

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
JUNE 15, 1995

Those in attendance were:

Donald Roberts, Chair	Steve Chick
Clifford Welsh, Member	Andy Bailey
Robert Gifford, Member	Steve Oltmans
Wayne Davis, Member	Ron Cacek
Frank Bartak, Member	Dave Ostdick
Joseph Hergott, Member	John Williams
Richard Jiskra, Member	Dayle Williamson, Director
Wilbur Nelson, Member	Jim Cook, Staff
Don Larson, Member	Tom Pesek, Staff
Glen Kroese, Member	Gayle Starr, Staff
Robert Bell, Member	
Dale Watermeier, Member	

CALL TO ORDER

The meeting was called to order by Commission Chair Don Roberts at 8:00 a.m., MDT, in the meeting room of the South Forty Restaurant in Chadron, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR and the CHADRON RECORD 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. Final Legislative Memo
2. Update on MOA Process
3. Small Watersheds Flood Control Fund Status Update
4. NRCS Report
5. RDF Present Financial Status
6. Soil & Water Conservation Fund Status

MINUTES

Motion was made by Davis and seconded by Gifford to approve the minutes of the May 10 & May 11, 1995 Commission meetings as distributed. Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Kroese, Stewart

EXPENDITURES

Motion was made by Bell and seconded by Gifford to approve the Expenditure Report for April and May, 1995 as distributed. Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Kroese, Stewart

EROSION & SEDIMENT CONTROL PROGRAM

Jim Cook described the three public meetings that had been held in Omaha, Norfolk and Grand Island concerning the proposed changes to the State Erosion and Sediment Control Program and stated that this session of the Commission meeting would constitute a fourth public meeting, all of which were duly advertised. Cook described the various proposed changes and the reasons for the changes and responded to questions concerning the program and the proposed changes. He asked for any comments from the public and Commission members regarding the proposed changes but none were submitted. Motion was made by Larson and seconded by Gifford to approve the proposed changes in the State Erosion and Sediment Control program and authorize the Director to approve changes in the individual NRD programs to the extent that they are consistent with changes in the state program. Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Stewart

DIRECTOR'S REPORT

Dayle Williamson provided a thorough briefing regarding recent information and developments relating to the preparation of the 1995 Farm Bill as well as the various changes being considered for the federal conservation programs.

Dale Watermeier and Don Larson commented on the Northern Plains NACD meeting in Billings, Montana, which they had both attended.

ADVISOR'S COMMENTS

Steve Chick, representing the Natural Resources Conservation Service, stated that Ron Moreland has been transferred to the regional office in Lincoln and will be retiring at the end of the calendar year. He added he will be Acting State Conservationist until a selection of a permanent State Conservationist is made.

Chick described the various organizational changes being made in the Natural Resources Conservation Service and also addressed the issue of wetlands and the consideration of variances for individual producers because of the wet and cool weather this spring.

ENVIRONMENTAL TRUST

Dayle Williamson noted that in excess of 100 applications were received for Environmental Trust funds and that a committee of the Trust, on which he sits, will be reviewing the applications over the next several weeks.

PLATTE RIVER MEMORANDUM OF AGREEMENT

Jim Cook described recent activities regarding the Memorandum of Agreement and noted that Governor Nelson has agreed to a six month extension to continue negotiations.

LEGISLATION

Jim Cook distributed copies of his final legislative report and briefly commented on several bills that were adopted and several resolutions that were adopted and will be possible subjects for interim considerations.

RESOURCES DEVELOPMENT FUND

Tom Pesek distributed the Resources Development Fund Financial Status Report and briefly reviewed it.

Gayle Starr noted that the Commission members had been briefed on the Lower Wood River/Upper Warm Slough Project and that a committee of Commission members (Bartak, Kramper, and Mercer) had toured the project and had agreed on a recommendation for Commission action. Frank Bartak noted that the Committee's recommendation was to adopt the Director's recommendation. Motion was made by Bell and seconded by Jiskra to adopt the following resolution:

The Nebraska Natural Resources Commission, having reviewed and considered the recommendations of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Lower Wood River/Upper Warm Slough Flood Control 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 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 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 floodway alignment. 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 floodway revision.

and therefore the Commission resolves that:

- (1) The Lower Wood River/Upper Warm Slough Flood Control Reservoir Project is eligible for funding from the Nebraska Resources Development Fund; actual funding being subject to the condition that the money required from the Fund is available and the application of the priority system for allocating funds.
- (2) The funding, if and when provided, be in the form of a grant for up to \$3,191,441.02, not to exceed 60% of the total local (non-federal) project cost estimated to be \$5,091,450 plus the local share of the feasibility study (\$227,618.37).
- (3) The sponsor 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 levee 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 Natural Resources is authorized to negotiate and enter into a contract with the Central Platte NRD for carrying out the provisions of the project.
- (5) This recommendation is contingent upon the project being approved and fully funded as a Corps of Engineers project.

Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Stewart

Andy Bailey, representing the Lower Platte South NRD, indicated that they had updated the costs and benefits for the Weeping Water Creek Watershed Project and that the revisions result in a positive rate of return. He also noted that the report included a benefit analysis for structure 7G in the event the NRD decides to incorporate recreation into that structure. It was noted that if the Board does decide to incorporate recreation into Structure 7G and decides to request Resources Development Funds for those features it will need to submit an amended application for that purpose and that the Director will be sending a letter to the NRD outlining those provisions in the near future.

Andy Bailey described the cost increases for land rights on Dams 7F and 8A and noted that the NRD was requesting an increase in the grant allocation for that component. Motion was made by Larson and seconded by Bell to increase the grant allocation for Component #12 - Land Rights for Dam 7F and 8A of the Weeping Water Creek Watershed Project by 75% of \$172,400 or \$129,300 thereby increasing the total project allocation from \$4,356,242.75 to \$4,485,542.75. Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Stewart

Tom Pesek noted that the fiscal year 1995-96 general fund appropriation for the Resources Development Fund was \$2,170,000 and with the addition of \$50,000 cash funds and \$1,500 of unobligated funds, a total of \$2,221,500 was available for obligation. He added that three separate Commission actions were necessary to accomplish that process, including the acceptance of the sponsor's report and the establishment of separate components based on those reports, the adoption of a priority list, and finally the obligation of funds. Motion was made by Larson and seconded by Gifford to accept, in part, the reports for the Howells Levee Project, the Weeping Water Creek Watershed Project, the Chalco Hills Project, the Upper Little Nemaha Watershed Project, and the Papio Site 21 Project and establish the following separable components.

PROJECT	PROJECT COMPONENT	REQUEST FOR FY 96
Howells Levee	#1 - Design, Land Rights Acquisition, and Construction	\$50,000.00
Weeping Water Creek Watershed	#8a - Feasibility Study (Reminder)	\$12,500.00
Chalco Hills	#9 - Ninth of 10 Annual	\$94,235.90

Recreation Area	Payments for Recreation Facility Development	
Upper Little Nemaha Watershed	#5a - Construction of Dam 8	229,125.00
	#7 - Construction of Dams 21 & 79	548,175.00
	#8 - Design of Dams 25, 61, & 31	64,500.00
Papio Site 21	#3a - Phase II Land Rights Reminder (Increased Allocation)	225,757.50
	#4 - Final Design of Dam	74,472.75
	#5 - Dam Construction (Partial)	798,983.85 123,750.00
	#6 - Access Road Construction	
	TOTAL	\$2,221,500.00

Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Stewart

Motion was made by Larson and seconded by Gifford to adopt the following priority lists:

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| Priority List #1 | Priority List #2 |
| 1. Chalco Hills Recreation Area | 1. Howells Levee |
| 2. Upper Little Nemaha Watershed | |
| 3. Papio Site 21 | |
| 4. Weeping Water Creek Watershed | |

Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Stewart

Motion was made by Larson and seconded by Gifford to obligate FY 96 funds as follows:

PROJECT	PROJECT COMPONENT	REQUEST FOR	TOTAL COST
	FY 96		
Howells Levee	#1-Design, Land Rights Acquisition, and Construction	\$ 50,000.00	\$83,333.33

Weeping Water			
Creek Watershed	#8a-Feasibility Study		
	(Remainder)	12,500.00	16,666.67
Chalco Hills			
Recreation Area	#9-Ninth of 10 Annual		
	Payments for Recreation		
	Facility Development	94,235.90	144,978.31
Upper Little			
Nemaha			
Watershed	#5a-Construction of		
	Dam 8	229,125.00	305,500.00
	#7-Construction of		
	Dams 21 & 79	548,175.00	730,900.00
	Design of Dams 25,		
	61, & 31	64,500.00	86,000.00
Papio Site 21 #3aPhase II Land			
	Rights (Remainder)	225,757.50	301,010.00
	[Increased Allocation]	74,472.75	99,297.00
	#4Final Design of Dam	798,983.85	1,065,311.80
	#5-Dam Construction		
	(Partial)	123,750.00	165,000.00
	#6 Access Road		
	Construction		
	TOTAL	\$2,221,500.00	2,997,997.11

Motion carried.

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

Nay: None

Not Present: Mercer, Kramper, Shaughnessy, Stewart

SMALL WATERSHEDS FLOOD CONTROL FUND

Tom Pesek distributed the Small Watersheds Flood Control Fund status report and briefly reviewed it. He added that it was necessary to establish a revolving fund base for fiscal year 1996 and briefly described the considerations in arriving at a recommendation for that base. Motion was made by Gifford and seconded by Larson to establish the revolving fund base for the Small Watersheds Flood Control Fund at \$1,175,000 for FY 95-96. Motion carried.

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

Nay: None

Not Present: Kramper, Shaughnessy, Stewart, Mercer

Pesek distributed an inventory of fee title lands acquired with Small Watersheds Flood Control Fund assistance and outlined the recommended land sale schedule for FY 1997. Motion was made by Larson and seconded by Watermeier to schedule the sale of the Hubka tract (124A) at Wolf-Wildcat 51, the Leahy tract (160A) at South Branch Little Nemaha 27, and the Lamb tract (80A) at Upper Little

Nemaha Site 34 for FY 1997. Motion carried.

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

Nay: None

Not Present: Kramper, Shaughnessy, Stewart, Mercer

SOIL & WATER CONSERVATION FUND

Gayle Starr distributed the Soil and Water Conservation Fund Status Report and briefly reviewed it. He then reviewed various considerations involved with distributing Soil and Water Conservation funds for the next fiscal year. He noted that for the last several years, one million dollars had been distributed equally and 50 percent of the remainder by the NRI formula and the other 50 percent by the FSA formula. He noted that the 1992 NRI information was not reliable enough or consistent enough at the NRD level to use for distribution of funds for the next year. He noted that Commission members and NRDs had been provided with a table outlining the manner in which the fund was distributed last year and a possible new distribution that utilizes equal distribution of one million dollars and the remaining fund based on a slightly revised NRI formula. He added that the revision involved increasing costs for structural practices by about 30 percent but not increasing the costs for any of the non-structural practices. He noted that the cost increases were based on recent experience with the Soil & Water Conservation Fund. Motion was made by Bartak and seconded by Welsh to distribute Soil & Water Conservation Funds for FY 95-96 as follows:

(1) One million dollars equally among the 23 NRDs and;

(2) All remaining available funds based on the revised NRI formula. Motion carried.

Motion carried.

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

Nay: None

Not Present: Kramper, Shaughnessy, Mercer, Stewart

NEXT MEETING

The next meeting of the Commission will be August 30-31 in connection with a tour of portions of the Central Nebraska Public Power & Irrigation District project. It was noted that the Commission meeting would likely be scheduled for the morning of August 30 at Central's headquarters in Holdrege. Wilbur Nelson briefly reviewed the tentative plans for the Commission meeting and tour.

ADJOURNMENT

The meeting was adjourned at approximately 10:30 AM, MDT.

Chairman
Director of Natural Resources