

# MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

January 30, 2002

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Those in attendance were:

LeRoy Pieper, Chair	Dave Ostdiek
Wayne Davis, Member	Robert Gifford
Frank Bartak, Member	Steve Oltmans
Garry Anderson, Member	Robert Mohler
Vince Kramper, Member	Steve Chick
Beverly Donaldson, Member	Glenn Johnson
Clinton Johannes, Member	Bobbie Kriz-Wickham
Richard Jiskra, Member	Ken Berney
Joseph Hergott, Member	Butch Koehlmoos
Don Roberts, Member	Roy Stewart
Jim Van Marter, Member	Bob Wolf
Wayne Madsen, Member	Roger Patterson, Director
Arlond Garratt, Member	Jim Cook, Staff
Robert Hahn, Member	Tom Pesek, Staff
Roger Korell, Member	Steve Gaul, Staff
Ron Cacek	Mahendra Bansal, Staff
Dennis Miller	Gayle Starr, Staff

## CALL TO ORDER

The meeting was called to order at 1:30 p.m. in a conference room at the Embassy Suites in Lincoln, Nebraska by Commission Chair LeRoy Pieper.

## NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on January 23, 2002, 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. Director of Natural Resources Recommendation on the Antelope Creek Project.
3. Status of Small Watersheds Flood Control Fund.
4. Soil and Water Conservation Fund Report.
5. Nebraska Soil and Water Conservation Fund – Republican Basin Water Meter Program Summary.
6. Water Well Decommissioning Cash Fund.
7. Natural Resources Enhancement Fund Receipts.
8. NRCS Report to the NNRC and NARD.

## MINUTES

Motion was made by Kramper and seconded by Van Marter to approve the minutes of the November 16, 2001, Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Larson

## EXPENDITURES

It was noted that the expenditures for the Commission funds had been distributed to Commission members.

### BLUE CREEK PROJECT PROPOSAL

Chairman LeRoy Pieper noted that the representatives of the Blue Creek Project had asked to be put on the agenda early and unless there were objections that would be done. There being no objections Pieper called on Dennis Miller who provided Commission members a brief explanation of the Blue Creek Resources Development Fund Project proposal. Miller noted that because of some railroad construction affecting one of their canals, there was some urgency for the district to make a decision on their project improvement. Roger Patterson noted that the staff would try to work with irrigation district representatives to see what could be done over the next few weeks.

### ADVISOR'S COMMENTS

Steve Chick, State Conservationist for the Natural Resources Conservation Service distributed a report for the Commission and briefly commented on the fact that two new RC&D areas had been authorized leaving only one RC&D area in the Sandhills that is not now authorized.

### DIRECTOR'S COMMENTS

Roger Patterson commented briefly on the discussions that are taking place with regard to the Corps of Engineers operating plan for the Missouri River. He added that he and others have been working with state and local officials as well as with other states to attempt to work out a compromise position. Patterson also noted that Congressman Osborne has arranged a congressional committee hearing in Grand Island on February 16 to discuss the Cooperative Agreement and critical habitat for the piping plover. He noted that he had been asked to testify at the hearing.

### ENVIRONMENTAL TRUST

Vince Kramper reported that the Environmental Trust had received 120 applications for funding this year and that he had chaired the Ratings Committee and their recommendations will be presented to the Environmental Trust Board at their next meeting on February 13 and the whole Board will take action on the awarding of grants at the April meeting. Kramper added that legislation has been proposed to change the voting procedures for approving grants and the Board favors the changes proposed.

### PLATTE RIVER ISSUES

Patterson reported that the North Platte Decree Committee will have a planning meeting next week and have their first business meeting sometime in April. He added that unless snowfall in the North Platte River Basin increases dramatically the rest of the winter there would be significant regulation of water supplies in the North Platte Basin this summer.

Patterson explained that the Governance Committee of the Cooperative Agreement now has information on all the pieces of the various issues in hand and hopefully will be signing off on them in the near future.

### REPUBLICAN BASIN

Patterson noted that the parties will be holding a negotiation meeting in Denver this Thursday and Friday. He added that they have identified a large number of issues that the representatives will need to work through before any settlement can be reached.

### PROGRAM COMMITTEE

Tom Pesek distributed the Resources Development Fund financial status report and briefly reviewed that report.

Wayne Davis noted that the Commission had received the Director's recommendation on the Lake Ericson project

application and motion was made by Davis and seconded by Kramper that the Natural Resources Commission, having reviewed and considered the recommendation of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Lake Ericson Project will be of general public benefit;
- (2) The project plan does not conflict with any existing state land plan;
- (3) The project has been determined to be technically, economically, and financially feasible and environmentally acceptable according to the Resources Development Fund criteria;
- (4) The plan for development is satisfactory;
- (5) The plan minimizes any adverse impact on the natural environment;
- (6) The Lower Loup NRD is qualified, responsible and legally capable of carrying out the project;
- (7) 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;
- (8) 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:

- (1) The Lake Ericson Project is 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 priority system for allocating funds.
- (2) The funding, if and when provided, be in the form of a grant for up to \$535,635.45, not to exceed 63% of the eligible total local project cost of \$850,215.00.
- (3) In-kind services amounting to \$37,009.00 for the construction of two picnic shelters are allowed as part of the local cost share.
- (4) The Lower Loup NRD may proceed with final design of the project prior to the actual obligation of funds.
- (5) The Director of Natural Resources is authorized to negotiate and enter into a contract with the Lower Loup NRD for carrying out the provisions of the project.

Motion carried.

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

Nay: None

Not Present: Larson

Not Eligible to Vote: Bartak

Tom Pesek distributed the Small Watersheds Flood Control Fund status report and briefly reviewed the report.

Tom Pesek explained that the public auction of the tract at Upper Little Nemaha site 36 had been held on January 9 with the high bid received of \$1600 per acre. He added that the staff was recommending that the Commission take action to accept the bid and added that the Nemaha NRD was also recommending that the high bid be accepted. Motion was made by Jiskra and seconded by Kramper to approve the high bid of \$128,000 or \$1,600 per acre for the 80 acre-tract at Upper Little Nemaha Site 36. Motion carried.

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

Nay: None

Not Present: Larson

Gayle Starr distributed reports on the Soil and Water Conservation Fund including the Republican Water Meter fund and control area water meter fund as well as status reports of the Water Well Decommissioning Fund and Natural Resources Water Quality Fund.

#### LEGISLATIVE & BUDGET COMMITTEE

Jim Cook indicated that he would brief the Commission on six bills that the Commission might want to consider action

on and that if any Commission member wished to discuss any additional bills he would be happy to do so. Cook first discussed LB 937 which would authorize the Soil and Water Conservation Fund to be used for management type practices. Motion was made by Van Marter and seconded by Kramper that the Commission support LB 937. Motion carried.

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

Nay: None

Not Present: Larson

Cook explained that LB 938 would authorize the Soil & Water Conservation Fund to be used for cost-share on practices to control erosion in urban areas that are being developed. Motion was made by Bartak and seconded by Davis to support LB 938. Motion carried.

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

Nay: Hergott

Not Present: Larson

Cook explained that LB 1219 was a very short bill that would add an additional \$750,000 to the Resources Development Fund. Motion was made by Johannes and seconded by Kramper to support LB 1219. Motion carried.

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

Nay: None

Not Present: Larson

Cook also discussed LB 890 which relates to fees the department charges for well registration ownership changes. He added that significant amendments to the bill are being discussed at this time, including one proposed by the Department that would finance the costs of the ownership changes from well registration fees. He added that this would diminish the receipts for the Water Well Decommissioning Fund as well as receipts for the Department of Health and Human Services for operation of their programs. He added that LB 1023 introduced by Senator Schrock and a number of others would establish a task force to study water issues. Cook added that there was considerable discussion about this bill and possibly changes will be made before any bill is reported out to the floor.

Cook explained that LB 1026 is a water rights leasing bill and will likely not be acted upon this year. He added that it may be incorporated as one of the issues that might be discussed as a part of the LB 1023 Task Force.

Cook explained that there was an item on the agenda relating to the correction of an error in the legal description for the Central Platte NRD but that there needed to be additional staff work by department staff as well as the Central Platte and Lower Loup NRDs before a specific proposal comes before the Commission.

### COMPREHENSIVE PLANNING COMMITTEE

Steve Gaul explained that the staff is proceeding to work on digitizing as part of the NHD project in the Salt Wahoo area and when that work is completed will be moving to areas in the Lower Elkhorn. He added that the department has recently acquired a high resolution scanner that will be used on a number of agency projects, including the development of an electronic data base for surface water rights. Gaul added that the Carbon Sequestration report had been finalized and is at the printers, and the Commission members should be receiving a final copy of the report soon.

Mahendra Bansal explained that the online well registration project is now available for use and that a number of well drillers are utilizing the system. He added that this system will greatly facilitate the registration process. He distributed information about the first wells that have been registered online. Bansal also pointed out that the agency web page has been revised extensively to make it more user friendly. He noted that a number of agency personnel have contributed to these changes with Steve Soberski taking the lead.

### PROPOSED 2002 MEETING DATES

Motion was made by Van Marter and seconded by Korell to approve the following meeting dates for the coming year:

March 20-21

May 22-23

July 24-25

Sept. 24, at Kearney

November 20-21

Jan. 29, 2003

Motion carried.

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

Nay: Davis

Not Present: Larson

It was suggested that when the Commission meeting is combined with the NARD conference, committee meetings could be held in the morning even when they conflict with some NARD sessions.

ELECTION OF OFFICERS

Commission Chair, LeRoy Pieper, asked for nominations for the position of Commission Chair for the coming year.

Richard Jiskra nominated Joe Hergott. Motion was made by Kramper and seconded by Van Marter to close nominations for the position of Commission Chair and cast a unanimous ballot for Joe Hergott. Motion carried.

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

Nay: None

Present, Not Voting: Hergott

Not Present: Larson

Pieper then asked for nominations for the position of Commission Vice-Chair. Wayne Davis moved that the rules be suspended and that a unanimous vote be cast for Roger Korell. Motion was seconded by Dick Jiskra. Motion carried.

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

Nay: None

Present, Not Voting: Korell

Not Present: Larson

COMMITTEE ASSIGNMENTS

Joe Hergott indicated that he would work with Roger Korell and staff to develop committee assignments.

NEXT MEETING

The next meeting of the Commission will be March 20 & 21 in Lincoln at the Lower Platte South NRD.

ADJOURNMENT

The meeting was adjourned at approximately 3:30 p.m.

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Chair  
Resources

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Director of Natural