

# MINUTES

## LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

January 27, 2022

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 27, 2022. Chairman Citta called the meeting to order at 4:03 p.m.

### CALL TO ORDER

#### Directors in attendance:

Rollie D. Amsberry, Treasurer  
Timothy E. Bartak  
John Coffey  
N. Richard Hadenfeldt  
Gary A. Kruse  
Larry Mohrman  
Alan D. Petersen  
Gerald Smith  
Henry J. Thoene, Secretary

Darwin B. Anderson  
Joseph L. Citta, Chairman  
James Eschliman, Vice Chairman  
Randy Kauk  
Matt Lukasiewicz  
Todd Nitsch  
Chad J. Podolak  
Dean G. Thede  
Rick Vlach

#### Director in attendance via teleconference (non-voting)

Beth Boesch

#### Directors absent:

James C. Adams

Robert L. Bauer

#### Staff in attendance:

Russell G. Callan, General Manager  
Kim A. Lyons, Financial Secretary  
Larry D. Schultz, I&E Coordinator  
Alan Bartels, Information Specialist  
Richard L. Woollen, District Forester  
Cheryl K. Hornickel, Programs Assistant

Tylr Naprstek, Asst. General Manager  
Irene F. Kreifels, Administrative Assistant  
Cameron Conrad, Water Modeling Coord.  
V. Anne Freeman, Water Programs Sec.  
Lauren Keefe, Forestry Technician

Guests in attendance:

Bryce Bauer, LDC, NRCS, Ord  
Jim Nelson, Cairo

John Engel, HDR, Omaha

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. Directors present: Amsberry, Anderson, Bartak, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiwicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Directors Absent: Adams, Bauer, Boesch.

EXCUSED ABSENCES

Citta stated that Directors Adams and Bauer had asked to be excused and that Boesch was listening online, however, would not be voting.

**Smith motioned, seconded by Anderson, to excuse Directors Adams, Bauer, and Boesch. Motion carried by electronic vote, all present voting yes.**

MINUTES

Chairman Citta asked for corrections and/or additions to the December 16, 2021, Board meeting minutes. None were heard.

**Thede motioned, seconded by Vlach, to approve the December 16, 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 \$154,959.34 to Chief Construction for work on the building addition; \$8,865.00 to USGS for operation of stream gauges; and \$92,827.57 to JEO Consulting Group for work on the WFPO projects. He also highlighted expenditures of \$3,799.26 to CMBA Architects for work on the building addition; \$20,857.50 to Flatwater Group Inc. for Lower Platte Basin expenses; and \$40,000.00 to Olsson for GET.

**Mohrman motioned, seconded by Thoene, to approve the January 27, 2022, 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

None

## FORESTER'S REPORT

Richard Woollen, District Forester, reported that he was continuing work on windbreak renovation plans. He also reported that Bessey Nursery's tree inventory was still good and that he has been involved in work being done on the ponderosa pine reforestation program in the Niobrara Valley/Pine Ridge area. He said that this year they were working on block planning instead of just in the burn footprint.

## NRCS REPORT

Bryce Bauer, NRCS, Ord, reported that a nutrient management training was scheduled for April. He said burn specialist positions would be added in Burwell and North Platte. He said they were specifically targeting burning in the Sandhills. Bauer reported that NRCS had advertised for the RC position in Albion, and interviews would be conducted next week. He stated that staff was working on EQIP signups for 2022.

Bauer reported that the vaccine mandate for Federal offices had been put on hold due to a ruling made by a Texas judge and that all offices were currently at 25% capacity.

## INFORMATION & EDUCATION REPORT

### Hazard Mitigation Plan

Larry Schultz, Information & Education Coordinator, reported that work was continuing on the Hazard Mitigation Plan, and it would be sent to NEMA and FEMA for review. He said that once accepted, it would be good for five years.

### Range Judging, Land Judging & Envirothon Contests

Schultz reported that the Central Region Envirothon was coming up at the CCC-Platte Campus on March 1<sup>st</sup> and that Lower Loup would be co-hosting with Central Platte. He also reported that Lower Loup would host the Area IV Range Judging in September and the North Central land judging in October.

Schultz also reported that the NARD 50<sup>th</sup> Anniversary apparel had arrived.

PUBLIC HEARING ON PROPOSED CHANGES TO LOWER LOUP NRD  
RULES & REGULATIONS – 4:15 PM

Citta: I am Joseph L. Citta, Jr., Chairman of the Board of Directors of the Lower Loup Natural Resources District.

Our purpose for a hearing this afternoon is to receive public comments on the proposed changes to the Lower Loup Natural Resources Districts - Chemigation Rules and Regulations. Notice of this public hearing has been published according to law in The Grand Island Independent, The Columbus Telegram, The Custer County Chief, The Ord Quiz, The Burwell Tribune, Albion News, The Nance County Journal, The Sherman County Times, The Phonograph-Herald, and The Greeley Citizen.

The time is, let me pull up, 4:17 p.m. and I will now formally open the Hearing. The order of the meeting today will be – First, we will ask for exhibits to be submitted by the Lower Loup NRD, then we will ask for testimony from the Department of Natural Resources and the Department of Environment and Energy, then I will ask for public testimony, and then I will ask for comments from the Directors of the Lower Loup Natural Resources District Board. For recording purposes, I ask that no questions or comments be made from the audience and that questions from persons testifying be directed to the hearing officer and not to anyone else in the audience. I ask that anyone testifying today begin by giving their name, address, and who they are representing, if other than themselves.

So, I will now call for the exhibits from the Lower Loup Natural Resources District and all written testimony that was received by 2:30 p.m. on January 26, 2022, to be entered into the record. Tylr, are you going to proceed with that?

Naprstek: Yes, sir.

Citta: All right, the floor is yours.

Naprstek: Good afternoon. My name is Tylr Naprstek, Assistant General Manager of the Lower Loup Natural Resources District. I'm entering the following documents into the record. Exhibit 1 will be the Lower Loup Natural Resources District's Groundwater Management Plan, the Lower Loup Natural Resources District's revision to the Water Quality section of the Groundwater Management Plan of the Lower Loup Natural Resources District's Rules and Regulations for the Enforcement of the Nebraska Groundwater Management and Protection Act, updated 2019. Exhibit 2 will be copies of the change of legal notice sent requesting testimony as outlined in the Nebraska Groundwater Management and Protection Act to each of the following entities: Thomas Riley of the Nebraska Department of Natural Resources and Jim Masey of the Nebraska Department of Environment and Energy. Exhibit 3 is posted notices of publication and affidavits of the publications that were published in accordance with law in the Columbus Telegram and the Grand Island Independent. Additional postings were publicized from the following newspapers: Albion News, Burwell Tribune, Custer County Chief, Phonograph-Herald, Sherman County Times, Greeley Citizen, Nance County Journal, and Ord Quiz.

No public written testimony was received in the allotted time period and, Mr. Chairman, a packet of written testimony was presented by the Department of Environment and Energy and the Department of Natural Resources.

Citta: OK, thank you. I will now ask for testimony by the Nebraska Department of Natural Resources.

Callan: The Department of Natural Resources. This letter is intended as the official testimony. I'll just enter this in for inclusion in the record of the January hearing on the proposed modifications of the rules and regulations. *"The Department understands the District's desire to develop and modify its rules for efficient management and recognizes the authority of the District to make necessary interpretations of the Groundwater Management and Protection Act. The Department has no comments regarding the proposed change to Rule 18."*

Citta: OK, and that will enter into the record.

Callan: Yes, the official will go into the record.

Citta: OK. I will now ask for testimony by the Nebraska Department of Environment and Energy.

Callan: This is addressed to Mr. Naprstek. *"The Nebraska Department of Environment and Energy has received notification regarding proposed changes to your District's Rules and Regulations. Thank you for the opportunity to review the proposed rules. We're looking forward to seeing a copy of the chemigation rules, as passed by your Board. When you submit, submit them to the Department for approval by the director. Please include the following: any of the changes that were made, affidavit of publications and a hard copy of the minutes from the meeting. LB 272 allows NRDs to collect fees sufficient to pay the reasonable costs of administering the chemigation program. We suggest that the minutes specifically document the Board's decision that the fees are sufficient to cover the reasonable costs of administering the permits."*

Citta: Signed who?

Callan: Cay Ewoldt, Supervisor, NPDES & Permits Section.

Citta: Alright, thank you. That's entered into the record. I will ask for comments from the public concerning the proposed changes to the chemigation rules and regulations. Is there anybody from the public that wishes to address the hearing?

(None heard)

Citta: Seeing none, I will now ask for comments from the Directors of the Lower Loup Natural Resources District. Any comments from the Directors?

(None heard)

Citta: OK, thank you. Hearing none, are there any other comments regarding the chemigation rule changes from anybody in the room? This is the final opportunity for comments for the hearing. If I don't hear anything else, I'm, Yes, sir?

Hadenfeldt: I got a phone call that it was...

Citta: You want to identify? Sorry, go ahead.

Hadenfeldt: Dick Hadenfeldt.

Citta: Thank you, Dick.

Hadenfeldt: Board member. This...unhappy with raising the cost of chemigation permits from \$50 to \$100.

Citta: OK, so you did get one concerned citizen.

Hadenfeldt: He wanted to know how we decided that. I couldn't give him specifics. I think I remember you had given us an idea of how much it actually costs the District to process that, and it was over \$50, but I couldn't tell him how much.

Citta: Alright, well thank you for sharing that. Appreciate that. Any other comments? OK, if there's no other comments, I will close that hearing at 4:24 p.m. Thank you for your attendance.

#### Order Designating Rule Changes

The following order of designation was presented to the Board:

### **ORDER OF DESIGNATION**

#### **No. 2022-01**

WHEREAS, the Lower Loup Natural Resources District has adopted the proposed modification to the Lower Loup Natural Resources District's Groundwater Rules and Regulations; and

WHEREAS, a Public Hearing was held on January 27, 2022, in accordance with NEB. REV. STAT. § 46-743; and

WHEREAS, the District has undertaken a review of the existing Rules and Regulations to ensure conformity with Nebraska law and internal consistency;

WHEREAS, in accordance to NEB. REV. STAT. § 46-1121, the District has proposed a modification to collect a fee sufficient to pay the reasonable costs of administering the chemigation permit program under the Chemigation Act;

WHEREAS, the modification of Rule 18-Section D to change the District's application fee for a "New" chemigation permit from \$50.00 to \$100.00;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Lower Loup Natural Resources District adopt the changes proposed for Rule 18-Section D - *Chemigation*, and insert new provision as required;

AND, THEREFORE, BE IT FURTHER RESOLVED that this Order take effect January 28, 2022.

**Smith motioned, seconded by Coffey, to approve Order No. 2022-01 to increase the application fee for "New" chemigation permits from \$50.00 to \$100.00 to sufficiently cover the costs of administering the permit program under the Chemigation Act. Motion carried by electronic vote, all present voting yes.**

## JOHN ENGEL, HDR – LOWER PLATTE RIVER BASIN COALITION UPDATE

John Engel, HDR, presented a power point presentation to the Board on the Lower Platte River Basin Coalition's Basin Management Plan. He reviewed the background of the Coalition and the plan, explaining that seven NRDs, along with NDNR and NARD, joined the Coalition when the basin was declared fully appropriated so proactive planning could take place. Engel showed a map of the basin outline. He explained that the goals for the group were to consistently measure and quantify the water supply, develop a management plan that maintains balance between current and future demands, and protect existing surface and groundwater use while allowing for further development. Engel explained how the appropriations for each NRD were determined and how they are allotted. He showed the amounts allotted to each NRD and explained that the amounts carry over from year to year. Engel explained that the plan is reviewed every five years and after the current review, the new plan will be submitted to the Coalition Board for approval of the new plan.

## ASSISTANT GENERAL MANAGER'S REPORT

### Davis Creek Recreation Area

Tylr Naprstek, Assistant General Manager, reported that the Davis Creek numbers were finalized and gave a report on the number of nights reserved in 2021, as well as income received.

He stated that reservations have already been made for several nights this upcoming season. Naprstek also reported that he was working on camp host scheduling for this year.

#### Pibel Lake Recreation Area

Naprstek reported that staff has been checking the lake regularly and that ice fisherman have been present on the lake. He also reported that he would meet with NGPC mid-February to discuss the geese population.

#### Cover Crop Study

Naprstek reported that crop sensors would be kept in the fields until the end of the 2022 crop season and a final report would be available once all data had been analyzed.

### WATER RESOURCES COMMITTEE

#### Water Quality Nitrate Management – Next Steps

Naprstek reported that Callan gave a presentation at the Committee meeting on nitrate rules and regulations and that it would be up for discussion at the Directors Retreat. He also reported that there was talk at the NARD Conference about nitrates and groundwater management.

#### Static Water Levels – Mounding Areas

Naprstek reported that the static water level readings prior to the establishment of NRDs had been researched by Cam Conrad, Water Modeling Coordinator. Conrad presented a map of the District and showed the areas where water mounding had taken place. He reviewed data from 1960 to present day, showing maps that outlined the areas where water levels were high throughout the District. Further discussion was held on areas with high and low water levels.

#### Irrigated Acres – Online Mapping

Naprstek reported that staff was looking into the possibility of developing a map for the NRD website that will assist in keeping irrigated acres up to date. He said that other NRDs were using similar maps to what staff was looking at to give data access in a public setting. Naprstek said the NRD staff would be the only ones allowed access to change information and a disclaimer would be added that it was strictly for informational purposes.

**Smith motioned, seconded by Bartak, to approve the addition of an irrigated acres map to the LLNRD website. Motion carried by electronic vote, all present voting yes.**



### 2021 Irrigated Acres Violations

Naprstek reported that he had been reviewing potential violations. He said that notices would be sent to landowners because it was hard to track who rents land. Naprstek stated that violation letters would be sent out soon.

### Columbus Recharge Project

Callan reported that there were still some parts for the well area that are caught up in supply chain issues. Rutjens will continue the work when these parts arrive.

## PROGRAMS/PROJECTS COMMITTEE

### Mud Creek Update (WFPO)

Kruse reported that JEO would hold a meeting in Ansley on February 7<sup>th</sup> on the project.

### Sargent Flood Project

Kruse reported that the grant application agreement had been signed. Callan stated that the Hazard Mitigation Plan grant application was due in the beginning of February and that the Water Sustainability Fund grant application was not due until later. He stated that they should know by late fall if they will receive funds from either grant.

### North Loup Flood Mitigation

Kruse reported that several different options had been presented and that it sounded like the large dam was not cost effective. Callan stated it was looking to be too costly, so they are looking into other options such as channel work or a levee. He reported that the Village was working on internal drainage; however, they did not receive any bids to do the work. Vlach reported that they were hoping they could extend their deadline with FEMA/NEMA to use the funds available.

### FEMA Buyout

Kruse reported there was no new information on the FEMA buyout. Mohrman said that he had talked to an appraiser, and at Conference he heard from Mary Baker that appraisals were completed and they were working on finalizing things.

### Executive Travel Tree Promotion

Kruse reported that Executive Travel Company had provided money to the NRD to use towards trees. It was reported that Lower Loup NRD would receive approximately \$5,800 from the program.

**Kruse motioned, seconded by Anderson, to reduce tree costs for hand plant tree orders until the funds were depleted. Motion carried by electronic vote, all present voting yes.**

St. Edward Update

Kruse reported that St. Edward was working on a BRIC grant application and that the NRD had submitted a letter of support.

Rural Broadband MOU

It was reported that there was a request to the NRD from Loup Public Power to sign onto an MOU for rural broadband. Callan stated that legal counsel has advised him not to sign onto the MOU, as broadband internet was not part of the District's statutory responsibility; however, the NRD could pass a resolution in support.

The following resolution was introduced:

Resolution FY2022-008

**Lower Loup Natural Resources District  
Resolution in Support of Broadband Infrastructure Development**

**WHEREAS**, the State of Nebraska ("State") and the Nebraska Public Power District ("NPPD"), a public corporation and political subdivision of the State of Nebraska, are jointly engaged in a "Project" to develop a structure for the ownership, construction, operation, and maintenance of broadband infrastructure for rural Nebraska;

**WHEREAS**, the Project will provide greater access to key technologies, aid in economic development, attract and retain a talented workforce, and allow Nebraska businesses including agriculture, to compete in a global marketplace;

**WHEREAS**, upon completion, the Project will aid and assist the Lower Loup Natural Resources District in data collection and communications important to the discharge of the authorities and duties granted to the District by the Nebraska Legislature;

**NOW, THEREFORE, BE IT RESOLVED**, that the Lower Loup Natural Resources District supports the Project and the efforts of the State and NPPD to develop greater broadband infrastructure. The Lower Loup Natural Resources District further resolves to provide support for the project within the limits of the District's statutory powers and authorities.

**Eschliman motioned, seconded by Podolak, to adopt Resolution FY2022-008 in Support of Broadband Infrastructure Development. Motion carried by electronic vote, all present voting yes.**

Bowman Lake Request

Kruse said that Callan reported that it would cost approximately \$14,000 per year for maintenance on the lake. Callan was reaching out to the county to get more information. Callan reported that we currently give the county \$5,000 a year for maintenance at the lake. An aerial view of the lake was shown.

MANAGER'S REPORT

Litigation Update

No update.

New Hires

Callan reported that the position in Columbus for an Agronomy Technician had been advertised and one application was received. The position has not been filled and is currently considered closed.

Non-action Reports

Callan reported that he received a request from the City of Columbus seeking a letter of support for a trail system they were looking at installing.

NARD REPORT

Eschliman reported that a risk pool meeting was held and that the FDA had mandated that insurance provide up to eight COVID-19 tests per month for all insureds, which has the potential to cost Mid-American Benefits, the health insurance provider for all NRD employees, up to \$60,000 per month.

Eschliman also reported that 16 Board members had attended the NARD Conference held in Lincoln and that a proclamation was received from the Legislature congratulating NARD on their 50 year anniversary.

NRC REPORT

Hadenfeldt reported that there was no update; however, he noted a correction to be made in the minutes from December 16, 2021. He stated that there were three large projects approved instead of the one as stated in the minutes.

**Hadenfeldt motioned, seconded by Bartak, to amend the December 16, 2021, meeting minutes to reflect the correct number of projects approved by the NRC. Motion carried by electronic vote, all present voting yes.**

### LOUP BASIN RC&D REPORT

Adams was not present to give an update.

### ANNOUNCEMENTS/FUTURE MEETING TOPICS

Callan reported that the Directors Retreat would be held March 8, 2022, and that commemorative knives were given out marking the 50<sup>th</sup> anniversary of NRDs.

### ADJOURNMENT

With no further business before the Board, Chairman Citta declared the meeting adjourned at 6:11 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 24, 2022, at 4:00 p.m., at the Headquarters Office in Ord, Nebraska.

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Henry J. Thoene  
Secretary