

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

February 25, 2010

Ord, Nebraska

The February meeting of the Board of Directors of the Lower Loup Natural Resources District was held at the Headquarters Office, 2620 Airport Drive, Ord, Nebraska, on February 25, 2010. Chairman Kruse called the meeting to order at 5:03 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson, Secretary
Craig E. Frenzen
Michael P. Gutzmer
James F. Lightner
Alan D. Petersen
Lyle D. Rasmussen
Gerald P. Smith

Rollie D. Amsberry, Treasurer
James J. Eschliman
Virgil W. Gellermann
Gary A. Kruse, Chairman
James C. Nelson
Dean J. Rasmussen
Darwin R. Sieh
Henry J. Thoene

Directors absent

Joseph L. Citta, Jr., Vice Chairman
N. Richard Hadenfeldt
Kim C. Walden

Allen G. Conner
Bradley R. Staab

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Rita Goldfish, Administrative Assistant
Robert T. Mohler, District Engineer
Larry D. Schultz, I&E Coordinator

Richard Woollen, NC District Forester
Dell Harris, Water Resources Specialist
Tylr Naprstek, Water Modeling Coordinator

Guests in attendance

Bryce Bauer, DC, NRCS, Ord
Clifford Hanna, Milburn
Tom Knutson, St. Paul

Bryan Roberts, Sargent
Todd Schipporeit, Milburn
Anthony Tolstedt, Broken Bow

NOTICE OF OPEN MEETING LAW POSTING

Chairman Kruse referred those in attendance to the open meeting law information posted in the Board room.

APPROVAL OF VERIFICATION OF MEETING NOTICE, ADOPTION OF AGENDA AND EXCUSED ABSENCES

Chairman Kruse asked for verification of the meeting notice. General Manager Leon “Butch” Koehlmoos verified that the meeting notices were properly published in all newspapers. The meeting notice was posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations.

Sieh motioned, seconded by Smith, to approve the verification of the meeting notice, adopt the modified agenda, and excuse all absent directors. Motion carried by roll call vote, all present voting yes.

MINUTES

Chairman Kruse asked for corrections and/or additions to the January 28, 2010, Board meeting minutes. Hearing none, Kruse ruled that the January 28, 2010, minutes would stand approved as corrected.

TREASURER’S REPORT

Chairman Kruse directed the Board’s attention to the Treasurer’s Report as published in the regular and supplemental agendas. Koehlmoos told the Board that the report included a payment to Reynolds Construction for work on the Big Slough Diversion project, a payment to Kirkham Michael for work on the hazard mitigation project, and a payment to the U.S. Department of the Interior/USGS for work on the ELM Study.

D. Rasmussen motioned, seconded by L. Rasmussen, to approve the February, 2010, Treasurer’s Report and pay all the bills. Motion carried by roll call vote, all present voting yes.

PUBLIC COMMENTS

Tom Knutson, General Manager of the Farwell Reclamation District, thanked the Board for its participation in the renovation of the Milburn Dam. He introduced Todd Schipporeit, co-manager of Sargent Irrigation District. Schipporeit provided a PowerPoint presentation of the renovation work on the dam.

Gutzmer asked if the fishway has been a success and Schipporeit said that no official study has been done, but he has noticed a number of catfish in the fishway. Lightner asked how deep the water was in the fishway and Schipporeit said it was 1 to 1½ feet. Knutson said that Nebraska Game & Parks officials visit the site occasionally and may provide numbers in the

future. Gutzmer asked how much the fishway cost and Knutson said \$360,000 initially, but there were modifications and repairs. Knutson said the total cost for the project was \$1.4 million. He said the fishway was financed by Game & Parks. Koehlmoos asked how successful a plan to sluice sand from the dam area had been and Schipporeit said that he did not know how much sand had been moved. Koehlmoos asked if the slide gates on the dam had provided any motor troubles and Schipporeit said there had been some trouble and modifications had been made. He said that a small pool of water had been maintained so the fishway would have water.

Koehlmoos asked if there were any ice problems and Schipporeit said that the gates were below the water surface so there had been no ice troubles. Thoene asked if the dam design was meant to keep sand flushed away from the dam area and Schipporeit said that it was, with the floor structure ten feet lower. Koehlmoos asked if there was any degradation to the floors of the new dam and Schipporeit said he didn't expect scouring to be as bad as the old dam. Nelson asked if there was sand buildup below the gates and Schipporeit said there was, requiring a re-rocking of the fishway. Knutson asked if groundwater users in the NRD are allowed to move irrigated acres from one field to another and Koehlmoos said that it was possible. He said that irrigation could be moved as part of crop rotation; however, no increase in irrigated acres is allowed. Harris said that no such moves had been made to this point in the NRD. Cliff Hanna, president of the Sargent Irrigation District, said he was concerned that allowing these transfers could lead to more water use and Koehlmoos said that the economics of installing irrigation equipment and utilizing it only every other year prevented abuses.

FORESTER'S REPORT

North Central District Forester Rich Woollen directed the Board to his written report in the agenda. He said that the District continues to utilize programs for farmstead windbreaks, wildlife shrub blocks/thickets, livestock windbreaks and field windbreaks. The plantings are available for use in NSWCP, EQIP, and CRP. Sales have been slow, but have started to pick up recently. He reported that eastern red cedar seedling orders have to be planned for the entire year and ordered ahead because of shortages at Bessey Nursery.

Woollen said that tree care workshops would be held in March. He said the workshops are sponsored by the Nebraska Forest Service and the Statewide Arboretum. The Statewide Arboretum is now part of the Nebraska Forest Service, which increases the number of resource personnel available to him.

Frenzen asked if there were any concerns about recent heavy snows drifting into new shelterbelts and causing damage and Woollen said a well-designed belt should weather the heavy snow without many issues. He said that living snowfences might be a practice to revive given the poor travel conditions resulting from recent snowstorms. Gutzmer asked what species worked for the living snowfences and Woollen said eastern red cedars and shrubs were the primary components. Woollen said that the living snowfences were once popular with local roads departments.

NRCS REPORT

Bryce Bauer, District Conservationist for the Lower Loup NRD, introduced himself to the Board. He said that February 1st was the deadline for the EQIP deadline and that 326 applications were ranked, including three animal feeding operations, two for high tunnels – greenhouse like operations, 17 cropland applications, 233 grassland applications and 53 water conservation applications. The applications totaled about \$8 million in requested funding. He said 57 contracts worth \$1 million were funded in 2007; 59 contracts worth \$1.3 million in 2008; and 69 contracts worth \$1.4 million in 2009. Funding for 2010 hasn't been announced, but should be similar to 2009. He said if funding were the same as 2009, about 50 contracts could be approved.

Bauer said the local work group set priorities for 2010 at a meeting on February 2nd. Bauer said practices were identified as priorities under grassland, cropland and water conservation categories. He said the highest priority practice in cropland was conversion to 100% no-till; in grassland, prescribed burning in conjunction with pipeline, tanks, fencing, etc.; and in water conservation, applications from the South Loup Basin and Area 28 will rank higher.

Bauer said that all but one contract has been completed under the Conservation Security Program (CSP). Field reviews must be completed by March 12th.

Bauer told the Board that the Ord No-Till Conference will be held March 17th at the Veterans Club in Ord. He passed out conference brochures to the Board.

ENGINEERING REPORTS

FEMA Hazard Mitigation Plan

District Engineer Robert Mohler told the Board that the draft Hazard Mitigation Plan was now available for review on the NRD web site. He said that the plan was divided into sections for each participating county and community. He urged Directors to review the plan, especially the portions pertaining to the NRD. He said that the plan will be submitted to the Nebraska Emergency Management Agency and the Federal Emergency Management Area for a four-month review. He said each community and county would be asked to pass resolutions adopting their portion of the plan. Directors could comment on the plan if they so desired. Kruse asked if Kirkham Michael wrote the report and Mohler answered they had. Koehlmoos said the report was compiled from participants' responses solicited at the two rounds of public meetings. Thoene asked if additional public meetings would be held to take comment and Mohler said comments were being accepted via the web site or mail.

Loup River Levee Recertification

Mohler referred the Board to a letter from the city of Columbus to Congressman Adrian Smith included in the agenda. He said that a response from the congressman had been received saying that he had sought a review and response from FEMA officials in Region VII.

Lightner asked for background information on the issues the city was having with FEMA and Mohler said that both the U.S. Army Corps of Engineers and FEMA have placed restrictions on the levee work and with conflicting time frames to accomplish the work.

Broken Bow Trail Request

Mohler introduced Broken Bow City Administrator Tony Tolstedt. Tolstedt told the Board that the community was seeking financial assistance for a community trail project in the city park. He directed the Board to a map of the project area included in the agenda. The trail would be 10 feet wide and 1,050 feet in length along North 5th, then go northeast and would connect the entrance of the park to the ballpark and a new community pool. He said that the community had received approval of a Transportation Enhancement grant totaling approximately \$260,000. He said that the community was now working to come up with matching funds for the grant. The community is requesting \$32,000 from the NRD.

Gutzmer asked if there was an arboretum or other educational features along the trail and Tolstedt said the park included an arboretum/wooded area that featured numerous tree plantings. Petersen asked if there were plans for traffic control for Memorial Drive or Fifth Avenue and Tolstedt said that there are tentative plans to make those locations more “pedestrian friendly.” Kruse told Tolstedt that the Board would consider the request, and action on it, if any, would be taken at the March meeting.

Duncan East Maintenance Assessment

Mohler told the Board that the assessment would total approximately \$9,000 and directed the Board to a resolution and list of individual landowner assessments included in the agenda.

Sieh motioned, seconded by Anderson, to approve a resolution to assess landowners in the Duncan East Improvement Project Area \$9,000 for operation and maintenance, as shown on the following list. Motion carried by roll call vote, all present voting yes.

INFORMATION AND EDUCATION REPORT

North Central Region Envirothon

Information/Education Coordinator Larry Schultz told the Board that the North Central Region Envirothon contest would be held March 2nd on the Platte Campus of Central Community College in Columbus. He said approximately 15-20 teams participate in the event. Schultz said last year's winner, Ord High School, went on to win the state contest and traveled to North Carolina to compete in the national contest. He said the Nebraska State Envirothon would be held near Alda and the national contest would be in Fresno, California.

Schultz provided Directors who were unable to attend the NARD Legislative Conference with copies of the NARD Policy Book. He said the NRD's "Red Cedar and Waste Wood Utilization Project," funded by the Nebraska Environmental Trust, was included in the Trust's 2009 Annual Report and he passed a copy of the report to the Board for review.

ASSISTANT MANAGER'S REPORT

Variance Committee

Koehlmoos said that Assistant Manager Russell Callan was unable to attend the meeting. He said the Variance Committee met earlier in the day and that the minutes were included in the supplemental agenda. He said each of the requests was heard for the second time and the Committee's recommendations for the requests were included in the supplemental agenda. He said that the Committee recommended approval of a variance request from Greg Luchsinger and recommended denial of requests from Carl French, Mike Christensen, and Tom Molczyk. Koehlmoos said that approval of the Luchsinger variance request to certify no more than 52 acres as irrigated, utilizing subsurface drip irrigation, was recommended as it would improve water quality. He said that the other three variance requests came from outside the 10/50 line, and at the recommendation of the Water Resources Committee, those requests had been recommended for denial until procedures can be established for those areas.

Gellermann motioned, seconded by Frenzen, to approve the Greg Luchsinger variance request to certify no more than 52 acres as irrigated, utilizing subsurface drip irrigation, with the condition that the subsurface drip irrigation be installed by May 1, 2011, on the East half of the Northeast quarter in S11, T17N, R1W in Platte County; and to deny the variance requests from Carl French, Mike Christensen, and Tom Molczyk. Motion carried by roll call vote, all present voting yes.

Groundwater Management Area Activities

Water Resources Committee Minutes

Water Modeling Coordinator Tylr Naprstek told the Board that the Committee had received a map of static water level maps. He said a decline in levels had been noted in central Custer County since 1982. Rises in levels had been noted in the central portion of the District, likely resulting from precipitation and irrigation canal seepage.

Koehlmoos told the Board that the Committee had made a recommendation that acres granted under the LB 483 process be required to be certified with the NRD by June 30th of the next year or be forfeited to the next period of applications. He said that the recommendation would place a deadline on the certification of the acres.

Frenzen motioned, seconded by Thoene, to require that acres granted under the LB 483 process be required to be certified with the NRD by June 30th of the next year or be forfeited to the next period of applications. Motion carried by roll call vote, all present voting yes.

Naprstek told the Board that there were two areas in the District that lie outside the 10/50 line and aren't part of the area evaluated as fully appropriated. Koehlmoos said that a procedure for dealing with applications for new irrigation in those areas would be developed by staff and presented to the Water Resources Committee. He said that more data would be forthcoming when the ELM Model is further developed.

Cliff Hanna of Sargent Irrigation District asked if areas served by his District would be credited for increases that came before the 1982 benchmark used by the NRD and Koehlmoos said that the ELM Model would likely provide data that could allow future development.

Irrigated Acres Certification Progress

Harris said the certification process continues, but that there was no other update.

Area 28 Activities

Koehlmoos said that Lorenz had notified him that there were only a dozen or so reports left to finish. He said those producers and landowners are out of compliance and that there might be a recommendation for the Board regarding cease and desist orders.

ELM Update

Naprstek told the Board that a meeting of USGS and the NRDs involved in the ELM Study was held the previous day. Steve Peterson had provided an update on Phase II of the model and the outlook as the project moves to Phase III. He said that delays due to negotiations with DNR on the scope of the project provided a benefit, as funding to continue the project might not have been available due to state budget cuts. He said the delays meant budget funding would be available to move into Phase III. Naprstek said Peterson reported on improvements from Phase I to Phase II and that Phase II is receiving an internal review. He said that following the USGS presentation, the NRDs met to discuss the future of the project. He said that a third party review was discussed. Koehlmoos said that five LLNRD Directors attended the meeting. The Directors commented that it was an informative presentation.

Frenzen asked if USGS and DNR are at a consensus on the project and Koehlmoos said it appeared to be moving in that direction. Sieh asked how funding for the project had been affected and Koehlmoos said that funding should be intact as the delay meant the project would

be split into the next fiscal year. Naprstek said it looked like the ELM project would be viewed favorably in the next grant period.

MANAGER'S REPORT

Building Progress Report

Koehlmoos told the Board that the audio/visual contractors had been working on the Board room and conference room. He said the general contractor is completing final tasks and final payment will be made when complete. Kruse asked how much remained to be paid and Koehlmoos said \$25,000 remained.

Spalding Property

Koehlmoos said that he had met Tuesday with a party interested in constructing a building to rent for office space. He said he had discussed the potential for the NRD lot to be used for a medical clinic in the community. He said that talks will continue and Directors Eschliman and Smith have been involved in the talks.

Invasive Weed Reconnaissance Survey on Loup River System

Koehlmoos said that resolutions in support of the survey had been received from the Custer County Board of Supervisors, the Brown County Board of Supervisors, the Garfield County Board of Commissioners, the Buffalo County Board and the Sherman County Board. He said that Rich Walters had informed him that the North, Middle, and South Loup Rivers totaled about 640 miles, taking about 12.5 hours to fly and survey. Total costs are estimated to be about \$16,900 and the NRD's share would be 50% or about \$8,450.

Kruse asked when the river would be flown and Koehlmoos said it would happen in the fall of 2010. Gutzmer asked what invasive plants were being targeted and Koehlmoos said phragmites, purple loosestrife, salt cedar, autumn olive and Russian olive would be the primary focus. The survey would be done using a camera that provides GPS data. Lightner asked if there were any other partners and Koehlmoos said the Platte Valley Weed Management Authority would do the survey using a \$47,000 grant from the Nebraska Department of Agriculture. Koehlmoos said that the LLNRD could eventually join a weed management authority.

Sieh motioned, seconded by Adams, to participate at a 50% of actual cost level in the invasive weed reconnaissance survey of the Loup River System. Motion carried by roll call vote, all present voting yes.

New Hires

Koehlmoos told the Board that there were no new hires.

NARD REPORT

Director's Report

D. Rasmussen referred the Board to Dean Edson's report included in the supplemental agenda and said there was nothing else to report.

Edson's Report

Koehlmoos said that legislation was being hindered by the state's budget concerns. Knutson said irrigation districts were concerned by a bill introduced by Senator Christensen regarding a potential occupation tax.

Washington DC Conference

Koehlmoos said that travel and accommodations had been arranged.

NRC REPORT

Commissioner's Report

Koehlmoos informed the Board that Dick Hadenfeldt was unable to attend the meeting and there was no report.

RC&D REPORTS

Loup Basin RC&D

D. Rasmussen said the RC&D met earlier in the day in Greeley. He said that the group received a report on noxious weed management.

PrairieLand RC&D

Lightner directed the Board to the RC&D report included in the supplemental agenda. He said the RC&D met February 16th and had a report on business coaching. He said that discussions on the riverwalk project in Norfolk are continuing. He said the Nebraska Continuous No-Till project received extended funding of \$268,000 for the next three years.

ANNOUNCEMENTS

Naprstek told the Board that the NRD had received a three-year, \$150,000 Environmental Trust grant for flow meters, flow meter cost-share, and aquifer testing development. He said the grant would be a benefit to the ELM Model. The money would go to cost-share as well as the purchase of pressure transducers for deployment in irrigation wells to measure static water levels and data loggers to measure the impact of irrigation.

Knutson said that the Nebraska State Irrigation Association will hold a leadership development program on March 8th in St. Paul and March 9th in Ord. He said additional meetings will be held in McCook and Red Cloud. Diamond Plastics of Grand Island will sponsor the meetings. Speakers will cover national legislation, the surface water/groundwater connection, and other topics.

ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 7:00 p.m.

Roster for attendance of this meeting and tally of votes cast on motions at this meeting are being filed with the official minutes of this meeting at the Lower Loup Natural Resources District's Headquarters Office, 2620 Airport Drive, Ord, Nebraska. Publication notification of this meeting was made via newspaper in each county within the District. The next Board of Directors meeting will be held Thursday, March 25, 2010, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary