

## MINUTES OF THE

# NEBRASKA NATURAL RESOURCES COMMISSION MEETING

DECEMBER 9, 1999

---

### Those in attendance were:

Wayne Davis, Chair	Paul Rohrbaugh
Vince Kramper, Member	Glenn Johnson
Beverly Donaldson, Member	Paul Zillig
Don Larson, Member	Wayne Nicholson
Dick Jiskra, Member	Sadie Nicholson
Joseph Hergott, Member	Steve Chick
Dale Watermeier, Member	Dan Wiley
Roy Stewart, Member	Richard Jones
Frank Bartak, Member	Dayle Williamson, Director
Richard Mercer, Member	Jim Cook, Staff
Jim Van Marter, Member	Tom Pesek, Staff
Roger Korell, Member	Gayle Starr, Staff
Wayne Madsen, Member	Jerry Vandersnick
Robert Hahn, Member	
LeRoy Pieper, Member	
Don Roberts, Member	

### CALL TO ORDER

Commission Chair Wayne Davis called the meeting to order at 9:30 a.m. in the conference room of the Lower Platte South NRD office in Lincoln, Nebraska.

### PUBLIC NOTICE

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on December 1, 1999, 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. Natural Resources Conservation Service Report to the Nebraska Natural Resources Commission and Nebraska Association of Resources Districts, Dec., 1999.
2. Soil & Water Conservation Fund Report.
3. Nebraska Resources Development Fund Present Financial Status Report.
4. Small Watersheds Flood Control Fund, Status of Fund Report.
5. Natural Resources Enhancement Fund Distribution.
6. Minutes of the Program Committee Meeting.
7. Minutes of the Comprehensive Planning Committee Meeting.

8. Letter to NRC from Nemaha NRD on funding for Upper Little Nemaha Sites 25, 31, 42, 50, 61, and 63 and Middle Big Nemaha Sites 3 and 88.
9. Application from Nemaha NRD for Buck/Duck Watershed development.
10. Copy of Aug. 11, 1999 memo to Commission members on Recommendation on the Weeping Water Creek Site 7g Project.
11. Letter to NRC from Lower Platte South NRD on Stevens Creek Watershed Project, NRDF FY 2000 Funding.

### MINUTES

Motion was made by Kramper and seconded by Van Marter to approve the minutes of the October 28, 1999, Commission meetings as distributed. Motion carried.

Aye: Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Davis

Nay: None

### EXPENDITURES

Motion was made by Kramper and seconded by Jiskra to approve the expenditures for October and November, 1999, as distributed Motion carried.

Aye: Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Davis

Nay: None

### DIRECTOR'S REPORT

Dayle Williamson distributed a report prepared by State Department of Agriculture Director, Merlyn Carlson, regarding the recent trade mission to China that was headed by Governor Johanns. He called on Gayle Starr to discuss the USDA Forum on Conservation on Private Lands held on December 7, in Ames, Iowa.

Williamson introduced Jerry Vandersnick who has recently been employed as the Platte River Information Officer. Williamson added that Vandersnick had transferred from the Department of Environmental Quality and has moved to Kearney to work in his new position.

### ADVISOR'S COMMENTS

NRCS State Conservationist, Steve Chick, distributed a report and commented briefly on the Emergency Watershed program, the watershed program, the Environmental Quality Incentive Program (NQIP). He then discussed the carbon sequestration issue, including a potential state legislative act that is designed to begin the process for establishing a data base for potential carbon sequestration issues.

### ENVIRONMENTAL TRUST FUND

Dick Mercer commented that legislative committees had recently held hearings on resolutions relating to the potential change in the distribution of lottery funds to the Environmental Trust. Vince Kramper noted that the Trust had received 140 applications for about \$39,000,000 and that the committee to evaluate the applications is proceeding with their work. He noted that there is about \$10,000,000 available for distribution but because of commitments to previously approved multi-year projects, only about \$3,000,000 will be available for new projects.

### REPUBLICAN AND PLATTE RIVER ACTIVITIES

Jim Cook noted that a master has recently been appointed by the Supreme Court regarding the Republican River issue so it is possible that there will be some developments on that lawsuit in the next several months.

Cook noted that considerable activity is continuing with regard to the Platte River and the Governance Committee is meeting on a regular basis to discuss the various issues involved. He added that the current activity of the Governance Committee primarily relates to the Water Action Plan, which will be the basis for any potential agreement.

#### DWR/NRC MERGER

Dayle Williamson briefly reviewed the history of the proposed merger and indicated that the report that he and Roger Patterson had finalized in November had been submitted to the Governor and the Commission members had all received a copy. He noted that he and Roger had met with the Governor and that they will be meeting with the Governor and Senator Ed Schrock later in the month. He added that the Governor had endorsed the proposed merger and it is anticipated that legislation will be submitted to this session of the Legislature. In response to a question Williamson stated that the effective date of such a merger is still open to question but that it should not be delayed too long.

Sue France, representing the Department of Water Resources, indicated that the two agencies had worked together well in developing the report and that she felt the Commission had a great deal of expertise that could be helpful to the Department of Water Resources. She added that while there was very little overlap between the two agencies a merger should result in a more efficient operation.

#### COMPREHENSIVE PLANNING COMMITTEE

Don Roberts explained the Comprehensive Planning Committee had met on Wednesday afternoon and had first viewed a brief video about the activities of the Nebraska Environmental Trust. He added that Steve Gaul had reported to the committee regarding the Platte River Cooperative Hydrology Study floodprone area mapping, the completion of the production of the DEMs and DOQs, and other Comprehensive Planning Section activities.

Roberts reported that Mahendra Bansal had advised the committee that the agency's computer system is almost Y2K ready and that the Commission had recently entered into an agreement with the USGS for the revision of DEMs and DOQs based on 1999 imagery. He added that the first work will be done for Lancaster County on a test basis to develop procedures and processes.

#### LEGISLATIVE & BUDGET COMMITTEE

Dick Mercer had explained that all Commission members had been present at the Legislative and Budget Committee meetings prior to the Commission meeting and that agency legal counsel, Jim Cook, had briefed the committee on various carryover legislation from the last legislative session and any potential legislative bills that he was aware of at this time. He added that Cook had also updated them on interim legislative activities and hearings that have been held by committees on resolutions of interest to the Commission.

#### PROGRAM COMMITTEE

Leroy Pieper noted that the Program Committee had met Wednesday afternoon and the first item of business was the Resources Development Fund Project proposal for the Rushville Flood Control Project submitted by the Upper Niobrara-White NRD. He explained that Richard Jones, Mayor of Rushville, and Upper Niobrara White Manager, Dan Wiley, had shown a video of recent flooding in Rushville and had discussed their proposed project. Motion was made by Pieper and seconded by Roberts to advise the Upper Niobrara-White NRD that it may proceed with an application and feasibility report the Rushville Flood Control project and that it is to address the comments and questions contained in the letter from the Director of Natural Resources. Motion carried.

Aye: Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Davis

Nay: None

Not Present: None

Pieper noted that the three-member committee (Kramper, Bartak, and Mercer) had recommended approval of the Director of Natural Resources' recommendation on the Weeping Water 7g project with the addition of clauses to recognize the need to have Cass County agree to road alterations and that no funds be expended until that issue is resolved. Motion was made by Pieper and seconded by Kramper that 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 Weeping Water Creek Site 7g 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 Lower Platte South NRD is qualified, responsible, and legally capable of carrying out the project provided there is Cass County Board agreement regarding county roads in the reservoir area;
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; and,
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 Weeping Water Creek Site 7g 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 system for obligating funds.
2. The funding, if and when provided, be in the form of a grant for up to \$1,276,410, not to exceed 50% of the estimated total project cost of \$2,552,820.
3. The Director of Natural Resources is authorized to negotiate and enter into a contract with the Lower Platte South NRD for carrying out the provisions of the project.
4. This action is contingent upon agreement with the Cass County Board of Commissioners regarding the county roads in the Site 7g reservoir area.
5. No additional NRDF funds are to be disbursed to the Lower Platte South NRD for any work at Site 7g without the Cass County agreement noted above in (4).

An amendment to the motion was made by Madsen and seconded by Stewart that the funding, if and when provided, be in the form of a grant for up to \$1.00. Amendment failed:

Aye: Jiskra, Pieper, Korell, Madsen, Stewart, Davis

Nay: Mercer, Bartak, Larson, Kramper, Van Marter, Roberts, Hahn, Hergott, Donaldson

Present, Not Eligible to Vote: Watermeier

An amendment was submitted by Stewart and seconded by Jiskra that the funding, if and when provided, be in the form of a grant for up to \$638,205, not to exceed 25 percent of the estimated total project cost of \$2,552,820. Amendment failed.

Aye: Jiskra, Pieper, Korell, Madsen, Stewart, Davis

Nay: Bartak, Larson, Kramper, Van Marter, Roberts, Hahn, Hergott, Donaldson, Mercer

Present, Not Eligible to Vote: Watermeier

Original motion carried.

Aye: Pieper, Bartak, Larson, Kramper, Madsen, Van Marter, Roberts, Hahn, Hergott, Donaldson, Mercer

Nay: Korell, Stewart, Jiskra, Davis

Present, Not Eligible to Vote: Watermeier

Pieper explained that Paul Zillig, representing the Lower Platte South NRD had explained their request for the obligation of funds for the Stevens Creek Project. Motion was made by Pieper and seconded by Roberts to obligate a total of \$92,981.75 in NRDF funds for the Stevens Creek Watershed Project to Component 1: Feasibility Study; \$26,981.75 and Component 2: Engineering and Design (partial) \$66,000 effective immediately. Motion carried.

Aye: Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Davis

Nay: None

Not Present: None

Pieper explained that Paul Rohrbaugh, Manager of the Nemaha NRD, had reviewed a number of easement and fee title appraisals involving the Middle Big Nemaha and the Upper Little Nemaha Watershed and that the NRD was requesting approval for funding for these appraisals from the Small Watersheds Flood Control Fund. Motion was made by Pieper and seconded by Larson that the Commission approve the appraisals on:

1. the Wusk tract (67.8 acres) at Middle Big Nemaha Site 3 and commit 50% of of \$52,960 for easement;
2. the Janssen tract (45.8 acres) at Middle Big Nemaha Site 3 and commit 50% of \$32,800 for easement;
3. the Eckert tract (43.5 acres) at Middle Big Nemaha Site 3 and commit 50% of \$16,560 for easement;
4. the Wolken tract (67.7 acres) at Middle Big Nemaha Site 12 and commit 50% of \$26,480 for easement; and,
5. the Kramer tract (149.8 acres) at Middle Big Nemaha Site 12 and commit 100% of \$172,120 for fee title.

Motion carried.

Aye: Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Davis

Nay: None

Not Present: None

Motion was made by Pieper and seconded by Larson that the Commission approve the appraisals involving the Upper Little Nemaha Watershed as follows:

1. the Jensen tract (27.8 acres) at Upper Little Nemaha Site 25 and commit 50% of \$53,440 for easement;
2. the Wanamaker tract (45.5 acres) at Upper Little Nemaha Site 31 and commit 50% of \$96,480 for

- easement:
3. the Shuster Enterprises tract (55.7 acres) at Upper Little Nemaha Site 42 and commit 50% of \$118,895 for easement;
  4. the Wyatt tract (49.7 acres) at Upper Little Nemaha Site 50 and commit 50% of \$94,880 for easement;
  5. the Howe tract (65.6 acres) at Upper Little Nemaha Site 63 and commit 50% of \$86,862 for easement;
  6. the Wachter tract (79.2 acres) at Upper Little Nemaha Site 63 and commit 50% of \$176,539 for easement; and
  7. the Oehlerkin tract (30.3 acres) at Upper Little Nemaha Site 63 and commit 50% of \$29,009 for easement.

Motion carried.

Aye: Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Davis

Nay: None

Not Present: None

Pieper indicated that Pesek and Lynne Heng, representing the Nemaha NRD, had discussed a PL566 Watershed application submitted by the NRD for the Buck/Duck Creek Watershed. Motion was made by Pieper and seconded by Larson to approve the Nemaha NRD's application for federal assistance to the NRCS's PL566 program for the Buck/Duck Watershed and forward the application on to NRCS. Motion carried.

Aye: Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Davis

Nay: None

Not Present: None

NEXT MEETING

The next meeting of the Commission is scheduled for January 26 in connection with the NARD annual conference. It was agreed that the Commission meeting schedule should be developed so that the meeting is concluded all in one day, following the NARD's session. Jim Van Marter and others requested that the next year's meeting schedule for proposed Commission meeting dates be developed as soon as possible for the planning purpose of members. (Since the NARD meetings will be at the Cornhusker Hotel, we have made room reservations there for this meeting only. Also, our meetings will be held in the State Office Building, lower level, room A.)

ADJOURNMENT

The meeting was adjourned at approximately 11:00 a.m.

