

Platte Basin Habitat Enhancement Project

Meeting Minutes

North Platte, NE – Twin Platte NRD Office

June 26, 2009

Call to Order and Attendance – Interim Chair Ron Bishop called the meeting to order at 10:30 a.m. CDST. Those in attendance were: Jim Schneider and Doug Hallum (Nebraska Department of Natural Resources), Ron Bishop and Mark Czaplewski (Central Platte NRD), Kent Miller and Ann Dimmitt (Twin Platte NRD), Rod Horn (South Platte NRD), Ron Cacek and Tina Kurtz (North Platte NRD), and Tim McCoy and T.J. Walker (Nebraska Game and Parks Commission).

Agenda Modifications - No changes were made to the agenda distributed prior to the meeting.

Approval of Minutes – Motion by Rod Horn, second by Kent Miller to approve the minutes of the May 13, 2009, PBHEP meeting as distributed prior to the meeting. Motion passed.

Interlocal Cooperation Agreement Signatures – The PBHEP Interlocal Cooperation Agreement (ILCA) has been signed by four of the seven sponsor agencies. The schedule for collecting the final signatures was developed including getting Rex Amack's or Kirk Nelson's signature for NGPC and the two remaining NRD's after their mid-July Board meetings.

Conservation Easement Template Review – There was a general discussion of the four easement templates distributed in advance of the meeting. Czaplewski emphasized the fact that the templates are being developed to maintain flexibility while ensuring components necessary to the NET and DNR are appropriately incorporated, and that each NRD may make template modifications specific to their needs. The North Platte NRD representatives noted their need to revise template sections 2b, c, and d to comply with their rules and regulations on wells remaining on tracts they would take easements on. Tim McCoy noted a concern that attaching a fixed "Exhibit 1" management plan to easements dealing with conversions to grasslands might inappropriately limit the need for future plan modification and flexibility in managing these habitats. Czaplewski noted that without the certainty of a fixed plan, a prospective landowner might not want to sign on if all commitments aren't established up front. The management plans will need to address the issue of being flexible enough to provide for needed modifications over time while providing the landowner sufficient certainty regarding commitments and planning. Monitoring these plans and appropriately building off of possible existing federal program activities (e.g., CREP, EQIP) will be key components of planning activities. Several additional comments were noted on the templates, including a change recommended by DNR that, given their understanding that they are unable to hold real property rights, the reference to DNR be eliminated in Section 8. After some discussion it was agreed to replace the reference to DNR with NGPC as the entity who would be assigned interest in the conservation easement.

The group discussed the need for another pair of templates dealing with conversions of "co-mingled" acres involving both the retirement of surface and ground water irrigation from a tract. Jim Schneider noted DNR's concern related to the retirement of surface water irrigation while allowing continued groundwater irrigation. The group agreed this issue warrants further discussion separate from PBHEP. Schneider agreed to coordinate that separate discussion.

Central Platte NRD will develop a draft co-mingled conservation easement template for review by the group.

Land Value Information – Ron Bishop provided the group with a handout including questions and background information regarding the possible use of county assessor property tax information as an alternative to conducting real estate appraisals (as originally required by the NET) as a means of establishing the value of payments for conservation easements. Bishop noted that the counties are required by the State to develop a market analysis of property values for purposes of taxation, and that he has staff working on pulling this county tax data together for Central Platte NRD and offered to develop a spreadsheet of such data for the entire PBHEP area. The approach would compare the value of irrigated, dryland and grassland values by soil type/land capability class for each of the counties involved. Bishop asked that each NRD contact the county assessors in their districts to acquire the percentage of market value for each ag land valuation group (LVG) table used by each county and provide them to Angela Warner at Central Platte NRD.

NET Contract Update – Czaplewski discussed his recent conversations with the NET regarding the NET contract and associated NET policy modifications. On July 31, 2009, the NET Board will consider a policy change that would eliminate the need for government entities like NRDs to establish perpetual legal defense funds. Czaplewski reviewed other items noted in his May 28 letter regarding the NET Contract.

Czaplewski also noted the NET staff's interest in pursuing the aforementioned approach to establishing values for land rights taken by PBHEP conservation easements. Czaplewski also noted that the first quarterly report to NET is due by the end of July and that he would need all documentation of contributions from PBHEP sponsors and partners no later than July 15th.

Future Open Meetings Act Compliance – Czaplewski explained that, with the last signature on the ILCA, the PBHEP sponsors meetings would need to comply with the Nebraska Open Meetings Act. Part of that compliance would involve the need to publish notice of meetings of the administrators. The group understands that technical workshops and committee meetings that did not involve a majority of the administrators would not need to comply with the Act. The group also agreed that publication of notices in the Grand Island, North Platte and Scottsbluff newspapers was sufficient. The NRD encompassing those towns will be responsible for providing the newspapers there with the text of the public notice at the appropriate time, paying for the notice and keeping the associated affidavits of publication. Czaplewski will develop a standard public notice for use by PBHEP and distribute it to the NRD's for their use.

Committee Assignments - Czaplewski reviewed a document he distributed on June 22 describing Committee responsibilities laid out in the PBHEP NET application and in the ILCA. The group was asked to provide Czaplewski with any additions and corrections in advance of making assignments to the committees. The group agreed to eliminate the Steering and Financial Committee and move its duties to the administrators. The group added an item to the administrators list relating to revisiting the payment amounts noted in the NET application and consideration of other incentives for conversions to grassland.

Plans for Elections of Officers – Ron Bishop reviewed plans for the election of Chair and Vice-chair at our next meeting, given the assumption that the ILCA would be signed by all sponsors by that time.

Update on Bureau of Reclamation Grant Application – Jim Schneider reported that the DNR still has no word from the Bureau on award of their water market and efficiency grants. They may know more by the end of June.

Other – Czaplewski noted the PBHEP technical workshop will take place on July 16 in North Platte starting at 10:30 a.m. CDST. Czaplewski asked that anyone interested in presenting there to contact him at their earliest convenience.

Rod Horn reported on a recent conversation the NRCS officials regarding progress of their AWEF. Tim McCoy will research NRCS contacts we may want to send letters of encouragement to.

Czaplewski reported on his development of a PBHEP Checklist built off of information provided by Cathy Allen at the June workshop. The document currently addresses activities related to easement acquisition and NET reporting requirements and needs input from the DNR regarding the incorporation of their requirements and scheduling for processing of cash contributions.

Schedule Next Meetings and Adjourn – Project meetings previously scheduled for July 6 and August 20, 2009, were cancelled. A new schedule was set for meetings on August 3, September 11, October 5, and November 13, 2009, all scheduled for a 10:30 a.m. CDST/CST start and all will be held in North Platte at the offices of Twin Platte NRD. No meeting will be scheduled for December, 2009.

The meeting was adjourned at 1:30 p.m.

Respectfully Submitted,
Mark Czaplewski