

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

NOVEMBER 18, 2004

Those in attendance were:

Beverly Donaldson, Chair	Glenn Johnson
Richard Jiskra, Member	Paul Zillig
Joseph Hergott, Member	Marlin Petermann
Dan Watermeier, Member	Milt Moravek
Vince Kramper, Member	Doug Gahn
Don Roberts, Member	Lynn Webster
Garry Anderson, Member	Len Schropfer
Richard Hadenfeldt, Member	Dorothy Hillen
Arlond Garratt, Member	Eugene Heitz
Wayne Madsen, Member	Sean Heitz
Roger Korell, Member	Jody Loseke
Jim Van Marter, Member	Roger Patterson, Director
Wayne Davis, Member	Ann Diers, Staff
Keith Rexroth, Member	Pat Diederich, Staff
LeRoy Pieper, Member	Tom Pesek, Staff
Clint Johannes, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Commission Chair, Beverly Donaldson, at 9:00 AM in the conference room of the Lower Platte South NRD office in Lincoln, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR on November 10, 2004, 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. Water Well Decommissioning Cash Fund Summary.
2. Nebraska Resources Development Fund Present Financial Status.
3. Nebraska Resources Development Fund Quarterly Report.
4. Semi-Annual Review of NRDF Projects.
5. Status of Small Watersheds Flood Control Fund.
6. Soil & Water Conservation Fund – Expenditures by Month, 1997-2005.
7. Republican Basin Water Meter Program status report.
8. Natural Resources Water Quality Fund Distributions.
9. Fiscal Year 2003-2004 Water Well Decommissioning Fund Distributions by NRD.
10. Director's Recommendation on the Upper Prairie/Silver/Moores Creek Flood Control Project, CPNRD.
11. DNR Fund Expenditures for September & October, 2004.

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MINUTES

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Gayle Starr noted that the minutes of the September 28 meeting indicated that Dan Watermeier was present voting aye on the first motion but that he was in fact not there to vote.

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Motion was made by Kramper and seconded by Korell to approve the minutes of the September 28, 2004, Commission meeting with the correction noted. Motion carried.

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

Nay: None

Not Present: None

EXPENDITURES

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The expenditure report for September and October, 2004 was distributed to Commission members.

ADVISOR'S COMMENTS

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Doug Gahn of the Natural Resources Conservation Service commented briefly on funding for NRCS programs. He noted that Secretary Veneman had provided some initial program allocations to states even though the federal appropriations bill for the fiscal year had not been passed. He noted that Nebraska had received approval for the first wetland reserve enhancement program in the nation for an area along the Missouri River Corridor from Rulo to Ponca. He also commented on the conservation security program that was authorized for portions of the Little Blue Basin this year.

DIRECTOR'S REPORT

Roger Patterson noted that the department had committed one million dollars toward supplementing federal EQIP funds for a program to convert irrigated farm land to dry land farm land in the Republican Basin over a four year period. He also briefly noted that the state is working with the Farm Services Agency and other state, local and federal entities to obtain approval of a CREP program for portions of the Republican and Platte River Basins. He also stated that progress was being made in the Platte River Cooperative Agreement process and he was hopeful that a program could be incorporated into legislation to be submitted to Congress in 2006.

Patterson explained that the Water Policy Task Force would be meeting on November 30 with the primary item of discussion to be planned utilization of available funds in the current fiscal year as well as future funding needs.

Patterson commended Wayne Madsen and Don Roberts for their assistance as members of the Middle Republican NRD board in getting their rules and regulations adopted. He also noted that the department has initiated a negotiated rules making process for the rules and regulations required as part of the implementation of LB 962.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Environmental Trust office had moved to the Ferguson mansion near the Capitol and the board had held their first meeting there on November 8. He added that the Board had received 42 applications for approximately 31 million dollars in the current funding cycle and less than nine million dollars will be available for those applications. He added that of the 82 applications received, 26 were for the continuation of projects that had been funded in previous years.

PROCEDURES FOR COMMISSION MEMBER CAUCUSES

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Gayle Starr explained that the procedures proposed for the Commission member caucuses were the same ones that have been used since the initial caucuses in 1975. Starr recommended that the Commission approve the procedures for the January 2005

caucuses and authorize the staff to work with the NRDs and Commission members involved in establishing a schedule and meeting locations for those caucuses. Motion was made by Kramper and seconded by Van Marter to approve the procedure for the January 2004 Commission Member Selection Caucuses and to authorize the staff to work with the NRD Managers and Commission members involved to schedule the caucuses. Motion carried.

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

Nay: None

Not Present: None

PROGRAM COMMITTEE

Tom Pesek distributed the Resources Development Fund financial status report and reviewed the information in the report. He also noted that the quarterly report had been distributed to Commission members and that the semi-annual review of active projects would take place at this meeting.

Pesek noted that the Lake Ericson, Lower Wood River/Upper Warm Slough and Pender Flood Control projects were all nearing completion. He added that the Winslow Levee Project is in the design stage and that some changes were being made because of the need to accommodate concerns of the Burlington Northern railroad where the levee is tying into the railroad tracks.

Paul Zillig representing the Lower Platte South NRD reviewed the progress being made on the Stevens Creek Watershed Flood Control Project just east of Lincoln. Glenn Johnson, General Manager of the Lower Platte South NRD, noted that he had briefed the Commission on the Antelope Creek Project and had provided the members a tour of portions of the project yesterday afternoon.

Joe Hergott, Commission member and Board member of the Little Blue NRD, briefed the Commission on recent activities on the Little Sandy Creek Watershed noting that work on Site 61 was being held up pending appeal of the department's decision concerning a storage permit for that structure.

Len Schropfer of the Ohioa area commented briefly on the opposition to Site 61 and briefly noted the current and potential legal proceedings involving that project.

Marlin Petermann, representing the Papio-Missouri River NRD, briefed the Commission on activities regarding the Western Sarpy/Clear Creek Project. He particularly noted the cabin relocations, removals, and raisings that are taking place prior to the project construction.

Tom Pesek also commented on several pending projects including the Leigh Dam Project noting that it was currently anticipated that the Director's recommendation on that project would be presented to the Commission at their January meeting. Sean Heitz, representing opponents of the Leigh Dam Project, explained the various concerns of the opponents and the reasons for their opposition.

Dan Watermeier noted that the three member committee of Vince Kramper, Wayne Davis, and Richard Jiskra had reviewed the recommendation of the director regarding the Prairie/Silver/Moores Creek Resources Development Fund project. Vince Kramper explained that the committee was recommending that the project be approved with a grant funding level of 52.5 percent. Motion was made by Watermeier and seconded by Korell that the Natural Resources Commission, having reviewed and considered the recommendation of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Upper Prairie/Silver/Moores Creek Project will be of general public benefit;
- (2) The project plan does not conflict with any existing state land plan;
- (3) The project has been determined to be technically, economically, and financially feasible and environmentally acceptable according to the Nebraska Resources Development Fund criteria;
- (4) The plan for development is satisfactory;
- (5) The plan minimizes any adverse impacts on the natural environment;
- (6) The Central Platte Natural Resources District (NRD) is qualified, responsible, and legally capable of carrying out the project;
- (7) Other plans and programs of the state were taken into consideration in preparing the plan of development in accordance with section 84-135, and resources development plans of the political subdivisions of the state

were considered;

- (8) The project will not jeopardize the continued existence of any threatened or endangered species or modify or destroy the habitat of any such species; and
- (9) The project as presented will result in a change to the City of Grand Island's existing 100-year floodplain. As a participating community in the National Flood Insurance Program (NFIP), the city is responsible for submitting technical data to the Federal Emergency Management Agency (FEMA) to support this floodplain revision.

and therefore resolves that:

(1) The Upper Prairie/Silver/Moores Creek Project is eligible for funding from the Nebraska Resources Development Fund; actual funding to be subject to the condition that the money required from the Fund is available and the application of the assessment system for obligating funds.

(2) The funding, if and when provided, should be in the form of a grant for up to \$8,633,502.68 not to exceed 52.5% of the total project cost, currently estimated to be \$16,444,767, including the cost of the feasibility study (\$264,500).

(3) After FEMA's current remapping effort in Hall County is completed, the sponsor is to submit data under FEMA's Conditional Letter of Map Revision (CLOMR) process. The CLOMR request allows FEMA to issue a conditional determination regarding the effects of the proposed project

and assures that the completed project will be in compliance with the minimum floodplain management requirements of the NFIP. It will also allow the city and the state to assure that the completed project will be in compliance with state minimum standards for floodplain management programs.

(4) The Director of the Department of Natural Resources is authorized to negotiate and enter into a contract with the Central Platte NRD for carrying out the provisions of the project.

Motion carried.

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

Nay: None

Not Present: None

Tom Pesek distributed and reviewed the status report on the Small Watersheds Flood Control Fund. He also reported on the sale of the tract at Middle Big Nemaha Site 88 which will be the subject of a public auction on January 12, 2005. He noted that he had prepared an appraisal of this project property and provided a copy for Commission members review.

Watermeier noted that Gayle Starr had distributed the status reports on the Soil & Water Conservation Fund, Natural Resources Water Quality fund, and Water Well Decommissioning Fund at the committee meeting and had reviewed them.

LEGISLATIVE & BUDGET COMMITTEE

Richard Hadenfeldt explained that Ann Diers and Pat Diederich had provided the Commission with a briefing on proposed amendments to the department's dam safety legislation. Hadenfeldt added that Ann Diers had advised the committee that some proposed amendments to LB 962 were being discussed but that they were generally minor in nature. Hadenfeldt explained that Gayle Starr had briefly updated the committee on the department's current budget as well as the items being considered for the biennium beginning July 1, 2005.

NEXT MEETING

It was noted that at the January 26 Commission meeting an item will be on the agenda to establish Commission meeting dates for the coming year. Gayle Starr noted that Jim Van Marter had invited the Commission to hold a meeting in Holdrege next year and that consideration was being given to hold a meeting in Wahoo to coincide with a Commission tour of the proposed Wanahoo Project.

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ADJOURNMENT

The meeting was adjourned at approximately 10:40 a.m.

Chair

Director of Natural Resources

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