

MINUTES

Nebraska Environmental Trust Board
Special Meeting
Thursday, June 22, 2023
1:00 p.m.

1. Call to Order

Chairman Quandahl called the virtual, on-site meeting of the Nebraska Environmental Trust Board to order at 1:00 p.m. at 700 S 16th St, Lincoln, Nebraska.

Advanced notice of the meeting and public hearing was published in the Lincoln Journal Star on June 12, 2023. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted at the entrance of the meeting room and on the Nebraska Environmental Trust (NET) website.

Roll call was conducted, and a quorum was present.

Members present (10):

District I: Mr. Jeff Kanger, Lincoln.

District II: Mr. Felix Davidson, Valley; Chairman Mark Quandahl, Omaha.

District III: Mr. Josh Andersen, Edgar; Mr. Rod Christen, Steinauer.

State Agency Representatives: Vice Chairman Jim Macy, Director, Nebraska Department of Environment and Energy; Mr. Tim McCoy, Director, Nebraska Game & Parks Commission; Ms. Charity Menefee, Director, Nebraska Department of Health and Human Services; Mr. Tom Riley, P.E., Director, Nebraska Department of Natural Resources; Ms. Sherry Vinton, Director, Nebraska Department of Agriculture.

Members absent (1):

District I: Mr. James Hellbusch, Columbus.

Staff present:

Mr. Karl Elmshaeuser, Executive Director; Ms. Holly Adams, Grants Administrator; Ms. Madison Moe, Grants Assistant; and Ms. Sandra Weaver, Administrative Specialist.

2. Approval of May 4, 2023, Board Meeting Minutes

Motion by Mr. Riley, seconded by Mr. Macy, "I move to approve the May 4, 2023, minutes."

Voting Aye: Davidson, Andersen, Christen, McCoy, Menefee, Riley, Vinton, Macy, Kanger, Quandahl

Absent: Hellbusch

10 Voted Aye. Motion carried.

3. No Public Comment

Neb. Rev. Stat. § 84-1412(2) states, "A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings." Chairman Quandahl noted the petitioners provided comments at the Title 137 Rulemaking Hearing held on May 4, 2023.

4. Jordan Anderson petition for Title 137 Negotiated Rulemaking from May 4, 2023

Background on Agenda Item 6

At the Title 137 Rulemaking Hearing held on May 4, 2023, a petition signed by Jordan Anderson for

negotiated rulemaking was submitted by Mr. Al Davis. The petition sought a negotiated rulemaking procedure to develop new rules or amend existing rules in Title 137, NAC, Chapters 4, 5, 6, 7, & 8.

Executive Director Elmshaeuser reviewed the petition and relevant facts with the Board. Neb. Rev. Stat. §§ 84-921 to 84-932 was cited as the Negotiated Rulemaking Act.

Motion by Mr. Davidson, seconded by Mr. Macy, "I move to deny the petition from Jordan Anderson for negotiated rulemaking and direct the Executive Director to notify the petitioner in writing as required."

Discussion: None

Voting Aye: Davidson, Andersen, Christen, McCoy, Menefee, Riley, Vinton, Macy, Kanger, Quandahl

Absent: Hellbusch

10 Voted Aye. Motion carried.

5. Bob Wickersham petition for Rulemaking from May 4, 2023

Background on Agenda Item 7

At the Title 137 Rulemaking Hearing held on May 4, 2023, William Wickersham signed a petition for rulemaking pursuant to Neb. Rev. Stat. § 84-907.08, requesting that the Nebraska Environmental Trust Board repeal Chapters 4, 5, 6, 7, and 8 and adopt new chapters within Title 137 as described in the submitted documents.

Executive Director Elmshaeuser reviewed the petition and relevant facts with the Board.

Motion by Mr. Andersen, seconded by Mr. Kanger, "I move to deny the petition from William Wickersham for rulemaking and direct the Executive Director to notify the petitioner in writing as required."

Discussion: None

Voting Aye: Andersen, Christen, McCoy, Menefee, Riley, Vinton, Macy, Kanger, Davidson, Quandahl

Absent: Hellbusch

10 Voted Aye. Motion carried.

6. Next Meeting

Thursday, August 3, 2023, Telegraph Lofts West, 2077 N St, Suite 310, Lincoln, Nebraska, 1:30 p.m.

7. Adjourn

Chairman Quandahl adjourned the meeting at 1:12 p.m.



Karl L. Elmshaeuser
Executive Director