

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MAY 6, 1999

Those present were:

Wayne Davis, Chair	Don Roberts, Member
Joe Hergott, Member	Don Larson, Member
Vince Kramper, Member	Jim VanMarter, Member
Roger Korell, Member	Wayne Madsen, Member
Frank Bartak, Member	Richard Mercer, Member
Dale Watermeier, Member	Richard Jiskra, Member
Beverly Donaldson, Member	LeRoy Pieper, Member
Bob Hahn, Member	Steve Chick
Delynn Hay	Paul Zillig
Glenn Johnson	Milton Moravek
Dayle Williamson, Director	Jim Cook, Staff
Tom Pesek, Staff	Steve Gaul, Staff
Mahendra Bansal, Staff	Gayle Starr, Staff
Richard Jiskra, Member	Beverly Donaldson, Member
LeRoy Pieper, Member	Bob Hahn, Member

CALL TO ORDER

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

PUBLIC NOTICE

Notice was placed in the Lincoln Journal Star on April 28, 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. Soil & Water Conservation Fund, Expenditures by Month.
2. Directors Recommendation on the Gering Canal Phase III Project.
3. Status of Small Watersheds Flood Control Fund.
4. Nebraska Resources Development Fund Present Financial Status.
5. NRCS Report to the Nebraska Natural Resources Commission and NARD.
6. Minutes of the Program Committee Meeting.

MINUTES

Wayne Madsen noted on page 3 of the minutes it referred to the registration fee for wells as being \$3.00 and should instead be \$30.00. Motion was made by Kramper and seconded by Larson to approve the minutes of the March 25, 1999 Commission meeting as corrected. Motion carried.

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

Nay: None

Not Present: Stewart

EXPENDITURES

Motion was made by Kramper and seconded by Pieper to approve the expenditure report for March, 1999 as distributed. Motion carried.

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

Nay: None

Not Present: Stewart

ADVISOR'S COMMENTS

Steve Chick distributed an NRCS report and briefly commented on several topics, including the suspension of technical assistance on CRP until additional funds are made available, NRCS assistance to the Central Sandhills burn area, the awarding of a couple of new watershed construction contracts and the pending legislation and funding for rehabilitation of watershed dams.

DIRECTOR'S COMMENTS

Dayle Williamson noted that he had attended a confirmation hearing of the Legislature's Natural Resources Committee where the three new Governor's appointees (Korell, Madsen, and Van Marter) had appeared. He added that it was a good hearing and he expected confirmation by the full Legislature in the very near future.

Williamson added that at the direction of the Governor, the Commission staff would be working with the Department of Water Resources to explore the possibility of a merger of the two agencies. He asked that Commission member Dale Watermeier be included in some of the discussions to serve as a liaison for the Commission so the Commission would be kept up to date on the discussions.

Williamson added that the Commission staff is looking at the possibility of some additional funds to be used for flood mitigation planning. He added that the majority of the funds would be utilized to hire consultants to do the actual planning.

ENVIRONMENTAL TRUST

Kramper, Mercer and Williamson commented on the recent activities of the Environmental Trust and noted that a series of meetings would be held across the state in the next several months to obtain public input regarding the future of Environmental Trust programs. There was some discussion of some proposals to divert some of the lottery funds now received by the Environmental Trust to other purposes.

PLATTE RIVER ACTIVITIES

Dayle Williamson reported that Governor Johanns will soon appoint an Upper Platte River Advisory Committee of 23 members. He noted that the NRDs in that area would be involved in that Advisory Committee. He also noted that Roger Patterson had been appointed by the Governor to serve as his alternate to the Governance Committee.

REPUBLICAN RIVER ACTIVITIES

Jim Cook explained that the State of Nebraska had filed their response to the Kansas lawsuit and that he expected the Nebraska Supreme Court to appoint a special master in the not too distant future. He also added that the state has filed a lawsuit against Kansas concerning Republican River inflows to Nebraska where records indicate that at least in some years Kansas has overused their allocations in those areas.

COMPREHENSIVE PLANNING COMMITTEE

Don Roberts reported that the committee had had a good meeting and he commended the staff on providing good briefings that were understandable to the Commission and he felt that Commission members had learned a great deal by the presentations. He explained that Steve Gaul had briefed the committee on the Small Communities Nitrates Study and had explained the various studies that the staff was now involved with. He added that Josh Lear had provided a presentation on floodplain mapping and that Mahendra Bansal had provided the presentation on the Data Bank and the history of the Data Bank since its inception.

LEGISLATIVE AND BUDGET COMMITTEE

Jim Cook reported that the Natural Resources Committee had forwarded a report to the full Legislature recommending confirmation of the three Governor-appointed Commission members (Korell, Madsen, and Van Marter). He also noted that the Commission budget remained unchanged from that reported in the legislative report several weeks ago. He also noted that a number of resolutions for interim studies had recently been introduced and that six of them affected natural resources issues in some way: two of them relate to the Environmental Trust and how those funds are utilized; one relates to the issues of flood improvement corridor and the breakout of previously unirrigated lands; one relates to the concept of a state protected rivers law; one relates to the water banking and water leasing issues, and one relates to the potential merger of natural resources related agencies.

PROGRAM COMMITTEE

LeRoy Pieper indicated that Tom Pesek had reviewed the Resources Development Fund Financial Status Report with the committee. He added that the committee was also briefed on the Wakefield Project and the potential use of Federal Emergency Management Agency funds for 75 percent of that project but that because of some uncertainty involving a possible condemnation of one of the land rights, the committee was recommending that action be delayed until the next Commission meeting when both questions should be resolved.

Pieper explained that the committee had reviewed the Director's recommendation on the Gering Canal Phase III Resources Development Fund Project. Motion was made by Roberts and seconded by Jiskra 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 Gering Canal Phase III 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 Gering 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,

and therefore resolves that:

(1) The Gering Canal Phase III 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 allocating funds.

(2) The funding, if and when provided, be in the form of a grant for up to \$197,717, not to exceed 47.22% of the total project cost of \$418,702. The NRDF grant funds will be used for 100% of the cost of construction of the spillway outlet work and the pipe under Highway 71 to 17th Street, not to exceed \$197,717.

(3) The funding level recommended assumes that there will not be any funding provided by the 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 Gering for carrying out the provisions of the project.

(5) The City of Gering is authorized to begin work immediately.

Motion carried.

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

Nay: None

Not Present: Stewart

Pieper stated that the committee had next discussed the request for an increased allocation for the Weeping Water Creek Watershed Project. Motion was made by Pieper and seconded by Kramper to approve the Lower Platte South NRD's Request for an Increased Allocation of \$376,351.50 for the acquisition of land rights at Site 7g of the Weeping Water Creek Watershed Project increasing the total project allocation from \$4,828,049 to \$5,204,450. Motion carried.

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

Nay: None

Not Present: Stewart

Pieper indicated that the committee had reviewed the Nemaha NRD's request for an increased allocation for the Upper Little Nemaha Project. Motion was made by Pieper and seconded by Larson to approve the Nemaha NRD's request for an increased allocation for the design of Dams 23, 36, and 59 in the amount of \$39,642.20 and for construction of Dam 26 in the amount of \$57,549.24 increasing the total project allocation from \$3,858,263.66 to \$3,955,455.10. Motion carried.

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

Pieper, Bartak, Davis

Nay: None

Not Present: Stewart

Pieper added that Milton Moravec had reviewed the request of the Central Platte NRD for an increased allocation for the Lower Wood River/Upper Warm Slough Project. Motion was made by Pieper and seconded by Mercer to approve the Central Platte NRD's request for an increased allocation of \$823,349.40 for the Lower Wood River/Upper Warm Slough Project. Increasing the total project allocation from \$3,553,721.02 to \$4,377,070.42. Motion carried.

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

Nay: None

Not Present: Stewart

Pieper indicated that the committee had been provided status reports on the Small Watersheds Flood Control Fund, the Soil & Water Conservation Fund, the Republican Water Meter program, and the Natural Resources Enhancement Fund.

Pieper indicated that the final item of committee action regarded the request of the Lower Loup NRD for an amendment to the Soil & Water Conservation Fund irrigation water management practice. Motion was made by Pieper and seconded by Bartak to expand the current irrigation water management practice to also include cost-share on buried pipeline from a surface water source to convert currently gravity irrigated acres to a center pivot system under the same conditions that are now used for groundwater systems. Motion carried.

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

Nay: None

Not Present: Stewart

NEXT MEETING

The next meeting of the Commission will be at the Papio-Missouri River NRD office near Omaha on June 16th & 17th. Gayle Starr indicated that on the evening of June 16, the NRD would be having the dedication of the Site 21 Resources Development Fund Project and that lodging for Commission members would be at the Ramada Limited near the Highway 50 Interstate Interchange.

ADJOURNMENT

The meeting was adjourned at 11:20 AM.