

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
OCTOBER 12, 1995

Those in attendance were:

Donald Roberts, Chair
Mike Shaughnessy, Member
Wilbur Nelson, Member
Richard Jiskra, Member
Robert Gifford, Member
Frank Bartak, Member
Roy Stewart, Member
Wayne Davis, Member
Robert Bell, Member
Dale Watermeier, Member
Cliff Welsh, Member
Steve Chick
Paul Rohrbaugh
Ron Fleecs
Jerry Mathiasen

Dayle Williamson, Director
Jim Cook, Staff
Terry Kubicek, Staff
Brian Dunnigan, Staff
Tom Pesek, Staff

CALL TO ORDER

The meeting was called to order in Conference Room LL-E of the Nebraska State Office Building at Lincoln, Nebraska, at 10:30 a.m. by Chairman Donald Roberts.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on October 4, 1995, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of information material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Natural Resources Conservation Service Report to the Nebraska Natural Resources Commission and Nebraska Association of Resources Districts
2. Article in Lincoln Journal Star dated October 11, 1995

3. Schedule of Interim Study Hearings
4. General Notes Regarding the Functions and Responsibility of the NRCS Watershed Planning Team
5. Summary of Lancaster County Pilot DOQQ Project
6. Minutes of the Executive Committee Meeting
7. Minutes of the Program Committee Meeting
8. Nebraska Resources Development Fund Financial Status Report
9. Small Watersheds Flood Control Fund Status Report
10. Soil & Water Conservation Fund Report
11. Natural Resources Districts Summary of 1995-96 Budgets

EXPENDITURES

Motion was made by Bell and seconded by Davis to approve the expenditure reports for August and September, 1995, as distributed. Motion carried.

Aye: Watermeier, Nelson, Welsh, Gifford, Davis, Bartak, Shaughnessy, Stewart, Bell, Jiskra, Roberts

Nay: None

Not Present: Kramper, Kroese, Larson, Hergott, Mercer

MINUTES

Motion was made by Gifford and seconded by Bell to approve the minutes of the August 30, 1995, Commission meeting as distributed. Motion carried.

Aye: Nelson, Welsh, Gifford, Davis, Bartak, Shaughnessy, Stewart, Bell, Jiskra, Watermeier, Roberts

Nay: None

Not Present: Kramper, Kroese, Larson, Hergott, Mercer

DIRECTOR'S REPORT

Dayle Williamson reported that the Commission has signed an agreement with the U.S. Geological Survey to distribute data developed as a result of the 1993 floods. An agreement has also been signed with the Nebraska Department of Agriculture to serve as a data repository for the FIFRA Program.

He noted that Secretary of Agriculture Glickman has directed that state conservation agencies will have greater involvement in USDA reorganization activities. Co-location of the CFSA and NRCS offices in Madison County is a current issue.

A Disaster Recovery Task Force meeting was held earlier in the week. The Burt-Washington Drainage District Board has applied for CDBG funding assistance for long overdue maintenance work. However, they have not set aside necessary funds and therefore did not meet program requirements. FEMA has rejected the Western Sarpy County Levee Project sponsored by the Papio-Missouri River NRD.

Commission staff met with NRCS to discuss floodplain management studies. A letter has been received from CFSA regarding non-federal cost-sharing for CRP.

Williamson also reported on legislation being considered in the House Ag Committee on conservation provisions of the Farm Bill. Some questionable ideas are being advanced. Some suggested legislation reads, if a USDA official is providing technical assistance on one field and sees a compliance deficiency on another field, the official will not be required to report the deficiency. Other unrealistic issues include land coming out of CRP shall not be held to a higher conservation standard than other lands in the same area, and remove crop insurance as a benefit that could be denied to a producer who is out of compliance. Commission discussion followed and a motion was made by Gifford and seconded by Bell that a letter from Chairman Roberts be sent expressing the Commission's concern with the proposed legislation. Motion carried.

Aye: Welsh, Gifford, Davis, Bartak, Shaughnessy, Stewart,
Bell, Jiskra, Watermeier, Nelson, Roberts

Nay: None

Not Present: Kramper, Kroese, Larson, Hergott, Mercer

ADVISOR'S COMMENTS

Don Roberts called upon Steve Chick who distributed a report summarizing a number of NRCS activities and commented on the Wetland Reserve Program, the Conservation Reserve Program, wetlands, whole farm/ranch planning, and Water Quality Incentive Projects.

Jerry Mathiasen, Executive Director of NARD, commented on his efforts to visit all NRDs and the recent NARD Conference in Grand Island that was very well attended. He pointed out that all NRDs were represented at the October 7, 1995, meeting with the Legislature's Natural Resources Committee and reviewed the status of the groundwater management plans being prepared by the NRDs. He noted that 14 plans are currently approved.

ENVIRONMENTAL TRUST

Dayle Williamson reported that on Tuesday the Environmental Trust Board awarded \$5.1 million to 67 projects across the state. He added that follow-up work regarding the status of approved projects will be necessary and that various state agencies may be asked to assist. Questions were asked regarding the use of trust funds for projects on federally-owned lands and how follow-up work by Commission staff may affect our current budget and projects.

UPDATE ON PLATTE AND REPUBLICAN RIVER ACTIVITIES

Jim Cook reported on FERC relicensing and noted that FERC will begin the official consultation process this fall.

In regard to the MOA process, Cook explained that there have been some difficult meetings but some progress has occurred. There is a deadline of December 1, 1995, on having the principles in place.

Cook stated that substantial progress had been made at a meeting the previous week regarding negotiations on the Game and Parks Commission's application for instream flow in the Platte River.

Additional meetings have been held concerning the Nebraska vs. Wyoming lawsuit but there is little new to report.

Cook reported that Terry Woollen of the Lower Republican NRD, Mike Jess, and he have been named to the Nebraska negotiating team regarding the Republican River Basin situation with Kansas. He said five to ten meetings to negotiate the matter are expected. He also distributed a Lincoln Journal Star article about Kansas' position on Republican River flows.

Discussion on L.B. 108 followed.

RULE & REGULATION REVISIONS AND ADDITIONS

Cook explained that revised rules for administration of the Water Well Decommissioning Fund, proposed rules for administering the Natural Resources Enhancement Fund and new Title 261 rules governing formal agency procedures had been mailed to the Commission members. He noted that the available data make it difficult to determine the amount of fertilizer sold and used in each county and more information may be needed. Following discussion, motion was made by Bartak and seconded by Gifford to authorize the staff to refine the three sets of rules and set a hearing date of December 6, 1995, to receive testimony on them. Motion carried.

Aye: Gifford, Davis, Bartak, Shaughnessy, Stewart, Bell, Jiskra, Watermeier, Nelson, Welsh, and Roberts

Nay: None

Not Present: Kramper, Kroese, Larson, Hergott, Mercer

UPDATE ON LEGISLATIVE ISSUES

Cook distributed a schedule of the interim study hearings relating to Commission activities and reported he had attended a hearing on L.B. 237, the river assessment process. The bill calls for the creation of a 12-member task force and Senator Beutler may make an application to Environmental Trust for funding the process. Cook also reported that he will prepare Legislative Memo No. 1

before December 1.

LETTER FROM CFSA

Williamson reported he had recently received a letter from Frank Johansen, Executive Director of the Consolidated Farm Service Agency in Nebraska, which indicated that the Commission could provide state funds to offset federal funding of the Conservation Reserve Program. Cook commented that NSWCP funds could be used for this purpose but there are policy questions with doing so. The letter will be discussed at the next Commission meeting.

FLOODPLAIN MANAGEMENT STUDIES

Williamson reported that a meeting had been held with NRCS the previous day regarding the status of floodplain management studies. Steve Chick distributed some draft general notes regarding the functions and responsibility of the NRCS Watershed Planning Team and reviewed them. He suggested that the Commission should be responsible for floodplain management studies in Nebraska. He asked the Commission to set priorities on the studies NRCS is currently involved with and recommended that the Shell Creek study be tabled and that the Wahoo Creek, Turkey Creek, and Lower Big Nemaha studies be completed. Chick also commented on the Fish and Wildlife Service's position on wetland calls and on conservation practices that may reduce runoff to the Platte River.

COMPREHENSIVE PLANNING

Terry Kubicek reported that Gunnit Khurana of the Data Bank Section had resigned and commented on Gunnit's contributions to the agency. He distributed information regarding the Lancaster County Pilot DOQQ (Digital Orthophoto Quarter Quadrangles) Project and explained that this could serve as a base map for soil surveys.

Cliff Welsh then offered a resolution regarding soil surveys, the use of DOQQ's, and the role of the Conservation and Survey Division of UN-L. It was questioned whether this would redirect funds in the Commission budget. Cook said he hadn't seen the resolution and suggested it be considered as an agenda item at the December Commission meeting. Motion was made by Bell and seconded by Davis to table discussion on the subject until the next Commission meeting. Motion carried.

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

Nay: None

Not Present: Kramper, Shaughnessy, Kroese, Larson, Hergott,
Mercer

EXECUTIVE COMMITTEE

Roberts reported that the Committee had discussed its committees and decided that the present committee structure should be continued. It was noted that the Commission's role has changed and the Commission needed to look at ways to become a more effective organization and provide more leadership on issues such as conjunctive use and instream flow. The committee agreed that the Commission should take on more authority and that the individual members will have to take on additional responsibilities.

Roberts reported that Dayle Williamson had suggested that as part of the December Commission meeting it would be possible to have a "think tank" session led by a facilitator to begin discussing operational changes. Williamson was asked to provide an outline for such an activity and clear it with the Executive Committee by a conference call before moving ahead.

There were also questions relative to NARD's strategic planning effort that is currently underway. It was noted that it is important to tie that effort in with Commission activity as well as NRCS programs.

RESOURCES DEVELOPMENT FUND

Roy Stewart reported that Tom Pesek had distributed the Resources Development Fund financial status report and reviewed it for the Program Committee.

Stewart noted that the Enders Dam Project Proposal had been reviewed and a draft letter to the sponsors had been prepared. Don Roberts commented on the quantity and cost of water within the sponsoring irrigation districts. Motion was made by Stewart and seconded by Jiskra that the Commission advise the Frenchman Valley and the Hitchcock & Red Willow irrigation districts that they may proceed with an application and feasibility report for the Enders Dam Project and that they are to address the comments and questions contained in the letter from the Director of Natural Resources. Motion carried.

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

Nay: None

Not Present: Kramper, Shaughnessy, Kroese, Larson, Hergott,
Mercer

Stewart commented that Pesek had distributed and reviewed the financial status report for the Small Watersheds Flood Control Fund. Stewart reported that the FY 96 Land Sale was scheduled for January 10, 1996, and that bids had been received from five auctioneers. The auctioneer bids were reviewed and Jiskra commented that Bill Rut was well-known in the Swan Creek area. Following discussion, motion was made by Stewart and seconded by Davis that the Commission accept the bid of (1) Bill Rut (1.0% of

sale prices if the high bids are accepted and \$100 if the high bids are rejected) for the auction of the two tracts at Swan Creek Site 27; and (2) Jack Bernard (2.0% of sale price if the high bid is accepted and \$0 if the high bid is rejected) for the auction of the tract at Upper Big Nemaha Site 12-B. Motion carried.

Aye: Stewart, Bell, Jiskra, Watermeier, Nelson, Welsh,
Gifford, Davis, Bartak, and Roberts

Nay: None

Not Present: Larson, Hergott, Mercer, Kramper, Shaughnessy,
and Kroese

Ron Fleecs reviewed the Lower Big Blue NRD's request regarding land rights assistance at Wolf-Wildcat Site 68. He also noted that FEMA had recently approved 75% funding assistance at Sites 67 and 68 in the Wolf-Wildcat Watershed and at Site 60 of the Swan Creek Watershed. Motion was made by Stewart and seconded by Nelson that the Commission approve the appraisals on (1) the Andrew Schultz property and commit \$4,600 for easement on 17.7 acres; and (2) the Dale Buzzard property and commit \$1,600 for easement on 6.4 acres, both at Wolf-Wildcat Site 68. Motion carried.

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

Nay: None

Not Present: Hergott, Mercer, Kramper, Shaughnessy, Kroese,
Larson

Stewart noted that the Soil & Water Conservation Fund Status Report and the Summary of 1995-96 NRD Budgets had been distributed for review by the committee. Discussion regarding the status of Site 7g in the Weeping Water Creek Watershed and the various property tax initiatives had followed.

ANNOUNCEMENTS, FUTURE MEETINGS, REQUEST FOR AGENDA ITEMS

The next meeting of the Commission will be December 6 and 7 in Lincoln. Dale Watermeier suggested that the Commission members give some consideration to long-range planning before the December meeting and also asked if it would be possible to invite the Governor to the meeting.

ADJOURNMENT

The meeting was adjourned at approximately 12:45 p.m.

Chairman

Director of Natural Resources