

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

December 19, 2013

Ord, Nebraska

The December 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 December 19, 2013. Chairman Kruse called the meeting to order at 4:32 p.m.

CALL TO ORDER

Directors in attendance

James C. Adams
Darwin B. Anderson, Secretary
Joseph L. Citta, Jr., Vice Chairman
Virgil W. Gellermann
Randy Kauk
Gary A. Kruse, Chairman
Matt Lukasiewicz
Alan D. Petersen
Darwin R. Sieh
Henry J. Thoene

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
James J. Eschliman
N. Richard Hadenfeldt
Thomas L. Knutson
Clifford P. Loseke
James C. Nelson
Dean J. Rasmussen
Gerald P. Smith

Director absent

Virgil W. Gellermann
Kim C. Walden

Michael P. Gutzmer

Staff in attendance

Leon "Butch" Koehlmoos, General Manager
Dell R. Harris, Water Resources Specialist
Cheryl K. Hornickel, Programs Assistant
Larry D. Schultz, I&E Coordinator
Jason Moudry, Water Programs Specialist
LeeAnn Smith, Water Programs Assistant

Russell G. Callan, Assistant Manager
Irene F. Kreifels, Financial Secretary
Richard L. Woollen, District Forester
Rita A. Goldfish, Administrative Assistant
Tylr Naprstek, Water Modeling Coordinator

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. 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 that there were no modifications to the agenda.

Adams 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.

MINUTES

Chairman Kruse asked for corrections and/or additions to the November 21, 2013, Board meeting minutes. Hearing none, Chairman Kruse ruled that the November 21, 2013, 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 highlighted bills from JEO Consulting Group for the Clear Creek Watershed Management Plan (\$6,867.50); Idea Bank Marketing for partial payment of the website development (\$4,166.67); Husker Sales & Service for partial payment on the Aagaard Farm building (\$22,600.00); Arrow Seed Company for grass seed (\$23,441.30); and Ward Labs for soil and water tests (\$2,171.81).

Loseke asked about the criteria for the water well decommissioning cost-share. Koehlmoos explained that partial funds are received from the state and the remainder are local funds. He said a landowner would have a well that is no longer being used, he makes application for decommissioning, and receives cost-share of 70% of actual cost, not to exceed \$500 per well, once the decommissioning and paperwork is completed. He said the decommissioning has to be done by a licensed well driller or pump installer.

Eschliman motioned, seconded by Rasmussen, to approve the December, 2013, 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

District Forester Rich Woollen reported that conservation tree orders are coming in and although not as many as in years past, he thought the NRD would receive more orders this year than last year.

Woollen highlighted some aspects of LB-634, the Wildfire Control Act of 2013. He said the state has been divided into three areas and Seth Peterson, the fire management specialist and SEAT manager in Valentine, will work with fire departments and conduct wildland fire training in the central section of Nebraska. Woollen said that there is a cost-share component to the Wildfire Control Act of 2013 which will help extend the work done in fuels management in the Pine Ridge and Niobrara Valley.

Woollen reported that EQIP has approved the special forestry initiative, so there are funds designated to forestry practices such as windbreak/shelterbelt establishment, fencing, fabric mulch, site prep, and forest stand improvement.

NRCS REPORT

Bryce Bauer, District Conservationist, reported that on the 17th, NRCS and NRD staff met to discuss irrigated acres transfer rules. He said it was a good meeting and everyone is now on the same page. Koehlmoos thanked Bauer for his input and cooperation at the meeting.

Bauer said that most of the 600 EQIP applications have been ranked. He said the number is up by nearly 200. He said Lower Loup NRD will end up with about \$1.2M. Bauer said that \$500,000 was put into the state EQIP fund for windbreaks.

Bauer reported that WHIP is no longer available as a federal program. NRCS discontinued WHIP and rolled the monies into the wildlife fund of EQIP. He said a portion of the \$1.2M could be used for wildlife projects.

INFORMATION AND EDUCATION REPORT

Land Judging/Range Judging

Information/Education Coordinator Larry Schultz reported that the NARD Land Judging Steering Committee will meet at Central Platte NRD on January 3rd for its annual review of the previous year's contests. He said the Lower Loup NRD will host the Land Judging Contest in Greeley County on October 8th.

Schultz reported that he and Koehlmoos will be attending the State Range Judging Committee meeting at Twin Platte NRD on January 30th.

NARD Calendars

Each Director received a 2014 NARD calendar and Schultz highlighted the months showing Lower Loup NRD photo submissions.

Schultz passed out order forms for shirts and mentioned that the new NRD logo will be used and the NRD will also be ordering from a new company, Tri-Mountain.

PROGRAMS/PROJECTS COMMITTEE REPORT

Koehlmoos said the Programs/Projects Committee met on the 18th and went over several items.

Engineering Services

Koehlmoos reported that the Lower Loup NRD has an opportunity to enter into an interlocal agreement with the Upper Big Blue NRD for engineering services. He said Upper Big Blue's staff engineer sometimes has time to help other NRDs with engineering projects. Koehlmoos said that, per the NRD's rules and regulations, if an ethanol plant or large water user comes into the District and meets the requirements, that organization would have to provide the NRD with a water use impact statement for that water use. He said Lower Loup doesn't have staff on hand that can satisfactorily interpret that report. Koehlmoos said that would be one of the services that the Upper Big Blue NRD engineer could provide.

Eschliman motioned, seconded by Loseke, to pursue an interlocal agreement for engineering services with the Upper Big Blue NRD. Motion carried by roll call vote, all present voting yes.

Pibel Lake

Koehlmoos said that the Committee discussed signage and a possible historical marker at Pibel Lake. The Committee recommended that staff pursue looking into some cooperating partners to consider placement of a historical marker at Pibel Lake, and also pursue other options for signage at Pibel Lake, Davis Creek, Ord Arboretum, and trails in Columbus.

Sieh said several people have commented to him that Pibel Lake is the best recreation area they have ever seen.

Financial Request from Spalding Academy for School Garden Project

Koehlmoos said that the NRD had received a request from Spalding Academy in Spalding for funding assistance of a school garden project. After review, the Committee felt that the project was outside the scope of natural resources education funding.

Eschliman motioned, seconded by Petersen, that the school garden funding request from Spalding Academy be denied. Motion carried by roll call vote, all present voting yes.

Inventory of Excess LLNRD Fire Equipment

Koehlmoos reported that the NRD could utilize some of the fire equipment that had been part of its prescribed burn program, but said that the extra fire equipment could be used by fire departments and other entities. In addition to the fire equipment, Koehlmoos mentioned that there were some vehicles that the NRD no longer uses, such as the 9-yard dump truck, 2 pickups, and a skid steer. He would like the Board's direction to put all excess equipment together in a flyer and send to municipalities, fire district, irrigation districts, and other NRDs; also put it on the website; and in February/March have sealed bids on each item.

Eschliman motioned, seconded by Sieh, that the Lower Loup NRD put together a flyer on surplus equipment and take sealed bids on individual surplus items. Motion carried by roll call vote, all present voting yes.

Aagaard Farm

Koehlmoos said that the Committee was shown photos of the new metal building at the farm.

Davis Creek

Koehlmoos said there was nothing new to report for Davis Creek.

Other

Koehlmoos said that the NARD Board has been approached about getting some space at the Nebraska State Fair for exhibits. Reserving space in the fair building would require a \$25,000 donation. The NARD Board felt that was too much money to take out of the Foundation fund at this time and suggested that each NRD donate \$1,000, with the balance coming from the Foundation.

Eschliman said that the building has hands-on exhibits for students, whether it's during the state fair or year around.

Eschliman motioned, seconded by Adams, that the Lower Loup NRD contribute \$1,000 to the agriculture building project on the state fairgrounds. Motion carried by roll call vote, all present voting yes.

Koehlmoos said the next Programs/Projects Committee meeting is tentatively set for January 22nd, depending on the number of items that come up.

2013 LONG-RANGE IMPLEMENTATION PLAN

Callan said that a draft copy of the 2013 Long-Range Implementation Plan had been provided to the Directors in November for their review. No changes had been made to the plan.

Sieh motioned, seconded by Thoene, that the 2013 Long-Range Implementation Plan be approved as presented. Motion carried by roll call vote, all present voting yes.

ASSISTANT MANAGER'S REPORT

Callan mentioned that each Director received a new, updated version of *The Groundwater Atlas of Nebraska*. He said it contained good information and was a good educational tool. He said that UNL compiled the information.

Variance Committee

James Riley

Assistant Manager Russell Callan told the Board that the Variance Committee met earlier in the day to hear from James Riley. He is interested in transferring irrigated acres from a recently developed location in Valley County to a field in Sherman County. He would plant the field in Valley County to grass if the transfer were granted. Callan said the proceedings are in the discussion phase right now. Callan said that, normally, the NRD would allow the transfer, but Riley is wanting to transfer acres out of the basin.

Moratorium on Irrigated Acres Transfers

Callan said a moratorium had been placed on irrigated acres transfers until the transfer criteria could be put in place. Callan said the criteria is laid out now with updates made to the rules and regulations; the meeting with NRCS regarding HEL reviews and conservation plans; and counsel from the NRD attorney.

Koehlmoos said that acres can be transferred from one place to another as long as they're within the basin and meet the requirements of a transfer.

Kauk asked what the consequences would be if the landowner goes out of compliance. Callan answered that they would have to go through the normal complaint process and, eventually, the NRD would cease and desist the operation of the irrigation system.

Callan said that if the Board chooses to lift the moratorium tonight, producers could apply for transfers tomorrow.

Thoene motioned, seconded by Smith, to lift the moratorium and allow irrigated acres transfers utilizing the new criteria that transfers must undergo an HEL review and conservation plans be written when needed.

Amsberry said that lifting the transfer moratorium would allow cattle, hog, or chicken producers the opportunity to expand their operations as well. He said that without transfer opportunities, livestock producers could not meet DEQ requirements on animal waste.

Smith noted that the transfer criteria can be adjusted.

Motion carried by roll call vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Eschliman, Hadenfeldt, Kauk, Kruse, Loseke, Lukasiewicz, Nelson, Petersen, Rasmussen, Sieh, Smith, and Thoene. Director voting no: Knutson. Director not present during vote: Citta. Directors absent: Gellermann, Gutzmer, and Walden.

Water Resources Committee

There was no Water Resources Committee meeting in December.

Groundwater Management Area Activities

Area 28 Activities

Callan reviewed with the Board the *Flow Meter Requirements* for the new flow meter cost-share program in Area 28. He said that 100% cost-share for meters will be available in 2014 for approved applications; 75% in 2015; and 50% in 2016. The installation charge would be the responsibility of the landowner.

Callan highlighted some provisions of the program -- the meter needs to be installed per manufacturer's specifications; it would have a three-year maintenance rotation; the District would be responsible for the maintenance, with parts being billed to the landowner; and the landowner has nine months to install the flow meter after approval of his application. If the producer doesn't meet that nine-month deadline, he would have to be reapproved with a new date. If the date falls outside of the first year, the cost-share rate would change.

Koehlmoos said the landowner can install the meters, but would need to meet manufacturer's specifications.

Callan said the NRD would read the meters every spring and fall. He said there are about 425 irrigation systems in Area 28, but that some wells already have meters. He said the flow meter cost-share program would allow an upgrade of existing meters.

Smith motioned, seconded by Adams, to approve the Flow Meter Requirements in Phase II and Phase III Groundwater Quality Areas (currently mandatory only in Area 28). Motion carried by roll call vote, all present voting yes.

Koehlmoos said that a list of eligible meters will be taken to the Water Resources Committee which meets January 15th.

ELM Update

Callan said we are still waiting for the final report.

MANAGER'S REPORTDiscussion of Inviting Local Senators and Gubernatorial Candidates to speak with Board

Koehlmoos said there are five state senators that represent parts of the Lower Loup NRD and wondered if the Board would want to invite them to come to a meeting to address current issues. Koehlmoos also mentioned that there are seven gubernatorial candidates that could also be invited to come and speak at a meeting. Koehlmoos asked the Board to think about it.

Koehlmoos said that U. S. Senator Deb Fischer recently visited the NRD office and visited with staff about some of Lower Loup's programs and projects. She was interested in water and funding issues. Callan said they discussed the EPA navigable water designation.

Report on Lower Platte River Basin Coalition Activities

Koehlmoos said the coalition has met a couple times.

Sieh said the NRDs discussed where they were at as far as integrated management was concerned. He felt that other NRDs were trying to get caught up to the Lower Loup NRD.

Adams said it was interesting to see where other NRDs are at in the process. He said the Upper Loup NRD doesn't have very many pivots and don't have the concerns and interests that NRDs with a lot of pivot systems have. He said that NRD managers are putting together lists of what their NRDs are doing regarding integrated management and then those lists will be read at the next meeting.

Koehlmoos said that the NRDs in the coalition have been very positive, proactive and cooperative. He said the coalition directors want to come to some kind of solution to draw up a plan for the lower Platte Basin. The coalition will meet at the Legislative Conference.

New Hires

Koehlmoos said that there were no new hires.

NARD REPORTDirector's Report

Rasmussen said that the NARD Board had not met, but will meet at the Legislative Conference in January.

Schultz collected RSVPs for the legislative dinner with the senators.

Koehlmoos mentioned that there has been some hunting at Pibel Lake and the stakeholders were wondering if they could still hunt there. Koehlmoos said that a set of rules and regulations will be drawn up and taken to the Programs/Projects Committee. The Committee has said they didn't want hunting at Pibel Lake. Koehlmoos said that "No Hunting" signs will be put up.

NRC REPORT

Commissioner's Report

Hadenfeldt reported that the Natural Resources Commission hasn't met since September, but will meet again in January.

Report on the Water Sustainability and Funding Task Force

Koehlmoos said that the report has been drafted and is ready to go to the Legislature. Knutson said there will be a recommendation of funding for \$50M starting in 2015. Koehlmoos said there will be a change in Commission structure and six options for funding sources.

RC&D REPORTS

Loup Basin RC&D

Rasmussen reported that the Executive Board met in Burwell and he also attended the yearly open house at the Burwell office. He said that they hope to have a tire collection in Greeley.

PrairieLand RC&D

There was no report.

ELECTION OF OFFICERS, NARD REPRESENTATIVE/ALTERNATE, RC&D DELEGATES/ALTERNATES, LEGISLATIVE CONFERENCE VOTING DELEGATE/ALTERNATE, AND ANNUAL CONFERENCE VOTING DELEGATE/ALTERATE.

Rasmussen nominated the current slate of officers for 2014.

Koehlmoos asked for other nominations from the floor. None were heard.

Sieh motioned, seconded by Knutson, that nominations cease and an unanimous ballot be cast for the current officers. Motion carried by roll call vote, all present voting yes.

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 Thursday, January 23, 2014, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Darwin B. Anderson
Secretary