

**MINUTES OF THE  
NEBRASKA NATURAL RESOURCES COMMISSION MEETING  
Lower Platte South NRD – Lincoln Nebraska  
November 20, 2008**

Those in attendance were:

Clint Johannes, Chair	Myron Lembke, Member	Rex Gittins, NDNR
Dick Hadenfeldt, Member	Joseph Hergott, Member	Kent Zimmerman, NDNR
Jim Van Marter, Member	Garry Anderson, Member	Ron Theis, NDNR
Beverly Donaldson, Member	Keith Rexroth, Member	Dave Clabaugh, LBBNRD
Vince Kramper, Member	Dick Mercer, Member	Lori Benson, UNL
Ladd Reeves, Member	Roger Korell, Member	Leroy Stokes, NRCS
Larry Moore, Member	Kyle Hoagland, UNL	John Turnbull, UBBNRD
John Burkholder, Member	Jay Bittner, UBBNRD	Mike Murren, LPNNRD
Rachael Herpel, UNL	Jesse Korus, LPSNRD	Myron Franzen
Bev Franzen		

**CALL TO ORDER**

The meeting was called to order by Commission Chairman Clint Johannes in the Lower Platte South NRD Conference Room, Lincoln, Nebraska, at 8:35 a.m.

**NOTICE OF THE MEETING**

Notice of the meeting was published in the LINCOLN JOURNAL STAR on November 9, 2008. Public meeting statutes were available for review near the room entrance.

**INFORMATIONAL MATERIAL**

The following items of informational materials were distributed either prior to or during the course of the meeting and a copy of each is attached to the file copy of the minutes:

1. Commission Meeting Agenda
2. DNR Fund Expenditures for September & October, 2008
3. Nebraska NRCS Report to the NRC & NARD November 2008
4. Nebraska Resources Development Fund (NRDF):
  - Status Report as of November 12, 2008
  - Quarterly Report – October 31, 2008
  - NRDF Administration Considerations - NRD Survey – Fall 2008
5. Small Watersheds Flood Control Fund Status Report
6. Soil & Water Conservation Fund Status Report
7. Natural Resources Water Quality Fund Status Report
8. Water Well Decommissioning Fund Status Report
9. Interrelated Water Management Plan Program Fund Status Report
10. Proposed Revisions to IWMPP Guidelines November 2008
11. Proposed Guidelines – Revised November 2008

12. Information on Selected Agenda Items (previously mailed to Commission Members)
13. UBBNRD Projects Brochures
14. UNL – Water Center Map and Important Dates Brochure
15. NARD Handouts re NRDF Funding Discussions - November 19, 2008:
  - Project Benefits
  - Projects Summaries
  - Funding
  - Timelines for Natural Resources Development Fund Projects

### MINUTES

Minutes were approved as corrected.

### EXPENDITURES REPORT

The expenditures report for the various funds for the months of September & October, 2008 had been distributed to Commission members. Extra copies were available. Gittins reported there were no unusual expenditures, but noted that payment had been received for land taken by the City of Papillion to build a Rural Fire Station on the Walnut Creek Project Site.

### ADVISORS REPORT

#### **NRCS**

Leroy Stokes, Assistant Nebraska NRCS State Conservationist, distributed and reviewed a report dated November 2008 entitled "Natural Resource Conservation Service Report to the Nebraska Natural Resources Commission and Nebraska Association of Resources Districts." A copy of the report is attached to the official copy of these Minutes and available for review in the Department. Stokes also announced that he is retiring after 40 years of service with the NRCS. Chairman Johannes congratulated Stokes and wished him a happy retirement.

#### **ENVIRONMENTAL TRUST**

Kramper stated that the Trust met at Mahoney Park last week and awarded \$12,583 in mini-grants to five grantees. The Trust has also established a procedure for selling equipment purchased with its grant monies, if the depreciated value is \$25,000 or more. The grants committee is reviewing 91 applications requesting \$52 million.

#### **UNL WATER CENTER**

Lorrie Benson distributed and reviewed a card outlining dates for Water Center activities which are open to the public, and gave a brief description of each event. She also handed

out a map entitled "Nebraska Water". Dr. Robert J Oglesby, Professor of Climate Modeling, UNL gave a presentation prior to the Commission meeting regarding drought as an ubiquitous feature of the Great Plains.

### DIRECTORS REPORT

Gittins reported that staff is very busy dealing with the issues in the Republican River basin, Platte River Recovery Program & Niobrara law suits. Theis described the schedule for arbitration in the Republican River basin dispute with Kansas as follows:

- Depositions will be taken by mid-December
- Briefs will be due to the arbitrator by February
- Arbitrator's decision is due by April
- This is non-binding arbitration
- States could also try to get their issues before the U.S. Supreme Court
- The settlement decree was the product of a case before the Supreme Court
- The Colorado augmentation issue could go to arbitration also

### LEGISLATIVE COMMITTEE

Rexroth announced that a sub-committee will meet with the Governor at 4:00 p.m. (November 20) to discuss funding issues related to funds the Commission has oversight on. A meeting to prepare for the meeting with the Governor will follow the Commission meeting and is open to everyone. It was noted that the Natural Resources Committee would be conducting hearings on in-stream flow and the Department of Natural Resources (director qualifications, organization and funding) beginning at 1:30 pm on November 20<sup>th</sup> at the Capitol.

### PROGRAM COMMITTEE

#### **Nebraska Resources Development Fund (NRDF)**

Anderson reported that the Program Committee met on November 19, 2008. Financial status and quarterly reports for the funds were reviewed with no unusual activity reported. Dean Edson, NARD reviewed the NRDF NRD Survey responses regarding considerations for dealing with budget constraints initially proposed by the Executive Committee. No action was proposed by the Commission at this time. Gittins also mentioned Resources Development Fund Biennial Reports had been distributed to Commissioners and NRD managers.

<b>Small Watershed Flood Control Fund Status Report</b>	No action
<b>Soil and Water Conservation Program Fund Status Report</b>	No action
<b>Natural Resources Water Quality Fund Status Report</b>	No action

## Water Well Decommissioning Fund Status Report

No action

### Interrelated Water Management Plan Program

The status report was mailed out prior to the Commission meeting, and extra copies were available. The report showed the funding balance for approved projects and a summary of reimbursements made to each project.

Proposed Guideline revisions for Fiscal Year 2010 had been mailed out to Commission members and to NRD managers prior to the meeting. Proposed changes had been described by Zimmerman and Gittins at the Program Committee meeting.

#### **Motion by Rexroth, seconded by Lembke:**

*To table action on the proposed Guideline revisions.*

*Motion Passed. There was no discussion.*

Aye: Van Marter, Moore, Lembke, Reeves, Burkholder, Kramper, Mercer, Korell, Johannes, Donaldson, Hadenfeldt, and Rexroth

Nay: Hergott and Anderson

Abstain: None

Not Present: Watermeier and Kadlecek

Commission members asked that Department staff advocating changes be present in the future to provide more complete explanations of proposals and be available to answer questions.

### Upper Big Blue NRD Groundwater Model

Jay Bittner, Upper Big Blue NRD gave a project update and thanked the Commission for funding assistance on this study. In response to questions from Commissioners, Bittner and Thorburn listed some of the findings of this study:

- The 10/50 line doesn't affect this part of the state as much as initially thought.
- The 10/50 line doesn't track parallel to the Blue River like it does in the Platte River where the hydrologic connection between wells and the stream is stronger because the layers are not as confining.
- The results were significantly different than the Jenkins method originally presented.
- Instead of the 10/50 line affecting 316,000 acres in the Upper Big Blue NRD as initially expected, it affected only 3,600 acres.

Johannes thanked the sponsors for their presentation and stated that it appears the IWMPP money is being well spent.

**JANUARY 2009 COMMISSION MEMBER CAUCUSES**

Gittins reported that commission member caucus meetings must be held between January 8 and 17, 2009 to select Commission members to represent the following River Basins for the term January 2009 through January 2013:

- Niobrara-White-Hat
- North Platte
- Middle Platte
- Elkhorn
- Republican
- Little Blue

Staff requested approval to use the same procedure as in the past to contact NRD managers to set the time and location for caucuses. A copy of past procedures was available for review.

**Motion by Kramper, seconded by Van Marter:**

*To approve the procedure for January 2009 Commission Member Caucuses and to authorize staff to work with NRD managers and Commission members involved to schedule the caucuses.*

Motion passed. There was no discussion.

Aye: Van Marter, Moore, Lembke, Reeves, Burkholder, Kramper, Anderson, Mercer, Korell, Johannes, Donaldson, Hadenfeldt, Rexroth and Hergott

Nay: None

Abstain: None

Not Present: Watermeier and Kadlecek

**OTHER BUSINESS**

- This announced that staff would pursue clean-up legislation to reinsert the 1994 start date for escalating the maximum funding for NRDF projects that had been inadvertently removed in 2006 clean up legislation.
- Gittins requested Commissioners review materials sent out prior to meetings and contact staff if they have questions or issues.
- Rexroth asked if there was interest in presenting a plaque to the families of Wayne Davis and Arland Garrett. It was decided Commissioners would each send \$10 to Rexroth who would get the plaques prepared.
- Johannes announced that elections for 2009 Commission board members would be held during the January meeting. He requested that the Nominating Committee provide nominations for chair and vice chair by the next meeting. Van Marter agreed to chair that committee for this assignment.
- Mike Murren, Lower-Platte North NRD, announced that a ground breaking ceremony was held on October 24, 2008, at the sight of the Wanahoo Dam. Murren invited Commissioners to stop in for a tour if they are in the area.

**ANNOUNCEMENTS, FUTURE MEETINGS, AGENDA ITEMS**

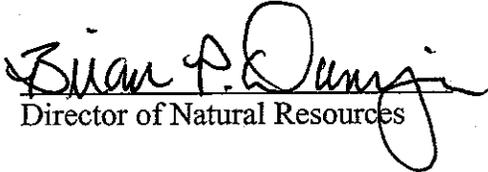
- Anderson requested the proposed IWMPP Guidelines revisions be placed on the agenda for January.
- Johannes announced that a group of Commissioners, Brian Dunnigan and Dean Edson would be meeting with the Governor at 4:00 p.m. that afternoon to discuss funding for the programs the Commission oversees. The group would begin to prepare for the meeting immediately following the Commission meeting, and that everyone was invited to participate.

<u>Meeting Dates</u>	<u>Location</u>	
January 27-28, 2009	Lincoln	NARD Legislative Conference

### ADJOURNMENT

The meeting was adjourned at 10:26 a.m.

  
Natural Resources Commission Chair

  
Director of Natural Resources