

NEBRASKA NATURAL RESOURCES COMMISSION

DRAFT MEETING MINUTES – April 13th, 2022

CALL TO ORDER – PLEDGE OF ALLEGIANCE & ROLL CALL

Chairman Steffen called the meeting to order at 10:30 a.m. in the Central Platte Natural Resources District’s Board Room, Grand Island, Nebraska, and thanked General Manager Lyndon Vogt for allowing the NRC to use the meeting room and hosting this meeting. Following the pledge of allegiance, the roll was called.

Roll Call:

Commissioners		Absent	Present	Commissioners		Absent	Present
Anderson	Garry		X	Krause	Timothy P		X
Batie	Donald		X	Kubat	Rick		X
Bradley	Lawrence	X		McDonald	Mike		X
Citta Jr.	Joseph L	X		Miller	John		X
Clouse	Stan		X	Reynolds	Michael (Mick)		X
Czaplewski	Mark		X	Schroer	Lyle		X
Deines	Dave	X		Sievers	LeRoy		X
Dunbar	Brad		X	Smathers	Scott	X	
Fornoff	Kevin		X	Steffen	Jeff		X
Hadenfeldt	N. Richard		X	Steinkruger	Dan	X	
Halligan	Bill		X	Strauch	Walter Dennis		X
Heaston	John	X		Taylor	Loren		X
Knutson	Thomas		X	Wilke	Greg		X
Kraus	Don		X				

Note: Anderson and Schroer arrived later.

DNR staff in attendance:

Tom Riley, Kent Zimmerman and Jill Richters.

Others in attendance were:

Eric Gottschalk LPNNRD, Tom Mountford, LPNNRD & Lyndon Vogt, CPNRD

Announcements:

None

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. The following DHHS guidelines regarding COVID-19 were implemented:

- Tell invitees not to attend if they are sick.

- Face coverings were provided, and use was encouraged when not seated.
- Seating arrangements provide at least six feet of distancing between attendees and presenters.
- Food, beverages, and snacks stations were not available to reduce physical proximity and community touching of common surfaces.
- Proper social distancing expectations was reviewed with the attendees related to discussions, training room entry and egress, restroom breaks, etc.
- Attendee roster was completed verbally and recorded by the meeting organizer instead of sign-in sheets.
- Minimize sharing resources/equipment such as pens, markers, presentation remotes, handouts, etc.

MINUTES

Knutson moved and Miller seconded the motion to approve the minutes of the February 23rd, 2022, Commission meeting.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson				X	Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta				X	Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer				X
Deines				X	Sievers	X			
Dunbar	X				Smathers				X
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger				X
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	19	0	0	8

DNR UPDATE & PUBLIC COMMENTS

Chairman Steffen opened the floor for comments, Director Riley discussed and reviewed the following:

- DNR has moved into its new office in Fallbrook.
- A summary of Legislative bills that DNR is asked to take care of including the JEDI portion of the STAR WARS act that allows the City of Lincoln to evaluate public water supply and move forward with that project (\$20M); Perkins County Canal (\$53.5M); Peru's levee improvement project was transferred from DNR to the Military Department (\$5M); Surface Water Irrigation District Infrastructure Repairs (\$50M); Resilient Soils and Water Quality Act (\$500K) and the Gering Fort Laramie Irrigation District's canal reconstruction project (\$23.1M).
- Drought monitoring and planning with stake holders.

No public comments were offered.

PROGRAM COMMITTEE

Staff lead 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.

Chairman Steffen invited Eric Gottschalk, Manager, LPNNRD, to give an update on the Wanahoo project and discuss the LPNNRD request to continue operation of the borrow site on that project.

Gottschalk reviewed the history of the Lake Wanahoo project and highlighted two brochures that were distributed during the meeting, one covering the project's Recreation Area and the other describing the Education Building.

Regarding the request to continue operating the borrow site, Gottschalk noted:

- The location of the borrow site.
- There would be an agreement between LPNNRD and M. E. Collins, a local dirt moving contractor.
- Per the RDF Agreement with DNR, 60% of the revenue is returned to the RDF.
- The contractor M. E. Collins is in the process of covering up their most recent cut.
- The contract would extend through the end of 2023 with the option to continue through the end of 2025.
- The proposal charges \$1.20/cubic yard through the end of 2023, then increasing to the rate of \$1.30 / cubic yard if extended through 2025.

Batie asked if the contract with M. E. Collins would terminate upon project close out with the United States Army Corps of Engineers (USACOE). Gottschalk stated no, but the contract could be terminated at the end of 2023.

Staff noted the need to cease operation of the borrow site and reestablish CRP grasses prior to closing out the RDF project.

Anderson asked how much money will be returned from the USACOE. Gottschalk responded \$114,710 for the total project including the seven upstream dams.

Batie moved and Clouse seconded the motion to approve the Lower Platte North NRD’s request to continue operation of the existing borrow pit (with 60% of the total revenue being returned to the Resources Development Fund) as outlined in the “LAKE WANAHOO SOIL BORROW AGREEMENT Between LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT And M.E. COLLINS CONTRACTING CO., Inc.” until either 1.) The Sand Creek Environmental Restoration project close out with the United States Corps of Engineers, or 2.) December 31, 2025; whichever comes first.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta				X	Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer			X	
Deines				X	Sievers	X			
Dunbar	X				Smathers				X
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger				X
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	20	0	1	6

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. A distribution of \$825,000 was made in February.

Water Well Decommissioning Fund

The status report showed business as usual.

Water Sustainability Fund

The status report showed business as usual. Project progress updates were given for the Blair Water Intake project and for the Peru Water Supply project. Commissioners requested the year of project approval be added to the Active Projects Report.

EXECUTIVE COMMITTEE

Chairman Steffen stated the Executive Committee met prior to this meeting and discussed the LPNNRD request and the Comprehensive Planning Committee's progress reviewing Title 261.

COMPREHENSIVE PLANNING COMMITTEE

Chairman Reynolds reviewed activities of the Committee and noted the following items under review were noncontroversial and should proceed to formal rules change:

- Change DEQ references to DEE throughout the rules.
- Strike CH 2 # 9.01 and allow feasibility studies to be funded if scoring warrants.
- Strike CH 2 #9.02 and don't require permits to be obtained prior to making application.
- Change the date applications are received from July 16th – 31st to March 16th – 31st.

These revisions will more precisely align the rules with Commission activities gleaned from seven rounds of application reviews and funding. Moving the application filing period to March 16th – 31st will allow more time for review and scoring while continuing to award funding prior to the end of that calendar year.

Zimmerman noted that these changes will not be in place for the 2022 round of applications, but hopefully will be approved in time to go into effect in 2023. Sievers mentioned several ways informal public input has historically been sought including informal presentations, emailing red line changes to NRD's, Irrigation Districts, attorneys and engineering and consulting firms.

Batie added that we don't plan to hold informal public input meetings for these small changes but will likely for the remaining changes. Batie also pointed out that these changes are minor and needed to be pushed through quickly, while several other changes being discussed are more substantive and need more thought to fully develop.

Committee Chairman Reynolds stated the Committee plans to continue meeting and has set a goal to have a draft with red line changes for the Commission to review later this year.

Chairman Steffen mentioned one of the other items being discussed involves the makeup of the scoring committee and the need to have all 10 members plus two alternate members of the committee attend the meeting. This has been an issue in recent years due in part to the timing when the committee must meet. Moving the application filing period to March will help alleviate some of those issues. Reynolds added that it is imperative that each member of the Commission review each application so that if called upon at the last minute to fill a vacancy on the committee, you are prepared to do so. Anderson suggested that the committee consider setting a minimum number for participation and if participation drops below that number, the meeting be rescheduled.

Reynolds moved and Czaplewski seconded the motion to proceed with the formal rules change. (Note: for the four items described above: 1. Change DEQ to DEE, 2. Strike CH 2 # 9.01, 3.) Strike CH 2 #9.02 & change the date applications are received to March 16th – 31st each year.)

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta				X	Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines				X	Sievers	X			
Dunbar	X				Smathers				X
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger				X
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	21	0	0	6

OTHER BUSINESS

Knutson noted this may be the last meeting for several Commissioners and suggested thanking them for their service. It was decided that Chairman Steffen would send a thank you card at the appropriate time.

Sievers moved and Fornoff seconded the motion to write an appreciation to the Commissioners who are not reappointed thanking them for their time and service that they have given to the Commission.

Chairman Steffen offered to write and send cards similar to what he had done for Karen Amen.

Motion Passed.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Anderson	X				Krause	X			
Batie	X				Kubat	X			
Bradley				X	McDonald	X			
Citta				X	Miller	X			
Clouse	X				Reynolds	X			
Czaplewski	X				Schroer	X			
Deines				X	Sievers	X			
Dunbar	X				Smathers				X
Fornoff	X				Steffen	X			
Hadenfeldt	X				Steinkruger				X
Halligan	X				Strauch	X			
Heaston				X	Taylor	X			
Knutson	X				Wilke	X			
Kraus	X				TOTALS	21	0	0	6

ADJOURNMENT

The meeting was adjourned at 11:37 a.m.
