

MINUTES OF THE  
NEBRASKA NATURAL RESOURCES COMMISSION MEETING

DECEMBER 7, 1995

Those in attendance were:

Don Roberts, Chair	Mark Kuzila
Clifford Welsh, Member	Perry Wigley
Robert Gifford, Member	Glenn Johnson
Wayne Davis, Member	Andy Bailey
Frank Bartak, Member	Don Meisner
Roy Stewart, Member	Maureen Wenke
Wilbur Nelson, Member	Nick Johnson
Mike Shaughnessy, Member	Richard Seymour
Joseph Hergott, Member	Paul Rohrbaugh
Richard Jiskra, Member	Richard Sklenar
Vince Kramper, Member	Tom Mountford
Don Larson, Member	Kathy Vasa
Robert Bell, Member	Dayle Williamson, Director
Glen Kroese, Member	Jim Cook, Staff
Dale Watermeier, Member	Terry Kubicek, Staff
Steve Chick	Tom Pesek, Staff
Jerry Mathiasen	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Chair Donald Roberts in Lower Level Conference Room F of the Nebraska State Office Building in Lincoln, Nebraska at approximately 10:00 a.m.

NOTICE

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on November 29, 1995, 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. Director's Report.
2. Minutes of the Executive Committee Meeting.
3. Minutes of the Legislative & Budget Committee Meeting.
4. Minutes of the Program Committee Meeting.
5. Minutes of the Comprehensive Planning Committee Meeting.
6. Nebraska Resources Development Fund Present Financial Status.
7. Status of Small Watersheds Flood Control Fund.

8. Nebraska Resources Development Fund Quarterly Report.
9. Soil & Water Conservation Fund Report.
10. Weeping Water Creek Watershed Project Status Report, Dec. 7, 1995.
11. Skull Creek Watershed Progress Report, Lower Platte North NRD.
12. Copy of letter from Papio-Missouri River NRD on Small Watersheds Flood Control Fund Request, Tekamah-Mud Creek Watershed, site 42-A, Hansen.
13. Natural Resources Enhancement Fund Report.
14. Natural Resources Conservation Service Report.

## MINUTES

Motion was made by Kramper and seconded by Stewart to approve the minutes of the October 12, 1995, Commission meeting as distributed. Motion carried.

Aye: Hergott, Jiskra, Watermeier, Nelson, Welsh, Gifford, Davis, Bartak, Kramper, Stewart, Larson, Bell, Roberts

Nay: None

Not Present: Mercer, Shaughnessy, Kroese

## EXPENDITURES

Motion was made by Bell and seconded by Stewart to approve the Expenditure Report for October, 1995, as distributed. Motion carried.

Aye: Jiskra, Watermeier, Nelson, Welsh, Gifford, Davis, Bartak, Kramper, Stewart, Larson, Bell, Hergott, Roberts

Nay: None

Not Present: Mercer, Shaughnessy, Kroese

## DIRECTOR'S REPORT

Dayle Williamson reported that there were now two staff vacancies with the resignation of Gunnit Khurana and Scott McFall. He added that these two computer-related positions would be filled as soon as possible.

Williamson stated that all but four of the NRD Groundwater Management Plans had been approved. He added that he had submitted comment letters on the last four plans.

Williamson also briefly reviewed the current status of federal legislation affecting natural resources (HR 2542).

Williamson noted that he had attended the Good Year/NACD Awards Program in Arizona last week as a representative of the National Association of State Conservation Agencies. He added that he had also attended a signing ceremony in North Carolina earlier this week for the first new mutual agreement with conservation districts. He added that the agreements are being revised

nationwide.

## ADVISOR'S COMMENTS

Perry Wigley of the UNL Conservation & Survey Division reported on new staff positions that are being filled and geologic mapping activities underway throughout the state.

Jerry Mathiasen, Executive Director of the Nebraska Association of Resources Districts, reported on various activities the association is involved with.

Steve Chick, NRCS State Conservationist, distributed a brief report to the Commission and commented on several of the items in the report. He also introduced Nathan McCaleb, the new State Soil Scientist for Nebraska.

## ENVIRONMENTAL TRUST

Vince Kramper reported that the Environmental Trust Board had met on Tuesday of this week. He explained that the Trust had received 122 applications for funds this year and had approved grants totaling \$5.1 Million. He added that the new application information for next year will be going out soon and that applications are due back by April 10, 1996.

## PLATTE AND REPUBLICAN RIVER ACTIVITIES

Jim Cook commented on the negotiations with Kansas that have just begun with regard to the Republican River Compact. He also reviewed the recent activity regarding the Memorandum of Agreement with the federal government and the states of Wyoming and Colorado on the Platte River and noted that the current agreement expired on December 1 but that an effort is being made to continue the negotiations.

## LEGISLATIVE & BUDGET COMMITTEE

Robert Bell explained that the Legislative & Budget Committee had discussed various legislative bills held over from the 1995 session but had spent most of their time on LB 108. Motion was made by Bell and seconded by Kramper that the Commission continue to conditionally support LB 108 and reserve the right to consider amendments to the bill as they are proposed. Motion carried.

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

Nay: None

Not Present: Mercer, Shaughnessy

Bell noted that he had asked the staff to keep Chair Roberts

and himself informed about the status of LB 108 and that he had suggested that consideration be given to holding a special Commission meeting to consider proposed amendments to LB 108 when they are available.

Bell indicated that the committee had discussed LB 237 which would create a 12 member Task Force to conduct an assessment and inventory of Nebraska rivers for their instream values. Motion was made by Bell and seconded by Davis that the Commission maintain its position in opposition to LB 237. Motion carried.

Aye: Nelson, Welsh, Gifford, Davis, Bartak, Kramper, Kroese, Stewart, Larson, Bell, Hergott, Jiskra, Watermeier, Roberts  
Nay: None  
Not Present: Mercer, Shaughnessy

Bell explained that the committee had discussed additional legislative items and had taken action on several of them. Motion was made by Bell and seconded by Larson that the Commission maintain the following positions on the following bills: Oppose LB 640 (the Drinking Water Source Quality Act); oppose LB 211 (Reallocate Environmental Trust Funds to Ethanol); support LB 229 (repeal registration fee for small wells); oppose LB 263 (reallocate Environmental Trust funds to state building renewal); oppose LB 764 (provide for environmental education coordinator and for environmental education license plates); oppose LB 855 (require assessment of environmental rules); Motion carried.

Aye: Welsh, Gifford, Davis, Bartak, Kramper, Kroese, Stewart, Larson, Bell, Hergott, Jiskra, Watermeier, Nelson, Roberts  
Nay: None  
Not Present: Mercer, Shaughnessy

Bell explained that Jim Cook had briefed the committee on proposed title 261 rules of agency procedure which had been the subject of a hearing yesterday afternoon. Motion was made by Bell and seconded by Davis that current NRC title 261 Regulations Relating to Conduct of Formal Adjudicatory Proceedings be repealed and that new title 261 rules and regulations entitled "Rules of Agency Procedure" be adopted as proposed at the hearing and including the following editing changes:

Chapter 1, page 7, Rule 006, change "If an agency" to "If the agency"

Chapter 1, page 9, next to last line of the top paragraph, change "this agency and its agency director" to "the agency and the agency director"

Chapter 1, page 10, Rule 008.01D, last line, change "009.02" to "008.02"

Chapter 4, page 6, Rule 004.06, first line, change "The agency" to "The petitioner"

Motion carried.

Aye: Gifford, Davis, Bartak, Kramper, Kroese, Stewart, Larson,

Bell, Hergott, Jiskra, Watermeier, Nelson, Welsh, Roberts  
Nay: None  
Not Present: Mercer, Shaughnessy

## COMPREHENSIVE PLANNING

Clifford Welsh noted that Mahendra Bansal had briefed the committee on the updated NRC computer system architecture, staffing levels, computer upgrades, the process to access information on the NT server, and the DEM/DOQQ/SSURGO soils initiatives. Welsh indicated that he had suggested an educational session of computer capabilities and coverages for the Commission members.

Welsh noted that the resolution which he had introduced at the last Commission meeting and which had been tabled until this meeting was discussed at length and that a revised resolution had been distributed to committee members for their consideration. He noted that there was an extensive discussion on the resolution and the various aspects of that resolution. Motion was made by Welsh and seconded by Kramper to adopt the following resolution:

WHEREAS, the field mapping of the modern county soil surveys was completed in Nebraska in 1995, and

WHEREAS, completing the second generation surveys has been a long-term process and numerous county soil surveys still need updating, and

WHEREAS, there is an urgent need to digitize all soils information in vector format to assure widespread utility using Level 2 Digital Elevation Models (DEMs) and Digital Orthophoto Quarter Quadrangle (DOQQ) base maps, and to increase the potential efficiency of future soil surveys, and

WHEREAS, effort should be directed toward utilizing the state of the art computer techniques available to expedite the process of updating soil surveys and compiling/recompiling the information for computerization, and

WHEREAS, the Natural Resources Conservation Service will adopt SSURGO nationwide standards effective on or about January 1, 1996 to acquire, compile/recompile, digitize and publish soils data in a standardized format, to provide a better join of soils information from adjacent surveys, and to accelerate the process of soil survey updates.

NOW THEREFORE BE IT RESOLVED, that the Commission supports the application of SSURGO standards of soils information for the entire state using Level 2 DEMs and DOQQs as base maps in an accelerated timeframe of 3 years,

and

BE IT FURTHER RESOLVED that the cooperative effort of the Natural Resources Conservation Service, the Conservation and Survey Division, and the Commission continue in a timely manner to achieve the standards described above through redirection of hardware, software and personnel. A report will be developed describing the effort, the anticipated support required from each agency, and such report shall be made available to each Commission member by April 1, 1996. In addition, an annual report to all Commission members describing the process is requested by June 30, of each year.

Motion carried.

Aye: Bartak, Kramper, Kroese, Stewart, Larson, Bell, Hergott, Watermeier, Nelson, Welsh, Gifford, Davis, Roberts

Nay: Jiskra

Not Present: Mercer, Shaughnessy

Don Roberts noted that the Executive Committee had discussed the Commission's agenda, and guidance for the January meeting and future agendas was as follows:

- (1) Have a special time set aside (if necessary) for discussion of LB 108 at the January or a later meeting.
- (2) The State Director of CFSA (currently Frank Johannsen) should be invited to the January meeting as well as all future meetings.
- (3) The second meeting of the year should include a work session on technology to include geographic information systems and global positioning systems.
- (4) Federal legislative action items that are now sent to the NRDs should also be mailed to all Commission members.
- (5) A follow-up work session to the one held for the entire Commission yesterday should be included with the January meeting if possible.

#### PROGRAM COMMITTEE

Vince Kramper noted that the committee had briefly discussed the Natural Resources Enhancement Fund rules and regulations and the amendments to the Water Well Decommissioning Fund rules and regulations which had been the subject of a hearing yesterday. Motion was made by Kramper and seconded by Bartak to adopt the Natural Resources Enhancement Fund rules and regulations and the amendments to the Water Well Decommissioning Fund rules and regulations as presented at the hearing: Motion carried.

Aye: Kramper, Kroese, Stewart, Larson, Bell, Hergott, Jiskra,

Watermeier, Nelson, Welsh, Gifford, Davis, Bartak, Roberts  
Nay: None  
Not Present: Mercer, Shaughnessy

Kramper noted that Tom Pesek had reviewed the Resources Development Fund Financial Status Report and Quarterly Report with committee members.

Kramper explained that Pender had submitted a Resources Development Fund application and feasibility report for their Section 205 Corps of Engineers Flood Control Project and called on Don Meisner from SIMPCO (Siouxland Interstate Metropolitan Planning Council) who introduced Maureen Wenke from Pender, Nick Johnson, Pender's consulting engineer with Johnson, Erickson, O'Brien of Wahoo, and Richard Seymour, representing the Lower Elkhorn NRD. Meisner briefly reviewed the proposed schedule for the development of the Pender Project and explained the costs of the proposed project. Nick Johnson then described the various physical aspects of the project and the flooding situation in and around Pender.

Kramper then called on Tom Pesek and Tom Mountford who updated the Commission on the status of land treatment progress on the Skull Creek Project. Mountford noted that this was an annual update as requested by the Commission and that some progress is being made toward the required 75 percent land treatment level in that project.

Kramper called on Richard Sklenar, representing the Papio-Missouri River NRD, who briefed the committee on the current status of the Papio Site 21 Project. Sklenar noted that the construction contract has been let and some construction hopefully will be done this fall depending upon the weather and that all land rights have been acquired with the exception of one tract that is involved in court proceedings.

Kramper called on Paul Rohrbaugh who briefed the Commission on the status of the Upper Little Nemaha Watershed Project. Rohrbaugh noted that several structures have been completed and that several more are very near completion. He noted that because of the proximity of the project to Lincoln they are becoming concerned about the land rights costs and the impact that suburban development might have on those costs.

Kramper called on Glenn Johnson, who updated the Commission on the status of the Weeping Water Creek Watershed Project and in particular the potential of making Site 7-G a multi-purpose project to include recreation as well as flood control as a project purpose. He noted that the NRD Board has done some extensive studies on that possibility and has held public hearings to gather comments and that the Lower Platte South NRD Board will be making a decision on that question in the very near future.

Kramper noted that Tom Pesek, Ron Fleecs, and Paul Rohrbaugh had briefed the committee on the land auctions at Swan Creek Site 27 and Upper Big Nemaha Site 12-B which are scheduled for January

10, 1996.

Kramper explained that Richard Sklenar of the Papio-Missouri River NRD had reviewed the NRD's request to increase the Small Watersheds Flood Control Fund commitment for an easement on the Wayne Hansen tract involved with Tekamuh-Mud watershed site 42-A to the court award of \$19,750. Motion was made by Kramper and seconded by Davis to increase the commitment for easement on the Wayne Hansen tract (5.27 acres) at Tekamah-Mud Watershed Site 42-A from \$6,600 to \$19,750, the amount awarded by the Burt County Court. Motion carried.

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

Nay: None

Not Present: Mercer

Gayle Starr noted that a Soil and Water Conservation Fund Status Report had been distributed to Commission members and that a report which estimates how the Natural Resources Enhancement funds would be distributed if that distribution was made at the present time based on the rules and regulations just adopted had also been distributed to Commission members.

#### NEXT MEETING

The next meeting of the Commission will be January 30 & 31, following the January 29 and 30 NARD Legislative Conference in Lincoln.

#### ADJOURNMENT

The meeting was adjourned at approximately 12:15 p.m.

Chairman  
Resources

Director of Natural