

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

April 27, 2017

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 27, 2017. Chairman Citta called the meeting to order at 5:08 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson
Robert Bauer
Joseph L. Citta, Chairman
Virgil W. Gellermann
Gary A. Kruse
James C. Nelson
Chad Podolak
Gerald P. Smith
Henry J. Thoene, Secretary

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
Beth Boesch
James J. Eschliman, Vice Chairman
N. Richard Hadenfeldt
Matt Lukasiewicz
Alan D. Petersen
Dean J. Rasmussen
Dean G. Thede

Directors absent

Clifford P. Loseke

Randy Kauk

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Larry D. Schultz, I&E Coordinator
Jason Moudry, Water Programs Specialist
Dell R. Harris, Water Resources Specialist
Tylr Naprstek, Water Modeling Coordinator
Rita A. Goldfish, Administrative Secretary

Russell G. Callan, Assistant General Manager
Irene F. Kreifels, Financial Secretary
Cheryl K. Hornickel, Programs Assistant
Rich Woollen, District Forester
V. Anne Freeman, Water Programs Secretary

Guests in attendance

Jim Cannia, Aqua Geo Frameworks, Mitchell
Jared Abraham, Aqua Geo Frameworks, Mitchell

John Urbanovsky, Burwell

NOTICE OF OPEN MEETING LAW POSTING

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

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Citta 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 the agenda had been modified to add *Aqua Geo Frameworks Report on AEM Survey* as Item 10.

EXCUSED ABSENCES

Chairman Citta stated that Directors Kauk and Loseke had requested to be excused from the meeting. He said that Director Bartak would be arriving soon.

Adams motioned, seconded by Boesch, to excuse all absent directors. Motion carried by roll call vote, all present voting yes.

MINUTES

Chairman Citta asked for corrections and/or additions to the March 30, 2017, Board meeting minutes. None being heard, Chairman Citta ruled that the minutes would stand approved as circulated.

TREASURER’S REPORT

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

Koehlmoos highlighted bills from NFS for forester position salary, NARD for LLNRD’s participation in the Platte Basin Timelapse for NET production, YSI for flowtracker probe, Aqua Geo Frameworks AEM Study, cart for Davis Creek host, and professional services.

Thoene motioned, seconded by Smith, to approve the April, 2017, Treasurer’s Reports and pay all bills. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, Boesch, Citta, Eschliman, Gellermann, Kruse, Lukasiewicz, Nelson, Petersen, Podolak, Rasmussen, Smith, Thede, and Thoene. Directors abstaining: Hadenfeldt. Directors absent: Bartak, Kauk and Loseke.

PUBLIC COMMENTS

There were no public comments.

FORESTER'S REPORT

District Forester Richard Woollen reported that tree planting season started April 10th. He said he helped plant a couple ponderosa pine stocktype trial block plantings in the Niobrara Valley and one at the Aagaard Farm. He said the different stocktypes would be evaluated for survival.

NRCS REPORT

Due to the absence of Bryce Bauer, LDC in Ord, there was no report.

ACTION ON DRAFT EROSION AND SEDIMENT CONTROL RULES AND REGULATIONS

Assistant General Manager Russell Callan said that the Erosion and Sediment Control public hearing on proposed rule changes was held in March. The rules are meant to reduce damage from wind erosion, reduce storm water runoff and flooding danger, reduce sediment damage, reduce non-point pollution from sedimentation, preserve land values and productivity, and safeguard the residents of the District. Callan said that an Order of Designation, which would take effect on April 28, 2017, would need to be adopted.

Gellermann motioned, seconded by Boesch, to approve Order of Designation No. 2017-01 for the Lower Loup NRD Erosion & Sediment Control Act Rules and Regulations and authorize the signatures of Chairman Citta and Secretary Thoene. Motion carried by roll call vote, all present voting yes.

Citta said that John Urbanovsky of Burwell was present to make comments to the Board regarding sediment coming from the Riley quarters west of Ord. Koehlmoos said that the Board had discussed the Riley quarters a while back. He said that they were steep and that irrigated acres had legally been transferred to the quarters. Koehlmoos said there were erosion issues which the NRD's old Erosion and Sediment Control Act Rules and Regulations couldn't address due to sheet and rill, and this case involved gully erosion, which the new rules cover.

Urbanovsky showed pictures and a video of sediment and silt that was coming from Riley's land onto his land. He said erosion was occurring three miles down Turtle Creek. He said he thought a cover crop had been planted, but nothing grew. Callan said that some new dirt work has been done recently which increased the silt problem.

Koehlmoos said that NRCS will need to do an assessment of the situation. He said the new erosion and sediment rules would take effect in 30 days from the approval of the Order of Designation. Callan said the rules deal with fixing the problem, but proving damages would need to go through civil court.

AQUA GEO FRAMEWORKS REPORT ON AEM SURVEY

Jim Cannia and Jared Abraham of Aqua Geo Frameworks gave a powerpoint presentation on the aerial electromagnetic (AEM) survey they conducted, detailing the hydrogeology in the Columbus Block/Area 28 project areas. He said the \$416,666.00 survey was done through the Eastern Nebraska Water Resources Assessment (ENWRA) group and Water Sustainability Fund.

Abraham explained how the aerial data is collected. He said a measurement is gathered on the ground every 100 feet in the project area and measures changes in the electrical resistivity (conductivity) of the earth. He said that sand/gravel are more resistant to electrical current flows than clays/silt. He says knowing where those materials are helps determine what's in the earth.

Several graphs were presented showing helicopter AEM data processing, geologic data, resistivity interpretations, 3D views of hydrogeologic areas in the Columbus Block and in Area 28, bedrock elevations, quaternary aquifer material, and recharge map.

Callan said that the data shows that the aquifer is more shallow at the site of the ADM plant, and also, the aquifer material isn't as good.

Cannia said that there were four types of aquifer material in the Columbus Block – Non-Aquifer, Marginal, Aquifer, and Coarse. He said those readings were calculated in feet and converted to acre-feet. He said the total volume of extractable water in the four types of aquifer material is presently 152,343 acre-feet.

Cannia said that some of the future uses of this information included improving water table data, determining wells for additional water quality testing, providing additional information to groundwater modeling/management efforts in Columbus Block and WHPA communities, and selecting recharge and vadose zone study locations.

STATE BANK OF SCOTIA

Koehlmoos said that an account had been set up at the State Bank of Scotia in Scotia, Nebraska, for depositing funds generated by camping fees at Davis Creek Recreation Area. He said this was more convenient for park staff who would be picking up camping fee deposits. He said the bank had requested a resolution for their files.

Rasmussen motioned, seconded by Smith, to approve the Resolution for Banking Transactions with the State Bank of Scotia in Scotia, Nebraska, and authorize the signatures of Chairman Citta and Secretary Thoene. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Bartak, Boesch, Citta, Eschliman, Gellermann, Hadenfeldt, Kruse, Lukasiewicz, Nelson, Petersen, Podolak, Rasmussen, Smith, Thede, and Thoene. Directors not present during vote: Anderson and Bauer. Directors absent: Kauk and Loseke.

INFORMATION AND EDUCATION REPORT

Hazard Mitigation Plan

Information and Education Coordinator Larry Schultz reported that the Hazard Mitigation Plan had been submitted to NEMA and will have 45 days to review it. He said it would then be sent to FEMA who will also have 45 days for review.

State Envirothon

Schultz said the State Envirothon was held on the 26th at the Wildcat Hills Recreation Area. He said the Lower Loup NRD sponsored the St. Paul, Ord, and Burwell teams. He said a team from Concordia High School in Omaha won the contest and would be traveling to Maryland for the national contest. He said Concordia had created an Envirothon class as part of their curriculum. Schultz said S-E-M finished in 2nd place and Sidney was 3rd. He said Ord won the *Range* category.

Children's Groundwater Festival

Schultz reported that the Children's Groundwater Festival will be held on May 9th in Grand Island. Schultz said he would be leading the *Water Drop Relay* in which the kids get to act out the different portions of the water cycle.

Schultz said that 45th anniversary NRD shirts are available to order.

ASSISTANT MANAGER'S REPORT

Variance Committee

Thoene reported that the Variance Committee met before the meeting to discuss Bryce Ritz's request to relinquish 87 acres of surface water and the right to drill a well. He said different options were discussed and said Ritz would meet with the Committee again in May.

Lukasiewicz expressed concerns over relinquishing surface water rights. He said according to DNR, to 'relinquish' means it 'goes away,' but through the variance process it can legally be brought back. He said he was also concerned that if surface water continues to be taken away and put into groundwater, where is the administration when there's a drought or a critical situation? He said with surface water there can be calls made on the river and repurpose the water to senior rights; but with groundwater, there is no administration. He said the situation might be compounded with the continued relinquishing of surface water rights.

Callan responded that it moves the depletion off the peak time, so a surface water right diversion is during peak season, if it occurs. He said it wouldn't occur if it was an administrative situation. He said in a groundwater situation, the whole effect isn't being felt at the peak season; it spreads it out throughout the year.

Citta said that if the Committee brings a recommendation to the Board for the relinquishment of any surface water, they try to factor in some conservation or an advantage to the river or groundwater, such as the banking of water. This is determined through the modeling process.

Water Resources Committee

Central Table Playa Conservation Initiatives

Callan said staff was approached by Andy Bishop of the Rainwater Basin Joint Venture about sponsoring a grant application to fund numerous water quality measures and wetland enhancements. He said federal money would be matched with state money, but there would be no monetary expenditure from the District. He said the Lower Loup NRD would be a sponsor of the program, but would not administer it. Callan said that about \$1.5M would be funneled through NRCS to help in wetlands restoration.

Smith motioned, seconded by Gellermann, to approve the Lower Loup NRD sponsorship of the Central Table Playa Conservation Initiative. Motion carried by roll call vote, all present voting yes.

South Loup River Monitoring Wells

Callan said that five monitoring wells had been drilled in the South Loup River Basin Project area, but had to be drilled deeper than planned, so the costs are approximately \$18,000 to \$20,000 higher than bid. He said the contract with Downey Well Drilling to drill the wells had been approved for \$71,105.25, but a change order was needed for additional drilling costs.

Smith motioned, seconded by Amsberry, to approve the Change Order on the South Loup River Monitoring Wells Project. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Eschliman, Gellermann, Hadenfeldt, Kruse, Lukasiewicz, Nelson, Petersen, Podolak, Rasmussen, Smith, and Thede. Director not present during vote: Thoene. Directors absent: Loseke and Kauk.

Area 28 Violations

Callan reported that staff had met with attorneys in Lincoln to discuss options for one of the violators, another violator had provided all the required information, and a third violator who will most likely be going through the hearing process in a month or so.

Duncan East Update

Callan reported that the crossing at Ruby's Slough was being put back in after it had been taken out to get the sheet piling out.

Columbus Area Water Resources Assessment Study Update

Callan reported that he and Naprstek had put some information and data together for ADM to review.

ELM Update

Water Modeling Coordinator Tylr Naprstek said that staff had received a draft copy of the Phase III report of the ELM Study and have until May 15th to submit comments. He said the involved NRDs, DNR, and Conservation & Survey Division would all be reviewing the draft.

Davis Creek Phase II Update

Naprstek reported that Rutjens was on-site doing construction work. He said staff received feedback from Nebraska Game & Parks about doing whooping crane observation during the fall months. He said that when boat dock construction begins, someone will have to be on-site two hours before construction begins to see if any whooping cranes are around. He said trees will be out before the migratory bird deadline. Naprstek said that Sport Fish Restoration funds are not in hand yet.

Naprstek reported that on April 19th, the NRD went live for reserving Davis Creek camping sites online. He said that within eight days, 43 reservations had been made for 124 nights, with an average time period per reservation of 2.8 days, and an estimated \$2,100 has been received from online reservations. He said the drop-box at Davis Creek has been filled a couple times. He said reservations can be made at www.reserveamerica.com. He said half of the sites are reservable and half are first-come, first-served.

Naprstek said that the contractor would be done with the spring work by June 15th. He said Rutjens is in the process of putting in the RV dump and running the line to the lagoon.

Callan said a host is on-site and is responsible for routing the campers and keeping trash picked up. He said the host is not an NRD employee. Callan reported that there is also part-time summer help hired by the District who would collect camping fees and do the cleaning of the facilities.

PROGRAMS/PROJECTS COMMITTEE

Pibel Lake Playground Equipment

Kruse reported that bids were taken for playground equipment at Pibel Lake Recreation Area and reminded the Board that \$50,000 was donated by Hope Peterson of Lincoln for the project. He said Naprstek looked at different playground equipment and what might appeal to kids in an age range of 5 to 12 years of age. The Committee selected an option from Sterling West for \$81,900.00.

Kruse motioned, seconded by Eschliman, to approve the Sterling West third option bid of \$81,900.00 for playground equipment at Pibel Lake Recreation Area. Motion carried by roll call vote, all present voting yes.

NCTC Internet/Wi-Fi Service – Davis Creek

Kruse reported that fiber optic Internet/Wi-Fi service at Davis Creek was discussed at length by the Programs/Projects Committee, and it was decided to move forward with that option since cellular phone service is poor in many areas of the rec site. He said the Committee looked at it from a safety perspective, in case there would be an emergency of some kind at the rec area. He said the Committee felt it was important to have 911 emergency and weather communication service available.

Kruse said NCTC provided a cost estimate of \$15,000 to bring the service into the rec area, and that the proposed NCTC 5-year contract called for \$5,500 for construction and \$250 service monthly.

Schultz said that Platte Valley Communications of Kearney was working on a bid to create Wi-Fi hot spots that would provide the service to both campgrounds.

Kruse motioned, seconded by Petersen, to move forward with Internet/Wi-Fi service to Davis Creek Recreation Area. Motion carried by roll call vote, all present voting yes.

Schultz said that if Davis Creek Recreation Area meets the requirements to be included in the Hazard Mitigation Plan, the Plan could be revised to include the rec area.

MANAGER'S REPORT

New Hires

Koehlmoos said William and Mary Fox (Davis Creek), Christy Berghorst (western NRD tree planter), and Zach Wilson (eastern NRD tree planter) have been hired.

NARD REPORT

Director's Report

Eschliman reported that the Basin Tour would be held June 12-13, starting in Norfolk.

Legislation

Koehlmoos reported that the Legislature had approved the budget. He reported that LB-98 would extend the fully- and over-appropriated basins to retire in 2025 instead of 2018. He said the bill is being debated.

NRC REPORT

Commissioner's Report

Hadenfeldt reported that there were group meetings on April 5th and 27th to visit the Water Sustainability Fund rules and suggest minor changes. The group wants to get information put together and sent out to the Commission for adoption at their June 20th meeting.

He reported that a member of the group was informed that Governor Ricketts may sequester the rest of the money in the Water Sustainability Fund that was not spent last year.

RC&D REPORTS

Loup Basin RC&D

Rasmussen reported that their meeting was held in North Loup. He said there will be a dedication of the Spalding fish ladder on June 25th. He said the RC&D put an ad in the paper for donations to help the farmers and ranchers affected by the fire in Kansas and reported that \$2,140 had been collected, as well as hay donated.

PrairieLand RC&D

Gellermann said there was no report.

LLNRD GWMPA RULES VIOLATIONS AND POSSIBLE LITIGATION

Bartak motioned, seconded by Boesch, that the Board of Directors enter into Executive Session to conduct business of a confidential nature concerning litigation. Motion carried by roll call vote, all present voting yes.

The Board went into Executive Session at 7:17 p.m.

The Board came out of Executive Session at 7:30 p.m.

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

With no further business before the Board, Citta declared the meeting adjourned at 7:32 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 May 25, 2017, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary