

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

February 23, 2012

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 23, 2012. Chairman Kruse called the meeting to order at 3:05 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson, Secretary
Joseph L. Citta, Jr. Vice Chairman
Craig E. Frenzen
Michael P. Gutzmer
James C. Nelson
Dean J. Rasmussen
Gerald P. Smith
Henry J. Thoene

Rollie D. Amsberry, Treasurer
Tim Bartak
James J. Eschliman
Virgil W. Gellermann
Gary A. Kruse, Chairman
Alan D. Petersen
Darwin R. Sieh
Bradley R. Staab
Kim Walden

Directors absent

N. Richard Hadenfeldt

Thomas Knutson

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Cheryl K. Hornickel, Programs Assistant
Jason Moudry, Water Programs Specialist
Irene F. Kreifels, Financial Secretary
Dan Ray, NRD Technician, Spalding

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

Guests in attendance

Bryce Bauer, DC, NRCS, Ord

Shane Cool, Callaway

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 also posted at the NRD Headquarters office in Ord, the NRD web site, and the eight field office locations.

Smith motioned, seconded by Petersen, 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.

MINUTES

Chairman Kruse asked for corrections and/or additions to the January 26, 2012, Board meeting minutes and none were heard. Kruse ruled that the January 26, 2012, Board meeting 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 said that there were no bills of special note.

Rasmussen motioned, seconded by Eschliman, to approve the February, 2012, Treasurer’s Report and pay all bills. Motion carried by roll call vote, all present voting yes.

PUBLIC COMMENTS

There were no public comments.

INTEGRATED MANAGEMENT PLAN (IMP) DISCUSSION FOR MARCH 1ST MEETING OF LOWER PLATTE RIVER BASIN COALITION

Koehlmoos told the Board that the meeting would be held on March 1st at the Lower Elkhorn NRD in Norfolk. Representatives from the Department of Natural Resources had been invited to attend.

Koehlmoos provided the Board with the steps that would be required in the implementation of an integrated management plan.

Koehlmoos said that the Central Platte NRD was seeking to modify its integrated management plan to allow development downstream of Chapman.

The Board discussed the options available regarding the development of new acres and the quantity that could be allowed.

Amsberry suggested that a fact sheet be developed to provide information on the Lower Loup NRD's groundwater management activities for the other NRDs.

It was the consensus of the Board to propose development of 3,000 new irrigated acres annually over a three year period at the Lower Platte River Basin Coalition meeting in Norfolk.

It was the consensus of the Board not to seek development of a District integrated management plan, but to be "at the table" for a basin-wide integrated management plan.

FORESTER'S REPORT

Koehlmoos told the Board that North Central District Forester Richard Woollen was unable to attend the meeting and referred the Board to the Forester's Report included in the agenda.

NRCS REPORT

District Conservationist Bryce Bauer was not at the meeting. Koehlmoos reported that the NRCS office in Broken Bow had moved to its new location on the west side of town. NRD Conservation Technician Dan Ray reported that the former NRCS building in Spalding had been torn down and the state office has not yet awarded a bid for the new office. He said that a new building will be built on the site of the old NRCS office whether the bid is received or not.

ENGINEERING REPORT

FEMA Hazard Mitigation Plan

District Engineer Robert Mohler told the Board that Hazard Mitigation Plan had been received from Kirkham Michael and copies of the plan would be available by request on CD. FEMA was now reviewing the plan, and when FEMA approval is received, each of the participating jurisdictions would need to adopt the plan. Adoption allows the participants to begin emergency preparation upgrades identified in their plan.

INFORMATION AND EDUCATION REPORT

North Central Region Envirothon

Information/Education Coordinator Larry Schultz told the Board that the Lower Loup NRD would host the North Central Region Envirothon contest on March 6th at Central Community College-Platte Campus in Columbus. The contest would be one of the events held as part of the District Agriculture Education Contests. The winner and wild cards from this contest would advance to the State Envirothon held May 5th at the State 4-H Camp at Halsey. Schultz reported that the Canon Envirothon is celebrating its 25th Anniversary and would be held in Pennsylvania in July.

ASSISTANT MANAGER'S REPORT

Variance Committee

Callan told the Board that the Variance Committee had met earlier in the day and heard four requests. The Committee had made recommendations to the Board on three of the requests, recommending approval with conditions of a request from Richard Hornung and denial of requests from Shane Cool and Duane Miller, Lynn Henry and Steven Johnson.

Callan told the Board that Hornung wished to transfer 20.45 irrigated acres to Shane Cool, but the field did not have the irrigation history required by the NRD. Citta said the Variance Committee recommended the conditional approval of the variance request.

Citta motioned, seconded by Adams, to approve the Hornung variance request to allow transfer of 15.4 irrigated acres (70%) of the available 22.45 acres to the NW¼ of Section 22, Township 17 N, Range 25 W; the NE¼ of Section 33, Township 17 N, Range 25 W; and the NW¼ of Section 35, Township 17 N, Range 25 W; with the remaining 7.05 irrigated acres to be held as “banked” by the Lower Loup NRD. Motion carried by roll call vote, all present voting yes.

Callan told the Board that Cool had been denied new irrigated acres allowed under LB-483 because the field in Custer County lies over the Arnold wellhead protection area. He said Cool sought a variance to increase the total acres by 9 and convert from gravity to pivot irrigation.

Cool said that he hoped that if transfers within a wellhead protection area were not allowed by the Board in the future, that landowners would be allowed to request a variance from that rule before the Variance Committee.

Citta motioned, seconded by Gutzmer, to recommend denial of the Cool variance request. Motion carried by roll call vote, all present voting yes.

Callan said that Lynn Henry and Steve Johnson sought to transfer irrigated acres in Custer County, but lacked the necessary irrigation history for the field. He said they sought to transfer certified irrigated acres owned by Duane Miller to complete a pivot circle.

Citta motioned, seconded by Sieh, to deny the Johnson/Miller variance request. Motion carried by roll call vote, all present voting yes.

Callan said that two other variance requests were tabled at the request of the Andrew Daniels and Harold Franzen, and a third request from Marvin Poss was withdrawn.

Water Resources Committee

Callan told the Board that the minutes from the Water Committee meeting were included in the agenda.

Area 18

Callan asked that this item be moved forward on the agenda and be included with the Water Resources Committee report. Results from the Water Quality Report were discussed. Moudry had provided the Committee with a presentation on the vadose zone. Callan provided the Board with a powerpoint presentation of results from work done in Area 18. Numerous wells were sampled in both the uplands and in the valleys. The upland wells averaged about 4.6 parts per million and the valley wells averaged 6.4 parts per million for nitrates. The vadose zone in Area 18 was sampled 38 times. Callan reported that Area 18 has a rising nitrate problem with additional nitrates in the vadose zone. There were a couple of wells with higher nitrate levels, but it was not consistent throughout the area. He did not recommend a higher phase of management for the area. Callan said that the Water Committee recommended that Area 18 remain in Phase I groundwater management.

Citta motioned, seconded by Frenzen, to maintain Area 18 in Phase I Groundwater Management. Motion carried by roll call vote, all present voting yes.

ELM Update

Callan told the Board that restoration of partial funding for the project moved the work on the project back up about one year. He said that was a positive impact on the ELM Study.

Evapotranspiration

Callan told the Board that the LLNRD had placed gauges around the District to measure evapotranspiration. The gauges showed that the grass could use more water than was supplied by precipitation in some years, but in years of heavier precipitation, there was some recharge. He said use of the gauges was labor intensive, requiring Kolar to spend a day traveling from gauge to gauge.

Citta motioned, seconded by Thoene, to discontinue the evapotranspiration measurement program. Motion carried by roll call vote, all present voting yes.

Surface Water Field Reviews

Callan told the Board that surface water rights have not been brought up-to-date by DNR and there has been no follow-up on data supplied by the NRD. He said the matter was discussed at the Water Resources Committee.

Citta motioned, seconded by Adams, to request that the Department of Natural Resources conduct a field review of private surface water rights in the Lower Loup Natural Resources District; and to offer assistance from the Lower Loup NRD in the review. Motion carried by roll call vote, all present voting yes.

Irrigated Acres Transfers

Callan told the Board that 110 transfer agreements have been completed, with 100 more pending the week prior, and another 30 in the last few days. Transfers from high depletion to low depletion leaves "banked" acres for the NRD. There were 152 acres banked as a result of completed transfers. Many of the transfers were from Wheeler, Garfield and Rock Counties and most were

transferred to Boone County. Callan said that the Rock County Board had requested that no further transfers from that county be granted. The Water Resources Committee had discussed the request and found it to be arbitrary and capricious. Koehlmoos said that the letter never provided a reason for the request.

Citta motioned, seconded by Eschliman, to deny the request from Rock County regarding the transfer of irrigated acres. Motion carried by roll call vote, all present voting yes.

FSA/NRCS Consultation

Callan told the Board that FSA was not participating in the consultation process created for FSA and NRCS in the irrigated acre transfer process. The Water Resources Committee had discussed the matter and made a recommendation. NRCS would continue to participate in the process.

Citta motioned, seconded by Gutzmer, to discontinue FSA participation in the NRD consultation process. Motion carried by roll call vote, all present voting yes.

Callan said the Committee also discussed possible flow meter requirements and the use of end guns in irrigated acre transfers.

Callan told the Board that the Water Resources Committee also discussed the fee charged by the NRD for the transfer of irrigated acres. The current fee of \$150 did not cover the amount of staff time required for a completed transfer, and the Committee suggested a \$300 fee. Callan said the fee was part of the irrigated acre rules and regulations and would require a public hearing before implementation.

Citta motioned, seconded by Sieh, to include in the rules and regulations process to increase the fee for the transfer of irrigated acres from \$150 to \$300. Motion carried by roll call vote, all present voting yes.

Callan told the Board that there were some self-reported violations received by the District and that staff was working with the violators to remedy the situations.

Callan said that District Court filings were made against the violator of cease and desist orders in Area 28. The violator had sought a settlement and the details were being worked out. Koehlmoos said that, even with a settlement, the matter would remain on the Court record.

Gellermann thanked Shane Cool for his presentation at the Variance Committee.

Groundwater Management Area Activities

Area 28 Activities

There was no report on Area 28.

Area 18 Activities

The item was discussed in the Water Resources Committee report.

2011 Water Quality Report

Callan directed the Board to the 2011 Water Quality Report included with the agenda. He said the report was also available on the NRD web site.

ELM Update

The item was discussed in the Water Resources Committee report.

NRCS REPORT (cont.)

District Conservationist Bryce Bauer told the Board that a new CRP sign-up would begin in March and continue through the first couple of weeks in April. The sign-up would be identical to the previous year. To this point, interest in the sign-up had been minimal.

Bauer said that there were 70 EQIP applications and they were near completion. There were 4 applications in Platte County, 1 in Rock County, and 5 in Buffalo County, all in the Lower Loup NRD. The ranking process for CSP applications had begun, and there were 120 applications across the NRD, with many coming to the Burwell office.

Frenzen asked if CRP acres were increasing, decreasing, or stable in the NRD and Bauer said that there was a general decline. He could provide exact numbers at a future meeting. Koehlmoos asked if land with an expired contract could be put in production during high grain prices, then taken out of production and re-enrolled during low grain prices and Bauer said it could.

MANAGER'S REPORT

District Information Request Form

Koehlmoos told the Board that the draft of the form was included in the agenda. Koehlmoos said staff asked whether the reason for the request could be added to the form and the attorney said that applicant would not be required to provide the information. Koehlmoos asked if requests for general information would require the form and the Board consensus was it would be up to staff discretion.

Adams motioned, seconded by Anderson, to adopt the District Information Request Form. Motion carried by roll call vote, all present voting yes.

Pibel Lake

Koehlmoos told the Board that LB-849, the bill that would transfer the Pibel Lake property from Nebraska Game and Parks Commission to the Lower Loup Natural Resources District was moving through the Legislature.

Adams asked about an amendment to the bill and Koehlmoos said that it provided Game and Parks with enforcement responsibility and provided the NRD with operational responsibility. Rasmussen said he had visited the property and asked about the private lots at the lake. Koehlmoos said he would provide a map of the property.

New Hires

Koehlmoos said that there were no new hires.

NARD REPORT

Director's Report

Rasmussen said that the NARD Board would meet on March 5th.

Edson's Legislative Updates

Koehlmoos directed the Board to the updates included in the agenda.

NRC REPORT

Commission members Hadenfeldt and Knutson were not present at the meeting to give a report.

RC&D REPORTS

Loup Basin RC&D

Rasmussen told the Board that the RC&D would meet the next week.

PrairieLand RC&D

Gellermann reported that the RC&D had assisted with a no-till workshop in Columbus and he said it was well attended. The Lower Loup NRD and others helped sponsor the meal. The RC&D would meet in Stanton on the 29th. Gellermann said that funds remained for the Shell Creek project and were the result of grants received for the project.

ANNOUNCEMENTS

Kruse told the Board that the Directors Retreat would be held on March 29th and requested participation from all Directors. A facilitator from NPPD had been lined up for the retreat. Gellermann suggested that Directors be provided some potential topics for discussion. Koehlmoos asked if presentations from staff would be required and Kruse said no. Citta said that the retreat would be a brainstorming session.

ADJOURNMENT

With no further business before the Board, Chairman Kruse declared the meeting adjourned at 6:05 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 22, 2012, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary