

**North Platte Natural Resources District
Board of Directors Regular Monthly Meeting
100547 Airport Road, Scottsbluff, Nebraska
February 10, 2022**

1. Call Meeting to Order

This meeting was called to order at 3:00 p.m. by Roger Eirich. Notice of the meeting was given to the public by publishing a legal notice on February 3, 2022, in the Scottsbluff Star Herald.

2. Inform Public of Open Meetings Act

Eirich informed the meeting attendees that this meeting would be conducted in accordance with the Open Meetings Act, which is posted by the door for public inspection.

Attendance

Board of Directors Present: Mark Westphal, Kent Andreas, Roger Eirich, Chuck Henkel, Dan Weinreis

Board of Directors Absent: Gary Darnall, Dave Deines, Pete Lapaseotes, Ryan Reuter

Eirich called for a motion to excuse the absences.

A motion was made by Henkel, seconded by Westphal, to excuse the absences of Darnall, Deines, Lapaseotes and Reuter. Motion passed.

Aye: Westphal, Andreas, Eirich, Henkel, Weinreis

Nay: None

Abstain: None

Absent: Darnall, Deines, Lapaseotes and Reuter

Others Present:

North Platte NRD Staff: Scott Schaneman, Danielle Schafer, Travis Preston, Craig Uhrig, Kyle Ann Hopkins, Todd Filipi, Ken Ridgeway, Amanda Shepperd.

Natural Resources Conservation Service (NRCS): Georgette Jordening

JG Elliott: Lex Larsen

Simmons Olsen Law Firm: Megan Dockery

Adaptive Resources, Inc. (ARI): Thad Kuntz

Nebraska Forest Service (NFS): Chrissy Land

Documentation Provided

The following documents were made available at the meeting for the Board of Directors and public review:

1. Meeting Notice
2. Agenda
3. Minutes of the January 13, 2022 Board of Directors Meeting
4. Treasurer's Report
5. Manager's Report
6. Memo from Dean Edson to the NARD Board, NRD Managers and Conservation Partners regarding a February 4 NARD Legislative Update
7. NARD Bill Summary Tracking Sheet – 107th 2nd Session
8. Seametrics & McCrometer Pilot Update prepared by Craig Uhrig
9. Presentation by Thad Kuntz, ARI, on the Previous Robust Review and Upcoming Robust Review Discussion

3. Approval of Minutes of Previous Meeting

The Board reviewed the minutes of the January 13, 2022, regular monthly meeting.

A motion was made by Weinreis, seconded by Westphal, to approve the minutes of the January 13, 2022, regular monthly meeting. Motion passed.

Aye: Westphal, Andreas, Eirich, Henkel, Weinreis

Nay: None

Abstain: None

Absent: Darnall, Deines, Lapaseotes and Reuter

4. Treasurer's Report and Accounts Payable

Scott Schaneman reviewed the monthly expenses from the Treasurer's Report with the Board.

A motion was made by Henkel, seconded by Weinreis, to accept the Treasurer's Report and pay the bills as listed. Motion passed.

Aye: Westphal, Andreas, Eirich, Henkel, Weinreis

Nay: None

Abstain: None

Absent: Darnall, Deines, Lapaseotes and Reuter

5. Comments from the Public

Georgette Jordening, the Acting District Conservationist with NRCS, discussed upcoming programs through NRCS, upcoming program deadlines and the turnout they've seen for these programs.

6. Manager's Report

Scott Schaneman highlighted the following items from his Manager's Report for the Board:

NRD staff attended the NARD Legislative Conference in Lincoln and was able to meet with Senators and discuss upcoming legislative bills.

Scott and Steve Smith worked together to provide written support testimony for LB 1074 which is the surface water infrastructure bill.

Scott attended Bean Day on February 8th and was able to talk to the area dry bean growers about ground water allocations, District Rules, crop water usage and District programs.

The District has signed a temporary lease with the Nebraska Joint Water Board which will assist the District with not only ground water quantity obligations but ground water quality obligations.

The District started their annual producer roundtables with meetings being held in Lewellen, Bridgeport and Scottsbluff. Staff will be presenting on allocations, water usage, legislative bills, District programs and current and ongoing projects such as nutrient management. Producers will also be given the opportunity to ask questions or address concerns.

NRD staff stationed a booth at the KNEB Farm and Ranch Show and were able to visit with producers on NSWCP cost share programs, tree programs and sales, the EPIC Program and other ongoing District programs and projects.

7. NARD Legislative Conference Update

Scott Schaneman provided the Board with information that he was given at this year's Legislative conference in Lincoln:

The NARD Risk Pool which handles the employees' health insurance benefits is down approximately \$700,000, which is about normal for the Risk Pool, and those representatives feel that this is a good number.

Federal Law is now requiring insurance companies and others to provide reimbursement for COVID tests. The implementation of this is in the works and moving forward.

Mark Geist with UBS gave a report on the employee retirement accounts. The fund was reported as doing fantastic and advancing. As such, no changes will be made to any investments.

During the Manager's Meeting, there was a lengthy discussion about legislative bills by which it was decided which bills would be supported and which would be opposed. The list was sent on to the voting body for finalization.

Governor Ricketts talked about the STAR WARS Program which is a proposal for a lake in Sarpy County, the Perkins Canal project, additional funding to improve State parks, grants for medium and small meat processing facilities and the Gering-Ft. Laramie project.

There was a Senator's Reception again this year, but there were only a few Senators in attendance.

Topics for flood mitigation, nitrates, soil health, conservation easements, the Open Meetings Act, data and engineering were all available for people to earn their continuing education credits for their water licenses.

8. NARD Legislative Bill Summary

Scott Schaneman reviewed the following Legislative Bills with the Board as they are of interest to this District:

LB 925 – Bill proposes to adopt the Resilient Soils and Water Quality Act which would create demonstrations and research farms across the state to provide healthy soil practices in support of the educational and research programs of the producer learning community.

LB 1074 – Bill proposes to create a \$50M Cash Fund titled the Surface Water Irrigation Infrastructure Fund. The funds could be used by irrigation districts for repair or construction of any headgate, flume, diversion structure, check valve or any other physical structure used for irrigation projects. Applicants would be required to provide matching funds equal to 10% of the grand award. A hearing has been held on this bill.

LB 1102 – Bill proposes to create an environmental response cash fund and response act. Whenever a pollutant is released, a person responsible for the release shall be responsible for the cleanup of the release. Administrative penalties will be assessed by the Director of NDEE. A hearing has been held on this bill.

LR 264CA – A constitutional amendment to prohibit the imposition of taxes other than retail consumption taxes and excise taxes. Those testifying in support noted that property taxes are too high, income tax is complicated, sales tax is not implemented fairly and there are too many exemptions, inheritance taxes are too high, etc. Those testifying in opposition noted that there would be a negative economic impact citing that a 15 to 20 percent consumption tax would drive retail businesses to neighboring states. A hearing has been held on this amendment.

LB 742 – Bill proposes to allow for minutes of public bodies to be kept in electronic format under the Open Meetings Act.

LB 743 – Bill proposes to limit the reasons why a closed session can be convened under the Open Meetings Act.

LB 1015 – Bill proposes to create the Perkins County Canal Project Act to help protect Nebraska’s full entitlement to the flows of the South Platte River as provided for in the South Platte River Compact.

LB 1023 – Bill proposes the Lake Development Act and Water Recreation Enhancement Act to implement the findings of the Statewide Tourism and Recreation Water Access and Resource Sustainability (STAR WARS) special committee of the Legislature. The committee identified a project in Sarpy County by which a 3,600 acre lake would be developed.

LB 1135 – Bill proposes changes to the provisions relating to conservation easements or preservation easements. This bill eliminates the language allowing a conservation easement or preservation easement to run with the land and be perpetual. The new proposed duration for these easements would be 99 years or less.

LB 1014 – Bill proposes an allocation of federal funds to be used by the Department of Natural Resources for soil and water conservation and critical infrastructure facilities. There is approximately \$23,000,000 allocated for critical infrastructure facilities which will be provided through grants to irrigation districts to offset costs related to the permanent main canal and tunnel repairs which is a part of an interstate irrigation system that experienced a failure. There was an 8-hour hearing on this bill and no action was taken as of yet.

9. Seametrics and McCrometer Pilot Program Update

Craig Uhrig, Water Resources Coordinator, provided an update to the Board on the Seametrics and McCrometer Pilot Program that was approved by the Board one year ago. The Board previously approved a 75% cost-share for landowners to replace their Seametrics meters with McCrometer meters and they also approved a Seametrics Pilot Program through Seametrics to replace 50 Seametrics meters in the District with 50 new Seametrics meters. As a results of the pilot program, two new Seametrics meters have been installed in water year 2021 and five meters have been installed for water year 2022. There are four additional meters that have been ordered and are planned to be installed during water year 2022, and there are between eight and ten more meters that may be replaced yet. There have been two Seametrics meters replaced with

McCrometer meters. Craig noted that the McCrometer McMags are not as good and have already failed. This was a two-year pilot program that has an April 2023 deadline.

Roger Eirich was concerned if there have been any issues with installation of the new meters and the existing pipe work. Craig advised that there have been issues and the issues have to be corrected during installation, but they have been fairly easy to fix.

10. Robust Review Analysis

Thad Kuntz with Adaptive Resources, Inc. gave a presentation to the Board about the new analysis to be done and that will be voted on by PBC. Thad went through the results from the previous analysis and what to expect with the next analysis. Results will be provided in a similar fashion with the new analysis.

During the last Robust Review, the NPNRD had a goal of returning 8,000-acre feet of water that had been depleted post 1997. The NPNRD has more than made up that amount. During the last Review, the general formula of full consumptive use minus what was actually pumped is how the NPNRD received their credit for allocation. Excess flows were considered in the analysis and the NPNRD received 100% credit for those. Ground water retirements and leases, including CREP and EQIP were considered and provided accretions and consumptive use credits. Ground water acres that have been idle or non-irrigable have actually been reduced. The NRD is returning over 20,000-acre feet of water every year to the River. The last Review does not include credit for surface water leases, reduction in ground water allocations, additional retirements, additional excess flow diversions, or commingled pumping depletions.

Work on the upcoming Robust Review will begin this month, pending PBC approval. The new analysis will run through 2020 and project through 2070. There will be new items to analyze. The new analysis will include a historic run of what actually happened from 1997 through 2020, a 1997 development run, which will compare the two results to get a comparative graph for the new standard, a total depletions analysis, a pre-1997 analysis, a livestock analysis to determine the impact of livestock water such as if pumping has changed or number of livestock has changed, and an excess flows analysis to determine how much excess flows has contributed to accretions to the system. The new analysis will also include new items of consideration such as a constant 1997 run showing ground water irrigated acres only, an allocation effect analysis which has been run for the NRD in the past, but not for the Robust Review, a ground water retirement analysis to determine how much accretion came from retirements alone, which will help determine if this is an effective program to continue, and a surface water retirement analysis to determine how much accretion

came from surface water or commingled retirements, including CREP and EQIP, and if these are effective programs to continue with. Discussions are still taking place with DNR regarding the surface water retirement analysis. That will keep the NRD and Board apprised as the Review begins.

11. Adjourn

There being no further business, Eirich called for a motion to adjourn.

A motion was made by Henkel, seconded by Westphal to adjourn at 3:44 p.m. Motion passed.

Aye: Westphal, Andreas, Eirich, Henkel, Weinreis

Nay: None

Abstain: None

Absent: Darnall, Deines, Lapaseotes and Reuter