

# LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

July 23, 2009

Ord, Nebraska

The July 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 July 23, 2009. 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  
Allen G. Conner  
Craig E. Frenzen  
N. Richard Hadenfeldt  
James F. Lightner  
Alan D. Petersen  
Lyle D. Rasmussen  
Gerald P. Smith  
Henry J. Thoene

Rollie D. Amsberry, Treasurer  
Joseph L. Citta, Jr., Vice Chairman  
James J. Eschliman  
Virgil W. Gellermann  
Gary A. Kruse, Chairman  
James C. Nelson  
Dean J. Rasmussen  
Darwin R. Sieh  
Bradley R. Staab

### Directors absent

Michael P. Gutzmer

Kim C. Walden

### Staff in attendance

Leon "Butch" Koehlmoos, General Manager  
Rita A. Goldfish, Administrative Assistant  
Cheryl Hornickel, Programs Assistant  
Tylr Naprstek, Water Modeling Coordinator  
Richard L. Woollen, NC District Forester

Russell Callan, Assistant Manager  
Dell Harris, Water Resources Specialist  
Robert T. Mohler, District Engineer  
Larry D. Schultz, I&E Coordinator

### Guests in attendance

Ben Wheeler, Pheasants Forever, Ord

Michael Brittenham, Columbus

## 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 notice was 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 Anderson, to approve the verification of the meeting notice, adopt the agenda, and excuse all absent directors. Motion carried by roll call vote, all present voting yes.**

## 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 building project Pay Request #10 for \$99,114.56 was included in the Treasurer’s Report. He said that approximately five loads of white rock have been brought in for the building lot and driveway.

**Petersen motioned, seconded by D. Rasmussen, to approve the June, 2009, Treasurer’s Report and pay all bills. Motion carried by roll call vote, all present voting yes.**

## MINUTES

Chairman Kruse asked for corrections and/or additions to the June 25, 2009, Board meeting minutes. No corrections being heard, Kruse ruled that the June 25, 2009, minutes would stand approved as circulated.

## PUBLIC COMMENTS

There were no comments from the public.

## FORESTER’S REPORT

North Central District Forester Rich Woollen directed the Board to his written report in the agenda and told the Board that the Bessey Nursery Advisory Committee had met. Woollen is the chairman of the Committee, made up of NRD, NRCS and Forest Service staff. He said that a crop of 1.0 cedar trees suffered some winter burn and nursery staff revisited ways to avoid that injury. He said that cedar stock should match what was sold in 2009, but might not be enough to meet the demand in 2010 and advised nursery staff to check on cedar availability from other nurseries.

Woollen said that buffer strip funding had been made available for enrollment and re-enrollment in the program. He said that there had been a fair amount of interest from landowners

in the program. Sieh asked what the average payment in the program was and Woollen said the rate was a flat \$225 and dryland payments varied based on the soil rental rate.

Woollen reported that the PrairieLand RC&D did a community survey as part of its long-range planning process. He said that he attended a planning meeting, as did Directors Kruse and Walden. Safe drinking water, water conservation and soil conservation were all topics on the survey.

## NRCS REPORT

Tim Schaaf, NRCS Resource Conservationist in Broken Bow, provided a written report in the agenda but was unable to attend the meeting. Wildlife Biologist Ben Wheeler with Pheasants Forever provided information to the Board regarding Nebraska's pheasant population. He said pheasants were introduced in North America at the turn of the 20<sup>th</sup> century and the birds flourished through the 1950s. He said that pheasants lay between 7 and 20 eggs and can nest just about anywhere. If a nest is lost, the bird can put down another nest. He said success requires good habitat and survival is best when there are a number of broadleaf forbs and the hatchlings have access to insects.

Wheeler said the loss of CRP acres has had a big impact on available habitat for nesting and has reduced the number of birds. He said that Nebraska is made up of 98% privately-owned land and landowners must be willing to provide habitat. Programs like *Corners for Wildlife* and *SAFE* are beneficial to the bird. Wheeler said that habitat tours are being held to demonstrate how the programs can work. The tours began in May and continue through September. Habitat improvement is being emphasized through prescribed burn workshops.

Rasmussen asked if wild turkeys preyed on pheasant nests and Wheeler said that no study had ever shown turkeys to be an issue for the pheasant population. Petersen asked if turkeys destroyed pheasant nests and Wheeler said that was not the case. Lightner asked if other predators like foxes caused population declines and Wheeler said that while predators had an impact, they were not suspected of causing the decline. Gellermann asked why farm-raised pheasants weren't being used to supplement the population and Wheeler said that survival rates for birds raised on the farm were very poor. Birds raised in the wild were much more likely to survive. Amsberry asked if modifying the hunting season to mirror South Dakota would impact the population and Wheeler said it would have only a minor impact. Wheeler said that South Dakotans were managing their lands specifically to benefit the pheasant and that had improved the population in that state.

## ENGINEERING REPORTS

### Whitetail Levee (S.I.D. #7) Recertification

District Engineer Robert Mohler told the Board that a request for assistance in levee recertification for the Whitetail Levee south of Columbus had been received. He said that without recertification, homeowners in the subdivision around Whitetail Lake would be required to purchase flood insurance. He introduced subdivision representative Michael Brittenham who passed out a map of the lake and a summary of activities that had occurred since FEMA had begun requiring recertification. Brittenham said that estimates for the work to meet

recertification standards stood at about \$741,000. It appeared sheet piling would be necessary on a portion of the levee and the entrance road to the subdivision from Highway 81 would need to be raised 2-3 feet.

Kruse asked if the subdivision was in the Columbus city limits and Brittenham said it was not. There were 67 homes in the subdivision and one lot not yet developed. Four homes are under construction, each between 50% and 60% complete. An additional 40 lots are expected to be developed in the next 5 to 7 years. Sieh asked if the lots were owned or leased by homeowners and Brittenham said the lots were owned. Gellermann asked who built the levee and Brittenham said it was privately built. Details about the construction of the levee were required for certification and that work had been completed. Hadenfeldt asked if the county would provide any assistance and Brittenham said they had not to this point. Citta asked who owned the levy and Brittenham said it was owned by S.I.D. #7. Conner asked about the average value of the homes in the subdivision and Brittenham estimated the value at about \$300,000. He said the County Assessor had placed a total value of \$17.5 million on the subdivision. If the levee were not recertified and the subdivision declared a floodplain, estimates were that property values could decrease 15%-20%. Hadenfeldt asked if sewer and water were provided by the city of Columbus and Brittenham said only sewer service was provided by the city, water is provided by individual wells. Hadenfeldt asked how the lake was fed and Kruse said the lake was a former sandpit, so it was fed by groundwater. L. Rasmussen asked how much lift was needed for the levee and Brittenham said it would require about 2.5 feet on the west side. Koehlmoos asked who had previously certified the levee and Brittenham said it had been registered with FEMA, but certification hadn't been required until now. He said that FEMA did not certify and that a third party would certify it to FEMA. The lake was established in 1981 and the levee was built around it at that time.

Koehlmoos said that the normal procedure would be to review the request and act on the request at the next monthly meeting. Kruse asked what amount was being requested and Brittenham said the request was 30% of the total project cost. Koehlmoos told the Board that 30% of the \$741,000 figure would be approximately \$222,300.

#### Loup River Levee Recertification

Mohler reminded the Board of the presentation made by Columbus City Administrator Joe Mangiamelli at the June meeting. He said that he had received an e-mail from Mangiamelli indicating that the U.S. Army Corps of Engineers might require an environmental review of the recertification. The city and Corps plan to meet to discuss the project.

Hadenfeldt asked if an Environmental Impact Statement would be required and Mohler said he did not know. Citta said that without federal funding, there would be no federal nexus, unless it would result from the placement of earthen fill. Mohler said that the levees must be certified within two years of notification or flood insurance would be required. The city of Columbus estimated the cost of insurance for homeowners protected by the Loup River Levee would be approximately \$1.5 million. Brittenham said he was an insurance agent and, without levee certification, coverage for a \$250,000 home would be approximately \$388 annually in Columbus and could cost up to \$3,000 annually for homes at Whitetail Lake.

Citta asked if staff had a recommendation and asked how other NRDs were handling these requests. Koehlmoos said that flood protection was an NRD duty and felt that both levees met the requirement for NRD participation. He said staff recommended that the NRD participate in both projects. Smith asked if the NRD could budget for the projects over two fiscal years and Koehlmoos said it could, but it wasn't likely to be necessary.

Nelson asked if a project improvement area like at Duncan East could be created and Koehlmoos said it might be possible, but those are normally for drainage issues, not flood control.

**Citta motioned, seconded by Gellermann, to approve Lower Loup NRD participation in the Loup River Levee recertification at 30% of the actual costs, not to exceed \$617,964. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Citta, Eschliman, Frenzen, Gellermann, Hadenfeldt, Kruse, Lightner, Petersen, D. Rasmussen, L. Rasmussen, Sieh, Smith, Thoene. Directors voting no: Conner, Nelson, Staab. Directors absent: Gutzmer, Walden.**

Koehlmoos said that the Board could wait to make a decision on the Whitetail levee, but a decision that night would allow for budgeting the project's costs. Hadenfeldt asked when the first cost estimate was completed and Brittenham said it was done in May, 2009. Brittenham said the initial estimate did not include sheet piling or changing the approach from Highway 81. Citta asked if an Environmental Impact Statement could be needed at Whitetail Lake and Mohler said it was possible, but he did not have details from the Corps. Conner asked who would provide the other 70% if the NRD approved 30% of the costs and Brittenham said it would be the homeowners in the subdivision. Sieh asked when the project needed to be complete and Brittenham said September, 2010. Citta asked what would happen if the project was not complete at the deadline and Koehlmoos said that would be a FEMA decision.

**Frenzen motioned, seconded by Citta, to approve Lower Loup NRD participation in the Whitetail Levee recertification at 30% of the actual costs, not to exceed \$222,000. Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Citta, Eschliman, Frenzen, Gellermann, Kruse, Lightner, Petersen, D. Rasmussen, Sieh, Smith, Thoene. Directors voting no: Conner, Hadenfeldt, Nelson, L. Rasmussen, Staab. Directors absent: Gutzmer, Walden.**

Lightner asked if any requests for assistance on the levee in St. Edward had been received and Koehlmoos said he had not received any inquiries.

#### Fullerton WWTF Streambank Erosion

Mohler said he had inspected the area the previous fall and said that the community of Fullerton had worked with the Corps of Engineers and a feasibility study had been completed under the Corps' Section 14-Emergency Streambank Erosion Protection authority. Mohler referred the Board to information included in the agenda. He said that streambank erosion is encroaching on Fullerton's Wastewater Treatment Facility. The Corps had designed three options for dealing with the erosion and the city had selected an option for a stone toe revetment. Mohler said that the city of Fullerton was requesting NRD financial assistance at 25% of the local cost of the \$284,000 project, approximately \$25,000. Koehlmoos told the Board that this

was the initial presentation on the request and the Board could make a decision at the August meeting.

### FEMA Hazard Mitigation Plan

Mohler said that a second round of public meetings would be held on the development of the plan. Meetings will be held on August 12<sup>th</sup> in Ord; August 17<sup>th</sup> in Broken Bow; and August 18<sup>th</sup> in Genoa. He said that participants would identify critical facilities and potential mitigation projects to include in the plan. He has fielded a number of calls from parties interested in the plan's development.

## INFORMATION AND EDUCATION REPORT

### Quarterly I & E Meeting

Information & Education Coordinator Larry Schultz told the Board that I&E staff from across the state met in Chadron for the quarterly meeting of that group. The group discussed plans for Husker Harvest Days and the NRD and Basin "fact sheets." He said that each NRD and river basin had a fact sheet displayed and passed out a copy of the latest Lower Loup sheet to the Board saying the sheet would also be distributed at the NRD booth at county fairs through the summer.

Schultz told the Board that the Ord High School Envirothon team that will represent Nebraska at the national contest in North Carolina has been preparing for the competition. Woollen and Patrick Cowsert, a soil scientist with NRCS, held a study day at the NRD office for the students. Woollen took the students into the NRD arboretum and spent some time discussing the pines that grow in the southern U.S.

Frenzen said he liked the layout and design of the NRD fact sheets and the *Protecting lives, Protecting property, Protecting the future* slogan. Gellermann said that the fact sheet was a valuable information piece and Koehlmoos said that the fact sheet could be included in the next newsletter.

Schultz said that the new NRD Recreation brochure would be printed in August and would feature a photo of the Davis Creek Recreation Area. Koehlmoos said that the information sheets would be available to the Directors for their own distribution.

Schultz said volunteers for the Natural Resources tent were being sought for Husker Harvest Days. He said that Directors interested in volunteering should contact him as soon as possible.

## ASSISTANT MANAGER'S REPORT

### Water Resources Committee

Assistant Manager Russ Callan told the Board that the Water Resources Committee had met earlier in the day and discussed the ranking criteria to be utilized in determining where new irrigation could be developed. He provided the Board with handouts and a power point

presentation on the criteria including stream depletion factors, concentration of irrigation in an area, groundwater and surface water status, soil type, and the type and number of acres being developed.

L. Rasmussen asked if the predominant soil in a field would be used in the ranking process and Callan said that soil classification ranking would be done on a percentage basis, with points awarded based on what percentage of the field was what soil type. Naprstek said that percentage was selected over the number of acres so that large fields wouldn't receive undue weight. He provided the Board with an example of a field that featured numerous soil classifications. Amsberry asked if the landowner was responsible for determining soil types and Callan said that staff would determine soil classifications and percentages using the legal description provided by the landowner. L. Rasmussen asked if irrigation efficiency was a factor to consider and Callan said it would be difficult to police whether or not that irrigation type was utilized.

**Nelson motioned, seconded by Frenzen, to approve the Water Resources Committee's recommendation to adopt the ranking criteria for new irrigated acres as presented.**

Nelson said there might be issues to address on limiting the number of acres an individual could seek. Callan said that the Committee had discussed adjusting criteria to weight applications for fewer acres than those seeking hundreds of acres.

**Conner motioned, seconded by Citta, to amend the main motion to add criteria that would give any application of more than 150 acres a "0" ranking in the *Number of Acres Being Developed* category. Motion to amend carried by roll call vote. Directors voting yes: Amsberry, Anderson, Citta, Conner, Eschliman, Frenzen, Gellermann, Hadenfeldt, Kruse, Lightner, Nelson, Petersen, D. Rasmussen, L. Rasmussen, Sieh, Smith, Staab, and Thoene. Director voting no: Adams. Directors absent: Gutzmer, Walden.**

**Amended motion approved by roll call vote, all present voting yes.**

#### Groundwater Management Area Activities

##### Irrigated Acres Certification Process

Callan said that staff had completed final check of certification forms and letters had been sent to landowners who appeared to have irrigated acres that had not been certified. Harris said that letters had been sent to 17 landowners in Wheeler County. He said that all but two of the landowners had completed certification. He said one landowner failed to pick up their certified letter. Most landowners cooperated immediately and completed their certification.

##### Area 28 Activities

Callan told the Board that the two part-time employees in the Fullerton area continued to collect irrigation and domestic well water samples. He said the part-time staff was being assisted by Lorenz and Drozd.

## ELM Model Update

Water Modeling Coordinator Tylr Naprstek told the Board that DNR met with NRD representatives on the ELM project and discussed the scope and objectives in moving from Phase II to Phase III. He said that the model is being honed to include more tributaries of the Loup and Elkhorn Rivers. He said that USGS would be involved in future discussions. Naprstek said that the Phase II work includes compiling canal pumping data and forwarding it to USGS.

## Water Resources Committee (Cont.)

Callan said that there was a recommendation from the Water Resources Committee regarding the number of irrigated acres that would be developed in the NRD in 2010. The NRD rules and regulations say that 10,000 acres could be developed over the next four years and the Water Resources Committee voted to recommend 2,000 acres for development in 2010.

**Nelson motioned, seconded by Sieh, to approve the Water Resources Committee's recommendation to allow approval of new irrigated acres applications, ceasing after the approved application total reaches the 2,000 acres mark. Motion carried by roll call vote, all present voting yes.**

## Spring 2009 Static Water Level Report

Callan directed the Board to the report included in their packets. He said that the District average was a 1.21 foot rise. He said that every area in the NRD showed a rise in static water levels and are still below the 1982 reading set as the baseline for water levels in the NRD.

## MANAGER'S REPORT

### Building Progress Report

Koehlmoos referred the Board to the architect's report and Pay Request #10 included in the agenda. He said the pay request followed a walk-through on July 14<sup>th</sup>. Staff began moving into the new section earlier in the week. He said concrete was poured for the parking area and the bill was included in the Treasurer's Report.

### New Hires

Koehlmoos told the Board that there were no new hires.

## FY-2010 BUDGET WORK SESSION #2

Koehlmoos directed the Board to the budget information included in the agenda. He said that the Board will need to set a budget hearing date. At that time the counties should have supplied valuations and final numbers on taxes required and the required levy will be in place.

Koehlmoos presented the budget items for Special Projects \$480,000; Water Quality Fund \$100,000; Water Well Decommissioning Fund \$55,000; Land Treatment \$145,000; Project

Construction \$1,380,000; Assessment Projects \$7,000; FEMA Hazard Mitigation Plan \$70,000; Stock and Stock Purchases \$15,174.78; Machinery & Equipment \$35,000; Community Forestry Program \$20,000; Prescribed Burn Program \$25,000; and Capital Improvements \$600,000.

**D. Rasmussen motioned, seconded by Anderson, to give tentative approval to the second half of the FY 2010 budget. Motion carried by roll call vote, all present voting yes.**

Koehlmoos said that the public hearing would be set for August 27<sup>th</sup> at 5:15 p.m.

Koehlmoos informed the Board that this current Board meeting would be the last for the present Board room.

### NARD REPORT

D. Rasmussen reported that the NARD had not met. He said that he attended a public relations meeting in McCool Junction with Koehlmoos and Schultz and listened in on the LR-181 discussion to review NRDs.

Koehlmoos reminded the Board that the NARD Annual Conference would be held September 27-29, 2009, in Kearney. Those interested in attending were asked to contact Schultz.

Koehlmoos said that the Twin Platte NRD had drafted a resolution seeking additional planning efforts from DNR. He said that Twin Platte NRD was seeking additional sponsors.

Koehlmoos said he would also like to draft a resolution to allow water banking for NRDs that are not fully appropriated. He said it was beneficial for all basins to provide for water banking for future use.

**Sieh motioned, seconded by Smith, to co-sponsor the resolution drafted by Twin Platte NRD seeking additional planning efforts by DNR; and to sponsor a resolution to be drafted by staff to seek water banking for non-fully appropriated NRDs. Motion carried by roll call vote, all present voting yes.**

Koehlmoos surveyed the Board to determine attendance at the NARD Annual Conference in Kearney in September.

### NRC REPORT

Hadenfeldt said the NRC met in Chadron and provided the Board with information in a Commission brief.

## RC&D REPORTS

### Loup Basin RC&D

D. Rasmussen said the RC&D had met in Taylor and discussed a used tire collection and a corn stover meeting to be held by a company looking to contract 85,000 acres of corn and soybean stubble.

### PrairieLand RC&D

Lightner said the RC&D continues to work on continuous no-till and a recent workshop he attended near Norfolk was also attended by 160 other people. He said that presentations were made by Dan Gillispie, Dr. Ray Ward and others. He said that the RC&D heard a presentation from a professor at Northeast Community College and discussed the RC&D's five-year plan.

Koehlmoos asked how many directors recognized a wooden object brought in by Hank Thoene. It was a wooden siphon tube used in early irrigation.

## ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 7:55 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, August 27, 2009, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Darwin B. Anderson  
Secretary