

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
AUGUST 30, 1995

Those in attendance were:

Donald Roberts, Chair	Steve Chick
Mike Shaughnessy, Member	Milton Moravek
Glen Kroese, Member	Russ Edeal
Richard Mercer, Member	John Thorburn
Wilbur Nelson, Member	Dave Mazour
Vince Kramper, Member	Dempsey McNeil
Don Larson, Member	Norma Sitzman
Richard Jiskra, Member	Dayle Williamson, Director
Joseph Hergott, Member	Jim Cook, Staff
Robert Gifford, Member	Terry Kubicek, Staff
Frank Bartak, Member	Steve Gaul, Staff
Roy Stewart, Member	Kevin Schwartman, Staff
Wayne Davis, Member	Tom Pesek, Staff
Robert Bell, Member	Shuhai Zheng, Staff
Dale Watermeier, Member	Gayle Starr, Staff
Wayne Heathers	

CALL TO ORDER

The meeting was called to order in the conference room of the Central Nebraska Public Power and Irrigation District office at Holdrege, Nebraska, at 8:30 a.m. by Chairman Donald Roberts.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR and the HOLDREGE CITIZEN on August 23, 1995, notifying the public of the meeting.

MINUTES

Motion was made by Kramper and seconded by Bell to approve the minutes of the June 15, 1995, Commission meeting as distributed. Motion carried.

Aye: Kramper, Kroese, Larson, Bell, Hergott, Jiskra, Watermeier, Nelson, Mercer, Gifford, Davis, Bartak, Roberts

Nay: None

Not Present: Shaughnessy, Welsh

Present, Not Voting: Stewart

EXPENDITURES

Motion was made by Bell and seconded by Kramper to approve the expenditure reports for June and July, 1995, as distributed. Motion carried.

Aye: Kroese, Stewart, Larson, Bell, Hergott, Jiskra, Watermeier, Nelson, Mercer, Gifford, Davis, Bartak,

Kramper, Roberts
Nay: None
Not Present: Welsh, Shaughnessy

DIRECTOR'S REPORT

Dayle Williamson reported that he, several staff members, several people from NRCS and Papio/Missouri River NRD Manager, Steve Oltmans, had toured one of the USDA "field offices of the future" at Lyndon, Kansas last Friday. He described the efforts being made by USDA to provide "one stop shopping" for their farm services agencies. He also noted the activity of NRCS and CFSA in that county to develop GIS information to better serve their clients. He added that USDA hopes to move toward this type of consolidated field office and compatible computer systems nationwide but that it will be a slow process.

Williamson also noted that the Lower Big Blue NRD had received funds through the Community Development Block Grant program for the construction of several structures in the Swan Creek watershed.

Williamson also described recent activity involving the farm bill and the considerations that are being deliberated in both the House and the Senate.

ADVISOR'S COMMENTS

Don Roberts called upon Steve Chick and noted that he has been named the new state conservationist for NRCS in Nebraska since he last appeared before the Commission in June. Chick distributed a report summarizing a number of NRCS activities and commented on wetlands activities, the Water Bank Program, the Conservation Reserve Program, soil surveys and whole farm/ranch planning.

ENVIRONMENTAL TRUST

Richard Mercer and Vince Kramper reported that the applications for funds from the Environmental Trust have been reviewed by a committee of the Trust Board and that the Trust will be meeting next month at Fort Robinson to act on the various applications that have been received.

PLATTE RIVER ACTIVITIES

Jim Cook commented extensively on the memorandum of agreement between the three states and the federal government and the Federal Energy Regulatory Commission relicensing efforts.

David Mazour, Assistant General Manager of the Central Nebraska Public Power and Irrigation District, also commented on both of those activities.

Cook noted that the various parties involved in the negotiations concerning the Game & Parks instream flow application on the Platte River are continuing to try to reach an agreement. He noted that progress has been made in the negotiations but that there is still a long ways to go before any agreement might be reached.

Cook indicated that he has been added to the settlement team for the Nebraska vs. Wyoming lawsuit but that he had not yet attended any of the meetings at which the parties involved are trying to resolve their differences.

RULE & REGULATION REVISIONS AND ADDITIONS

Cook reported that the Commission will in the future need to consider rule and regulation changes in several areas. He indicated that the most significant one would be the rules to implement the Natural Resources Enhancement Fund created by LB 961 last year. He also noted that some minor rule and regulation changes will be needed to accommodate the statutory changes involving the Water Well Decommissioning Fund and that the Attorney General has suggested agencies make rule and regulation changes and/or additions in two other areas involving negotiated rule making and procedures for contested cases.

WATER COUNCIL

Cook reported that the Water Council had met recently to discuss possible additional amendments to LB 108. He noted that the Natural Resources Committee of the Legislature held a hearing on LB 108 in Kearney and will hold four additional hearings as follows: September 9 at Aurora (8:30 a.m. at Bremer Community Center); October 28 at Scottsbluff; October 29 at McCook; and November 11 at Alma.

EROSION & SEDIMENT CONTROL APPROVAL PROCESS

Cook explained that at the last Commission meeting the Commission had granted the Director authority to approve all erosion and sediment control plan modifications that were in compliance with the state program changes but that so far at least one NRD had made some slight additional changes that went beyond the authority granted by the Commission but that were still consistent with the statutory criteria for the Erosion and Sediment Control Program. He indicated that the Commission could either grant that additional approval authority for those NRD program modifications that were still in compliance with statutory authority or those programs could be referred to the Program Committee of the Commission for their review and recommendation for Commission action. Motion was made by Kramper and seconded by Bell to approve all amendments to NRD Erosion and Sediment Control programs for which no issues are presented concerning the consistency of that program with the statutory criteria and to refer any changes which do raise consistency issues to the Program Committee for review and recommendation for action.

Aye: Stewart, Larson, Bell, Watermeier, Nelson, Mercer, Bartak, Kramper, Kroese

Nay: Shaughnessy, Hergott, Jiskra, Gifford, Davis, Roberts

Not Present: Welsh

RESOURCES DEVELOPMENT FUND

Tom Pesek distributed the Resources Development Fund Financial Status Report and briefly reviewed that as well as the quarterly report.

Pesek explained that the Central Platte NRD has requested authority to proceed with work on Lower Wood River/Upper Warm Slough Resources Development Fund project by acquiring land rights with Community Development Block Grant funds that have been applied for by the City of Grand Island. Milton Moravec, representing the Central Platte NRD, reviewed their request and noted that since the land rights estimates contained in the project application were based on 1992 costs, there likely will be some increases in the land rights costs. Motion was made by Watermeier and seconded by Bell to allow the sponsors of the Lower Wood River/Upper Warm Slough flood control project to proceed with land rights acquisition using Community Development Block Grant funds and that any local funds expended as local cost-share be eligible for 60 percent reimbursement from the NRDF contingent upon the project being completed as approved by the Commission and upon funds being obligated by the Commission. Motion carried.

Aye: Larson, Bell, Hergott, Jiskra, Watermeier, Nelson, Mercer, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Roberts

Nay: None
Not Present: Welsh

Tom Pesek noted that a project proposal had been received for repair work at Enders Dam on the Frenchman River in southwest Nebraska. Norma Sitzman, manager of the Frenchman Valley and Hitchcock and Red Willow Irrigation Districts, explained that the Bureau of Reclamation was requiring the installation of additional drains in Enders Dam because of safety considerations and that the irrigation districts will have to pay 15 percent of the cost or about \$94,800. She explained that the districts are requesting a 75 percent grant from the Resources Development Fund to assist them with their costs.

Wayne Heathers, Manager of the Middle Republican NRD, stated that his district had agreed to be a co-sponsor of the project and contribute \$3,000 toward the local costs.

Tom Pesek noted that since this involves an irrigation project, it is possible that at least a portion of any funds provided would need to be in the form of a loan instead of a grant. He also indicated that Commission action on their proposal would likely be on the agenda for the October Commission meeting.

SMALL WATERSHEDS FLOOD CONTROL FUND

Tom Pesek distributed the Small Watersheds Flood Control Fund status report and briefly reviewed it. He added that the Papio/Missouri River NRD had submitted a request to increase the commitment for an easement on the Sklenar tract at Tekamah-Mud 42-A from \$35,500 which was the original appraisal to a \$87,150, which was the amount awarded by the Burt County Court. Robert Bell briefly commented on the court award. Motion was made by Kramper and seconded by Gifford to increase the commitment for easement on the Robert Sklenar tract (75.99 acres) at Tekamah-Mud Site 42-A from \$35,500 to \$87,150, the amount awarded by the Burt County Court. Motion carried.

Aye: Bell, Hergott, Jiskra, Watermeier, Nelson, Mercer, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Robert

Nay: None
Not Present: Welsh

SOIL & WATER CONSERVATION FUND

Gayle Starr noted that the Soil & Water Conservation Fund report had been distributed to Commission members. He added that the Nemaha NRD had submitted a request for a streambank protection practice to be added to the current list of eligible practices for the Soil & Water Conservation Fund. Don Larson briefly commented on the Nemaha NRD's desire to add this practice and how it might be used. Steve Chick noted that the NRCS would be able to do the technical work on this practice but that they would need to do some further work on developing technical specifications. Motion was made by Larson and seconded by Davis to approve streambank protection as an eligible practice for the Soil & Water Conservation Fund. Motion carried.

Aye: Hergott, Jiskra, Watermeier, Nelson, Mercer, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Bell, Roberts

Nay: None
Not Present: Welsh

WATER WELL DECOMMISSIONING FUND

Gayle Starr noted that the Water Well Decommissioning Fund status report had been distributed to Commission members and indicated that two additional NRDs are participating in the program this year.

COMPREHENSIVE PLANNING

Steve Gaul distributed a summary of the work elements and budgets for each category for the Nebraska State Water Planning and Review Process. He added that copies of the full document had been sent to Commission members. Gaul briefly reviewed the summary and the various elements in the summary and responded to a number of questions concerning the report. Motion was made by Kramper and seconded by Bartak to approve the Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process. Motion carried.

Aye: Jiskra, Watermeier, Nelson, Mercer, Gifford, Davis, Bartak, Kramper, Shaughnessy, Kroese, Stewart, Larson, Bell, Hergott, Roberts

Nay: None

Not Present: Welsh

Kevin Schwartman explained that the Corps of Engineers report on the Southeast Nebraska Streambank Erosion Study had been submitted to the Commission in draft form but that a staff review of the report indicated a number of deficiencies and the staff will be meeting with Corps representatives to discuss those deficiencies in the near future. As a result, the report will not be made available to Commission members at this meeting.

Terry Kubicek very briefly commented on planning activities and in particular noted his work with some state senators to get their offices involved with internet connectivity. He asked that if any Commission members have an opportunity to suggest to state senators that they and their staffs be connected to internet, that they do so. In response to a question he added that Commission staff could provide technical assistance and training for senators and their staffs.

ANNOUNCEMENTS, FUTURE MEETINGS, REQUEST FOR AGENDA ITEMS

The next meeting of the Commission will be October 11 and 12 in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 11:45 a.m.

Chairman

Director of Natural Resources