

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

April 22, 2010

Ord, Nebraska

The April 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 April 22, 2010. Chairman Kruse called the meeting to order at 5:05 p.m.

## CALL TO ORDER

### Directors in attendance

James C. Adams  
Darwin B. Anderson, Secretary  
James J. Eschliman  
Michael P. Gutzmer  
Gary A. Kruse, Chairman  
James C. Nelson  
Dean J. Rasmussen  
Gerald P. Smith  
Henry J. Thoene

Rollie D. Amsberry, Treasurer  
Joseph L. Citta, Jr., Vice Chairman  
Virgil W. Gellermann  
N. Richard Hadenfeldt  
James F. Lightner  
Alan D. Petersen  
Lyle D. Rasmussen  
Bradley R. Staab  
Kim C. Walden

### Directors absent

Allen G. Conner  
Darwin R. Sieh

Craig E. Frenzen

### Staff in attendance

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

Russell Callan, Assistant Manager  
Dell Harris, Water Resources Specialist  
Tylr Naprstek, Water Modeling Coordinator

### Guests in attendance

Matt Glesinger, RC, NRCS, Greeley

## 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 except The Ord Quiz. The meeting notice was posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations.

**Anderson motioned, seconded by Walden, 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 March 25, 2010, Board meeting minutes. Hearing none, Kruse ruled that the March 25, 2010, minutes would stand approved as circulated.

## 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 final payment on the building addition had been made to the contractor and the audio/visual work had been completed.

Gellermann asked if a final breakdown on the costs for the building addition could be provided to the Board and Koehlmoos said that it would be prepared for the next meeting. Rasmussen asked about how tax was removed from lodging expenses and Koehlmoos said that that lodging which was direct billed to the NRD was not taxed, otherwise forms have to be submitted to have tax removed.

**Rasmussen motioned, seconded by Eschliman, to approve the April, 2010, Treasurer's Report and pay all the bills. Motion carried by roll call vote, all present voting yes.**

## PUBLIC COMMENTS

There were no comments from the public.

## FORESTER'S REPORT

North Central District Forester Rich Woollen was unable to attend the meeting and Koehlmoos referred the Board to his written report included in the agenda. Koehlmoos said that conservation trees had been delivered and machine planting began earlier in the day. He said planting was behind schedule by two weeks because of problems with tree crews at the nursery.

## NRCS REPORT

Because Bryce Bauer was unable to attend the Board meeting, Matt Glesinger, Resource Conservationist at the NRCS office in Greeley gave the report. Glesinger said that 2010 EQIP contracts were complete and the 33 contracts provided for \$944,000 in payments. Custer County had the top number of contracts. Loup County has received approval for one more Conservation Security Program contract covering 19,046 acres for \$200,000. The next CSP sign-up is in May.

Glesinger reported that prescribed burn season has seen 8,250 acres burned for cedar control and habitat improvement. Applications for the Resource Conservationist position in Fullerton have been received and the position may be filled by mid-June. He said that there was interest in Greeley County for CRP sign-ups. Mark Buettner is writing several Nebraska Buffer Strip applications. He said Highly Erodible Land reviews would be coming up.

Koehlmoos asked if any conservation trees were being sold through federal programs or were sales coming through the NSWCP program and Glesinger said that there were trees being sold through the CRP program. Thoene asked if John Ortmann was involved in the prescribed burns and Koehlmoos said that Ortmann led the majority of burns in the NRD. Koehlmoos said burns are being reviewed as there is concern with migratory birds and their nesting season. Citta said the nesting season runs from April through August and covers most birds in the state. Koehlmoos said that burns may also conflict with the Clean Air Act. Glesinger said that are areas in Greeley County that have undergone extensive burning.

## ENGINEERING REPORTS

### Loup River Levee Recertification

Mohler told the Board that the city of Columbus is working to meet the various deadlines and expiration dates imposed by the various federal agencies that deal with the recertification of the levee. He said that construction on the levee would begin next construction year, 2011. The Corps of Engineers approvals are expected to be completed by the end of 2010. He said the work on the Whitetail Levee would follow a similar pattern and should be complete by the end of their provisional levee period. Hadenfeldt asked if flood insurance coverage is intact for the residents of the area and wouldn't expire until the end of the final determination. Koehlmoos said the timing of work would need to fall in place, but it appears all the deadlines and construction could be accomplished.

## INFORMATION AND EDUCATION REPORT

### Range & ACE Camps

Information/Education Coordinator Larry Schultz told the Board that the deadline for scholarship application for ACE Camp is May 1<sup>st</sup> and Range Camp is May 21<sup>st</sup>. Three applications had been received so far.

### State Envirothon

Schultz said the State Envirothon would be held at the Nebraska Nature Tourism and Visitors Center at Alda on May 1<sup>st</sup>. Ord and Boone Central teams from the Lower Loup qualified for the contest and the NRD will pay their \$100 entry fees. Schultz will serve as a team guide at the contest.

### Children's Groundwater Festival

Schultz told the Board that he would provide a session called "Water Drop Relay" on May 11<sup>th</sup> at College Park in Grand Island. He said the students would learn about the water cycle and then participate in an activity that illustrates the cycle.

### Land Judging Training

Schultz told the Board that he was chairing a committee to provide a training session for new aged instructors needing assistance in preparing their teams for the land contests. The training will be held in Kearney on June 8<sup>th</sup>.

Schultz presented the Lower Loup NRD's Facebook page to the Board. He told the Board that Facebook is a popular social network tool and the NRD would use the page as another means to inform the public.

## ASSISTANT MANAGER'S REPORT

### Variance Committee

Assistant Manager Russell Callan said the Variance Committee met earlier in the day and that the minutes were included in the supplemental agenda. He said the Committee looked at three variances, with the Committee recommending approval of Jason Wlaschin's request to transfer approximately 130 irrigated acres from Garfield County to Greeley County; and also recommending approval of the Brian Swerczek and Steve Swerczek variance requests to transfer irrigated acres on an acre-for-acre basis from Garfield County to Boone County and in exchange for a surface water right.

**Nelson motioned, seconded by Adams, to approve the variance requests for Jason Wlaschin, Brian Swerczek, and Steve Swerczek as recommended by the Variance Committee. Motion carried by roll call vote, all present voting yes.**

Callan said that Mike Preister discussed his variance request with the Committee and decided not to pursue it further. Nelson said that the Committee discussed that moving water rights east to west was more harmful than west to east.

#### Water Resources Committee

Callan said the Committee received a presentation from Agronomy Technician Mike Lorenz regarding manure applications in Water Quality Area 28. He said staff is concerned that applications may be contributing to the area nitrate problem. A list of Area 28 rule violators had been generated and the Committee had recommended to the Board that a complaint process be started for cooperators with multiple violations, such as not submitting a report, failing to provide a soil sample, or for failure to split nitrogen applications. Violators will receive a registered, certified letter regarding the complaint. Kruse asked how many letters would be sent and Callan said he estimated 15 to 20. Callan said failure to comply could lead to action in District Court. Koehlmoos said the NRD's legal process has been reviewed with the NRD's attorney.

**Adams motioned, seconded by Smith, to direct staff to start an official complaint process on cooperators with multiple rule violations during 2008-2009 in Water Quality Area 28 and to continue to use violation letters on first violations. Motion carried by roll call vote, all present voting yes.**

Callan said that the Water Resources Committee also discussed new irrigated acres allowed under LB483. He said that the Committee recommended approval of 2,000 new irrigated acres with an application period of September 1-20, 2010.

**Thoene motioned, seconded by Anderson, to approve 2,000 new irrigated acres in the Lower Loup Natural Resources District in 2010 as allowed under LB483. Motion carried by roll call vote, all present voting yes.**

Callan said the Committee discussed the number of acres allowed in a transfer. He said the Committee was opposed to increasing irrigated acres when the transfer moved them from an area of higher stream depletion to an area of lower depletion. The Committee favored continuing the reduction of acres when the acres were transferred from a low stream depletion area to a higher one.

Hadenfeldt asked if the criteria used to rank LB483 acres could be used to make determinations on the number of acres allowed for transfer. He said he wondered if water banking legislation should be pursued more fervently. Hadenfeldt said the economic factors will keep landowners from transferring acres upstream. Citta said that this conservative approach to transfers will allow future flexibility depending on results from the ELM Model. Gellermann said that the approach would limit transfer and development of acres coming out of CRP in the Sandhills.

**Gellermann motioned, seconded by Citta, to approve a procedure for acre-for-acre maximum transfer with a reduction of acres for transfers into areas of high depletion based on the ELM Model. Motion carried by roll call vote, all present voting yes.**

#### Irrigated Acres Certification Process

Water Resources Specialist Dell Harris told the Board that there were approximately 70 landowners who have not yet certified their acres. He said certified letters had been sent to landowners in Sherman County and the response has been good. Also, landowners who had received approval for new irrigated acres had been notified that they must certify those new acres by July 1, 2010. Harris said that 30 of the landowners had certified already.

Citta asked what would happen if the new acres weren't certified and Callan said the landowners would be notified that they would forfeit the acres. Harris said additional letters would be sent in the coming week.

#### Area 28 Activities

Callan said that Olsson Associates had begun their work on the Aquifer Study. Modeling Coordinator Tylr Naprstek said that JEO agreed to do the LIDAR mapping. Flights have been flown and results are expected in September. He said he has been collecting data for Olsson Associates and that work is nearly complete. Technology in the new Board room had provided the opportunity to meet with Olsson representatives and cut travel and time expenses.

Hadenfeldt asked if there were any security issues with providing data to the consultants and Koehlmoos said that issue would be addressed prior to contract signing.

#### ELM Update

Callan said that the contract with the Nebraska Department of Natural Resources had been received and work on the ELM project would continue. He said the contract with USGS would be signed and returned.

Naprstek reported that the ELM Technical Group's comments on the Phase II Report on the Model had been submitted to USGS. The revisions were incorporated in the Phase II Report. He said he was reviewing the revised report.

### MANAGER'S REPORT

#### TierOne Bank

Koehlmoos told the Board that he and Rita Goldfish had met with Catina Psota for a report on the bank's status. He said that with account guarantees, the LLNRD accounts are not in danger. Goldfish would maintain accounts within the limits of FDIC protection. Goldfish said that NPAIT would be an option should an account near the upper limits of protection.

### Spalding Building

Koehlmoos told the Board that he had received an e-mail from Steve Chick and he expected to meet with NRCS officials in the near future.

### Building Progress Report

Koehlmoos told the Board that the final payment on the building addition had been made to the contractor and the audio/visual work had been completed. A summary report on the project would be prepared.

### New Hires

Koehlmoos reported that Spencer Hoevet had been hired for tree planting in Custer County and Jody Horwart had been hired for tree planting in Greeley, Boone, Nance and Platte Counties.

Koehlmoos reported that he recommended there not be an open house for the new facility. He said he felt a plaque for the building would be appropriate and was directed by the Board to proceed with the acquisition.

## NARD REPORT

### Director's Report

D. Rasmussen said the NARD Board met April 12<sup>th</sup>. He said the NARD budget would increase 4 percent. He said there was discussion regarding a video produced by Central Public Power and Irrigation District. D. Rasmussen asked that the video be shown at a future Board meeting. He said the Association's financial statement was strong.

### Edson's Report

D. Rasmussen referred the Board to the Legislative wrap-up compiled by Dean Edson included in the supplemental agenda. Koehlmoos reported that LB862 was passed by the Unicameral. He said that Senator Stuthman had contacted the NRD regarding the wellfield in Columbus.

## NRC REPORT

### Commissioner's Report

Dick Hadenfeldt said the Commission would meet in June. Koehlmoos asked if water banking was discussed by the NRC and Hadenfeldt said it had been discussed, but no action had been taken.

## RC&D REPORTS

### Loup Basin RC&D

D. Rasmussen reported that the RC&D had met at a Howard County winery for a tour prior to the meeting. Peavey Grain Company had been purchased by an east coast firm. Rasmussen said there would be no funds available for hazardous materials collection in 2010.

### PrairieLand RC&D

Lightner directed the Board to the RC&D report included in the supplemental agenda. He said the RC&D met earlier in the day in Columbus; there was a ribbon cutting at the Columbus Community Garden. The RC&D had been approved for a three-year grant for the continuous no-till project. Also, the RC&D is working with a Native American tribe to hold a feather dance event.

## ANNOUNCEMENTS

Staab announced that the LLNRD had received an award from the Ord High School FFA Chapter at its annual banquet.

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:55 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, May 27, 2010, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Darwin B. Anderson  
Secretary