

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

JULY 25, 2002

Those in attendance were:

Joseph Hergott, Chair	Jim Van Marter, Member
Arlond Garratt, Member	LeRoy Pieper, Member
Don Roberts, Member	Clint Johannes, Member
Richard Jiskra, Member	Steve Chick
Dan Watermeier, Member	Steve Oltmans
Beverly Donaldson, Member	Marlin Petermann
Vince Kramper, Member	Ron Bishop
Frank Bartak, Member	Gabe Robertson
Wayne Davis, Member	Jim Cook, Staff
Garry Anderson, Member	Tom Pesek, Staff
Roger Korell, Member	Steve Gaul, Staff
Wayne Madsen, Member	Gayle Starr, Staff

CALL TO ORDER

Commission Chair, Joseph Hergott, called the meeting to order in the conference room of the Central Platte NRD office in Grand Island, Nebraska at 9:30 a.m.

PUBLIC NOTICE

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on July 17, 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. Small Watersheds Flood Control Fund – Inventory of Fee Title Lands.
2. Status of Small Watersheds Flood Control Fund.
3. Nebraska Resources Development Fund Present Financial Status.
4. NRDF Levee and/or Channel Improvement Projects.
5. Nebraska Resources Development Fund Quarterly Report.
6. Soil & Water Conservation Fund – Expenditures by Month, 1994-2002.
7. Water Well Decommissioning Fund Status Report.
8. Natural Resources Water Quality Fund.
9. NRCS Report to the NNRC and NARD.

MINUTES

Motion was made by Kramper and seconded by Jiskra to approve the minutes of the May 22 and 23, 2002, Commission meetings as distributed. Motion carried.

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

Nay: None

Not Present: Hahn

EXPENDITURES

Gayle Starr noted the expenditures for May and June for the various funds had been distributed to Commission members.

ADVISOR'S COMMENTS

Steve Chick, NRCS State Conservationist, distributed a report for the Commission and commented on several items. He specifically noted that the funds for the new Farm Bill are to be released and that the State Office should have their allocation within the next few days. He also noted that there was some speculation that some of the Farm Bill appropriation would be diverted to pay for drought, wildfire, and other disasters. There was discussion about the proposals to cost-share on the conversion of currently irrigated lands to center pivot systems and Chick responded to those questions and noted that all of the details had not been finalized regarding that proposal.

Gayle Starr introduced Gabe Robertson, representing NARD. He noted that Gabe would be leaving NARD very shortly as he and his wife are moving to Indiana.

DIRECTOR'S REPORT

Gayle Starr noted that Roger Patterson was attending a Western State Engineer's Conference in Bismarck and was unable to attend the Commission meeting. Starr briefly reviewed the actions being taken by the department to allocate water and described some of the very significant reductions in stream flow in a number of streams throughout the state. Starr also commented on the upcoming Special Session of the Legislature and the potential impacts to the agency budget. He also noted that he had distributed a list of the Water Policy Task Force members and noted that their first meeting would be on July 29.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Trust Board had not met since the last Commission meeting and their next meeting will be in mid-August in Lincoln.

PLATTE & REPUBLICAN RIVER ACTIVITIES

Jim Cook explained that negotiations are continuing with Kansas and Colorado regarding the Republican River lawsuit and they are hopeful that some settlement can be reached by the end of the year.

With regard to the Platte River, he noted that considerable work has been done on the New Depletions Plan and hopefully an agreement can be reached on that plan in the near future. He also pointed out that there has been a proposal to have the National Academy of Sciences review the science utilized by the Fish & Wildlife Service in determining required flows relating to the Endangered Species (whooping crane, piping plover and least tern). He added that this review may take some time and that many of the local people were hopeful that the National Academy of Sciences would disagree with the science utilized by the Fish & Wildlife Service but that is an unknown at this time.

PROGRAM COMMITTEE

Beverly Donaldson indicated that all Commission members present had been present at the committee meeting and therefore the various status reports could be dispensed with unless any members had questions.

She indicated the first item of committee action was approval of the Western Sarpy/Clear Creek Project. She submitted the committee recommendation that the Natural Resources Commission, having reviewed and considered the recommendations of the Director of Natural Resources, hereby make the following findings of fact:

- (1) The Western Sarpy/Clear Creek 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 impacts on the natural environment;
- (6) The Papio-Missouri River Natural Resources District (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) That the Western Sarpy/Clear Creek Project be determined eligible for funding from the Nebraska Resources Development Fund; actual funding to be subject to the condition that the money required from the Fund is available and to application of the priority system for allocating funds.
- (2) That the funding, if and when provided, should be in the form of a grant for up to \$3,155,200.00 not to exceed 60% of the NRD's eligible total non-federal project cost of \$5,258,666.67, including feasibility study costs of \$40,000.00.
- (3) That the funding is contingent upon Corps Headquarters' approval of the limited re-evaluation report that is currently being conducted and upon federal approval, funding, and construction of the Camp Ashland Ring Levee.
- (4) That planning, engineering, and design services and R-O-W acquisition activities which may be performed prior to project approval should be eligible for NRDF cost-share, and
- (5) That the Director of Natural Resources be authorized to negotiate and enter into a contract with the Papio-Missouri River NRD, such contract is to specify all appropriate provisions relative to NRDF funding of the project.

Motion carried.

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

Nay: None

Not Present: Hahn

Donaldson explained that the committee had also taken two actions regarding the Small Watersheds Flood Control Fund. She submitted the committee recommendation that the Commission establish a revolving fund base for the Small Watersheds Flood Control Fund at \$900,000.00 for FY 2003. Motion carried.

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

Nay: None

Not Present: Hahn

Donaldson submitted the committee recommendation that the Commission schedule no property for sale in FY 2004.

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

Nay: None

Not Present: Hahn

Donaldson explained that the committee had been briefed on the situation regarding the Soil & Water Conservation Fund. It was noted that Commission action in regard to this item was not on the agenda and would have to be added as an emergency item.

Motion was made by Van Marter and seconded by Anderson to add to the agenda as an emergency item – Discussion and Action as desired on modifications on NSWCP allocations for FY 2002-03. Motion carried.

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

Nay: Roberts, Davis

Not Present: Hahn

Gayle Starr and Jim Cook reviewed the NSWCP situation and noted that it was unknown what reductions might be made in the fund during the special session and therefore it is unknown at this time what reductions to NRD allocations might need to be

made. Starr recommended that the Commission ask each NRD to indicate their current level of obligations of 2002-03 funds and direct them to not make further obligations and to delegate to the Executive Committee after the conclusion of the special session the authority to make necessary adjustments with regard to the fund. It was noted that the Executive Committee could meet by telephone conference call and that all Commission members would be provided the information needed on which to base the necessary adjustments.

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Motion was made by Kramper and seconded by Bartak that the Commission (1) Ask NRDs to advise the Commission of the amount of FY 2002-03 NSWCP funds obligated by each district and (2) Direct each NRD to not obligate any additional funds until notification from DNR and (3) to delegate to the Executive Committee of the Commission the authority to revise each NRD's allocation following the conclusion of the upcoming special session of the Legislature and the Governor's subsequent action with regard to action taken by the Legislature. Motion carried.

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

Nay: None

Not Present: Hahn

COMPREHENSIVE PLANNING COMMITTEE

Wayne Madsen reported that Steve Gaul had briefed the committee on the various items included in the annual report and plan of work for the Nebraska State Planning and Review process.

NEXT MEETING

The next meeting of the will be in connection with the NARD annual conference in Kearney on September 24, 2002.

ADJOURNMENT

The meeting was adjourned at approximately 11:30 AM.

Chairman

Director of Natural Resources