

## MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

November 17, 2005  
Hampton Inn, I-80  
Lincoln, Nebraska

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Those in attendance were:

Jim Van Marter, Chair  
Wayne Madsen, Member  
Roger Korell, Member  
Myron Lembke, Member  
Wayne Davis, Member  
Richard Hadenfeldt, Member  
Garry Anderson, Member  
Vince Kramper, Member  
Beverly Donaldson, Member  
Dan Watermeier, Member  
Clinton Johannes, Member

Joe Hergott, Member  
Richard Jiskra, Member  
John Burkholder, Member  
Doug Gahn  
Eric Dove  
David Clabaugh  
Scott Sobotka  
Ken Berney  
Tom Pesek, Staff  
Gayle Starr, Staff

### CALL TO ORDER

The meeting was called to order by Commission Chair Jim Van Marter in a conference room at the Airport Hampton Inn, Lincoln, Nebraska, at approximately 9:35 a.m.

### NOTICE OF THE MEETING

Notice of the meeting was published in the LINCOLN JOURNAL & STAR on November 9, 2005, 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. Semi-Annual Review of NRDF Projects.
4. Letter from Village of Winslow for NRDF Grant Allocation Increase.
5. Nebraska Resources Development Fund Quarterly Report.
6. Policy Statements V, VII, VIII, IX, X, XI, XII - Operations
7. Status of Small Watersheds Flood Control Fund.
8. Soil & Water Conservation Fund – Expenditures by Month, 1998-2006.
9. Republican River Basin Water Meter Program Status Report and Summary.
10. Natural Resources Water Quality Fund Status.
11. Water Well Decommissioning Fund Status.
12. Republican Basin EQIP & Platte – Republican CREP.
13. DNR Fund Expenditures for September & October, 2005.

### MINUTES

Motion was made by Kramper and seconded by Watermeier to approve the minutes of the September 28, 2005 Commission meeting as distributed. Motion carried.

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

Nay: None

Not Present: Garratt, Rexroth

## EXPENDITURES

It was noted that the expenditures for the months of September and October, 2005, have been made available for Commission members.

## ADVISOR'S COMMENTS

Doug Gahn, Acting State Conservationist for NRCS, briefly reviewed several NRCS programs and responded to questions. He particularly noted that the fiscal year 2005-2006 budget for NRCS had been adopted by Congress and signed by the President. He added that it provided for only limited increases but they expected to be able to continue all programs at approximately the same level as last year.

## ACTING DIRECTOR'S REPORT

Gayle Starr indicated that Ann Bleed could not be present because of some other commitments. He briefly explained the deficit budget request that had been submitted to the Governor based on the recommendations of the Water Policy Task Force. Starr also noted that the department expects to move ahead with an additional EQIP program in the Republican Basin and to participate with NRCS and the North Platte NRD in an EQIP program in the Pumpkin Creek Basin that will permanently retire irrigated acres.

Starr introduced Steve McMaster of the department's Dam Safety and Floodplain Management staff, who provided the Commission with a thorough briefing on the National Flood Insurance Program and recent developments with regard to that program.

## ENVIRONMENTAL TRUST

Vince Kramper reported that the Environmental Trust had received 85 new applications for approximately 35 million dollars. He estimated that the Trust expects to have available about nine million dollars, of which three million is tentatively earmarked for second and third years of previously approved projects and six million will be available for new applications.

## WATER POLICY TASK FORCE

Clint Johannes noted that the recent activities of the Task Force and its' committees had been focused on funding issues and some potential amendments to LB 962 that would address some municipal issues. He added that the Executive Committee of the Task Force would be meeting Friday morning in North Platte and the full Task Force Friday afternoon, also in North Platte.

## COMPREHENSIVE PLANNING COMMITTEE

Wayne Madsen indicated that Steve Gaul and Tina Kurtz of the department staff had provided the committee with an excellent briefing on the implementation of the provisions of LB 962.

## PROGRAM COMMITTEE

Tom Pesek reviewed the Resources Development Fund status report, quarterly report, and provided the semi-annual review of currently active projects.

Johannes explained that the three member committee of the Program Committee had provided their recommendation at the Program Committee meeting earlier in the day and that the recommendation was for approval of the Lower Turkey Creek

Watershed and the obligation of funds for that project. Motion was made by Johannes and seconded by Anderson to recommend that the Natural Resources Commission, having reviewed and considered the recommendation of the Director of Natural Resources, hereby makes the following findings of fact:

- (1) The Lower Turkey Creek Watershed 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 Nebraska Resources Development Fund criteria;
- (4) The plan for development is satisfactory;
- (5) The Plan minimizes any adverse impact on the natural environment;
- (6) The Lower Big Blue 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
- (9) The project as presented would result in changes to the existing 100-year floodplain at the Village of DeWitt and at the dam sites in Saline and Fillmore counties. As participating communities in the National Flood Insurance Program (NFIP), it is the responsibility of the local jurisdiction to submit technical data to the Federal Emergency Management Agency (FEMA) to support these floodplain revisions.

And therefore resolves that:

(1) The Lower Turkey Creek Watershed Project is 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 the application of the assessment system for allocating funds.

(2) The funding, if and when provided, will be in the form of a grant for up to \$3,565,200 not to exceed 60% of the total project cost, currently estimated to be \$5,942,000, including the cost of the feasibility study (\$255,000).

(3) In view of the biennial budget bill's requirement that the total amount allocated to approved projects cannot exceed the total amount obligated to projects by \$13,500,000, only 60% NRDF funding is provided at this time. If future funding were to eliminate this current restriction, the Natural Resources Commission would consider a sponsor request for a higher level of funding.

(4) After final design of the project is completed, the sponsor and Village of DeWitt are to submit data under FEMA's Conditional Letter of Map Revision (CLOMR) process. The CLOMR request allows FEMA to issue a conditional determination regarding the effects of the proposed project and assures that the completed project will be in compliance with the minimum floodplain management requirements of the NFIP. It will also allow the village and the state to assure that the completed project will be in compliance with state minimum standards for floodplain management programs. After construction of the project is completed, the sponsor and the affected local jurisdictions will submit data under FEMA's Letter of Map Revision (LOMR) process, or another process that is agreeable with the NDNR, to change the effective Flood Insurance Rate Maps. These changes will reflect any decreases in the 100-year flood elevations at DeWitt and the 100-year flood pool inundation areas of the dams.

(5) In the event this project would receive funding provided by FEMA through its Flood Mitigation Assistance Program, the level of NRDF assistance will be reviewed and may be adjusted.

(6) The Director of the Department of Natural Resources is authorized to negotiate and enter into a contract with the Lower Big Blue NRD for carrying out the provisions of the project, and

(7) \$1,312,200.00 is obligated to the project effective immediately for the following components:

Component No. 1 – Feasibility Study	\$153,000.00
Component No. 2 – Survey, Geotech, and Final Design of All Seven Sites	409,200.00
Component No. 3 – Appraisals and Land Rights - Sites 3, 4, 8, 9	420,000.00
Component No. 4 – Construction and Road Mitigation - - Sites 3, 8	<u>330,000.00</u>
	TOTAL: \$1,312,200.00

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

Nay: None

Not Present: Rexroth, Garratt, Burkholder

Not Eligible to Vote: Jiskra

Johannes explained that Ken Berney of the Lower Elkhorn NRD, had briefed the Program Committee on the Winslow Levee Project and explained the reasons for the request for an increased allocation of obligation of funds for that project. Motion was made by Johannes and seconded by Korell to increase allocation and obligation of funds for the Winslow Levee Project by \$34,512.62 (Component No. 2 - Final Design, Geo-Technical & Mapping - \$930.90 and Component No. 3 - Land Acquisition - \$33,581.72) from \$456,582.00 to \$491,094.62 and obligate the additional funds effective immediately.

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

Nay: None

Not Present: Rexroth, Garratt, Burkholder

Johannes explained that the Program Committee had reviewed the policy statements relating to the Resources Development Fund and several amendments suggested by the staff. He noted that the policy statements would be circulated to the NRDs and other project sponsors for their comments and that potential Commission action on any changes would be on the agenda for the next Commission meeting but that it would not be necessary to make the changes at that meeting.

It was explained that the Natural Resources Committee of the Legislature was holding a hearing on a resolution regarding the review of several aspects of the Resources Development Fund process on November 22 and that Jim Cook and Tom Pesek would be testifying on behalf of the department. It was noted that the department's testimony would be to provide the committee with information and explain the Resources Development Fund process and not necessarily to make any recommendations on any changes. It was noted that should the Legislature adopt any changes it might be necessary to make changes in some of the policy statements.

Johannes indicated that Tom Pesek had provided the committee with a brief update on the status of the Small Watersheds Flood Control Fund.

Johannes also indicated that Gayle Starr had provided the committee with status reports for the Soil and Water Conservation Fund, Natural Resources Water Quality Fund, Water Well Decommissioning Fund, Republican Basin Environmental Quality Incentive Program, and the Platte/Republican CREP program.

#### NEXT MEETING

It was noted that the next meeting of the Commission would be in conjunction with the NARD Legislative conference in Lincoln on January 25, 2006 at the Embassy Suites.

#### ADJOURNMENT

The meeting was adjourned at approximately 11:00 a.m.

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Chair

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Director of Natural Resources