

NEBRASKA NATURAL RESOURCES COMMISSION

MEETING MINUTES – March 16, 2015

Ramada Inn & Convention Center – Kearney, Nebraska

Roll Call:

Commissioners		Absent	Present	Commissioners		Absent	Present
Amen	Karen		X	Kraus	Don		X
Anderson	Garry		X	Palm	Owen		X
Barels	Brian		X	Palmertree	Tom		X
Batie	Donald		X	Rains	Darrell M.		X
Christensen	Joel	X		Rexroth	Keith	X	
Clouse	Stan		X	Reynolds	Michael (Mick)		X
Deines	Dave	X		Smathers	Scott		X
Fornoff	Kevin		X	Smith	Lindsey		X
Hadenfeldt	N. Richard		X	Steffen	Jeff		X
Hergott	Joseph		X	Strauch	Walter Dennis		X
Huggenberger	Steve	X		Sugden	Steven	X	
Kadlecek	David	X		Taylor	Loren		X
Knutson	Thomas		X	Thompson	Jim		X
Kosman	Henry (Hod)	X					

DNR staff in attendance:

Rex Gittins, Kent Zimmerman and LeRoy Sievers

Others in attendance were:

Steve Cogley, Hastings Utility, Marlin Petermann, P-MRNRD, Mike Clements, LRNRD

CALL TO ORDER, ROLL CALL

Commission Chairman Fornoff called the meeting to order at 10:00 a.m. at the Ramada Inn & Convention Center, Kearney, Nebraska.

NOTICE OF THE MEETING

Notice of the meeting was published on the State Public Meetings Calendar and on the Department of Natural Resources' web site at www.dnr.nebraska.gov. A copy of Nebraska's public meeting statutes was available in the room.

INFORMATIONAL MATERIALS

The following informational materials were distributed at the meeting. Copies are attached to the file copy of these minutes.

1. Commission Meeting Agenda
2. NRC (redline) Draft Rules Title 261

3. DNR Draft Rules Title 264
4. Title 261 CH 1 comments by Brian Barels
5. Title 261 CH 3 & Definitions comments by Don Kraus
6. Petermann Letter 3/16/2015

MINUTES

Kraus moved and Anderson seconded the motion to approve the minutes of the March 6, 2015 Commission meeting.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amen				X	Kraus	X			
Anderson	X				Palm			X	
Barels			X		Palmertree	X			
Batie	X				Rains	X			
Christensen				X	Rexroth				X
Clouse	X				Reynolds	X			
Deines				X	Smathers	X			
Fornoff	X				Smith			X	
Hadenfeldt	X				Steffen	X			
Hergott	X				Strauch	X			
Huggenberger				X	Sugden				X
Kadlecek				X	Taylor	X			
Knutson	X				Thompson	X			
Kosman				X	TOTALS	16	0	3	8

COMPREHENSIVE PLANNING COMMITTEE

Committee Chair Smathers opened the discussion by outlining the following key topics. Smathers used an informal hands-up vote on key decision points. This information is to be incorporated into the draft rules.

Title 261 CH 1 comments by Brian Barels

Barels led discussion regarding his suggestions for a replacement of Chapter 1 001 to describe the purpose outlined in the statutory language creating the Fund as well as the purpose of complying with the statutes. After minor changes the proposed replacement was made to the draft rules.

Title 261 CH 3 & Definitions comments by Don Kraus

Kraus led discussion regarding his suggestions for some of the definitions as well as Chapter 3 002 through 006. Significant changes were made both in some of the definitions as well as in Chapter 3 002 and 003. The major changes include: 1) not approving the application with the next highest score, in either category, if there is insufficient allocation to do so (do not give dubs

on future funding which was agreed to at the March 6, 2015, meeting); 2) if any Allocation/Obligation remains after approving Small Project applications, the Commission will determine each year whether to carry the surplus in the Small Projects category into next year or move it into the Large Projects category for use this year. With the agreed upon changes, the suggestions were made to the rules.

NRD Managers suggestions presented by Marlin Petermann

Petermann handed out a letter dated March 16, 2015, which offered several suggestions from NRD managers. Of the suggestions offered, the Commission approved some changes to Chapter 3 005.01 D, 006.03 and 006.05 plus some changes in Chapter 4.

Knutson moved and Reynolds seconded the motion to adopt the rules (Title 261) as amended and proceed with the rules formation process.

Commissioner	Aye	Nay	Abstain	Absent	Commissioner	Aye	Nay	Abstain	Absent
Amen	X				Kraus	X			
Anderson				X	Palm	X			
Barels	X				Palmertree	X			
Batie	X				Rains	X			
Christensen				X	Rexroth				X
Clouse	X				Reynolds	X			
Deines				X	Smathers	X			
Fornoff	X				Smith	X			
Hadenfeldt	X				Steffen				X
Hergott	X				Strauch		X		
Huggenberger				X	Sugden				X
Kadlecek				X	Taylor	X			
Knutson	X				Thompson	X			
Kosman				X	TOTALS	17	1	0	9

After making the required changes, staff will forward a revised draft to each Commissioner.

Comments by LeRoy Sievers

- The number for the DNR draft rules was changed by the Secretary of State's office after discovering the previous number was in use. The new number is "264."
- The Governor's Policy Research Office (PRO) requested the DNR draft rules Title 264 be submitted promptly so that the Formal Hearing could be noticed and held prior to the one year deadline. The draft rules have been released, with PRO's approval, for Public Comment and Notice which was published in the Omaha World Herald on March 14, 2015. The Hearing on the DNR rules (Title 264) will be held in the State Office Building, Lower Level room "D" on April 16, 2015.

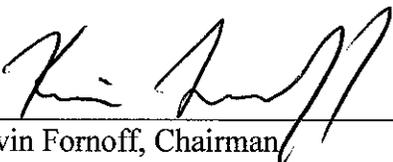
- Because the Commission's draft rules may go a couple weeks beyond the one year deadline for public hearing a notice describing why has been prepared for Chairman Fornoff's signature and will be submitted to the Legislature if and when appropriate. .
- Public information meetings to describe both the Commission's rules and the Department's rules have been scheduled for March 25th in Kearney, March 26th in Scottsbluff and March 30th in Lincoln.
- The statutes now require a summary of all public comments be made after the public hearing. The summary will be provided to the Commissioners in advance of the next meeting for your use in reviewing the comments on the rules and making a determination of whether or not to make any substantive changes and how to proceed.

ANNOUNCEMENTS / OTHER BUSINESS

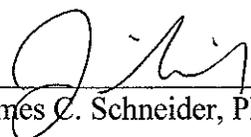
- Smathers announced that he and Chair Fornoff would be attending the public information meetings and encouraged other Commissioners to attend one in their local area if interested. It was noted that the meetings were not being noticed therefore we could not have a quorum present and that attendance was not mandatory.
- Smathers stated that Senator Watermeier's LB 537 hearing before the Appropriations Committee to add \$15.1 million dollars to the Resources Development Fund had been well represented by the NRD managers. The Nebraska Sportsmen's Foundation submitted a letter in support.
- The Comprehensive Planning Committee was instructed to meet and review comments from the hearing and bring recommendations to the next Commission meeting.
- The next meeting is scheduled for June 16, 2015, in Kearney, Nebraska.

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The meeting was adjourned at 2:20 p.m.



 Kevin Fornoff, Chairman



 James C. Schneider, Ph.D, Acting Director