

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

January 29, 2003

Those in attendance were:

Joseph Hergott, Chair
Robert Hahn, Member
Garry Anderson, Member
Richard Hadenfeldt, Member
Vince Kramper, Member
Beverly Donaldson, Member
Roger Korell, Member
Wayne Madsen, Member
Jim Van Marter, Member
Wayne Davis, Member
Don Roberts, Member
Dan Watermeier, Member
Clint Johannes, Member

Marlin Petermann
Robert Hilske
Tom Moser
Terry Kubicek
Roy Stewart
Roger Patterson, Director
David Vogler, Staff
Tom Pesek, Staff
Jim Cook, Staff
Gayle Starr, Staff

CALL TO ORDER

Commission Chair Joseph Hergott called the meeting to order at 1:45 PM in a conference room at the Embassy Suites in Lincoln, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL STAR on January 22, 2003, 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. Status of Small Watersheds Flood Control Fund.
3. Soil and Water Conservation Fund Report.
4. Water Well Decommissioning Fund Allocations.
5. Natural Resources Water Quality Fund Receipts.
6. Soil and Water Conservation Fund Report – Republican Basin Water Meter Program.
7. Expenditures for November and December 2002.
8. Natural Resources Conservation Service Report.

MINUTES

Motion was made by Kramper and seconded by Van Marter to approve the minutes of the November 21, 2002, Commission meeting as distributed. Motion carried.

Aye: Anderson, Kramper, Korell, Watermeier, Madsen, Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

NEW COMMISSION MEMBER

Gayle Starr indicated that Commission member selection caucuses had been held in early January and that each would need to sign a letter of acceptance. Chairman Hergott introduced Richard Hadenfeldt who is the only new member of the seven selected.

EXPENDITURES

Gayle Starr noted that the expenditure report for November and December had been distributed to Commission members.

LEGISLATION

David Vogler reviewed a number of legislative bills that had been introduced that deal with various natural resources issues. He responded to a number of questions concerning the various reports.

DIRECTOR'S REPORT

Director Patterson noted that budget issues would be a significant part of this legislative session and that the outcome of appropriations for the various programs of the department will not be known until late in the session. He added that the Department of Interior has established a March 1 deadline for the states to agree on some of the Platte River issues so that the process can move forward.

Patterson then presented a detailed presentation on the Republican River settlement and outlined the various things that will need to be addressed and things that will need to be done by the department, the NRDs, and the irrigators in the basin.

ADVISOR'S COMMENTS

Steve Chick distributed a 2002 Nebraska report of the Natural Resources Conservation Service and a report that outlined the status of the various portions of the new Farm Bill. He also noted some staff position changes within NRCS and noted that the Southwest RC&D had been recognized as the outstanding RC&D in the nation.

WATER POLICY TASK FORCE

Roger Patterson and Clint Johannes reported that the Task Force was making progress on identifying issues and discussing the pros and cons of those issues. They indicated that they felt the Task Force would complete its work as scheduled.

PROGRAM COMMITTEE

Beverly Donaldson called on Tom Pesek who provided a brief review of the Resources Development Fund status report.

Donaldson called on Marlin Petermann, Assistant Manager of the Papio-Missouri River NRD, to discuss leases associated with properties acquired for the Western Sarpy/Clear Creek Project. Petermann reviewed the leases and responded to several questions concerning those leases. Motion was made by Davis and seconded by Kramper to approve the Papio-Missouri River NRD's leases with Joann & Alvin Glasshoff on the Glasshoff property and with the

Lyman-Richey Corporation on the Jansen property, both associated with the Western Sarpy/Clear Creek Project and therefore subject to the provisions of the NRDF contract for the project. Motion carried.

Aye: Kramper, Korell, Watermeier, Madsen, Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Anderson, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

Tom Moser, Manager of the Lewis & Clark NRD, reviewed the Powder Creek Project and particularly the increased costs associated with the recreation facilities and mitigation for the project because of cost increases since the estimates were made a number of years ago. Motion was made by Davis and seconded by Van Marter to approve the Lewis & Clark NRD's request for an increased allocation of \$32,195.00 for Component #5 – Recreation Facilities and Mitigation of the Powder Creek Project, increasing the total project allocation to \$498,760.40. Motion carried.

Aye: Korell, Watermeier, Madsen, Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

Bob Hilske, Manager of the Nemaha NRD, discussed their request for an increased allocation for the Upper Little Nemaha Watershed Project. He explained that there were cost increases involving some of the final structures of the project and decreases involving another with a net increase of \$105,545.18. Motion was made by Kramper and seconded by Roberts to approve the following changes to components of the Upper Little Nemaha Watershed Project as requested by the Nemaha NRD increasing the total project allocation by \$105,545.18 to \$3,516,548.52:

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Component 8a - Construction Site 23 - Decrease	\$70,886.06	
Component 9 - Design Sites 25, 61, & 31 - Increase	\$30,540.25	
Component 10 - Construction Sites 25, 61, & 31 - Increase	\$129,616.54	
Component 12 - Construction Sites 42, 50, & 63 - Increase	\$16,274.45	

- Motion carried.

Aye: Watermeier, Madsen, Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Korell, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

Tom Pesek briefly reviewed the Small Watersheds Flood Control Fund Status Report. Pesek briefly explained that the staff was recommending that the Commission accept the high bids received at public auction of two tracts at Middle Big Nemaha Site 3. He added that the Nemaha NRD Board had recommended that the Commission approve those high bids. Motion was made by Van Marter and seconded by Roberts to approve the high bids of \$158,400 or \$990/acre for the 160-acre tract and \$98,400 or \$1,230/acre for the 80-acre tract, both at Site 3 of the Middle Big Nemaha Watershed Project. Motion carried.

Aye: Madsen, Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Korell, Watermeier, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

Marlin Petermann of the Papio-Missouri River NRD briefly reviewed the proposal to sell minor portions of the property at Papio Site D-17 which was acquired in fee title through the Small Watersheds Flood Control Fund and subsequently retained by the NRD for public use. He explained that the sale was being proposed at the request of the developer of the residential area around the lake to better conform to their proposed development. Motion was made by Korell and seconded by Van Marter to approve the Papio-Missouri River NRD's request to sell 1.556 acres of its property at Papio Site D-17 which was acquired in fee title through the Small Watersheds Flood Control Fund and subsequently retained by the NRD for public use, to Waterford Development LLC as per the amended sales agreement. Motion carried.

Aye: Van Marter, Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Korell, Watermeier, Madsen, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

Gayle Starr reviewed status reports for the Soil & Water Conservation Fund, Republican Basin Water Meter Fund, Management Area Water Meter Fund, Natural Resources Water Quality Fund, and the Water Well Decommissioning Fund.

Starr explained that the staff was recommending approval of rule and regulation changes to the Soil & Water Conservation Fund rules to allow the inclusion of urban erosion practices as an eligible practice for the Soil & Water Conservation Fund as well as authorized by the Legislature in the last session of the Legislature. He added that these rules were reviewed during the hearing on the rules and regulations immediately prior to the Commission meeting.

Motion was made by Hahn and seconded by Johannes to approve the amendments to the Soil & Water Conservation Fund rules and regulations as presented at the hearing earlier today. Motion carried.

Aye: Johannes, Hahn, Roberts, Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Korell, Watermeier, Madsen, Van Marter, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra

BUDGET

Gayle Starr presented a summary of Governor Johann's proposed budget for the department. He indicated that the Appropriations Committee would hold a hearing on the department's budget sometime in February and that the Appropriations Committee would probably report their recommended appropriations bill to the full Legislature in April or early May.

COMPREHENSIVE PLANNING COMMITTEE

Steve Gaul briefed the Commission on two Planning Division projects including the SSURGO soils project and the National Hydrographic Data set. Mahendra Bansal briefly reviewed the Digital Orthophoto Quadrangles Project, the Surface Water Automation Project, and the updating of the various databases in the Natural Resources Data Bank.

ELECTION OF OFFICERS

Commission Chair Hergott asked for nominations for the position of Commission Chair for the coming year. Motion was made by Davis and seconded by Van Marter to suspend the rules and cast a unanimous ballot for Roger Korell for Commission Chair. Motion carried.

Aye: Hahn, Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Watermeier, Madsen, Van Marter, Johannes, Hergott

Present, Not Voting: Korell

Nay: None

Not Present: Garratt, Pieper, Jiskra, Roberts

Motion was made by Kramper and seconded by Anderson to suspend the rules and cast a unanimous ballot for Beverly Donaldson for Commission Vice-Chair. Motion carried.

Aye: Davis, Donaldson, Hadenfeldt, Anderson, Kramper, Korell, Watermeier, Madsen, Van Marter, Johannes, Hahn, Hergott

Nay: None

Not Present: Garratt, Pieper, Jiskra, Roberts

COMMITTEE ASSIGNMENTS

Roger Korell indicated that if any Commission members wished a change in Committee assignments they should visit with him.

MEETING DATES

Motion was made by Kramper and seconded by Van Marter to accept the proposed meeting dates as indicated on the agenda as follows: March 26-27; May 21-22; July 8-9 (Chadron); Sept. 23 (Kearney); Nov. 19-20; January 28, 2004.

Motion carried.

Aye: Donaldson, Hadenfeldt, Anderson, Kramper, Korell, Watermeier, Madsen, Van Marter, Johannes, Hahn, Davis, Hergott

Nay: Not Present

Not Present: Garratt, Pieper, Jiskra, Roberts

NEXT MEETING

The next meeting of the Commission will be March 26-27, 2003, at the Lower Platte South NRD.

ADJOURNMENT

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

Chair

Director of Natural Resources