

# MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MARCH 27, 2003

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Those in attendance were:

Roger Korell, Chair  
Wayne Madsen, Member  
Arlond Garratt, Member  
Jim Van Marter, Member  
Clint Johannes, Member  
Wayne Davis, Member  
LeRoy Pieper, Member  
Dan Watermeier, Member  
Garry Anderson, Member  
Vince Kramper, Member  
Beverly Donaldson, Member

Richard Jiskra, Member  
Richard Hadenfeldt, Member  
Robert Hahn, Member  
Bob Hilske  
Scott Nelson  
Don Meisner  
Eric Dove  
Roger Patterson, Director  
Tom Pesek, Staff  
Gayle Starr, Staff

## CALL TO ORDER

The meeting was called to order by Commission Chair, Roger Korell, at 9:00 a.m. in the conference room of the Lower Platte South NRD in Lincoln, Nebraska.

## NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR on March 19, 2003, notifying the public of the meeting.

## INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Minutes of the Program Committee Meeting.
2. Water Well Decommissioning Cash Fund Summary.
3. Nebraska Resources Development Fund Present Financial Status.
4. Letter from Lewis & Clark NRD requesting more funding for Powder Creek.
5. Letter from Nemaha NRD on Upper Little Nemaha Watershed Project.
6. Status of Small Watersheds Flood Control Fund.
7. Soil & Water Conservation Fund – Expenditures by Month, 1995-2003.
8. Republican Basin Water Meter Program.
9. Natural Resources Water Quality Fund and Distributions.
10. Water Well Decommissioning Cash Fund.
11. DNR Expenditures for January & February 2003.
12. NRCS Report to the NNRC and NARD.

## MINUTES

It was noted that there was an error in the voting in the last motion. Motion was made by Kramper and seconded by Van Marter to approve the minutes as distributed with the correction noted. Motion carried.

Aye: Hadenfeldt, Anderson, Kramper, Watermeier, Madsen, Van Marter, Johannes, Hahn, Davis, Donaldson, Korell

Nay: None

Present, Not Voting: Garratt, Pieper, Jiskra

Not Present: Roberts, Hergott

### EXPENDITURES

It was noted that the expenditure report covering funds administered by the Commission for the months of January and February 2003, had been made available to Commission members.

### ADVISOR'S COMMENTS

Steve Chick, NRCS State Conservationist, distributed a report to the Commission and briefly reviewed several items including the technical service provider process, competitive sourcing procedures and the agency budget and personnel situation.

### DIRECTOR'S REPORT

Roger Patterson briefly reviewed the water supply situation indicating that recent snowfalls in Colorado and Wyoming had been helpful but that absent any significant snowfalls and/or rainfalls, some irrigators in both the Platte River and Republican River Basin would be significantly short of water. He added that the Department and the Bureau of Reclamation would be working with surface water irrigators to try to make the best of a difficult situation. Patterson also explained that in addition to the earlier lawsuit filed by the State of South Dakota regarding the Missouri River operations a new lawsuit had been filed by American Rivers and other environmental interests to compel the Corps of Engineers to operate the Missouri River in accordance with the recommendations of the Fish & Wildlife Service. Patterson also commented briefly on the agency budget and the legislative activities in that regard.

### ENVIRONMENTAL TRUST

Patterson indicated that he was a member of the Ranking Committee that had reviewed the various requests for funding. Vince Kramper added that the Environmental Trust would have about \$700,000 more funds for awards than they had anticipated because of higher than anticipated receipts and a grant that had been returned and not utilized.

### PLATTE & REPUBLICAN RIVER ACTIVITIES

Patterson indicated that the Platte River Cooperative Agreement Governance Committee had hired a mediator in an attempt to resolve some of the differences between committee members. He added that the review of the science utilized in determining recommended flows on the Platte River by the National Academy of Sciences should get started within the next several months. Patterson explained that the states had an opportunity to review the draft recommendation of the special master on the Republican River lawsuit and it was hoped that the Supreme Court might accept the settlement as early as May.

### WATER POLICY TASK FORCE

Patterson explained that the Task Force was making good progress and that he anticipated they would complete their work by the end of the year and have a package of legislation ready for 2004. He added that the Task Force had reached an agreement on some changes to the conjunctive use law and that there had been significant discussions on the need to determine when a basin might be fully appropriated. Clinton Johannes and LeRoy Pieper both noted the Task Force had discussions regarding the need to close an area to further ground water well permits while that area was being studied rather than the current process of studying the area first and then closing it later, which allows a great number of wells to be permitted before the official closing.

### PROGRAM COMMITTEE

Robert Hahn indicated that the sponsors of two Resources Development Fund projects had submitted project proposals and that they would be briefing the Commission on those two projects. Bob Hilske, Manager of the Nemaha NRD and Assistant Manager, Scott Nelson, reviewed the Turkey Creek Watershed Proposal in the Nemaha Natural Resources District. Don Meisner, representing the City of Ponca and Eric Dove, the project engineer discussed the project proposal submitted by the City of Ponca for a flood control project in that community.

Hahn explained that the committee was recommending that three specific actions be approved by the Commission. Motion was made by Hahn and seconded by Kramper that the Commission obligate \$32,195 to the Powder Creek Project effective immediately for Component 5 – Recreation Facilities and Mitigation, increasing the total project obligation to \$498,760.00. Motion carried.

Aye: Anderson, Garratt, Kramper, Pieper, Watermeier, Madsen, Van Marter, Johannes, Hahn, Davis, Jiskra, Donaldson, Hadenfeldt, Korell

Nay: None

Not Present: Roberts, Hergott

Motion was made by Hahn and seconded by Watermeier that the Commission obligate \$176,431.24 to the Upper Little Nemaha Watershed Project effective immediately for the following components:

-	Component 9	- Design Sites 25, 61, & 31	\$30,540.25
	Component 10	- Construction Sites 25, 61 & 31	129,616.54
	Component 12	- Construction Sites 42, 50, & 63	<u>16,274.45</u>
			\$176,431.24

- increasing the total project obligation to \$3,516,548.52. Motion carried.

Aye: Garratt, Kramper, Pieper, Watermeier, Madsen, Van Marter, Johannes, Hahn, Davis, Jiskra, Donaldson, Hadenfeldt, Anderson, Korell

Nay: None

Not Present: Roberts, Hergott

Motion was made by Hahn and seconded by Garratt to approve the request of the Papio-Missouri River NRD to increase the commitment for an easement on Tract 7 (Sunset Valley Golf Course) of the Papio Channel Project by \$42,962.00 from \$90,125.50 to \$133,87.50 based on the Douglas County District Court award of \$266,175.00 dated January 30, 2003. Motion carried.

Aye: Johannes, Hahn, Davis, Jiskra, Donaldson, Hadenfeldt, Anderson, Garratt, Kramper, Pieper, Watermeier, Madsen, Van Marter, Korell

Nay: None

Not Present: Roberts, Hergott

#### LEGISLATIVE & BUDGET COMMITTEE

Arlond Garratt explained that Dave Vogler had briefed the committee on natural resources legislation including those bills that had been passed and signed by the Governor, those bills that had been indefinitely postponed and several bills, which had been combined into one piece of legislation for legislative consideration. He added that the committee was not recommending any action on legislative matters. Garratt also indicated that Gayle Starr had reviewed the current status of the agency budget including the Governor's recommendations and the committee's preliminary budget proposal for the agency.

#### COMPREHENSIVE PLANNING COMMITTEE

Jim Van Marter called on Steve Gaul who discussed the National Hydrographic Dataset project, the watershed boundary delineation project, a drought assistance application to the Bureau of Reclamation, and the Carbon Sequestration Study.

Van Marter also called on Mahendra Bansal who discussed and displayed some digital ortho quarter quadrangles that are available on the agency web site and reviewed the current status of the digitization of soil surveys.

#### NEXT MEETING

Gayle Starr explained that because of scheduling conflicts he was recommending that the next Commission meeting be all on May 22. He added that this meeting would include the annual Resources Development Fund Project review but that final action on obligation of funds for the next fiscal year could probably not be made then because the Legislature would most likely not have finalized budgets by that time. It was agreed that a one-day meeting would be acceptable and that the first meeting should start at 8:00 a.m. at the Lower Platte South NRD office in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 11:20 a.m.

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Chair

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Director of Natural Resources