

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

July 22, 2021

Ord, Nebraska

The July 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 July 22, 2021. Chairman Citta called the meeting to order at 5:05 p.m.

CALL TO ORDER

Directors in attendance:

James C. Adams
Darwin B. Anderson
Robert L. Bauer
Joseph L. Citta, Chairman
Jim Eschliman, Vice Chairman
Randy Kauk
Larry Mohrman
Alan D. Petersen
Gerald Smith
Henry J. Thoene, Secretary

Rollie D. Amsberry, Treasurer
Timothy E. Bartak
Beth Boesch
John Coffey
N. Richard Hadenfeldt
Gary A. Kruse
Todd Nitsch
Chad J. Podolak
Dean G. Thede
Rick Vlach

Directors absent:

Matt Lukasiewicz

Staff in attendance:

Russell G. Callan, General Manager
Irene F. Kreifels, Administrative Assistant
Larry D. Schultz, I&E Coordinator
Dell R. Harris, Water Resources Specialist
V. Anne Freeman, Water Programs Sec.

Tylr Naprstek, Assistant General Manager
Kim A. Lyons, Financial Secretary
Cameron Conrad, Water Modeling Coord.
Jason Moudry, Water Programs Specialist
Dan Ruterbories, Range Specialist

Guest in attendance:

Sherry Asche, NRCS, Spalding
Bill Hart, Sargent
Dave Griffith, EA Engineering
John Smedra, Ord
Gerald John, Ord

James Nelson, Cairo
Dan Bigbee, EA Engineering
Naisargi Dave, EA Engineering
Larry Masin, Ord

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: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Mohrman, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, and Vlach. Director absent: Lukasiewicz.

EXCUSED ABSENCES

Citta stated that Director Lukasiewicz had asked to be excused.

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

MINUTES

Chairman Citta asked for corrections and/or additions to the June 24, 2021, Board meeting minutes. None were heard.

Vlach motioned, seconded by Nitsch, to approve the June 24, 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 \$14,948.76 to Capital One Bank for upgrades to the transducer equipment for the Columbus Project; \$11,599.00 to USGS for stream gauge operation; \$554,364.00 to Rutjens Construction for work on the Columbus Project; \$9,600.00 to EA Engineering for the Cover Crop Project; \$2,156.65 to UNL for a test hole; \$40,466.76 to HDR for the Columbus Project; and \$28,450.83 to JEO for work on the Mud Creek and Mira Creek WFPO.

Kruse asked if any money had been received from the Water Sustainability Fund for the Columbus Project. Callan replied that the requests for reimbursement on the project would be submitted shortly.

Smith motioned, seconded by Adams, to approve the July 22, 2021, 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

SARGENT EAST IPA PETITION

Callan reviewed the project and explained that the project was started to study the benefits of doing an IPA project near Sargent. He explained that the benefits were figured for each landowner involved based on the amount of their land that was included in the project. He stated that one landowner, Bill Hart, had the most benefits and that Hart had submitted a petition to stop the project. A copy of the petition was included in the agenda for review.

Kruse asked what was put into the project so far by the NRD for engineering costs. Callan stated that, to date, approximately \$179,000, had been paid out. Kauk asked why the NRD could not contribute money towards the project itself instead of just the study. Callan explained that since it was determined to be a private benefit, public funds could not be used.

Kauk questioned the difference between the Columbus Project and the Sargent East IPA. Differences were discussed between the Sargent East IPA being private benefit and the Columbus Project having public benefits due to it being a project to help with groundwater that would benefit various entities as well as irrigators, instead of a drainage project on private land. Callan explained that from the beginning, the IPA was laid out by the Board as being private benefit to the landowners with no public benefit present.

Kauk asked about getting funding to help with the project. It was discussed that to get funding from State or Federal sources, public benefit would have to be proven; and by doing an IPA, that proof doesn't have to be evident.

Further discussion was held on private benefit vs. public benefit and the rules for each.

Adams motioned, seconded by Boesch, to accept the Sargent East IPA petition and stop the IPA process.

Callan stated that notice had been sent to all the landowners involved to let them know that this discussion was taking place tonight. Vlach asked if the plans could be used at another time. Callan stated he thought they could be used later if the project is reviewed again.

Motion carried by electronic vote, all present voting yes.

30 X 30 Plan

Callan introduced Resolution FY2022-001:

LOWER LOUP NATURAL RESOURCES DISTRICT
RESOLUTION REGARDING
PRESIDENT BIDEN'S EXECUTIVE ORDER #10048:

WHEREAS, President Biden has announced his Executive Order #10048 30 x 30 Plan to conserve 30% of the nation's soil and water by 2030;

WHEREAS, President Biden's 30 x 30 Plan has stated its goals, but there is no direction on how these goals will be achieved;

WHEREAS, the 30 x 30 Plan appears to promote permanent easements and acquisition of currently privately owned land;

WHEREAS, the Lower Loup Natural Resources District (LLNRD) has been directed by the Nebraska Legislature to assist in managing Nebraska's natural resources with a locally elected Board of Directors;

WHEREAS, the LLNRD currently promotes and participates in locally led conservation efforts that put conservation practices on the land and maintain private ownership and control;

WHEREAS, the LLNRD works directly with partners like the USDA Natural Resources Conservation Service, University of Nebraska, USDA Farm Service Agency, private ag producers and their organizations;

WHEREAS, the LLNRD recognizes the need for additional, funded soil and water conservation programs that support locally led efforts and maintains private ownership and control;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Lower Loup Natural Resources District support locally led soil and water conservation efforts and oppose any attempt to impose federal requirements that mandate permanent easements or acquisition of privately owned land.

Callan stated he tried to make it simple, as there was not a lot of information about the plan out yet. Citta added he felt the resolution was positive and drew a line on what the NRD supported.

Hadenfeldt motioned, seconded by Bauer, to adopt Resolution FY2022-001 LOWER LOUP NATURAL RESOURCES DISTRICT RESOLUTION REGARDING PRESIDENT BIDEN'S EXECUTIVE ORDER #10048. Motion carried by electronic vote, all present voting yes.

COVER CROP IMPACT STUDY – DAN BIGBEE, EA

Dan Bigbee, EA Engineering, gave an update on the cover crop study in Buffalo County. He went over the project overview and explained that the study was looking at the effects of cover crops on groundwater quality and quantity, as well as the seasonal impacts on soil moisture, groundwater recharge, and nitrate leaching. Bigbee explained that the site selection process looked at the boundary area, cover crop system, soil types, and irrigation used. He said the fields being used were located between Kearney and Pleasanton. Bigbee went over the equipment that was installed and explained that half of the field was planted with cover crop and the other half was not. Bigbee showed a map of the sensor locations and said that readings were taken every half hour and would be collecting nitrate data as well as moisture data. He showed a presentation that reviewed the moisture levels at each location and said that the areas with cover crop seem to have wetter conditions than the areas without; however, more data would be collected to fully determine the effects. Bigbee explained that the study was unique and other studies that have been done have mostly collected data with one reading per day.

Discussion was held on the process each producer was using for their cover crops. Bigbee stated that more information on findings would be shared with the Board as the study progressed.

FORESTER'S REPORT

Richard Woollen, District Forester, was not present to give his report, Citta directed everyone to the written report in the agenda.

NRCS REPORT

Sherry Asche, NRCS, Spalding, reported that there had been a new hire in the St. Paul NRCS office. She said that CSPs were completed and a few had been found out of compliance; however, they were working with the producers on those. Asche said she had attended the 30X30 meeting held in Albion as a private landowner and had brought an informational pamphlet for others to view.

INFORMATION & EDUCATION REPORT

Crop Water Use – Web Site

Larry Schultz, I&E Coordinator, showed where the crop water use information could be found on the website and informed everyone that updated information was in place by noon every day.

2021 NCF Envirothon

Schultz reported that the Envirothon was being held virtually and that the Ord team was at the NRD this morning for some training and that Callan and Naprstek were available to answer their questions. He said they would be giving a presentation on Groundwater Management Areas and high nitrates in groundwater.

ASSISTANT GENERAL MANAGER'S REPORT

Davis Creek Update

Tylr Naprstek, Assistant General Manager, reported that there was a youth retreat at Davis Creek last week and the camping area was full for the weekend. He reported that the conservation officers had replaced two of the no wake buoys. The lake is currently at 80% capacity and levels are starting to drop due to irrigation demand.

Blue-Green Algae Monitoring

Naprstek reported that staff had been monitoring Sherman, Davis Creek, Pibel and Calamus for blue-green algae. He added that Calamus had tested for high levels of blue-green algae and was added to NDEE's health watch today.

Chemigation

Naprstek reported that, as of July 22nd, staff had completed 578 site inspections, with 351 being new applications. He stated that renewal permits were inspected every three years and that most of the surface water sites already had the proper equipment. Naprstek also reported that there was an education pamphlet being developed.

WATER RESOURCES COMMITTEE

4Rs Initiative and University Water Quality Research

Naprstek gave a presentation at the Committee meeting on the 4Rs Initiative and explained that it was the concept of blended production practices to maximize input efficiency; yields; and environmental protection, incorporating the right place, the right source, the right timing, and the right rate. It was reported that the NRD did get a question on cost-sharing for nitrates.

Groundwater Management Plan – Phase 1 Regulation

Naprstek reported that the Committee talked about regulations from other NRDs and compared them to Lower Loup NRD's regulations. He reported that there may be some suggested changes.

Areas 29 & 30 Chemigation Cover Crop Cost-Share

Naprstek reported that Dan Ruterbories, Range Specialist, showed a presentation on the Clear Creek and Pibel Lake Watershed Program and the cost-share program in Area 28. Discussion was held on Area 29 and the cover crops used in that area as well as Area 30. It was reported that there was currently a grant that covers Pibel Lake and Clear Creek. The Committee discussed the NRD's existing programs and what could be implemented in Areas 29 & 30.

Smith motioned, seconded by Coffey, to implement a three-year cover crop program, with specific emphasis in Area 29 following a corn crop and in Area 30 following any crop.

Bartak asked about planting rye in cornfields and that he had heard that it was not very successful due to lack of water and asked if the program would still pay out if the cover crops were not successful. Smith stated there were problems when aerial planting was done and that in his area, where it is mostly sand, there was a lot of growth in spring. Kauk stated that some areas weren't seeing germination due to a short growing season. Callan stated this would not be a requirement, so if it was not a good fit, they didn't have to do the program. Sherry Asche, NRCS, stated that in her area, the producers had seen benefit from NRCS's program and there was more need than they were able to fund.

Motion carried by electronic vote, all present voting yes.

Drought Workshop and Management Plan

Naprstek reported there would be a drought workshop September 9th at 6 p.m. at Trotter Event Center in Ord. He reported that various stakeholders had been invited to come. They hope to break into small groups to discuss and develop various strategies which could be implemented in a drought.

Chemigation Program and Promotion

Naprstek reviewed a timeline of the chemigation program and reported that permit numbers were much lower than in previous years. The current costs of \$50 for a new permit and \$30 for a renewal permit were discussed. It was reported that staff time required for new permits far exceeded the cost charged. Naprstek showed a breakdown of what other NRDs were charging for permits, showing that Lower Loup's fees were on the low end.

Smith motioned, seconded by Adams, to increase the new chemigation permit fee to \$100. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bartak, Bauer, Boesch, Citta, Coffey, Eschliman, Hadenfeldt, Kauk, Kruse, Nitsch, Petersen, Podolak, Smith, Thede, Thoene, Vlach. Director voting no: Mohrman. Director absent: Lukasiewicz.

Vlach asked what an emergency permit was. Callan stated that one would be issued when the producer wants staff there in less than 48 hours and that the NRD can require someone to get one if they were caught chemigating without a permit. Callan explained that the change would have to be made part of the rules and regulations, so would not take effect until after a hearing was held on the changes.

Columbus Recharge Project Update

Naprstek reported that Rutjens was currently working on the project, and everything was still on schedule.

PROGRAMS/PROJECTS COMMITTEE

Scotia Fire & Rescue – Davis Creek UTV

Kruse reported that Scotia Fire & Rescue had requested assistance in buying a UTV for use at Davis Creek and for other calls. Smith asked if they had checked into the Forestry Service and mentioned they may be able to get one from there. Adams asked about purchasing a UTV for the camp host that could be available for the Scotia Fire & Rescue when at Davis Creek. Kruse stated this was their first presentation so there would be a recommendation next month.

North Loup Flood Mitigation

Kruse stated staff was working on WFPO, as most of the flood mitigation was tied to it and that the NRD wanted to work on channel cleanout. He said it was unclear what could be done at the present time without confirmation of WFPO funds. Callan stated that JEO was working on figures and that the WFPO was scheduled to be in final review by the end of 2022.

Sargent East IPA

The project was cancelled by petition.

Thalheim Property

Callan reported he had visited with the owners to discuss an agreement and would visit with them again.

St. Edward Channel Cleanout

Kruse reported there was no new information and that the City was waiting on Kirkham Michael's final report and recommendations before proceeding.

Sargent Flood Resiliency Project

Kruse reported that Sargent was denied the BRIC grant for which they had applied. Callan stated it did say there were eligible, but others had ranked higher. Callan will meet with Olsson after they meet with the city and discuss other options.

Village of Belgrade Bank Stabilization

Kruse stated this was the second presentation and the village was moving forward and some work had been done. He said that 90% of the project was funded from FEMA.

Kruse motioned, seconded by Boesch, to contribute 25% of the local match, not to exceed \$27,000 to the Village of Belgrade Bank Stabilization Project.

Podolak asked if this was damage from the 2019 flood. Kruse replied that it was, and the St. Edward and Sargent projects were as well. Podolak asked if the NRD was aware of any more. Kruse replied it was not.

Motion carried by electronic vote, all present voting yes.

Valley County Water Trail

Naprstek showed where the Ord Veterans grounds were located and the proposed location of a kayak launch and restroom facility. Larry Masin, Veterans Club, was present and discussed the proposed project. He explained that they wished to put in a launch and a double-vault toilet. He explained that additional money had been raised to put in the double instead of single toilet. It was also reported that the city would put in a kayak takeout location at Anderson Island. Kruse added that this area was also used by the Veterans Club for summers meetings, as well as weddings and reunions.

Kruse motioned, seconded by Petersen, to participate in the Valley County Water Trail Restroom/Kayak Dock Access project in the amount of \$10,000. Motion carried by electronic vote, all present voting yes.

Ravenna Hike and Bike Trail

Kruse reported that Ravenna was looking at putting in a crushed rock trail. It was noted that, in the past, the NRD had only participated in concrete trails due to upkeep. No action was taken and the Committee would review what other NRDs were doing for rock trails. Kruse reported that they asked the representative from Ravenna about doing a concrete trail instead. Kauk stated there was a question in the meeting if anyone else would participate if the trail was done in rock. The city had committed to upkeep on the trail; however, the contractor had stated that upkeep would be much easier on concrete. Amsberry asked if the rock trail would be considered ADA compliant. It was reported that the city said it would be. Bauer suggested the NRD Board establish a minimum design standard for trails going forward.

Kevin Brown Trail Request

Kruse stated that the Kevin Brown Trail project had come before the Board before; however, the approved project funding had reached its sunset limit and the trail representatives had come back for an extension. The Committee had asked Sue McNeil about looking into widening the trail from 8 feet to 10 feet. Petersen reported that Sue had contacted him, and they would not be allowed to go wider without getting an easement.

Kruse motioned, seconded by Adams, to contribute 5%, not to exceed \$18,000, to the Kevin Brown Trail Project.

Coffey asked how the Committee determines the participation amount. Callan stated they base it off the participation policy percentages and this project was 5% because the Committee wanted to see if the trail could be made wider.

Motion carried by electronic vote, all present voting yes.

MANAGER'S REPORT

Personnel & Drug-Free Workplace Policy

Callan reviewed the updated Personnel and Drug-Free Workplace Policy. He reported that the Executive Committee had had several meetings on the policy changes. He showed a slideshow of the proposed changes and informed the Board of required additions.

Eschliman motioned, seconded by Smith, to make the proposed Personnel and Drug-Free Workplace Policy effective immediately, except for Section 3, taking effect January 1, 2022.

Vlach asked if the NRD would have a dedicated facility for testing. Callan stated the safety committee would meet to outline the testing process. Manager-granted paid time off and comp time accrual was discussed.

Motion carried by electronic vote, all present voting yes.

Litigation Update

No update.

New Hires

Callan reported there were no new hires. However, Marie Schmeits in Spalding would be retiring September 30th, so advertisement for her position would begin soon.

Non-action Reports

No non-action reports.

NARD REPORT

Eschliman reported that Envirothon would be held next week, and he would be a judge on Wednesday. He also stated that the Fall Conference would be held in September.

NRC REPORT

Hadenfeldt reported that the next meeting would be held in August in Kearney.

RC&D REPORT

Adams reported that construction on the new Veterans Club began in Burwell today and that RC&D staff was getting ready for the rodeo. He said there would be emergency response meetings held every day during the rodeo and there were people lined up to direct traffic for the event. He also reported that Verizon was installing a portable communications tower for personnel to use during the rodeo.

ANNOUNCEMENTS / FUTURE MEETING TOPICS

Coffey asked if meetings could be held earlier in the day during the winter months, when days are shorter. Callan stated that had been done before and it could be added to the agenda for next month.

Citta stated a discussion of regulations on public dollars being used for private use would be a good addition to the Board retreat.

ADJOURNMENT

With no further business before the Board, Citta declared the meeting adjourned at 7:50 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 August 26, 2021, at 5:00 p.m., at the Headquarters Office in Ord, Nebraska.

Henry J. Thoene
Secretary