

Memorandum

To: Programs, Projects, and Operations Subcommittee
From: Amanda Grint, Assistant General Manager
Date: March 6, 2024
Re: Amendment to the Second Amended Agreement for the Lower Platte River Phragmites Management Program

The District entered an Interlocal Agreement with Lower Platte South NRD and Lower Platte North NRD to fund the Lower Platte River Phragmites Management Project in September of 2009. Subsequent amendments to the agreement were executed in 2014 and 2016. The amended agreement sets the annual cost share from each NRD at \$30,000, providing an annual funding of \$90,000 to complete the work needed under the agreement. This work includes ground and aerial survey to best identify areas of phragmites and other invasive vegetation and aerial spraying of herbicide on target areas by helicopter.

This program has been effective and works in conjunction with the Lower Platte Weed Management Area Association (LPWMA) to reduce areas of phragmites in the Lower Platte. At the same time, the annual spraying has also helped control other noxious weeds and some invasive woody vegetation. This overgrowth of vegetation in river channels has adverse effects on habitat, river flows, and recreational use as well as causing obstructions for flood flows and ice break up.

The District maintains this fund while coordinating with the LPWMA to utilize state grant funds before the interlocal funds are expended. This amendment to the Interlocal Agreement, attached, revises the agreement to allow the use of Unmanned Aerial Systems (UAS) or drones to spray additional areas where the helicopter is not suited. The District will keep a selected qualified bidders list to have competitive bids and qualified bidders ready for the 2024 season.

Management recommends that the Subcommittee recommend to the Board that the General Manager be authorized to execute the Amendment to the Second Amended Interlocal Agreement with Lower Platte South NRD and Lower Platte North NRD for the Lower Platte River Phragmites Management Program, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

**AMENDMENT TO THE SECOND AMENDED INTERLOCAL COOPERATION ACT
AGREEMENT**

LOWER PLATTE RIVER PHRAGMITES MANAGEMENT PROGRAM

THIS AMENDMENT (hereinafter referred to as "this **AMENDMENT**") is entered into by and between the **LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT**, the **LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT**, and the **PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT** (referred collectively as the "CONTRACTING NRDS") the pursuant to the authority provided in the Nebraska Interlocal Cooperation Act (§§13-801, R.R.S., 1943, et seq.)

RECITALS:

WHEREAS the CONTRACTING NRDS entered into an Interlocal Cooperation Act that was executed in September and October of 2009 by the CONTRACTING NRDS which outlined the various tasks and obligations of the CONTRACTING NRDS in order to implement a Phragmites Management Program on the Lower Platte River;

WHEREAS the CONTRACTING NRDS entered into an Amended Agreement that was executed in July of 2014 which outlined changes to the various tasks and obligations of the CONTRACTING NRDS in order to implement a Phragmites Management Program on the Lower Platte River;

WHEREAS, the CONTRACTING NRDS entered into a Second Amended Agreement that was executed in 2016 which clarified the process of how contracts were to be awarded and increased cost-sharing contributions among the CONTRACTING NRDS, among other things, for the Phragmites Management Program on the Lower Platte River; and

WHEREAS, the CONTRACTING NRDS desire to amend the Second Amended Agreement to incorporate the utilization of technology for the application of herbicide meeting the criteria set forth in the Second Amended Agreement through this AMENDMENT.

NOW THEREFORE, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the CONTRACTING NRDS agree to amend the Second Amended Agreement as follows:

1) The paragraph (c) under Program Plan titled **AERIAL APPLICATION AND MECHANICAL REMOVAL** shall be deleted in its entirety and replaced with the following:

(C)Aerial Application and Mechanical Removal: Upon receipt of such designations, and using written plans and specifications and other contract documents prepared by the P-MRNRD (collectively, the "**CONTRACT DOCUMENTS**"), the P-MRNRD shall i) advertise for sealed bids for a contractor (the "**PROGRAM APPLICATOR**") to provide helicopter application and/or Unmanned Aerial Systems (UAS) application (the "**AERIAL APPLICATION**") of the herbicide designated by the trade name of "Habitat" upon TARGET VEGETATION on lands in the FLOOD CHANNELS within the respective AFFECTED COUNTIES that CONTRACTING NRDS have approved for the AERIAL APPLICATION or ii) advertise for sealed bids for a contractor (the "PROGRAM MECHANICAL CONTRACTOR") to provide mechanical removal of TARGET VEGETATION in the FLOOD CHANNELS within the AFFECTED COUNTIES that CONTRACTING NRDS have approved for mechanical clearing.

Except as modified by this AMENDMENT, the Second Amended Agreement is ratified and confirmed in all respects.

[SIGNATURE PAGE TO FOLLOW]

THIS AMENDMENT is executed by the Lower Platte North Natural Resources District on this ____ day of _____, 2024 pursuant to resolution duly adopted by its Board of Directors.

**LOWER PLATTE NORTH NATURAL
RESOURCES DISTRICT**

By _____
General Manager

THIS AMENDMENT is executed by the Lower Platte South Natural Resources District on this ____ day of _____, 2024 pursuant to resolution duly adopted by its Board of Directors.

**LOWER PLATTE SOUTH NATURAL
RESOURCES DISTRICT**

By _____
General Manager

THIS AMENDMENT is executed by the Papio-Missouri River Natural Resources District on this ____ day of _____, 2024 pursuant to resolution duly adopted by its Board of Directors.

**PAPIO-MISSOURI RIVER NATURAL
RESOURCES DISTRICT**

By _____
General Manager