

**MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
EMBASSY SUITES HOTEL - Lincoln Nebraska
January 28, 2009**

Those in attendance were:

Clinton Johannes, Chair	Rachel Herpel, UNL	Brian Dunnigan, NDNR
Dick Hadenfeldt, Member	Kyle Hoagland, UNL	Rex Gittins, NDNR
Jim Van Marter, Member	Cindy Miserez, State Budget	Kent Zimmerman, NDNR
Dan Nelsen, Member	Dave Griffith, NRCS	Jill Richters, NDNR
David Kadlecek, Member	John Turnbull, UBBNRD	Karen Best, NDNR
Ladd Reeves, Member	Mike Nuss, UBBNRD	
Larry Moore, Member	Dave Clabaugh, LBBNRD	
Myron Lembke, Member	Marlin Petermann, P-MRNRD	
Joseph Hergott, Member	Bill Halligan, SPNRD	
Garry Anderson, Member	John Miyoshi, LPNNRD	
Keith Rexroth, Member	Mike Murren, LPNNRD	
Dick Mercer, Member	Paul Zillig, LPSNRD	
Dan Watermeier, Member		

CALL TO ORDER

The meeting was called to order by Commission Chairman Clint Johannes in the Embassy Suites Hotel Alumni Conference Room, Lincoln, Nebraska, at 1:35 p.m.

NOTICE OF THE MEETING

Notice of the meeting was published on the Department's web site and in the *Lincoln Journal Star* on January 17, 2009. Public meeting statutes were available for review near the room entrance. Gittins informed the Commission that, from this date forward, public notices for Commission meetings only be published on the Department's web site at www.dnr.ne.gov/. Johannes asked if this met statutory requirements, and Gittins responded that Department legal counsel had made that determination.

INFORMATIONAL MATERIAL

The following items of informational materials were distributed either prior to or during the course of the meeting and a copy of each is attached to the file copy of the minutes:

1. Commission Meeting Agenda
2. DNR Fund Expenditures for November & December, 2008
3. Nebraska NRCS Report to the NRC & NARD January 2009
4. Nebraska Resources Development Fund Status Report as of January 21, 2009
5. Small Watersheds Flood Control Fund Status Report
6. Soil & Water Conservation Fund Status Report
7. Natural Resources Water Quality Fund Status Report
8. Water Well Decommissioning Fund Status Report
9. Legislative Bills of Interest

Republican River Compact: Dunnigan reviewed the status of the non-binding Republican River arbitration Nebraska entered into on October 21, 2008. The arbitrator, Karl Dreher, former Director of the Idaho Department of Water Resources, has issued a preliminary decision and a final decision on seven legal issues. Trial date should be mid-March with a decision due in mid-June. The states then have 30 days to decide whether they will accept the arbitrator's decision.

Integrated Management Plans (IMPs): Dunnigan reported that four IMPs are complete, ten others are in progress, and six are due this fall. Efforts by natural resources districts and the Department are progressing well.

Platte River Recovery Implementation Project (PRRIP): The PRRIP Cooperative Agreement group meets every other month with the next meeting set for February 10 & 11, 2009, in Kearney. One of the group's tasks is to offset, in timing and amount, any new depletion that has occurred since 1997. The Platte Basin Habitat Enhancement Program is structured to retire irrigated acres. Ron Bishop has spearheaded an NET grant application to help offset the participants' funding requirements. The land group of PRRIP is currently working to purchase a 700 acre tract of critical habitat. The group needs to obtain 10,000 acres by the year 2019.

Missouri River: Two initiatives are in progress on the Missouri River recovery and management. The Missouri River Recovery & Implementation Committee (MRRIC) is holding its third meeting in Council Bluffs, Iowa, to give input and guidance to the Corps of Engineers regarding studies that are underway. This group represents eight states and is made up of 64 members. The Missouri River Association of States and Tribes (MORAST), a policy group made up of eight states and the tribes, address policy issues related to the river. One of the issues before the group is a re-look at the 1944 Flood Control Act.

DNR Budget & IWMPP: The Department's budget request proposal for fiscal years 2010 and 2011 stayed at the same level as 2009. This will result in the Department absorbing increases in salary, benefits, and some other cost areas which, in turn, will necessitate reductions in funds available to perform LB 962-related studies. As we move forward, the IWMPP study funds are becoming even more important to address the science required by both the Department and the natural resources districts.

Rexroth noted concern that the Governor had made comments in a rather nonchalant manner regarding Nebraska getting out of the PRRIP. Dunnigan responded that the Governor is very committed to the program and has committed that \$2 million of the \$2.7 million per year needed to fund the program will come from the Water Resources Cash Fund that the Department administers.

Mercer pointed out that one of the fundamental reasons for acceptance of the program has been the commitment to employ a "willing buyer/willing seller" approach as opposed to eminent domain to acquire land. Dunnigan noted that this very point had recently been discussed with the Governor.

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Interrelated Water Management Plan Program (IWMPP)

After a brief review of the Program Committee's intent, it was determined that a motion was needed to take a previously tabled motion from the table.

Motion by Van Marter, seconded by Anderson:

To take from the table the motion to revise the IWMPP Guidelines from the November 20, 2008, Natural Resources Commission meeting.

Motion passed.

Aye: Johannes, Hadenfeldt, Hergott, Watermeier, Reeves, Anderson and Van Marter

Nay: Rexroth, Moore, Lembke, Mercer

Abstain: Nelsen, Kadlecek

Not Present: Donaldson, Korell & Kramper

Watermeier stated that the Committee recommended implementing two of the IWMPP Guidelines changes included in the motion, and deferring action on the remaining recommendations until November 2009. Rexroth asked if NRD Managers had seen the proposed revisions. Gittins replied that the proposed amendments were sent to the NRD Managers and district board chairs in November, but added that several managers had commented that they had not spent a lot of time reviewing proposed revisions. Johannes commented that it would be appropriate for Commissioners to have further discussion with the NRDs regarding the other proposed changes.

Motion by Watermeier, seconded by Reeves:

To amend the tabled motion to include only the following two changes to IWMPP Guidelines for FY 2010 and beyond:

- Eliminate payment of 60% of the 1st year grant upon contract execution
- Eliminate preference for NRD's using most of their statutory levee limits.

Motion passed.

Aye: Hergott, Nelsen, Watermeier, Van Marter, Kadlecek, Lembke, Reeves, Anderson, Mercer, Moore, Johannes, Hadenfeldt and Rexroth

Nay: None

Abstain: None

Not Present: Donaldson, Korell & Kramper

Motion by Watermeier, seconded by Reeves:

To adopt the amended motion which will change the IWMPP Guidelines in force for fiscal year 2010 applications and obligations.

Motion passed.

Aye: Mercer, Moore, Johannes, Hadenfeldt, Rexroth, Hergott, Nelsen, Watermeier, Kadlecek, Lembke, Reeves, Anderson and Van Marter

Nay: None

Abstain: None

Not Present: Donaldson, Korell & Kramper

Watermeier thanked Commissioners for their thoughts and ideas in the discussion.

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Nay: None

Abstain: None

Not Present: Donaldson, Korell & Kramper

Watermeier thanked Commissioners for their thoughts and ideas in the discussion.

Motion by Lembke, seconded by Moore:

To accept the invitation by the Upper Niobrara-White NRD to host the July Commission meeting, and to approve 2009 meeting dates as proposed.

Motion passed.

Aye: Rexroth, Anderson, Mercer, Moore, Johannes, Hadenfeldt, Hergott, Nelsen, Watermeier, Van Marter, Kadlecek, Lembke and Reeves

Nay: None

Abstain: None

Not Present: Donaldson, Korell & Kramper

ANNOUNCEMENTS

Lembke requested that in the future all Commissioners be registered at the same hotel to facilitate interaction among Commissioners outside of scheduled activities. Gittins reminded Commissioners of DNR's budget limitations, noting the difference in hotel rates for lodging just over a block away. Mercer noted that with the level of dedication employed by Commissioners, the additional cost should be warranted. Johannes suggested there may also be a safety issue with the traffic in downtown area.

ADJOURNMENT

The meeting was adjourned at 2:25 p.m.



Natural Resources Commission Chair



Director, DNR