

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

January 24, 2001

Those in attendance were:

Richard Jiskra, Chair	Gus Hughbanks
Garry Anderson, Member	Ron Bishop
Vince Kramper, Member	Glenn Johnson
Clinton Johannes, Member	Dick Mercer
Frank Bartak, Member	Bob Wolf
Joe Hergott, Member	Robin Foulk
Arlond Garratt, Member	Ken Gnadt
Wayne Davis, Member	Marlin Ferguson
Don Roberts, Member	Roger Patterson, Director
Wayne Madsen, Member	Dayle Williamson, Staff
Beverly Donaldson, Member	Jim Cook, Staff
Jim Van Marter, Member	Tom Pesek, Staff
Robert Hahn, Member	Steve Gaul, Staff
	Gayle Starr Staff

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CALL TO ORDER

The meeting was called to order in the Regent C meeting room of the Embassy Suites in Lincoln, Nebraska by Commission Chair Richard Jiskra at approximately 2:00 p.m.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on January 17, 2001, 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. Soil and Water Conservation Fund Report.
4. Nebraska Soil and Water Conservation Fund – Republican Basin Water Meter Program Summary.
5. Water Well Decommissioning Cash Fund.
6. Small Watersheds Flood Control Fund – Inventory of Fee Title Lands, Nov. 2000.
7. Natural Resources Enhancement Fund Receipts.

RECOGNITION RESOLUTIONS

Richard Jiskra asked Gayle Starr to read two resolutions that had been prepared to recognize the tenure on the Commission of Roy Stewart and Richard Mercer. Motion was made by Jim Van Marter and seconded by Kramper to approve the following

resolutions recognizing Roy Stewart and Richard Mercer. Motion carried.

Aye: Kramper, Van Marter, Johannes, Hahn, Roberts, Hergott, Davis, Donaldson, Bartak, Anderson, Garratt, Larson, Jiskra

Nay: None

Not Present: Korell, Pieper, Larson

**RESOLUTION OF THE
NEBRASKA NATURAL RESOURCES COMMISSION**

WHEREAS, RICHARD MERCER has served as a member of the Nebraska Natural Resources Commission for the past ten years as a representative of the Middle Platte River Basin; and

WHEREAS, his strong interest in legislative issues and in representing the Commission before the Legislature were important for the Commission; and

WHEREAS, his involvement with a broad variety of agricultural interests brought a strong and excellent background of experience and knowledge to the Commission; and

WHEREAS, his particular interest and involvement in issues related to the Platte River resulted in significant contributions to the Middle Platte River Basin and the entire state; and

WHEREAS, he made a sincere effort to understand the natural resource problems of all of Nebraska and act in a manner that was best for the entire state; and

WHEREAS, he was interested in the strength and vitality of the Commission and the various responsibilities assigned to the Commission;

THEREFORE, BE IT RESOLVED by the Nebraska Natural Resources Commission that Richard Mercer be informed of their gratitude for his distinguished service on the Commission and his contributions to the Commission and the State of Nebraska;

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of the January 24, 2001, Commission meeting.

Adopted by unanimous action of the Nebraska Natural Resources Commission on January 24, 2001.

Director

Chair

**RESOLUTION OF THE
NEBRASKA NATURAL RESOURCES COMMISSION**

WHEREAS, ROY STEWART has served as a member of the Nebraska Natural Resources Commission for a total of eight years as a representative of the Elkhorn River Basin; and

WHEREAS, his practical knowledge and experience as an NRD Director was always helpful to the Commission; and

WHEREAS, his leadership as Chairman of the Commission was a valuable asset to the Commission; and

WHEREAS, he always made a sincere effort to understand the natural resource problems of all of Nebraska and act in a manner that was best for the entire state; and

WHEREAS, he was interested in the strength and vitality of the Commission and the various responsibilities assigned to the Commission; and

WHEREAS, his strong interest on the impact of Commission decisions on local people brought an excellent and needed viewpoint to Commission deliberations;

THEREFORE, BE IT RESOLVED by the Nebraska Natural Resources Commission that Roy Stewart be informed of their gratitude for his distinguished service on the Commission and his contributions to the Commission and the State of Nebraska;

BE IT FURTHER RESOLVED that this resolution be entered into the official minutes of the January 24, 2001, Commission meeting.

Adopted by unanimous action of the Nebraska Natural Resources Commission on January 24, 2001

Director

Chair

Richard Mercer briefly addressed the Commission and expressed his appreciation to the other Commission members and indicated he was pleased that Arlond Garratt had agreed to take his position on the Commission.

MINUTES

Motion was made by Kramper and seconded by Roberts to approve the minutes of the December 7, 2000 Commission meeting as distributed.

Aye: Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Bartak, Anderson, Kramper, Madsen, Jiskra

Nay: None

Present, Not Voting: Hergott, Garratt

Not Present: Pieper, Larson, Korell

EXPENDITURES

Chairman Jiskra indicated that Commission members had received a copy of the expenditure report for the various funds and that those would be placed on file.

DIRECTOR'S REPORT

Roger Patterson apologized for not being able to make it to the two previous Commission meetings and thanked Dayle Williamson for filling in for him. He also extended his welcome to the two new Commission members. He added that he and Ann Bleed had been spending a great deal of time with the negotiations with Wyoming on the North Platte River and that activity was picking up on the Kansas vs. Nebraska Republican River lawsuit.

Patterson explained that the Governor's budget recommendations have been submitted as LB 543 and that with the exception of full funding of the requests for the lawsuits and the Platte River Cooperative Agreement, the Governor's recommendation is basically a continuation for all other agency programs. He added that the agency hearing before the Appropriations Committee is tentatively scheduled for March 8. He noted that later in the agenda the Commission would be briefed on two large Resources Development Fund projects and that with those two, along with at least two others of large size that will be coming in the next several months, the funding available will not come close to covering the requests.

He added that Dayle Williamson will be attending the NACD convention in Fort Worth in early February representing the agency and that Vince Kramper will be representing the Commission.

On a final note, he added that Dayle Williamson is planning to retire as of March 30, and that a retirement party is being planned for him on that date.

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ADVISOR'S COMMENTS

Gus Hughbanks, representing NRCS, reported that two more RC&D project areas were funded this year and they are hopeful that the remaining ones will be funded in the next year's budget. He also commented on the status of the CRP program and the wildlife habitat improvement program. He also indicated the Watershed Rehabilitation bill had been approved but no appropriation had yet been made for that program.

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ENVIRONMENTAL TRUST

Vince Kramper noted that the Trust Board and the staff has been working to establish the foundation that was authorized by the Legislature in the last year and was making efforts to see that the existence of the Foundation is widely publicized. Roger Patterson added that he is serving on the committee that reviews the applications and it has been a difficult job determining which requests should be recommended for funding.

REPUBLICAN BASIN

Patterson reported that the Special Master on the Republican River lawsuit has established March of 2003 for the beginning of the trial and that Nebraska had hoped that the trial date would be much further in the future. He added that because of the shorter time schedule the agency was requesting a fifteen million dollar

appropriation over the next two years to fund the needed work. He added that the Attorney General's office is serving as the lead on this issue and that Dave Cookson in the Attorney General's office has primary responsibility.

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PLATTE RIVER

Patterson noted that he and Ann Bleed have been working a lot on resolving this issue and that the Attorney General and the Governor will be making the final decision on acceptance of the proposed settlement.

Dayle Williamson reported that the Platte River Cooperative Agreement has been extended for two and one half years and that additional work is continuing.

PROGRAM COMMITTEE

Gayle Starr distributed and reviewed status reports on the Soil & Water Conservation Fund, Water Well Decommissioning Fund, Natural Resources Enhancement Fund, and Republican Basin Water Meter program.

Tom Pesek reviewed the status report of the Natural Resources Development Fund and noted that at the May Commission meeting, the Commission would be reviewing the various requests for funding for fiscal year 2002.

Glenn Johnson, Manager of the Lower Platte South NRD, provided the Commission with a briefing on the Antelope Valley Project in Lincoln. He described the entire project which includes transportation, urban development and flood control features and noted that their Resources Development proposal was based on the flood control features of the project which is the responsibility of the Natural Resources District. He added that the University of Nebraska, the City of Lincoln, and the Natural Resources District have formed an entity through an interlocal cooperation agreement to implement the proposed project.

Ron Bishop, Manager of the Central Platte NRD, reviewed the Resources Development Fund project proposal being sponsored by the NRD and the City of Grand Island to provide flow enhancement for the Platte River by pumping groundwater from high groundwater areas of Grand Island and conveying it to the Platte River.

Tom Pesek explained that a public auction had been held in Swanton on two Small Watersheds Flood Control properties in the Swan Creek Watershed on January 10 and that the staff was recommending that the Commission accept the high bids received as described in the explanation paper. Motion was made by Kramper and seconded by Roberts to approve the high bid of \$212,190 or \$1,375 per acre for the 154.32 acre tract at Swan Creek, Site 9 and the high bid of \$129,600 or \$810 per acre for the 160 acre-tract at Swan Creek, Site 31. Motion carried.

Aye: Madsen, Van Marter, Johannes, Hahn, Roberts, Hergott, Davis, Donaldson, Bartak, Garratt, Kramper, Jiskra

Nay: None

Present, Not Voting: Anderson

Not Present: Pieper, Larson, Korell

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LEGISLATION

Jim Cook reviewed an extensive list of legislative bills that have been introduced this session of the Nebraska Legislature and responded to questions about a number of them. He noted that the just concluded NARD Legislative Conference had established a position for their organization on the bills that he discussed. Vince Kramper noted that it appeared as though a number of the bills needed further work and revision before any of them might be finalized. Kramper made a motion, seconded by Hergott that the Commission establish their position on proposed legislation in agreement with the action of NARD.

Aye: Johannes, Hahn, Roberts, Hergott, Davis, Donaldson, Bartak, Anderson, Garratt, Kramper, Van Marter, Jiskra

Nay: Madsen

Not Present: Pieper, Larson, Korell

COMMISSION MEETING SCHEDULE

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Motion was made by Davis and seconded by Bartak to change the proposed March Commission meeting to March 7 & 8. Motion carried.

Aye: Hahn, Hergott, Davis, Bartak, Anderson, Garratt, Kramper, Madsen, Van Marter, Johannes, Jiskra

Nay: Roberts, Donaldson

Not Present: Pieper, Larson, Korell

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Motion was made by Kramper and seconded by Bartak to approve the remaining Commission meeting schedule as proposed on the agenda. Motion carried.

Aye: Roberts, Hergott, Donaldson, Bartak, Anderson, Garratt, Kramper, Madsen, Van Marter, Johannes, Hahn, Jiskra

Nay: Davis

Not Present: Pieper, Larson, Korell

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ELECTION OF OFFICERS

Richard Jiskra asked for nominations for the position of Commission Chair for the coming year. Wayne Davis nominated LeRoy Pieper. Motion was made by Roberts and seconded by Bartak to close nominations and cast a unanimous ballot for LeRoy Pieper. Motion carried.

Aye: Hergott, Davis, Donaldson, Bartak, Anderson, Garratt, Kramper, Madsen, Van Marter, Johannes, Hahn, Roberts, Jiskra

Nay: None

Not Present: Pieper, Larson, Korell

Jiskra called for nominations for Commission Vice-Chair. Frank Bartak nominated Joe Hergott. Motion was made by Davis and seconded by Roberts to close nominations for the position of Commission Vice-Chair and cast a unanimous ballot for Joe Hergott. Motion carried.

Aye: Davis, Donaldson, Bartak, Anderson, Garratt, Kramper, Madsen, Van Marter, Johannes, Hahn, Roberts, Jiskra

Nay: None

Present, Not Voting: Hergott

Not Present: Pieper, Larson, Korell

COMMITTEE ASSIGNMENTS

Commission members were provided forms on which to indicate their choices for committee assignments for the coming year. Those forms will be provided to LeRoy Pieper to make committee assignments.

NEXT MEETING

The next meeting of the Commission will be March 7 & 8 in Lincoln at the Lower Platte South NRD.

The other approved meeting dates are as follows: May 16&17 in Lincoln, July 18-19 (Scottsbluff), Sept. 25&26 (Kearney), Nov. 14&15, Lincoln, and Jan. 23-24, 2002.

ADJOURNMENT

The meeting was adjourned at approximately 4:50 p.m.

Chair

Director of Natural Resources