

MINUTES OF THE

NEBRASKA NATURAL RESOURCES COMMISSION MEETING

October 28, 1999

Those in attendance were:

Wayne Davis, Chair	Roger Korell, Member
Beverly Donaldson, Member	Wayne Madsen, Member
Vince Kramper, Member	Roy Stewart, Member
Don Larson, Member	Frank Bartak, Member
Joe Hergott, Member	Dale Watermeier, Member
Richard Jiskra, Member	Dan Wiley
Richard Mercer, Member	Paul Zillig
Don Roberts, Member	Dan Lundgren
Robert Hahn, Member	Jim Cook, Staff
Leroy Pieper, Member	Tom Pesek, Staff
Jim Van Marter, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Commission Chair Wayne Davis at 9:30 a.m. in the conference room of the Lower Platte South Natural Resources District in Lincoln, Nebraska.

NOTICE OF THE MEETING

The notice of the meeting was placed in the LINCOLN JOURNAL STAR on October 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. Handout from Don Larson on Lewis & Clark Expedition 200th anniversary.
2. Expenditures for July, August, & September 1999.
3. Nebraska Resources Development Fund Present Financial Status, Oct. 26, 1999.
4. Semi-Annual Review of NRDF Projects, Oct. 20, 1999.
5. Nebraska Soil and Water Conservation Fund Report.
6. Republican Basin Water Meter Program Summary.
7. Soil & Water Conservation Fund, Expenditures by Month 1992-2000.
8. Water Well Decommissioning Cash Fund Report.
9. Natural Resources Enhancement Funds, July 1, 1998 to June 30, 1999.
10. Status of Small Watersheds Flood Control Fund.

11. NRCS Report to the NNRC and NARD.

MINUTES

Motion was made by Stewart and seconded by Korell to approve the minutes of the August 12, 1999 Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Mercer

EXPENDITURES

Motion was made by Roberts and seconded by Van Marter to approve the Expenditure Reports for July, August, and September, 1999. Motion carried.

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

Nay: None

Not Present: Mercer

ADVISOR'S COMMENTS'S COMMENTS

Steve Chick distributed a report to the Commission and commented on the NRCS Workload Analysis process that is now underway, Resource Conservation and Development areas, the Environmental Quality Incentive Program, and Carbon Sequestration. There was a discussion of the carbon sequestration issue and what is involved in this new concept. Steve Chick and Dick Mercer noted that the Nebraska Farm Policy Task Force and the NRCS is hosting a carbon sequestration workshop in Lincoln on Nov. 17.

DIRECTOR'S REPORT

Gayle Starr noted that Dayle Williamson was unable to attend today's Commission meeting because of a commitment in Colorado. He distributed Dayle's Director's Report and briefly commented on personnel issues and the discussions that have taken place regarding the potential merger of the Commission with the Department of Water Resources.

ENVIRONMENTAL TRUST

Vince Kramper and Richard Mercer noted that the Trust had received about 140 applications for approximately \$34,000,000. They added that about 10 to 12 million dollars will be available for grant awards. The next meeting of the Environmental Trust Board will be in early November where the Board will begin to review the applications.

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REPUBLICAN AND PLATTE RIVER ISSUES

Jim Cook explained that Nebraska had previously requested that the Supreme Court determine that the suit filed by Kansas against Nebraska regarding the Republican River not include groundwater as an issue. He added that the

Supreme Court has not ruled on that request at this time.

Cook reported that Roger Patterson and Ann Bleed of the Department of Water Resources are continuing to negotiate with their counterparts in Wyoming regarding the Nebraska-Wyoming lawsuit. He added that Governor Johanns and Governor Geringer are scheduled to meet in November to discuss those issues.

He noted that the various processes involved in the Cooperative Agreement are continuing and that current activity revolves around the water conservation report prepared by Boyle Engineering and development of an Action Plan to meet the goals of the agreement.

COMPREHENSIVE PLANNING COMMITTEE

Don Roberts reported that the Comprehensive Planning Committee had met Wednesday afternoon and that Steve Gaul had advised them that the study on nitrate in Nebraska's Small Communities and Rural Domestic Water Supply report is now completed and that Commission members should have a copy in the near future. Roberts added that Rich Kern had updated the committee on the Platte River Cooperative Hydrology Study and that Shuhai Zheng had briefed them on the floodprone area mapping project that he and Josh Lear are initiating with a pilot study on Nuckolls County. Roberts indicated that Steve McMaster had provided the Commission information about flood mitigation activities and sources of funding available for flood mitigation programs.

Roberts explained that Mahendra Bansal had introduced a new employee, Jeff Hogan, and had briefed the committee on several Data Bank activities, including a couple of new initiatives in that area.

LEGISLATIVE & BUDGET COMMITTEE

Jim Cook distributed copies of an NARD notice on legislative interim study hearings and highlighted the hearing of the General Affairs Committee where they will consider issues related to the lottery and Environmental Trust Fund and hearings of the Natural Resources Committee where they will consider water banking, water leasing, ground and surface water quality monitoring in addition to other issues.

PROGRAM COMMITTEE

Leroy Pieper noted that Tom Pesek had briefly reviewed the Resources Development Fund Status report and the semi-annual review of active projects with the committee. He then indicated that the committee had spent a great deal of time discussing the Stevens Creek Watershed Project and the committee recommendation that the project be eligible for funding. Motion was made by Pieper and seconded by Larson that the Natural Resources Commission, having reviewed and considered the recommendations of the Director of Natural Resources, hereby makes the following findings of fact:

The applicant (The Lower Platte South NRD) has worked extensively with a local citizens group to formulate a watershed protection plan that would address local priorities;

While the locally acceptable plan does not include an original "concept" plan component that provides an option to provide greater flood damage reduction at less cost, the Stevens Creek Watershed project as proposed will be of general public benefit with project benefits limited to a small number of properties;

The project plan does not conflict with any existing state land plan;

The project has been determined to be technically, economically, and financially feasible and environmentally acceptable according to the Resources Development Fund criteria;

The project as proposed does not meet the minimum requirements of the Resources Development Fund for funding the box culvert; however, the remainder of the project does meet requirements and

is satisfactory;

The proposed plan minimizes any adverse impacts on the environment;

The Lower Platte South NRD is qualified, responsible, and legally capable of carrying out the project;

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

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:

The supplemental box culvert feature of the Stevens Creek Watershed Project is not eligible for funding from the Nebraska Resources Development Fund. The ten farm pond feature and feasibility study costs of the Stevens Creek Watershed Project are 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.

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.

Motion carried.

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

Nay: None

Present, Not Eligible to Vote: Watermeier

Pieper then explained that the committee had recommended that the Stevens Creek Project receive 60 percent grant funding. Motion was made by Pieper and seconded by Jiskra to provide that the funding, if and when provided, be in the form of a grant for up to \$1,989,929.60, not to exceed 60 percent of the eligible total estimated project cost of \$3,316,549.33, including the feasibility study and that 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.

An amendment to the motion was made by Kramper and seconded by Stewart to reduce the level of funding to 50 percent. Amendment failed.

Aye: Stewart, Roberts, Mercer, Pieper, Bartak, Kramper, Madsen, Davis

Nay: Hahn, Hergott, Donaldson, Jiskra, Watermeier, Larson, Korell, Van Marter

Not Present: None

Original motion carried.

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

Nay: Stewart, Roberts, Pieper, Madsen, Davis

Not Present: None

Pieper noted that status reports on the Small Watersheds Flood Control Fund, Soil and Water Conservation Fund, Republican Basin Water Meter Program, Natural Resource Enhancement Fund, and the Water Well Decommissioning Fund had been made available to Commission members and had each been reviewed at the committee meeting.

Pieper then called on Dan Wiley, Manager of the Upper Niobrara-White NRD, who provided the Commission for a briefing on the recently submitted project proposal for Resources Development funds for the Rushville Flood Control Project.

NEXT MEETING

The next meeting of the Commission will be December 8 and 9 in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 11:30 a.m.