

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

March 28, 2024

Ord, Nebraska

The March 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 March 28, 2024. Chairman Thoene called the meeting to order at 4:01 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Robert L. Bauer
N. Richard Hadenfeldt
Justin W. King
Gary A. Kruse
Larry Mohrman, Secretary
Alan Petersen
Gerald Smith
Alexander L. Vlach

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
Colton R. DeBower
Randy Kauk
Thomas L. Knutson
Matt Lukasiewicz
Todd Nitsch
Chad J. Podolak
Henry J. Thoene, Chairman
Rick Vlach, Vice Chairman

Director absent:

James Eschliman

Staff in attendance:

Russell G. Callan, General Manager, via Zoom
Irene F. Kreifels, Administrative Assistant
Alan Bartels, I&E Coordinator
Dell Harris, Water Resources Specialist
Ann Freeman, Water Programs Secretary
Brian Kolar, Projects Technician

Tylr Naprstek, Assistant General Manager
Kim A. Lyions, Financial Secretary
Brant Bechtold, I&E Specialist
Kevin Gustafson, District Engineer
Cacey Wilken, Water Modeling Coordinator

Guests in attendance:

Bryce Bauer, NRCS, Ord

Jessie Dillon, Houston Engineering, Long Pine

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Thoene asked for verification of the meeting notice. Assistant General Manager Tylr Naprstek stated that the amended agenda was current, and that the meeting notices were properly published in all newspapers, posted at the NRD Headquarters office in Ord, on the NRD website, and in the eight field office locations.

EXCUSED ABSENCES

Thoene stated that Director Eschliman had asked to be excused and Director Anderson would be included, as it was unsure if he would be attending.

Adams motioned, seconded by Nitsch, to excuse absent Directors Eschliman and Anderson. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Bartak, Bauer, DeBower, Hadenfeldt, Kauk, King, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: Anderson. Director absent: Eschliman.

MINUTES

Thoene asked for corrections and/or additions to the February 22, 2024, Board meeting minutes. None were heard.

Knutson motioned, seconded by R. Vlach, to approve the February 22, 2024, minutes as presented. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Bartak, Bauer, DeBower, Hadenfeldt, Kauk, King, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: Anderson. Director absent: Eschliman.

TREASURER'S REPORT

Tylr Naprstek, Assistant General Manager, highlighted expenditures of \$30,000 to the Columbus Area Children's Museum for the NRD's contribution; \$5,000 to Water Strategies for professional services; \$1,052.39 to WISH Nebraska Inc. for drip supplies; \$4,960.48 to JEO Consulting Group Inc for the Mira Creek WFPO project; and \$16,640.16 to LRE Water for the Buffalo County Modeling project. He also noted expenditures of \$5,000 to Loup Basin RC&D Council for our annual recycling contribution; \$3,600 to Phoenix Web Group Inc. for the NRD's online database services; and \$5,415.62 to Jensen Water & Sewer LLC for water lab repairs.

Kruse motioned, seconded by Smith, to approve the March 28, 2024, Treasurer's Report. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Bartak, Bauer, DeBower, Hadenfeldt, Kauk, King, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: Anderson. Director absent: Eschliman.

FORESTER'S REPORT

Naprstek reported that Lewis was at a wildfire convention in Reno, Nevada. Naprstek stated that the nursery in Halsey was lifting stock a little more than a week ago, so trees would be coming soon.

PUBLIC COMMENTS

Jessie Dillon, Houston Engineering, Long Pine, NE, stated she was present to introduce herself.

NRCS REPORT

Bryce Bauer, NRC, Ord, stated that they have completed the Inflation Reduction Act contracts and that 60-61 were funded. He stated that they have moved on to EQIP, which is funded based on highest ranking. He reported that they are about half-done with the 400 to finish by next Friday. He stated this was their earliest obligation year for the last 10 years. He stated that field and follow-up work will be completed in the summer.

Bauer also reported that the 2025 EQIP local work group was held and that nothing was changed. He stated that the priority system of ranking had been removed so now all applications will need to be processed. He added that, in the past, the non-priority applications were not processed. He also reported that staff is writing and checking burn plans.

Thoene asked if there is anything new for pivot conversion from gravity. Bauer replied that there is still EQIP and they are pursuing the RCPP program for that purpose. He added that there will be an open application period for the RCPP program and that he will be working with NRD staff to move along the application process for the program. He stated that NRCS can request up to \$20 million that can be used for pivot conversions, nutrient management, possibly cover crop, etc.

Naprstek added that NRD staff met with Russell Ames in DC regarding the RCPP Grant money.

Mohrman asked if gate and gasket replacement will be allowed under the funding program. Bauer replied that it hasn't been discussed yet; however, some NRDs had a gates and gaskets program in the past. He stated they are trying to mirror current EQIP standards to make the process easier for staff to administer. Currently, there is nothing in EQIP for gates and gaskets.

INFORMATION & EDUCATION REPORT

Central Region Envirothon

Alan Bartels, I&E Coordinator, reported that the NRD co-hosted the Central Region Envirothon at CCC in Columbus with Central Platte NRD. He stated that St. Paul will represent

the Central Region at the state competition at Ponca State Park on April 24th and that Burwell and Ord scored wildcard spots for state.

Apparel

Bartels reported that the Lower Loup NRD apparel had arrived.

Columbus Area Children's Museum

Bartels showed photos of the Columbus Children's Museum exhibit. He stated there was a blank space above the NRD exhibit that will be filled in with the NRD logo. He added that it is still a few weeks away from being completed.

ASSISTANT GENERAL MANAGER'S REPORT

Wheeler County Water Quality Meeting

Naprstek reported that a public outreach meeting was held for those getting water samples and chemigation in Wheeler County. He stated it was held at the gym in Bartlett and that 29 producers, 3 directors, and LLNRD staff attended. He reported that there was a presentation on WQMA designation; cost-share was also discussed. He stated that Dan Snow, UNL, was present to talk on the isotope study. Snow discussed organic and commercial origination of nitrates.

Smith stated that he got some good, positive comments. He said a couple guys had said they thought it was the dumbest thing ever; then, after the presentation, decided they were glad that somebody was looking after their area and that they didn't have a clue they had problems in their area. Kauk stated there is a lot of interest and it has been a big reality check for many people. He stated some comments were made that it's the other guy or the neighbor's fault.

Naprstek reviewed the NRD responsibilities showing that water quality is a major priority. Historical readings that were being watched from 2006 to 2018 in Wheeler County were also reviewed at the meeting. He also showed what the current water quality management controls are and that, left unattended, there would be more high nitrate levels 'triggering' in the near future in Wheeler County. They looked at Upper Elkhorn's rules, where HerdCo is located and also an area by the Phase 2 area. He showed the water sampling results in 2022 and 2023.

Naprstek also showed a breakdown by townships and the areas near Bartlett close to triggering. Areas are triggered by showing four consecutive years of median water nitrate sampling of over 6.5 ppm. He also stated that manure application was discussed, as well as irrigation density in sand, depth to groundwater and explained that most of Wheeler County is shallow depth or very sandy soils.

Naprstek showed the Area 28 study for comparison. He stated there is a two-year turnaround time for moving nitrates through the vadose profile in sandy soils. It was reported that there were Area 29 residents present at the meeting and discussion was held on what the

requirements are once an area is ‘triggered’. Naprstek reviewed the potential timeline that was used when Area 29 triggered.

Naprstek reported that Lower Loup NRD will continue with public outreach to try to get as much information out as possible. NRCS and NRD cost-share was discussed including EQIP, cover crops, and VRI as measures that could be used by producers.

Podolak asked how many phases Upper Elkhorn NRD uses. Naprstek stated three, but their plan is more generic. He said that if it triggers from a soil sample, they redo 3-4 times before moving on to cease and desist. Naprstek added that we used the soil sampling portion of their plan as a building block for our rule changes.

Nitrogen Recommendation Reports

Naprstek showed an example of the report. He stated that it considers all annual soil sampling analysis results in Phase II Areas 28, 29, and 30 and gives a recommendation for moving forward. He explained that it shows last year’s crop readings and expectations for the next year; crop and expected yields based on the last 5 years’ yields. He added that it also points out anything that may change yields, such as weather or irrigation totals, pounds of fertilizer, legume credit, and manure amounts.

Naprstek explained that the report shows the UNL equation report card from 2023 on fields as well as a nitrogen recommendation for this year. He added that we are trying to get the producers’ attention and show them how they are doing according to the UNL equation. He reviewed the process of them receiving a pre-complaint which is after one ‘strike’, then a complaint which is used after two ‘strikes’.

Irrigation Violations

Naprstek reported that 40 violation letters had been sent out on non-certified ground and added that we are down to 3 that have been reissued by County Sheriff paper service. He stated that most have been in the process of recertification and can be taken care of quickly. He added that 24 were recertifications, 3 were transfers that weren’t finalized, and 9 required a *Plan and Schedule of Compliance*. He stated that the producers who signed a *Plan and Schedule of Compliance* will receive cease and desist orders if they violate again.

Drought Monitoring

Naprstek showed the current drought status report. He stated that most of Nebraska was in yellow last week; however, the storm reduced some of the area. He added that this was the first time in two years that Nance and Platte counties were not in “Severe” drought status. He stated that this shows improvement and that things are still very dry but headed in the right direction.

Naprstek reported that the technicians are measuring static water levels right now and he should have a full report by the next Water Resources Committee meeting. Areas 18 and 20 are

probably still going to have some low readings. He added that surface water outlook looks good across the District.

Naprstek stated that flow meter cost-share forms are coming back in, and staff is trying to keep turnaround time at a week or two.

ENGINEER'S REPORT

Mud Creek WFPO Agreement

Kevin Gustafson, District Engineer, reported that the watershed agreement for Mud Creek has been received. He stated that NRCS requires Board action to authorize the Chairman and General Manager to sign and that the NRCS State Conservationist will need to sign the agreement as well. He added that the term is for 105 years, which is considered the evaluated life of the structures.

Gustafson stated that under the agreement, the NRD, as sponsor, is responsible for all permits, costs for property acquisition, such as easement purchase and condemnation and that land rights must be obtained before construction funding can be received.

Gustafson highlighted the anticipated cost breakdown for the project. He stated that NRCS's portion is \$5,466,898 and the NRD's sponsor portion is \$1,418,027, for a total of \$6,884,925. He added that NRCS is responsible for all construction, project administration, and design & construction engineering costs, and the NRD manages real property rights, permitting, and administration. The plan is for 2 dams and 1 diversion channel.

Podolak asked about additional funding that could be applied for. Gustafson stated that federal funds cannot be used to match federal funds and added that we could approach the irrigation district to pitch in.

Gustafson reported that in real property rights, there may be local infrastructure that needs to be modified due to the project. An example could be roads that need modified. He also stated that the state doesn't obligate NRCS funding, and it is dependent on appropriation. He added that if they lose funding, they can't contribute until they get more funding; however, we can't request funds until the agreement is signed and started.

Gustafson stated that O&M is part of the sponsor's responsibility for the duration of the evaluated life of the structure, which is the amount of time that that government figures that it's going to take for them to get benefits that exceed the costs to put it in on an annual basis, as well as setting up an emergency action plan. He added that both structures will be high hazard potential dams sitting above the city of Ansley, so an emergency plan needs to be developed. He added that this is something he will work on, using the NRCS template, and stated that the plan is needed prior to construction. He said he will work on it while JEO is working on the design. He also added that each individual structure or measure within the entire watershed project will have a separate O&M plan with NRCS before construction starts, basically spelling out who will

be responsible for what, and that it could involve the NRD, the City of Ansley and others involved with the project.

Lukasiewicz asked when we will know if the funds are appropriated by the government. Bauer stated that, so far, only EQIP is appropriated and that these are different funds. Gustafson stated the money is currently sitting there and ready to give out. He stated we will be ready to request once this is approved and hopes to have it within the next couple of months, so funding could be obtained in a couple of months to start design.

Amsberry motioned, seconded by Adams, to authorize the General Manager and the Board Chairman to sign the Upper Mud Creek Watershed agreement between LLNRD and NRCS to implement works of improvement in the watershed project plan. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Bartak, Bauer, DeBower, Hadenfeldt, Kauk, King, Knutson, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: Anderson. Director absent: Eschliman.

Davis Creek Road Paving Project

Gustafson stated that the bid opening will be held April 18th and will be ready for Board review at the next meeting. He stated that three contractors have shown interest.

Sargent Flood Project

Gustafson reported that Brian Kolar, Projects Technician, General Manager Russell Callan, and himself, had met with the City of Sargent on March 14th, along with Kevin Kruse from JEO. He stated that they reviewed what the process is going to be and that they will start surveying by drone LiDAR shortly.

Mira Creek Watershed Plan

Gustafson reported that JEO and NRCS are finalizing edits based on the Water Management Center's requests. He stated that he hopes to have it go into NRCS Headquarters in May for review and that it will take a couple of months for their review to be completed. He added that we decided not to do the business survey and we will follow through with justification on why we didn't. It was added that Gustafson and Naprstek met with NRCS Headquarters staff Ralph Smith and Astrid Martinez and Robb Lawson, State Conservationist. They seemed receptive of their ideas on things that were going on with the projects. Naprstek added that they were supportive of JEO's documentation and are wanting to come to Nebraska to look at watersheds across the state.

VARIANCE COMMITTEE

Smith reported that there were two variance requests, and it was the first time for each of them so they will be brought to the Board next month. He stated the other thing that was discussed was the possibility of the matter of land containing abandoned railroad rights-of-way.

He added that the railroad probably won't apply for irrigated acres but there are pivots running over the abandoned tracks and we will need to figure out how those should be managed. He stated we don't yet have an application for this type of thing.

Kauk stated that in the past there were similar circumstances in Howard County and there was a committee that was formed to purchase property and deal with individual landowners; however, he didn't know what the entire process was. Smith added that in Greeley County someone bought the old railroad land and used it for hay and the airport runway.

Smith commented that unless there is a deed for the land, irrigated acres shouldn't be given.

Thoene stated that the positive to granting acres is that if they have pivots on one side, it would be more efficient if they could use also the other side of the tracks. Mohrman added that even if the railroad said go ahead and use the land, that getting a deed from them would probably be impossible.

Thoene added that there was a group in Burwell that did something similar with quitclaim deeds.

Dell Harris, Water Resources Specialist, added that power poles are being removed along railroads and pivots can go there now, so they want to run over the tracks to make them more efficient, but until the railroad abandons the land, we won't certify acres. Smith stated that most are under two acres that have been in violation and that there isn't much value to the land with the rails still there.

MANAGER'S REPORT

Water Strategies Update

Naprstek stated there was an update from Kris Polly in the agenda. He stated there was information on the overall direction of the house and legislation, hearing information, and grant funding information in the report.

Anderson arrived at 5:01 p.m.

2024 NRD Committee Assignments

Naprstek stated that the new committee assignments were on the back page of the agenda. Thoene stated that some people were moved around, based on their desired changes. Podolak asked what the invited committee chairs were. Thoene stated that the Committee Chairs are invited to the Executive Committee meetings.

Litigation Update

Russell Callan was present via voice call. He reported that he is watching legislation and there are tax bills he is keeping an eye on. He added that in the final draft the NRD is not part of the discussion for the 3% cap, but they are still debating, and he doesn't know if there is a resolution or not yet.

New Hires

None were reported.

Non-action Reports

Directors commented on the Washington, DC trip.

Mohrman stated that the breakout sessions were good and that there was useful information given on money available. He stated that they met with senators and representatives for breakfast, and they met with each NRD individually. He stated their aides were helpful in finding answers that senators couldn't answer.

Knutson stated he was impressed with the presentations at the meetings and that there is a lot of money out there and programs with different agencies. He stated he applauds Dean Edson, NARD, for putting the trip together.

Naprstek added that it is better to be there in person to put in requests instead of just sending them in. He stated that Governor Pillen was present at the breakfast and it was stated that NRDs' uniqueness sets us ahead of other states.

Kauk stated that at the Phoenix and Reno conferences there was a lot of funding discussed for various water and irrigation projects.

NARD REPORT

Eschliman was not present to give a report.

NRC REPORT

Amsberry reported that the Commission would meet next Wednesday in Kearney.

Knutson added that the application process for the Water Sustainability Fund was closed now, and they would be talking about a scoring committee.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Adams asked, "If Directors wanted to go to meetings that pertain to topics that the NRD is involved in, how do they get approved to attend?" Callan answered, "Call Headquarters."

Bartels reminded everyone that in April the Board meetings will go back to a 5:00 p.m. start time for the months of April through October. Also, the committee meeting times will switch, with Programs/Projects convening at 10:00 a.m. and Water Resources starting at 1:00 p.m.

ADJOURNMENT

With no further business before the Board, Chairperson Thoene declared the meeting adjourned at 5:15 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 April 25, 2024, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Larry Mohrman
Secretary