</b> | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> |
|---------------------|------------|------------|----------------|---------------|---------------------|------------|------------|----------------|---------------|
| Amsberry            |            |            |                | X             | Mountford           |            |            |                | X             |
| Batie               |            |            |                | X             | Reeves              | X          |            |                |               |
| Bradley             | X          |            |                |               | Rexroth             |            |            | X              |               |
| Brundage            | X          |            |                |               | Schroer             | X          |            |                |               |
| Czaplewski          | X          |            |                |               | Shadle              | X          |            |                |               |
| Darnall             |            |            |                | X             | Smallcomb           | X          |            |                |               |
| Dierks              | X          |            |                |               | Smathers            |            |            |                | X             |
| Dunbar              | X          |            |                |               | Steffen             |            |            | X              |               |
| Fox                 | X          |            |                |               | Steinkruger         |            |            |                | X             |
| Jenkins             | X          |            |                |               | Strauch             |            |            | X              |               |
| Kelly               |            |            | X              |               | Wilke               | X          |            |                |               |
| Kubat               | X          |            |                |               | Vacant              |            |            |                |               |
| Meyer               | X          |            |                |               | Vacant              |            |            |                |               |
| Mohrman             | X          |            |                |               | <b>TOTALS</b>       | <b>15</b>  | <b>0</b>   | <b>4</b>       | <b>6</b>      |

## **DNR UPDATE & PUBLIC COMMENTS**

No public comments were offered. Staff reported Acting Director Bradley was unable to attend the Commission meeting today and sent his regards. DNR is monitoring progress on several bills in the legislature that could impact both DNR and NRC funds.

## **PROGRAM COMMITTEE**

No updates were given. Chairman Wilke 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.

The city of Scribner contacted staff regarding the possibility of a contractor removing a portion of the levee for use as fill material on one of the contractor's local job sites. The city questioned whether they would be required to repay any of the RDF grant used to build the levee, and if so, how much.

#### **RDF #40 SCRIBNER LEVEE**

- Corps of Engineers – Section 205 levee project that provides 100-year flood protection.
- Scribner received a grant of \$426,433.81 to provide flood protection from Pebble Creek and the Elkhorn River.
- The project was completed in 1995.
- DNR's contract with Scribner runs through December 31, 2045. Under the terms of the contract Scribner is required to obtain Commission approval prior to selling, transferring or exchanging any of the real properties or facilities connected or used with the project.
- Scribner is responsible for O & M including replacement.

The recently completed US-275 project realigned portions of the levee and could potentially serve as the embankment. DNR's Floodplain Management Division Manager Jamie Reinke, PE, CFM, reached out to Nebraska Department of Roads (NDOR) regarding the status of the LOMR and whether levee accreditation through FEMA was part of the state's project or if the community of Scribner is responsible for that, post construction. NDOR is starting to coordinate with HDR on the LOMR process. Reinke has not received a response regarding who is responsible for the accreditation or when that process will start.

DNR staff Reinke and Zimmerman meet with Scribner's Mayor Ken Thomas and City Administer, Elmer Armstrong by phone, reviewed the situation and informed the city officials that removing a portion of the levee was not an option at this time.

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

This is currently an unfunded program.

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

The status report showed business as usual.

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

The status report showed business as usual.

### **Water Well Decommissioning Fund**

The status report showed business as usual.

### **Water Sustainability Fund**

The WSF status report showed business as usual. Individual Project Status Reports are posted on the Commission's website (at: <https://nrc.nebraska.gov/water-sustainability-fund-reports> ).

During the March 2025 WSF application submittal period.

- Omaha submitted an application for its Combined Sewer Overflow project,
- Nine applications were submitted in the large projects category requesting over \$21 million, and
- 13 applications were submitted in the small projects category requesting over \$2.6 million,
- For a total of 23 applications requesting over \$24.7 million.

### **WSF #10079 Project Review**

Commissioner Steffen gave an update on L&CNRD's Bow Creek Watershed Project (BCWP). Steffen reviewed the project goals and noted that recent increases to NRCS payment rates for some BMPs now provide incentives at the maximum payment proposed under the BCWP without additional incentives from BCWP. Looking forward, NRCS will not be allowing as many EQIP contracts in 2025 and therefore an opportunity exists to continue incentivizing adoption of BMPs in the BCWP by fully incentivizing producers up to the limits described within the BCWP application (WSF #10079) even if producers are not receiving cost share from another conservation agency. The sponsor's metrics will also be adjusted to account for producers self-funded acres and the acres fully funded by EQIP as a result of the BCWP's education outreach efforts.

### **WSF #10064 Project Review**

Chris Hobza, USGS, reported some key findings this Legacy Nitrate research is providing. The project uses age dating and tracer isotopes to look at the lag time between nitrogen application and when legacy nitrate inflows affect groundwater from land use practices of the past. Hobza noted that nitrate levels, in some sandy soil areas with shallow depth to groundwater, were being impacted within 5 years.

Tylr Naprstek, Assistant General Manager, Lower Loup NRD, noted that it is a common belief among producers that high levels of groundwater nitrate is a problem created fifty or sixty years ago; the study results show that it is actually from what is happening today. Looking at results from shallow wells, 2.9 years and 3.6 years ago is a very short time from when the nitrogen was exposed to the atmosphere to when it is being pulled from the well. All of the water samples with high nitrates were exposed to the atmosphere less than 30 years ago.

Steffen asked if this study was connected to the pilot project where they installed soil moisture sensors. Hobza said this was a complementary project. The other study is looking at the effects of nitrate leaching from different fertilizer application methods; and measuring how fast water moves through the soil root zone. Of note, although not part of WSF # 10064, the other study is using bromide with a negatively charged ion to monitor soil movement. Bromide moves through soil at the same rate as nitrate. Hobza said the bromide wasn't applied until the middle of June and yet with the irrigation and rainfall, the bromide was moving an inch per day in some cases.

Dunbar noted that they missed the main part of infiltration, if the soil profile had not been full of water at the time the bromide was applied in mid-June, additional deep percolation and runoff events would have taken place showing an even greater increase in the rate fertilizer is lost. Usually, the soil profile may not be quite full at the time of planting, Dunbar said, then once we get to the middle of June and look at the number of rainfall and irrigation events that happen, where a de-percolation or runoff event took place, we lose it (nitrate) pretty fast.

Steffen said his takeaway from this study was that no water or fertilizer was being used by the corn plant below the top two-foot level.

Russ Calan, General Manager, Lower Loup NRD, said all 33 sampling sites show that the corn root zone is limited to the top 20 inches and in some cases too as little as the top 15- or 16-inch range. Calan noted drought tolerant hybrids roots are bred to spread out at shallow depth and capture available moisture. Callan also discussed the difficulty of managing nitrates in the top two feet of soil over the entire season. Callan said this is only the first year of a three-year study, so it is premature to develop any conclusions yet.

### **EXECUTIVE COMMITTEE**

Chairman Wilke made the following assignments to the NRC committees based upon Commissioner survey responses indicating willingness to participate:

#### **Legislative Committee – Rick Kubat Chair**

Don Batie

Larry Bradley

Mark Czaplewski

Kennon Meyer

Dennis Strauch

Greg Wilke

**Comprehensive Planning Committee** – Kennon Meyer Chair

Don Batie

Chris Dierks

Rick Kubat

Keith Rexroth

**Program Committee** – Brad Dunbar Chair

Mark Czaplewski

Randy Fox

Nate Jenkins

Larry Mohrman

Doug Reeves

Matt Smallcomb

Jeff Steffen

**Applications Review Committee** – Devin Brundage Chair

Note: Committee Members will be appointed closer to when the WSF applications become available for Commissioner review.

**OTHER BUSINESS**

- Next meeting is July 23<sup>rd</sup>, 2025.

**ADJOURNMENT**

The meeting was adjourned at 12:26 p.m.

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