

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MAY 19, 2005

Those in attendance were:

Jim Van Marter, Chair
Roger Korell, Member
Wayne Madsen, Member
John Burkholder, Member
Richard Jiskra, Member
Joe Hergott, Member
Dan Watermeier, Member
Garry Anderson, Member
Vince Kramper, Member
Beverly Donaldson, Member
Richard Hadenfeldt, Member
Armond Garratt, Member
Keith Rexroth, Member
Wayne Davis, Member
Clinton Johannes, Member

John Miyoshi
Steve Oltmans
Glenn Johnson
Mike Onnen
Ken Birney
Dorothy Hillen
Sean Heitz
Len Schropfer
Milt Moravek
Roger Patterson, Director
Ann Diers, Staff
Tina Kurtz, Staff
Tom Pesek, Staff
Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order by Commission Chair Jim Van Marter at 9:00 a.m. in the conference room of the Lower Platte North NRD in Wahoo, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR and the WAHOO newspaper on May 12, 2005.

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. South Platte NRD Water Meter Program Report.
5. Status of Small Watersheds Flood Control Fund.
6. Soil & Water Conservation Fund – Expenditures by Month, 1997-2005.
7. Republican River Basin Water Meter Program Status Report and Summary.
8. Natural Resources Water Quality Fund Status.
9. DNR Fund Expenditures for March & April, 2005.
10. Natural Resources Conservation Service Report.
11. Nebraska Soil and Water Conservation Fund - Eligible Practices.
12. Letter from Little Blue NRD – Explanation for Request for Increased Allocation.
13. Letter from Papio-Missouri River NRD, re: NRDF Contract No. 51 for Papio Site 21 Project (Walnut Creek Lake and Recreation Area).

MINUTES

Gayle Starr noted that in the minutes of March 24, 2005, Commission meeting, Wayne Madsen was shown as voting Aye on each motion when in fact he wasn't even in attendance at the meeting.

Motion was made by Kramper and seconded by Davis to approve the minutes of the March 24, 2005, Commission meeting as distributed with the correction as noted. Motion carried.

Aye: Kramper, Burkholder, Davis, Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra,

Korell, Rexroth, Watermeier, Donaldson, Van Marter

Nay: None

Not Present: Lembke

Abstain: Madsen

EXPENDITURES

Gayle Starr noted that the expenditure report for the various funds for the months of March and April 2005 had been made available to Commission members.

ADVISORS COMMENTS

Steve Chick distributed a report to the Commission and commented on the Environmental Quality Incentive Program for the Republican Basin and the Conservation Security Program in the Big Blue Basin and portions of the Little Blue Basin where sign-up is now taking place. He also briefly reviewed several other water resources programs.

DIRECTOR'S REPORT

Director Roger Patterson noted that the Legislature has passed the mainline budget bill and it is now being reviewed by the Governor. He noted that the appropriation for the Water Policy Task Force and the Platte River Cooperative Agreement had been included in the first year of the biennium but not the second year and that the bill contained language to direct the department to propose a system of fees that could finance these activities in the second year of the biennium and into the future. He noted that the Funding Committee of the Water Policy Task Force was meeting this afternoon to begin considering funding possibilities.

With regard to water supply, he explained that surface water users in the Panhandle will likely be receiving about 75 percent of their normal supply and that the situation in the Republican Basin is such that only one canal will be receiving surface water this year.

Patterson explained that the Spear T lawsuit in which a surface water appropriator on Pumpkin Creek was suing DNR alleging that the department should have protected their surface water right by regulating ground water users in that basin will be heard before the State Supreme Court on June 1.

ENVIRONMENTAL TRUST

Vince Kramper noted that at the last meeting of the Environmental Trust Board they had approved 72 projects for approximately nine million dollars.

PLATTE RIVER

Patterson explained that he is hopeful that an agreement can be reached on the Cooperative Agreement within the next year that can be presented to the three Governors and the Secretary of Interior. He added that some work has begun on federal legislation that would put the agreement in place and provide the federal funding needed for the program. He noted that the three states would also need to provide some funding although he is hopeful that much of Nebraska's share could be provided by in-kind type of services.

WATER POLICY TASK FORCE

Patterson stated that a tour of the Republican Basin is planned for Water Policy Task Force members and others in early August. He added that committees of the Water Policy Task Force are working on two significant issues at this time. Those two issues are the need to provide a specific funding source for water activities and working with municipalities to alleviate some of their concerns about Nebraska water policy.

RESOURCES DEVELOPMENT FUND PROJECT ASSESSMENT

Tom Pesek reviewed the annual assessment process and noted that five projects were requesting funding for the fiscal year beginning July 1, 2005. He added that the sponsors of those five projects would be making presentations to the Commission. Presentations were made as follows:

1. Western Sarpy/Clear Creek – Papio-Missouri River NRD – Steve Oltmans and Nelson Carpenter
2. Leigh Dam – Lower Elkhorn NRD – Ken Berney
3. Upper Prairie/Silver/Moore’s Creek – Central Platte NRD – Milton Moravek
4. Antelope Creek – Lower Platte South NRD – Glenn Johnson
5. Little Sandy Creek – Little Blue NRD – Mike Onnen

Len Schropfer, an opponent of Little Sandy site #61 spoke in opposition to funding for that project.

PROGRAM COMMITTEE

Tom Pesek briefly reviewed the Resources Development Fund financial status report and the quarterly report of projects.

Steve Oltmans presented some information concerning the request of the Papio-Missouri River NRD to transfer operation, maintenance, and repair responsibility for the Walnut Creek Recreation Area to the City of Papillion. He noted that this type of transfer of responsibility was anticipated when the project was approved. In answer to a question, he noted that fee title of the property would be transferred to Papillion but the NRD would retain an easement for inspection, maintenance, and repair work on the dam itself. He added that the NRD would retain responsibility for the maintenance of the dam. Motion was made by Kramper and seconded by Anderson to approve the transfer of O, M & R responsibility for the Walnut Creek Recreation area to the City of Papillion from the Papio-Missouri River NRD. Motion carried.

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

Nay: None

Not Present: Lembke

Mike Onnen, Manager of the Little Blue NRD, reviewed their request for an increased allocation for the Little Sandy Creek Watershed Project. He explained that at Dam Site 61, it had become necessary to do some work on Highway 74 to meet the State Department of Roads requirements and that that cost had not been included in the original project application because it was not known at that time that the additional work would be required.

Motion was made by Jiskra and seconded by Korell to increase the NRDF allocation for Little Sandy Creek Watershed Project by \$233,414.00 from \$2,082,828.35 to \$2,316,242.35. Motion carried

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

Nay: None

Not Present: Lembke

Clint Johannes explained that Commission members had been briefed by the sponsors requesting Resources Development funds for the next fiscal year and Commission action would be necessary on those requests. Motion was made by Johannes and seconded by Anderson to establish the following components and obligated FY 2006 funds as follows:

Project	#	Project Component	FY 2006 Obligation	
Western Sarpy/Clear Creek	3	R-O-W	177,837.69	
			Subtotal:	\$ 177,837.69
Leigh Dam	1	Feasibility Study	89,099.00	

	2	Final Design	153,404.00	
	3a	Land Rights Appraisals	24,750.00	
			Subtotal:	\$ 267,253.00
Upper Prairie/Silver/Moores Creek	1	Feasibility Study	138,862.50	
	2	Land Acquisition SCLL5	121,633.57	
	3	Engineering & Design SCLL5	111,532.57	
	4	Land Acquisition SCLL4	169,061.02	
	5	Engineering & Design SCLL4	187,038.07	
	6	Land Acquisition SCLL7	69,848.63	
	7	Engineering & Design SCLL7	65,703.23	
	8	Construction SCLL5 (30%)	416,112.48	
			Subtotal:	\$ 1,279,792.07
Antelope Creek	4a	R-O-W Acquisitions and Relocations	\$177,851.00	
			Subtotal:	\$ 177,851.00
Little Sandy Creek Watershed	2e	Engineering, Site 73	17,220.00	
	4b	Highway 74 Construction, Site 61 (Increased Allocation)	233,414.00	
	4c	Construction & Inspection, Site 40	131,691.00	
			Subtotal:	\$ 382,325.00
			TOTAL:	\$ 2,285,058.76

Motion carried.

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

Nay: None

Not Present: Lembke

Tom Pesek very briefly noted that there had been no changes in regard to the Small Watersheds Flood Control Fund to report to the Commission. Gayle Starr provided Commission members with status reports on the Soil and Water Conservation Fund, Natural Resources Water Quality Fund, Water Well Decommissioning Fund, Republican Basin water meters program, and the South Platte NRD water meter program. He also noted that some initial payments had been made on the department's incentive payments on Environmental Quality Incentives Program special initiative for the Republican Basin but that no payments had yet been made for the CREP program and that it was likely that few payments would be made until next fall.

Clint Johannes explained that at the Program Committee meeting on Wednesday there had been extensive discussion on the request to add brush control by mechanical means only to the list of eligible practices for the Soil & Water Conservation Fund. Motion was made by Johannes and seconded by Korell to add brush control by mechanical means only to the list of eligible practices for the Soil & Water Conservation Fund. Motion carried.

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

Nay: None

Not Present: Lembke

LEGISLATIVE AND BUDGET COMMITTEE

-
Ann Diers reviewed the status of various legislative bills of interest to the department and natural resources districts.

COMPREHENSIVE PLANNING COMMITTEE

-
Wayne Madsen explained that Steve Gaul and Tina Kurtz had briefed the Program Committee at their meeting earlier in the day on the Integrated Management Planning process authorized in LB 962.

-
NEXT MEETING

Commission Chair, Jim Van Marter, stated that the next meeting of the Commission would be July 6 & 7 in Holdrege and that lodging and the meeting would be at the Super 8 Motel. He added that the Commission member's spouses were invited to attend.

-
ADJOURNMENT

The meeting was adjourned at approximately 11:50 a.m.

Chair

Director of Natural Resources