

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

January 28, 2021

Ord, Nebraska

The January 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 January 28, 2021. Chairman Citta called the meeting to order at 5:02 p.m.

CALL TO ORDER

Directors in attendance:

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
Jim Eschliman, Vice Chairman
Randy Kauk
Matt Lukasiewicz
Todd Nitsch
Gerald Smith
Henry J. Thoene, Secretary

Darwin B. Anderson
Joseph L. Citta, Chairman
N. Richard Hadenfeldt
Gary A. Kruse
Larry Mohrman
Alan D. Petersen
Dean G. Thede
Rick Vlach

Directors in attendance via teleconference (voting):

James C. Adams
Beth Boesch

Robert L. Bauer
Chad J. Podolak

Director absent:

John Coffey

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Larry D. Schultz, I&E Coordinator
Brian Kolar, Projects Technician
Richard L. Woollen, District Forester

Tylr Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Cameron Conrad, Water Modeling Coord.
Dell R. Harris, Water Resources Specialist

Guests in attendance:

Lalit Jha, JEO, Lincoln

Jake Miriovsky, JEO, Lincoln

NOTICE OF OPEN MEETING LAW POSTING

Chairman Citta referred those in attendance to the open meeting law information posted in the Board room and stated that meeting material was available at the entrance to the Board room.

Due to Executive Order No. 20-36: Coronavirus - Public Meetings Requirement Limited Waiver, Board members were able to attend and vote via teleconference.

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Citta 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 newspapers, posted at the NRD Headquarters office in Ord, on the NRD website, and in the eight field office locations.

ROLL CALL

Roll Call was conducted electronically. Directors present: Amsberry, Anderson, Bartak, Citta, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Smith, Thede, Thoene, Vlach. Directors attending via teleconference: Adams, Bauer, Boesch, Podolak. Director absent: Coffey.

EXCUSED ABSENCES

Chairman Citta stated that Coffey had asked to be excused.

Mohrman motioned, seconded by Anderson, to excuse absent Director Coffey. Motion carried by electronic vote, all present voting yes.

MINUTES

Chairman Citta asked for corrections and/or additions to the December 17, 2020 and January 19, 2021, Board meeting minutes.

Smith motioned, seconded by Kruse, to approve the December 17, 2020 and January 19, 2021, Board meeting minutes as presented. Motion carried by electronic vote, all present voting yes.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$3,390.60 and \$7,730.25 to Cornhusker Press for *In the Loup* newsletter expenses; \$56,356.09 to JEO Consulting Group for

Mud Creek and Sargent East IPA Study expenses; \$23,285.00 to 10 County Title & Escrow for land purchase related to the Columbus Recharge Project; and \$11,216.89 to CMBA Architects for office expansion drawings. Callan also highlighted an expenditure of \$3,500.00 to Jean Hopwood for easements related to the Columbus Project.

Boesch asked about payments to Baird Holm for \$1,435.00. Callan replied that they were expenses related to the Platte Republican Diversion Permit Objection.

Petersen motioned, seconded by Anderson, to approve the January 28, 2021, Treasurer's Report. Motion carried by electronic vote, all present voting yes.

PUBLIC COMMENTS

No comments.

FORESTER'S REPORT

Richard Woollen, District Forester, was present via teleconference and reported on the Windbreak Short Course. He informed the Directors that the course was a two-part course. Part one is offered to NRD, NRCS and other agencies that work with trees and windbreaks. He said that the first part was held virtually yesterday and there were several speakers, both locally and nationally.

Woollen also discussed the current tree inventory, reporting that there were a little over 22,000 trees sold so far and thanked Eschliman and NARD for the article in the *Midwest Messenger* highlighting the NRD's tree program.

NRCS REPORT

Bryce Bauer, LDC, NRCS, reported that his offices were working on EQIP and CSP enrollments and that applications needed to be completed by the end of February, with funds obligated by May 1, 2021. He informed the Directors that NRCS had been authorized to hire new people to the agency and that there would be 35 new employees in Nebraska. He also said they were getting ready to advertise for the RC job in the Ord, St. Paul, and Spalding offices. He said there would not be a hiring freeze placed on them, as other administrations have done. Bauer also reported that they were still operating with one person per office plus the district secretary and that restrictions may loosen up based on COVID-19 numbers in the area. He said that they were hoping to have all employees able to come in, but offices would still be closed to customers for some time yet.

INFORMATION & EDUCATION REPORT

Larry Schultz, Information & Education Coordinator, reported that he was working on a possible virtual Groundwater Festival event with Central Platte NRD and may work to get the Water Drop Relay put into a video. He also reported that the most recent issue of *In the Loup* was out and he would begin working on the next issue shortly. Schultz also informed the Directors that he had been working on land and range judging contest set-up.

ASSISTANT GENERAL MANAGER'S REPORT

Davis Creek

Tylr Naprstek, Assistant General Manager, reported that Davis Creek reservations have started to come in. So far, there were 284 nightly reservations and 4 picnic shelter reservations. Naprstek said he was working on lining up camp hosts but was still looking for more interested volunteers.

Surface Water Chemigation

Naprstek reported that surface water irrigation letters were sent out to inform producers of the need for a chemigation permit if they were applying agri-chemicals through their irrigation systems. He explained that if they were not applying chemicals or fertilizer, a permit was not needed. He stated that the UNL Extension training dates were included with the letters.

Pibel Lake

Naprstek reported that there had been people ice fishing on the lake; however, the ice remains thin. He said that an article had been included in the Greeley Citizen about safety on the ice. He reported that Davis Creek did not have any ice last weekend.

Cover Crop Study

Naprstek reported that data was still being assembled on the soil moisture and water quantity analysis and more information would be available later.

WATER RESOURCES COMMITTEE

Genoa Area Water Quantity Issue

Naprstek reported that the Water Resources Committee had discussed a potential well interference issue between Swanson/Sprunk, and staff would like to move further discussions to the February meetings so that Swanson and Sprunk could be invited to attend.

Smith motioned, seconded by Mohrman, to move Swanson/Sprunk well interference discussions to the February, 2021, Board meeting so the well owners could be informed of meetings. Motion carried by electronic vote, all present voting yes.

2020 Irrigated Acres Violations

Naprstek reported that staff had reviewed the 2020 infrared photography taken district-wide and found several violations. He also reported that staff had access to DNR's records and that would assist in identifying several fields that required changes. He stated there were approximately 70 producers that would be getting a violation letter and there were several redraws, recertifications, and field boundary revisions that would be updated, as well as about 139 surface water irrigators that needed the field shape updated.

Water Quality Nitrates – Well Vulnerability Model

Naprstek stated that Cam Conrad, Water Modeling Coordinator, and Jason Moudry, Water Programs Specialist, were reviewing data, would be receiving more results on nitrate samples, and would investigate potential point sources of pollutions.

Columbus Recharge Project

Callan reported that the permit had been resubmitted for the transmission pipeline in the county right-of-way. He stated that Mark Mainelli, Platte County Engineer, felt it needed to go back to the original design using a 14” transfer line, and getting below frost level. He said that the permit was tentatively approved with the NRD signing on for insurance coverage. He stated that bids would be out on Monday and there would be a virtual pre-bid meeting scheduled.

Boesch thanked Callan and staff for hanging in there and sticking with the project through all the ups and downs. Bauer expressed that he was pleased that the easements were taken care of and commented on the agenda cover. Callan explained that the photo was of the Lost Creek Channel that staff went over and cleaned up.

Other

Naprstek informed the Directors of another well permit in the vicinity of the Swanson/Sprunk area. He explained that this permit was for Ben Carlson, who was granted new irrigated acres that were eligible for a well. Dell Harris, Water Resources Specialist, reported that the land was owned by a father and son and that new acres were received on each piece of land. He said they were having issues with their current well and were only getting 300 gpm or less, so they were applying for a supplemental well on the east half. It was reported that this was initially a new well permit with new acres on their land; however, staff wanted to make the Board aware of possible interference. Naprstek reported that the well still met the 600 foot spacing requirements and was about 1200 feet away. Naprstek reported that Blankenau had been included on the discussion and agreed that the rules stated that wells drilled after 2016 could be treated differently, so flowmeters could be required and pumping restrictions could be implemented. A map showing the location of the proposed well in relation to existing wells was shown. Harris stated that the new well would be 250 gpm. Citta asked about limits being applied to the well. Callan stated they could and this well was only being permitted for 250 gpm. Adams asked what the other well was permitted at. Callan replied 310 gpm. Adams stated they could be piped together. Harris stated they may lose production if joined.

Smith motioned, seconded by Thoene, to approve the well permit for Benjamin Carlson with possible additional restrictions, and specifically, the requirement of adding a flowmeter.

Callan stated that the NRD could normally offer cost-share for the flowmeter. Citta stated that cost-share may need to be discussed, especially if only permitting a certain gallons per minute with knowledge that there could be further restrictions. Podolak asked if there was a preferred path with adding flowmeters or reduction of irrigated acres. Callan stated there was not, but tools were available to fit each scenario. It was stated that the original recommendation on the wells involved in the interference was to reduce pumping capacity of the well.

Kauk stated that between the two wells they would have the possibility of pumping 500 gpm and hoped that the Water Resources Committee considered that Swanson/Sprunk were getting 450 gpm each. Kauk asked how many acres were involved and Harris thought about 70-80. Kauk stated that proportionally he was concerned about allowing more pumping on less acres. Citta stated he agreed that that should be taken into consideration to make things fair.

Bartak asked if the NRD put in the regulation of 250 gpm or if that was how the application came in. Harris replied that it was applied for that way. Lukasiewicz asked when the original wells were permitted and Harris stated maybe as far back as 2016 or even 2012. Lukasiewicz stated that the other wells may have been put in before interference regulations were put into place.

Hadenfeldt asked about them being allowed to ask for a 2nd or even 3rd well if pumping is not sufficient. Callan stated they had applied for another one but it was denied. Citta stated it was important that they know it can be further regulated.

Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Thede, Thoene, Vlach. Director voting no: Smith. Director absent: Coffey.

Naprstek informed the Directors that Swanson had applied for flowmeter cost-share and his flowmeter was complete. He said that Sprunk had applied as well but his had not been installed yet.

PROGRAMS/PROJECTS COMMITTEE

North Loup Flood Mitigation

Callan stated that they were in the process of getting surveys done.

Sargent East IPA

Kruse reported that February 4th from 2-4 p.m. there would be a meeting to further discuss the project with landowners and lay out project benefits and how credits would be applied. Naprstek stated the meeting would be held at the Community Building in Sargent and that JEO would be in attendance to discuss the project. Kolar stated that, as of now, 17 of the 21 landowners involved were planning to attend.

Mud Creek WFPO Update

Callan introduced Jake Miriovsky and Lalit Jha from JEO who were present to discuss the Mud Creek WFPO Project. Miriovsky presented a slide show and informed the Directors that the 30% milestone on the project had been reached. A map of the overall study area was shown, including the area from Merna to Litchfield. He showed an overview of the planning process and reviewed the entities involved in the project – NRCS, LLNRD, Army Corps of Engineers, and JEO. Miriovsky gave details of each step in the process and said that right now they were

working on evaluating all the possible alternatives, including dams, detention cells, levees, and channel improvements. He also reviewed the non-structural alternatives and stated they were looking at all alternatives for each community involved.

Miriovsky showed slides of each town -- Merna, Ansley, Berwyn, Broken Bow, Litchfield, and Mason City -- highlighting the areas around each that were experiencing flooding. Miriovsky stated they were planning the 60% meeting sometime in June and informed the Directors that JEO would refine the model and work on the benefit-cost analysis and identify possible needs for field work while continuing to work with the various communities and entities involved as they work on site visits in late February or early March.

Kauk asked if the railroad could be part of the issue. Miriovsky stated it could be in some places; however, there were other contributing factors and rerouting the railroad was not an option; however, improving culvert sizes under tracks was.

Jha informed the Directors that typically in the study phase they do not go through a lot of environmental review; however, this was something NRCS required for their funding to be used. He said if the findings are approved, permitting would still have to be done through the Army Corps of Engineers; however, if it was approved, the project automatically qualified for funding for the construction phase.

RC&D Recycling Program Funding

Kruse stated there was a request from Loup Basin RC&D for \$5,000 per year for three years for funding for their recycling efforts; however, no one was present at the Committee meeting. A request would be sent for someone to attend the next meeting for more information to be obtained.

Platte County Flood Zone Buyout Program

Callan stated that he received an update from Mary Baker and they were still involved. But, because of COVID-19, the program had been stalled, so further information would be available later.

MANAGER'S REPORT

Litigation Update

Callan stated there was still work being done on the Platte Republican Diversion, but no further updates were available.

Nebraska Environmental Trust (NET) Grant Application

Callan stated that the Ulrich property was taken off the market so the NRD would need to withdraw from the grant application submitted to NET. He stated he had a letter drafted in the supplemental agenda for Board review.

Eschliman motioned, seconded by Smith, to approve the letter of withdraw to the Nebraska Environmental Trust. Motion carried by electronic vote, all present voting yes.

New Hires

Callan stated there were no new hires; however, he was readvertising for the Engineer position and would be putting out ads for an I&E Assistant.

Non-action Reports

Callan reported that the Mira Creek Project was WFPO funded.

Bauer asked if the NRD would allow for remote or virtual officing for the engineer position. Callan stated he had given it some thought, but would have to think about it more. Mohrman asked if it would be helpful to hire a consultant company to seek an engineer. Citta stated the NRD would still need someone that would be able to get out and work with communities.

NARD REPORT

Eschliman reported that the Legislative Conference was held Monday and Tuesday in Lincoln and some bills were reviewed regarding property tax revenue and the creation of the Lower Platte River Task Force.

Callan mentioned a bill to create a Healthy Soils Task Force.

Eschliman said that after the Legislative Conference a regular meeting was held. He said the Benefits Committee had received notice that the company that handled benefits reduced their fees. Eschliman stated the next meeting would be the 21st and the Vice Chairman position would be filled at the next meeting. He also reported that the new office was open and the State and National Envirothons would be held virtually. He said the Basin Tour and conference in Kearney were still on for in-person attendance. He also reported that the Washington, DC conference had been cancelled.

NRC REPORT

Hadenfeldt reported that the next meeting would be February 24, 2021, in Kearney.

Citta stated that he would be going down tomorrow for his confirmation meeting to be on the Committee.

RC&D REPORT

Adams reported that he had received a few emails from Janet Sanders regarding different projects the RC&D had been involved in and that they had not had very many meetings due to COVID-19.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Schultz announced that NRD calendars were available for those who had not already received theirs.

Callan announced that the building addition plans were on the table for anyone to look at.

Citta asked if Governor Ricketts's executive order for online meetings was still active. Callan replied that it was in effect until April 30, 2021. Eschliman stated there was currently a bill in the Legislature that could extend that order.

ADJOURNMENT

With no further business before the Board, Chairman Citta declared the meeting adjourned at 6:29 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 February 25, 2021, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary