

**MINUTES OF THE
NEBRASKA NATURAL RESOURCES COMMISSION MEETING
SEPTEMBER 25, 2001
HOLIDAY INN
KEARNEY, NEBRASKA**

Those in attendance were:

LeRoy Pieper, Chair
Wayne Davis, Member
Joe Hergott, Member
Richard Jiskra, Member
Wayne Madsen, Member
Jim Van Marter, Member
Don Roberts, Member
Arlond Garratt, Member
Robert Hahn, Member
Frank Bartak, Member
Garry Anderson, Member
Vince Kramper, Member
Clint Johannes, Member
Beverly Donaldson, Member
Don Larson, Member

Roger Korell, Member
Roger Patterson, Director
Jim Cook, Staff
Steve Gaul, Staff
Tom Pesek, Staff
Gayle Starr, Staff
Mike Onnen
Eric Dove
Steve Chick
Bobbi Kriz-Wickham
Ken Berney
Dan Gillespie
Marty Marx
Jim Gonsier
Tom Mountford
Ray Rieker

CALL TO ORDER

Commission Chair, LeRoy Pieper, called the meeting to order at 3:00 p.m. in a conference room at the Holiday Inn in Kearney, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR and the KEARNEY HUB on September 18, 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.
2. Nebraska Resources Development Fund Quarterly Report.
3. Draft letter to Leon Koehlmoos on Lake Ericson Project.
4. Status of Small Watersheds Flood Control Fund.
5. Summary of Auctioneer Bids for Sale of Tract at Upper Little Nemaha 36
6. Soil & Water Conservation Fund, Expenditures by Month.
7. Nebraska Soil and Water Conservation Fund Status Report.
8. Republican Basin Water Meter Program Status Report.
9. Natural Resources Water Quality Fund Receipts.
10. Water Well Decommissioning Cash Fund.
11. NRCS report to the NNRC and NARD.

MINUTES

It was noted that the motion on page 4 of the minutes referred to the Middle Republican Basin and it should say only the Republican Basin. Motion was made by Kramper and seconded by Jiskra to approve the minutes with the above noted correction. Motion carried.

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

Nay: None

EXPENDITURES

It was noted that the expenditure report relating to the five Commission funds for July and August had been made available to Commission members and would be made a part of the Commission record.

SKULL CREEK PROJECT

Tom Pesek explained that Commission members had received a letter from Roger Patterson to the Lower Platte North NRD, the sponsor of the Skull Creek Sites 30 and 31 Resources Development Fund Project proposal. He added that the letter recommends that the NRD proceed with an application and feasibility report only on site 31 and not on site 30 at this time because of the low level of land treatment above that site. He added that there were additional recommendations and requests for information that were generally routine. Tom Mountford, representing the Lower Platte North NRD, indicated that he understood the basis for the recommendation and that he would be visiting with a committee of directors and the directors at their board meeting later this week. Motion was made by Jiskra and seconded by Johannes to advise the Lower Platte North NRD that it may proceed with an application and feasibility report for Skull Creek Site 31 but recommend that Site 30 not be included at this time due to the status of land treatment above that site. In addition, the NRD is to address the comments and questions contained in the letter from the Director of Natural Resources. Motion carried.

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

Nay: None

ADVISOR'S COMMENTS

Steve Chick, representing the Natural Resources Conservation Service, commented briefly on the level of technical assistance that they were able to provide with their limited budget. He also briefly reviewed program accomplishments in several areas and noted that he was hopeful that two new RC&Ds might be approved in the coming year.

DIRECTOR'S COMMENTS

Roger Patterson commented briefly on the state budget situation and the expected special session of the Legislature that will be dealing with the state's budget shortfall issue. He added that the department might take some significant cuts because of the significant increases received in the current budget. He also noted that Deb Bandiola would be on a temporary assignment with the state NIS project for about a 15 to 18 month time period beginning about November 1.

He also mentioned the dedication of the Wakefield Resources Development Fund Project that he and Tom Pesek as well as Commission members Vince Kramper and Garry Anderson had attended last Saturday in Wakefield.

ENVIRONMENTAL TRUST

Vince Kramper explained that the Environmental Trust had approved 65 applications for approximately nine million dollars and that those approvals and funding were being distributed. He added that the next Environmental Trust meeting would be on November 14 in Omaha.

PLATTE AND REPUBLICAN RIVER ACTIVITIES

Patterson noted that the staff is continuing to work on the Cooperative Agreement as well as the implementation of the settlement on the North Platte River. He noted that the masters report on the Nebraska v. Wyoming lawsuit settlement has been finalized and will be submitted to the Supreme Court in the very near future with a recommendation that the settlement be approved.

He added that activity on the Republican River lawsuit is moving rather quickly since the trial is currently scheduled for March

of 2003. He added that there had been some discussion about settlement negotiations and a meeting with Kansas, Colorado, and the federal government is planned for October to discuss the possibility of settlement negotiations and what issues might be settled before trial commences.

PROPOSED BOUNDARY CHANGE

Jim Cook explained that some individuals in the Eustis area in Frontier County had signed petitions requesting that a portion of northeast Frontier County be moved from the Middle Republican NRD to the Central Platte NRD and that the Middle Republican NRD, in turn, had requested approval of the transfer of 38 sections in that area to the CPNRD. He added that the area involved is part of the Platte River surface water basin, that there had been a hearing in Eustis concerning this proposal, that all testimony received was favorable, that each Commission member had been provided with a copy of the hearing transcript and all exhibits, and that both the Middle Republican and the Central Platte NRDs had endorsed the change. Motion was made by Kramper and seconded by Larson to adopt NRC order

2001-01 which approves the boundary change as requested. Motion carried. A copy of that order is attached to these minutes.

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

Nay: Roberts

COMPREHENSIVE PLANNING COMMITTEE

Steve Gaul briefly reviewed the National Hydrologic Data Base project that the agency is involved in. He noted that there were a number of other agencies and organizations interested in this project and contributing to the project in some way. He outlined the various types of information to be developed from the project. Gaul also briefly noted that the carbon sequestration program is moving along with the first report to be submitted by December. Gaul also noted that the staff has been working with USGS in updating water use estimates for the state.

Gaul and Starr also noted that because of the agency's significant involvement in geographic information systems projects and programs, a coordinator position has been established to better coordinate those activities. They also noted that Data Bank personnel have been providing information to NRDs regarding the 2000 census for use in their election subdistricting process.

PROGRAM COMMITTEE

Tom Pesek briefly reviewed the Resources Development Fund financial status report and quarterly report of projects. Milton Moravek explained that the Central Platte NRD was requesting a shift in obligated funds from one component to another component of their Lower Wood River/Warm Slough Resources Development Fund project. He further explained that the construction of the bridges involved had been accomplished at a lower cost than the estimates but that additional funds were needed for easements because of the Corps redesign of the upper end of the project. He added that the request was that \$267,300 be transferred from component #3 (relocations/bridges) to component #1-A (land and easements). Motion was made by Garratt and seconded by Anderson to transfer \$267,300 in obligated funds from component #3 (relocation/bridges) to component #1-A (land and easements) of the Lower Wood River/Upper Warm Slough Project effective immediately. Motion carried.

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

Nay: None

LITTLE SANDY WATERSHEDS PROJECT

Mike Onnen, Manager of the Little Blue NRD, and Eric Dove, representing Shemmer Associates, the consultant on the project, reviewed the Little Sandy Watershed Resources Development Fund project application and responded to questions concerning the project.

SMALL WATERSHEDS FLOOD CONTROL FUND

Tom Pesek briefly reviewed the Small Watersheds Flood Control Fund status report and noted that it would be necessary to hire an auctioneer for the sale of an 80-acre tract in the Upper Little Nemaha Watershed in January. He distributed information regarding two bids that were received from auctioneers for auctioneering services.

Motion was made by Larson and seconded by Hahn to accept the bid of Bill Rut (1% of the sale price if the high bid is accepted, 0 dollars if the high bid is rejected) for the auction of the Lamb tract (80 acres) at Upper Little Nemaha Site 36. Motion carried.

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

Nay: None

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SOIL & WATER CONSERVATION FUND

Gayle Starr briefly reviewed status reports provided to the Commission on the Soil and Water Conservation Fund, the Republican Basin Water Meter Fund, the Natural Resources Water Quality Fund, and the Water Well Decommissioning Fund.

Ken Berney, Assistant Manager of the Lower Elkhorn NRD, and Dan Gillespie and Marty Marx, representing the Natural Resources Conservation Service, provided the Commission with a briefing on the no-till incentive program that the Lower Elkhorn NRD has been utilizing for several years. It was noted that under the current Soil and Water Conservation Fund law incentive payments were not authorized but that the NARD had just passed a resolution asking the Legislature to make a change in the law to allow such practices. Gillespie, Marx, and Berney responded to a number of questions about how the program works and how it might be operated. It was agreed that the department staff would work with Lower Elkhorn NRD representatives and others to develop the law changes that were needed as well as the program requirements for consideration by the Commission at their November meeting.

NEXT MEETING

It was agreed that the Commission meeting would be November 15 and 16 and that a tour of several projects and proposed projects in the Lincoln area would be held starting at 10:00 a.m. on the 15th.

ADJOURNMENT

The meeting was adjourned at approximately 5:20 p.m.

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Chairman

Director of Natural Resources