

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

NOVEMBER 20, 2003

Those in attendance were:

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| Roger Korell, Chair | Mike Onnen |
| Wayne Madsen, Member | Glenn Johnson |
| Jim Van Marter, Member | Paul Zillig |
| Joe Hergott, Member | Nelson Carpenter |
| Richard Jiskra, Member | Joel Bornemeier |
| Dan Watermeier, Member | Sadie Nichols |
| Clint Johannes, Member | Marsha Babcock |
| Beverly Donaldson, Member | Lalit Jha |
| Vince Kramper, Member | Marty Klein |
| Garry Anderson, Member | Jerry Sandeen |
| Arlond Garratt, Member | Roger Patterson, Director |
| Richard Hadenfeldt, Member | Jim Cook, Staff |
| Robert Hahn, Member | Tom Pesek, Staff |
| LeRoy Pieper, Member | Mahendra Bansal, Staff |
| Wayne Davis, Member | Steve Gaul, Staff |
| Marlin Petermann | Gayle Starr, Staff |

CALL TO ORDER

The meeting was called to order by Commission Chair, Roger Korell, at 9:30 AM in the conference room of the Lower Platte South NRD in Lincoln, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR on November 13, 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. Water Well Decommissioning Cash Fund Summary.
2. Nebraska Resources Development Fund Present Financial Status.
3. Nebraska Resources Development Fund Quarterly Report.
4. Semi-Annual Review of NRDF Projects.
5. Recommendation on the Winslow Levee Project from Director of Natural Resources.
6. Letter from LPS NRD on Weeping Water Creek Watershed Project.
7. Status of Small Watersheds Flood Control Fund.
8. Soil & Water Conservation Fund – Expenditures by Month, 1996-2004.
9. Republican Basin Water Meter Program status report.
10. Natural Resources Water Quality Fund Distributions.
11. NRCS Report to the NNRC and NARD.
12. Stevens Creek Watershed Farmpond Status Report.

MINUTES

Motion was made by Kramper and seconded by Jiskra to approve the minutes of the September 23, 2003, Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Roberts

EXPENDITURES

Gayle Starr noted that the expenditure report for September and October, 2003, had been mailed to Commission members.

ADVISOR'S COMMENTS

Steve Chick, NRCS State Conservationist, distributed a report and commented briefly on FY 2003 accomplishments in the various programs administered by NRCS or in which NRCS is involved. Chick also briefly commented on the progress on program funding for FY 2004. Chick also commented briefly on the competitive sourcing process that all USDA agencies are going through, the accomplishments of the various aspects of the Soil Survey program and the completion of the final structure of the Aowa Creek PL566-watershed project.

DIRECTOR'S REPORT

Roger Patterson explained that an individual has recently been hired to manage the Commission's information technology program, which will be a new division within the agency organization. He also noted that he and Dave Cookson from the Attorney General's office have been spending a considerable amount of time working on various issues involving the numerous Missouri River litigation cases. Patterson also announced that Jim Cook will be reducing his work hours after the first of the year and that he and Jim will be working out the details of that arrangement before the first of the year.

ENVIRONMENTAL TRUST

Vince Kramper commented that the Environmental Trust has approximately nine million dollars available for projects this year with about six million dollars of that available for new projects and three million dollars committed to the second and third years of previously approved projects. He added that a committee, of which he is a member, is sorting through the 86 applications to arrive at a recommendation for the full Environmental Trust Board. He added the next meeting of the Trust Board is January 29 and that the Board is exploring the formation of a foundation as well as relocating their office space from the Game and Parks Commission building to a location in the vicinity of the Capitol building.

PLATTE AND REPUBLICAN RIVER ISSUES

Roger Patterson explained that the three states and the federal government are moving closer to agreement on the program for the Platte River but that the real problem will be where the money comes from to support the program that is agreed upon.

With regard to the Republican River Basin, he noted that the basin has a very poor water supply situation for irrigation districts at the present time, with a recent Bureau of Reclamation memorandum indicating that based on current conditions, Harlan County Reservoir may be able to only supply about 20 percent of its normal water supply. He added that the NRDs and the department are moving ahead with the requirements of the settlement but that significant work remains to be done.

WATER POLICY TASK FORCE

Patterson explained that the Task Force had met Tuesday and Wednesday of this week in Kearney and had reached consensus on some significant issues. He added that the recommendations of the Task Force will not solve all water related issues in Nebraska but that it is a good first step. He noted that the Task Force would be meeting on December 18 in Lincoln with Governor Johanns.

PROGRAM COMMITTEE

Robert Hahn explained that all Commission members had been present at the Program Committee meeting and that the committee had only two items for Commission action. He added that the sponsors of four Resources Development Fund projects were present to brief the Commission on the status of their projects.

Paul Zillig, Assistant Manager of the Lower Platte South NRD, briefed the Commission on the Steven's Creek Project noting that two structures had been completed, three are under construction, four are under land rights negotiations and one final structure is currently being appraised at this time. He explained that because these structures are on the eastern edge of Lincoln, which is rapidly being developed for acreages, they are encountering significant difficulties in negotiating land rights.

Glenn Johnson, Manager of the Lower Platte South NRD, made a brief power point presentation on various aspects of the Antelope Valley Project and noted that it is moving along quite well. He added that the complexity of the project, including flood control, transportation, and urban development aspects require a great deal of coordination to keep things going.

Mike Onnen, Manager of the Little Blue NRD, reported on the Little Sandy Project. He noted that the district is encountering some delays at Site 61 (the recreation site) because of some concerns about a possible Indian burial ground. He explained that he is working with state and federal agencies as well as native American groups to determine if an Indian burial ground is in fact in the area. Onnen added that construction of Site 30 has been completed.

Marlin Petermann, Assistant Manager of the Papio-Missouri River NRD, briefed the Commission on the Western Sarpy/Clear Creek Project and explained that one of their major efforts at present is working with some cabin owners in the Beacon View area to either buy out those cabins or elevate them. He added that work is proceeding on design of the levees by the Corps of Engineers. He added that it is likely that it will be necessary for the sponsors to come back to the Commission for a cost increase.

Robert Hahn explained that the committee had taken action to recommend two specific actions by the Commission. Motion was made by Hahn and seconded by Kramper to recommend that the Natural Resources Commission having reviewed and considered the recommendation of the Department of Natural Resources, hereby makes the following findings of fact:

- (1) The Winslow Levee 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 Village of Winslow and the Lower Elkhorn Natural Resources District are 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 Winslow Levee 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 assessment system for obligating funds.
- (2) The funding, if and when provided, should be in the form of a grant for up to \$456,582.00 not to exceed 75% of the total project cost of \$608,776.00, including feasibility study costs of \$30,000.00.
- (3) The funding is contingent upon the securing of local cost-share funds no later than December 1, 2004, and no NRDF funds can be obligated to the project until the local funding is secured.
- (4) The Director of Natural Resources is authorized to negotiate and enter into a contract with the Village of Winslow and the Lower Elkhorn NRD for carrying out the conditions for the utilization of NRDF funds for the project.

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

Nay: None

Not Present: Roberts

Motion was made by Hahn and seconded by Johannes that the Natural Resources Commission allow the Lower Platte South NRD to delete Weeping Water Creek Site 7g, thereby reducing the allocation of the Weeping Water Creek Watershed Project from \$5,204,450.00 to \$3,736,657.37 and the allocation for the Weeping Water 7g Project from \$1,276,410.00 to \$0.00 and not require the Lower Platte South NRD to return any Natural Resources Development Funds already reimbursed to the NRD for the Weeping Water Creek Watershed Project. Motion carried.

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

Nay: None

Not Present: Roberts

LEGISLATIVE & BUDGET COMMITTEE

Jim Cook explained that as noted earlier by Roger Patterson, the Water Policy Task Force has reached consensus on recommended legislation to be considered by the Legislature in the next session and that he will plan to work with Dave Cookson of the Attorney General's office to develop the needed legislative bills. He explained that one of the recommendations of the Water Policy Task Force is that .05 cents of the existing sales tax be devoted to water issues. He added that this would raise approximately eleven million dollars annually.

Gayle Starr noted that the Legislature would be addressing the budget issue during the upcoming 60-day session of the Legislature. He added that it is anticipated that the Governor will submit his recommendations on how to deal with the estimated two hundred million dollar shortfall and the Legislature will be addressing that issue after the forecasting Board meets in February. Starr added that the two hundred million dollar estimated shortfall relates to the two-year budget biennium.

COMPREHENSIVE PLANNING COMMITTEE

Steve Gaul, head of the department's Planning and Assistance Division, briefly reported on division activities including carbon sequestration, work on the Republican Basin Settlement issues, digitization of water rights, the SURGO soils effort, and the National Hydrographic data set.

Mahendra Bansal, head of the department's Natural Resources Data Bank, displayed some digital maps and explained the various geo-referenced layers that can be accessed from the department. He added that at the next Commission meeting he hoped to provide a demonstration of that process for Commission members.

NEXT MEETING

The next meeting of the Commission will be January 28 in connection with the NARD annual legislative conference. It was noted that the Commission meeting would probably be at the Embassy Suites in Lincoln.

ADJOURNMENT

The meeting was adjourned at 11:35 a.m.

Chair

Director of Natural Resources