



LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581
P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

SPECIAL BOARD OF DIRECTORS' MEETING March 24, 2021

The Board of Directors of the Lower Platte South Natural Resources District met virtually via video / teleconference on Wednesday, March 24, 2021 at 5:30 p.m. Directors participating were Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum. Eagan called the meeting to order at 5:32 p.m.

Eagan welcomed those in attendance, and the pledge of allegiance was recited. She noted that the public meetings law is posted on the NRD Website. She requested all cell phones be put on silent mode. She reminded everyone a recording of the meeting will be on the NRD website. Eagan requested anyone wishing to speak on an agenda item to give their name and which agenda item they wished to speak on. An opportunity for public present to speak to non-agenda items was given. No one wished to speak on non-agenda items.

ITEM 1. ROLL CALL OF DIRECTORS.

Eighteen Directors were present upon roll call. Spangler arrived after roll call.

ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING.

Eagan reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on March 19, 2021.

ITEM 3. ADOPT AGENDA

It was moved by Barrett and seconded by Andersen to adopt the Revised Agenda. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Nolte

ITEM 4. REPORT OF THE WATER RESOURCES SUBCOMMITTEE.

Ruth stated that the Water Resources Subcommittee did not meet prior to the Special Board Meeting.

Ruth stated that the LRE Water Review states the following Recommendation 1:

Complete a more detailed sensitivity analyses (sic) on the following:

- a. Scale of hydraulic conductivity in model layers 1 and 3 (low permeability layers); and
- b. Horizontal / vertical hydraulic conductivity ratio (kh/kv) in all layers.

Paul Zillig, LPSNRD General Manager, Dave Hume with LRE Water and Jim Schneider with Olsson addressed the Board and answered questions.

It was moved by Ruth and seconded by Landis that the Board of Directors approve that accordingly, it is necessary and desirable that the Monolith Application submit a more detailed sensitivity analysis as recommended in LRE Water Review Recommendation 1. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Nolte

Ruth stated that LRE Water states the following Conclusion 7:

It is our opinion that the physical structure of the CPA aquifer within the model extent is reasonably adequate for model simulations to achieve the desired objectives if the assumption of little to no interaction with bedrock aquifers can be strengthened. If the recommended gradient analysis shows the likelihood of a gradient reversal from downward to upward, further analysis or monitoring is recommended.

He further stated that LRE Water Recommendation 4. states:

Better characterize the gradient (i.e., flow direction) between the bedrock units and the CPA aquifer in the area if bedrock well water level measurements exist.

Paul Zillig, General Manager, Jim Schneider with Olsson and Amy Ostermeyer with Monolith addressed the Board and answered questions.

It was moved by Ruth and seconded by Yoakum that the Board of Directors approve that accordingly, it is necessary and desirable that the Monolith Application include (1) further gradient analysis of interaction of the CPA aquifer in the area with bedrock aquifers to support its assumption of little or no interaction with bedrock aquifers, (2) the likelihood of gradient reversal to upward flow direction if the further analysis shows downward gradient or little to no interaction. If bedrock well water level measurements do not exist, then identify the basis for any assumption that the gradient is downward or that there is little to no interaction of the CPA aquifer in the area with bedrock aquifers. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Nolte

Ruth stated that LRE Water states the following Recommendation 5:

LRE (LRE Water) recommends that a groundwater monitoring plan be developed and implemented before the Monolith Well begins operating.

Paul Zillig, General Manager, Dave Hume with LRE Water, Jim Schneider with Olsson and Amy Ostermeyer with Monolith addressed the Board and answered questions.

It was moved by Ruth and seconded by Andersen that the Board of Directors approve that accordingly, it is necessary and desirable that the Monolith Application include details of any groundwater monitoring plan Monolith intends to develop and implement to address future potential changes in groundwater quality and quantity at the Site and surrounding area. Further, that such details are responsive to changes in groundwater quality (as observed in points 1 – 3) of the recommendation. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Nolte

Ruth stated that LRE Water states the following Recommendation 6:

Identify and document details (i.e., owner, location, depth, pump setting, static water levels) on all private and public supply wells within 1 ½ miles of the Site, and provide a well interference contingency plan in the event that any issues should occur to these wells as a result of the Monolith Well pumping.

Paul Zillig, General Manager, Amy Ostermeyer with Monolith, Dave Hume with LRE Water, Jim Schneider with Olsson and Dick Ehrman, LPSNRD Water Resources Specialist answered questions and addressed the Board.

It was moved by Ruth and seconded by Yoakum that the Board of Directors approve that accordingly, it is necessary and desirable that the Monolith Application include details of wells and a well interference plan as provided in Recommendation 6.

It was moved by B. Johnson and seconded by Hellerich to amend the motion by adding “(the area to be considered will be increased from 1.5 miles to 3.0 miles from the site).” to the end of the motion. The motion was approved.

AYE: Andersen, Barrett, Eagan, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz and Seacrest

Not Voting: Green

NAY: Aldridge, Spangler, Stevens, Vogel and Yoakum

NOT PRESENT: Jacobson and Nolte

The amended motion that the Board of Directors approve that accordingly, it is necessary and desirable that the Monolith Application include details of wells and a well interference plan as provided in Recommendation 6 (the area to be considered will be increased from 1.5 miles to 3.0 miles from the site) was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Schutz, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Nolte

Ruth stated that the Monolith Hydrologic Analysis Report notes in various places the use of historical climate data over the past years as part of determining estimates of groundwater recharge and groundwater withdrawals. Ruth. Examples would be development of the LPMT Model and the creation of a 50-year future scenario using the LPMT (a regional model first mentioned at ES-1), the Monolith groundwater model (a subregional model first mentioned at ES-2), and perhaps various other models mentioned on page 11. Future climate may be relevant to potential short or long-term effect to the CPA aquifer by Monolith drawdown under the permit. Additionally, future climate may be relevant to the drawdown effect on a nearby well with a higher preference of use.

Paul Zillig, General Manager, Dave Hume with LRE Water, Jim Schneider with Olsson, Amy Ostermeyer with Monolith, Brian Dunnigan with Olsson and Steve Seglin, LPSNRD Legal Counsel addressed the Board and answered questions.

It was moved by Ruth and seconded by Landis that the Board of Directors approve that accordingly, it is necessary and desirable that Monolith provide additional information on (1) the use of future climate in the Monolith Hydrogeologic Analysis, and (2) the general effect of future climate on the CPA aquifer and on the drawdown effect on a nearby well with a higher preference of use over the 50-year period of its future scenario. Specifically, that such additional information includes the impact of global climate change on future rainfall consistent with the analysis used by Olsson in the Salt Creek Floodplain Resiliency Study as reported in Section 5 of the Study Report of August 15, 2020.

It was moved by Vogel and seconded by Andersen to amend the motion by putting a period behind "aquifer" in the third line and delete everything after that starting with "and on the drawdown . . ." The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Jacobson, Nolte and Schutz

The amended motion that the Board of Directors approve that accordingly, it is necessary and desirable that Monolith provide additional information on (1) the use of future climate in the Monolith Hydrogeologic Analysis, and (2) the general effect of future climate on the CPA aquifer was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Seacrest, Stevens, Vogel and Yoakum

NAY: Aldridge and Spangler

NOT PRESENT: Jacobson, Nolte and Schutz

Ruth stated that the Monolith Hydrologic Analysis Report states that "it is generally understood that significant aquifer drawdowns resulting from a newly proposed water use could be detrimental to the aquifer as this could impact.... the total dissolved solids (TDS) within the Groundwater Reservoir due to upwelling of underlying water with higher TDS." (p. 53). The Monolith Report also states: "While declines of up to 8.5 feet can be anticipated in the immediate vicinity of the Monolith well, impacts of this extent will be localized and are generally less than 1-2 feet over most of the aquifer." (p. 57)

Paul Zillig, General Manager, Amy Ostermeyer with Monolith and Jim Schneider with Olsson addressed the Board and answered questions.

It was moved by Ruth and seconded by Barrett that the Board of Directors approve that accordingly, it is necessary and desirable that Monolith provide additional information on the potential for upwelling in the immediate vicinity (as that term is used on p. 57) of the Monolith well over the 50-year period of its future scenario. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson, Nolte and Schutz

ITEM 5. REPORT OF THE EXECUTIVE SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS:

Chair Eagan stated that the Executive Subcommittee met at noon on Wednesday, March 24, 2021. She reported that the authority of the Chair to determine regular Board Meeting dates, times and locations expires on March 31, 2021.

Eagan moved the Executive Subcommittee's recommendation that the Board of Directors authorize the Board Chair to determine regular Board Meeting dates, time and locations through December 31, 2021. The motion was approved.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: Aldridge

NOT PRESENT: Jacobson, Nolte and Schutz

There being no other business, the meeting was adjourned at 8:23 p.m. The undersigned, the duly elected and acting Secretary of the Lower Platte South Natural Resources District (the "District"), hereby certifies that the foregoing is a true and correct copy of the minutes of the Special Meeting of the Board of Directors of the District held on March 24, 2021, that all of the matters and subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the above minutes were in written form and available for public inspection within ten working days or prior to the next convened meeting, whichever occurred earlier; and, that reasonable efforts were made to provide all news media requesting notification of the meeting and of the time and place of said meeting and the subjects to be discussed at said meeting.

Chelsea Johnson, Secretary

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