

NEBRASKA NATURAL RESOURCES COMMISSION

DRAFT MEETING MINUTES – August 14, 2024

CALL TO ORDER – PLEDGE OF ALLEGIANCE & ROLL CALL

Chairman Batie called the meeting to order at 1:33 p.m. in the Holiday Inn Conference Center, Kearney, Nebraska. The roll was called following the Pledge of Allegiance.

Roll Call:

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

DNR staff in attendance:

Kent Zimmerman

Others in attendance were:

Kent Miller, TPNRD; Dennis Carroll, PinPoint Corp; Curt Becker LENRD; Todd Stewart LENRD; Jon Mohr, LRE Water; Lyndon Vogt, CPNRD; Dustin Wilcox, NARD; Russ Callan, LLNRD & Kole Pederson, NE Farm Bureau.

ANNOUNCEMENTS

Chairman Batie welcomed Kennon Meyer to the Commission. Meyer noted for disclosure that her Law Firm represents several NRDs and that she intends to recuse herself from matters relating to clients.

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

Czaplewski moved and Brundage seconded the motion to approve the minutes of the April 3rd, 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				Smathers			X	
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	20	0	2	3

DNR UPDATE & PUBLIC COMMENTS

Director Riley resigned August 2nd and DNR Deputy Director Jesse Bradley will be the Interim Director.

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.

Component Obligation Adjustment Update

Staff reported transferring \$206,936.97 from Component #2 Land Acquisition into Component #3 Engineering to complete timely reimbursement to the Central Platte Natural Resources District (CPNRD) under its Upper Prairie Silver Moores Creek project as authorized by Title 256, CH4, #12.

Modify Upper Prairie Silver Moores Creek Project Components

CPNRD staff requested transfer of all funding remaining in component #2 Land Acquisition into Component #4 Construction as planned construction activities will likely consume the remaining funds by the end of this year.

Steinkruger moved and Strauch seconded the motion to transfer all remaining obligation from Component # 2 Land Acquisition into Component # 4 Construction within the Upper Prairie/Silver/ Moores Creek Project.

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				Smathers	X			
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			

Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer			X		TOTALS	20	0	2	3

Small Watersheds Flood Control Fund

This is currently an unfunded program.

Soil & Water Conservation Program Fund

The status report showed business as usual.

LENRD Request to Modify Practice NC-12 (H)

Curt Becker Assistant Manager of the Lower Elkhorn Natural Resources District (LENRD) stated that the current practice does not allow for cost share on fabric weed barrier and drip irrigation system at the same time. LENRD is asking the NRC to allow NSWCP cost share for the use of both practices on a project. These two practices, when used in conjunction, give trees the best survivability rate.

Batie noted that this will be available to all NRDs if approved.

Reynolds moved and Smathers seconded the motion modify NSWCP Practice NC-12 (H), to allow funding to be used for both drip irrigation systems and fabric weed barrier on windbreak projects rather than limiting cost-share to one or the other.

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				Smathers	X			
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	22	0	0	3

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 status report showed business as usual.

CKRWP WSF #10035 Update

Staff reported the legislature swept funding that the Commission allocated to this project (\$8,481,000.00) and made it illegal to fund a project fitting the description of the Cedar-Knox Rural Water Project. In the records, the legislature allocated this funding to the Water Sustainability Fund in 2022, the NRC allocated funding to this project in 2022 and fully obligated funding to this project between 2022 & 2023. No reimbursements were made, and the funding is gone (as shown below in the WSF Project Close Outs & Grant Reductions, 2024 table).

Project Close Out & Grant Reduction

**WSF Project Proposed Close Outs & Grant Reductions,
2024**

App	Year	Approved	Grant	Final	Sponsor
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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				Smathers	X			
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	22	0	0	3

Chairman Batie reviewed progress of several WSF projects.

EXECUTIVE COMMITTEE

Chairman Batie choose to address the assignment of unassigned funds at a later point in the agenda.

APPLICATIONS REVIEW COMMITTEE

Committee Chairman Steinkruger noted the Committee met via zoom on July 8th and in person July 22nd & 23rd, in Kearney. Commissioners were provided with a zip drive containing a scoring sheet and the applications and were asked to review and score each application. Commissioners received a packet, prior to this meeting, containing the committee recommendations for scores, conditions and a listing of the scoring questions. Commissioners were also provided a proposed funding distribution breakout.

Steinkruger reviewed each application in the small funding request category starting with the highest scoring application, then reviewed those in the large project funding request category. It was noted that the Santee application received two bonus points as a way of addressing the legislative intent this type of project be given preference.

Chairman Batie reviewed the 2024 Funding and Proposed Distribution as follows:

2024 WSF Funding & Proposed Distribution	
	Available Funding
FY25 Appropriation	10,865,033.00
2024 WSF Closeout	97,214.53
Interest June-June 2024	1,192,947.60

TOTAL 12,155,195.13

Proposed Funding Distribution	
WSF 10056 "23 Cap"	1,063,452.10
CSO	1,086,503.30
Small (all projects)	816,371.40
Large (Santee)	9,129,000.00
Large (LNNRD)	59,868.33

12,155,195.13

Large (LNNRD)	
Requested Amount	360,000.00
Available Funding	59,868.33

Unfunded Balance 300,131.67

Steffen moved and Czaplewski seconded the motion to obligate \$ 1,063,452.10 to WSF #10056 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 #10081 in the amount of \$1,086,503.30.

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				Smathers	X			
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	21	0	1	3

Steinkruger 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 45 or higher subject to the conditions proposed by the Application Review Committee.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
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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				Smathers	X			
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	22	0	0	3

Steffen moved and Strauch seconded the motion to assign the unassigned balance of \$1,290,162.13 in the WSF account to the Large Projects available balance account; and to transfer \$270,131.90 from the Small Projects available balance account to the Large Projects available balance account.

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				Smathers	X			
Deines				X	Steffen	X			
Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	22	0	0	3

Steinkruger and Batie noted there would not be enough funding available this year to fully fund the second project without using the “cap” (authorized under Title 261 Chapter 3 Subsection 002.03 and Neb. Rev. Stat. § 2-1507 (4)).

Steinkruger moved and Brundage seconded the motion to approve the Application Review Committee’s recommended scores and fund all Large Project applications with a score of 49 or higher subject to the conditions proposed by the Application Review Committee, limiting the obligation for WSF #10093 to all remaining funding \$59,868.33 in accordance with Title 261 Chapter 3 Subsection 002.03 and Neb. Rev. Stat. § 2-1507 (4). The allocation for WSF #10093 is \$360,000.00, the obligation is \$59,868.33 , and the remaining unobligated balance is \$300,131.67.

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				Smathers	X			
Deines				X	Steffen	X			

Dunbar	X				Steinkruger	X			
Fornoff	X				Strauch	X			
Fox	X				Wilke	X			
Kelly				X	Vacant				
Kubat	X				Vacant				
Meyer	X				TOTALS	22	0	0	3

Chairman Batie thanked Steinkruger and the Application Review Committee members and mentioned that this committee is a lot of work, and their work is greatly appreciated. Batie also noted the recent changes to the scoring system (using decimals rather than rounding) worked well.

OTHER BUSINESS

- Commissioners recently appointed/reappointed went through hearings and were officially confirmed.
- The appointments to represent Surface Water and Range Livestock Owners remain open on the Commission.
- The next NRC meeting is scheduled for October 2, 2024.
- Caucuses will be held in January 2025.
- A new member orientation/refresher meeting will be held in February.

ADJOURNMENT

The meeting was adjourned at 2:37 p.m.

2024 NRC Application Review Committee's Recommended Scores

Projects less than or equal to \$250,000																		
Application #	Project Name	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Bonus	SC REC
10088	LBBNRD AEM 3	4.5	4.8	4	4.3	4.3	5	4.2	4	4.3	2.2	2.8	2.1	1.7	2.3	2.6	0	53.1
10087	GW Sustainability Study	4.8	4.7	4	4.2	4	4.3	4.2	3.8	3.7	2.5	2.3	2.3	2.2	2.2	2.5	0	51.7
10091	Burr Cook Paleovalley	4.5	5	5	4.5	4.1	4.3	3.2	3.5	4	2.4	2.6	2	2	2.3	2.2	0	51.6
10082	Lake Babcock Evaluation	3.8	4.3	4.3	4.8	4.5	4	2.9	4.6	4.2	2.3	2.7	1.7	1.6	2.3	2.3	0	50.3
10083	NPPD Bypass	3.2	3.8	4.2	4.4	4.3	4	3.8	4.5	3.7	2.3	2.4	2.3	1.8	2.4	2.5	0	49.6
10084	Red Cloud Dam Rehab	2	3.6	3.6	4.6	3.9	4.6	3.7	5	3.8	2.7	2.4	2.1	2.5	2.3	2.4	0	49.2
10086	Remote Read Meters	4.5	4.7	3.3	3.6	3.5	4.3	3.4	3.9	2.7	2.1	2.4	1.9	1.2	2	1.9	0	45.4

Projects greater than \$250,000																		
Application #	Project Name	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Bonus	SC REC
10095	Santee Water Infrastructure	6	4	2.8	4.3	4.1	4.3	4.4	4.4	5.2	2.5	2.5	1.9	2.7	2.2	2.2	2	55.5
10093	LNNRD Water Use Reduction	3.9	4.7	4.2	3.9	3.6	4.4	3.6	3.4	4	2.5	2.2	2.2	2	2.2	2.4	0	49.2
10090	TPNRD Real Time Data	3.9	4.8	3.6	3.7	4	3.3	4.5	4	3.6	1.4	2.6	2.4	1.5	2.2	2.3	0	47.8
10092	Pine Lake Rehabilitation	3	4.1	3.6	3.9	3.1	4.2	3.2	3.6	4	2.4	2.1	1.8	2.3	2.2	2	0	45.5

Application Review Committee's Recommendation For Conditions of Approval - 2024 WSF Applications

Application ID	Project Name	Sponsor	Contract Provisions
10081	CSO	Omaha	
10082	LPD Lake Babcock Hydroelectric Power Enhancement Evaluation	Loup Public Power	
10083	NPPD North Platte Hydropower Generation Facility Bypass Analysis	NPPD	A & B
10084	Red Cloud Flood Control Dam Rehabilitation	Red Cloud	
10086	Remote Read Meters for West Knox Rural Water System Customers	West Knox Rural Water System	A & B
10087	Groundwater Sustainability Study	UBBNRD	A & B & C
10088	LBBNRD AEM 3	LBBNRD	A & B
10090	TPNRD Real Time Data Enhancement	TPNRD	A, Ai & B
10091	Burr Cook Paleovalley Aquifer Sub Area Resiliency Project	NNRD	B
10092	Pine Lake Rehabilitation Project	Pine Lake Association	D & E
10093	LNNRD Water Use Reduction Program	LNNRD	A & B
10095	Santee Sioux Nation Water System Capacity & Infrastructure Improvements	Santee Sioux Nation Tribal Council	C & F

Contract Provisions:

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 and models that are 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.
- C** Prior to entering into an agreement with the DNR for fund disbursement, sponsor must agree to limit reimbursement for administration and project management expenses to those performed by parties other than the sponsor and its partners.
- D** Prior to entering into an agreement with DNR for fund disbursement, sponsor must certify that it has all necessary land rights to underdo the project and that a complete listing of all lands involved in the project along with proof of ownership will be provided if requested by the Department.
- E** Prior to entering into an agreement with DNR for fund disbursement, sponsor must complete and submit a financial disclosure statement showing proof of ability to pay its 40% local share match; and certify that it has all local share funding necessary to complete the project.
- F** Cost share for land rights including easement purchases is limited to lands within the State of Nebraska. Costs associated with land rights outside of the State of Nebraska will not be used in cost share calculations.

Water Sustainability Fund Application
NRC Scoring Questions
Section C
2024

Complete any of the following (15) criteria which apply to your project. Your response will be reviewed and scored by the NRC. Place an N/A (not applicable) in any that do not apply, an N/A will automatically be placed in any response fields left blank.

- (1). Remediates or mitigates threats to drinking water.
- (2). Meets the goals and objectives of an approved integrated management plan or ground water management plan.
- (3). Contributes to water sustainability goals by increasing aquifer recharge, reducing aquifer depletion, or increasing streamflow.
- (4). Contributes to multiple water supply goals, including, but not limited to, flood control, agricultural use, municipal and industrial uses, recreational benefits, wildlife habitat, conservation of water resources, and preservation of water resources.
- (5). Maximizes the beneficial use of Nebraska's water resources for the benefit of the state's residents.
- (6). Is cost-effective.
- (7). Helps the state meet its obligations under interstate compacts, decrees, or other state contracts or agreements or federal law.
- (8). Reduces threats to property damage or protects critical infrastructure that consists of the physical assets, systems, and networks vital to the state or the United States such that their incapacitation would have a debilitating effect on public security or public health and safety.
- (9). Improves water quality.
- (10). Has utilized all available funding resources of the local jurisdiction to support the program, project, or activity.
- (11). Has a local jurisdiction with plans in place that support sustainable water use.
- (12). Addresses a statewide problem or issue.
- (13). Contributes to the state's ability to leverage state dollars with local or federal government partners or other partners to maximize the use of its resources.
- (14). Contributes to watershed health and function.
- (15). Uses objectives described in the annual report and plan of work for the state water planning and review process issued by the department.

*Federal Mandate Bonus. If you believe that your project is designed to meet the requirements of a federal mandate which furthers the goals of the WSF, then: • Describe the federal mandate. • Provide documentary evidence of the federal mandate. • Describe how the project meets the requirements of the federal mandate. • Describe the relationship between the federal mandate and how the project furthers the goals of water sustainability.