

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

November 16, 2001

Those in attendance were:

LeRoy Pieper, Chair	Vince Kramper, Member
Robert Hahn, Member	Garry Anderson, Member
Roger Korell, Member	Beverly Donaldson, Member
Wayne Madsen, Member	Clint Johannes, Member
Don Roberts, Member	Steve Chick
Don Larson, Member	Robert Mohler
Richard Jiskra, Member	Darren Jack
Joe Hergott, Member	Brian Mulinix
Arlond Garratt, Member	Jim Cook, Staff
Jim Van Marter, Member	Tom Pesek, Staff
Wayne Davis, Member	Gayle Starr, Staff
Frank Bartak, Member	

CALL TO ORDER

The meeting was called to order at 10:00 a.m. in the meeting room of the Lower Platte South NRD office in Lincoln, Nebraska by Commission Chair LeRoy Pieper.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on November 8, 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. NRDF Quarterly Report.
3. Status of Small Watersheds Flood Control Fund.
4. Soil and Water Conservation Fund Report.
5. Water Well Decommissioning Fund Allocations.
6. Natural Resources Water Quality Fund Receipts.
7. Practice NC-17, Nebraska Soil and Water Conservation Fund – Irrigation Water Management.
8. Minutes of the Program Committee Meeting.
9. Legislative & Budget Committee Minutes.
10. Letter from Nemaha NRD on Middle Big Nemaha Watershed Appraisals.
11. Letter from Nemaha NRD regarding Upper Little Nemaha Site 31 Agreement and Appraisal.
12. Letter from Director on Recommendation on the Lake Ericson Project.
13. Semi-Annual Review of NRDF Projects.
14. Expenditures for September and October 2001.
15. Natural Resources Conservation Service Report.

MINUTES

Motion was made by Kramper and seconded by Madsen to approve the minutes of the September 25, 2001 Commission meeting as distributed. Motion carried.

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

Nay: None

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EXPENDITURES

It was noted that the Expenditure Report for the Commission funds covering the months of September and October 2001 had been distributed to Commission members and a copy would be attached to the file copy of the minutes.

ADVISOR'S COMMENTS

Steve Chick, representing the Natural Resources Conservation Service, distributed a report for the Commission. He briefly noted the Carbon Sequestration Study and expressed his appreciation to Steve Gaul and Kim Stine for writing the study report. Chick then briefly reviewed the NRCS budget status and handed out a summary of the Senate version of the Farm Bill which had been prepared by the staff of North Dakota Senator Kent Conrad. He added that there were differences between the House and Senate versions of the bill which would need to be resolved by conference committee. He reviewed several sections of the conservation title of the Senate version of the Farm Bill.

DIRECTOR'S REPORT

Gayle Starr noted that Roger Patterson was out of state and unable to attend today's Commission meeting. Starr then briefly reviewed some personnel changes, discussed the actions being taken by the agency to deal with the budget cuts made in the Special Session of the Legislature, and noted that surface water administration staff had a busy summer.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Environmental Trust had received a large number of applications for funds and that in his opinion, they had received some very good applications. He added that the Trust has about \$9 million for distribution but that \$4 million of that is designated for multi-year projects that had been previously approved and therefore there was only about \$5 million available for new projects. He

added that he was chairing this year's Eligibility Committee and that the committee was nearing completion of their tasks. He noted that the approval process was being altered slightly this year to provide additional opportunity for public input.

PLATTE RIVER ACTIVITIES

Jim Cook explained that the North Platte River settlement had been accepted by the U.S. Supreme Court without any hearing. He added that the Cooperative Agreement is moving slowly and that the target date for a program to be in place of June, 2003, will probably slip because some of the things that needed to be completed before that program can be finalized are behind schedule.

PROGRAM COMMITTEE

Wayne Davis noted that Tom Pesek had discussed the Resources Development Fund Financial Status Report, semi-annual report and quarterly report with the committee. He then added that Pesek had distributed the Director's recommendation on the Lake Ericson Resources Development Fund project application. He noted that he and Frank Bartak had viewed the project area on Wednesday of this week with Tom Pesek, Robert Mohler of the Lower Loup NRD, and some local residents. He then called on Robert Mohler, representing the Lower Loup NRD, who briefly described the project and responded to questions. Davis added that Commission action on the Director's recommendation would be on the agenda for the next Commission meeting.

Davis noted that Pesek had reviewed the status of the Small Watersheds Flood Control Fund and reported on the sale of the 80-acre tract at Upper Little Nemaha Site 36 which is scheduled for January 9, 2002. Davis added that Commission members had viewed that 80-acre tract on their tour yesterday.

Davis indicated that the committee had been briefed on the Nemaha NRD's request to modify their agreements to use Small Watersheds Flood Control Funds at Upper Little Nemaha Site 31. Motion was made by Davis and seconded by Larson that the

Commission modify the agreement for Upper Little Nemaha Site 31 to include two structures (Sites 31 East and West) involving five separate land rights. Motion carried.

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

Nay: None

Davis indicated that Lynn Heng had reviewed the Nemaha NRD's request to rescind an existing commitment and approve a new appraisal for easement for Site 31 East. Motion was made by Davis and seconded by Larson to (1) rescind the existing commitment of \$48,240.00 for an easement on the Wanamaker tract (45.5 acres) at Upper Little Nemaha Site 31 and (2) approve the appraisal on the Faye Nash tract (30.4 acres) at Upper Little Nemaha Site 31 East and commit 50% of \$12,835.50 or \$6,417.75 for easement. Motion carried.

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

Nay: None

Davis explained that Lynn Heng had discussed four separate easement appraisals of properties involved with Middle Big Nemaha Sites 4 and 18. Motion was made by Davis and seconded by Larson to recommend that the Commission approve the following easement appraisals on:

- (1) the Sandusky tract (46.8 acres) at Middle Big Nemaha Site 4 and commit 50% of \$15,024 or \$7,512 for easement;
- (2) the Meisinger tract (37.5 acres) at Middle Big Nemaha Site 4 and commit 50% of \$14,036 or \$7,018 for easement;
- (3) the Christen tract (33.8 acres) at Middle Big Nemaha Site 18 and commit 50% of \$16,641 or \$8,320.50 for easement; and
- (4) the McLaughlin tract (15.7 acres) at Middle Big Nemaha Site 18 and commit 50% of \$9,204 or \$4,602 for easement.

Motion carried.

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

Nay: None

Davis stated that Gayle Starr had distributed and discussed status reports for the Soil and Water Conservation Fund, Water Well Decommissioning Fund, and Natural Resources Water Quality Fund.

Davis indicated that the committee had discussed changing the reporting requirements for the irrigation water management practice of the Soil and Water Conservation Fund. He indicated that Starr had distributed a proposed change in the reporting requirement which would authorize each NRD to determine the reporting requirements for their NRD. Motion was made by Davis and seconded by Korell to approve the proposed change to the reporting requirements for the irrigation water management practice. Motion carried.

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

Nay: None

LEGISLATIVE AND BUDGET COMMITTEE

Gayle Starr briefed the committee on the specific budget reductions made to the agency budget and the funds administered by the Commission. He added that based on current projections, the Legislature will need to make an additional \$48 million reduction in the state budget in their regular session starting in January.

Van Marter added that Jim Cook had briefed the Commission on a number of legislative bills that will be held over to the next session beginning in January. He also reviewed a number of legislative proposals that the agency was considering or that were being considered by others relating to natural resources. He indicated that the committee had taken action to support the concept of legislation that would authorize the use of the Soil & Water Conservation Fund for incentive payments. Motion was made by Van Marter and seconded by Kramper to support the concept of legislation that would authorize the Soil & Water Conservation program to be used for incentive payments. It was noted that if such legislation passed, the Commission would then determine whether or not they would authorize the use of the fund

for those purposes and the specific requirements of such use. Motion was made by Jiskra and seconded by Roberts to table consideration of the motion until the next Commission meeting. Motion carried.

Aye: Garratt, Larson, Kramper, Korell, Madsen, Van Marter, Hahn, Roberts, Jiskra, Donaldson, Pieper

Nay: Bartak, Anderson, Johannes, Hergott, Davis

COMPREHENSIVE PLANNING COMMITTEE

Beverly Donaldson indicated that the Comprehensive Planning Committee had met earlier Friday and Steve Gaul had briefed the committee at length concerning the Carbon Sequestration Study and the report that is being finalized and is to be submitted by December 1. She added that there was considerable discussion of the Carbon Sequestration process and the potential for a market for carbon credits.

Donaldson noted that Gaul had also briefed the committee on other planning activities including the National Hydrographic Data set. She noted that Mahendra Bansal had provided the committee with a brief overview of Data Bank activities and in particular the on-line well registration process which is available now.

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OTHER BUSINESS

Vince Kramper stated that the Nebraska Game & Parks Commission had given an award to Don Larson for his conservation activities relating to Missouri River mitigation programs. Kramper and those present congratulated Larson for his efforts. Larson briefly explained the Hamburg Bend mitigation project on the Missouri River that he had been involved with.

NEXT MEETING

The next meeting of the Commission will be January 30, 2001, immediately following the NARD annual legislative conference and will be held at the Embassy Suites in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 11:15 p.m.

Chair

Director of Natural Resources