

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

SEPTEMBER 24, 2002
HOLIDAY INN
KEARNEY, NEBRASKA

Those in attendance were:

Joseph Hergott, Chair	Wayne Davis, Member
Richard Jiskra, Member	Arlond Garratt, Member
Vince Kramper, Member	LeRoy Pieper, Member
Beverly Donaldson, Member	Dayle Williamson
Garry Anderson, Member	Steve Oltmans
Clinton Johannes, Member	Glenn Johnson
Don Roberts, Member	Marlin Petermann
Jim Van Marter, Member	Barb Nichols
Wayne Madsen, Member	Roger Patterson, Director
Roger Korell, Member	Tom Pesek, Staff
Robert Hahn, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Commission Chair, Joseph Hergott, at 3:00 p.m. in Ballroom II of 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 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. Nebraska Resources Development Fund Present Financial Status Report.
2. Memo to File on Chronology of Weeping Water Creek Site 7g.
3. Status of Small Watersheds Flood Control Fund.
4. Copy of letter from Pappio-Missouri River NRD, RE: Request for Resources Development Fund Obligation of Funds for Western Sarpy/Clear Creek Flood Reduction Project.
5. Memo to File on Summary of Auctioneer Bids for FY 2003.
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

Motion was made by Kramper and seconded by Van Marter to approve the minutes of July 25, 2002. Commission meeting as distributed. Motion carried.

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

Hergott

Nay: None

Not Present: Bartak, Watermeier

EXPENDITURES

The expenditure report for July and August 2002 covering the funds administered by the Commission were distributed to Commission members.

DIRECTOR'S REPORT

Roger Patterson noted that water administration was particularly difficult this year because of extremely limited water supplies in the western part of the state. He added that unless conditions change significantly next year will also be difficult because some of the district's borrowed from their next year's water supply to meet this year's needs.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Environmental Trust had been in operation for 10 years and had distributed 54 million dollars to approximately 600 applicants over the years. He added that this year they received 99 applications requesting about 22 million dollars. He added that because of the state's financial difficulties there may be additional raids on the Environmental Trust Funds next year.

REPUBLICAN RIVER

Patterson noted that the Special Master has given the parties until December 15 to settle their differences and if that is not accomplished the trial would probably be sometime next summer.

PLATTE RIVER

Patterson reported that a significant agreement had been reached in that the Department of Interior has agreed to request the National Academy of Sciences to review the science utilized in determining flow requirements in the Platte River. He noted that the National Academy of Sciences has agreed to accelerate that study so that the process can move forward. He added that a scope of the study will need to be developed and agreed upon.

WATER POLICY TASK FORCE

Patterson noted that the Task Force has organized and selected an Executive Committee and hired a facilitator to help with the process. He noted that the next meeting of the Task Force would be November 18 and 19 in Kearney. Clint Johannes added that the Task Force has agreed upon a consensus process to arrive at decisions rather than do any voting.

EXECUTIVE COMMITTEE ACTION

Gayle Starr reported that the Executive Committee had met by teleconference to determine the allocation of Soil and Water Conservation Funds as they were delegated authority to do by the Commission. He noted that the action of the Executive Committee was simplified by the fact that the appropriation for the fund was not changed during the special session of the Legislature. He noted that the actions taken by the Executive Committee had been provided to all Commission members.

PROGRAM COMMITTEE

Beverly Donaldson called on Tom Pesek who provided a status report and review of the Resources Development Fund. Pesek noted that the Papio-Missouri River NRD had submitted a request for obligation of funds for the Western Sarpy/Clear Creek Project and that funds were available to partially meet their request. He noted that the Commission had previously indicated a desire to save some funds for the proposed Blue Creek Irrigation Project but that it was now uncertain as to when that application might be brought forward but that the staff recommendation was that funds still be saved for that project and that \$1.5 million dollars be obligated to the Western Sarpy/Clear Creek Project. Steve Oltmans, representing the Papio-Missouri River NRD, briefly reviewed the project and the progress they have made on the planning and land acquisition for the project. Motion was made by Kramper and seconded by Davis to obligate funds to the Western Sarpy/Clear Creek

Project for the following components:

#1 Feasibility Study	\$24,000.00
#2 PED (Design) by Corps	232,764.00
#3 Right-of-Way (Partial)	<u>1,243,236.00</u>
	\$1,500,000.00

Motion carried.

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

Nay: None

Not Present: Bartak, Watermeier

Pesek explained that the Commission at the last meeting had requested a briefing on the status of Weeping Water 7g. He added that a summary of Commission action on the project had been provided to members. In response to a question Pesek stated that even though funds had been approved and allocated for the project there were no funds obligated or set aside for the project at this time. Glenn Johnson, Manager of the Lower Platte South NRD, indicated that there was no change in the status of the project and requested that the Commission not take any action to change the current status of the 7g project which would leave it as an approved project with no funds obligated. Johnson responded to a number of questions concerning the future possibility of road closures that would be needed for the dam and other questions concerning the project.

Pesek distributed a status report on the Small Watersheds Flood Control Fund and briefly reviewed it. He explained that bids for auctioneer services for the January land sale of two tracts involved with Middle Big Nemaha Site 3 have been received from four auctioneers and then provided the Commission members with a summary of the bids received. He noted that the bids were very competitive but that based on the services provided the staff recommendation was that Jack Bernard be selected as the auctioneer for the two tracts at Middle Big Nemaha Site 3. Motion was made by Van Marter and seconded by Korell to accept the bid of Bernard real estate. Motion carried.

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

Nay: None

Not Present: Bartak, Watermeier

Gayle Starr distributed status reports for the Soil and Water Conservation Fund, Natural Resources Water Quality Fund, the Water Well Decommissioning Fund, and briefly reviewed them and responded to several questions. Starr explained that based on the current status of the utilization of funds for Republican Basin meters, some changes were appropriate to better utilize the funds. He indicated that he had visited with the four managers involved and there was agreement on the changes. He explained that the staff recommendation was that the allocation for the Upper Republican NRD be reduced to \$25,000 and that those funds be added to the allocation for the Middle Republican Natural Resources District for Republican meter funds. He added that the Commission could review the status at future meetings and make any additional changes that appeared to be necessary at that time. Motion was made by Davis and seconded by Roberts to reduce the Republican Meter allocation of the Upper Republican NRD to \$25,000 and add those funds reduced from the Upper Republican's allocation to the allocation of the Middle Republican NRD. Motion carried.

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

Nay: None

Not Present: Bartak, Watermeier

ADVISOR'S COMMENTS

Steve Chick, representing the Natural Resources Conservation Service, distributed a report and briefly reviewed it. He noted several personnel changes and briefly commented on the status of funding for their programs and the problem with obtaining technical assistance funds to manage those programs.

LEGISLATIVE AND BUDGET

Gayle Starr noted that the agency budget request would be submitted by October 15 and that the staff has visited with the Governor's budget office concerning that request.

Roger Patterson noted that the agency would be proposing limited legislation this year concerning permits for dams, amnesty for dams that had not been permitted previously, and possibly changes in the dam safety law. He added that the proposed legislation could be drafted by the next Commission meeting so that Commission members could be fully briefed on the proposals at that time.

FUTURE MEETINGS

The next meeting of the Commission will be November 20 and 21 in Lincoln. Wayne Davis indicated that the Upper-Niobrara White NRD would like to invite the Commission to hold their summer meeting in 2003 in the Upper-Niobrara White NRD. It was agreed that the staff would work with the NRD to select a date and specific location for that meeting for Commission consideration when the Commission establishes their 2003 meeting schedule at their January meeting.

ADJOURNMENT

The meeting was adjourned at approximately 4:30 p.m.

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Chairman

Director of Natural Resources