

**Notes – Upper Niobrara White NRD Voluntary IMP
Stakeholder Advisory Committee Meeting #1
November 12, 2020, 5:30 p.m. (Mountain time)**

In attendance via zoom or in-person: Carrie Wiese - NeDNR, Pat O'Brien, Erik Jacobson, Haley Anders, Erin Lee and Lynn Webster – UNWNRD Staff, Tod Dorshorst, John Burke, Dave Carlson, Nancy Fisher, Mike Strasberger, Scott Berndt, Steve Sandberg – UNWNRD Directors, , Andy Pedley - NeDNR, Beth Eckles - NeDNR, Loren Paul - Sheridan County Commissioner and landowner, Jerry Underwood - Irrigator, Keith Messersmith – Rancher

Presentation slides are attached to these notes. The presentation covers the topics below:

Background information on integrated management plans (IMPs)

Nebraska Department of Natural Resources is made up of six divisions (Water Planning and Integrated Management, Surface Water, Groundwater, Floodplain Management, Dam Safety, Field Offices)

Surface Water: Permitting of surface water rights.

Groundwater: Registration of water wells (NRDs handle permitting).

Floodplain Management: Handle flood maps and work with FEMA/NEMA.

Dam Safety: Dam Inspections.

Field Offices: Administration of surface water rights.

Water Planning and Integrated Management: Works with NRDs on IMPs, works with neighboring states to ensure compliance with interstate water compacts.

Why are we here?

In late 2017 NeDNR and the UNWNRD exchanged agreement letters to develop a voluntary IMP (VIMP) for the portion of the district that does not yet have an IMP. The UNWNRD has identified you as stakeholders in the basin and values your input toward developing this VIMP. NE Statute requires stakeholder involvement.

What is an IMP?

A plan developed by NeDNR and an NRD, with stakeholder input, to manage hydrologically connected surface water and groundwater. An IMP is required in parts of the state that have been declared fully appropriated or overappropriated.

IMP statutory history:

LB962 (2004): Required IMPs for fully or overappropriated areas of the state

LB764 (2010): Authorized VIMPs to proactively manage surface water/groundwater in areas that were not determined to be fully or overappropriated

LB1098 (2014): Established Water Sustainability Fund, to fund water sustainability projects throughout the state. NRDs must have or be in the process of developing an IMP or VIMP in order to be eligible for the Water Sustainability Fund.

Required VIMP components:

-Clear goals and objectives w/ purpose of balancing water uses and supplies so economic viability, social and environmental health, safety, and welfare can be achieved and maintained for near and long term

-Map clearly delineating geographic area

-At least one groundwater control authorized by 46-739

E.g., allocations, well spacing requirements, metering, limiting irrigated acres, education requirements

-At least one surface water control authorized by 46-716

E.g., increased monitoring and enforcement, limiting new appropriations

-Monitoring and evaluation plan

Why do a VIMP?:

It is a proactive process that will help to prevent the determination of a fully appropriated status.

Helps to generate local buy-in, which leads to more effective water management.

Provides eligibility for Water Sustainability Fund.

Helps to implement a multi-faceted education process. NeDNR and NRDs use the VIMP process to present information to stakeholders while at the same time learning about issues that are most important to those stakeholders in the area.

It is a flexible document that uses the adaptive management process to adjust goals and objectives as needed.

Implementation of an IMP

We start by developing goals, objectives and action items. A monitoring program uses data to track action items which are then evaluated to determine how or if those action items are achieving the desired goals. If action items are not achieving desired goals, water supplies and demand change, or goals have changed, adaptive management provides a mechanism to update the IMP to keep it relevant.

Existing IMP for UNWNRD

Integrated management in the district started in 2002 with a Joint Action Plan initiated by the NRD. That process was underway in 2004 when LB962 was passed. At this time, the Joint Action Plan was transitioned to an IMP. Initially the Joint Action Plan covered the entire district however, it was determined by NeDNR that only a portion was fully appropriated. As a result, the IMP was developed for only the fully appropriated portion of the district. The IMP was approved in 2009 and amended in 2011.

What is expected of stakeholders?

Our expectation for those participating in the stakeholder advisory committee is that they will help to convey local water concerns and solutions, be active in guiding the development of goals and objectives, help to disseminate information to local groups about the VIMP, and attend/participate in stakeholder advisory meetings (modest homework may be required).

What is the role of NeDNR and NRDs?

NeDNR and the UNWNRD will acquire and disseminate information and data needed for the stakeholder process. They will help to formulate goals and objectives with input from stakeholders. They will facilitate stakeholder meetings and will coordinate with each other and stakeholders throughout the process. They will help to determine and convey feasible actions for plan implementation. They will write the VIMP.

Timeline:

-Planning process began in early 2020 but was delayed due to weather and COVID.

-A series of 3-4 stakeholder meetings will occur from now until around August 2021 with a final stakeholder meeting expected sometime around November of 2021.

-NeDNR and the NRD will spend about five months drafting the VIMP which will be presented to stakeholders at the final meeting to gather comments and concerns.

-Once a draft of the VIMP is complete, there will be letters exchanged and a public hearing.

-After the hearing the VIMP will be approved and orders will be drafted adopting it.

-We expect the VIMP to be effective sometime around April or May of 2022.

Goals and objectives exercise

(See meeting handouts)

Handout #1: Upper Niobrara White Integrated Management Plan Summary

Page 2: Goals and Objectives: lists existing goals and objectives in the current required IMP. This may be a good place to start for drafting goals and objectives for the VIMP.

Handout #2: Examples of Goals and Objectives from existing Voluntary Integrated Management Plans.

A list of goals and objectives from other VIMPs in neighboring districts.

Questions:

What kinds of goals do you as stakeholders think are important for this VIMP?

- To ensure that the data we're using is true and that the science behind it is correct.
 - There are questions about the extent to which water in Sheridan County is connected to Box Butte County water.
 - Concerns about effects of pumping on the water table. Example: neighbors have two pivots and the more they pump, the higher the water level of their lake gets.
 - In some places it would do landowners more good to irrigate by surface water from a meadow than by pumping groundwater. The ground that would be uncovered would be better and more productive than what's under groundwater irrigation systems.
 - We need to have sound science for what we are doing and have good data to back it up.

- The NRD has vast differences from west to east and from north to south. Some people in areas that are not fully appropriated have been unable to access groundwater for irrigation despite increases in groundwater in the southeast part of the district (sub-area 2). If rises in groundwater are tied to allocations that water could be used for crop production.
- Questions about water transfers relating to bottled water plant. What volume are they pumping and how are they regulated?

As of now they are in discussions with the NRD about their operations. Lynn has requested a face-to-face to discuss this further. Water transfer rules may not apply in the same manner as pipelines or canals in this instance.

Of the examples provided are there one or two that you think are close to capturing what you'd want to have as a goal?

Do you have any other goals for the IMP that don't relate to data, development, education, etc.? Is there anything we haven't talked about that you are concerned with?

Who else should we consider as a stakeholder?

County Commissioners (in addition to Loren)
Bottled water plant

Homework:

Stakeholders:

- Review the handouts and think about goals you'd like to see in the VIMP.
- Think about other stakeholders that should be included in the process.
- Complete stakeholder survey

NRD/NeDNR

- Send out hard copies of handouts and notes. (Send stakeholder survey to stakeholders without email.)