

AUGUST 2016

DRAFT STAKEHOLDER
ADVISORY COMMITTEE
GUIDANCE FOR
REPUBLICAN RIVER
BASIN-WIDE PLAN
DEVELOPMENT



Middle Republican
Natural Resource District



Introduction

The Republican River Basin-Wide Plan Stakeholder Advisory Committee (stakeholder committee), the Department of Natural Resources (NeDNR), and the Lower Republican, Middle Republican, Upper Republican, and Tri-Basin Natural Resources Districts (NRDs), are in the process of developing the first basin-wide plan pursuant to *Neb. Rev. Stat. § 46-755* (Appendix A).

This document is intended to provide an overall vision for how the basin-wide planning process will be approached. Procedures outlined in this document are based upon input from and decisions of the stakeholder committee. This document is meant to provide guidance that may be modified as needed.

Nebraska's Ground Water Management and Protection Act requires basin-wide planning when three or more NRDs in a basin have been required to develop an integrated management plan for at least 85 percent of the district due to being designated or determined to be fully or overappropriated by NeDNR (*Neb. Rev. Stat. § 46-755* (1)); therefore, a basin-wide plan must be developed for the Republican River Basin. [Placeholder for description of geographic area of plan (Appendix B)].

Committee Membership

NeDNR sent letters to statutorily required stakeholders (*Neb. Rev. Stat. 46-755* (5)(c)), inviting them to participate. In addition, NeDNR and the NRDs published a public notice in local newspapers in August 2014 inviting any interested individual to join. Individuals who wished to become stakeholders in this process were required to sign up in writing, either by submitting a web form on the NeDNR website or by writing a letter to NeDNR. Everyone who indicated their intention to participate in the process in writing, by the stated deadline, became a member of the stakeholder committee (Appendix C). For additional information about stakeholder recruitment and other statutory requirements related to participation in this planning process, see Appendix D.

Stakeholder Meeting Roles

Stakeholders Committee's Role

To the extent possible, stakeholders will:

- Attend all meetings
- Arrive on time
- Review provided meeting materials in advance of the meeting
- Be prepared for discussion

- Make decisions as a group, by consensus voting; in order to be a voting member of the stakeholder committee, stakeholders must [placeholder for decision to be made at August 2016 stakeholder meeting]
- Provide input on meeting materials and plan sections drafted by NeDNR and the NRDs

NeDNR's Role

NeDNR is a regulatory authority. NeDNR is required by statute to participate in this basin-wide planning processes and to participate in decision-making.

To the extent possible, NeDNR will:

- Coordinate the development of meeting materials, including agendas, minutes, summaries of coordination meetings, and other handouts
- Coordinate the distribution of meeting materials
- Post information to the Republican River Basin-Wide Plan website
- With the NRDs, create successive draft plans or portions of plans, based on input from the stakeholder committee, and bring drafts back to the stakeholder committee for review
- Participate in stakeholder meeting discussions, including discussing limitations as needed

NRDs' role

The NRDs are regulatory authorities. The NRDs are required by statute to participate in this basin-wide planning process and to participate in decision-making.

To the extent possible, the NRDs will:

- Assist with the development and review of meeting materials
- With NeDNR, create successive draft plans or portions of plans, based on input from the stakeholder committee, and bring drafts back to the stakeholder committee for review
- Participate in stakeholder meeting discussions, including discussing limitations as needed
- Convey planning progress to NRD board members and the public

Facilitator's Role

To the extent possible, the facilitator will:

- Follow the agenda
- Start and end meetings on time
- Strive to ensure progress is being made and that meetings are productive
- Be responsive to member suggestions and concerns about the process

Decision Making by the Stakeholder Committee

All decisions of the stakeholder committee will take place in person at stakeholder committee meetings (stakeholder meetings). Electronic polls or other communication may take place between meetings for purposes such as gathering information or stimulating discussion, but any information gathered in this fashion will be brought back to the stakeholder committee for further discussion.

Stakeholder committee members prefer to remain in one large group for open discussion whenever possible, as opposed to breaking into smaller groups.

Decisions of the stakeholder committee will require consensus voting. To vote, each stakeholder must hold his or her thumb in the air, pointing up for approval, sideways for acceptance (i.e., "I don't like it, but I can live with it"), and down for disapproval. If every stakeholder present votes either approval or acceptance, then consensus is reached and thus the stakeholder committee's decision has been made. Stakeholders indicating disapproval must describe their concerns and tell the stakeholder committee what, if anything, it would take to change their disapproval to acceptance. If any disapproval votes cannot be changed either to approval or acceptance through compromise or further discussion, the stakeholder committee will then decide how and whether to proceed with the basin-wide planning process.

Between stakeholder meetings, stakeholder committee members may submit suggested action items for future stakeholder meetings to NeDNR.

Meeting Logistics

Website

The stakeholder meeting schedule, meeting materials, and other information about this basin-wide planning process are available for review on the Republican River Basin-Wide Plan website, <http://dnr.nebraska.gov/RRBWP/>.

Preparation

Whenever possible, meeting materials will be sent to stakeholder committee members no later than 10 days before each stakeholder committee meeting. Meeting materials will be sent by email, by mail, or both, according to each stakeholder's indicated preference. These materials will include, at a minimum, an agenda for the upcoming stakeholder meeting, and minutes from the previous stakeholder meeting. To the extent possible, the agenda will list decision items that will be considered at the upcoming stakeholder meeting. Stakeholder committee members should review these materials in advance of the stakeholder meeting.

Open Meetings Act and Meeting Notice

Stakeholder meetings are subject to the Nebraska Open Meetings Act. As such, all stakeholder meetings are open to the public, and a public comment period is scheduled at the end of each meeting. A copy of the Nebraska Open Meetings Act will be present at each stakeholder meeting. Public notice of each stakeholder meeting will be posted in advance of the meeting on the Republican River Basin-Wide Plan website (<http://dnr.nebraska.gov/RRBWP>) and in four local newspapers: *Holdrege Daily Citizen*, *McCook Gazette*, *Imperial Republican*, and *Benkelman Post & News Chronicle*.

Meeting Facilitation

NeDNR staff will facilitate stakeholder meetings. The stakeholder committee reserves the option to change facilitators at a later date if they perceive that NeDNR is unable to continue facilitating in an unbiased, neutral manner.

In order to maintain group focus and prevent progress from becoming stalled, the facilitator will maintain a "Parking Lot" during meetings as needed to set aside topics for later discussion. The Parking Lot list will be displayed at the front of the room at each stakeholder meeting. As items leave the Parking Lot by being brought back to the stakeholder committee for later discussion, they will be crossed off the list. An agenda item will be included near the end of each stakeholder meeting for the stakeholder committee to review the topics in the Parking Lot.

Meeting Times and Location

Stakeholder meetings are held at the Cambridge Community Center, which is located at 722 Patterson Avenue, Cambridge, Nebraska. When practical, stakeholder meetings are scheduled to occur the third Tuesday of every other month; however, this meeting schedule is approximate and is subject to change (Table 1). Stakeholder meetings are scheduled to last from 10:00 AM to 3:00 PM.

In June 2016, the stakeholder committee set a flexible target of holding the last stakeholder meeting by June 2017, or within approximately six additional stakeholder meetings.

Table 1. Timeline to completion of plan, including an additional year of stakeholder meetings, as proposed at June 21, 2016 stakeholder meeting.

Previous meetings	Proposed additional meetings	Hearing and approval process
March 31, 2015 June 16, 2015 August 18, 2015 January 19, 2016 March 15, 2016 June 21, 2016	August 16, 2016 November 1, 2016 January 17, 2017 March 21, 2017 June 20, 2017	Approximately 6-9 months

Public Hearing, Revisions, and Adoption

Once a draft plan has been agreed upon by NeDNR, the NRDs, and the stakeholder committee (or by NeDNR and the NRDs if the stakeholder committee cannot reach agreement), a lengthy hearing and approval process is required. First, NeDNR and the NRDs will exchange letters indicating they agree on the final draft of the basin-wide plan. They will then set a date for a public hearing for the plan and submit notices to newspapers to inform the public about the upcoming hearing. NeDNR and the NRDs will conduct public a hearing in accordance with *Neb. Rev. Stat. § 46-755 (5)(e)*.

Following the hearing, NeDNR and the NRDs review the hearing transcript, consider any testimony given at the hearing, and evaluate whether any revisions to the plan are needed. If the outcome of a hearing or other events necessitates significant change to the plan, then plan revisions will follow the same process by which the plan was developed.

If the consensus-based stakeholder process is the basis of plan development, then potential revisions to the plan will first be considered by the stakeholder committee. If the stakeholder committee is unable to reach consensus on revisions to the plan, the revisions will be developed by NeDNR and the NRDs. To the extent possible, revisions developed by NeDNR and NRDs will focus on those areas of revision which the stakeholder committee was unable to reach consensus.

If NeDNR and the NRDs develop the plan because the stakeholder committee is unable to reach consensus, NeDNR and the NRDs will develop potential revisions to the plan.

If no significant revisions to the plan are needed, the plan must be adopted no more than 60 days following the public hearing. NeDNR and the NRDs will jointly agree to adopt the basin-wide plan, issue orders adopting the plan, and publish notice of these orders.

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Appendix A.

Nebraska Revised Statute § 46-755. Basin-wide plan; development and adoption; extension; stated goals and objectives; plan contents; department and natural resources districts; duties; public meeting; report; public hearing.

This section shall apply notwithstanding any other provision of the Nebraska Ground Water Management and Protection Act.

(1) If a river basin as described in subdivision (2)(a) of section 2-1504 includes three or more natural resources districts that, pursuant to subdivision (1)(a) of section 46-715, have been or are required to develop an integrated management plan for all or substantially all (eighty-five percent) of the district, such natural resources districts shall, jointly with the department and the natural resources districts within the same basin, develop and adopt a basin-wide plan for the areas of a basin, subbasin, or reach determined by the department to have hydrologically connected water supplies, except that any natural resources district that has developed and implemented a basin-wide plan pursuant to subsection (5) of section 46-715 shall not be affected by this section. If deemed appropriate by the department and the affected natural resources districts, the basin-wide plan may combine two or more river basins.

(2) An integrated management plan developed under subdivision (1)(a) or (b) of section 46-715 shall ensure such integrated management plan is consistent with any basin-wide plan developed pursuant to this section. However, an integrated management plan may implement additional incentive programs or controls pursuant to section 46-739 if the programs and controls are consistent with the basin-wide plan.

(3) A basin-wide plan shall be completed, adopted, and take effect within three years after April 17, 2014, unless the department and the natural resources districts jointly agree to an extension of not more than an additional two years.

(4) A basin-wide plan shall (a) have clear goals and objectives with a purpose of sustaining a balance between water uses and water supplies so that the economic viability, social and environmental health, safety, and welfare of the river basin, subbasin, or reach can be achieved and maintained for both the near term and the long term, (b) ensure that compliance with any interstate compact or decree or other formal state contract or agreement or applicable state or federal law is maintained, and (c) set forth a timeline to meet the goals and objectives as required under this subdivision, but in no case shall a timeline exceed thirty years after April 17, 2014.

(5)(a) A basin-wide plan developed under this section shall utilize the best generally-accepted methodologies and available information, data, and science to evaluate the effect of existing uses of hydrologically connected water on existing surface water and ground water users. The plan shall include a process to gather and evaluate data, information, and methodologies to increase understanding of the surface water and hydrologically connected ground water system within the basin, subbasin, or reach and test the validity of the conclusions, information, and assumptions upon which the plan is based.

(b) A basin-wide plan developed under this section shall include a schedule indicating the end date by which the stated goals and objectives are to be achieved and the management actions to be taken to achieve the goals and objectives. To ensure that reasonable progress is being made toward achieving the final goals and objectives of the plan, the schedule shall also include measurable hydrologic objectives and intermediate dates by which the objectives are expected to be met and monitoring plans to measure the extent to which the objectives are being achieved. Such intermediate objectives shall be established in a manner that, if achieved on schedule, will provide a reasonable expectation that the goals of the plan will be achieved by the established end date.

(c) A basin-wide plan shall be developed using a consultation and collaboration process involving representatives from irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, ground water users, range livestock owners, the Game and Parks Commission, and municipalities that rely on water from within the affected area and that, after being notified of the commencement of the plan development process, indicate in writing their desire to become an official participant in such process. The department and affected natural resources districts shall involve official participants in formulating, evaluating, and recommending plans and management actions and work to reach an agreement among all official participants involved in a basin-wide plan. In addition, the department or the affected natural resources districts may include designated representatives of other stakeholders. If agreement is reached by all parties involved in such consultation and collaboration process, the department and the affected natural resources districts shall adopt the agreed-upon basin-wide plan. If agreement cannot be reached by all parties involved, the basin-wide plan shall be developed and adopted by the department and the affected natural resources districts or by the Interrelated Water Review Board pursuant to section 46-719.

(d) Within five years after the adoption of the basin-wide plan, and every five years thereafter, the department and affected natural resources districts shall conduct a technical analysis of the actions taken in a river basin to determine the progress towards meeting the goals and objectives of the plan. The analysis shall include an examination of (i) available supplies,

current uses, and changes in long-term water availability, (ii) the effects of conservation practices and natural causes, including, but not limited to, drought, and (iii) the effects of the plan in meeting the goal of sustaining a balance between water uses and water supplies. The analysis shall determine if changes or modifications to the basin-wide plan are needed to meet the goals and objectives pursuant to subdivision (4)(a) of this section. The department and affected natural resources districts shall present the results of the analysis and any recommended modifications to the plan at a public meeting and shall provide for at least a thirty-day public comment period before holding a public hearing on the recommended modifications. The department shall submit a report to the Legislature of the results of this analysis and the progress made under the basin-wide plan. The report shall be submitted electronically. Any official participant or stakeholder may submit comments to the department and affected natural resources districts on the final basin-wide plan adopted by the department and affected natural resources districts, which shall be made a part of the report to the Legislature.

(e) Before adoption of a basin-wide plan, the department and affected natural resources districts shall schedule at least one public hearing to take testimony on the proposed plan. Any such hearings shall be held in reasonable proximity to the area affected by the plan. Notice of hearings shall be published as provided in section 46-743. All interested persons may appear at any hearings and present testimony or provide other evidence relevant to the issues under consideration. Within sixty days after the final hearing, the department and affected natural resources districts shall jointly determine whether to adopt the plan.

(f) The department and the affected natural resources districts may utilize, when necessary, the Interrelated Water Review Board process provided in section 46-719 for disputes arising from developing, implementing, and enforcing a basin-wide plan developed under this section.

Source: Laws 2014, LB1098, § 15.

Appendix B.

Geographic area of Republican River Basin-Wide Plan

[Placeholder for map. Geographic area to be determined.]

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Appendix C.

Members of the Republican River Basin-Wide Plan Stakeholder Advisory Committee as of July 2015

First Name	Last Name	City
Jared	Baker	Naponee
Kurt	Bernhardt	Lamar
Mike	Delka	Red Cloud
Brad	Edgerton	Cambridge
Jerry	Ehrke	Alma
Chris	Flaming	Elsie
Troy	Fletcher	Oxford
Josh	Friesen	Wallace
Jerda	Garey Vickers	McCook
Mike	George	Grand Island
Wayne	Haarberg	Imperial
Dale	Helms	Holbrook
Dick	Helms	Arapahoe
Robin	Hinrichs	Axtell
William (Bill)	Hoyt	McCook
Michael J.	Kahrs	Franklin
Max	Kaiser	Imperial
Curtis	Kayton	Palisade
Jim	Kent	Benkelman
Bradly	Knuth	Holdrege
Jerry	Kuenning	Imperial
Kent	Lorens	Stratton
Jeff	Loschen	Hildreth

First Name	Last Name	City
Gale	Lush	Wilcox
Scott	Lutz	Parks
Timothy	McCoy	Lincoln
Cedric	McDaniel	Waneta
Dan	Nelsen	Moorefield
Doug	Ohlson	Imperial
Dave	Oxford	Enders
Roric	Paulman	Sutherland
John	Rundel	Trenton
Nate	Schneider	McCook
George	Schortberger	Brule
Richard	Siel	Franklin
Kevin	Slocum	Franklin
Steve	Smith	Imperial
Daniel	Smith	Maywood
Shad	Stamm	Benkelman
Glenn	Taubenheim	Grant
Aaron	Thompson	McCook
Ted	Tietjen	Grant
Marcia	Trompke	Holdrege
Dack	Vesta	McCook
Tom	Vickers	Farnam
Todd	Watson	Edison

Appendix D.

Statutory Roles and Responsibilities

Party	Requirement for Participation	Responsibilities in Basin-Wide Planning	Role in Reaching Agreement
Department of Natural Resources (NeDNR)	Required	Jointly Responsible with NRDs for developing the basin-wide plan. Must adopt the plan for it to be valid	Party to agreement decision
Natural Resources Districts (NRDs)	Required	Jointly Responsible with NRDs for developing the basin-wide plan. Must adopt the plan for it to be valid	Party to agreement decision
Representatives from irrigation districts, reclamation districts, public power and irrigation districts, mutual irrigation companies, canal companies, ground water users, range livestock owners, the Game and Parks Commission, and municipalities that rely on water from within the affected area	Required to be invited, but not required to participate	Must be notified at commencement of planning process, and required to indicate in writing their desire to be involved in the process	Party to agreement decision if they have indicated in writing their desire to participate in the process
Designated representatives of other stakeholders	May be invited	May be included in the planning process by either NeDNR or the NRDs	Party to agreement decision
General public	Public hearings are required to be held prior to adoption of a plan	None	Not a party asked to reach agreement