

North Platte Natural Resources District
Board of Directors Meeting
January 13, 2022

The regular meeting of the North Platte Natural Resources District (NRD) Board of Directors was called to order in person at 3:00 p.m. MST, January 13, 2022, by Roger Eirich, at the North Platte NRD Offices (Agenda item #1). Notice of the meeting was given to the public by publishing a legal notice in the January 6, 2022, Scottsbluff *Star-Herald*. Eirich informed meeting attendees that this meeting would be conducted in accordance with the Open Meetings Act, a copy of which is posted on the NPNRD website for public inspection (Agenda item #2).

Board members present in person: Kent Andreas, Gary Darnall, Roger Eirich, Chuck Henkel, Pete Lapaseotes, Ryan Reuter, Dan Weinreis and Mark Westphal. Board members absent: Dave Deines

Chairman Eirich called for a motion to excuse Deines from the meeting. Motion made by Lapaseotes, seconded by Weinreis to excuse board members Deines from the meeting. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

Others present in person: John Berge, Danielle Schafer, Scott Schaneman, Lydia Hendrickson, Kyle Ann Hopkins, Travis Preston, Craig Uhrig, Ken Ridgeway, Todd Filipi, Amanda Shepperd, and Lynn Okicki of NPNRD staff; Thad Kuntz, Adaptive Resources, Inc; Lex Larson, J.G. Elliot. Steve Smith and Megan Dockery, Simmons Olson Law Firm; Crissy Land from the Nebraska Forest Service; Sarah Gray and Georgette Jordening from NRCS.

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

1. Meeting Notice
2. Agenda
3. Minutes, North Platte Natural Resources District Board of Directors Meeting, December 9, 2021.
4. Treasurer's Report
5. Manager's Report

6. Presentation by Steve Smith, dated November 22, 2021, regarding Supreme Court of the United States Mississippi v. Tennessee, ET AL.
7. Letter of Resignation from John Berge, General Manager, dated December 23, 2021
8. FY-2022 DNR-NSWCP Cost Docket List
9. Memo to North Platte Natural Resources District Executive Committee, from John Berge, General Manager, dated December 17, 2021, regarding Transition Question-Options for General Manager.

3. Approval of Minutes of Previous Meeting

The Board reviewed the minutes of the December 09, 2021, regular Board meeting. Moved by Henkel seconded by Westphal, to approve the minutes of the December 09, 2021, regular Board meeting. Motion passed.

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

Nay: none

Abstain: Andreas

Absent: Deines

4. Treasurer's Report and Accounts Payable

Ryan Reuter reviewed the Treasurer's report with the Board. Motion made by Andreas, seconded by Henkel, to accept the Treasurer's report and pay the bills as listed. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

5. Comments from the Public

Sarah Gray from NRCS informed the Board that Georgette Jordening will be filling in as Interim District Conservationist for our District, until a permanent replacement for Sarah Gray has been selected. Gray reported that there will be approximately seven hundred thousand dollars available for disaster funding, producers should check with their local NRCS office. Gray also mentioned that there will be a local working group meeting scheduled sometime in the next few months.

6. Manager's Report

Administrative

Master Plan – Staff are finalizing the Master Plan for your consideration in either February or March. The plan is due to the state in 2022.

Simplifying Financials – As you are aware, the NRD holds several checking and savings accounts. This was historically done to “spread the wealth” amongst area institutions but has had a negative effect on ease of accounting. We will bring a proposal to the Budget and Personnel Committee to consolidate and simplify our finances.

Manager Transition – As you know, current General Manager John Berge will be resigning effective January 14. We will be considering how to proceed with that position later in the agenda. John has offered to provide consultation even after he departs to aid in the transition.

Projects and Programs

Variance, Transfers and Reconfiguration Requests – As you might imagine, given the dryness, we have had several landowners contact us with various proposals on how they would like to manage their lands and resources. We are working diligently to ensure that they can make their lands the most profitable while living within the bounds of our rules and regulations. This will require your action on requests as they relate to variances and/or transfers. The Water Resources Committee will hear requests, stay tuned for scheduling.

Schaneman Recharge Project – We are still awaiting permits from the Department of Natural Resources to operate the Schaneman Recharge Project this coming spring.

Range/Land Judging and Envirothon - For calendar year 2022 and beyond, we have agreed to revert to the arrangement of the administration of these contests by District Boundary rather than subject matter. For example, if there is a Range Judging contest scheduled in Upper Niobrara White NRD, North Platte NRD or South Platte NRD, those contests would be led by the “host” NRD. The same would hold true for Land Judging contests and Envirothon. Our desire is for our respective staff to collaborate with landowners, contractors, and host schools within familiar boundaries. This should streamline our efforts and make the planning and implementation of each contest more seamless and cause less miscommunication. Of course, regardless of which NRD is in the lead for each contest, other NRDs would serve in a support role to ensure that contests are successful. As it relates to other organizations involved in the planning and performance of each of these contests, their roles would also remain in support of the NRDs' efforts.

WRCF – As you know, we are working on a plan to fund our long-term commitments under contracts 925 and 935 that are currently unfunded. As I reported to you last month, there are funds available from the Water Resources Cash Fund for this purpose, and the

PBC is prepared to approve, with the caveat that it would be simpler if the match for those funds was available up front. In the near term, there may be a need to meet with the Budget Committee to arrange for such an up-front match.

Joint Water Board – The language for the lease with the Morrill, Henry, Lyman Joint Water Board has is completed, and the ball is now in the JWB’s court. If approved, this would be a significant wellhead protection area and one that will also provide a good deal of consumptive use credit. We will request PBC reimbursement for this lease as soon as it is finalized.

WFPO – As of this writing, the NRD is in communication with the NRCS State Office to request money through the WFPO for engineering on maintenance and upkeep of the Gering Valley Flood Control Project. Our official request was submitted prior to the end of the year.

Surface Water Infrastructure – I have been in conversations with Senator Stinner and Senator Bostleman about potential funding for surface water infrastructure upgrades and maintenance on the projects in the North Platte NRD. We are discussing the potential use of ARPA funds and the Federal Infrastructure bill. We have sent a survey to our SW Districts to gauge their needs and we will share this information with the Senators as soon as that information is received.

State Climatologist/Drought Planning – we continue to be in close touch with Martha Shulski about utilizing climate data for drought plan triggers moving forward.

Outreach

Legislative Conference – Several staff members will be attending the NARD legislative conference and meetings in Lincoln in January.

Producer Roundtables – are being set for the month of February and the first week of March.

7. Presentation by Steve Smith on Mississippi v. Tennessee US Supreme Court Case

Smith provided the board an in depth look at the Supreme Court case involving Mississippi and Tennessee. The argument of the case revolves around ground water pumping by the City of Memphis that the State of Mississippi feels is siphoning water from the Middle Claiborne Aquifer requiring the State of Mississippi to drill ground water wells deeper to get the supply needed to meet the States needs. Mississippi claims absolute “ownership” to all the ground water beneath its surface even after water has crossed its borders. Mississippi is claiming the City of Memphis is intercepting water to the tune of billions of gallons that would have remained under Mississippi for thousands of years. Smith went on to provide the ruling by the Court which discussed the new

cone of depression created by the City of Memphis as well as rejecting the State of Mississippi's claim to absolute ownership. The Court ruled that each State has full jurisdiction over the lands within its borders including the beds of streams and other waters. State jurisdiction does not confer unfettered ownership or control of interstate flows. The Court continued to state that equitable apportionment is the exclusive judicial remedy for interstate water disputes unless a compact or statute or prior apportionment controls. Smith went on to discuss how this case ruling could be important to the eight States that withdraw water from the High Plains Aquifer. The Board thanked him for the information.

8. Report from Water Resources Committee Meeting

Berge discussed the topics that were on the agenda for the meeting. Highlighting the ongoing conversations regarding drought and the discussion and invitation that was given to Martha Shulski of the State Climatologists Office. Berge would like to see Shulski give a presentation to the Board of Directors in late Spring of 2022. Transfer rules and a potential transfer of certified acres from the Upper Niobrara White Basin was also discussed. Two variance applications submitted by Dwayne Nolte were referred to the Board for action in a future Board meeting.

9. Consideration of Resignation of John Berge as General Manager of the North Platte NRD

Berge presented the Board of Directors his letter of resignation. The members of the Board thanked Berge for his service to the District. Motion made by Reuter, seconded by Darnall to accept the resignation of John Berge as Manager of the North Platte NRD effective January 14, 2022. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

10. Consideration of NRCS Cost-Share Docket FY-2022

Berge reported that the Staff had reviewed the docket and found it to be acceptable. Motion made by Andreas, seconded by Henkel to approve the FY-2022 cost-share docket from NRCS. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

11. Consideration of General Managers Position

Motion made by Darnall, seconded by Andreas to enter a closed-door session. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

The closed-door session began at 3:33 p.m. and ended at 3:45 p.m. Motion made by Weinreis, seconded by Henkel to appoint Scott Schaneman the Interim General Manager of the North Platte NRD. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

12. Consideration of Resolution in Recognition of John Berge's Years of Service

Schaneman read the resolution to the Board and meeting attendees. Motion made by Lapaseotes, seconded by Reuter to adopt the resolution. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines

13. Adjourn

There being no further business, the Chair called for a motion to adjourn. Motion made by Andreas, seconded by Reuter to adjourn at 3:53 p.m., MST. Motion passed.

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

Nay: none

Abstain: none

Absent: Deines