

**LOWER BIG BLUE NATURAL RESOURCES DISTRICT  
BOARD MEETING  
March 9, 2023**

Notice of the meeting was published in accordance with Section 84-1411, Nebraska Statutes, in the Beatrice Daily Sun and the Wilber Republican. Notice was also sent to Radio Station KWBE, Crete News, Fairbury Journal-News and Wymore Arbor State. In accordance with the Nebraska Open Meetings Act, the Open Meetings Act is posted on the north wall of the meeting room for public viewing.

The meeting was called to order by Chairperson Ryan Birkett at 8:30 a.m.

Directors Present: Larry Barta, Ryan Birkett, Steve Kelley, Brent Katz, Duane Parde, Jason Pohlmann, Darrell Rains, Dean Roehr, Jason Sand, Doug Stokebrand, Rodney Skleba, Chad Weichel.

Staff Present: Scott Sobotka, Manager; Tyler Weishahn, Assistant Manager, Adam Kimmerling, Office Administrator; Scott Theis, Operations Supervisor; Nick Schroeder, GIS/IT/Data Specialist; Ryan Thomas, Resources Specialist.

Others Present: Robert Wallman, Carl Jacobson, Summit Pork; Nathan Jacobson, Sargent Drilling; Andy Scholting, Nutrien Advisors.

APPROVAL OF MARCH 9, 2023, CONSENT AGENDA

Scott spoke about the Nebraska Public Agency Investment Trust (NPAIT.) Sinking funds and cash reserves are invested in NPAIT with an average return of 4.64%.

MOTION #1 was made by Brent Katz, seconded by Duane Parde, to adopt the Consent Agenda for the March 9, 2023, board meeting which includes: adoption of the agenda as submitted, approval of the February 9, 2023, meeting minutes, financial status report dated February 28, 2023, February 2023 bills payable, February 2023 revenues, monthly bank account summary and Beatrice West and Wymore Rural Water Financials. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** Roehr.

OPEN PUBLIC COMMENTS

None

WATER PERMITS, IRRIGATION AGREEMENTS

Tyler presented permit #1149 for Otto Acres/Summit Pork. The applicant wishes to drill a well in the NW1/4NW1/4 of section 11-5-7 to be comingled with an existing well. The two wells would each pump less than 50 gallons per minute and would be used to service a CAFO (Confined Animal Feeding Operation) of 6,250 hogs. Due to the fact these wells will be comingled, a permit from the NRD is required.

Scott reviewed the permit process and LBBNRD rules. Permit application #1149, as submitted, falls under Rule 5.13.2 of the Lower Big Blue NRD Groundwater Quantity Rules and Regulations. This rule states: one (1) Permit shall be required for all the Comingled Water Wells in the system; A device approved by the District shall be installed so as to not allow the pumping of the Water Wells

simultaneously, or as to not allow the total capacity of each individual Well to be greater than fifty (50) gpm; A Flowmeter shall be required. The Commingled Wells shall not be used for irrigation purposes including water pumped into a stream or Water Impoundment Structure for irrigation; The District shall have the right to inspect the system components, including but not limited to the interconnectivity infrastructure, Water Wells, and Flowmeter(s).

Robert Wallman addressed the board stating that he lives in the section of the proposed CAFO. He stated that his wells in the area will pump well at the start of the season and then decline after a few weeks.

Carl Jacobson with Summit Pork addressed the board. He stated that the barn would be a feed to finish operation where hogs would enter the barn at around 50lbs and be fed to market weight. Carl estimated that finished hogs would be moved out and new groups moved in around 2.75 times per year. Each pig is estimated to consume between 1-1.5 gallons per day per hog space. Carl also noted that their goal is to be as water conscious as possible since any excess water creates more waste to be dealt with.

Scott reviewed the NDEE permit process including the site plan and comment period of 30 days following the plans approval.

Andy Scholting, with Nutrien Advisors explained that they are assisting Summit with the permit process and plan. In response to concerns about application of effluent and the contamination of groundwater. Andy stated that application cannot be done within 100ft of any ground or surface water. Andy reminded the board that the permit process is complex and has a lot of pieces which must fall into place to proceed. If Summit fails to find adequate water, then the project will not move forward.

MOTION #2 was made by Doug Stokebrand, seconded by Darrell Rains, to approve LBBNRD permit #1149 with the conditions outlined in rule 5.13.2 of the Lower Big Blue NRD Groundwater Quantity Rules and Regulations which states that: one (1) Permit shall be required for all the Commingled Water Wells in the system; A device approved by the District shall be installed so as to not allow the pumping of the Water Wells simultaneously, or as to not allow the total capacity of each individual Well to be greater than fifty (50) gallons per minute; A Flowmeter shall be required. The Commingled Wells shall not be used for irrigation purposes including water pumped into a stream or Water Impoundment Structure for irrigation; The District shall have the right to inspect the system components, including but not limited to the interconnectivity infrastructure, Water Wells, and Flowmeter(s). Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** Roehr.

#### WATER COMMITTEE REPORT

Doug reviewed the minutes of the water committee meeting held March 7, 2023. Those minutes are attached as official record to these minutes.

Nick reviewed this year's nitrate sample data. He also showed nitrate trends since the District began sampling in 1987.

Scott updated the Board on the progress of the hydrogeological and subarea delineation

work. Olsson has made significant progress towards subarea delineation on a section-by-section basis.

#### WFPO UPDATE

Scott updated the board on the Little Indian WFPO project. Cultural resources investigations need to be done on a few of the sites. Scott also talked about the importance of the WFPO program. Staff and directors plan to meet with the NRCS in Washington D.C. to discuss the program. Scott presented a draft of a letter to Robert Lawson, NRCS State Conservationist outlining how important the program is to LBBNRD operations. Scott asked for a motion to have the Chairman sign the letter.

MOTION #3 was made by Larry Barta, seconded by Dean Roehr, to have the Chairman sign the letter and submit it to NRCS. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Roehr Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

#### DEVELOPMENT OF PRODUCER EXTENSION PORTAL FOR NRD APP

Scott talked about the Longitude 103 application with the directors. Several NRD's have expressed an interest in creating a producer extension portal for reporting information. The majority of NRD's are in favor of supporting development of the portal as a group to save on costs.

MOTION #4 was made by Jason Pohlmann, seconded by Rodney Skleba, to support the development of a producer portal with Longitude 103. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Roehr Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

#### LEGISLATIVE UPDATE

Scott updated the board on bills of interest to the NRDs. Filibusters will reduce the number of bills which the legislature can take up this session.

#### BOARD AUTHORIZATION TO ATTEND STATE ENVIROTHON

Scott Theis reviewed results from the district competition held in Beatrice on February 28<sup>th</sup> this year the southeast region held three contests for a total of 7 teams. The top team from each region as well as 7 wildcards will compete at the state Envirothon at lake McConaughy on April 26<sup>th</sup>. Bob Lorenz has volunteered to help at the event for many years. Since the Envirothon is not on the list of approved meetings, board authorization is required for Bob to be paid per diem.

MOTION #5 was made by Rodney Skleba, seconded by Larry Barta, to authorize Bob Lorenz to receive per diem for attending State Envirothon. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Roehr Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

#### URBAN CONSERVATION PROGRAM DISCUSSION

Scott Theis reviewed the Urban Conservation Program. Increased interest led to the program going over budget for FY 2023. The programs and projects committee will need to meet to discuss

ways to rank or limit applications in the future.

### NRD ACTIVITIES

Scott Theis provided the board with an update on the cast-in-place liner in Big Indian 6-E. Scott also stated that the plans for Big Indian 9-B have been approved. Scott has received a bid \$23,517.35 for the material. Shipping was quoted at \$6,700. Staff plans to possibly pick up the material to reduce costs.

**MOTION #6** was made by Jason Pohlmann, seconded by Skleba, to accept the material bid of no more than \$23,517.35 for Big Indian 9-B. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Roehr Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

Scott stated that Cub Creek 12-A was seeded this week and signage has been received. The area should be ready to open this spring.

Scott stated that Premier GMC has agreed to deliver 2024 model trucks for their original bid price. Approved at the March 17, 2022, board meeting.

Scott spoke about Jefferson County Planning and Zoning Regulations regarding wind turbines. Current recommendations only acknowledge state managed public use areas. It was noted that the Jefferson County commissioner hearing on the rules is before the next board meeting. Cub Creek 12-A has the same amenities as state public use areas, such as electrical and primitive camping, swimming beach, boat ramp, kayak launch, fishing areas, playground equipment a picnic shelter.

**MOTION #7** was made by Rodney Skleba, seconded by Chad Weichel, to request that NRD managed areas like Cub Creek be recognized and given the same protection as state public use areas. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Roehr Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

Scott stated that NSWCP signup period will close March 10<sup>th</sup>. Producers must apply at their local NRCS office.

### PERSONNEL SERVICES

Scott stated that staff have conducted all interviews for the NRD clerk position and have hired Brandy Scholl for the position.

Staff is in the process of interviewing for the Assistant Operations Supervisor position.

### AGENCY REPORTS

#### NRCS

A report was distributed to the directors.

#### FIVE RIVERS R C & D

Scott reported that he and Bob attended the meeting on February 21<sup>st</sup> to discuss the future of the 5 Rivers RC&D. Discussion of the possibility of the NRD facilitating certain programs in the future

was held.

EXTENSION OFFICE

No Report

NRC

Steve reported that he attended the meeting on February 21<sup>st</sup>. He has asked to be on the committee which reviews the Water Sustainability Fund applications.

NARD

Jason Sand reported that he attended the meeting on March 6<sup>th</sup>. The NARD is working on grant opportunities to defray the cost of the Longitude 103 producer portal.

CONSIDERATION OF EXCUSED ABSENCES

Bob Lorenz has asked to be excused from today’s meeting.

MOTION #8 was made by Doug Stokebrand, seconded by Dean Roehr, to excuse Bob Lorenz from the March 9<sup>th</sup> board meeting. Motion carried.

**YEA:** Barta, Birkett, Katz, Kelley, Parde, Pohlmann, Rains, Roehr Sand, Skleba, Stokebrand, Weichel. **NAY:** None **ABSTAIN:** None.

Announcements, Upcoming Meetings & Activities

March 5 <sup>th</sup> - 6 <sup>th</sup>	NARD Meeting, Lincoln
March 6 <sup>th</sup> -7 <sup>th</sup>	Water Conference – Kearney
March 9 <sup>th</sup>	NRD Board Meeting, 8:30 a.m.
March 10 <sup>th</sup>	Blue Basin Meeting
March 18 <sup>th</sup> - 22 <sup>nd</sup>	Washington DC
March 28 <sup>th</sup> -29 <sup>th</sup>	Phase II Certification Meetings Beatrice/DeWitt
April 13 <sup>th</sup>	NRD Board Meeting, 7:00 p.m.

Being no further business, Chairperson Ryan Birkett adjourned the meeting at 10:46 a.m.

---

*Secretary, Jason Sand*

# **Water Committee Meeting Minutes**

## **March 7, 2023, 3:00PM**

### **Lower Big Blue NRD Office**

Committee Members Present: Ryan Birkett, Larry Barta, Jason Pohlmann, Rodney Skleba, Doug Stokebrand, Chad Weichel

Others Present: Scott Sobotka, Tyler Weishahn, Nick Schroeder, Ryan Thomas

Chairman: Doug Stokebrand

Vice-Chairman: Chad Weichel

#### **Minutes from last meeting**

Nick reviewed the minutes from the previous water committee meeting on February 7, 2023.

#### **Commingled Well Permit**

Staff and Committee reviewed the rules for a commingled well permit that is less than 50 gallons per minute. Discussion was held regarding the livestock facility wells northeast of Beatrice.

#### **Nitrate Concentrations & Trends**

Nick presented the District's 2022 nitrate sampling data. Nick presented maps and graphs of both district-wide concentrations as well as concentrations from the Sixty-square-mile Phase Two Quality Area northwest of Beatrice. Staff recommended setting up a nitrate sampling network that mirrors the geology across the District. With Olsson's working on geological sub-areas and the AEM flights that are taking place this summer, Staff discussed using the data from those two sources as a way to set up a network to sample.

#### **Phase II Certification Meetings**

Ryan reviewed the Phase Two Certification Meeting Agenda. Ryan discussed that the NRD will be presenting a review on the rules and regulations as well as presenting the maps and trends. The Committee discussed other possible management options. The Committee reviewed Longitude 103. Longitude 103 is developing a producer portal that allows producers within participating Natural Resources Districts to access information specific to that producer. The Committee discussed organizing a Phase Two Area stakeholder group to review rules and regulations.

#### **Quantity**

Scott stated that Olsson's continues to work on geological subareas for the District.