

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

September 24, 2015

Ord, Nebraska

The September 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 September 24, 2015. Chairman Kruse called the meeting to order at 5:00 p.m.

## CALL TO ORDER

### Directors in attendance

Rollie D. Amsberry, Treasurer  
Timothy E. Bartak  
Virgil W. Gellermann  
Randy Kauk  
Clifford P. Loseke  
James C. Nelson  
Dean J. Rasmussen  
Dean G. Thede

Darwin B. Anderson, Secretary  
Beth Boesch  
N. Richard Hadenfeldt  
Gary A. Kruse, Chairman  
Matt Lukasiewicz  
Alan D. Petersen  
Gerald P. Smith  
Henry J. Thoene

### Director absent

James C. Adams  
James J. Eschliman  
Darwin R. Sieh

Joseph L. Citta, Jr., Vice Chairman  
Michael P. Gutzmer

### Staff in attendance

Leon "Butch" Koehlmoos, General Manager  
Irene F. Kreifels, Financial Secretary  
Larry D. Schultz, I&E Coordinator  
Anne Freeman, Water Programs Secretary  
Jason Moudry, Water Programs Specialist

Russell G. Callan, Assistant General Manager  
Rita A. Goldfish, Administrative Assistant  
Tylr D. Naprstek, Water Modeling Coordinator  
Cheryl K. Hornickel, Programs Assistant  
LeeAnn Smith, Water Programs Assistant

### Guests in attendance

Bryce Bauer, LDC, NRCS, Ord

## 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 and that the meeting notice was also posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations. Koehlmoos said there was a modification to the Manager’s Report in the agenda, adding an item to change the October meeting date and time.

**Boesch motioned, seconded by Loseke, 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 August 27, 2015, Board meeting minutes. None being heard, Chairman Kruse ruled that the August 27, 2015, minutes would stand approved as submitted.

## TREASURER’S REPORT

Chairman Kruse directed the Board’s attention to the Treasurer’s Report as published in the regular and supplemental agendas.

Koehlmoos mentioned expenditures for “Access” update, tire collection (reimbursable), and Pibel Lake professional services.

**Rasmussen motioned, seconded by Anderson, to approve the September, 2015, Treasurer’s Report and pay all bills. Motion carried by roll call vote, all present voting yes.**

## PUBLIC COMMENTS

There were no public comments.

## FORESTER’S REPORT

Koehlmoos reported that District Forester Rich Woollen was at a workshop in Plattsmouth, but directed the Board’s attention to his report in the agenda explaining the Nebraska Buffer Strip Program. Koehlmoos said that the payments to cooperators for buffer strips are reimbursed by the Department of Agriculture.

## NRCS REPORT

District Conservationist Bryce Bauer reported that NRCS staff was working on getting CRP contracts written and mentioned that the deadline was September 30<sup>th</sup>.

Bauer said that he had talked with NRD staff about putting in some cover crop plots at the Aagaard Farm. He said there would be four plots with four different mixes, about 12 acres.

## INFORMATION AND EDUCATION REPORT

### Area IV & State Range Judging

Information & Education Coordinator Larry Schultz reported that there were 347 contestants at the Area IV Range Judging Contest held recently in Garfield County. He said the Top Senior was Ty Chaffin from Burwell and the Top Junior was Neleigh Gehl from Wheeler Central. Schultz said that Mike Kozeal, instructor from Sargent, was one point away from having a perfect score. Schultz said Kozeal will be receiving the Natural Resources Educator of the Year award, nominated by the Lower Loup NRD, at the NARD Conference next week.

### Environmental Festival

Schultz reported that the Environmental Festival is usually scheduled for this time of year, but said that UNL Extension has changed how their educators deal with their different areas of expertise, now being assigned a certain area. He said that has changed how the local Extension can handle the festival, saying they were usually in charge of the organization. Schultz said he was unable to organize the event because of his obligations to the land and range judging contests. He said the festival may be held in the spring.

Anderson mentioned that he and Loseke gave away 1,850 tree seedlings at Husker Harvest Days on Wednesday. Koehlmoos said that John Turnbull, Jim Cook, and Jim & Mary Ann Wortman were recipients of the Hall of Fame awards.

## ASSISTANT MANAGER'S REPORT

### Water Resources Committee

#### *Long-Range Implementation Plan*

Assistant General Manager Russell Callan said that the Long-Range Implementation Plan was reviewed by both committees, and that a draft copy was provided for each director. Callan said some budget numbers were changed, and a few comments were included regarding streambank stabilization. Schultz said the final version of the plan would be posted on the website.

Callan said that the priority list has not changed, but could be changed at any time.

**Thoene motioned, seconded by Smith, to approve the 2015 update of the Lower Loup NRD's Long-Range Implementation Plan. Motion carried by roll call vote, all present voting yes.**

Callan said there were also committee discussions on streambank stabilization, habitat development, control of invasive weeds and cost-share for conservation practices.

### *Violations*

Callan said there were four potential violations and the item would be discussed later in the meeting. Koehlmoos said he hopes that a letter to the violators will take care of the problem.

Thoene said that Governor Ricketts signed *LB206 - Change the Erosion and Sediment Control Act* and wondered how that would affect the NRD's handling of erosion complaints on marginal land that was developed. Koehlmoos said that most of the complaints dealt with gully erosion. He said that the NRD could issue a cease and desist order. He said the NRD could then offer cost-share to help tackle the problem.

Koehlmoos said that whether the District cost-shares on this will be a Board decision, and the District's *Erosion and Sediment Control Plan* will need to be rewritten to add 'ephemeral gully erosion.'

### *Christopher Cove*

Callan said that Tylr Naprstek would be discussing the project later in the meeting.

### Area 28 Activities

Callan said there was information in the agenda regarding the Project SENSE sites in the Fullerton area. Koehlmoos suggested that a UNL representative could give a report to the Board after the first and/or second year's reporting is done.

### ELM Update

No report.

### South Loup Watershed

Koehlmoos said there has been great participation from the stakeholders group.

### Columbus Area Water Resources Assessment

Koehlmoos said that a Project Status Report was included in the agenda.

Naprstek gave a short PowerPoint on the status of the Columbus Area Water Model being developed by HDR, which will be used to assess water resources availability. The model is approximately 9.5 by 9.5 miles and encompasses all of Columbus, the Loup/Platte confluence, Lakes Babcock/North and many smaller lakes in the area, including Christopher's Cove. The modeling grid cell size is 100 ft. x 100 ft. and will be comprised of an upper and lower layer. Several modeling packages will be employed to dictate surface water and groundwater interactions including a stream and lake package. Naprstek explained that the calibration phase will be 12 years starting in 1999 and the stress periods will be developed using a monthly time scale.

Naprstek stated that previous work, including the LiDAR acquisition and CSD test-hole development, have been very beneficial to developing the hydrology in the model, although no additional test-hole work is scheduled for this project. Naprstek told the Board that accurate pumping data for municipal, industrial and irrigation wells will be absolutely crucial for developing an accurate model, though cooperation has been somewhat limited.

Naprstek said that after calibration, scenario development and “What if” questions will be run through the model to get a good understanding of the status of water resources in the Columbus area.

Loseke asked about the status of the Columbus levee, and Koehlmoos said he hadn’t heard much but would try to get an update on the project.

## PROGRAMS/PROJECTS COMMITTEE REPORT

Koehlmoos mentioned that many of the items from the Programs/Projects Committee meeting paralleled those from the Water Resources Committee meeting.

Koehlmoos said the groundbreaking ceremony was held for the Pibel Lake Renovation Project on September 15<sup>th</sup>, in conjunction with the committee meetings. He said Senator Kate Sullivan was at the ceremony and presented a plaque to the Lower Loup NRD Chairman for the project. He said the turnout was very good and many favorable comments were heard on what is being done at Pibel Lake.

Koehlmoos said fish kill in the lake has been very minimal as the water is being lowered in preparation for excavation.

Koehlmoos said pictures of the Pibel Lake picnic shelter construction were posted in the NRD lobby.

## MANAGER’S REPORT

### Resolution to Apply for *Land and Water Conservation Funds* from NGPC

Koehlmoos said that Naprstek was going to resubmit the plan for grant money for a fishing pier at Pibel Lake. He said that the Board will need to pass Resolution FY 2016-004, specifying that the agreement applies only to the Pibel Lake Recreation Area and not to any other project.

**Smith motioned, seconded by Bartak, to approve Resolution FY 2016-004 seeking federal assistance from the *Land and Water Conservation Fund* program administered by the Nebraska Game & Parks Commission. Motion carried by roll call vote, all present voting yes.**

### Litigation Update (Prokop & Koch)

Koehlmoos said there haven’t been any changes in the Prokop or Koch cases.

## New Hires

### Addition to NRD's Attorneys List

Koehlmoos said that the Prokop case has been lengthy and was retried under the Administrative Procedures Act. He said the complaint process will start again when another complaint is sent to Prokop for failing to get his 2014 annual reports sent to the NRD. Koehlmoos said he would like to use the services of an attorney who has expertise in water issues. He said NRDs are not a state agency, but rather a political subdivision and are, therefore, not subject to APA.

Koehlmoos said it is staff's recommendation to seek additional legal representation, if needed, for the coming complaints.

**Lukasiewicz motioned, seconded by Amsberry, to approve the hiring of additional legal counsel for water-related issues in the District. Motion carried by roll call vote, all present voting yes.**

### Change October Meeting Date/Time

Koehlmoos said he would like to have a joint meeting of the Upper Loup and Lower Loup Boards to hear an update from HDR on the Lower Platte River Basin Coalition. He said either October 15<sup>th</sup> or October 21<sup>st</sup> might work for the meeting.

There was discussion on dates and times.

**Boesch motioned, seconded by Loseke, to authorize the General Manager to make contacts with Upper Loup NRD and HDR to change the October Board of Directors meeting to either October 15<sup>th</sup> or October 21<sup>st</sup> at 2:00 p.m. to accommodate a presentation on the Lower Platte River Basin Coalition at 3:00 p.m. and then notify Directors of the date. Motion carried by roll call vote. Directors voting yes: Amsberry, Anderson, Bartak, Boesch, Gellermann, Hadenfeldt, Kauk, Loseke, Lukasiewicz, Nelson, Petersen, Rasmussen, Smith, Thede, and Thoene. Director voting no: Kruse. Directors absent: Adams, Citta, Eschliman, Gutzmer, and Sieh.**

## Non-action Reports

### *Lillian Creek*

Amsberry wondered how the Lillian Creek project was progressing. Callan provided a brief history of the project, saying that the NRD was looking for a place for a recharge/augmentation project and the Lillian Creek area seemed like it might be a good site. It included a large amount of land. Staff visited with the owners, Lone Creek Cattle Company, and they were interested in the project. Callan said he drafted an agreement that would allow the NRD access to the land to start design work to see if it's suitable for a dam. He said the draft is ready to be sent to Lone Creek Cattle Company. Callan said the owner was not interested at this time in the NRD getting a lease for the property around Lillian Creek. Callan said state statutes say that NRDs can't have a storage right over 150 surface acres that doesn't have public access. He said at some point, public access would need to be allowed

to the reservoir. Callan said no decisions have been made other than Lone Creek Cattle Company allowing the NRD access to the property.

Koehlmoos said that there was only one resolution submitted for the NARD Annual Conference which involved electronic voting. Koehlmoos reminded the Board of the Olsson Associates breakfast Monday morning at 7:00 a.m.

## NARD REPORT

### Director's Report

Rasmussen reported that they will meet next week at the NARD Annual Conference.

## NRC REPORT

### Commissioner's Report

Hadenfeldt reported that there was a conference call on the 15<sup>th</sup> to talk about regulations, the policy statement, and how to comply with the rules on the applications. He said the Commission would be scoring on 15 items. He said applications will be accepted by DNR for two weeks in mid-December. When DNR has looked through them, they will give them to the Commission to be scored.

Hadenfeldt said the Commission will meet on the 29<sup>th</sup>.

## RC&D REPORTS

### Loup Basin RC&D

Rasmussen reported that the RC&D will meet on the 30<sup>th</sup>.

### PrairieLand RC&D

Gellermann reported that the RC&D met in Madison on the 14<sup>th</sup>. He said the merge is on hold until all the grant funding is administered. He said to keep the tax exempt status in effect, all that needs to be done is to come up with a plan from Platte, Boone or Nance counties, and start an organization. He said that the group didn't seem to be very interested in doing that.

## ANNOUNCEMENTS

Koehlmoos announced that the third and final water banking workshop would be held November 17<sup>th</sup> at the Central Community College. Koehlmoos reminded the Directors that both the November and December Board meetings would be held on the third Thursday because of holidays.

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:35 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 a newspaper in each county within the District. The next Board of Directors meeting will be held either October 15 or October 21, 2015, at 2:00 p.m., at the Headquarters Office in Ord, Nebraska. Exact date will be announced later.

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Darwin B. Anderson  
Secretary