

# MINUTES

## LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

March 23, 2023

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 23, 2023. Chairman Eschliman called the meeting to order at 4:00 p.m.

### CALL TO ORDER

#### Directors in attendance:

James C. Adams

Darwin B. Anderson

John R. Coffey, Secretary

N. Richard Hadenfeldt

Gary A. Kruse

Larry Mohrman

Alan Petersen

Gerald Smith

Alexander L. Vlach

Rollie D. Amsberry, Treasurer

Robert L. Bauer

James Eschliman, Chairman

Randy Kauk

Matt Lukasiewicz

Todd Nitsch

Chad J. Podolak

Henry J. Thoene, Vice Chairman

Rick Vlach

#### Directors absent:

Timothy E. Bartak

Thomas L. Knutson

#### Staff in attendance:

Russell G. Callan, General Manager

Irene F. Kreifels, Administrative Assistant

Dell Harris, Water Resources Specialist

Jason Moudry, Water Programs Specialist

Dan Ruterbories, Range Mgmt. Specialist

Richard Woollen, District Forester

Brant Bechtold, Information Specialist

Tylr Naprstek, Asst. General Manager

Kim A. Lyons, Financial Secretary

V. Anne Freeman, Water Programs Secretary

Cacey Wilken, Water Modeling Coordinator

Kevin Gustafson, District Engineer

Aron Lewis, Conservation Forester

Brian Kolar, Projects Specialist

#### Guests in attendance:

Bryce Bauer, DC, NRCS, Ord

Alex Wolf, Albion

James Nelson, Cairo

## VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

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

## EXCUSED ABSENCES

Eschliman stated that Director Knutson had asked to be excused and that R. Vlach and Bartak may be late.

**Smith motioned, seconded by Adams, to excuse absent director Knutson. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach. Directors absent: Bartak, Knutson, R. Vlach.**

## MINUTES

Eschliman asked for corrections and/or additions to the March 23, 2023, Board meeting minutes. None were heard.

**Mohrman motioned, seconded by Nitsch, to approve the March 23, 2023, Board meeting minutes as presented. Motion carried by electronic vote, all present voting yes.**

## TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$16,750.00 to Zelle LLC for Water Modeling Coordinator search; \$3,898.91 to Warner Body Shop for repairs to a vehicle that was jack-knifed; \$83,400.00 to Aqua Geo Frameworks LLC for AEM flights; \$7,285.00 to JEO Consulting Group for work on the drought plan and \$9,072.80 to Steamway by Gary for flood damage repairs. Callan also highlighted \$9,250.00 to JEO Consulting Group for retainage on the Drought Management Plan; \$14,254.69 to JEO for WFPO projects; \$27,000.00 to the City of Belgrade for participation in the riverbank restoration project; and \$37,098.81 to Chief Construction for storm-related repairs.

Coffey asked about the postage of \$999.00 paid to Central Platte NRD under grassland/rangeland management. Callan stated that was part of the cedar tree removal money and that we sent out information and committed \$10,000 to the project.

**Kruse motioned, seconded by Petersen, to approve the March 23, 2023, Treasurer's Report. Motion carried by electronic vote, all present voting yes.**

The Treasurer's Report Approval Policy states that the approved expenditures are to be published and each director who has per diem and/or reimbursement of expenses included in

such financial reports, abstains from voting for the approval of his or her own per diem and/or expense reimbursement.

## PUBLIC COMMENTS

Eschliman asked for comments from the public. None were heard.

## FORESTER'S REPORT

Richard Woollen, District Forester, reported that a pruning workshop, hosted by the Nebraska Forest Service and the Lower Loup NRD, was held on March 22<sup>nd</sup> and that about a dozen were in attendance. He also reported that tree sales and tree plans are still being made and the machines are getting set up for planting season. Woollen reported that the inventory was cleaning up nicely.

Mohrman asked if tree orders were the same as last year. Woollen stated they were and that orders usually range from 60,000-80,000 trees. Eschliman asked when the best time was to trim a fruit tree. Woollen stated the best time would be when the tree is dormant, before bud break or during the fall colors.

## NRCS REPORT

Bryce Bauer, NRCS, Ord, reported that they had advertised for an agronomist in St. Paul and that the HR Panel will review applicants. He said that staff is working on EQIP contracts and that approximately 65 have been approved and obligated so far. He also reported that they should be receiving another \$300,000 for Climate Smart Funding that will assist with practices that store carbon in the soil and that brush management burns are happening more often.

## INFORMATION & EDUCATION REPORT

### Central Region Envirothon

Brant Bechtold, Information Specialist, reported that Lower Loup NRD co-hosted the Central Region Envirothon with Central Platte NRD on February 28<sup>th</sup>. He reported that two teams from our District won and qualified for the State Envirothon to be held at Lake McConaughy in April.

St. Paul had the winning team. Burwell competed in the Northeast Region and was the winner. After all of the state contests were completed, a team from St. Paul and one from Loup City snagged wild card spots. These four teams qualify to compete at the State Envirothon to be held at Lake McConaughy in April.

### Arbor Day

Bechtold reported that the Arbor Day program would be held in Ord on April 25<sup>th</sup> and that 4<sup>th</sup> graders from Ord Elementary would be planting a tree in dedication to Larry Schultz.

## ASSISTANT GENERAL MANAGER'S REPORT

### Davis Creek Totals

Tylr Naprstek, Assistant General Manager, reported that openings for camp host have been filled. He also reported that there is heaving on the access road that Gustafson will discuss later.

### Pibel Lake

Naprstek reported that the new latrines would be in on April 12<sup>th</sup>, and that shop staff would work on disposal of the old units.

### Chemigation Permits

Naprstek reported that staff mailed 3,405 pre-filled chemigation renewal permit applications that will need to be returned by June 1<sup>st</sup>, with \$30, to be considered timely for a renewal permit.

### Irrigated Acres Violations

Naprstek reported that 26 certified letters were sent regarding 2022 irrigating season violations and that he had been contacted by all but one producer so far. Follow-up will be done. He also reported that the report from the AEM flights in August have been received in digital form and was being reviewed by staff.

### Flow Meter/Static Water Levels

Naprstek reported that staff had begun static water level field work. He stated staff has measured 272 out of 456 sites and that the information would be tied into the drought management plan. He stated that readings should be completed in the next 2-3 weeks.

Podolak asked about the drought plan triggers. Naprstek stated that Harold Benton, Water Resources Tech, was working on a report that he and Cacey Wilken, Water Modeling Coordinator, would incorporate with the plan.

Kauk asked about the geese population at Pibel. Naprstek stated that the population is down, however, staff will keep an eye on numbers as the season progresses.

## WATER RESOURCES COMMITTEE

### Pilot Cost-Share Program

Dan Ruterbories, Rangeland Management Specialist, reported on potential cost-share for advanced soil sampling. Ruterbories reviewed the guidelines for the program and purposes. He stated the program would be used to reduce nutrient inputs and improve soil health. He stated

they would be looking at Haney or soil health assessments tests for the program. Ruterbories explained that the signup for the program would run through the local NRCS offices and that funding would remain available until funds were depleted. He said there would be a set rate paid for each test and that funding would be allocated based on total irrigated acres in the county and then reallocated based on need.

Funding would consist of \$75,000 per year and producers would be enrolled for 4 years at a cost-share rate of \$55 per sample, one sample per 40 acres. He explained that \$50,000 would be used District-wide and would fund 910 samples, and the additional \$25,000 would be in a fund for Phase II areas and would do an additional 445 samples. He said that a simple application would be developed, and they were still in the planning phases of the program.

Callan added that the program still needed some fine tuning, but he wanted to talk about the concept and get the funding approved.

Kauk asked if a total profile of the soil would be obtained. Callan stated yes, all micronutrients, all soil health information would be reported.

Podolak asked when staff would be ready to approach fields that were high on the vulnerability model. Callan stated staff will sit down and go through the Phase II reports to determine vulnerable fields and that funding would be added to the new budget.

**Smith motioned, seconded by Adams, to approve budgeting \$75,000 for FY23-24 Budget for the advanced soil sampling cost-share program. Motion carried by electronic vote, all present voting yes.**

Bartak called in absent at 4:35 p.m.

#### Vadose Zone Project

Naprstek stated that Jason Moudry, Water Programs Specialist, had a presentation on vadose zone sampling in the past.

Moudry showed a presentation explaining that the vadose zone area is the area after nutrients escape the root zone but before they get to water. He went over various projects the NRD has done with sampling, including a water quality project with UNL in Areas 18 and 28, and also in wellhead protection areas. He showed the location of sample sites throughout the District.

Moudry reviewed the Cover Crop Study being done with EA Engineering and Central Platte NRD. He said they were looking to find out if there was substantial benefit to utilizing cover crops and if there was an impact to the water budget. This is especially important in areas that have water level declines. To do this, soil sensors were installed at 18", 72", & 84" to determine how much moisture moved through the vadose zone.

In the WHPA vadose project, Moudry went over the range of sampling that included irrigated vs. dryland cropland, grassland, and urban green spaces like lawns and historical leach field sites. He showed a breakdown of the Ward Lab samples, stating that with the results one can figure the lbs. of nitrogen per acre that is currently in the soil profile. He stated that staff records the difference in soil texture and appearance and showed a breakdown of what is in the sample taken.

Moudry also informed the Board that there was some residential sampling done in prior 319 Grant work, and it was found that nitrate levels were extremely low in the highly fertilized lawns that were tested due to bluegrass being a good scavenger of nitrogen. He also showed a sample comparison of irrigated cropland, dryland, and grassland sites, as well as a summary of the different types of sites sampled.

R. Vlach arrived at 4:48 p.m.

Moudry discussed the Area 30 vadose project that would begin this year, which would look more in-depth how nitrates move throughout the root zone and how changing nitrogen management can reduce nutrient loss.

In another potential study, Moudry reported that staff would like to examine in-season nitrate mobilization where samples would be taken once a month and track nitrogen throughout the whole growing season. Then, after the crops were harvested, a deeper core would be collected as well. A sampling unit was shown that staff is further researching. The equipment would collect soil cores in plastic tubes that would be ready to be sealed and shipped for analysis.

Dell Harris, Water Resources Specialist, asked if age sampling would be done also. Callan stated it might if determined to be a need, but they mainly want to find movement from one year to the next.

Callan stated he would like to get USGS involved because there is high science involved and there may be research needed that is not University-style.

Kauk asked if sampling during crop season was necessary and if sampling could wait till fall. Callan stated he thought testing throughout the growing season was best to avoid an absence of data. Kauk asked if the NRD should be more concerned about what is left in the fall instead of during growing season. Callan stated that when fall arrives and there is no nitrogen, it would be good to know where it went.

Coffey stated maybe the NRD could get some answers if we used it to track movement of fall-applied fertilizer as well.

Smith stated that staff was looking into additional options and would talk with USGS to see about a partnership.

## Lower Platte River Basin Coalition Report

Naprstek stated that the annual report was completed with seven other NRDs that are in the Coalition, as well as DNR in Lincoln. Naprstek reviewed the report in-depth, reviewing irrigated acres allotment, water usage numbers for municipalities, and new well construction permits issued last year.

Naprstek showed the NRD's prior appropriation, changes due to variances, well agreements, and rotations, and explained the LLNRD has 11,908 acre-feet available.

**Smith motioned, seconded by Thoene, to approve the Lower Platte River Basin Coalition Report as presented. Motion carried by electronic vote, all present voting yes.**

## Columbus Recharge Project

Naprstek reported that Brian Kolar, Projects Tech, activated pumps on Monday and that Adam Brockmann, Water Quality Tech, had completed some shredding in the channel.

Kevin Gustafson, District Engineer, reported that an operations manual has been drafted and was being reviewed for operations on the Columbus Recharge Project. He reviewed the proposed operation timeline of April 1<sup>st</sup> to November 1<sup>st</sup> or first frost. He also reviewed the conditions of operations and explained that all HydroVue readings would have to be below a predetermined level before startup. Gustafson stated that mid-summer maintenance would have to be completed so operations would be suspended while maintenance takes place and that it could be shut down if the city or county needed it to be. He stated there was also a clause stating that if anyone wanted to operate the pumps beyond the NRD's specifications, they would be liable for operation costs. Gustafson added that the partners would be given an opportunity to review the manual before it was finalized.

Callan announced that the Columbus Recharge Project received a national excellence award from ACEC (American Council of Engineering Companies) and will be honored at an upcoming event in Washington, D.C. on June 13, 2023.

## Other

Naprstek said that News Channel Nebraska aired a nitrate panel discussion about nitrate risk in Nebraska on March 14<sup>th</sup> in Norfolk and was hosted by Lower Elkhorn NRD.

## PROGRAMS/PROJECTS COMMITTEE

### Platte County Floodway Ordinance

Kruse reported that this month it has been four years since the 2019 flooding. He stated that the Harder property near Columbus involved in the FEMA buyout that the Lower Loup NRD had been interested in purchasing, had been issued violations for repairs completed on the house located on the property.

### Mud Creek WFPO - Ansley

Kruse reported that the Mud Creek plan for two dry dams and a diversion channel has been submitted to the NRCS Water Management Center in Little Rock for review.

### Mira Creek WFPO – North Loup

Kruse reported that there was a meeting March 16<sup>th</sup> with Fish and Wildlife and the Nebraska Game & Parks Commission regarding the Mira Creek plan, so staff is waiting for comments. Following the meeting, the plan will be submitted to the Nebraska NRCS and then to the NRCS Water Management Center in Little Rock for review. The review process could take approximately 4 months.

### Sargent Flood Project

Kruse reported the total project cost was approximately \$5.2 million. He said a Water Sustainability Fund grant of \$858,290 was obtained and they were still waiting to hear if the HMP Grant was awarded for the project. Both Lower Loup NRD and Sargent have committed \$250,000 each.

Gustafson reported that he drove by Jesse Street and it looked like they were ready to start over.

Podolak asked if the NRD had done dry dams in the past. Callan stated there have been some structures that may have a small pool in the bottom; however, they are more common in other places. He added that the Middle Republican NRD has multiple.

Callan reported that WFPO projects were discussed a lot in D.C.

### Flood Mitigation Study West of Columbus

Kruse reported there was no update on the Flood Mitigation Study near Columbus.

### Other

Callan reported that he was working with the insurance company on the storm damage payouts and the drywall and paint have been complete after the water line break.

## ENGINEER'S REPORT

### Davis Creek Road Project

Gustafson showed pictures of the entry road to the recreation area. He reported that a site visit with Flatwater and BOR would be held. He stated that there was discussion of using concrete for the road repair. Gustafson stated that the project would run from the entrance to the



boat ramp, dependent on funding. He said the entire road would be designed but bids would be put in for sections.

## VARIANCE COMMITTEE

Thoene reported that there were five variances this month and all were the second hearing.

### Lyon Ranch

Thoene reported that the Lyon Ranch near Merna was requesting a variance to fill in corners by providing tax history on fields. He stated that with the lack of irrigation history, the Committee did not recommend approval of the variance.

**Thoene motioned, seconded by Smith, to deny the Lyon Ranch variance request for certification of acres because of insufficient records. Motion carried by electronic vote, all present voting yes.**

Thoene stated Lyon Ranch had an additional request to move 12 acres into a series of different fields and that the Committee did not recommend approval of the request.

**Thoene motioned, seconded by Adams, to deny the Lyon Ranch's additional request to move 12 acres into various fields. Motion carried by electronic vote, all present voting yes.**

### Troy Lukasiewicz

Thoene reported that Troy Lukasiewicz of Farwell had requested a transfer of surface water acres to several different properties and replace commingled acres with groundwater only. He said the acres were certified as both groundwater and surface water currently with Farwell Irrigation. He stated the Committee recommended approval of the variance.

**Thone motioned, seconded by Amsberry, to approve the Troy Lukasiewicz variance request with the requirement that a flow meter be installed. Motion carried by electronic vote, all present voting yes.**

### Valley County/Knapp/Baker

Thoene reported that Valley County, Knapp's, and Baker's had requested to put a pivot on gravity irrigated land that is currently certified with irrigation district water. He stated they would have to keep paying their surface water fees and the acres would have to stay attached to the ground. Thoene reported the Committee wanted to approve; however, it was unclear if all parties had signed.

**Thoene motioned, seconded by Mohrman to approve the Valley County/Knapp/Baker variance request converting flood irrigation to pivot irrigation with the requirement**

**that a flow meter be installed and contingent on all parties agreeing. Motion carried by electronic vote, all present voting yes.**

#### Wolf Land

Thoene reported that Wolf Land in Albion was requesting to transfer acres from Area 29 in Wheeler County to a drawdown area in Boone County. He stated the Committee voted to recommend approval of the variance.

**Thoene motioned, seconded by Adams, to approve the Wolf Land variance request to transfer acres from Area 29 to Boone County and require a flow meter be installed.**

Lukasiewicz asked how many acres were involved. Harris stated there were 44 irrigated previously with irrigated acre rotation. Kauk asked if there would be a limit to pumping due to being in a drawdown area. Callan stated “no” at this time because he had been using it with no problems in the past.

**Motion carried by electronic vote, all present voting yes.**

#### 56 Land & Cattle

Thoene reported that 56 Land & Cattle of Cairo was requesting a transfer of 27 acres out of CPNRD into LLNRD, converting groundwater flood irrigation to pivot irrigation. He stated that Central Platte NRD is okay with the transfer.

**Thoene motioned, seconded by Hadenfeldt, to approve the 56 Land & Cattle variance request and require a flow meter to be installed. Motion carried by electronic vote, all present voting yes.**

### MANAGER’S REPORT

#### Litigation Update

No update.

#### New Hires

Callan reported that Cacey Wilken, the new Water Modeling Coordinator, was in attendance.

#### Non-action Reports

Kauk asked about the open Board position. Callan stated it was being advertised.

Mohrman asked about cost-share for VRI pivot control. Ruterbories stated applications were being taken until the end of March and would be ranked at the beginning of April.

## NARD REPORT

Eschliman did not have an update.

Amsberry reported that the Washington, D.C. trip had many good speakers. Lukasiewicz stated that Dean Edson did a good job of setting up people to discuss NRD issues. Mohrman stated they talked about decreasing paperwork requirements to receive assistance. Bauer said the speakers were interesting and felt he got insight on some of the money that would be available and what programs were upcoming this year. Lukasiewicz stated there were questions on what was being done on the Federal level with nitrates and they passed it down to State level control.

Smith asked if any comments were made on the Waters of the U.S. money. Callan stated there was uncertainty. Lukasiewicz stated that most adopted except Texas and Idaho, so the Supreme Court will make the decisions on it.

## NRC REPORT

Amsberry reported the next meeting would be April 5<sup>th</sup>.

## ANNOUNCEMENTS / FUTURE MEETING TOPICS

Callan reported that the Lower Platte River Basin Coalition would meet this month, the April Committee meeting times would be switched around, and the Board meeting would start at 5:00 p.m. in April.

## ADJOURNMENT

With no further business before the Board, Chairman Eschliman declared the meeting adjourned at 6:14 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 required newspapers. The next Board of Directors meeting will be held April 27, 2023, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

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John R. Coffey  
Secretary