

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
OCTOBER 31, 1996

Those in attendance were:

Robert Bell, Chair	Harold Klaege
Don Larson, Member	Jerry Mathiasen
Joe Hergott, Member	Paul Rohrbaugh
Richard Jiskra, Member	Glenn Johnson
Dale Watermeier, Member	Dick Sklenar
Vince Kramper, Member	Julie Anderson
Frank Bartak, Member	Dayle Williamson, Director
Donald Roberts, Member	Jim Cook, Staff
Wilbur Nelson, Member	Terry Kubicek, Staff
Mike Shaughnessy, Member	Tom Pesek, Staff
Clifford Welsh, Member	Steve Gaul, Staff
Robert Gifford, Member	Gayle Starr, Staff
Wayne Davis, Member	

CALL TO ORDER

The meeting was called to order at 9:30 a.m. in Lower Level meeting room E in the Nebraska State Office building in Lincoln, Nebraska, by Commission Chair Robert Bell.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on October 23, 1996, 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. Semi-Annual Review of NRDF Projects, Oct. 22, 1996.
3. Memo to File - Flood Damages Prevented in 1996, Oct. 28, 1996.
4. Memo to members on Recommendations on the Enders Dam Project, 10-28-96.
5. Status of Small Watersheds Flood Control Fund.
6. Summary of Auctioneer Bids for FY 97 Sale.
7. Memo to Dayle from Chair Bell on Study of NRDs (LB 1085).
8. Memo from Don Larson on Sept. 24 NRC meeting in Kearney.
9. News article from the HOLT COUNTY INDEPENDENT, Oct. 24, 1996.
10. Minutes of the Comprehensive Planning Committee Meeting.
11. Minutes of the Program Committee Meeting.
12. NRCS report to NRC and NARD.

MINUTES

Motion was made by Kramper and seconded by Larson to approve the minutes of the September 24, 1996 Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Kroese, Stewart, Mercer

EXPENDITURES

Motion was made by Jiskra and seconded by Nelson to approve the expenditure report for September, 1996 as distributed. Motion carried.

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

Nay: None

Not Present: Kroese, Stewart, Mercer

DIRECTOR'S REPORT

Dayle Williamson noted that employee recognition programs had been held recently and that Allan Ruhge had received the Manager of the Year award and Jeanette Summers the Employee of the Year award for the Commission.

Williamson reported that the USDA co-location effort was moving along well in Nebraska.

Williamson also reported on the Niobrara Scenic River program and noted that Senator Beutler has called a hearing of the Natural Resources Committee for December 14 to discuss ways the state may help with the Scenic River Management Program.

Williamson also briefly reported on the NACD fall Board meeting and noted that the Board had approved the 21st Century Task Force report which proposes reorganization of the Governing Board and will have to be acted upon by the NACD Council before it is put in place.

Williamson called on Dale Watermeier, who chaired the Nebraska Committee that served as host of the National Envirothon this past summer, to brief the Commission on that event. Watermeier described the activities that had taken place at the National Envirothon and thanked all of those who had assisted. He added that he felt the event had been a big success.

ADVISOR'S COMMENTS

Harold Klaege, representing the Natural Resources Conservation

Service, commented on a number of aspects of the farm bill, including a Farm Bill Forum listening session that was held in Grand Island on October 15. He also noted that NRCS is updating their computer system and hopes to have it in place in the next several months. His written report was distributed to Commission members.

Jerry Mathiasen reviewed NARD's Draft Strategic Plan and responded to several questions. He also expressed appreciation to the Commission and staff for assisting with the national Envirothon that was held this past summer in Nebraska. He presented a plaque to Commission Chair Robert Bell and Dale Watermeier who had chaired the Envirothon event in recognition of the Commission's assistance.

ENVIRONMENTAL TRUST

Vince Kramper reported that the Environmental Trust Board had awarded 5.5 Million dollars for separate grants. He added that applications for the next round of approvals are due on November 22, and that the Board will take final action on those grants on April 29, 1997.

COMPREHENSIVE PLANNING COMMITTEE

Committee Chair, Clifford Welsh, reported that Terry Kubicek, Mahendra Bansal, and Jerry Wallin, had briefed the committee on GIS, DOQs, Data Bank activities, Nebraska Water Use Study, the Southeast Nebraska Stream Degradation Study, and the Rural Water Supply Study. He added that staff had provided Committee members with a demonstration of the GIS and soils information that can be used by county assessors in their agricultural real estate valuation efforts.

LEGISLATIVE & BUDGET COMMITTEE

Committee Chair, Robert Gifford, noted that the Committee had spent a considerable amount of time discussing the Commission's budget for their various funds and that Vince Kramper will be working with the Governor's office to try to set up a meeting with the Governor and key staff to explain the budgetary needs and the demand for funds in the various programs. He added that Mike Shaughnessy and he will be assisting Kramper in this effort.

Gifford noted that Senator Beutler has scheduled a December 4 hearing on the Natural Resources Committee in Lincoln for the purpose of receiving input about the designated Scenic River reach on the Niobrara River.

Gifford reported that staff attorney, Jim Cook, had also briefed the committee on the negotiations and lawsuits involving the Platte and Republican Rivers.

PROGRAM COMMITTEE

Committee Chair, Vince Kramper, noted that Tom Pesek had reviewed the Resources Development Fund Financial report with Committee members.

He added that the Director's recommendation on the Enders Dam Resources Development Fund project was ready for Commission action. Motion was made by Kramper and seconded by Gifford to adopt the following motion:

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

- (1) The Enders Dam Project will be both of general public benefit to the applicant and 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 Frenchman Valley and Hitchcock & Red Willow Irrigation Districts 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,

and therefore the Commission resolves that:

- (1) The Enders Dam 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 reduced interest loan for up to \$40,842.90, not to exceed 90% of the project cost allocated to irrigation which is currently estimated to be \$45,381.00. The loan is to be of 10 years maximum duration at 3% interest with the Frenchman Valley and Hitchcock & Red Willow Irrigation Districts to repay 1/10th of the principal plus interest on the unpaid balance each year.

(3) Funding should not be approved at this time for any costs allocated to flood control, recreation, or fish & wildlife (total of \$49,419.00). These costs are considered by the irrigation districts to be a federal responsibility and efforts are being made by the irrigation districts to get the federal government to assume that responsibility.

(4) The Director of Natural Resources is authorized to negotiate and enter into a contract with the Frenchman Valley and Hitchcock & Red Willow Irrigation Districts for carrying out the provisions of the project.

Motion carried.

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

Nay: None

Not Present: Mercer, Kroese, Stewart

Kramper noted that the semi-annual review of active projects is to be presented to the full Commission. Richard Sklenar, representing the Papio-Missouri River NRD, briefed the Commission on the Papio Site 21 project. Glenn Johnson, representing the Lower Platte South NRD, briefed the Commission on the Weeping Water Project; and Paul Rohrbaugh, representing the Nemaha NRD, briefed the Commission on the Upper Little Nemaha project.

Kramper noted that the committee had reviewed the Small Watersheds Flood Control Fund status report.

Kramper noted that the committee had reviewed the bids received for the January land sales. Motion was made by Kramper and seconded by Nelson to accept the bid of (1) Jack Bernard (2.0 % of the sale price is the high bid is accepted and \$0 if the high bid is rejected) for the auction of the tract at Wolf-Wildcat 51 and (2) Don Vrana (1.5 percent of the sale price of the high bid is accepted and \$0 if the high bid is rejected) for the auction of the tract itself (Branch Little Nemaha 27). Motion carried.

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

Nay: None

Not Present: Mercer, Kroese, Stewart

Kramper explained that the committee had a lengthy discussion on the possibility of establishing priorities for the use of the Small Watersheds Flood Control Fund but had reached a consensus that the request should be considered when received.

Kramper also noted that the Soil and Water Conservation Fund status report had been distributed and it was added that some adjustments may need to be made in the fund at some future date to make sure it is compatible with the federal EQIP program.

Dayle Williamson explained that Commission members had been provided information concerning the proposed rules for the EQIP program and other aspects of the conservation provisions of the 1996 federal Farm Bill and that if anybody had any comments they should submit them to either himself or NRCS.

1085 Studies

Williamson explained that he had provided Commission members some information regarding the 1085 studies and that Commission members should be working with the NRDs in their area to develop some ideas or suggestions as to what should be included in the Commission studies. He indicated that at the December Commission meeting a time period of at least two hours would be set aside to fully discuss the various ideas that Commission members or others might have in regard to the study. There was agreement that Commission members should work with NRD directors and the staff in their basins to develop some ideas to be discussed by the Commission at the December meeting.

Nebraska Supreme Court Interstate Water Decision

Jim Cook briefed the Commission on the recent Supreme Court decision to uphold the denial by the Department of Water Resources of a permit to pump ground water in Banner County and transport it to a confined swine facility just across the state border in Wyoming. He noted that the primary basis for the denial was that the applicant had not fully explored the possibilities of acquiring water in Wyoming. Bob Gifford noted that he was concerned that the North Platte NRD and Banner County had not been able to intervene in the case and indicated that he had asked Jim Cook to work with others involved to draft legislation that would allow NRDs to intervene in such instances.

NEXT MEETING

The next meeting of the Commission will be December 11 & 12, 1996, in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 11:20 a.m.

Chairman
Resources

Director of Natural