

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
MAY 11, 1995

Those in attendance were:

Don Roberts, Chair	Jerry Mathiasen
Robert Bell, Member	Andy Bailey
Don Larson, Member	Julie Anderson
Richard Jiskra, Member	Bob Reeves
Joe Hergott, Member	Marlin Petermann
Vince Kramper, Member	Steve Oltmans
Roy Stewart, Member	Milton Moravec
Frank Bartak, Member	Bob Wolf
Wilbur Nelson, Member	Ron Moreland
Glen Kroese, Member	Dayle Williamson, Director
Mike Shaughnessy, Member	Jim Cook, Staff
Richer Mercer, Member	Tom Pesek, Staff
Clifford Welsh, Member	Brian Dunnigan, Staff
Robert Gifford, Member	Terry Kubicek, Staff
Vince Kramper, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Chair Donald Roberts in the Liquor Control Commission Conference Room on the 5th floor of the Nebraska State Office Building in Lincoln, Nebraska, at approximately 10:30 a.m.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR on May 3, 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. Nebraska Resources Development Fund Present Financial Status, May 8, 1995.
2. Director's Report.
3. Minutes of the Executive Committee Meeting.
4. Comprehensive Planning Committee Minutes.
5. Natural Resources Conservation Service Report to the Nebraska Natural Resources Commission and Nebraska Association of Resources Districts.
6. News Release on Farm Bill.
7. Minutes of the Program Committee Meeting.

8. Minutes of the Legislative & Budget Committee Meeting.

MINUTES

Motion was made by Kramper and seconded by Bell to approve the minutes of the March 15 & 16, 1995 Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Davis

EXPENDITURES

Motion was made by Bell and seconded by Larson to approve the expenditure report for March, 1995 as distributed.

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

Nay: None

Not Present: Davis

DIRECTOR'S REPORT

Dayle Williamson distributed a written report for the members' information. He commented on the hearings held by the House Agricultural Committee concerning the reauthorization of the Farm Bill. He noted that he had attended the hearing in Akron, Colorado, and that Dick Mercer had attended the Kearney hearing and Vince Kramper had attended the Sioux City hearing. Both Mercer and Kramper commented briefly on the hearings they had attended. A copy of Dick Mercer's statement made on behalf of the NRDs was distributed.

Dayle Williamson introduced Jerry Mathiasen, the new Executive Director of NARD.

ADVISOR'S COMMENTS

Ron Moreland distributed a status report and a news release from Secretary of Agriculture Glickman concerning the Administration's position on the 1995 Farm Bill. Moreland commented briefly on wetlands determinations, internet, and agency reorganization.

ENVIRONMENTAL TRUST

Richard Mercer and Vince Kramper noted that applications for environmental trust grants are due by May 15 and they expect a

significant number of applications.

MOA & FERC RELICENSING

Jim Cook described the various considerations being discussed regarding the Memorandum of Agreement with Colorado, Wyoming, and the U.S. Department of Interior and responded to a number of questions concerning that agreement as well as the Federal Energy Regulatory Commission relicensing efforts regarding Kingsley Dam.

FLOODPLAIN MANAGEMENT STUDY

Dayle Williamson and Brian Dunnigan discussed the Upper Mississippi River/Missouri River Floodplain Management Study just now being finalized. They indicated that the report should be out sometime this summer and made available to Commission members. They added that the report utilizes the experiences of the 1993 floods in the Upper Mississippi and Missouri River Basins.

COMPREHENSIVE PLANNING COMMITTEE

Cliff Welsh reported that the committee had been briefed regarding the MOSAIC server, Internet access, digital-ortho quarter quad production, modem access, Data Bank fees, and the Lower Platte Basin Reconnaissance Study with the Corps of Engineers. He added that the staff provided the committee with a demonstration of the Internet system and the Commission's home page on that system.

He noted that Glenn Johnson had briefed the committee on the Lower Platte Basin Watershed Management conference legislation and the need for a coordinated effort of federal, state, and local interests along the Lower Platte River corridor.

LEGISLATIVE & BUDGET COMMITTEE

Robert Bell explained that the committee had reviewed the status of the Commission budget for the next biennium as proposed in LB 392. He added that the appropriations bill will likely not be finalized until early June.

Bell noted that the committee had been briefed by staff attorney Jim Cook on the status of LB 108, LB 584, LB 871, and LR 93CA. Cook noted that since the committee meeting, the Legislature has discussed LB 584 and it is possible that the bill will be indefinitely postponed.

EXECUTIVE COMMITTEE

Don Roberts reported that the Executive Committee discussed the June Commission meeting to be held in Chadron and noted that

the Upper Niobrara-White NRD is planning a tour of timber harvesting activities in the Harrison area for the Commission. He added that they had also briefly discussed the August 30-31 Commission meeting which will be held at Holdrege in connection with a tour of facilities of the Central Nebraska Public Power and Irrigation District.

PROGRAM COMMITTEE

Kramper noted that Tom Pesek had distributed the Resources Development Fund Financial Status report and reviewed it for the committee.

Kramper explained that Glenn Johnson, Manager of the Lower Platte South NRD, had advised the committee that since the Weeping Water Creek Resources Development Fund Project had been planned, there had been cost increases, primarily as a result of land rights costs, but that the benefits had not been updated since then. Kramper suggested that the NRD could update the benefits for the project and Johnson agreed to do so. He added that Johnson had briefly reviewed their request for an increased allocation for the project to cover increased land rights costs but no action was taken.

Kramper noted that the three member committee (Kramper, Bartak, and Mercer) had toured the Howells Levee flood protection project and were recommending approval of the Director's recommendation. Motion was made by Kramper and seconded by Larson to adopt the following resolution concerning the Howells Levee Flood Protection Project.

- (1) The Howells Levee Flood Protection 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 Village of Howells 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 Village of Howells' existing floodway alignment. As a

participating community in the National Flood Insurance Program (NFIP), the village 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 Howells Levee Flood Protection 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 \$137,040, not to exceed 60% of the total local (non-federal) project cost of \$228,400.
- (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 village 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 Village of Howells for carrying out the provisions of the project.

Motion carried.

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

Nay: None

Not Present: Davis

The Director's recommendation on the Lower Wood River/Upper Warm Slough Flood Control Project was distributed and it was noted that action on the project would be on the agenda for the next meeting.

Steve Oltmans, Manager of the Papio/Missouri River NRD, reviewed their request for an increased allocation for the Papio Site 21 Project. He explained that the increased allocation was as a result of increased land rights costs. Motion was made by Kramper and seconded by Stewart to increase the grant allocation for Component #3A-Phase II land rights (remainder) of the Papio Site 21 Project by \$225,757.50 from \$4,184,419.50 to \$4,410,177.00.

Motion carried.

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

Nay: None
Not Present: Davis

Tom Pesek distributed and reviewed the Small Watersheds Flood Control Fund status report.

Kramper explained that Gayle Starr and Steve Oltmans had reviewed the request of the Papio/Missouri River NRD for assistance for seven fee title land rights for the West Branch Project near Papillion. Oltmans described the land rights involved and responded to a number of questions concerning the project. He explained that the project includes a levee on the West Branch of the Papillion Creek that will connect up with downstream levees previously constructed by the district. It was noted that the fee title properties being acquired are very small in nature and will be of minimal resale value and as a result, the district has agreed to acquire the properties when it comes time to dispose of them as required by the Small Watersheds Flood Control Fund law. Motion was made by Kramper and seconded by Jiskra to approve the court awards on:

(1) the Louis Hanschild property (Tract 5) and commit 100% of \$88,447.16 for fee title and (2) Louis Hanschild property (Tract 3) and commit 100% of \$75,503.67 for fee title; and approve the appraisals on (1) Schram of Omaha property (Tract 11) and commit 100% of \$85,000.00 for fee title, the Charles Mixan property (Tract 12) and approve 100% of the negotiated value of \$62,500.00 for fee title, (3) the John Earnest property (Tract 13) and commit 100% of \$6,550.00 for fee title, (4) the Carl Grasso property (Tract 24) and commit 100% of \$40,300.00 for fee title, and (5) the Mac, Inc. property (Tract 25) and approve 100% of \$35,150.00 for fee title, all properties associated with the West Branch Channel Project at Papillion.

Motion carried.

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

Nay: None
Not Present: Davis

Kramper noted that Jim Cook had explained to the committee the modifications needed in the State Erosion and Sediment Control Program and that four public meetings will be required before finalizing the program. He noted that three of them would be scheduled in conjunction with three NRD meetings and the fourth would be scheduled at the Commission meeting in June at Chadron.

Gayle Starr briefly explained the request of the Central Platte NRD for survey assistance to determine elevations of water wells used in the district's ground water management programs. He added that the estimated cost of the project is \$105,000 and the work will be accomplished over the next two years. Motion was made

by Kramper and seconded by Watermeier to approve the request of the Central Platte NRD for survey assistance on the water well elevation project and to make the estimated cost of \$105,000 a matter of record. Motion carried.

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

Nay: None

Not Present: Davis

NEXT MEETING

The next meeting of the Commission will be June 14 & 15 in Chadron.

ADJOURNMENT

The meeting was adjourned at approximately 12:00 Noon.

Chairman Director of Natural Resources

The Director's recommendation on the Lower Wood River/Upper Warm Slough Flood Control Project was handed out and it was noted that action on the project would be on the agenda for the next meeting.

Oltmans reviewed their request for an increased allocation for the Papio Site 21 project. Motion was made by Mercer and seconded by Kroese to recommend that the Commission increase the grant allocation for Component #3a - Phase II Land Rights (Remainder) of the Papio Site 21 Project by \$225,757.50 from \$4,184,419.50 to \$4,410,177.00. Motion carried unanimously.

Pesek reviewed the Small Watersheds Flood Control Fund Status report.

Jim Cook explained the modifications needed in the state erosion and sediment control program. He noted that four public meetings will be required before finalizing the program and

suggested that three of them be in conjunction with three NRD meetings and the fourth at the Commission meeting in June at Chadron.

Motion was made by Bartak and seconded by Larson to recommend the Commission approve the request of the Central Platte NRD for survey assistance on the Water Well elevation project and to make the estimated cost of \$105,000 a matter of record. Motion carried unanimously.

Meeting adjourned at 10:30 a.m.