

**MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
JULY 19, 2001
GERING CIVIC CENTER
GERING, NEBRASKA**

Those in attendance were:

LeRoy Pieper, Chair	Steve Chick
Wayne Davis, Member	Dean Edson
Beverly Donaldson, Member	Lyndon Vogt
Frank Bartak, Member	Ron Cacek
Vince Kramper, Member	Bob Gifford
Garry Anderson, Member	Tom Mountford
Clinton Johannes, Member	Eric Gottschalk
Robert Hahn, Member	Roger Helgoth
Roger Korell, Member	Allen Moeller
Jim Van Marter, Member	Cliff Johnson
Wayne Madsen, Member	Roger Patterson, Director
Don Larson, Member	Jim Cook, Staff
Joe Hergott, Member	Tom Pesek, Staff
Richard Jiskra, Chair	Tom Hayden, Staff
Arlond Garratt, Member	Jim Ostdiek, Staff
Don Roberts, Member	Gayle Starr, Staff
Wayne Boilesen	Wayne Buller

CALL TO ORDER

Commission Chair, LeRoy Pieper, called the meeting to order at approximately 9:00 a.m. in a meeting room at the Gering Civic Center in Gering, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR and the SCOTTSBLUFF STAR-HERALD on July 12, 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 Report, June 30, 2001.
2. Small Watersheds Flood Control Fund – Inventory of Fee Title Lands
3. Status of Small Watersheds Flood Control Fund, and Projected Funding Requests.
4. Letter from Lower Platte North NRD on Skull Creek 55 Project Update and Request.
5. Soil & Water Conservation Fund, Expenditures by Month 1993-2001.
6. Natural Resources Enhancement Fund – FY 2000-2001 Distribution.
7. NRCS report to the NNRC and NARD
8. Estimated Natural Resources Water Quality Fund Distribution – July, 2001.

MINUTES

Motion was made by Kramper and seconded by Roberts to approve the minutes of the May 22 & May 23, 2001, Commission meetings as distributed. Motion carried.

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

Nay: None

Not Present: None

-

EXPENDITURES

It was noted that the expenditure reports for the various funds for April, May and June 2001, had been made available and would be attached to the file copy of the minutes.

ADVISOR'S COMMENTS

Steve Chick, State Conservationist, Natural Resources Conservation Service, distributed a NRCS report to the Commission and briefly reviewed several of the items on the report. He also reviewed Congressional activity regarding the NRCS proposed budget. Chick also showed a series of slides depicting the background of the NRCS efforts to develop a biological assessment that would determine the Platte River Basin depletions of the NRCS designed on-farm conservation practices. He added that the Fish & Wildlife Service has agreed with their final revised version of the biological assessment.

DIRECTOR'S REPORT

Roger Patterson briefly reviewed several personnel changes on the DNR staff. He also noted the agency's Floodplain Management Section had been recognized nationally by FEMA for their innovative work in floodplain delineations.

He noted that there is interest in the northeast corner of the Middle Republican NRD in transferring about 40 square miles from the Middle Republican NRD to the Central Platte NRD because that area is part of the Platte River Basin. He added that if this request comes forward to the Commission, the Commission will need to have a hearing on this issue and act on their request.

Patterson also commented briefly on the water administration and water supply situation in the state. He noted that because of an article in the LINCOLN JOURNAL STAR in June concerning registration of wells the groundwater staff has been overwhelmed with a large number of registrations and changes in ownership the last couple of weeks.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Environmental Trust Board had not had a recent meeting but that funds were being distributed for the various projects that the Board approved several months ago. Roger Patterson

noted that the Trust was undergoing a review to determine if some changes needed to be made in the procedures and operation of the Trust.

REPUBLICAN RIVER ACTIVITIES

Patterson added that the Special Master on the Kansas vs. Nebraska case was moving the case along quickly and that it is currently scheduled to go to trial in March, 2003. He added that the Special Master is encouraging the parties involved to attempt to negotiate a settlement. He also noted that the Special Master would be touring the Basin with representatives of the states and the federal government on July 26-28.

ADOPTION OF RULES AND REGULATIONS

Gayle Starr noted that the 8:00 a.m. hearing on the rule and regulation revisions had been attended by all Commission members and that it would be in order for the Commission to take action on the revisions.

Motion was made by Kramper and seconded by Korell to adopt the amendments to the following rules and regulations of the Department of Natural Resources:

-

Title 256, Regulations Governing the Administration of the Nebraska Resources Development Fund

Title 257, Rules and Regulations Governing the Small Watersheds Flood Control Fund

Title 259, Rules and Regulations Governing Administration of the Water Well Decommissioning Fund

Chapters 1 through 7, Title 262, Regulations Governing the Administration of the Nebraska Soil and Water Conservation Program, and

Title 263, Regulations Governing the Administration of the Natural Resources Enhancement Fund (renamed the Natural Resources Water Quality Fund), and to repeal in its entirety Chapter 8 of Title 262, Regulations Governing Administration of Cost-Share Funds for Republican River Basin Water Measuring Devices. Motion carried.

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

Nay: None

Not Present: None

COMPREHENSIVE PLANNING COMMITTEE

Gayle Starr noted that the Annual Report and Plan of Work of the Planning and Review process had been provided to Commission members for their review. He then briefly reviewed the contents of the report and noted that if Commission members had questions or comments on the report they should be provided to Steve Gaul.

PROGRAM COMMITTEE

Tom Pesek distributed and reviewed the status report on the Resources Development Fund. Davis called on Roger Helgoth who provided the Commission a briefing and responded to questions on the Lake Ericson Resources Development Fund project application and feasibility report. Tom Mountford and Eric Gottshalk provided the Commission a briefing on Skull Creek's sites 30 and 31 Resources Development Fund project proposal.

Tom Pesek and Tom Mountford discussed the request of the Lower Platte North NRD to perform work at Skull Creek Site 55 utilizing NRD personnel and equipment. Motion was made by Jiskra and seconded by Larson to approve the Lower Platte North NRD's request to complete certain items of the recreation facilities of Skull Creek Site 55, which have an estimated cost of \$15,000 and to receive reimbursement from the Natural Resources Development Fund for time and materials. Motion carried.

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

Nay: None

Not Present: None

Tom Pesek distributed the Small Watersheds Flood Control Fund status report and briefly reviewed it. He indicated that the example status report provided information for the Commission to establish a revolving fund base on the Small Watersheds Flood Control Fund for fiscal year 2001-02. Motion was made by Van Marter and seconded by Kramper to establish the revolving fund base of the Small Watersheds Flood Control Fund of \$800,000 for FY 2002. Motion carried.

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

Nay: None

Not Present: None

Pesek reviewed the inventory of fee title properties and indicated that he had visited with sponsors and was recommending the sale of two tracts in fiscal year 2003. Motion was made by Kramper and seconded by Jiskra to schedule the sale of the 160-acre Wusk tract and the 80-acre Janssen tract, both at Middle Big Nemaha, Site 3 in FY 2003. Motion carried.

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

Nay: None

Not Present: None

Gayle Starr distributed status reports for the Soil and Water Conservation Fund, the Republican well meter fund, the Natural Resources Enhancement Fund, the Natural Resources Water Quality Fund, the Water Well Commissioning Fund and reviewed

those various reports.

Gayle Starr explained that approximately \$800,000 remains in the Republican Basin Well meter fund and that the staff recommendation was that the remaining funds be utilized for meters in any portion of the Republican Basin. Starr and Patterson discussed the reason for this recommendation. A letter from John Thorburn, Manager of the Tri-Basin NRD, was distributed and it was noted that the letter requested that the remaining Republican Basin funds be utilized for irrigation water management practices (NC-17) in the Republican Basin as long as a meter was either included with the practice or had been previously installed on that well. Motion was made by Bartak and seconded by Johannes to utilize the remaining Republican Basin meter funds for 50% cost-share on meters anywhere in the Republican Basin, conditional on the approval of the rules and regulations and that the funds be initially allocated among the NRDs based on the relative number of currently registered wells in each NRD involved, conditional upon the approval of the rules and regulations by the Attorney General and the Governor. An amendment to the motion was submitted by Roberts to provide that the funds could be utilized for NC-17 practices in the Middle Republican Basin as long as the practice included a meter or a meter had been previously installed on the well. The amendment died for lack of a second. Motion carried.

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

Nay: Larson

Not Present: None

Starr explained that the staff recommendation was that the additional \$500,000 of NSWCP funds be utilized for 50% cost-share on the installation of well meters anywhere in the state outside of the Republican Basin and in an area that is included in an NRD water management area and that the funds be allocated based on the relative number of currently registered irrigation wells in each of the water management areas, conditional upon the approval of the rules and regulations by the Attorney General and Governor. Motion was made by Jiskra and seconded by Korell to accept the staff recommendation.

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

Nay: Larson

Not Present: None

It was noted that the Commission needed to take action on the distribution of natural resources water quality funds and the staff recommendation was that the funds be distributed 60% on the basis of fertilizer sales in each NRD; 20% divided equally among the NRDs and 20% divided on the basis of the area of water quality management areas in each NRD. Motion was made by Roberts and seconded by Hahn to distribute the funds 60% on the basis of fertilizer sales in each NRD; 20% divided equally, and 20% on the basis of water quality management areas in each NRD, conditional upon the approval of the rules and regulations by the Attorney General and Governor. Motion carried.

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

Nay: None

Not Present: None

NORTH PLATTE BASIN TOUR

Jim Van Marter and others noted that the tour provided by the North Platte NRD and specifically LeRoy Pieper, Tom Hayden, Ron Cacek and others was very beneficial to the Commission and provided an excellent view of activities in that part of the state as well as into Wyoming.

NEXT MEETING

The next meeting for the Commission will be September 25 in Kearney in connection with the NARD annual conference.

ADJOURNMENT

The meeting was adjourned at approximately 11:35 a.m.

Chairman

Director of Natural Resources

