

MINUTES OF
THE NEBRASKA PLATTE-REPUBLICAN CONSERVATION RESERVE ENHANCEMENT
PROGRAM (CREP) STEERING COMMITTEE MEETING

MAY 16, 2016

The CREP Steering Committee met at 1:30 on May 16, 2016, at the Mid Plains Community College in North Platte, Nebraska. The Agenda for this meeting included the following topics:

- A new Memorandum of Agreement (MOA) between the State of Nebraska and the United States Department of Agriculture (USDA) Commodity Credit Corporation (CCC) regarding the CREP which is part of the Conservation Reserve Program (CRP), operated on behalf of CCC by the USDA's Farm Service Agency (FSA). The major change to the MOA is the allowance of re-enrollment of existing contracts that are due to expire. The proposed MOA allows re-enrollment of land currently under contract for another ten to 15 years.
- How re-enrollment may affect contracts that include irrigation from surface water appropriations.
- New forms for new State water use contracts and re-enrollment contracts.
- Meeting requirements for quality cover.
- Current rental rates for CREP.
- How to increase sign-ups.
- Membership of the CREP Steering Committee
- Discussion on number of meetings needed per year.

CREP members present were: Randy Zach for Nebraska Public Power District; Barb Cross for North Platte Natural Resources District; Glen Bowers for Twin Platte Natural Resources District; Mike Clements for Lower Republican Natural Resources District; Mike Delka for Bostwick Irrigation District; Rex Gittins, Susan France, and Mike Thompson for Nebraska Department of Natural Resources; Keith Koupal and Eric Zach for Nebraska Game and Parks Commission; Mark Czaplewski for Central Platte Natural Resources District; Lavaine Moore and Greg Reisdorff for the U.S. Farm Service Agency; Nadine Bishop and Jason Kennedy for the U.S. Natural Resources Conservation Service; Craig Romary for the Nebraska Department of Agriculture; Dennis Strauch for Pathfinder Irrigation District; John Thorburn for Tri-Basin Natural Resources District; Marsha Trompke for The Central Nebraska Public Power and Irrigation District; and Dustin Wilcox for the Nebraska Association of Resources Districts.

Committee members not present: Pete Berthelsen for Pheasants Forever, Jordan Dux for Farm Bureau, Jasper Fanning for Upper Republican Natural Resources District, Rod Horn for South Platte Natural Resources District, Jack Russell for Middle Republican Natural Resources District, LeRoy Sievers for Nebraska Department of Natural Resources, Dan Steinkruger for FSA, and Elbert Traylor for Nebraska Department of Environmental Quality.

Non-members present were: Connie Schmidt, Judy Taylor, Tyler Christensen, Kenneth Carriker, and Bobbie Kriz-Wickham from U.S. Farm Service Agency; Tracy Zayac from North Platte

Natural Resources District; Steve Smith from North Platte Valley Water Association; Brad Edgerton from Frenchman-Cambridge Irrigation District; and Andy Houser from U.S.D.A. Pheasants Forever.

Greg Reisdorff explained that the new MOA incorporated all the terms of the existing MOA and the three amendments to the existing MOA, but also included the allowance of re-enrollment of land currently under contract that are due to expire for another ten to 15 years.

Susan France then explained that based on current Nebraska law, there appears to be no impediment for re-enrollment of land under contracts where the irrigation of the land is solely by groundwater. However, the re-enrollment of land under contracts where the irrigation of the land is by surface water is more complicated. The reason that it is more complicated is that Nebraska law states that water appropriations are subject to cancellation after more than five consecutive years of nonuse. There are excusable reasons for non-use and one includes that non-use may be excused for up to fifteen years if the land associated with the appropriation is under a government contract. For those contracts that include surface water appropriations held solely by the individual, under the original contracts issued, the individual also filed a temporary transfer of the appropriation to an instream use, thus negating the nonuse. To re-enroll, the individual will need to file an application to re-enroll under CREP, but will also need to file an application to extend the temporary transfer that is associated with the water appropriation for the land. Likewise, for those contracts that include surface water appropriations held by irrigation districts or canal companies that **do not** have storage-use appropriations associated with their district, temporary transfers will need to be extended. The major issue is how or whether contracts that include both natural flow and storage use surface water appropriations held by districts or canal companies will be able to re-enroll. The Department of Natural Resources and the irrigation districts, canal companies and natural resources districts will have conversations about whether a solution to this question can be determined and a letter will be sent to producers whose contracts are terminating in September, 2016, to explain what the standards will be for re-enrollment.

A revised contract form for new CREP contracts and a new re-enrollment contract form were reviewed by the Committee.

Jason Kennedy discussed the problems that the NRCS has found with the designated cover crop for the lands under CREP contracts. NRCS has found that it is difficult to establish this cover crop on land that has been historically irrigated and that there are large stands of kochia and Russian thistle. A discussion on this matter was tabled, but will continue to be looked at by NRCS, Nebraska Game and Parks Commission, FSA, and the Department of Natural Resources for possible discussion at the next meeting.

Greg Reisdorff presented a table showing the current rental rates for irrigated land under CRP contracts and discussed how they are determined, and where they apply.

A discussion was held regarding how to get more signups and possible public information campaigns. All were willing to assist as needed.

The existing and the proposed MOAs require an in-kind cost share of 20 to 50 percent for the State in relating to the amount of money spent on the CREP by the CCC and FSA. A discussion

was held as to whether the partners could continue to meet the amounts they had projected at the start of the program. Two partners thought that it was a possibility they might not be able to meet in the future. However, overall, the amount of in-kind services has historically far exceeded the 20 percent minimum required. The program will continue to monitor this on an annual basis, and reassess as needed.

At the end of all discussion regarding program essentials, a request for motions regarding whether the committee wants to recommend the signing of the new MOA to Governor Ricketts was made by Susan France. Keith Koupal made a motion that the committee approve recommendation of the new MOA. The motion was seconded by Mike Clements. The motion passed.

Voting for: Barb Cross, Glen Bowers, Mike Clements, Rex Gittins, Susan France, Keith Koupal, Mark Czaplewski, Lavaine Moore, Nadine Bishop, Greg Reisdorff, Craig Romary, Dennis Strauch, Mike Thompson, John Thorburn, Dustin Wilcox, Eric Zach, and Jason Kennedy.

Voting against: Mike Delka

Abstaining: Randy Zach and Marsh Trompke

John Thorburn made a motion that the committee approve the changes of the water use contract for new enrollments. The motion was seconded by Dustin Wilcox. The motion passed

Voting for: Barb Cross, Glen Bowers, Mike Clements, Rex Gittins, Susan France, Keith Koupal, Mark Czaplewski, Lavaine Moore, Greg Reisdorff, Craig Romary, Dennis Strauch, Mike Thompson, John Thorburn, Marsha Trompke, Dustin Wilcox, and Eric Zach.

Abstaining: Randy Zach, Mike Delka, Nadine Bishop, and Jason Kennedy.

Mike Clements made a motion that the committee approve the new re-enrollment contract form. The motion was seconded by Dustin Wilcox. The motion passed.

Voting for: Barb Cross, Glen Bowers, Mike Clements, Rex Gittins, Susan France, Keith Koupal, Mark Czaplewski, Lavaine Moore, Greg Reisdorff, Craig Romary, Dennis Strauch, Mike Thompson, John Thorburn, Dustin Wilcox, and Erick Zach.

Abstaining: Randy Zach, Mike Delka, Nadine Bishop, Marsha Trompke, and Jason Kennedy.

A discussion was then held regarding the members of the committee. Susan France had informally been told that Pete Berthelsen of Pheasants Forever has taken a new job and will likely be resigning from the committee. There also has been an empty slot in the irrigation and power group for the last several years. The irrigation and power group is to have five committee members and currently there are three from the Platte Basin and only one from the Republican Basin. Mike Delka then made a motion that Brad Edgerton from Frenchman-Cambridge Irrigation District be appointed as a member. Marsha Trompke seconded the motion. The motion passed.

Voting for: Randy Zach, Barb Cross, Glen Bowers, Mike Clements, Rex Gittins, Susan France, Keith Koupal, Mark Czaplewski, Lavaine Moore, Greg Reisdorff, Craig Romary, Dennis Strauch, Mike Thompson, John Thorburn, Marsha Trompke, Dustin Wilcox, and Erick Zach.

Abstaining: Nadine Bishop and Jason Kennedy

Susan France asked whether the committee wanted to change the By-laws of the committee as it currently requires two meetings a year. After some discussion the consensus was to table this discussion to see what needs to be done over the next year or so. The committee then adjourned at approximately 3:30 p.m.

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