

MINUTES

LOWER LOUP NATURAL RESOURCES DISTRICT BOARD OF DIRECTORS MEETING

October 24, 2024

Ord, Nebraska

The October 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 October 24, 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
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
Thomas L. Knutson
Larry Mohrman, Secretary
Alan Petersen
Gerald Smith
Alexander L. Vlach

Directors absent:

Timothy E. Bartak
Matt Lukasiewicz

Randy Kauk

Staff in attendance:

Russell G. Callan, General Manager
Kim A. Lyons, Financial Secretary
Alan Bartels, I&E Coordinator
Dell Harris, Water Resources Specialist
Ann Freeman, Water Programs Secretary
Cacey Wilken, Water Modeling Coordinator
Dan Ruterbories, Rangeland Mgmt. Spec.

Tylr Naprstek, Assistant General Manager
Irene Kreifels, Administrative Assistant
Brant Bechtold, Information Specialist
Kevin Gustafson, District Engineer
Jason Moudry, Water Programs Specialist
LeeAnn Smith, Water Admin. Assistant
Aron Lewis, Dist. Conservation Forester

Guests in attendance:

Bryce Bauer, NRCS, Ord
Ethan Clark, Ord

Jeremy Eschliman, Arcadia
Dan McKeon, Amherst

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 with revisions, 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, Kauk, and Lukasiewicz had asked to be excused.

Adams motioned, seconded by Eschliman, to excuse absent Directors Bartak, Kauk, and Lukasiewicz. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, DeBower, Eschliman, King, Knutson, Kruse, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, R. Vlach. Director not present for vote: A. Vlach. Directors absent: Bartak, Kauk, Lukasiewicz.

MINUTES

Thoene asked for corrections and/or additions to the September 26, 2024, Board meeting minutes.

R. Vlach noted a change in wording on page 7, second paragraph. Changing the word from “fee” to “feed.”

With no other changes being heard, Thoene announced that the Minutes would stand approved with the noted correction.

TREASURER’S REPORT

Russell Callan, General Manager, highlighted expenditures of \$317,624.25 to Kruml Law Office PC LLO for a land purchase by Pibel Lake; \$141,300.00 to Cornerstone Mapping for infrared photography; and \$58,487.91 to LRE Water for the Buffalo County Water Model. Callan also highlighted additional expenditures of \$14,373.38 to Capital One Bank for purchase of coconut husk mats for trees; and \$3,217.35 to Loup Power District for the Columbus Recharge Project.

A. Vlach arrived at 5:05 p.m.

R. Vlach motioned, seconded by Knutson, to approve the October 24, 2024, Treasurer’s Report. Motion carried by electronic vote. Directors voting yes: Adams, Amsberry, Anderson, Bauer, DeBower, Eschliman, King, Knutson, Kruse, Mohrman, Nitsch, Petersen, Podolak, Smith, Thoene, R. Vlach. Director abstaining: A. Vlach. Directors absent: Bartak, Kauk, 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

Toene asked for public comments.

Dan McKeon introduced himself to the Board as a candidate for State Legislature and gave a summary of his agricultural background.

Ethan Clark introduced himself to the Board as a candidate for the 41st Legislative District and gave a summary of his background.

FORESTER'S REPORT

Aron Lewis, District Conservation Forester, showed the Board the coconut husk mats the NRD will be offering for trees this year. He stated that they are biodegradable after 5 years and designed to help control weed growth and retain moisture. He added that they will be included in cost-share; however, staff will not install them. Lewis added that tree season starts November 1st and that tree prices will remain the same this year.

Lewis reported that staff performed survival checks on plantings and this year there was an overall survivability of about a 71% rate. He added that sites that did not have a drip system or water sources did worse due to the drought conditions this fall. He also stated that the sites with both drip irrigation and weed control had an 80-100% survival rate. Drip and spray prices will also remain the same for the upcoming year.

Lewis reported that he and technicians Ken Dawson, Jordyn Duffek, and Jon Westerby attended Bessey Nursery Client's Day and saw the tree production process and the seedlings that were being grown. Lewis said that he will be teaching the "Forestry" session with the upcoming Envirothon Field Day at Aagaard Farm on October 30th and in November he will be attending the Nebraska Wildland Fire Academy.

Lewis stated that he should have official measurements of the tree at Pibel by the next meeting.

Adams asked if container trees were still available from Halsey and Lewis replied that they are.

Knutson asked how long Lower Loup NRD used coconut husk mats. Lewis replied that this is our first year; however, Lower Elkhorn NRD has been using them for 3 years and their trees have grown twice as big as others not using them in the same period.

Callan added that in the past we could not offer cost-share on both drip and fabric, but changes with the Commission have allowed for cost-share to be offered for both. Lewis said that each mat would retail for around \$1.80 per mat, with potential for up to half the amount being cost-shared.

NRCS REPORT

Bryce Bauer, NRCS, reported that NRCS staff held a session on dam building at MUDFEST.

Bauer reported that the RCPP grant was awarded and that the District will receive \$18 million over 5 years to be used for pivot conversions, nutrient management, cover crops, nitrate issues, irrigation water management, etc. He stated that the RCPP team will enter into an agreement with the NRD to iron out program delivery details and that the NRD will probably be responsible for advertising, outreach, and hosting meetings, and that NRCS will write the contracts and do the design. He added that staff can prioritize rankings and funding areas. He added that it is basically like the EQIP program that we can write the rules for.

Kruse asked for the timeframe for it to be put in place. Bauer stated that agreements should be in place by April with a late winter sign-up time. He added that it's up for discussion, but he thinks rules should be in place and the program should be up and running by February.

Mohrman stated that past funding was only for new pivots when converting from gravity to pivot and asked if this would be the same. Bauer stated that the program will still be for new structures and added that the agreement has \$1 million in-kind from the Lower Loup NRD, and he was not sure if that could be used for such activities. Callan stated that we can help with ranking projects; however, it will still run under the EQIP tech guide. Callan added that discussion has been had if our contribution can be used for different activities, however, that has not been made clear yet.

Podolak asked what should be done in high nitrate areas. Bauer stated that they would score higher in the ranking.

Bauer also reported that discussions have started about splitting the NRD from the east and west for the new DC. He added that the application period has closed, so he expects that position to be filled soon.

INFORMATION & EDUCATION REPORT

North Central Land Judging

Alan Bartels, I&E Coordinator, reported that Lower Loup NRD hosted, in cooperation with NRCS and the Nebraska Land Judging Committee, the North Central Land Judging contest on October 9th in Albion and that 78 students and 2 instructors participated. He stated that Twin River, Ord, and Fullerton got first, second, and third place, respectively. Bartels added that scoring went quickly using the scantron machine and that Information Specialist Brant Bechtold was able to train staff from other NRDs on running the machine.

Bartels added that he attended State Land Judging to take pictures.

MUDFEST

Bartels reported that MUDFEST was held October 10th with 96 students attending from St. Paul, Ord Elementary, and Ord St. Mary's. He added that Water Programs Specialist Jason

Moudry and Bechtold held a wetland ecology activity, Lewis & Clark NRD did a soil compaction activity, NRCS held a dam building activity, JEO was present with their Infiltration Station, Central Platte NRD held an edible aquifer event, and Steve Niemeyer hosted Water Wheel of Fortune game. Bartels also reported that the event ended with a water rocket demonstration by Lower Niobrara NRD.

Bartels added that next Wednesday the NRD will host the Envirothon Field Day at Aagaard Farm and that he will be holding a teacher's workshop while the kids are learning.

HAZARD MITIGATION PLAN UPDATE – RFP RECOMMENDATION

Bartels reported that the NRD is required to update the Hazard Mitigation Plan every 5 years, with our current plan expiring in 2027. The process takes 1-2 years to complete. He added that the plan is used by participating cities, counties, and other entities that have taxing authority. He added that their participation in the plan allows them to get assistance from NEMA and/or FEMA to mitigate potential disasters. The LLNRD's plan is considered one of the most extensive plans in Nebraska, encompassing 11 counties, 44 communities, and 9 special districts, with the potential for more entities being included in the future.

Bartels stated that RFPs were sent to 14 agencies and that 4 responses were received, with 3 declines. He added that JEO was the only firm that submitted a proposal for a total cost of \$203,455.00, of which LLNRD's expense will be \$49,621.25 after grant funding. He added that it is staff recommendation to accept their proposal.

Callan added that JEO has done the last two plan updates for us and that the funding seems to be in line with past plan revisions. Callan also added that the HMP plan brings in millions of dollars into our district for participating communities that wouldn't otherwise be eligible for.

Knutson motioned, seconded by Adams, to accept JEO's proposal to complete the update of the Lower Loup NRD Hazard Mitigation Plan. Motion carried by electronic vote, all present voting yes.

ASSISTANT GENERAL MANAGER'S REPORT

Recreation Areas

Tylr Naprstek, Assistant General Manager, reported that Davis Creek is now closed for camping and online reservations. He added that shop staff has barricaded the entry road, and, as much as possible, we have tried to get word out about the closing.

Naprstek reported that there will be an interview on November 7th for the Recreational Trails Program Grant for the trail that will go entirely around Pibel Lake and that the application for the Land & Water Conservation Fund for additional campsite development at Pibel is submitted. He stated that hopefully we will hear back by January.

Drought Monitor

Naprstek showed the new drought monitor map that came out earlier in the day. He explained that the majority of the District is in “Moderate” drought status with some areas in “Severe”. He compared the differences from 2 months ago until currently showing more drought conditions.

Naprstek added that meetings are being scheduled for Area 19, which has been triggering low levels according to recent readings. He stated there will be meetings held in Palmer on November 19th and in St. Paul on December 3rd.

Naprstek also showed the long-term outlook map and explained that the forecast is for very dry conditions through January 31, 2025. Naprstek added that the surface water flows are mostly normal for this time of year.

Naprstek also showed the instream flow status numbers. He stated that it is just below 1,700 cfs, and for most of the early part of the year we were at 2,400 cfs. He added that DNR will shut down junior water rights allocated after 2017 when the level gets too low, such as during irrigation.

Fall Field Work

Naprstek reported that staff started taking static water levels on Monday and that they are 60% completed. He said that there are 453 sites measured in spring and fall and reported to USGS and Conservation Survey Division. He added that Projects Technician, Brian Kolar is working on transducers which record level data throughout the day. He stated that the NRD received a \$27,000 State grant for the data loggers to be replaced.

Naprstek stated that staff is also starting to read flow meters and that there are currently 1,326 installed, with more being added frequently. He added that staff will begin taking nitrate samples on domestic wells in November and December.

USBR WaterSMART Grant

Naprstek reported that the NRD received \$351,000 to assist with flow meter cost-share. He stated that we applied when Areas 18 and 20 triggered. He added that the money can also go toward weather stations and said that staff is reviewing locations near Pleasanton and Monroe.

Mohrman asked about restrictions on the weather station location. Naprstek stated they must be one mile from corn crops and distance from a tree must be ten times farther than the tree is tall. Kruse asked if there were restrictions on distance from a county road. Naprstek stated the group who does this, which is part of the University, likes a gravitate toward school ground, but accessibility is a major factor.

Knutson asked when the funding would be available. Naprstek replied that funds would possibly be available in January and added that there is some environmental issues to work through.

ENGINEER'S REPORT

Davis Creek Road

Kevin Gustafson, District Engineer, reported that the contractor is looking for someone to do subgrade and foundation work before concrete can be poured. He added that electrical and fiber utilities have been marked by the providers. A survey was reviewed for all water and sanitary line locations.

Pibel Lake Expansion

Gustafson reported that he and Kolar met with the Nebraska Game and Parks Commission to do a walk-around. He added that he has not heard from the Land & Water Conservation Fund for the RV campground yet.

Mud Creek WFPO – Ansley

Gustafson reported that the plan has been signed by the Chief and that the project will be eligible for funding. He stated the government is running on a continuing resolution right now and that funding would become available after the election. He added that NRCS is working on pulling funding back from stalled projects across the country to fund this one. He also added that the design contract completion will be the next step.

Mira Creek WFPO – North Loup

Gustafson reported that the plan was submitted to Washington on September 27th for programmatic review. He said that Nebraska NRCS is hoping to have comments back next week. Gustafson stated he does not expect too much for comments and added that the next step will be the 30-day public review period. He also stated that he is hoping to schedule a public meeting in North Loup in December. He added that there will be another watershed agreement with NRCS that will require Board action, hopefully around the February Board meeting. After that, there will be another 30-day public review of the final plan and FONST (Finding of No Significant Impact) before submission for authorization to the chief. Once it is submitted, we can request funds to move forward.

Sargent Flood

Gustafson reported that the project is moving forward and said that they are concentrating on some changes, coming across the highway further north than originally planned. He said they have contacted the Nebraska Department of Transportation for highway crossing requirements. He added that they are also working to verify property ownership for proposed crossing locations.

VARIANCE COMMITTEE

Eschliman reported that there were two variance requests this month and it was the first hearing for both. He said that both producers were present to discuss with the Committee and that it will come to the full Board with a recommendation next month.

AT-LARGE BOARD VACANCY

Thoene announced that there were letters of interest included in the agenda. It was stated that there were five letters received. Thoene asked if anyone was present who wanted to speak.

Jeremy Eschliman addressed the Board and stated that he has 25 years of administration experience and is currently the Health Director at Two Rivers Public Health. He stated that he knows the District well and that water and soil quality have always been important issues to him. He said that his support also runs deep for trees. He added that he understands that communicating with other entities is important and that it is important for leadership to focus on sustainability and economics as well as community needs.

Adams stated it is unusual that we have so many candidates and added that one person interested may be eligible for his vacancy after the election, adding that his term is up this year, and he did not run again.

Eschliman added that he has 2 years of his term left and plans to not run again.

Bauer asked about the vacant Director-At-Large position and if they would run for re-election. Callan stated the appointment now is for the remaining 2 years of the term and then the person would have to file for re-election.

Knutson expressed interest in talking to the other people that submitted letters. Adams agreed that it would be nice to talk to them. Mohrman stated that they all had the opportunity to come to the meeting and if they wanted to speak, they would try to be present.

It was discussed that a ballot had been prepared if the Board chooses to appoint them in that matter.

Mohrman added that if there are two interested people who are close, we could request they to come talk to the Board next month.

Anderson motioned, seconded by Peterson, to hold a ballot vote, with each Director voting for one person, and the top two come back next month to speak. Motion carried by electronic vote. Directors voting yes: Amsberry, Anderson, Bauer, DeBower, Eschliman, Knutson, Nitsch, Podolak, Smith, Thoene, A. Vlach, R. Vlach. Directors voting no: Adams, Kruse, Mohrman, Petersen. Director abstaining: King. Directors absent: Bartak, Kauk, Lukasiewicz.

Smith stated that if there is a large split between votes, the top one should get it. Podolak asked if we could amend it so if the difference in number of votes is greater than five, we take the one with the most.

Mohrman stated that a decision does not need to be made at this meeting.

Petersen stated that the motion could be amended as fit.

Podolak motioned, seconded by Smith, to amend the current motion to state that if one person receives over 50% of Board votes, they will be appointed to fill the vacancy.

Discussion was held on the amendment.

Mohrman stated there is no time frame to fill the vacancy, so maybe it would be better to wait and look at two. Adams added that he does not know all five candidates.

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

Official ballot was held, with the following votes tallied:

John Cox – 4
Jeremy Eschliman – 9
Martin Riddle – 0
Clifford Sterner – 0
Chris Trumler – 4

Smith motioned, seconded by Podolak, to appoint Jeremy Eschliman to fill the vacant At-Large Director position. Motion was carried by electronic vote, all present voting yes.

MANAGER'S REPORT

Water Strategies Update

None.

Litigation Update

Callan stated there was nothing new yet on the Platte Republican Diversion and, with NDEE and DNR running with interim directors, he is expecting it to take some time.

New Hires

None.

Non-action Reports

Callan reported that Phoenix, our database carrier, had closed its doors, so staff is working to find a new provider.

NARD REPORT

Eschliman reported that the next meeting will be in Valentine in November.

NRC REPORT

Amsberry reported there was a meeting on October 2nd in Kearney and the Nitrogen Reduction Act (NiRA) was discussed. He added that NRDs will have \$1 million to hand out.

Callan stated that, with the NiRA, producers can apply for cost-share on biologicals to help reduce nitrogen application on fields by 40 lbs or 15%, whichever is less. He added that Lower Loup will get about \$67,000, and that funding can be stacked on EQIP and other programs. The program will run on three tiers:

- a) \$15/ac – Includes LLNRD high nitrate areas, wellhead protection areas, and other source water protection areas
- b) \$12/ac – Includes certified irrigated acres with the LLNRD
- c) \$10/ac – Includes everything else, including dryland fields

Amsberry stated the next meeting will be held in February and that there are still four vacancies on the Board.

ANNOUNCEMENTS/FUTURE MEETING TOPICS

Podolak asked if a meeting could be held near Pibel Lake for everyone who has not yet seen it.

ADJOURNMENT

With no further business before the Board, Chairman Thoene declared the meeting adjourned at 6:27 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 November 21, 2024, at 4:00 p.m., at the Headquarters Office in Ord, Nebraska.

Larry Mohrman
Secretary