

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
MARCH 11, 1996

Those in attendance were:

| | |
|-------------------------|----------------------------|
| Robert Bell, Chair | Steve Chick |
| Vince Kramper, Member | Perry Wigley |
| Don Larson, Member | Stan Staab |
| Glen Kroese, Member | Jim Neneman |
| Richard Jiskra, Member | Marlin Petermann |
| Joseph Hergott, Member | Ron Fleecs |
| Roy Stewart, Member | Dayle Williamson, Director |
| Frank Bartak, Member | Jim Cook, Staff |
| Clifford Welsh, Member | Terry Kubicek, Staff |
| Robert Gifford, Member | Tom Pesek, Staff |
| Richard Mercer, Member | Gayle Starr, Staff^M |
| Donald Roberts, Member | |
| Wilbur Nelson, Member | |
| Dale Watermeier, Member | |
| Wayne Davis, Member | |

CALL TO ORDER

The meeting was called to order by Chair Robert Bell in the meeting room of the Papio-Missouri River NRD, in Omaha, Nebraska at approximately 3:00 p.m.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL-STAR on March 4, 1996, and the OMAHA WORLD-HERALD on March 6, 1996, notifying the public of the meeting.

MINUTES

Motion was made by Kramper and seconded by Gifford to approve the minutes of the January 31, 1996 Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Shaughnessy

EXPENDITURES

Motion was made by Kramper and seconded by Gifford to approve the expenditure report for January and February, 1996, as distributed. Motion carried.

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

Nay: None

Not Present: Shaughnessy

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. Resources Development Fund Financial Status Report.
2. Small Watersheds Flood Control Fund Status Report.
3. Soil and Water Conservation Fund Status Report.
4. NRCS Report to the NRC and NARD.
5. Director's Report
6. Don Larson's report on NACD annual convention.
7. Handout from CSD-UNL on Geologic Mapping Activities.

DIRECTOR'S REPORT

Dayle Williamson noted that there are now three staff vacancies; two in the computer applications area and one position on the survey crews.

Dayle noted that he had attended the 50th anniversary conference of NACD in Las Vegas in February and that Vince Kramper had also attended and would be reporting later and Don Larson had provided members a written report. He added that NACD is coordinating a regional effort to develop a regional strategic plan with NRCS, state conservation agencies and conservation districts in the seven state region.

Williamson explained that the mutual agreements between the USDA, the state, and the NRDs, have been signed by Secretary of Agriculture Glickman and he is working with the Governor's office, along with Steve Chick, and Jerry Mathiasen for an appropriate signing ceremony with the Governor prior to distributing the agreements to all NRDs.

Williamson noted that state law requires NRDs to begin implementation of their ground water management plans on or before January 1, 1997 and that to do so some districts will have to adopt specific and precise rules and regulations. He urged Commission members to emphasize the importance of this effort to NRDs as they meet with them. He added that the Lower Platte Basin Reconnaissance Study being conducted by the Corps is nearing completion and that it will be reviewed with the Commission as soon as it is available. Williamson noted that the draft plan for the Niobrara Scenic River will be made available by the Park Service in late March and there will be a 45 day comment period.

Vince Kramper showed some pictures he had taken at the NACD convention and commented on several aspects of the convention.

ADVISOR'S COMMENTS

Steve Chick, NRCS State Conservationist, announced that there will be an early-out for CRP contracts that are expiring this year but a sign-up period has not yet been announced. He added that there will be some restrictions on the lands that will be allowed to take advantage of this early-out.

Chick noted that resolution of a new Farm Bill was still awaiting action by a conference committee of Congress. Chick stated that the NRCS is committed to conducting the 1997 NRI that is statistically reliable to the NRD level in Nebraska. He added that NRCS is advertising for a soil scientist liaison to be housed at the Natural Resources Commission to help accomplish the statewide digitized soil survey to SSURGO standards in three to five years. He also noted that NRCS is committed to fully support the establishment of GIS demonstration sites in Grand Island and Wahoo in cooperation with the Commission, the NRD, the Farm Service Agency, and other key partners as appropriate.

Perry Wigley, Director of the UNL Conservation and Survey Division, commented on geologic mapping, some of their public service efforts, and some personnel matters. He distributed a new brochure about the division and a sample brochure they have prepared about pesticides in ground water in each county. He also noted the availability of a new publications catalog.

ENVIRONMENTAL TRUST

Richard Mercer noted that the Environmental Trust is now receiving applications and will be reviewing them over the next several months. It was noted that applications for Environmental Trust funds for this time period are due April 10.

LEGISLATIVE & BUDGET COMMITTEE

Committee Chair, Robert Gifford, noted that Jim Cook had advised the committee that LB 108 had been reported out of committee on a 5 to 3 vote with amendments essentially the same as he had briefed the committee on in January. He added that Cook had also provided the committee with copies of the proposed amendments to LB 1385, which would direct the Commission to prepare two separate reports on NRDs with the first one due September 1, 1997, dealing with NRDs revenue base, board size, boundary changes, and possible consolidation, and the second due September 1, 1998 which would include an analysis of NRDs cost effectiveness, program effectiveness, duplication of responsibilities and authorities, and other services or areas that could facilitate property tax relief.

Motion was made by Gifford and seconded by Davis to support LB 1385, including the proposed amendments.

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

Nay: None

Not Present: Shaughnessy

Gifford added that Cook had briefed the committee on the package of legislation that has been forwarded to the full body by the Revenue Committee. He also responded to questions about specific items of legislation. He noted that the committee had briefly discussed LB 1190 and LB 1375, both relating to information technology but indicated that the committee had not taken any action to recommend Commission action on either bill. Clifford Welsh indicated that he would like to see the Commission take a position on the two bills and after a brief discussion a motion was made by Welsh and seconded by Watermeier to oppose LB 1190 as amended. Motion carried.

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

Nay: Kroese, Nelson

Not Present: Shaughnessy

Motion was made by Welsh and seconded by Kramper to support LB 1375. Motion carried.

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

Nay: None

Not Present: Shaughnessy

COMPREHENSIVE PLANNING COMMITTEE

Committee Chair, Clifford Welsh, noted that the Committee meeting time had been spent viewing and discussing an Internet demonstration and the various ways that an NRD could utilize the Internet for natural resources purposes. He thanked the Commission and NRD staff for conducting the demonstration for Commission members. He noted that a suggestion had been made that perhaps a similar type of demonstration for NRD personnel could be held at NRD locations such as Omaha, Grand Island, and Gering.

PROGRAM COMMITTEE

Vince Kramper noted that all Commission members present had attended the Program Committee meeting just previous to the Commission meeting and therefore he would not repeat the various status reports that were presented. He noted that the first item of committee recommendation for action related to approval of the Gering Canal and Flood Control Resources Development Fund Project.

Motion was made by Kramper and seconded by Larson that the Commission 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) Phase I of the Gering Canal and Flood Control Project will be of general Control Project will be of general public benefit to the applicant and will serve to generate revenue. Phase II of the project will primarily be of general public benefit and to a lesser extent will be of general benefit to the applicant;
- (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 Gering Irrigation District and the North Platte Natural Resources District are 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 identified areas in Gering and Scotts Bluff County which are subject to inundation from the 100-year flood.

and therefore the Commission resolves that:

(1) The Gering Canal and Flood Control 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 for Phase I, be in the form of a reduced interest loan for up to \$137,632.50, not to exceed 90% of the total project cost, currently estimated to be \$152,925.00; and the funding, if and when provided, for Phase II be in the form of a grant for up to \$105,155.20, not to exceed 60% of the total project cost currently estimated to be \$175,258.67 accompanied by the offer of a reduced interest loan for up to \$52,577.60, not to exceed 30% of the total project cost. The loan is to be of 10 years maximum duration at 3% interest with the Gering Irrigation District to repay 1/10th of the principal plus interest on the unpaid balance each year.

(3) As participating communities in the National Flood Insurance Program, the city and county, rather than the project sponsors, are responsible for submitting technical data to the Federal Emergency Management Agency (FEMA) reflecting this flood hazard. However, the sponsors should encourage the City of Gering and Scotts Bluff County to work with the Natural Resources Commission's Floodplain Management Section and the Federal Emergency Management Agency to delineate the 100-year floodplain

areas that were identified by this project.

(4) The Director of Natural Resources is authorized to negotiate and enter into a contract with the Gering Irrigation District and the North Platte Natural Resources District for carrying out the provisions of the project.

(5) The sponsor is authorized to begin work at any time and will be eligible for reimbursement if and when funds are obligated.

Motion carried.

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

Nay: None

Not Present: Shaughnessy

Kramper explained that Ron Fleecs, Manager of the Lower Big Blue NRD, had briefed the committee on their request to approve appraisals of authorized use of Small Watersheds flood control funds on six separate easements and one fee title acquisition at structure sites 12, 31, and 60 of the Swan Creek Watershed. Motion was made by Kramper and seconded by Roberts that the Commission approve the appraisals on:

(1) the Don Shutts property at Swan Creek Site 60 and commit \$1,560 for easement on 13.9 acres; (2) the Wieggers Trust property at Swan Creek Site 60 and commit \$4,050 for easement on 50.3 acres; (3) the Dennis Broz property at Swan Creek Site 12 and commit \$4,750 for easement on 27.3 acres; (4) the Agnes Krejdl property at Swan Creek Site 12 and commit \$3,250 for easement on 27.4 acres; (5) the Sasek Trust property at Swan Creek Site 12 and commit \$1,800 for easement on 15.1 acres; (6) the Don Shutts property at Swan Creek Site 31 and commit \$4,000 for easement on 23.7 acres; and (7) the Gilbert Deke property at Swan Creek Site 31 and commit \$107,800 for fee title on 160 acres.

Motion carried.

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

Nay: None

Not Present: Shaughnessy

Kramper added that Ralph Puls of the Papio-Missouri River NRD had briefed the Commission on a fee title acquisition involving Papio Watershed Site D-17 on which the NRD is requesting Small Watersheds Flood Control Fund assistance. He added that Commission members had seen the property earlier in the day on the tour conducted by the NRD.

Motion was made by Kramper and seconded by Jiskra that the

Commission approve funding assistance for fee title acquisition of the Mel Logeman property (37.54 acres) at Papio Watershed Site D-17 and commit \$225,240.00, the amount of the Douglas County Court award.

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

Nay: None

Not Present: Shaughnessy

NEXT MEETING

Dayle Williamson noted that the Middle Republican NRD had invited the Commission to have their August meeting in McCook, possibly in conjunction with a tour of portions of the Republican River Basin. Clifford Welsh requested that an item be on the agenda at the next Commission meeting to consider authorizing the Commission Chairman to assign a member to attend the GIS symposium. It was noted that the next regular Commission meeting on April 17 & 18 would include agenda items to consider the annual requests for Resources Development Funds.

ADJOURNMENT

The meeting was adjourned at approximately 4:10 p.m.

Chairman

Director