

**NORTH PLATTE NATURAL RESOURCES
DISTRICT BOARD OF DIRECTORS MEETING**

June 13, 2019

The regular meeting of the North Platte Natural Resources District (NRD) Board of Directors was called to order at 3:00 p.m. MDT, June 13, 2019, by Kent Andreas at the North Platte NRD conference room, 100547 Airport Road, Scottsbluff, Nebraska. Notice of the meeting was given to the public by publishing a legal notice in the June 6, 2019, Scottsbluff *Star-Herald*. Andreas informed meeting attendees that this meeting would be conducted in accordance with the Open Meetings Act, a copy of which is posted in the meeting room for public inspection.

Board members present Kent Andreas, Roger Eirich, Chuck Henkel, Pete Lapaseotes, Ryan Reuter, Dan Weinreis, and Mark Westphal. Absent: Dave Deines and Gary Darnall. Others present: NPNRD Staff Members: John Berge, Lydia Hendrickson, Dave Wolf, Danielle Schafer, Scott Schaneman, Carolyn Hudson, Lynn Okicki, Travis Preston, Kyle Ann Hopkins, Sarah Munezero, and Amanda Sheppard; Steve Smith and Megan Dockery, Simmons Olson Law Firm; Sarah Gray, Natural Resources Conservation Service; Thad Kuntz, Adaptive Resources, Inc; Beth Eckles and Jessie Strom, Department of Natural Resources; and Dave Fisher.

The following items of informational material were made available to the Directors electronically prior to the Board Meeting:

1. Meeting Notice
2. Agenda
3. Minutes, North Platte Natural Resources District Board of Directors Meeting, May 9, 2019.
4. Treasurer's Report (Preliminary)

5. DRAFT North Platte Natural Resources District Integrated Management Plan, Cooperatively Developed by the North Platte Natural Resources District and the Nebraska Department of Natural Resources, dated June 10, 2019.
6. DRAFT 2nd Increment Proposed Upper Platte River Basin

The following items were provided to the Directors at the Board Meeting:

1. Agenda
2. Minutes, North Platte Natural Resources District, Board of Directors Meeting, May 9, 2019.
3. Treasurer's Report
4. Manager's Report
5. Report from Chairman Reuter Regarding the Budget & Personnel Committee.
6. Staff Recommendation Statement for Approving 1% Levy Lid Increase.
7. Chapter 11 – Nitrogen Application Option 1 for Additional or More Strict Controls on Commercial Nitrogen Fertilizer or Livestock Waste.
8. Chapter 11 – Nitrogen Application Option 2 for Additional or More Strict Controls on Commercial Nitrogen Fertilizer or Livestock Waste.
9. Chapter 11 – Nitrogen Application Option 3 for Additional or More Strict Controls on Commercial Nitrogen Fertilizer of Livestock Waste.
10. Guidelines on Nitrogen Applications Consisting of NRD Increase in Educational Programs, All Level 1 Applies, and All Level 2 Applied.
11. DRAFT North Platte Natural Resources District, Integrated Management Plan, Cooperatively Developed by the North Platte Natural Resources District and the Nebraska Department of Natural Resources, dated June 10, 2019.
12. Suggested Motion – Approval of the Proposed Language of the Integrated Management Plan.

13. Suggested Motion for the Integrated Management Plan Hearing Date.
14. Suggested Motion for Approval of the Proposed Language of the Basin Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin.
15. Suggested Motion on Basin Wide Plan Hearing Date.
16. DRAFT, Rules & Regulations for the Enforcement of the Nebraska Ground Water Management & Protection Act and the Nebraska Chemigation Act.
17. Suggested Motion on Rules and Regulations Hearing Date.
18. Brown's Canyon Watershed Maintenance Agreement Between the County of Scotts Bluff, the North Platte Natural Resources District, the Gering-Fort Laramie Irrigation District, the Mitchell Irrigation District, the Gering Irrigation District, and the Nebraska Department of Roads, Regarding the Inspection, Operation and Maintenance of that Portion of the Brown's Canyon Drain.

3. Approval of Minutes of Previous Meeting

The Board reviewed the minutes of the May 9, 2019, regular Board meeting. Ryan Reuter noticed that Mark Westphal was not in the minutes in the attendance section. Moved by Reuter, seconded by Henkel, to approve the minutes of the May 9, 2019 regular Board meeting. Motion passed.

Ayes: Andreas, Henkel, Lapaseotes, Reuter, Westphal

Nay: None

Abstain: Eirich, Weinreis

Absent: Darnall, Deines

4. Treasurer's Report and Accounts Payable

Ryan Reuter reviewed the Treasurer's report with the Board. Moved by Eirich, seconded by Weinreis, to accept the Treasurer's report and pay the bills as listed. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

5. Comments from the Public

Dave Fisher again requested the Board ask the Nebraska Department of Natural Resources to declare the District Fully Appropriated and again expressed his concern that the District is doing too much to fulfill its obligation under the Integrated Management Plan (IMP).

6. Manager's Report

John Berge provided the Manager's Report. He reported on the excess flow agreements that the District had with eleven irrigation districts were put on hold due to the Federal Department of Fish and Wildlife. They said the water is needed for flows further down the Platte River. He will keep the Board apprised of any changes. The rest of the report was submitted in writing to the Board.

7. Database/Lead Presentation

Kyle Ann Hopkins provided a list of her duties and responsibilities for her department. She provided a quick update on the new database that is being developed by Adaptive Resources, Inc and Hopkins.

Hopkins also provided a presentation on the Nebraska LEAD program. It is a two-year program that develops leaders in the agricultural industry. She explained what the program was and showed some pictures she took on their European trip.

8. Report from Budget and Personnel Committee

Ryan Reuter reported the Budget and Personnel Subcommittee met with staff earlier today to take the first look at the Budget that staff will be working on over the next several weeks before bringing it to the full board for consideration. As of right now, the operating expenses proposed are down about \$300,000, but staff anticipates closing this gap based in order to avoid cutting too sharply. Reuter reminded the Board that operating expenses are down by over 22 percent in three years, and management is concerned about cutting too much more deeply given our statutory responsibilities.

The Budget and Personnel Subcommittee will continue to work with staff to hone these proposed numbers to get them to an appropriate amount before they make recommendations to the full board in September after the District receives the valuations from the counties.

It is staff's interest to ensure that the District is exhibiting responsible spending, but not at the expense of services and obligations. The committee and staff intend to meet again at the end of June or the first week of July.

a. Consideration of 1% Levy Increase for FY 2020

This consideration item is voted upon and approved every year, and the staff recommends doing the same again this year. It is a one percent increase in the budget that is allowed by law above the levy lid limit of 4.5 percent. This action requires a three-fourths vote of the Board. Approval of this one percent does not mean the money has to be spent, but it can go into the unused restricted fund authority. Moved by Reuter, seconded by Henkel, to approve the 1 percent levy increase above the levy lid limit. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

9. Report from Joint Meeting of the Water Resources Committee/District Operations Committee

Roger Eirich reported on the Water Resources/District Operations Joint Committees. The committee discussed Chapter 11 of the revised rules and regulations, which deals with Nitrogen Application, and the recommendations provided by the Nitrogen Advisory Group. The group had some changes to the rules the staff provided them, including lowering the trigger levels (parts per million) for each phase being the biggest change. They also provided edits to option one which would include: (1) Requiring a better understanding of the nutrients producers are applying through passive regulation; (2) requiring nutrient certification classes, possibly through UNL Extension; and (3) require testing on irrigation wells and soils for nitrogen. The committee also provided some minor changes to the proposed rules, and unanimously recommend adopting the revised rule and regulations as amended.

a. Consideration of Staff Recommendation on Nitrogen Management

The Board discussed the proposal for Chapter 11 of the Revised Rules and Regulation. Moved by Eirich, seconded by Lapaseotes, approve the amended option one from the Nitrogen Advisory Group for Chapter 11, Nitrogen Application, to the Revised Rules and Regulations proposal. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

10. Consideration of the Proposed Language for the Second Increment Joint Integrated Management Plan (IMP) for the District

Now that the language for the Seconded Increment Joint Integrated Management Plan has been recommend by the IMP working group, the proposed language needs to be approved by the board before it can be moved to a public hearing. Moved by Eirich, seconded by Henkel to approve the proposed language of the Second Increment Joint Integrated Management Plan Cooperatively Developed by the North Platte Natural Resources District and Nebraska Department of Natural Resources. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapascotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

11. Consideration of Consideration of Setting Hearing Date for the Second Increment Joint Integrated Management Plan (IMP) for the District

Now that proposed language has been approved by the board, a hearing date needs to be set. Staff recommends July 18, 2019 and an informational session before the hearings. Moved by Reuter, seconded by Eirich, to set the hearing date for the recently approved language of the Second Increment Joint Integrated Management Plan Cooperatively Developed by the North Platte Natural Resources District and Nebraska Department of Natural Resources for July 18, 2019 at 10 a.m. MDT at the District Office at 100547 Airport Road, Scottsbluff, Nebraska and there be an informational session held at 9:30 a.m. MDT at the same location. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapascotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

12. Consideration of Proposed Language of the Second Increment Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska

The Board needs to approve the Basin-wide Proposed Language of the Second Increment Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin. Moved by Weinreis, seconded by Henkel, to approve the proposed language of the Second Increment Basin Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska by the North Platte, South Platte, Central Platte, Twin Platte and Tri-Basin Natural Resources Districts and the Nebraska Department of Natural Resources. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

13. Consideration of Setting Hearing Date for the Second Increment Basin-Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska

Now that the proposed language of the basin-wide plan has been approved, a public hearing date needs to be set. Staff recommends July 18, 2019. Moved by Henkel, seconded by Lapaseotes, to to set the hearing date for the recently recommended Second Increment Basin

Wide Plan for Joint Integrated Water Resources Management of Overappropriated Portions of the Platte River Basin, Nebraska by the North Platte, South Platte, Central Platte, Twin Platte and Tri-Basin Natural Resources Districts and the Nebraska Department of Natural Resources for July 18, 2019 at 10:30 a.m. MDT at the District Office at 100547 Airport Road, Scottsbluff, Nebraska and there be an informational session held at 9:30 a.m. MDT at the same location.

Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

14. Consideration of Setting Hearing Date for Changes to the Rules and Regulations of the North Platte NRD

A public hearing date needs to be set to formally adopt the changes to the Rules and Regulations, including Chapter 11, Nitrogen Application language that was just approved. Staff recommends July 18, 2019. Moved by Eirich, seconded by Reuter, to set the hearing date for the North Platte Natural Resources District Rules and Regulations as amended on July 18, 2019 at 11:00 a.m. MDT at the District Office at 100547 Airport Road, Scottsbluff, Nebraska.

Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

15. Consideration of the Browns Canyon Watershed Maintenance Agreement

A while ago, they agreed to provide additional funding to the Browns Canyon repairs, if a permanent maintenance committee was developed. A committee has been formally developed, and it is similar to the permanent maintenance committee for Gering Valley. Staff is recommending adoption of this maintenance agreement. Moved by Eirich, seconded by Weinreis, to approve the Browns Canyon Watershed Maintenance Agreement. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines

16. Adjourn

Moved by Henkel, seconded by Eirich, to adjourn at 3:50 p.m., MDT. Motion passed.

Ayes: Andreas, Eirich, Henkel, Lapaseotes, Reuter, Weinreis, Westphal

Nay: None

Abstain: None

Absent: Darnall, Deines