

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

December 15, 2022

Ord, Nebraska

The December 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 December 15, 2022. Vice Chairman Eschliman called the meeting to order at 4:00 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Robert L. Bauer
John Coffey
N. Richard Hadenfeldt
Gary A. Kruse
Larry Mohrman
Alan Petersen
Gerald Smith
Henry J. Thoene, Secretary

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
Beth Boesch
James Eschliman, Vice Chairman
Randy Kauk
Matt Lukasiewicz
Todd Nitsch
Chad J. Podolak
Dean G. Thede
Rick Vlach

Directors absent:

Dennis Hirschbrunner

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Alan Bartels, I & E Coordinator
Dell Harris, Water Resources Specialist
Richard Woollen, District Forester
Jason Moudry, Water Programs Specialist
Mike Bechtold, IT Specialist

Tylr Naprstek, Asst. General Manager
Kim A. Lyons, Financial Secretary
V. Anne Freeman, Water Programs Sec.
Kevin Gustafson, District Engineer
Aron Lewis, Conservation Forester
Adam Brockmann, Water Quality Technician

Guests in attendance:

Bryce Bauer, DC, NRCS, Ord
James Boesch, Columbus

Julie Nitsch, Boelus
Alex Vlach, Columbus

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 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 Hirschbrunner had asked to be excused.

Anderson motioned, seconded by Kruse, to excuse Director Hirschbrunner. Motion carried by electronic vote, all present voting yes.

MINUTES

Eschliman asked for corrections and/or additions to the November 17, 2022, Board meeting minutes. None were heard.

Boesch motioned, seconded by Smith, to approve the November 17, 2022, Board meeting minutes as presented. Motion carried by electronic vote, all present voting yes.

TREASURER'S REPORT

Russell Callan, General Manager, highlighted expenditures of \$5,176.69 to Capital One Bank for water level loggers for the monitoring wells by Petersburg, stating that Naprstek was working on a grant replacement. He also noted expenditures of \$6,895.00 to Lammers, Abel & Kaps CPAs for annual audit expenses and \$6,000.00 to UNL-NE State Climate Office for the Merna and Ord monitoring stations.

Petersen motioned, seconded by Bartak, to approve the December 15, 2022, Treasurer's Report. Motion carried by electronic vote. Directors voting yes: Amsberry, Adams, Anderson, Bartak, Bauer, Boesch, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director abstaining: Coffey. Director absent: Hirschbrunner.

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 he had been working on tree plans, windbreak renovations and keeping inventory up to date. He stated that the Nebraska Forest Restoration Partnership Program was available and works alongside NSWCP to offer additional cost-share opportunities. Woollen introduced Aron Lewis, Conservation Forester.

Lewis gave a little background on himself, stating he had previously been with the Upper Elkhorn NRD and ran the tree program there. He stated he also worked for Game and Parks in Nebraska, Colorado, and South Dakota.

NRCS REPORT

Bryce Bauer, NRCS, Ord, reported that Melissa Kayton has moved from Soil Conservationist to Resource Conservationist in the Burwell office. He stated that staff was working on EQIP rankings and would be until the end of January. Bauer reported that they were also working on contract modifications.

INFORMATION & EDUCATION REPORT

Washington D.C. Conference

Alan Bartels, I&E Coordinator, reported that the conference would be held March 18-22, 2023, and that lodging reservations would be made in the next week.

Connecting the Dots

Bartels reported that he attended the *Connecting the Dots* event held in Ord. He said the program, presented by UNL-Institute of Agriculture and Natural Resources and Nebraska 4-H, was an interactive program to help 9th and 10th grade students learn about various areas of career interest. He said that 128 students from Arcadia, Burwell, Central Valley, Elba, Loup City, and Ord had attended.

2023 Photo Contest

Bartels reported that the 2023 photo contest was open for the year, and he would be accepting entries through mid-May.

ASSISTANT GENERAL MANAGER'S REPORT

NRD Fall Field Work

Tylr Naprstek, Assistant General Manager, reported that the field staff had finished the domestic well samples last week and after results are received, well owners would be sent letters showing the results. He stated that information on State funding of up to \$4,000 to assist with installation of a reverse osmosis system would be sent to those whose domestic well nitrate levels were over 10 ppm.

Naprstek said that techs were currently going through aerial photography to identify any over-irrigation happening outside of certified boundaries. After their initial review, remedies would be discussed with potential violators.

Monitoring Well Grant

Naprstek reported that there was grant funding available to enter wells into the National Groundwater Monitoring Network. Three sites near Petersburg have been selected to develop five dedicated monitoring wells at various depths. He said the grant reimbursement would include telemetry, pressure transducer equipment, cables, and well construction at 75/25% match.

PROGRAMS/PROJECTS COMMITTEE

The Programs/Projects Committee did not meet in December.

WATER RESOURCES COMMITTEE

District Rules and Regulations Update and Discussion

Naprstek showed a presentation with summaries of multiple studies that have been completed on fall fertilizer application and highlighted the opinions of the professors completing the studies.

Naprstek looked at the primary reasons that crop consultants are recommending fall application of nitrate. He said that they are figuring for less workloads after harvest, dryer soils compared to spring, an excess availability of fertilizers, lower product cost, and it may also be consistent with historical management practices. He said that they rarely consider nitrogen use efficiency, leaching or nitrogen loss, or water quality concerns.

Naprstek showed a map of the nitrate sample results collected for the years 2020-2022. Vadose zone sampling that was previously completed by the NRD was also shown for various sites across the District.

Naprstek also highlighted comments made by the Mosaic company against fall application of nitrates, explaining that they believe nutrients need to be available throughout the growing season.

Average temperature and precipitation in the NRD were discussed.

Naprstek also showed opinions against fall application of nitrogen from G.W. Randall and others at the University of Minnesota, John Lory at the University of Missouri, Andy Luke at the University of Missouri, and Tim Shaver and others at the University of Nebraska

Bauer asked Naprstek to clarify that microbes break down the nitrogen into nitrates. Naprstek stated that they do, and that frozen ground stops the process. Nitsch added that there were inhibitors that could be added to slow the breakdown. Naprstek stated that cutting out fall fertilizer application wouldn't take care of the problem completely, but it was a start.

Nitsch stated that, in the Committee meeting, there was discussion about the application of phosphate. Callan stated that if the application was less than 20 lbs. of nitrogen, it was not considered to be commercial application.

Callan stated staff wanted to come up with a rational number. Nitsch stated he wasn't sure 20 lbs. would be sufficient. Bartak stated that he felt the number needed to be at least 25 lbs. because sometimes you need extra.

Thoene asked about strip tilling being done more in the fall and asked if fertilizer was often applied. Nitsch stated they do usually apply a starter and those numbers could be all over the board. He said application could be just nitrogen or could be mixed.

Kauk said there is a feedyard near him that applies manure that exceeds 20 lbs. Callan stated that was not commercial fertilizer so would not fall under our rules. Naprstek stated that the feedyards, if certified with the State, should have a nutrient management plan filed and those applying anhydrous would not be required to have a plan. Kauk stated that many were applying commercial fertilizer on top of the manure. Callan stated that CAFOs have plans filed but there were a lot of less than 1,000-head units that don't have regulations.

Callan stated it gets fuzzy when talking about regulating manure. Callan stated he had taken part in meetings with NDEE and there would be more to revisit Title 130 to see if something could be done without changing the regulation.

Callan stated that Lower Loup was one of the few districts that regulated lagoon water application, stating most don't regulate manure. He said you get into point and non-point source pollution discussions.

Callan discussed the UNL equation for nitrogen application. He explained that Lower Loup NRD Agronomist Mike Lorenz processes the sample reports and makes a recommendation of what should be applied to those fields. Staff thinks the equation figures are too high. However, there are some that apply nitrogen at even higher rates than the equation figures, so work is

needed to get them down to that level. Perhaps to the point that the NRD shouldn't even be giving out the University of Nebraska equation as a recommendation because we believe it to be too high.

Coffey thought that the equation was considering for loss and if we make recommendations, we need to drop it down. He said there is a big problem with outreach because some producers don't open the letters anyway.

Nitsch stated that not all the agronomists may be figuring the numbers correctly by figuring in leaching, etc. Coffey added that the NRD needed to watch the nitrogen because if the senators come in and pull control away from the NRD, the farmers won't be happy, but they need to realize that it's a big possibility.

PROPOSED RULE CHANGES TO GROUNDWATER MANAGEMENT AREA RULES AND REGULATIONS

Callan highlighted the proposed changes. He stated that he and Naprstek had been working with Blankenau to streamline the cease-and-desist process. Callan reviewed the enforcement and penalties and the cease-and-desist process. It was discussed that the NRD General Manager would be able to issue and intent to issue a cease-and-desist order once a violation was discovered and the producer would be offered the opportunity to complete a *Plan and Schedule for Compliance* to fix the violation or could request a hearing with the Board of Directors. Callan explained that if a cease-and-desist order was violated, the case could be taken to District Court where fines and loss of pumping rights were possible outcomes.

Callan reviewed the current rules for Phase 1. He reported that it is proposed to add to the rules that no fall application of commercial fertilizer would be applied from October 1st to March 1st. Current nitrogen level requirements for Phases 2 and 3 were reviewed. Callan explained that another proposed change is to eliminate Phase 3 and put areas in Phase 2 after nitrate readings of 6.6 ppm or more for two consecutive years, and to implement a mandatory nitrogen management plan on certain fields. He showed the draft of the nitrogen management plan that certain producers would be required to complete if their field was high risk. The form requires reporting of where fertilizers were being obtained. Callan explained how information gathered through the reporting requirements would be input into a vulnerability and efficiency model using Board approved levels.

Callan also highlighted a change to Chapter 6 requiring flowmeters on all new wells. Boesch asked if that applied to all wells. Callan clarified that it is for wells pumping over 50 gpm.

Callan stated that to make the proposed changes, the NRD would need to notify DNR, Irrigation Districts, NDEE, and get a draft set of rules published. He said that the hearing could be set for the January 26th Board meeting. He said that informational meetings had been scheduled in Genoa, Ord and Broken Bow.

Boesch motioned, seconded by Smith, to move forward with the proposed changes to the Groundwater Management Area Rules and Regulations and set the Public Hearing for January 26, 2023.

Coffey asked about Nitrogen volatility when using 11-50-0. Nitsch stated that volatility is low and that the leaching potential is small. Coffey stated that if to trigger, the reading must be high for 4 years, and that maybe that should be changed to 3 years to get more ahead of rising levels. Callan stated that if they trigger in an area, staff usually conducts more sampling to be sure the sample was accurate.

Kruse asked how people would be notified of the meeting in Genoa. Callan stated it would be in the paper, on our website, and we could try to do a radio spot.

Nitsch asked that if the susceptibility rating was high and if there were ones we needed to keep track of, would a susceptibility model be used. Callan stated that we must get to Phase 2-3 before we have the information available to model.

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

ENGINEER'S REPORT

Columbus Recharge Project

Kevin Gustafson, District Engineer, reported that the Columbus Project pumps took 40 days to run past River Road and that 448 ac-ft was pumped out of the canal into the channel and that it is figured to have provided about 466 ac-ft of recharge. Gustafson stated that about 105 ac-ft was pumped into Christopher's Cove, causing a water level increase of about one foot. Podolak asked that if the lake was fuller is there more potential for recharge. Gustafson stated that there is, and that with more pressure the water is pushed out more.

Davis Creek

Gustafson reported that the RFPs were sent out for design and construction for the recreational road improvement project. He said that the NRD did not receive the additional grant that was applied for that would have allowed for the entire road to be completed. However, there were a couple breaking points in the design, and with the current Bureau of Reclamation funding, we will complete what we can.

Sargent

Gustafson reported that the Jesse Street culvert project was at a standstill.

MANAGER'S REPORT

Resolution – Ginny John

Eschliman introduced Resolution #FY2023-004:

*RESOLUTION
Adopted by the Board of Directors
Lower Loup Natural Resources District
December 15, 2022*

WHEREAS, the Lower Loup Natural Resources District has provided long-standing service in the conservation of natural resources to the residents of the Loup River Basin,

WHEREAS, Virginia John provided 39 years of exemplary service and valuable advice to the District as the District Secretary in Broken Bow,

BE IT RESOLVED, by unanimous vote, the Board of Directors of the Lower Loup natural Resources District extends recognition and commendation to Virginia John.

Hadenfeldt motioned, seconded by Smith, to adopt Resolution #FY2023-004. Motion carried by electronic vote, all present voting yes.

Litigation Update

Callan reported that DNR had sent out an order on their determination of the Platte Republican Transfer. He said that he had not gotten a chance to review it; however, he would discuss it with legal counsel.

New Hires

Brant Bechtold was hired as the new I&E Specialist.

Non-action Reports

Callan stated that the furniture for the new offices was scheduled to arrive December 27th.

NARD REPORT

Eschliman reported that the Legislative Conference would be held in January.

NRC REPORT

Hadenfeldt stated there was no report. He said that the caucus would be held in January at the Upper Loup NRD.

LOUP BASIN RC&D REPORT

Adams reported that the windows were being installed and the restroom had been started.

Adams asked about previous discussion to take the Loup Basin report off the agenda. Callan stated that Lower Loup NRD would remain a member and that Janet Sanders is invited to still give a yearly report.

ELECTION OF OFFICERS, NARD REPRESENTATIVE/ALTERNATE, NARD ANNUAL CONFERENCE VOTING DELEGATE/ALTERNATE, LEGISLATIVE CONFERENCE VOTING DELEGATE/ALTERNATE, AND RC&D DELEGATE/ALTERNATE

Eschliman asked for nominations for Chairman.

Smith nominated Eschliman. Eschliman asked for any other nominations. None were heard.

Anderson motioned, seconded by Adams, to appoint James Eschliman as Chairman. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Coffey, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thone, Vlach. Director abstaining: Eschliman. Director absent: Hirschbrunner.

Eschliman asked for nominations for Vice Chairman.

Adams nominated Thoene. Kruse nominated Coffey.

A paper ballot was held. Official vote: Thoene - 11 votes, Coffey - 9 votes. Thoene declared winner.

Eschliman asked for nominations for Secretary.

Thoene nominated Coffey.

Adams motioned, seconded by Anderson, to appoint John Coffey as Secretary. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thone, Vlach. Director abstaining: Coffey. Director absent: Hirschbrunner.

Eschliman asked for nominations for Treasurer.

Kruse nominated Amsberry.

Adams motioned, seconded by Vlach, to appoint Amsberry as Treasurer. Motion carried by electronic vote. Directors voting yes: Adams, Anderson, Bartak, Bauer, Boesch, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director abstaining: Amsberry. Director absent: Hirschbrunner.

Eschliman asked for nominations for NARD Representative and Alternate.

Boesch nominated Eschliman as Representative and Amsberry as Alternate.

Anderson motioned, seconded by Adams, to appoint James Eschliman as the NARD Representative and Rollie Amsberry as Alternate. Motion carried by electronic vote. Directors voting yes: Adams, Anderson, Bartak, Bauer, Boesch, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director abstaining: Amsberry. Director absent: Hirschbrunner.

Eschliman asked for nominations for the NARD Annual Conference Voting Delegate and Alternate.

Eschliman nominated Thoene for Voting Delegate. Anderson nominated Eschliman as Alternate.

Kauk motioned, seconded by Amsberry, to appoint Thoene as the NARD Annual Conference Voting Delegate and Eschliman as Alternate. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Coffey, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director abstaining: Eschliman. Director absent: Hirschbrunner.

Eschliman asked for nominations for the Legislative Conference Delegate and Alternate.

Eschliman nominated Thoene as Delegate. Kruse nominated Eschliman as Alternate.

Amsberry motioned, seconded by Kauk, to appoint Thoene as the Legislative Conference Delegate and Eschliman as Alternate. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Coffey, Hadenfeldt, Kauk, Kruse, Lukasiewicz, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director abstaining: Eschliman. Director absent: Hirschbrunner.

2023 Board officers: Chairman – James Eschliman
Vice Chairman – Henry Thoene
Secretary – John Coffey
Treasurer - Rollie Amsberry

NARD Representative – James Eschliman
Alternate – Rollie Amsberry

NARD Annual Conference Voting Delegate – Henry Thoene
Alternate – James Eschliman

Legislative Conference Voting Delegate – Henry Thoene
Alternate – James Eschliman

**ITEM XVIII. APPROVAL OF 2023 BOARD MEETING CALENDAR,
DESIGNATION OF OFFICIAL NEWSPAPERS & BANKS, SET MAXIMUM
COST LIMIT PER PLATE FOR AWARDS DINNER AND MAXIMUM FOR
2023 AWARDS**

Boesch motioned, seconded by Anderson, to approve the 2023 calendar and keep all newspapers, banks, and award amounts the same. Motion carried by electronic vote, all present voting yes.

Newspapers - The Grand Island Independent is the only District-wide daily publication that covers the NRD. In the past we have designated it as our District-wide paper but have also utilized The Albion News, The Burwell Tribune, The Custer County Chief, The Columbus Telegram, Cedar Valley News, The Nance County Journal, The Ord Quiz, The Phonograph-Herald, The Ravenna News, and The Sherman County Times for meeting announcements and legal notices.

Banks – First Interstate Bank in Ord has been the main repository for the Lower Loup NRD’s funds, and First National Bank in Ord serves as the secondary repository. The following banks are additional repositories for Lower Loup NRD funds – Cornerstone Bank, North Loup, NE; Pathway Bank, Ord, NE; BankFirst, Ord, NE; Farmers & Merchants Bank, Ericson, NE; Citizens Bank & Trust Company, Loup City, NE; State Bank of Scotia, Scotia, NE; Citizens State Bank, Spalding, NE; and Heartland Bank, Ord, NE.

Awards – The Board set the maximum Awards Dinner per-plate cost limit at \$70 and the awards maximum limit at \$125.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Callan announced that information would be put out on the upcoming meetings.

ADJOURNMENT

With no further business before the Board, Chairman Eschliman declared the meeting adjourned at 5:39 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 January 26, 2023, at 4:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry Thoene
Secretary