

# NEBRASKA NATURAL RESOURCES COMMISSION

## MEETING MINUTES – May 22, 2019

**Roll Call:**

Commissioners		Absent	Present	Commissioners		Absent	Present
Amen	Karen		X	Kraus	Don		X
Anderson	Garry		X	McDonald	Mike		X
Barels	Brian	X		Miller	John		X
Batie	Donald		X	Reynolds	Michael (Mick)		X
Bradley	Lawrence		X	Schroer	Lyle		X
Clouse	Stan		X	Shields	Jim		X
Czaplewski	Mark		X	Smathers	Scott		X
Deines	Dave		X	Steffen	Jeff		X
Dunbar	Brad	X		Strauch	Walter Dennis		X
Fornoff	Kevin		X	Taylor	Loren		X
Hadenfeldt	N. Richard		X	Wilke	Greg		X
Halligan	Bill	X		Wright	Chad	X	
Heaston	John		X	(Livestock)	Vacant		
Knutson	Thomas		X				

**DNR staff in attendance:**

Kent Zimmerman, Emily Rose, and Jill Richters.

**Others in attendance were:**

Karen Griffin, Olsson Associates

### CALL TO ORDER, ROLL CALL

Chairman Smathers called the meeting to order at 2:00 p.m. in the Fairfield Inn, Kearney, Nebraska, and asked Zimmerman to call the roll.

### 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.

### MINUTES

**Reynolds moved and Shields seconded the motion to approve the minutes of the March 6, 2019 Commission meeting.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amen	X				Kraus	X			
Anderson			X		McDonald	X			
Barels				X	Miller	X			
Batie	X				Reynolds	X			
Bradley	X				Schroer	X			
Clouse	X				Shields	X			
Czaplewski	X				Smathers	X			
Deines	X				Steffen	X			
Dunbar				X	Strauch	X			
Fornoff	X				Taylor	X			
Hadenfeldt	X				Wilke	X			
Halligan				X	Wright				X
Heaston	X				(Vacant)				
Knutson	X				<b>TOTALS</b>	<b>21</b>	<b>0</b>	<b>1</b>	<b>4</b>

**PUBLIC COMMENTS**

Chairman Smathers opened the floor for public comments. Griffin thanked the Commission for all of their hard work.

**DNR UPDATE & EXPENDITURES REPORT**

Commission Fund Expenditures and Cash Funds Balance reports had been distributed prior to the meeting, there were no questions. It was noted that the state’s main line budget bill passed and went to the governor. Barring a line item veto, the Water Sustainability Fund (WSF) should receive the full \$11 million appropriation. DNR has nearly completed the 2019 audit.

**PROGRAM COMMITTEE**

Because the Program Committee did not meet, staff led the 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. It was noted that the Buck & Duck Creeks project was not damaged due to the recent flooding in the Missouri River, but the Western Sarpy Levee project near Camp Ashland on the Platte River had breached. Also, there were many news reports of the benefits derived in Grand Island from the Upper Prairie/Silver/Moores Creek Project during the spring floods.

**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**

A semi-annual funds distribution of \$725,000 was distributed in March, the next is scheduled for August.

**Water Well Decommissioning Fund**

The status report showed business as usual.

**Water Sustainability Fund**

The status report showed business as usual.

Regarding project close-outs where there are remaining unused funds, Rose stated that under Neb. Rev. Stat. § 2-1507 (4), in order to transfer unused funds into the unreserved balance of the WSF, the Commission must formally authorize the transfer by motion. The Commission should also confirm that a final billing has been received and paid before proceeding with a motion to transfer unused funds. It was discussed that a motion should be used to formally close-out all other projects as well. Discussion focused on officially moving any remaining funding into the unfunded balance, prior to taking final action on the new applications in December. It was recommended staff prepare a single spreadsheet listing projects that are being closed-out and any unused grant amounts. That spreadsheet would then be discussed and formally acted on by the Commission to recognize both project close-out and to formally reduce the amount granted to that project within the Commission's records.

Currently, the WSF has about \$5 million to carry forward from FY19, \$11 million expected on July 1<sup>st</sup> for FY20, and approximately \$175,000 from projects being completed under budget.

The Reports page on the Commission's website was modified to list the application number as well as the project name in an effort to make it easier to locate and review reports. All but three reports are now available, staff is working with sponsors to obtain the three remaining reports.

Chairman Smathers cautioned Commissioners to refer potential applicants to the website and allow them to review the statutes and rules and draw their own conclusions as to how well their potential project might score and the possibility of being funded.

#### **EXECUTIVE COMMITTEE**

Chairman Smathers stated the Executive Committee met prior to this meeting and is bringing forward a recommendation to approve the revised changes to Policy Statement I, presented at the December 18, 2018, Commission meeting and modified at the March 6, 2019, NRC meeting. Policy Statement I, with some additional revisions, was emailed to Commissioners prior to this meeting and is incorporated into these minutes as Attachment No. 1.

**Strauch moved and Batie seconded the motion to amend Policy Statement I.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amen	X				Kraus	X			
Anderson	X				McDonald		X		
Barels				X	Miller	X			
Batie	X				Reynolds	X			
Bradley	X				Schroer	X			
Clouse	X				Shields	X			
Czaplewski	X				Smathers	X			
Deines	X				Steffen	X			
Dunbar				X	Strauch	X			
Fornoff	X				Taylor	X			
Hadenfeldt	X				Wilke	X			
Halligan				X	Wright				X
Heaston	X				(Vacant)				
Knutson	X				<b>TOTALS</b>	<b>21</b>	<b>1</b>	<b>0</b>	<b>4</b>

**COMPREHENSIVE PLANNING COMMITTEE**

Committee Vice Chairman Batie announced that the committee met earlier today to discuss rewrites on a number of the Commission’s rules, stemming from a request by Policy Research Office’s (PRO) staff for additional, unsubstantial, changes. Because Chairman Barels was unavailable, Batie chaired the meeting focusing on the Governor’s Executive Order, No. 1704 to streamline wording. PRO staff gave approval to move forward with the proposed changes. Therefore, the committee recommended moving forward with informal public review. Rose reviewed changes she had drafted to comply with PRO’s request for additional word reduction.

**Batie moved and Knutson seconded the motion to recommend staff move forward with informal public review and comment for revised Titles 257, 259, 260, 262 & 263.**

Kraus noted the Committee had discussed some additional changes today that are not included within the draft emailed to Commissioners. The Committee recommended

obtaining additional input from Commissioners while simultaneously conducting informal public input. Rose noted that 30 days would be given for informal reply and comment. All comments will be reviewed by the Committee prior to the August Commission meeting, at which the full Commission could then discuss any new input received from the informal public review, as well as from PRO before moving forward with a formal hearing.

Batie requested Commissioners respond to both Rose and Chairman Smathers with any additional suggestions for changes.

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amen	X				Kraus	X			
Anderson	X				McDonald	X			
Barels				X	Miller	X			
Batie	X				Reynolds	X			
Bradley	X				Schroer	X			
Clouse	X				Shields	X			
Czaplewski	X				Smathers	X			
Deines	X				Steffen	X			
Dunbar				X	Strauch	X			
Fornoff	X				Taylor	X			
Hadenfeldt	X				Wilke	X			
Halligan				X	Wright				X
Heaston	X				(Vacant)				
Knutson	X				<b>TOTALS</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>4</b>

**LEGISLATIVE COMMITTEE**

Committee Chairman Dunbar was unavailable and the Committee had not met since the March Commission meeting. Chairman Smathers, however, reviewed his appointments to this and other committees as follows:

**Program Committee**

Greg Wilke, Chair  
Loren Taylor, Vice-Chair  
Karen Amen  
Gary Anderson

**Comprehensive Planning Committee**

Brian Barels, Chair  
Donald Batie, Vice-Chair  
Scott Smathers  
Stan Clouse  
N. Richard Hadenfeldt  
Don Kraus  
Mick Reynolds

**Legislative Committee**

Brad Dunbar, Chair  
Dennis Strauch, Vice-Chair  
Chad Wright  
Don Batie  
Jeff Steffen  
Lyle Schroer  
Tom Knutson  
Kevin Fornoff  
Mike McDonald  
John Heaston

**Executive Committee**

Scott Smathers  
Jeff Steffen  
W. Dennis Strauch  
Brad Dunbar  
Brian Barels  
Greg Wilke

Chairman Smathers noted his appointments to the Applications Review Committee will be made closer to the time that Committee becomes active.

**RESCHEDULE NRC MEETING**

Chairman Smathers noted the meeting facility was not available on the dates originally selected for the 4<sup>th</sup> quarterly NRC meeting. Therefore, December 18<sup>th</sup> was being recommended instead.

**Clouse moved and Batie seconded the motion to reschedule the 4<sup>th</sup> quarterly Commission Meeting to December 18, 2019.**

**Motion Passed.**

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amen	X				Kraus	X			
Anderson	X				McDonald	X			
Barels				X	Miller	X			
Batie	X				Reynolds	X			
Bradley	X				Schroer	X			
Clouse	X				Shields	X			
Czaplewski	X				Smathers	X			
Deines	X				Steffen	X			
Dunbar				X	Strauch	X			
Fornoff	X				Taylor	X			
Hadenfeldt	X				Wilke	X			
Halligan				X	Wright				X
Heaston	X				(Vacant)				
Knutson	X				<b>TOTALS</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>4</b>

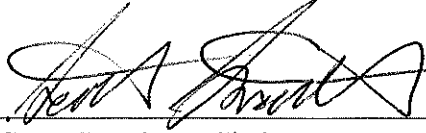
### **OTHER BUSINESS**

- A draft agenda and tour were discussed regarding the upcoming NRC Orientation and Refresher meetings. Possible WSF project tour sites were discussed including Lincoln’s well field, Hastings’ municipal water treatment facility, Mitchell’s new waste water treatment lagoon, the Papio-Missouri River NRD’s Dam Sites WP 6 & 7, Central Platte NRD’s projects and the automated gates project at Frenchman-Cambridge Irrigation District. Once dates and locations are finalized, the information will be emailed to Commissioners. Commissioners that want to attend and participate will then be asked to reply with their 1<sup>st</sup> and 2<sup>nd</sup> choice of meeting locations.
- Heaston suggested the Commission consider hosting an annual WSF project tour for key legislative folks and their staff. Chairman Smathers asked Heaston to develop his thoughts and submit them in an outline format to the Executive Committee.
- Bradley thanked everyone that had helped restore the bonding authority to the Papio-Missouri River NRD.

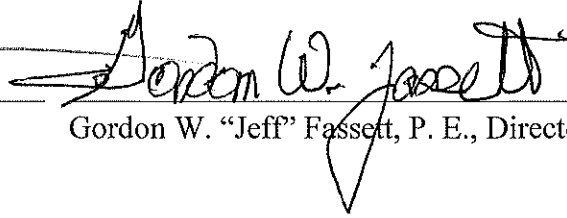


ADJOURNMENT

- The meeting was adjourned at 3:05 p.m.



Scott Smathers, Chairman



Gordon W. "Jeff" Fassett, P. E., Director

