

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION

JANUARY 27, 1999

Those in attendance were:

Vince Kramper, Chair	Paul Zillig
Roy Stewart, Member	Dennis Schueth
Frank Bartak, Member	John Thorburn
Dale Watermeier, Member	Russ Edeal
Joe Hergott, Member	Steve Oltmans
Richard Jiskra, Member	Marlin Petermann
Don Larson, Member	John Cambridge
Glen Kroese, Member	Wally Baird
Beverly Donaldson, Member	Ron Moore
Richard Mercer, Member	Dayle Williamson, Director
Ron Nelson, Member	Jim Cook, Staff
Don Roberts, Member	Tom Pesek, Staff
Wayne Davis, Member	Steve Gaul, Staff
Bob Hahn, Member	Mahendra Bansal, Staff
Steve Chick	Jill Richters, Staff
Mark Kuzila	Gayle Starr, Staff
Glenn Johnson	

CALL TO ORDER

The meeting was called to order in Lower Level, Conference Room C in the Nebraska State Office Building in Lincoln, Nebraska, by Commission Chair, Vince Kramper, at approximately 2:00 p.m.

PUBLIC NOTICE

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on January 20, 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, January, 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 Receipts.
6. Draft letter to Steve Oltmans on buyout project.

7. Soil and Water Conservation Committee minutes..
8. Stevens Creek Watershed Plan map.
9. Governor's State of the State Address.

MINUTES

Motion was made by Stewart and seconded by Jiskra to approve the minutes of the December 10, 1998, Commission meeting as distributed. Motion carried.

Aye: Nelson, Hergott, Jiskra, Watermeier, Mercer, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Kramper
Nay: None
Not Present: Roberts, Pieper, Shaughnessy, Davis

EXPENDITURES

Motion was made by Bartak and seconded by Watermeier to approve the expenditure report for December, 1998, as distributed Motion carried.

Aye: Hergott, Jiskra, Watermeier, Mercer, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Nelson, Kramper
Nay: None
Not Present: Roberts, Pieper, Shaughnessy, Davis

ADVISOR'S COMMENTS

Mark Kuzila, Director of the Conservation & Survey Division at UNL, expressed his appreciation for the Commission's contributions in the Soil Survey Program and working with the Commission staff on the digitization of soil surveys.

Steve Chick, NRCS state conservationist, distributed a report and briefly commented on the CRP program, the NRCS budget, and the NRCS workload.

ENVIRONMENTAL TRUST

Dick Mercer indicated that the Applications Review Committee had tentatively approved about twelve million dollars of applications and that they would be reviewed at their 16th of February meeting in Columbus. Mercer added that LB 187, as introduced in the Legislature, would reduce the amount of funds received by the Environmental Trust by nearly 70 percent and that the hearing on the bill is scheduled for February 8.

LEGISLATION

Russ Edeal, representing the Tri-Basin NRD, explained that because of changes in the requirements for decommissioning water wells, the cost had increased and therefore he felt that the state should increase its financial input for the Water Well Decommissioning Fund from \$99,000 to \$160,000. He added that NARD had gone on record in support of that position. Motion was made by Jiskra and seconded by Bartak to support the request of an increased appropriation for the Water Well Decommissioning Fund to a total of \$160,000 per year. Motion carried.

Aye: Jiskra, Watermeier, Mercer, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Nelson, Hergott, Kramper
Nay: None
Not Present: Pieper, Shaughnessy, Roberts, Davis

Jim Cook reviewed a number of natural resources bills that have been introduced in the Legislature this year and responded to a number of questions concerning the proposed bills. Action was taken by the Commission on a number of those bills as follows:

Motion was made by Stewart and seconded by Donaldson to support LB 231 relating to extension of the fertilizer fee. Motion carried.

Aye: Mercer, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Jiskra, Watermeier, Kramper, Nelson, Hergott
Nay: None
Not Present: Pieper, Shaughnessy, Roberts, Davis

Motion was made by Bartak and seconded by Stewart to support the concept of LB 639 relating to the merger of four state agencies but to suggest a delay in implementation in order to give sufficient time to fully study and develop the legislation. Motion carried.

Aye: Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Jiskra, Watermeier, Mercer, Kramper
Nay: Roberts, Hergott
Present, Not Voting: Nelson
Not Present: Pieper, Shaughnessy

Motion was made by Watermeier and seconded by Larson to oppose LB 187 relating to reducing the allocation of lottery funds to the Environmental Trust. Motion carried.

Aye: Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Kramper
Nay: None
Not Present: Pieper, Shaughnessy

Motion was made by Hergott and seconded by Larson to support LB 232 which would exempt NRDs from sales tax. Motion carried.

Aye: Bartak, Larson, Hahn, Nelson, Hergott, Jiskra, Watermeier, Davis, Donaldson, Stewart, Kroese, Roberts, Mercer, Kramper
Nay: None
Not Present: Shaughnessy, Pieper

Motion was made by Larson and seconded by Jiskra to oppose LB 286 relating to the elimination of eminent domain for NRDs for Parks and Recreation projects. Motion carried.

Aye: Larson, Hahn, Nelson, Hergott, Jiskra, Watermeier, Davis, Donaldson, Bartak, Kramper
Nay: Stewart, Kroese, Roberts, Mercer
Not Present: Shaughnessy, Pieper

Motion was made by Mercer and seconded by Roberts to support LB 338 relating to establishing a water conservation banking program. Motion carried.

Aye: Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Donaldson, Bartak, Larson, Kramper
Nay: None
Not Present: Pieper, Shaughnessy

Motion was made by Watermeier and seconded by Roberts to support LB 436, an NRD statute clean up bill and LB 81 relating to NRD investment authorities. Motion carried.

Aye: Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Donaldson, Bartak, Larson, Kramper
Nay: None
Not Present: Pieper, Shaughnessy

Motion was made by Jiskra and seconded by Bartak to support LB 488 relating to amending the flood corridor preservation provisions in NRD law. Motion carried.

Aye: Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Kramper

Nay: None

Not Present: Pieper, Shaughnessy

Motion was made by Roberts and seconded by Watermeier to support LB 656 which would amend provisions in the Groundwater Management Act to provide optional authority to regulate wells under 50 gallons per minute. Motion carried.

Aye: Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Kramper

Nay: None

Not Present: Pieper, Shaughnessy

Motion was made by Mercer and seconded by Watermeier to support LB 657 relating to NRD state aid and possible replacement funds for lost motor vehicle tax revenue. Motion carried.

Aye: Nelson, Jiskra, Watermeier, Roberts, Mercer, Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Kramper

Nay: Hergott

Not Present: Pieper, Shaughnessy

Motion was made by Mercer and seconded by Jiskra to support LB 671 and 672, both relating to authorizing water rights leasing. Motion carried.

Aye: Jiskra, Watermeier, Mercer, Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Nelson, Kramper

Nay: Hergott, Roberts

Not Present: Pieper, Shaughnessy

Motion was made by Stewart and seconded by Roberts to oppose LB 747 which is a proposed State Protected Rivers Act. Motion carried.

Aye: Jiskra, Watermeier, Hergott, Mercer, Davis, Donaldson, Pieper, Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Kramper

Nay: None

Not Present: Pieper, Shaughnessy

Motion was made by Mercer and seconded by Roberts to support LB 92 which is a provision that would reduce registration fees for linked groundwater wells. Motion carried.

Aye: Watermeier, Mercer, Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Jiskra, Kramper

Nay: Hergott

Not Present: Pieper, Shaughnessy

PROGRAM COMMITTEE

Tom Pesek distributed the Resources Development Fund Status Report and briefly reviewed it.

Dick Jiskra called on Steve Oltmans, Manager of the Papio-Missouri River NRD who discussed their floodway purchase project proposal for Resources Development Funds. A draft letter to the NRD from the Director of Natural Resources addressing a number of questions that needed to be responded to in the project application was distributed and reviewed. Motion was made by Jiskra and seconded by Donaldson to advise the Papio-Missouri River NRD that it may proceed with an application and feasibility report for the Papio Floodway Purchase Project and that it is to address the comments and questions contained in the letter from the Director of Natural Resources. Motion carried.

Aye: Mercer, Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Kramper

Nay: None

Not Present: Pieper, Shaughnessy

Jiskra called on Paul Zillig, representing the Lower Platte South NRD, who reviewed the Stevens Creek Watershed application with the Commission.

Jiskra called on Glenn Johnson, General Manager of the Lower Platte South NRD, who reviewed the Weeping Water Creek Development Fund application amendment regarding multi-purpose use at Structure Site 7G of that project.

Jiskra called on Wally Baird, Gering City Manager, and Ron Moore, Panhandle RC&D coordinator, who reviewed the Phase III application for the Gering Canal flood control project.

The Small Watersheds Flood Control Fund Status Report was distributed and briefly reviewed.

Gayle Starr explained that the public auctions on tracts at Upper Little Nemaha Sites 26 and 34 were held on January 13th. He briefly reviewed the high bids received and the appraisals on the properties and recommended that the Commission accept the bids. He added that the Nemaha NRD Board had voted to recommend acceptance of both bids. Motion was made by Larson and seconded by Roberts to accept the high bids of \$113,000 for the 5.52-acre Scherer tract at Upper Little Nemaha Site 26 and \$121,600 or \$1520 per acre for the 80-acre Lamb tract at Upper Little Nemaha Site 34. Motion carried.

Aye: Davis, Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Kramper

Nay: None

Not Present: Pieper, Shaughnessy

SOIL & WATER CONSERVATION FUND SPECIAL COMMITTEE

Frank Bartak indicated that the Special Committee had met this morning and had reached a recommendation for Commission consideration. Motion was made by Bartak and seconded by Roberts that the Commission schedule a public hearing to change the rules and regulations to provide that the maximum NSWCP application approval period be nine months with one three month extension and that the unexpended balance beginning July 1, 2000, be no more than \$1,000,000 at the end of each fiscal year and if it does exceed \$1,000,000 the obligated balance of each NRD be reduced proportionately to reach \$1,000,000, with the amount of any reduction redistributed to the NRDs. Motion carried.

Aye Donaldson, Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Kramper

Nay: None

Not Present: Pieper, Shaughnessy

He added that the committee had agreed that a document should be sent to all NRDs asking them to document their conservation accomplishments and needs and that a form for such purpose was being developed by Don Larson, Gayle Starr, Ron Fleecs, and Harold Klaege.

COMPREHENSIVE PLANNING COMMITTEE

Steve Gaul noted that the DEM/DOQ Project was very nearly complete and that the staff was discussing some appropriate means of recognizing that accomplishment. He also briefly reviewed several other Comprehensive Planning activities that are underway at the present time and indicated that the Commission would be more fully briefed at the next Comprehensive Planning Committee meeting. Mahendra Bansal distributed some information regarding the potential revision of DEMs and DOQs and reviewed some other Data Bank activities.

MEETING DATES

Commission Chair, Kramper, noted the suggested meeting dates on the agenda and asked for comments. He added that the Papio-Missouri River NRD would like to have the Commission meet in Omaha in connection with a dedication of Papio Site 21. Steve Oltmans indicated that the June Commission meeting date would perhaps be the best time for that. Kramper noted that if there were no concerns about the meeting schedule as proposed on the agenda, that schedule would be adopted as follows:

March 24-25, 1999	May 5-6, 1999	June 16-17, 1999, Omaha
Aug. 11-12, 1999	Sept. 28-29, 1999, North Platte	(NARD meeting Sept. 26-28)
Oct. 27-28, 1999	Dec. 8-9, 1999	Jan. 26-27, 2000 (tentative)

ELECTION OF OFFICERS

Kramper noted that the Commission policy called for election of the officers each January and asked for nominations for the position of Commission Chair. Frank Bartak nominated Wayne Davis. Motion was made by Roberts to close the nominations and cast a unanimous ballot for Wayne Davis for Commission Chair. Motion carried.

Aye: Bartak, Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Donaldson, Kramper

Nay: None

Not Present: Shaughnessy, Pieper

Kramper called for nominations for position of Commission Vice-Chair. Roy Stewart nominated Richard Jiskra. Motion was made by Bartak to close nominations for Commission Vice-Chair and cast a unanimous ballot for Richard Jiskra. Motion carried.

Aye Larson, Stewart, Kroese, Hahn, Roberts, Nelson, Hergott, Jiskra, Watermeier, Mercer, Davis, Donaldson, Bartak, Kramper

Nay: None

Present, Not Voting: Jiskra

Not Present: Shaughnessy, Pieper

COMMITTEE ASSIGNMENTS

Wayne Davis asked Commission members to indicate their committee assignment preferences for the next year and indicated that he and Richard Jiskra would draft committee assignments for distribution to Commission members.

NEXT MEETING

The next meeting of the Commission will be March 24-25 in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 5:20 p.m.