

MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
APRIL 30, 1998

Vince Kramper, Chair	Harold Klaege, NRCS
Wayne Davis, Member	Marlin Petermann, P-MRNRD
Don Larson, Member	Tom Moser, L&CNRD
Beverly Donaldson, Member	Glenn Johnson, LPSNRD
Dale Watermeier, Member	Milton Moravek, CPNRD
Joseph Hergott, Member	Terry Kubicek, Staff
Richard Jiskra, Member	Jim Cook, Staff
Wilbur Nelson, Member	Gayle Starr, Staff
Mike Shaughnessy, Member	Tom Pesek, Staff
Richard Mercer, Member	
Don Roberts, Member	
Clifford Welsh, Member	
LeRoy Pieper, Member	
Frank Bartak, Member	
Roy Stewart, Member	
Glen Kroese, Member	

CALL TO ORDER

The meeting was called to order in the Conference Room of the Lower Platte South NRD, 3125 Portia Street, Lincoln, Nebraska by Commission Chair, Vince Kramper, at approximately 10:00 a.m.

NOTICE OF THE MEETING

Public notice of the meeting was placed in the LINCOLN JOURNAL STAR on April 22, 1998, 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
2. Status of Small Watersheds Flood Control Fund
3. Director of Natural Resources Recommendation on Powder Creek Project
4. Director of Natural Resources Recommendation on Wakefield Levee Project
5. Letter from Lower Platte North NRD on Skull Creek Structure Site #55 Project
6. Soil and Water Conservation Program Fund Report - 3/98 & 4/98
7. Special Commission Meeting Agenda - April 29, 1998
8. NRDF Project Priority Establishment - April 1998 Notebook
9. Assessment Calculations Chart
10. NNRC Project Priority Evaluation Sheet
11. Director of Natural Resources' Recommendation for FY 99 Obligation of Funds

MINUTES

Motion was made by Jiskra and seconded by Welsh to approve the minutes of the March 19, Jiskra, Watermeier, and Kramper

1998, Commission meeting as distributed. Motion carried.

Aye: Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott,

Nay: None

Not Present: Davis, Stewart, Nelson

EXPENDITURES

Motion was made by Roberts and seconded by Bartak to approve the expenditures report for March 1998, as distributed. Motion carried.

Aye: Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Kramper, and Mercer

Nay: None

Not Present: Davis, Stewart, Nelson, Watermeier

DIRECTOR'S REPORT

Harold Klaege and Terry Kubicek introduced a short NRCS video celebrating the first 100 year's of the Soil Survey Program and showed the video to the Commission.

Klaege distributed a report from the Natural Resources Conservation Service and highlighted several of the items included in the report.

REPORT ON ENVIRONMENTAL TRUST ACTIVITIES

Richard Mercer noted that the Environmental Trust Board at their next meeting has invited a number of people in order to thank the various technical people who have assisted the board in their evaluation of applications and to receive input from various organizations on the trust program.

PLATTE RIVER ACTIVITIES

Staff Attorney, Jim Cook, reviewed activities related to the Platte River Governance Committee and cooperative agreement as well as the Nebraska/Wyoming law suit.

L.B. 1085 COMMITTEE

Vince Kramper noted that the 1085 Committee had met yesterday and a number of Commission members had been in attendance. He noted that the committee would be meeting again in conjunction with the June Commission meeting and hope to finalize their report at that time.

LEGISLATIVE & BUDGET COMMITTEE

Don Roberts and Jim Cook noted that Commission members had been provided Legislative Memo #16 which summarizes legislation adopted this year as well as several interim study resolutions of interest to the Commission.

PROGRAM COMMITTEE

Richard Jiskra explained that the Committee had spent most of their time discussing the Resources Development Fund and was recommending a number of Commission actions regarding

the approval of projects and obligation of funds for the upcoming year. Jiskra explained that Tom Pesek had reviewed the Small Watersheds Flood Control Fund Status Report with the committee and that Gayle Starr had reviewed the Soil & Water Conservation Fund Status Report.

Motion was made by Jiskra and seconded by Roberts that the Commission adopt the following motion:

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

- (1) The Powder Creek 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 Lewis & Clark 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 therefore resolves that:

- (1) The Powder Creek 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 \$453,671.40, not to exceed 65% of the eligible non-federal project cost of \$697,956.00.
- (3) The funding recommended is contingent upon the funding anticipated from the NRCS through its P.L. 566 Program at this time. The level of NRDF assistance may be adjusted, depending upon the actual funding that becomes available from NRCS and any other sources, such as Wallop-Breaux and the Sport Fish Restoration Program administered by the Game and Parks Commission.
- (4) The Director of Natural Resources is authorized to negotiate and enter into a contract with the Lewis & Clark NRD for carrying out the provisions of the project.

Motion carried.

Aye: Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, and Welsh

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Bartak that the Commission adopt the following motion:

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

- (1) The Wakefield Levee 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 City of Wakefield 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 therefore resolves that:

- (1) The Wakefield Levee 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 \$719,838, not to exceed 70% of the total project cost of \$1,028,340.
- (3) The funding level recommended assumes that there will not be any funding provided by Federal Emergency Management Agency (FEMA) through its Hazard Mitigation Grant Program (HMGP). If any HMGP or other funding is made available for the project, the level of NRDF assistance will be reconsidered and may be adjusted.
- (4) The Director of Natural Resources is authorized to negotiate and enter into a contract with the City of Wakefield for carrying out the provisions of the project.

Motion carried.

Aye: Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, and Donaldson

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Watermeier that the Commission reaffirm its approval of the Skull Creek Site 55 Project, increase the project allocation from \$389,517 to \$494,943 (75% of total project cost) with the stipulation that 75% adequate land treatment be in place before construction of the dam begins, and allow the project sponsor to proceed with final design and appraisal work at its own expense in FY 99. Motion carried.

Aye: Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, and Pieper

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Pieper that the Commission approve the Papio-Missouri River NRD's request for increased allocations of \$102,636.00 for Component 6a and \$52,928.38 for Component 10a of the Papio Site 21 Project resulting in a new project allocation of \$4,568,450.90. Motion carried.

Aye: Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, and Bartak

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Roberts that the Commission approve the Gering Irrigation District's request for increased allocations of \$6,430.50 for Component 3 and

\$23,506.69 for Component 4 of the Gering Canal Project resulting in a new project allocation of \$325,302.49. Motion carried.

Aye: Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, Bartak, and Larson

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Bartak to recommend that the Commission approve the Central Platte NRD's request for an increased allocation of \$362,280 for Component 1b, of the Lower Wood River/Upper Warm Slough Project resulting in a new project allocation of \$3,553,721.02. Motion carried.

Aye: Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, and Shaughnessy

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Larson to recommend that the Commission approve the Nemaha NRD's request for an increased allocation of \$71,861.66 for Component 4 of the Upper Little Nemaha Watershed Project resulting in a new project allocation of \$3,858,263.66. Motion carried.

Aye: Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, and Roberts

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Roberts to recommend that the Commission rescind the \$37,064.25 currently obligated to the Enders Dam Project due to delay in project design and make the funds available for obligation to other projects in FY 99. Motion carried.

Aye: Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, and Hergott

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Larson to recommend that the Commission accept the sponsors' reports for the Papio Site 21 Project, the Gering Canal Project, the Pender Flood Control Project, and the Weeping Water Creek Watershed Project; accept in part the sponsors' project reports for the Upper Little Nemaha Watershed Project and the Lower Wood River/Upper Warm Slough Project, and reject the sponsors' reports for the Powder Creek Project, the Wakefield Levee Project, and the Skull Creek Site 55 Project. Motion carried.

Aye: Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, and Jiskra,

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Larson to recommend that the Commission establish the following separable components:

PROJECT	PROJECT COMPONENT	REQUEST FOR FY 99
Upper Little Nemaha	4. Design of Sites 21, 26 & 79 (Increased Allocation)	\$ 71,861.66 458,250.00
	10. Construction of Sites 25, 31, & 61	\$530,111.66
Lower Wood River/	1b. Lands & Easements - Remainder	\$631,938.55

Upper Warm Slough	(Increased Allocation of \$362,280)	\$631,938.55
Papio Site 21	6a. Access Road Construction	\$182,076.02
	(Increased Allocation of \$102,636)	
	8a. Design of Recreation Facilities	18,426.52
	(Phase III)	
	10a. Construction of Recreation Facilities	542,646.18
	(Phase III)	
	(Increased Allocation of \$52,928.38)	\$743,148.72
Gering Canal	3. Complete By-Pass	\$ 6,430.50
	(Increased Allocation)	
	4. Complete Spillway	23,506.69
	(Increased Allocation)	\$ 29,937.19
Pender Flood Control	1b. Complete Lands, Easements, & R-O-W	\$286,098.00
		\$286,098.00
Weeping Water	15. Construction of Dam 8a	\$420,964.00
		420,964.00
	TOTAL:	\$2,642,198.12

Motion carried.

Aye: Kramper, Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, and Watermeier

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Roberts that the Commission adopt the following priority list:

PRIORITY LIST #1

1. Papio Site 21
2. Gering Canal
3. Pender Flood Control
4. Weeping Water Creek Watershed
5. Upper Little Nemaha Watershed
6. Lower Wood River/Upper Warm Slough

Motion carried.

Aye: Mercer, Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, and Kramper

Nay: None

Not Present: Davis, Stewart, Nelson

Motion was made by Jiskra and seconded by Larson to recommend that the Commission obligate FY 99 funds as follows with the stipulation that those funds obligated to Component 1b of the Lower Wood River/Upper Warm Slough Project shall be automatically rescinded this fall when Congress adjourns if this session of Congress fails to reauthorize and fund the project:

PROJECT	PROJECT COMPONENT	REQUEST FOR FY 99	TOTAL COST
Upper Little Nemaha	4. Design of Sites 21, 26 & 79	\$ 71,861.66	
	(Increased Allocation)		
	10. Construction of Sites 25, 31, & 61	458,250.00	

\$530,111.66 \$ 706,815.55

Lower Wood River/ Upper Warm Slough	1b. Lands & Easements - Remainder (Increased Allocation of \$362,280)	\$631,938.55 \$631,938.55	\$1,053,230.92
Papio Site 21	6a. Access Road Construction (Increased Allocation of \$102,636)	\$182,076.02	
	8a. Design of Recreation Facilities (Phase III)	18,426.52	
	10a. Construction of Recreation Facilities (Phase III) (Increased Allocation of \$52,928.38)	542,646.18 \$743,148.72	\$ 990,864.96
Gering Canal	3. Complete By-Pass (Increased Allocation)	\$ 6,430.50	
	4. Complete Spillway (Increased Allocation)	23,506.69 \$ 29,937.19	\$ 33,263.54
Pender Flood Control	1b. Complete Lands, Easements, & R-O-W	\$286,098.00 \$286,098.00	\$ 476,830.00
Weeping Water	15. Construction of Dam 8a	\$420,964.00 \$420,964.00	\$ 561,285.33
	TOTAL:	\$2,642,198.12	\$3,822,290.30

Motion carried.

Aye: Welsh, Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, and Mercer

Nay: None

Not Present: Davis, Stewart, Nelson

Jiskra explained that Jim Cook had explained to the committee the need to prepare rules and regulations to implement the flow meter cost-share provisions of L.B. 1161. Motion was made by Jiskra and seconded by Roberts to authorize the staff to prepare rules and regulations for L.B. 1161.. Motion carried.

Aye: Donaldson, Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, and Welsh

Nay: None

Not Present: Davis, Stewart, Nelson

JUNE COMMISSION MEETING DATE

Commission Chair Kramper noted that it would be helpful to the NRDs in the Republican Basin if the Commission could change their June meeting date from June 10-11 to June 24-25 so that the hearing and approval of the L.B. 1161 rules and regulations could be completed at the June Commission meeting. Motion was made by Bartak and seconded by Roberts to change the June Commission meeting to be June 24-25. Motion carried.

Aye: Pieper, Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Kramper, Mercer, Welsh, and Donaldson

Nay: None

Not Present: Davis, Stewart, Nelson, Watermeier

AUGUST COMMISSION MEETING

Kramper noted that it had been explained that the UN-L Water Center/Kearney Chamber of Commerce tour of the Arkansas River Basin in Colorado was scheduled the same week as the current date for the August Commission meeting (August 12-13) and it would be helpful to change that date to accommodate those that might want to take part in that tour. Motion was made by Shaughnessy and seconded by Roberts to change the August Commission meeting date to August 19-20. Motion carried.

Aye: Bartak, Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Kramper, Mercer, Welsh, Donaldson, and Pieper

Nay: None

Not Present: Davis, Stewart, Nelson

Abstain: Watermeier

NRD/DRAINAGE DISTRICT MERGER HEARING

Jim Cook explained that a request had been received from the Papio-Missouri River NRD to hold a hearing to consider the proposed merger of Drainage District #5, Dakota County, with the Papio-Missouri River NRD. He added that they had asked the Hearing be on September 10. He noted that it was not necessary for Commission members to be present for that hearing, but the staff would prepare a Hearing Record and the Commission needed to act on the proposed merger at a later date. Motion was made by Pieper and seconded by Jiskra to authorize the staff to work with the NRD and the Drainage District to finalize the merger proposal and to schedule a hearing in Dakota County for the proposed merger. Motion carried.

Aye: Larson, Shaughnessy, Kroese, Roberts, Hergott, Jiskra, Watermeier, Kramper, Mercer, Welsh, Donaldson, Pieper, and Bartak

Nay: None

Not Present: Davis, Stewart, Nelson

NEXT MEETING

The next meeting of the Commission will be June 24-25 in Lincoln. Dale Watermeier requested that an item be on the next meeting agenda to discuss and possibly change the Resources Development Fund priority process.

ADJOURNMENT

The meeting was adjourned at approximately 11:40 a.m.

Chairman

Director of Natural Resources

May 13, 1998