

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

September 28, 2023

Ord, Nebraska

The September 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 September 28, 2023. Vice Chairman Thoene called the meeting to order at 5:00 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Robert L. Bauer
Randy Kauk
Gary A. Kruse
Alan Petersen
Gerald Smith
Alexander L. Vlach

Rollie D. Amsberry, Treasurer
John R. Coffey, Secretary
Thomas L. Knutson
Todd Nitsch
Chad J. Podolak
Henry J. Thoene, Vice Chairman
Rick Vlach

Directors absent:

Darwin B. Anderson
James Eschliman, Chairman
Matt Lukasiewicz

Timothy E. Bartak
N. Richard Hadenfeldt
Larry Mohrman

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Alan Bartels, I & E Coordinator
Dell R. Harris, Water Resources Specialist
Kevin Gustafson, District Engineer
Brian Kolar, Projects Specialist

Tyler Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Brant Bechtold, I & E Specialist
V. Anne Freeman, Water Programs Secretary
Cacey Wilken, Water Modeling Coordinator
Aron Lewis, Conservation Forester

Also attending:

Lalit Jha, JEO

Bryce Bauer, NRCS, Ord

VERIFICATION OF MEETING NOTICE AND ADOPTION OF AGENDA

Vice Chairman Thoene 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

Thoene stated that Directors Anderson, Bartak, Eschliman, Hadenfeldt, Lukasiewicz and Mohrman had asked to be excused.

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

MINUTES

Thoene asked for corrections and/or additions to the August 31, 2023, Board meeting minutes. None were heard.

Knutson motioned, seconded by R. Vlach, to approve the August 31, 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 \$5,727.65 to Insight Public Sector Inc. for Adobe software licenses; \$4,230.33 to Baird Holm for work done with the Platte Republican Diversion; \$21,215.00 to Phoenix Web Group for work done on the NRD's database; and payments to multiple producers for Wildlife Habitat cost-share and VRI cost-share. He also noted expenditures of \$2,551.00 to Baird Holm for work on the Platte Republican Diversion; \$137,605.00 to Cornerstone Mapping for infrared photography; \$41,843.75 to LRE Water Inc. for the Buffalo County water study; and \$40,358.25 to Flatwater Group Inc. for the Davis Creek road project design.

Smith motioned, seconded by Coffey, to approve the September 28, 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

Tohene asked for comments from the public. None heard.

FORESTER'S REPORT

Aron Lewis, Conservation Forester, reported that he has been doing outreach events. The Nebraska Forest Service had their Family Forest Festival in Plattsmouth at Horning Farms which is a University-owned farm. There was a good turnout of about 1,200 people. Lewis also attended Husker Harvest Days to man the Forest Service booth. Lewis added that he taught elementary students from Fullerton about forestry during their Conservation Day.

Lewis reported that the Nebraska Forest Service Restoration Program cost-share funds have been put on hold and that a meeting will be held October 2nd with NRCS to further discuss the program.

Lewis reported that he attended a workshop on Oak Management at Ponca State Park and that he plans to attend Bessey Nursery Clients Day on October 11th. He also stated that there will be an Envirothon held October 5th at Aagaard Farm and he will be assisting with the forestry portion. He said that he will also be working in October on writing Wildland Urban Interface grants targeted for the areas in our District that are at high risk for fires because of the need for forest thinning.

Tohene thanked staff for the reception held for retired Forester Richard Woollen.

NRCS REPORT

Bryce Bauer, NRCS, reported that tomorrow is their year-end, and they are finalizing payments and reporting. He reported that he attended the Conservation Day in Ord, one in Fullerton earlier in the month, and would be helping with MUDFEST tomorrow.

Bauer reported that Bethany Johnston, soil conservationist in Burwell, and Grant Marisch, soil conservationist in Spalding have taken different jobs, so their positions are vacant at this time.

Bauer added that there isn't any news about a possible government shutdown; however, he expects to know something by late tomorrow. Callan reminded the Board that the NRD has employees in NRCS offices, so they will not be able to enter the buildings in the event of a shutdown and that all NRCS owned equipment must be turned in. Callan stated that some NRD employees will be sent home and others can work out of their pickups using NRD equipment.

INFORMATION & EDUCATION REPORT

Educational Events

Alan Bartels, I&E Coordinator, reported that the Lower Loup NRD I&E department helped with conservation celebrations in Ord and Fullerton and with the Area 3 (with Tri-Basin NRD) and Area 4 (with Central Platte NRD) Range Judging Contests and also Central Community College's Night Collecting & S'Mores event.

Envirothon Field Day

Bartels reported that the Envirothon Field Day will be held October 5th with 112 students from Loup City, Ord, Maxwell, Spalding Academy, Elba, Norfolk, Keya Paha, and Meridian coming to learn about soils, range, forestry, and aquatics.

State Land Judging

The LLNRD will be hosting the State Land Judging Contest in Custer County on October 25th. This will be the first State level land judging contest in Nebraska to use the SCANTRON scoring machine.

Results for Area III Range Judging were disclosed, with several teams and individuals from the LLNRD placing.

MUDFEST will be held September 29th in the Arboretum. NRCS, JEO, Nebraska Extension, and four NRDs will be helping with the event with expected attendance of 98 kids.

ASSISTANT GENERAL MANAGER'S REPORT

Recreation Areas

Tylr Naprstek, Assistant General Manager, reported that Davis Creek is at its wintering elevation. He also reported that online reservations have been turned off as October 1st, for road improvements to be completed.

Naprstek stated that Monday was the last beach sampling date at Davis Creek, Sherman Lake, Pibel Lake, and for Nunda Shoals and Homestead Knolls at the Calamus Reservoir, and that blue-green algae and bacteria sampling would begin again next May.

Drought Status Report

Naprstek stated there was a new drought map out and that for the first time in over a year the area has improved to abnormally dry status in southwest Custer County, which is now, for the first time in over a year, in the "yellow" category. He said that most of the rest of the District is in the moderate, severe, extreme, or exceptional drought categories. He stated that the last seasonal drought outlook was still that drought will persist, but it is now stating that it will persist

but will likely improve. He said that in the central portion of the District, drought removal could be likely depending on 2024 spring static water levels. Surface water flows have been reviewed and have maintained well.

Naprstek also gave an update of the Genoa area, stating that they are switching back to an odd/even lawn watering pattern. He said that they have stopped watering the baseball field and shut down the pool, but are still watering the football field. He hasn't heard from Fullerton.

Maps of local precipitation were reviewed, with results showing precipitation being better in the west than in the east. He also showed the progression of the drought map from October 2022 to date.

Soil & Water Sampling

Naprstek stated that the 146 monitoring wells across the District are being sampled for nitrates. The vadose sampling is going strong, with the lawn and pasture sampling being completed. Sampling on the irrigated crop ground will be taken after harvest. He said that, so far, producers have been cooperative and are willing to work with the NRD to be able to see what the data shows.

He said that on October 16th static water levels and meter reporting will begin and that checks will be done on irrigation on cover crops. He added that Moudry gave an update at Fall Conference on EA's study on cover crops.

Infrareads

Naprstek reported that the Cornerstone Mapping results have come in and stated that the flights started August 10th and ended August 22nd. He said that the imagery has been updated and that this year an upgraded camera and altimeter were used resulting in going from one meter resolution to one-fourth meter resolution. He stated that flights were done at an elevation of 15,000 feet.

Naprstek added that staff has access to all the information on the server and imagery samples were shown. He explained the difference in views between irrigated and non-irrigated land and showed how they compare to certified irrigated acres boundaries and discussed that staff will sit with producers to discuss their findings.

WATER RESOURCES COMMITTEE

PFAS & Lithium Discussion

Naprstek explained that PFAS (polyfluoroalkyl substances) are the substances that are used to make coatings and products that are waterproof or non-stick. He explained that PFAS have been showing up in groundwater testing and that once detected, is almost impossible to get rid of. He said that there is talk of ramping up testing; however, there are no Nebraska statutes

written NRDs authority to take this issue on. EPA's maximum contaminant levels for PFAS are 4 parts per trillion, compared to the 10 parts per million for nitrates.

He stated that lithium is also showing in water tests; however, not from batteries, but from behavioral control medication.

Long-Range Implementation Plan

A draft of the Long-Range Implementation Plan will be available prior to the Committee meetings in October.

WQMA Nitrogen Vulnerability Model

Naprstek reported that the model will be completed soon, as it needs to be out mid-October. He said staff is in the process of finalizing and within a week, letters should be sent out to producers in "high" fields.

Callan stated that there was good discussion at the coop meetings with lots of good feedback. He added that staff showed what the NRD has been doing and got feedback that the producers never see the information presented. Coffey asked if overapplication will stop being recommended. Callan added that some producers have made recommendations and have a formula that they use. Coffey added that the UNL recommendation is high, and he is on the "high" list even though he is following the recommendations. Callan stated that for now we don't have anything else to go by.

Naprstek stated that the nitrogen use efficiency has been getting better and numbers are going down. He added that a lot of co-ops are praising nitrogen use efficiency. It was suggested that producers need to capitalize on total available nitrogen.

Callan added that the University is trying to switch to an "on demand" method of application, so it is only applied when needed.

Columbus Recharge Project

Callan reported that Kolar is still running the project. Naprstek added that Kolar has been keeping the area mowed and the only complaints he has received are that Christopher's Cove residents want more water in the lake.

Podolak stated that having information on the website could help get people to look up information themselves, adding that more Q&A information on the website would be helpful.

Callan added that most complaints have been that they want to know when it is turned on or off. Kauk asked if the elevation of Christopher's Cove is an issue right now. Callan replied that most people are happy it is being done and they can't imagine what levels would be without the project.

Kauk asked if the tillage and ripping of Lost Creek will be done again. Callan stated it would be done this fall after the system is shut down.

Instream Flow

Callan stated there is no more information at this time.

Longitude 103

Discussions were held on Longitude 103 at Annual Conference. Longitude 103 is a database provider that some NRDs are using for database management. It is similar in functionality to the current Phoenix database.

PROGRAMS/PROJECTS COMMITTEE

Callaway Pool Request

Kruse reported that Callaway has requested assistance for their \$3.64 million aquatic facility pool project. He added that they are requesting \$20,000 towards the project. He stated that Kolar will work with them and there will be more information next month.

St. Edward BRIC Grant

Kruse reported that the preliminary notification on the BRIC Grant has been received. He stated the grant is for a \$1.4 million project on Beaver Creek for cleaning, reshaping, and rip-rapping. Kolar stated the City Clerk will inform the NRD when they have the official notice of award.

Long-Range Implementation Plan

Information will be available next month.

Davis Creek Road Project

Discussion to be held during Engineer's Report.

Mud Creek WFPO - Ansley

Kruse reported that the draft plan is expected to go through. Gustafson stated that Mud Creek's report is ready to go to headquarters for review and there will be additional steps as it progresses. It was added that funding authorization is expected in March 2024.

Mira Creek WFPO – North Loup

Kruse reported that the initial review is being done and that JEO is continuing to work on the project.

Sargent Flood Project

Kruse reported that FEMA funds have been put on hold because of other national emergency requests taking place.

DAVIS CREEK BID OPENING

Kevin Gustafson, District Engineer, reported that the bid opening was held yesterday for construction of the road. He stated that Myers Construction and A&R Construction had submitted bids and that the project was split into 3 phases. It was discussed that A&R was the lowest bid; however, they could not begin until after Labor Day 2024, so they were considered a non-responsive bid for not meeting bid criteria.

Myers Construction bid was further reviewed and broken down into three possible phases – Phase I cost of \$1,032,210; Phase II cost of \$1,510,100; and Phase III cost of \$2,311,800. These bid figures were higher than the engineer's following estimates – Phase I estimate of \$706,500; Phase II estimate of \$1,070,600; and Phase III estimate of \$1,664,100.

It was discussed that bids could be rejected, or Callan could discuss with the contractor what options were available to complete the construction. Phase I current available funding of \$500,000 from Title 28 funds and budgeting of \$300,000 from NRD funds for the project was discussed. Flatwater Group, Inc. fees for project design costs were also discussed.

Callan stated that we have the option of rebidding the project later, seeking additional funding from the Bureau, or renegotiating with Myers Construction to do a smaller portion. He added that he thinks the best decision would be to negotiate the price down to the available funding and possibly seek additional funding to complete the remainder of the project.

Photos were shown highlighting what portion each phase of the project would complete. Phase I is about 4,400 feet from the entrance, past the showerhouse, to the exit of the first camping loop. Phase II is about 2,000 feet and goes to the entrance of the new camping loop. Phase III is about 3,800 feet and goes all the way around the boat ramp and back. The total length is about one mile.

Discussion was held on looking at approaches and parking spaces to see if that could get the bid lowered to the available funding amount. Another option is to wait to do the project until a later date to see if more contractors place bids on the work.

Coffey asked if oiled surface had been considered. Gustafson stated that concrete would last longer and would have less upkeep than other resurfacing options.

Amsberry motioned, seconded by R. Vlach, to have Callan negotiate with Myers Construction on the project to see if the costs could be cut down to match available funding.

Kruse asked what time frame he would work with. Callan stated he would want to negotiate as soon as possible. Bauer asked if Callan would reach out to the other contractor. Callan stated that Myers was the only responsive bid.

Motion carried by electronic vote. Directors voting yes: Amsberry, Adams, Bauer, Coffey, Kauk, Kruse, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: Knutson. Directors absent: Anderson, Bartak, Eschliman, Hadenfeldt, Lukasiewicz, Mohrman.

ENGINEER'S REPORT

Loup City Airport

Gustafson stated that the Loup City Airport is wanting to do streambank work to help protect their runway, so he is helping with the permit application submitted to the Corp of Engineers.

Road Structure Hazard

He also reported that a road structure near Litchfield may be up for potential hazard classification. He said it is not a jurisdictional dam by DNR standards because it's not high enough and doesn't hold enough water, so he is working with NRCS to do breach modeling.

Pibel Lake

Gustafson stated he is working on the RFP and looking into funding opportunities on design and rec expansion for Pibel Lake. He stated that he and Tylr had also visited with Game and Parks, and they seemed open to the expansion. He stated for budgeting purposes this project would be later down the road.

Genoa Water Well

Gustafson stated he visited with the Genoa City Council and discussion was held on whether a new well was necessary. They wanted to have irrigation wells shut down in the area to allow additional water for their well. There was discussion on watering the football field and the leaking swimming pool. Discussion was held on the AEM Nance County study that covers part of their south well field. Water conservation educational opportunities were mentioned.

VARIANCE COMMITTEE

Thoene stated there were three variances with first-time requests.

Mueller

Thoene reported that Tyler Mueller is requesting a supplemental well in Area 30. He stated that he owns half and Darwin Sieh owns the other half where the current pivot is located.

Klug

Thoene reported that Leslie Klug is requesting a supplemental well in Area 30. He stated the primary area is by Klug's land with a pivot on half of the neighbors.

Mack Hall Trust

Thoene reported that Mack Hall Trust is requesting that a 1970 water right of 86 acres on the east side (SW¹/₄ of 36-T15N-R10W) of the Middle Loup River be converted to groundwater only.

Kauk asked about the supplemental well requests. He stated he understands they share a well and asked what happens if they both want to run wells at the same time. Callan stated he thinks they want to do it separately. They both have irrigated acres, but one is without a water supply. They are asking for a water supply for their irrigated acres. Because it is in Area 30 and a water quality area, it requires a variance.

Coffey asked if history has been provided for water use on the acres. Harris stated they certified a 1983 water right for 86 acres and the history only showed 54 acres, so in the end they are wanting to develop 77 acres.

Seven L Farms

Thoene stated this was the second hearing for this request. He stated they have a combination of groundwater and surface water acres in the Farwell Irrigation District and want to move the acres to a different location and pump groundwater on surface water acres being moved to a different location.

Thoene stated that there would be a direct increase in groundwater pumping, so the committee voted to deny the request.

Smith motioned, seconded by Adams, to deny the Seven L Farms variance request on the basis that they would receive an extra 34 acres if approved.

Discussion was held on the condition of the request. It was noted that in the past the Board has not given additional acres with a variance. Thoene added that it was approved by the Committee to move them but not to add additional acres.

Motion carried by electronic vote. Directors voting yes: Amsberry, Adams, Bauer, Coffey, Kauk, Kruse, Nitsch, Petersen, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Director not present for vote: Knutson. Directors absent: Anderson, Bartak, Eschliman, Hadenfeldt, Lukasiewicz, Mohrman.

MANAGER'S REPORT

Litigation Update

Callan reported that the Platte Republican Diversion appeals testimony had happened, and further updates would be available later.

New Hires

Callan stated there were no new hires; however, interviews are being done for the agronomist position.

Non-Action Reports

Callan stated metering will be discussed at the next Board meeting and cost-share can be discussed.

Callan added that committee meetings won't be held in November due to timing with upcoming holidays.

Callan asked for comments on the conference.

Kauk stated he was disappointed there weren't more informational sessions but understands it's tough to get people together and put together committees.

Thoene stated Moudry had a good presentation on cover crops.

Amsberry commented on Anderson's award he received.

NARD REPORT

Eschliman was not present to provide an update.

NRC REPORT

Amsberry stated the next meeting would be the 27th of November instead of December.

ANNOUNCEMENTS / FUTURE MEETING TOPICS

It was announced that in November the Board meeting start time would change to 4:00 p.m. and that Committee meetings would switch as well.

ADJOURNMENT

With no further business before the Board, Vice Chairman Thoene declared the meeting adjourned at 6:20 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 October 26, 2023, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

John R. Coffey
Secretary