

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

April 25, 2024

Ord, Nebraska

The April 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 April 25, 2024. Chairman Thoene called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Colton R. DeBower
N. Richard Hadenfeldt
Justin W. King
Gary A. Kruse
Todd Nitsch
Chad J. Podolak
Henry J. Thoene, Chairman
Rick Vlach, Vice Chairman

Rollie D. Amsberry, Treasurer
Robert L. Bauer
James Eschliman
Randy Kauk
Thomas L. Knutson
Larry Mohrman, Secretary
Alan Petersen
Gerald Smith
Alexander L. Vlach

Directors absent:

Timothy E. Bartak

Matt Lukasiewicz

Staff in attendance:

Russell G. Callan, General Manager
Kim A. Lyons, Financial Secretary
Brant Bechtold, I&E Specialist
Dell Harris, Water Resources Specialist
Aron Lewis, Conservation Forester

Tylr Naprstek, Assistant General Manager
Alan Bartels, I&E Coordinator
Cheryl Hornickel, Programs Assistant
Kevin Gustafson, District Engineer
Cacey Wilken, Water Modeling Coordinator

Guests in attendance:

Greg Portwine, Next Level Construction, York

Molly Lakin, NRCS, Ord

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Chairman Thoene asked for verification of the meeting notice. General Manager Russ 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.

EXCUSED ABSENCES

Thoene stated that Directors Bartak and Lukasiewicz had asked to be excused.

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

MINUTES

Thoene asked for corrections and/or additions to the March 28, 2024, Board meeting minutes. None being heard, Thoene announced that the minutes were approved.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$3,700.00 to Seim Ag Technology, LLC for possible partial payment for vadose zone meters; \$37,708.00 to USGS for stream gages on the Loup River; and \$5,456.22 to Ward Laboratories, Inc. for soil survey expenses. Callan also noted additional expenditures of \$8,599.37 to LRE Water for the Buffalo County Water Study; \$18,546.00 to USGS for the Nitrate Legacy and Vadose Zone Projects; and \$25,523.78 to JEO Consulting Group, Inc. for the flood projects in Sargent, Ansley, and North Loup.

Smith motioned, seconded by R. Vlach, to approve the April 25, 2024, Treasurer's Report. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, DeBower, Eschliman, Hadenfeldt, Kauk, Knutson, Kruse, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: King. Directors absent: Bartak, Lukasiewicz.

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

Thoene asked for public comments. None were heard.

FORESTER'S REPORT

Aron Lewis, Conservation Forester, reported that tree planting had started and that this year trees were obtained from Bessey Nursery and a nursery in South Dakota. He added that most handplant orders had been picked up. Lewis stated there are two planting crews with approximately 78 machine plantings for the year. He added that about 53,700 trees were sold this year so far.

Lewis stated that he and Alan Bartels, Information & Education Coordinator, had attended an Arbor Day planting at the park in Ord on the 22nd.

Mohrman asked how the tree numbers compare to last year. Lewis replied that they are down a little; however, trees are being spaced wider, per NRCS guidelines, to prevent disease spreading in windbreaks and that people are also hesitant to plant due to drought conditions the past couple of years.

Callan asked how many cooperators were applying drip systems. Lewis stated there are approximately 30 drip plans this year and that more are calling every day to add a drip system or to add on to last year's tree plantings. Callan stated that staff is trying to follow planters to get drip installed right away. Lewis added that Derek Domeier, Parks & Maintenance Technician, is spraying pre-emergent herbicide as the drip is being installed.

Petersen asked if people are getting away from planting cedars. Lewis replied that new NRCS specs for cost-shared windbreaks state that only two rows of cedars can be put into a windbreak and then other species must be mixed in. Thoene asked what they are being replaced with, and Lewis replied that they are using Ponderosa pine and Black Hills spruce, and that the nursery is hoping to get Concolor fir and Douglas fir established for use as a replacement.

NRCS REPORT

Molly Lakin, NRCS Ord, reported that they just got EQIP general applications funded and there is about \$660,000 for the NRD, 1/3 of normal. She added that they try to split it 60/40 range to crop. Lakin stated that CRP grassland signup is happening now until May 24th and that the conservation stewardship is going on with the opportunity to renew by May 3rd. Lakin stated the CSP general applications for 2024 will be ranked by May 3rd and that staff has been working on compliance status reviews and wetland compliance. She added that staff will be checking for crop residue after plantings are completed.

Callan stated that the RCPP grant guidelines have been received and he has been in contact with Bryce Bauer to get things going. He added that the program can be used for nutrient management, pivot conversions, application methods, chemigation, weather stations, and similar practices. He added that it could be between \$15-20 million for the District.

INFORMATION & EDUCATION REPORT

State Envirothon

Alan Bartels, I&E Coordinator, reported that the 32nd Annual State Envirothon event was held at Ponca State Park yesterday and that 14 teams from across the state competed. He said that Concordia Lutheran in Omaha won first place and received a \$1,500 prize and will be going to Nationals which will be held in New York in July; St .Paul received second place and a \$1,000 prize; and Overton placed third and received a \$500 prize.

Texting Service

Bartels reported that the NRD will begin using a mass texting service to reach out to Directors and employees for notifications on various events and closings, etc. He added that there is limited message length and that the number cannot receive a response back. Podolak stated he encourages staff to send out notices for public meetings, etc. Callan replied that staff is looking into another mechanism for that.

Website Update

Brant Bechtold, I&E Specialist, showed the new website that launched on April 3rd. He reported that staff has more internal control of the newly designed site. Bechtold explained some of the various additions to the site.

Callan added that we are looking into putting a link on the page where visitors can enter their contact information and will be able to get text message notifications from the NRD.

ASSISTANT GENERAL MANAGER'S REPORT

Recreation Areas

Tylr Naprstek, Assistant General Manager, reported that the showerhouse and fish cleaning station were operational as of last week and that water started coming into the lake on the 18th. He stated that some repairs will be made to the old boat dock, as wind tore the rebar anchor. Naprstek added that online reservations are filling up with many already reserved after the month of May. He added that we are still in need of camp hosts and that a new custodian has started. He stated that the fees are \$30 per night this year.

Naprstek reported that the latrines were pumped at Pibel Lake.

Mohrman asked what the water level currently is. Naprstek replied that it is just over the wintering elevation of 2056, but it will come up fast and added that the Bureau of Reclamation is talking about keeping the wintering elevation 4-8 feet higher.

Chemigation Permits

Naprstek reported that chemigation renewal permit applications were mailed March 12th to all producers with active permits and that June 1st is the deadline. He added that fees remain at \$30 for a renewal permit, \$100 for a new, and \$500 for an emergency permit.

GWQMA Violations

Naprstek stated there were a couple of violations that were delivered by paper service via the sheriff's office for their respective counties. He stated that violators will have to complete a *Plan and Schedule of Compliance* or will proceed to the penalty hearing process.

WATER RESOURCES COMMITTEE

Lower Platte River Basin Coalition Report

Naprstek stated that the report was submitted for approval. He said there was a meeting held in Wahoo and the annual coalition report was reviewed and that the information was available on the Director tablets. Naprstek highlighted parts of the report showing irrigated acres and where the NRD sits with their appropriation. He stated that acres are cataloged every year and that comingled acres are going down and that groundwater acres are going up, as well as surface water showing a slight increase.

Naprstek showed the reported municipal, industrial and commercial use numbers and reviewed the average amount of water used per consumer per day. He stated on average it is 250 gallons. Callan added that some communities, such as Ord, have other factors added in as major water users, as Ord also supplies the ethanol plant and the Village of North Loup with water.

Naprstek also reviewed that there were 72 total well permits issued in 2023, as well as 10 variances and multiple transfers. He showed a map of flow meter sites in the District and reviewed the total depletion after all factors were figured in.

Smith left at 5:47 p.m.

Naprstek showed the final breakdown of the NRD's acre-feet depletion allotment and reported that the NRD still has about 98% available.

Knutson motioned, seconded by Podolak, to accept the Lower Platte River Basin Coalition Report as presented. Motion carried by electronic vote, all present voting yes.

Static Water Levels

Naprstek reported that staff has finished all static water levels and are in the process of reviewing data, but had preliminary maps to show. He showed the levels from 1982 vs. current spring readings. He added that of 444 sites, we have information for about 165 of them dating back to 1982 or earlier. He highlighted that the levels are trending down in central and southern

Custer County, Buffalo County, the Palmer area, and below Columbus are having lower readings. He stated that a static water level report will be put together of all information obtained.

Naprstek also showed the difference between 1999 to 2024 and explained that a lot of our area has been in 5-6 year drought that started in 2000 and continued to the late 2000s. He added that irrigation canals in the center of the District have contributed to higher levels and showed the 10-year trend from 2014 after the flash drought that occurred in 2012-13. He stated that a trend map will be available soon, as well as current drought information from 20 quantity areas. Callan added that soon the Board will have to decide if new acres will be allowed this year.

WQMA Nitrogen Recommendations (NRECs)

Naprstek reported that a chart was handed out showing the District's approximately ten worst and ten best applicators. Naprstek stated that the report shows how much producers are going above the recommended levels and explained the numbers. Some of the producers are applying considerably more than the needed levels of nitrogen, resulting in up to \$20,000 to \$30,000 extra annual costs for fertilizer than would be needed. Naprstek stated that the 2023 nitrogen numbers were sent out to those with elevated levels.

Kauk asked if the culprit was commercial or manure. Callan replied that both contributed, but the problem is that there is just too much nitrogen being applied. Naprstek added that some producers are pre-applying heavily, putting it on before crops are in the ground and can use the nitrogen, and others simply overapply. Yields do not seem to be much different for the fields where nitrogen is over-applied vs. normal nitrogen application. Naprstek stated that totals from 2003-2023 are being reviewed for trends.

Callan stated there are 14-15 plans and he wants to get the worst fields headed in the right direction. Naprstek stated that staff is analyzing 3-year averages of water nitrates, irrigation, manure and organic matter in Areas 28, 29 & 30, and stated that 'High' levels require a plan, and that 'Medium' requires education. He added that staff is working with the UNL recommendation which, in some instances, could also be considered too high, and what is overapplied in comparison.

Irrigation Violations Update

Naprstek reported that all the violators have either recertified their acres or have signed a *Plan and Schedule of Compliance* and that no cease-and-desist orders have been issued yet.

EPA PFAS Designation

Naprstek reported that the EPA has come out with a designation of 4.0 ppt (parts per trillion) of allowable PFAS content. He stated that information was uploaded to the Director tablets and email as to what PFAS is and what the regulation means going forward.

PROGRAMS & PROJECTS COMMITTEE

Pibel Lake Expansion

Kruse reported that NRD staff and JEO have been discussing plans for camping improvements, as well as walking trails and additional boat access at the lake. Gustafson stated he is working on grant applications to help with the project. Kruse stated everything is still in the discussion stage. Naprstek added that there is a meeting next week to discuss boat access with the Nebraska Game and Parks Commission.

St. Edward BRIC Grant

Kruse reported that St. Edward has hired JEO for the grant application. Gustafson stated the NRD is included in the process because we have pledged support but no financial obligation. He added that they have separated from previous engineering firms and are strictly working with JEO now. He added that they are applying for FEMA funds and are waiting to hear back.

Loup City Airport Bank Stabilization

Gustafson reported that the 404 permit has been obtained and the project to provide bank stabilization on the Loup River to protect the grass runway will begin after April 29, 2024.

Garfield County Fairgrounds Bathrooms

It was reported that no official request for contributions has been made to the NRD at this time. However, Committee discussion was held on the new bathroom facilities planned at the Garfield County Fairgrounds which would include stall-type facilities to accommodate 50 men and 50 women, and they would be placed on each end of the grandstands. The facilities would also house conference rooms and ticket offices. Kruse stated the total cost would be around \$12-13 million.

Potential Recharge Projects

Naprstek reported that the potential recharge sites in Platte County have been reviewed and discussion has been held on potential funding sources.

Callan requested action to get approval for application of the Water Strategies Grant for use on the potential projects in Area 20. He stated the grant is available for a maximum of \$400,000 and the application is due by May 21st. He added that he wants to hire HDR to work on the grant application.

Adams motioned, seconded by Bauer, to approve hiring HDR to complete the Water Strategies Grant application on behalf of the Lower Loup NRD.

Kruse asked if the project planning will continue if we fail to get the grant. Callan stated that he thinks the project makes sense and we need to pursue it. He stated this grant would help with design and that we will need to seek other grants for actual construction of the project.

Motion carried by electronic vote, all present voting yes.

Podolak asked what the potential benefit of the project would be. Callan replied not having to allocate water in Area 20 and helping to protect the water supply to communities such as Genoa. Naprstek added that the forecasted recharge numbers are close to those of the Columbus Project.

Mud Creek WFPO – Ansley

Gustafson reported that NRCS has signed off on the findings of no significant impact and the watershed agreement that action was taken at the last meeting. He stated that everything started advertisement on April 18th for 30 days and this will be the final review before it continues to the NRCS Chief for NRCS funding authorization. He added that at that point we can request design funds for the two dry dams and diversion channel above Ansley. He stated he is hoping that we can request funds in May and that the design is covered 100% by NRCS. Lower Loup NRD's contribution, so far, has been time.

Mira Creek WFPO – North Loup

Gustafson reported that JEO and NRCS are finalizing all the edits and addressing comments from the National Water Management Center. He stated it will be going into NRCS Headquarters for programmatic review. He added that the Mud Creek plan took about 45 days for the programmatic review and is expecting the same for this project.

Sargent Flood Project

Gustafson reported that he talked with JEO and most of the drone LiDAR and ground surveying is completed. He stated they are hoping to finish the exit end of the channel so are waiting for calmer weather to complete that. He added that the wetland and other environmental wetlands, etc. reviews should take place in May and that the archaeological study should be done in May and June.

ENGINEER'S REPORT

Davis Creek Road Paving Project Bid Opening

Gustafson reported that Next Level Construction had submitted the lower bid out of the four received, with \$615,249 for Phase 1 and \$276,892 for Phase 2 submitted. He stated that we have \$677,000 available for Phase 1 which covers the entrance up to just past the exit of the new camping loop. Phase 2 would cover the road and any parking areas up to the entrance of the new camping loop. For that, we would be short approximately \$222,140. He showed a breakdown of the cost of the separate phases and maps showing what each phase completes.

Callan explained where on the map each phase ended and stated that the work being done will include all approaches and parking in each phase area. Callan added that he recommends that we complete through Phase 2 and take care of all of the problem areas.

King asked when the work would be done. Gustafson stated the bid requirement was to begin September 30th with completion before December 15th, 2024. It was added that online reservations have been cut off as of September 30th to allow for the work to be completed.

Eschliman motioned, seconded by Knutson, to approve the low bid of \$892,140 received from Next Level Construction to complete Phases 1 & 2 of the Davis Creek Road Project. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, Eschliman, DeBower, Hadenfeldt, Kauk, Knutson, Kruse, Mohrman, Nitsch, Petersen, Podolak, Thoene, R. Vlach. Director not voting: King. Director abstaining: A. Vlach. Directors absent: Bartak, Lukasiewicz, Smith.

VARIANCE COMMITTEE

Eschliman reported a variance request was received from Bergt to transfer 14 acres in Buffalo County to Section 9 near CPNRD.

Eschliman motioned, seconded by Kruse, to approve the Bergt variance request.

Kauk asked where the land was located. Eschliman stated it is south of the South Loup River in Buffalo County. Amsberry added it was north of Amherst.

Vote was held. Motion was carried by electronic vote, all present voting yes.

Eschliman reported a request was received from Pokorski to recertify acres in Howard County. He added that they were comingled acres he wants to move east and will leave four acres and recertify three pivots as well only.

Eschliman motioned, seconded by Mohrman, to approve the Pokorski variance request.

Bauer asked why flow meters are required on this one. Naprstek stated it is a modification to current acres and a variance. Kauk asked about them being comingled. Callan added that we have talked with the irrigation district about them.

Thoene added that there is a flow meter requirement on all variances.

Vote was held. Motion carried by electronic vote, all present voting yes.

Eschliman reported that the Variance Committee also discussed allowing pivots to run over abandoned railroad tracks. He stated there is property near Spalding where the power lines have recently been removed. Eschliman added that the Committee didn't vote on it; however, it

was decided that management could allow this where the tracks are, but the acres would not be certified. Callan clarified that if the tracks get taken out, the acres will need to be certified.

MANAGER'S REPORT

Water Strategies Update

Callan reported that Water Strategies was of great assistance when meeting with Senators and others in Washington, DC. He said they set up all the meetings and gave staff a place to wait in between meetings.

Litigation Update

Callan reported that the Platte Republican Diversion public hearing will be coming up in Holdrege and he has a zoom call with CPNRD, Neal, and Vanessa to get testimony entered.

New Hires

Callan reported that Jerry White and Bob Waltman were hired to help plant trees.

Non-action Reports

Callan reported on the excess vehicles that the NRD had out for sealed bids. He stated that high bids would be taken on all three of the vehicles, and that no bids were received on the other items.

Callan also reported that Blankenau and NARD are working at getting a summary put together for public comment periods. He stated that a Board cannot disallow discussion on previously discussed topics; however, they can limit the time it is discussed. He added that Don Blankenau was working on a layout for the NRD on the matter. He also added that there will be an accountability disclosure on what can and cannot be voted on, as well as for any staff with an annual salary of over \$150,000.

NARD REPORT

Eschliman reported that the Basin Tour will be held June 10-11 in McCook and that the N-Corpe project will be viewed. He said it took 20,000 acres out of irrigation to make sure there is enough water going into the river that runs into Kansas.

He added that the Annual and Legislative Conferences in September and January and the DC conference are all good for Board members to attend to learn about new things. Callan added the Board members can contact Bartels if they would like to attend any of the conferences.

NRC REPORT

Amsberry reported that there was a meeting held April 3rd and that new projects were discussed. He said a report was received from Lower Big Blue NRD on their dams and

watershed project. He stated that new members were also introduced, and the Perkins County Canal was discussed. He added that the next meeting will be held in July.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Callan announced that he hopes to have LRE here next month to report on the Buffalo County Water Model.

ADJOURNMENT

With no further business before the Board, Chairperson Thoene declared the meeting adjourned at 7:11 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 May 23, 2024, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Larry Mohrman
Secretary