

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: April 12, 2011

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities for the month of March, 2011, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS:**
1. We have been notified that the District has been designated as one of the "Safest Companies in the Greater Omaha Area!" A copy of the letter is attached. The District will be recognized with the Award of Honor – Gold category at the Greater Omaha Chapter, National Safety Council Awards Luncheon on May 19, 2011. All P-MRNRD employees are to be commended for this honor. **I would like to acknowledge the work of our Safety Coordinator, Jean Tait, and the members of the P-MRNRD Safety Committee: Mike Bickley, Gerry Bowen, Heather Guthridge, JoLene Kohout, Marty Thiemann and Ryan Trapp.**
 2. **Ralph Puls**, Land and Water Programs Coordinator, has informed me that he plans on retiring from his position May-June, 2011. Ralph started with the Douglas County Soil and Water Conservation Board in 1970 and has worked for the Papio NRD since its inception in 1972. He will be missed by all. The District is in the process of finding a replacement.
 3. **Marty Nissen**, Drafter, has taken on the responsibility of NRC Building Manager as of February 28, 2011. Marty is currently in the process of initiating a Building Management Plan (BMP) for the NRC and is looking for input from all employees to identify maintenance issues.
- C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, AND PERSONAL PROPERTY:** Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of March, 2011. Please review this report and contact me if you have any questions.
- D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of March 11, 2011. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** The March, 2011 Papillion Creek Watershed Partnership Monthly Update is attached for your review. The next Partnership meeting will be held on April 28, 2011, at 10:00 a.m. at the NRC.
- F. **LEGISLATIVE REPORT:**
1. NARD Legislative Report:
 - March 11, 2011
 - March 18, 2011
 - March 25, 2011
 - April 1, 2011
 - April 8, 2011
- G. **P-MRNRD STRATEGIC PLANNING SESSION:** I am currently looking at May 14th or 21st for the Directors' Strategic Planning Session. I will let Directors/staff know the date as soon as it is available.
- H. **NEWS CLIPS:**
- ✓ March 9, 2011, Omaha World Herald editorial – Corn, water, conservation
 - ✓ March 14, 2011, Omaha World Herald editorial – Lawmakers, flood control
 - ✓ March 16, 2011, Omaha World Herald article – Corps' work makes levees on Missouri flood-ready
 - ✓ March 22, 2011, Omaha World Herald editorial – Potpourri of Issues – U.S. Army Corps of Engineers levees
 - ✓ March 28, 2011, Lincoln Journal Star article – Sandbar study to help nesting plovers and terns
 - ✓ March 30, 2011, Omaha World Herald article – Compromise drafted on water funds
 - ✓ March 31, 2011, Omaha World Herald editorial – Compromise and politics
 - ✓ March 31, 2011, Omaha World Herald article – Twin Platte NRD aided by high flows
 - ✓ April 5, 2011, Omaha World Herald article – Court decision reopens Republican River fight
 - ✓ April 6, 2011, Omaha World Herald Robert Nelson Column – Spending debate
 - ✓ April 8, 2011, Omaha World Herald article – Neb. Closer to owning beloved land

March, 2011 Information/Education Report

Information

- Continued working on updated Chalco Exhibit
- Continued work on 2011 Public Service campaign
- Updated pages on web site
- Began work on Spring Spectrum
- Ordered flash drives of flood comparison
- Scheduled NRD involvement in Omaha Health Expo at Quest Center
- Began work on I&E FY 12 budget
- Placed NRD ad in Discover Sarpy County publication

Education

- Continued working on GO! Play Adventure 3
- Continued planning for Water Works 2011—mailings, presenter packets, meetings
- Continued planning for spring/summer programming
- Continued registration for Summer 2011 NRD day camps—teacher help coordination
- NRD ads placed in Family Spectrum Magazine
- Continued working on Earth Partnership Training to be held June 2011 at NRC
- Continued Earth Day Omaha Children's Tent planning and contacts
- Delivered cookies to school partners for Teacher Appreciation Day
- Envirothon: held 2 competition times for Metro Regional including 18 teams from 9 schools
 - Hosted, scored, facilitated, and sent results to NARD
- Education E-newsletter:
 - March edition sent
 - April and May editions drafted and finalized
- School programs:
 - Crestridge Nature Club K-2nd = garden bugs = 40 students
 - Springridge Nature Club = animal adaptations = 15 students
 - Crestridge Nature Club 3rd-6th = plants = 29 students
 - Druid Hill Elementary 2nd grade = owls/pellets = 57 students
 - Benson West Elementary 4th grade = owls/pellets = 68 students
 - Millard South High School = owls/pellets = 10 students
 - Blumfield Elementary Green Club = owls/pellets = 15 students
 - Council Bluffs Library = garden bugs = 40 children
 - Earth Wellness Festival = nature shapes = 220 students/2 days
 - Morton Elementary Nature Club k-2nd = animal tracks = 37 students
 - Benson West Elementary 1st grade = animal adaptations = 60 students
- MORE Nature meeting attendance
- Provided Enviroscape + materials for facilitation of Boyscout program
- Attended Children & Nature Research Webinar
- Facilitated Growing Up WILD and Project Learning Tree: Early Experiences curriculum workshop for 26 formal and non-formal educators
- Earth Day Omaha Children's Tent meeting with Kate Turner
- Picotte Elementary Nature Night = approx. 250 in attendance
- Started planning for Week of the Young Child
- Participated in grant committee approving process for OAEYC
- Participated in I&E meeting conference call
- Attended Fontenelle Nature Association Board Meeting
- Met with Ott Middle School (Blair) on available programming
- Participated in Envirothon conference call
- Assisted MPS with grants to fund outdoor classrooms
- Prepared Earth Day school packets
- Coordinated with Bellevue Medical Center on Wellness Festival—trail brochures/NRD information



APR -7 2011

Greater Omaha Chapter

April 5, 2011

Jean Tait
Safety Director
Papio-Missouri River NRD
8901 S 154 Street
Omaha, NE 68138

Dear Jean,

Congratulations! Your company is one of the "Safest Companies in the Greater Omaha Area!" Your award category is Award of Honor Gold. This is based on your application in the National Safety Council Greater Omaha Chapter's awards program and the comprehensive review completed by our "Safest Companies Award Committee."

Your company will be recognized May 19, 2011, at the Chapter's Annual Awards Luncheon, during the Safety and Health Summit at the Qwest Center Omaha.

We invite your representative to be our guest at the luncheon and be seated with the other award winners. Frequently friends and safety teams who have shared in the success also want to attend. The attached invitation provides a great opportunity for reservations. Thirty-five dollars (\$35) of each ticket is tax deductible as we are a 501(c)(3) non-profit organization.

During the Awards Luncheon, a video tribute will feature award winners. Community champions will also be honored. Our focus at the luncheon this year is on Heroes. Dan Holdridge will share his experience as a 9/11 Pentagon survivor with "Weapons of Mass Appreciation – You Don't Have to Live through a Terrorist Attack to Learn from One."

You will have a fun and enjoyable experience at the luncheon. Almost a thousand people usually attend this event.

Please make a calendar note for your representative to arrive no later than 11:30 a.m. Members of the awards committee will help you find your place and your award.

11620 M Circle • Omaha, NE 68137-2231 • (402) 896-0454 • Fax (402) 896-6331 • www.SafeNebraska.org

A private, not for profit 501(c)(3), nongovernmental, community-based service organization

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It is especially urgent that you complete the enclosed form and return it with requested information and attachments by April 18.

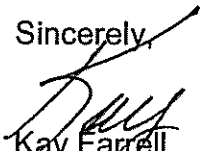
In addition to Awards Luncheon recognition, you will be recognized in the Midlands Business Journal and at www.SafeNebraska.org. You will also receive a media template by e-mail that you can use for an announcement in your community and/or your in-house publication. An awards icon will also be available for use on your printed materials and your website.


Greater Omaha Safest Companies clings will be mailed to you later.

More information about Safety and Health Summit can be found at www.safetyandhealthsummit.com.

Thank you for responding to your nomination, and for your dedication and commitment to safety within your organization. We are enthusiastically looking forward to your participation on May 19, 2011. Please contact Donna Crouse at the Council (402-898-7350) if you have any questions.

Sincerely,


Kay Farrell
President/CEO


Crystal Anderson, Chairman
Occupational Safety and Health
Awards Committee

Enc. Awards form, work sheet,

cc: John Winkler, GM

Updated: March 11, 2011

Current and On-Going Projects P-MRNRD Legal Counsel

★ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
- **Big Papio:** (Cleveland)
- **West Branch:** (Cleveland)
 - Land Exchange with Sarpy Co. (96th St.) (W)
- **Western Sarpy Dike:** (Cleveland)
 - Saunders County side ROW agreement and easements (F)
- **Floodway Purchase Program:** (Laster)
 - ★ Prepare Purchase agreement and closing document for King Lake – Osborne property (W)
- **Trail Projects:** (Bowen)
 - Mopac (Hwy 50 to Chalco) – prepare purchase agreements and row documents (W)
- **Missouri River Corridor Project:** (Becic)
 - Interlocal Agreement w/Omaha on Omaha Levee and Floodwall (W)
- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Puls/Cleveland)
 - Pigeon/Jones Site 15 Purchase Agreements (W)
 - Papio W-3 Eminent Domain (Camden) (W)

- **Papio Watershed Dam Sites:** (Grint/Laster/Petermann)
 - Interlocal agreement with City of Omaha for DS 15 A (F)
 - ✱ Review contract amendment with HDR for Dam site 15A (N)
 - ✱ Zorinsky Basin #1 – purchase agreements, deeds and/or easements (N)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites:** (Sklenar)
- **Other:**
 - Radio system service agreement (Cleveland) (W)
 - ✱ Heron Haven Section 206 ROW easements and purchase agreements (Becic) (W)
 - ✱ Cinnamon Acres Easement (Bowen) (W)
 - Prepare Kobs purchase agreement for Glacier Creek (Grint) (N)
 - ✱ Ice jam monitoring/Omaha Helicopter Service agreement (Petermann) (N)

MONTHLY UPDATE

March 2011



A Partnership meeting was held on March 24, 2011. Minutes are updated regularly on the Partnership's website: www.papiopartnership.org.

Enforcement in Extra Territorial Jurisdiction

Blayne Renner from Nebraska Department of Environmental Quality addressed the Partnership regarding illicit discharges and community enforcement in extra territorial jurisdictions. In March an inspector with NDEQ noticed a white, milky discharge into a creek. The inspector notified Blayne, who then notified both the county and the city near the discharge. Neither the city nor the county took action, believing it was the responsibility of the other jurisdiction. NDEQ wishes to avoid this problem in the future. Because the Douglas/Sarpy County areas are the only areas in Nebraska that have this issue, they have asked the Partnership to agree to a solution to present to NDEQ. Omaha has addressed issues such as this in the past and say it is difficult to address. The NPDES permit is written in such a way that only allows for enforcement to city limits. However, Omaha has zoning authority in their ETJ, therefore Douglas County can't enforce the regulations within another city's ETJ. However, the City of La Vista stated that their police force can't act outside city limits, therefore if illegal activity is occurring within the ETJ, they have no authority to stop it. The Partnership will work together to draft an agreement to ensure that issues will not arise in the future.

MS4 Annual Report for NPDES Permit

The 2010 annual reports are due April 1st for MS4 communities. The templates were emailed to all Partnership members to complete the report. This is the first report due under the new Stormwater Management Plan that was approved by NDEQ in October 2009. At this time NDEQ doesn't have a way to accept electronic submittals. NDEQ is looking at ways to electronically manage submittals in the future.

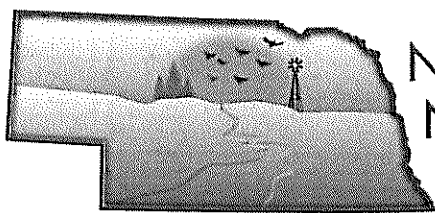
Other Items of Interest

- EPA along with FEMA and USACE is working on a guidance document addressing low impact development and floodplain management. Lisa Haire, EPA, found the Partnership website and is interested in talking with the Partners about the development of our low impact development ordinances. Ms. Haire will be attending a conference in Nebraska in June and would like the opportunity to meet with the Partners. More information will be sent out when the meeting date is set.
- Last year the Partnership was unsuccessful in the attempt to get grant funding from EPA for a Natural Resources Inventory. NRD staff will be talking with EPA about possible other grant funds that would be available to fund the project.
- Sarpy County will present new regulations to their Planning Commission requiring all new storm drains be marked with "no dumping" markers.
- City of Omaha is holding a stakeholder meeting March 24 for the update of their Stormwater Design Manual.
- Jim Kee provided an update on the CBI MS4 Web software. CBI will now be hosting the software and it should be available for use by the Partners soon. A training webinar will be scheduled.

Next Meeting:

The next Partnership meeting will be April 28, 2011 at 10 am at the NRC building.





Nebraska's Natural Resources Districts

www.nrdnet.org

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Lincoln, NE 68508

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(402) 471-7670

Protecting Lives • Protecting Property • Protecting the Future

March 11, 2011

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 11 NARD Update

NARD Officers Elected – Mary Ann Wortmann, Lewis & Clark NRD board member, was re-elected on Monday as President of the Nebraska Association of Resources Districts Board. Joe Anderjaska, Middle Republican NRD board member, was re-elected to serve another term as Vice-President. Terry Martin, Upper Republican NRD board member, was re-elected as Secretary-Treasurer. All three officers were also re-elected to serve in the same capacity as officers for the Nebraska Association of Resources Districts Intergovernmental Risk Pool, which oversees the health, dental and life insurance programs for NRD employees. Over the last three years, the NARD Risk Pool board has kept insurance rate increases below 5% each year, providing savings to the employees, NRDs and taxpayers.

NARD Washington DC Conference – Representatives of Nebraska's NRDs will be participating in the annual NARD Washington DC Conference next week to discuss natural resources management issues with federal agencies and the Nebraska Delegation. The conference will focus on budget cuts, conservation programs, agriculture issues, building and rehabilitating flood control structures.

15 Years Ahead of Schedule -- In a recent report to the NRD's board of directors, Ron Bishop, general manager, announced that the Water Banking Program's goal to reach 1997 levels is now 15 years ahead of schedule in the over appropriated area. The total amount of water needed to reach the 1997 level is 3,400 acre/feet back to the Platte River. The NRD and Department of Natural Resources agreed to a schedule to provide accretions back to the river in the joint Integrated Management Plan. The NRD now has 3,000 of the required 3,400 ac/ft of water needed to return to 1997 levels and Bishop said he was confident that the NRD "would reach the 3,400 requirement by the end of the calendar year."

Even after returning to the 1997 levels, the area west of Elm Creek must get levels from "over-appropriated" to "fully appropriated" which will require additional water. Bishop told the board of directors at the February board meeting that there are opportunities to purchase water in the over-appropriated area but that the NRD would need to borrow more money to do so. To ensure that the NRD is able to purchase water rights when available, the board approved a motion to allow Bishop to make an application for a line of credit up to \$4 million.

Priority Bills

Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund – Previously advanced to General File by the Natural Resources Committee with Committee Amendment (AM 281), **LB 229** has become Senator Larson's priority bill for this session. The bill would expand the uses of the Water Resources Cash Fund to include studies and approve grants to facilitate compliance with the Nebraska Ground Water Management and Protection Act. Currently the fund is limited to river basins that are fully or over-appropriated, basins bound by compacts, decree or agreements. The bill also transfers \$7 million per year from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund for fiscal years beginning on July 1, 2011, and every July 1 thereafter through July 1, 2021.

The Committee Amendment (AM 281) eliminates existing language that authorizes the Legislature to transfer from the Water Resources Cash Fund to the General Fund. The amendment also clarifies that funds can be used to reduce consumptive use or to enhance stream flows rather than both.

Create the Nebraska Youth Conservation Program and provide duties for the Game and Parks Commission – Senator Langemeier has declared **LB 549** his priority bill for this session. The bill proposes to create the Nebraska Youth Conservation Program to be administered and maintained by the Nebraska Game and Parks Commission. The program would employ Nebraska's at-risk youth on projects which contribute to conserving or developing natural resources and enhancing and maintaining environmentally important land and water under the jurisdiction of the Game and Parks Commission. The program proposes to combine academic, environmental and job skills training with personal growth opportunities for the participants.

Participants would be at-risk youth who are (a) 16 years of age or older and younger than 21 years of age, (b) unemployed, and (c) residents of Nebraska. An at-risk youth would be defined as one who has been impacted directly by substance abuse or physical abuse, has had negative contact with law enforcement, or is not experiencing success in school and is in jeopardy of dropping out. Participants would be paid not less than minimum wage.

The bill would create the Nebraska Youth Conservation Program Fund which would consist of appropriations by the Legislature and any gifts, grants, bequests, and other contributions to the fund. The bill would also transfer \$994,400 from the State Settlement Cash Fund to the Nebraska Youth Conservation Program Fund to start the program.

Create Water Resources Revolving Loan Fund Act – The Natural Resources Committee has selected **LB 595** as its priority bill for this session. Developing a financing system for water projects, the bill would create the Water Resources Revolving Loan Fund to provide low interest loans to natural resources districts or any joint entity with a joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of its member natural resources districts for the purposes of developing and protecting water resources in the state. The Natural Resources Commission would have oversight over the program and an administrative fee would be allowed to pay for operational costs of the program.

Several groups testified in support of the bill, including the Nebraska Water Coalition. However, the NWC requested that irrigation and public power districts be included as eligible entities for the grant program. The Nebraska Sierra Club testified in a neutral capacity, stating that they would not oppose the bill as long as Nebraska Environmental Trust Funds are not used for the program

The initial funding source for the program would come from one-half of the repayment of the loan provided by the State of Nebraska to the natural resources districts in the Republican River Basin for water leased in 2007. The other half of the loan would go into the Cash Reserve Fund.

To view a complete listing of all priority bills for this session, visit the Nebraska Legislature Website at <http://nebraskalegislature.gov/session/priority.php>.

Hearing Summaries this Week

LB 653 -- Provide for inter-basin transfers during times of flooding as prescribed.

Christensen. The bill would allow an inter-basin transfer without a permit from the Department of Natural Resources in times of flooding. The transfer could occur once the NRD Board and an irrigation district board in the transferring basin agrees with the NRD Board and irrigation district in the receiving basin. The transfer would have to mitigate public and private property damage when the river draining such river basin is at or above flood stage.

The agreement would also have to be established in writing prior to the occurrence of such transfer, shall specify that the river basin of destination shall be second in time and second in right to all internal water resources projects within the basin of origin, and shall include, but need not be limited to, any prearranged purchase price of water, where such inter-basin transfers can take place, under what conditions such inter-basin transfers can take place, and requirements to notify the Department of Natural Resources, and any affected rural water districts, public power and irrigation districts or other special purpose districts in the basin of origin and the river basin of destination.

The bill was supported by the Lower Republican NRD, Nebraskan's First (a groundwater irrigation group) and the Upper Republican NRD as a way to increase water availability in the Republican River Basin.

Opponents of the bill included Twin Platte NRD, Central Platte NRD, and the Nebraska Association of Resources Districts. The NRDs in the Platte Basin are working with irrigation districts and the Nebraska Department of Water Resources to implement some plans to divert high flows early (prior to regular diversion schedules) into irrigation canals for groundwater recharge which would later return to the river.

The plan could provide several benefits. The idea is to allow irrigation districts in the Nebraska Panhandle and, possibly, Central Nebraska Public Power and Irrigation District to make the diversions early in 2011. The concern is that all of the North Platte Basin reservoirs are nearly full, leaving little storage space for the expected above-normal snowmelt in the North Platte and South Platte headwaters in Colorado and Wyoming.

The proposal is to address the Platte River Recovery Program and Platte Basin Habitat Enhancement Program. In 2006, Governor Heineman entered Nebraska into the Three-State Platte River Recovery Program (joining Colorado and Wyoming) to provide continued federal licensing for the Central Nebraska Public Power & Irrigation District hydropower and irrigation operations. No committee action on the bill has been reported.

LB 328 - Provide for amendment of hydropower appropriations as prescribed. Fischer, Langemeier. The bill authorizes an appropriator to apply to the Director of Natural Resources to amend an appropriation of water for any hydropower plant located within the channel of a river in

the State of Nebraska to provide that, in addition to the use of water for hydropower generation purposes, the appropriation may also recognize benefits for fish, wildlife, and recreational purposes.

In her opening statement, Senator Fischer stated that she wants to study the issue during the interim and asked to hold the bill until several issues are addressed. Those testifying on the bill outlined the concerns she also raised. Don Blankenau presented testimony in a neutral capacity for the Middle Niobrara NRD, Lower Niobrara NRD and the Nebraska Association of Resources Districts. He outlined the bill as written would change a existing water right to a new water right subject to calls on the river 100% of the time. That would cause other existing water right holders to be junior to a new right without due process.

The Nebraska Game and Parks Commission also testified in a neutral capacity, outlining concerns that public power districts could get the new instream flow right and then convert it to another use later. No committee action on the bill has been reported.

LB 645 - Require inclusion of established surface water use and established groundwater use in certain agreements between NRDs and DNR. Christensen. The bill requires that when districts have included the regulation of surface water in an integrated management plan to comply with a compact, agreement, or decree, it shall include established surface water and groundwater use as determined by the DNR for determining the baseline equitable apportionment of virgin water supply among natural resources districts within such basin.

The bill was supported by the Lower Republican NRD, Middle Republican NRD, and the surface water irrigation districts in the basin in an effort to shift the responsibility of reducing water use to the Upper Republican NRD. The bill was opposed by the Upper Republican NRD.

Currently, the allocation of allowable depletions from groundwater use is 44% of the Upper Republican NRD, 30% for the Middle Republican NRD, and 26% for the Lower Republican NRD. The surface water districts are not restricted in amount of diversion by the Integrated Management Plans (IMPs). Rather they are allowed to take their full allocations from the stream when available.

The depletion allocations have been placed in all approved IMPs since they were initially developed 2004. The reason for the depletion amounts specifically included in the plans is so each district knows what they have to address in their respective plans and protects the water users in each NRD so they are not responsible for the use in another district. For example, the allocation protects the Lower Republican NRD from making up depletions in the Upper Republican NRD. In turn, the Upper Republican NRD water users are held harmless from the new wells that were drilled in the Lower Republican NRD after the settlement agreement was reached in 2003. The Upper Republican NRD has not allowed new irrigation wells since 1997.

According to Brad Edgerton, the manager of the Frenchman Cambridge Irrigation District, the proposal would shift the burden of compliance from east to west. According to his testimony, the proposal would change the allocation to 31% for the Upper Republican NRD (a 30% decrease in allowable use), 36% for the Middle Republican NRD (a 20% increase in allowable use) and 33% for the Lower Republican NRD (a 27% increase in allowable use). No committee action on the bill has been reported.

There are no hearings scheduled next week for bills being tracked by the Nebraska Association of Resources Districts as hearings on bills tracked by the NARD have been completed. The Legislature is scheduled to begin full day debate on March 22nd, day 49 of the 90-day working session.

Floor Action – Select File Debate

LB 27 – Change provisions relating to water appropriations for power generation. Senators advanced LB 27 this week to Final Reading which adds the requirement that water appropriations for power must also meet sub-section (1) of section 46-235 to be approved. That sub-section includes public welfare and public interest considerations, while also providing an appeal process for the applicant. The bill also changes the categories of wells subject to the lower registration fees from “less than 50 gallons per minute” to “50 gallons a minute or less” capacity. The bill was introduced by Senator Langemeier.

LB 31 – Change supplemental agricultural appropriation of water provisions. Senators advanced LB 31 this week to Final Reading which eliminates a procedure for a surface water right holder to gain additional water right flows and allows the Department of Natural Resources to consider other existing factors in determining whether to grant a new permit. The original bill would have eliminated the ability to transfer the additional water right but this provision was eliminated with the adoption of the committee amendment (AM 206). The bill was introduced by Senator Langemeier.

LB 32 - Change dam and appropriation application approval provisions. Senators advanced LB 32 this week to Final Reading which eliminates the requirement that approval of all pending matters for an application for water appropriation and water storage under the Safety of Dams Act be issued simultaneously. This allows a project sponsor to determine if a water appropriation is available prior to going through the expense of finalizing the dam design. The bill was introduced by Senator Langemeier.

Governor Action

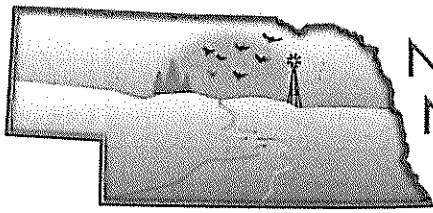
The governor signed the following bills into law on March 10, 2010.

- **LB 243 - Change membership on the Republican River Basin Water Sustainability Task Force.** The bill allows for an additional ex-officio, non-voting member from the Legislature to be appointed to the Republican River Basin Water Sustainability Task Force, increasing the membership of the Legislature from four to five members. Senator Carlson was the sponsor of the legislation.
- **LB 383 – Eliminate state aid to local government advances.** The bill to eliminates state aid to municipalities, counties and natural resources districts. Senator Abbie Cornett introduced LB 383 at the request of Governor Heineman.

NARD Bill Summary Tracking Sheet

Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
LB1	Revisor bill to repeal an obsolete statute relating to the Republican River	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1
LB2	Revisor bill to repeal obsolete statutes relating to the Water Policy Task Force, ground water conservation districts, and certain provisional permits	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1
LB27	Change appropriations for water power and water well registration fees	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading	
LB28	Change provisions relating to chemigation	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 49-0-0
LB29	Change provisions relating to the use of certain funds by the Department of Environmental Quality	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 47-0-2
LB30	Change the Environmental Protection Act relating to composting sites	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	ER 10 Adopted, Passed 49-0-0
LB31	Change supplemental agricultural appropriation of water provisions	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading	AM 206 Adopted
LB32	Change dam and appropriation application approval provisions	Langemeier		Support	Natural Resources	1/27/2011	Final Reading	
LB36	Change state aid to counties	Revenue		Monitor	Revenue	1/27/2011	Committee	
LB103	Change instream appropriation provisions	Schiltz		Oppose	Natural Resources	2/23/2011	Committee	
LB115	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Council		Monitor	Judiciary	2/3/2011	Committee	
LB118	Eliminate provisions relating to state aid to natural resources districts	Avery		Neutral with Position Statement	Revenue	1/28/2011	Committee	
LB119	Change provisions relating to state aid to incorporated municipalities	Avery		Monitor	Revenue	1/26/2011	Committee	
LB127	Change input into determinations and management plans for regulation of water	Avery		Oppose	Natural Resources	3/3/2011	Committee	
LB154	Change procedures for filling vacancies on natural resources district boards	Janssen		Monitor	Natural Resources	1/20/2011	Approved by the Governor 2/22/11	Passed 49-0-0
LB173	Prohibit natural resources district board members from running for or holding more than one office	Avery		Oppose	Government, Military and Veterans Affairs	2/2/2011	Committee	
LB224	Change provisions relating to recall of certain political subdivision officials	Avery		Monitor	Government, Military and Veterans Affairs	1/28/2011	Committee	
LB229	Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund	Fischer	Larson	Neutral with Position Statement	Natural Resources	1/19/2011	General File	AM 281 Filed
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LB374	Appropriate funds for state government expenses	Speaker Flood		Neutral with Position Statement	Appropriations	Ongoing	Committee	

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March 18, 2011

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 18 NARD Update

Ag Day on the Hill 2011 -- This week is National Ag Week (March 13-19) with National Ag Day on the Hill being celebrated in Washington DC on March 15th. Ross Jansen from Wisner was selected as the delegate to represent Nebraska for Ag Day on the Hill and was sponsored by the Nebraska Association of Resources Districts Foundation. The Ag Day on the Hill program allows a student from Nebraska to join with other students from across the country to learn more about policy, natural resources and agriculture. Nebraska's NRDs protect the future of natural resources by educating young people through programs such as Ag Day on the Hill and other programs that are sponsored by the NARD Foundation.

2011 NARD Washington DC Trip – Fifty three NARD members, representing 15 NRDs, were in Washington DC this week attending the annual NARD Washington DC Trip. After participating in the two-day session to learn more about issues of concern at the national level, the NARD members spent a day on the hill visiting Nebraska Representatives and Senators. The NRD delegation met personally with Nebraska Senators Ben Nelson and Mike Johanns, followed by meetings with Nebraska Congressmen Lee Terry, Jeff Fortenberry and Adrian Smith. Following is a brief summary of the sessions:

- **Kris Polly, Water Strategies LLC** – Mr. Polly presented on the four top western U.S. water issues today. 1) Proposed U.S. Bureau of Reclamation levee repair budget for FY 2012 is inadequate to address our country's aging infrastructure. 2) The National Committee on Levee Safety which is a threat to state and local budgets. 3) National Pollutant Discharge Elimination System (NPDES) permitting requirements for aquatic herbicides may open NRDs to civil lawsuits. 4) Bureau of Reclamation states should help irrigation districts develop low-head hydropower as a source of revenue. He also continues to assist NRDs in addressing current data release limitations from the Farm Service Agency.
- **Bob Weaver, Weaver and Associates** – Mr. Weaver outlined federal efforts in light of a new split Congress including deficit reduction and water resources policy. Water resources policy in 2011 will focus on sustainability, federal investments, and a focus on watersheds and water quality.
- **Andy Mason, Director of USDA's National Agroforestry Center** – Mr. Mason discussed latest developments in agroforestry. Topics included 1) definitions and categories of agroforestry; 2) national agroforestry "signposts"; and 3) agroforestry in Nebraska.

- **NRCS** – Four Natural Resource Conservation Service staff addressed our group at various times.

Tom Christensen, Regional Conservationist, substituted for Chief Dave White. Mr. Christensen discussed EQIP and WRP cost-share statistics for Nebraska.

Craig Derickson, Nebraska State Conservationist, outlined proposed NRCS program spending reductions nationally and their potential impacts upon funding in Nebraska.

Greg Johnson, Director of Financial Assistance Programs, outlined NRCS program funding in Nebraska in 2009-2010 and allocated funds for 2011.

Dwayne Howard, Technical Service Provider Team Leader, explained requirements to become a Technical Service Provider to NRCS.

- **NACD** – Rich Duesterhaus and Karl Anderson from the National Association of Conservation Districts reported on activities related to conservation funding and programs at the national level.
- **David Paylor, Virginia Department of Environmental Quality** – Mr. Paylor provided an update on the Chesapeake Bay Watershed Improvement Plan (WIP). Final Phase I WIPs have been submitted to EPA by each of the six involved states. WIP is a state plan that will be periodically updated and does not confer additional legal or regulatory authority. Some of the challenges have been: 1) A large watershed TMDL with complexity of thousands of sources involving multiple states and local entities; 2) Complex computer models that lacks precision which have resulted in increase number of errors, and 3) Challenging deadlines for states and local entities.
- **Dale Nellor, American Meat Institute** – Mr. Nellor started by thanking the NRDs for their support for ag youth programs when he interned with the National Water Resources Association in 2001. The NARD sponsored Mr. Nellor's internship with NWRA. Mr. Nellor gave an overview of regulations in the 2008 Farm Bill and new regulations proposed in the spring of 2010 under the Grain Inspection, Packers and Stockyards Administration (GIPSA). The new proposals by GIPSA limit packer purchases and eliminate the need to show harm in court cases. The changes could result in over a \$14 billion drop in GDP, \$1.36 billion losses to the government and a 3.3 percent increase in price to consumers.
- **Diane Nellor, Staff to Senate Sub-Committee on Ag Appropriations** – Mrs. Nellor gave an update on funding levels to USDA and the Food and Drug Administration (FDA). USDA and FDA have two funding sources, discretionary funds which are appropriated and mandatory funds that come from the Farm Bill.
- **US Army Corp of Engineers** – Three representatives from the US Army Corp of Engineers provided updates to the group. **Larry Prather**, Assistant Director of Civil Works, provided information on the changes that have occurred during 2009-2010 as a result of the 2008 elections and the recent changes as a result of the 2010 elections. This includes a combination of suspending legislative initiative and the shift to more federal control of projects along with extending the federal domain.

Steve Stockton, Director of Civil Works, presented the findings of a report entitled: "*Building Strong Collaborative Relationships for a Sustainable Water Resources Future*". The report identifies nine themes that need to be addressed to build the sustainability. Information was also provided on the USACE budget proposal for FY12 that includes a 12% reduction from the FY10 budget. This is in comparison to the previous two years where using stimulus funds, \$4.6 billion were spent on civil and military construction.

Tammy Conforti, Levee Safety Programs Manager, provided information on the evolution of the National Levee Safety Act mainly in the wake of Hurricane Katrina. The Act was to bring consistency among the 38 district offices in the procedures for inspections, inventory and assessments and create levee safety program. The safety program is based on the principles of: public safety, broad flood risk management, consistency, continuous and periodically reviewed, system based, shared responsibility, making risk informed decisions

- **Doug Bellomo, director of Risk Analysis for FEMA** – Mr. Bellomo provided information on FEMA's accreditation process vs. the USACE levee safety program. Specifically Mr. Bellomo discussed the federal regulation requirements and emphasized that the FEMA process is specific to an insurance program with flood insurance maps being the result.
- **Paul Schlegel, American Farm Bureau Federation** – Mr. Sclegel provided an overview of the conflicts that are arising in relation to EPA policies or regulation pertaining to water (Chesapeake Bay, nutrient, defining navigable waters), air (green house gasses and dust), pesticides, land and regulatory reform (use of objective science, greater transparency and greater congressional scrutiny) from the perspective of the Farm Bureau Federation and the members they represent.

Nebraska Legislature

LB 473 -- Adopt the Black-Tailed Prairie Dog Management Act. Louden. The Agriculture Committee advanced LB 473 this week which creates the Black-Tailed Prairie Dog Management Act. The bill allows a county to adopt and carry out a coordinated program for the management of black-tailed prairie dogs on property within the county. The bill also authorizes any person to manage prairie dogs on their own property and to prevent the expansion of colonies to adjacent property.

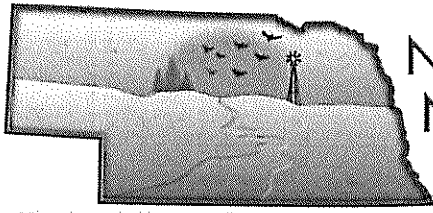
If a landowner allows prairie dog colonies to expand to adjacent landowners, the bill would allow the adjacent landowner to ask the county for corrective action including management and fines to be imposed on the landowner where the prairie dog colony originated.

The committee amendment (**AM 648**) inserts a new subsection that requires elements of the management plan to include a finding of necessity, a listing of methods of management, and to specify that such management plan shall not conflict with any state plan for the management of prairie dogs or the Non-Game and Endangered Species Act, or state or federal recovery plan for the endangered or threatened species. The amendment also reassigns an authority of counties to cooperate and coordinate with state and federal wildlife and land management entities.

The formal hearing schedule has ended for the session as all introduced bills have had hearings. The Legislature is scheduled to begin full day debate on March 22nd, day 49 of the 90-day working session.

NARD Bill Summary Tracking Sheet						Updated: 03/18/11	Page 1 of 2		
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LB2	Revisor bill to repeal obsolete statutes relating to the Water Policy Task Force, ground water conservation districts, and certain provisional permits	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1	
LB27	Change appropriations for water power and water well registration fees	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading		
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LB29	Change provisions relating to the use of certain funds by the Department of Environmental Quality	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 47-0-2	
LB30	Change the Environmental Protection Act relating to composting sites	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	ER 10 Adopted, Passed 49-0-0	
LB31	Change supplemental agricultural appropriation of water provisions	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading	AM 205 Adopted	
LB32	Change dam and appropriation application approval provisions	Langemeier		Support	Natural Resources	1/27/2011	Final Reading		
LB96	Change state aid to counties	Revenue		Monitor	Revenue	1/27/2011	Committee		
LB103	Change instream appropriation provisions	Schilz		Oppose	Natural Resources	2/23/2011	Committee		
LB115	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Council		Monitor	Judiciary	2/3/2011	Committee		
LB118	Eliminate provisions relating to state aid to natural resources districts	Avery		Neutral with Position Statement	Revenue	1/28/2011	Committee		
LB119	Change provisions relating to state aid to incorporated municipalities	Avery		Monitor	Revenue	1/26/2011	Committee		
LB127	Change input into determinations and management plans for regulation of water	Avery		Oppose	Natural Resources	3/3/2011	Committee		
LB154	Change procedures for filling vacancies on natural resources districts boards	Janssen		Monitor	Natural Resources	1/20/2011	Approved by the Governor 2/22/11	Passed 49-0-0	
LB173	Prohibit natural resources district board members from running for or holding more than one office	Avery		Oppose	Government, Military and Veterans Affairs	2/2/2011	Committee		
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LB248	Change provisions relating to burning permits and range-management burning	Dubas		Support	Natural Resources	2/10/2011	General File	AM 272 Filed	
LB258	Provide that entry onto land by land surveyor is not criminal trespass	Krist		Monitor	Judiciary	2/10/2011	Committee		
LB266	Change the Open Meetings Act relating to closed sessions	Sullivan		Monitor	Government, Military and Veterans Affairs	1/26/2011	Committee		
LB328	Provide for amendment of hydropower appropriations as prescribed	Fischer		Oppose	Natural Resources	3/10/2011	Committee		
LB340	Adopt the Hazardous Liquid Pipeline Notification Act	Dubas		Monitor	Natural Resources	2/9/2011	Committee		
LB356	Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund	McCoy		Monitor	Natural Resources	1/27/2011	Select File	AM 122 Adopted	
LB374	Appropriate funds for state government expenses	Speaker Flood		Neutral with Position Statement	Appropriations	Ongoing	Committee		

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March 25, 2011

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 25 NARD Update

Nebraska Legislature

LB 366 - Change subcommittee recommendation provisions relating to the Nebraska

Environmental Trust Fund. McCoy. The Legislature advanced **LB 366** to Final Reading this week. The bill eliminates the requirement that the Trust Fund Board has to have at least eight affirmative votes to deviate from a subcommittee recommendation to the board. On General File, the Legislature adopted the Natural Resources Committee amendment (**AM122**) which requires that all subcommittee meetings be subject to the Open Meetings Act. The amendment also requires a public hearing on proposed projects and funding, and requires the board to wait at least 30 days before making decisions on projects.

LB 473 -- Adopt the Black-Tailed Prairie Dog Management Act. Louden. The Agriculture Committee advanced **LB 473** this week which creates the Black-Tailed Prairie Dog Management Act. The bill allows a county to adopt and carry out a coordinated program for the management of black-tailed prairie dogs on property within the county. The bill also authorizes any person to manage prairie dogs on their own property and to prevent the expansion of colonies to adjacent property.

If a landowner allows prairie dog colonies to expand to adjacent landowners, the bill would allow the adjacent landowner to ask the county for corrective action including management and fines to be imposed on the landowner where the prairie dog colony originated.

The committee amendment (**AM 782**) inserts a new subsection that requires elements of the management plan to include a finding of necessity, a listing of methods of management, and to specify that such management plan shall not conflict with any state plan for the management of prairie dogs or the Non-Game and Endangered Species Act, or state or federal recovery plan for the endangered or threatened species. The amendment also asks counties to cooperate and coordinate with state and federal wildlife and land management entities.

Federal Issues

NRCS funding is in jeopardy for NRD dam rehabilitation projects— Over the past few weeks, there have been numerous proposals to cut spending at the federal level to address the federal deficit. Continuing resolutions that provide funding for the federal government have been approved weeks to keep the federal government in operation until a formal budget is approved. The continuing resolutions have included some budget cuts, but a final formal budget has not been adopted. The NARD has been working with NRCS on recently outlined proposed national NRCS program spending reductions in 2011 to determine potential impacts of such cuts upon NRCS funding for Nebraska.

Of particular concern to six NRDs is a potential reduction in national funding for watershed rehabilitation programs. The NRDs that could be affected include Lower Big Blue, Lower Platte South, Middle Republican, Nemaha, North Platte, and Papio-Missouri River. These NRDs are currently involved in 13 unfinished watershed rehabilitation projects across Nebraska. The current status of each individual project varies from design planning stages to construction stages as outlined in the following chart.

Watershed Rehabilitation Projects Under Construction in Nebraska

Project Name	Sponsor NRD	Total Funds Allocated to Project	Scheduled Completion Date	Percent Completion of Project	Estimated Cost to Complete Project
Mud Creek 2A	Lower Big Blue	\$ 350,000	10/5/2014	10%	\$ 315,000
Big Indian 15-A	Lower Big Blue	\$ 275,000	10/6/2014	10%	\$ 247,500
City of Wilber	Lower Big Blue	\$ 1,074,700	10/1/2013	10%	\$ 347,300
Upper Salt 35A	Lower Platte South	\$ 783,208	5/1/2011	85%	\$ 103,588
Upper Salt 3A	Lower Platte South	\$ 350,000	10/9/2013	90%	\$ 35,000
Medicine 80-A	Middle Republican	\$ 1,136,000	5/1/2011	98%	\$ 73,240
Blackwood 32-A	Middle Republican	\$ 1,500,000	9/15/2011	76%	\$ 355,029
Wilson 8-H	Nemaha	\$ 500,000	11/12/2012	40%	\$ 225,000
Big Nemaha 25-C	Nemaha	\$ 275,000	10/8/2013	10%	\$ 247,500
Buck	Nemaha	\$ 1,976,500	10/1/2013	10%	\$ 691,113
Duck	Nemaha	\$ 116,000 (Part of Buck)	10/1/2012	0%	\$2,020,165
Gering Valley	North Platte	\$ 2,663,100	3/22/2012	15%	\$1,670,099
Papio W-3	Papio-Missouri River	\$ 875,000	9/15/2011	56%	\$ 438,056
TOTALS		\$11,874,508			\$6,768,590

Along with Watershed Rehabilitation Projects, technical assistance funding for Nebraska in 2011 could be reduced by \$4.94 million in the areas of watershed rehabilitation, Resource Conservation and Development (RD&D), and the Conservation Stewardship Program (CSP), Wetlands Reserve Program (WRP), and Environmental Quality Incentives Program (EQIP.)

The extent to which these projects will ultimately be impacted, if at all, by national NRCS funding reductions will be unknown until Congress finalizes a federal budget for 2011.

Other Issues

Twin Platte NRD recharges aquifer, protects property and lives from flooding -- The Twin Platte Natural Resources Districts (TPNRD) has worked with four local irrigation districts and the Nebraska Department of Natural Resources (DNR) to divert high river flows into canals. By diverting the high flows, the risk of flooding will be reduced and water will be able to seep into the groundwater allowing the TPNRD to study the recharge of the Ogallala Aquifer and gain offset water required by the TPNRD Integrated Management Plan (IMP) that will move back into the Platte River.

“This project allows for an evaluation of the recharge rates by intercepting high flows out of the river during periods of high stream flows while protecting lives and property downstream and reducing the risk for flooding,” said Kent Miller, General Manager of the TPNRD.

The DNR has been working with Platte River Basin Natural Resources Districts (NRDs) and irrigation districts in the portions of the basin that has been determined to be fully or overappropriated to move the high flows out of the rivers and potentially assist the state with requirements in the Platte River Recovery Implementation Program. The four local irrigation districts involved in this project are Suburban, Keith-Lincoln, Platte Valley and Paxton - Hershey. The TPNRD has been working closely with DNR to develop models and tools to evaluate and identify the best location suited for this type of recharge project. The project is being funded by the Twin Platte NRD and the Platte Basin Habitat Enhancement Project (PBHEP).

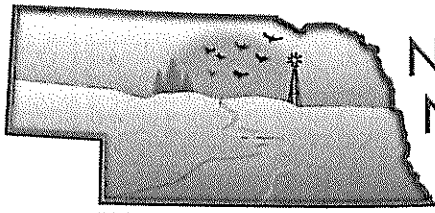
June NRD Forestry Workshop – Lower Loup NRD has offered to host the first annual NRD tree program workshop. The date for this event will be Tuesday, June 21, 2011 in Ord. Presentations will include alternative funding sources for tree planting, and a demonstration of Lower Loup NRD’s tree ordering and conservation tree software package. Tours will then be provided of the NRD’s Aagaard Demonstration Farm outside of Ord featuring specialized tree plantings along with demonstrations of the NRD’s saw mill, wood chipper and tree grinder. An agenda for this event will be finalized soon. In 2012 and beyond, similar workshops will be hosted annually by different NRDs around the state. The purpose of this annual event will be to give all NRDs an opportunity to learn about the host NRD’s tree program, to glean new best management practices, and to share ideas and solutions.

Living Snow Fence Program for Nebraska – The NARD has met with potential partners to discuss the development of a living snow fence program for Nebraska. The Nebraska Department of Roads has established itself as a contributor to this effort; additional partner agencies tentatively include the Nebraska Forest Service, Natural Resource Conservation Service, Farm Service Agency, and Nebraska Game and Parks Commission. Research into living snow fence programs in the states of Wyoming, Minnesota, North Dakota and South Dakota is complete. All agencies listed above have expressed strong support for a Nebraska Living Snow Fence program and all have agreed to be a part of the effort. Next steps include the creation of a draft framework for a program, including agency responsibilities.

The formal hearing schedule has ended for the session as all introduced bills have had hearings. The Legislature began full day debate on March 22nd, day 49 of the 90-day working session.

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LB30	Change the Environmental Protection Act relating to composting sites	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	ER 10 Adopted, Passed 49-0-0		
LB31	Change supplemental agricultural appropriation of water provisions	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading	AM 206 Adopted		
LB32	Change dam and appropriation application approval provisions	Langemeier		Support	Natural Resources	1/27/2011	Final Reading			
LB36	Change state aid to counties	Revenue		Monitor	Revenue	1/27/2011	Committee			
LB103	Change instream appropriation provisions	Schulz		Oppose	Natural Resources	2/23/2011	Committee			
LB115	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Council		Monitor	Judiciary	2/3/2011	Committee			
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LB248	Change provisions relating to burning permits and range-management burning	Dubas		Support	Natural Resources	2/10/2011	General File	AM 272 Filed		
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April 1, 2011

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 1, 2011 NARD Update

Nebraska Legislature

LB 229 - Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund. Fischer. Senators advanced LB 229 to Select File this week on a 41-3 vote after adopting a compromise amendment to the bill (AM 1060). The compromise language was worked out over two days of meetings with the Nebraska Environmental Trust Fund (NETF), State Senators, environmental groups and ag groups. This is what the compromise does:

- Allows DNR to apply to NETF for a \$3.3 million grant for fully/over-appropriated river basins and gives that grant 50 bonus points in the ranking.
- Provides a match of \$3.3 million in General Fund dollars that will be appropriated to the water resources cash fund. Currently, the WRCF receives \$2.7 million, so this would be a \$600,000 increase.
- Allows for a three-year grant beginning in FY 2011-12 through 2013-14.
- Adds language that the purpose is for water projects.
- Adds intent language to apply for an additional three year grant provided that benchmark criteria is met. In the General File compromise amendment, the criteria will be entered as "XXX". Between General File and Select File, the final criteria will be developed. Items that are being discussed now are to have an interim study on permanent funding, identify projects and benefits, etc.,

This may not be what everyone had hoped for in a compromise, but it is a start toward developing solutions to funding water issues. Special thanks needs to be given to Senators Langemeier, Schilz, Carlson, Heidemann, Ken Haar, Dubas, Fischer and Burke Harr for working out an agreement on the issue.

The original version of the bill proposed to transfer \$7 million per year from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund for fiscal years beginning on July 1, 2011, and every July 1 thereafter through July 1, 2021. This language was eliminated by the compromise amendment (AM 1060).

The Committee Amendment (AM 281) was also adopted which eliminates existing language that authorizes the Legislature to transfer from the Water Resources Cash Fund to the General Fund. The amendment also clarifies that funds can be used to reduce consumptive use or to enhance stream flows rather than both.

The bill is also co-sponsored by Carlson, Dubas, Langemeier, McCoy and Schilz – all members of the Natural Resources Committee. Senator Larson declared the bill his priority for the session.

Other News

Extension Granted for Pesticide Permit. On March 28, the 6th U.S. Circuit Court of Appeals granted a Stay in the *National Cotton Council v. U.S. EPA*. The original case involves requiring permits for the application of pesticides over or into water. Prior to the ruling, EPA and lawmakers had been working collaboratively to draft legislation that would amend the Federal Insecticide, Fungicide and Rodenticide Act and the Clean Water Act that would eliminate the need for EPA or states secondary permits. The extension gives EPA, lawmakers and other stakeholders until October 31, 2011 to determine how the requirement will be met, including additional legislation. The NDEQ had planned on issuing a permit to meet the April 9 deadline, however this will delay issuance based upon the stay.

14 Teams to Compete at State Envirothon – On May 7th, 14 teams will compete for the 2011 Nebraska Envirothon State Competition at the Trails West YMCA Camp near Scottsbluff. The Nebraska Envirothon gives high school students a chance to learn more about natural resources and serves to educate youth on the importance of protecting the future of Nebraska's natural resources.

Seven regional contests were held over the past couple of months to set the field of 14 teams. Each team includes five students who compete in seven areas of environmental studies: Soils, aquatics, forestry, wildlife, range, policy and an oral presentation. Test questions are not only written, but many require hands-on observations, measurements and calculations.

Schools that qualified for this year's state contest are: Sidney, West Central, Superior (two teams), Norris, Bellevue East, West Holt, Ord, Concordia (two teams), Burke, Aurora and Bellevue West (two teams).

The winning team gets the opportunity to represent Nebraska at the Canon Envirothon which is an international competition for high school students who are interested in a wide array of subjects relating to natural resources and the environment. Over 50 teams from across the U.S. and Canada are expected to participate at this year's national competition which will be held in Sackville, New Brunswick, Canada.

The first place team will be invited to represent Nebraska at the Canon Envirothon and also receives a \$1,000 scholarship offered by the Nebraska Association of Resources Districts, who is the sponsor of the Nebraska Envirothon.

South Platte NRD Expanding Ground Water Monitoring Network -- The South Platte NRD (SPNRD) continues to protect and manage groundwater by expanding the District's groundwater monitoring well network. A drilling crew and staff from the SPNRD, UNL Conservation Survey Division, and United States Geological Survey (USGS) recently completed work in Kimball County to expand the SPNRD's ground water monitoring well network.

The SPNRD currently has 64 dedicated monitoring wells at 58 sites. Through this project an additional 39 wells will be drilled throughout the District, with locations chosen according to needs determined by the District and USGS. Due to the size and location of the District and the amount of wells that need to be drilled to obtain the most precise data, the current drilling work is part of a three-year, \$759,000 effort, financed in part with a \$529,000 grant from the Nebraska Environmental Trust.

District officials feel the monitoring well network expansion will help the SPNRD manage a safe, sufficient water supply for use by present and future generations. It will also help maintain, enhance, and protect the region's agricultural economy and the viability of its cities and villages, and promote the growth of economic activities while seeking to avoid adverse impacts on the environment. The monitoring well installation will be a large part of the District's goal to improve water management and protect water resources.

TPNRD Putting Surplus Water in the Bank -- The Twin Platte Natural Resources District (TPNRD) has worked with four local irrigation districts along with the Nebraska Department of Natural Resources (DNR) to divert high flows into canals. By diverting the high flows, the risk of flooding will be reduced and water will be able to seep into the groundwater allowing the TPNRD to study the recharge of the Ogallala Aquifer and gain offset water required by the TPNRD Integrated Management Plan (IMP) that will move back into the Platte River.

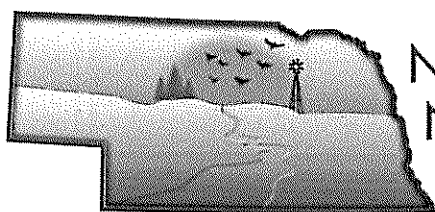
DNR has been working with NRDs and irrigation districts in the portions of the Platte basin that has been determined to be fully or over-appropriated to move the high flows out of the rivers to assist with the Platte River Recovery Implementation Program. The four local irrigation districts involved in this project are Suburban, Keith-Lincoln, Platte Valley and Paxton-Hershey. The TPNRD has been working closely with DNR to develop models and tools to evaluate and identify the best location suited for this type of recharge project.

The Twin Platte NRD is required to return a certain amount of groundwater (7,700 acre feet in the next 10 years) back into the river, which is currently bursting out of its banks. It's their obligation under their Integrated Management Plan, which is a joint plan between the Twin Platte, the DNR and area stakeholders to protect and increase the water flows in the Platte River. Diverting water from the river into irrigation canals earlier than usual is a win-win proposition. Typically irrigation districts are allowed to take water out of the river from April 15 through Oct. 15.

"This project allows for an evaluation of the recharge rates by intercepting high flows out of the river during periods of high stream flows while protecting lives and property downstream and reducing the risk for flooding," said Kent Miller, General Manager of the TPNRD.

NARD Bill Summary Tracking Sheet							Updated: 04/01/11	Page 1 of 2		
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments		
LB1	Revisor bill to repeal an obsolete statute relating to the Republican River	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1		
LB2	Task Force, ground water conservation districts, and certain provisions	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1		
LB27	Change appropriations for water power and water well registration fees	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading			
LB28	Change provisions relating to chertification	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 49-0-0		
LB29	Change provisions relating to the use of certain funds by the Department of Environmental Quality	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 47-0-2		
LB30	Change the Environmental Protection Act relating to composting sites	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	ER 10 Adopted, Passed 49-0-0		
LB31	Change supplemental agricultural appropriation of water provisions	Langemeier		Monitor	Natural Resources	1/27/2011	Final Reading	AM 205 Adopted		
LB32	Change dam and appropriation application approval provisions	Langemeier		Support	Natural Resources	1/27/2011	Final Reading			
LB96	Change state aid to counties	Revenue		Monitor	Revenue	1/27/2011	Committee			
LB103	Change instream appropriation provisions	Schilz		Oppose	Natural Resources	2/23/2011	Committee			
LB115	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Council		Monitor	Judiciary	2/3/2011	Committee			
LB118	Eliminate provisions relating to state aid to natural resources districts	Avery		Neutral with Position Statement	Revenue	1/28/2011	Committee			
LB119	Change provisions relating to state aid to incorporated municipalities	Avery		Monitor	Revenue	1/26/2011	Committee			
LB127	Change input into determinations and management plans for regulation of water	Avery		Oppose	Natural Resources	3/3/2011	Committee			
LB154	Change procedures for filling vacancies on natural resources districts boards	Janssen		Monitor	Natural Resources	1/20/2011	Approved by the Governor 2/22/11	Passed 49-0-0		
LB173	Prohibit natural resources district board members from running for or holding more than one office	Avery		Oppose	Government, Military and Veterans Affairs	2/2/2011	Committee			
LB224	Change provisions relating to recall of certain political subdivision officials	Avery		Monitor	Government, Military and Veterans Affairs	1/29/2011	Committee	AM 281 Adopted, AM 1060 Adopted		
LB229	Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund	Fischer	Larson	Neutral with Position Statement	Natural Resources	1/19/2011	Select File			
LB243	Change membership on the Republican River Basin Water Sustainability Task Force	Carlson		Support	Natural Resources	2/2/2011	Approved by the Governor 3/10/11	Passed 47-0-2 with emergency clause		
LB248	Change provisions relating to burning permits and range-management burning	Dubas		Support	Natural Resources	2/10/2011	General File	AM 272 Filed		
LB258	Provide that entry onto land by land surveyor is not criminal trespass	Krist		Monitor	Judiciary	2/10/2011	Committee			
LB266	Change the Open Meetings Act relating to closed sessions	Sullivan		Monitor	Government, Military and Veterans Affairs	1/26/2011	Committee			
LB328	Provide for amendment of hydropower appropriations as prescribed	Fischer		Oppose	Natural Resources	3/10/2011	Committee			
LB340	Adopt the Hazardous Liquid Pipeline Notification Act	Dubas		Monitor	Natural Resources	2/9/2011	Committee			
LB366	Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund	McCoy		Monitor	Natural Resources	1/27/2011	Final Reading	AM 122 Adopted		
LB374	Appropriate funds for state government expenses	Speaker Flood		Monitor	Appropriations	Ongoing	Committee			

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Nebraska's Natural Resources Districts

www.nrdnet.org

Protecting Lives • Protecting Property • Protecting the Future

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April 8, 2011

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 8, 2011 NARD Update

Nebraska Legislature

LB 27 – Change provisions relating to water appropriations for power generation. Senators gave final approval to **LB 27** this week on a 42-0-7 vote. The bill adds the requirement that water appropriations for power must also meet sub-section (1) of section 46-235 to be approved. That sub-section includes public welfare and public interest considerations, while also providing an appeal process for the applicant. The bill also changes the categories of wells subject to the lower registration fees from “less than 50 gallons per minute” to “50 gallons a minute or less” capacity. The bill was introduced by Senator Langemeier.

LB 31 -- Change supplemental agricultural appropriation of water provisions. Senators gave final approval to **LB 31** this week on a 42-0-7 vote. The bill eliminates a procedure for a surface water right holder to gain additional water right flows and allows the Department of Natural Resources to consider other existing factors in determining whether to grant a new permit. The original bill would have eliminated the ability to transfer the additional water right but this provision was eliminated with the adoption of the committee amendment (**AM 206**). The bill was introduced by Senator Langemeier.

LB 32 - Change dam and appropriation application approval provisions. Senators gave final approval to **LB 32** this week on a 42-0-7 vote. The bill eliminates the requirement that approval of all pending matters for an application for water appropriation and water storage under the Safety of Dams Act be issued simultaneously. This allows a project sponsor to determine if a water appropriation is available prior to going through the expense of finalizing the dam design. The bill was introduced by Senator Langemeier.

LB 366 - Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund. McCoy. The Legislature pulled **LB 366** back from Final Reading this week to adopt an amendment (**AM 1052**) and then re-advanced the bill to Final Reading. The amendment eliminates the proposed new language that would have required a public hearing on proposed projects, funding levels, and that the Nebraska Environmental Trust Fund Board waits at least 30 days before making decisions on projects. The remaining bill eliminates the requirement that the Trust Fund Board has to have at least eight affirmative votes to deviate from a subcommittee recommendation to the board. On General File, the Legislature adopted the Natural Resources Committee amendment (**AM 122**) which requires that all subcommittee meetings be subject to the Open Meetings Act.

Other News

Kansas v. Nebraska on the Republican River Compact -- The United States Supreme Court recently agreed to hear Kansas' complaints against Nebraska relating to overuse of Republican River water in 2005 and 2006. While this marks the most recent development in the case, this process began in earnest back in December 2007 when Kansas officially notified Nebraska of its intent to pursue its concerns relating to Nebraska's overuse of water. The new claims by Kansas have not been specifically outlined yet, but probably will follow similar claims filed in arbitration back in 2008.

Under the terms of the 2002 Final Settlement Stipulation (FSS) between Colorado, Kansas, and Nebraska, the states agreed to undergo non-binding arbitration before returning to the Supreme Court. The States began the arbitration process in October 2008 which ended on June 30, 2009, when the arbitrator issued a 72-page decision on the merits of the issues presented by the States. In arbitration Kansas asked for \$72 million in damages but was denied by the arbitrator outlining that Kansas could not claim the estimated gain from Nebraska's use of the water as compensation. Rather, the arbitrator outlined that Kansas must show actual damages and found that Kansas failed to do so. The arbitrator awarded Kansas only \$10,000 in nominal damages.

Kansas also sought to impose on Nebraska a compliance remedy which included multiple elements. First, Kansas requested that Nebraska shut down all groundwater irrigation within two and half miles from the Republican River and its tributaries, or approximately 500,000 irrigated acres. In addition, Kansas also wanted to shut down all wells installed after 2000. Finally, Kansas requested appointment of a "River Master" to direct Nebraska's regulation of water use in the basin. The arbitrator found Kansas' plan to be excessive, but did recommend Nebraska adopt more concrete plans to comply with the Compact during periods of extended drought.

In May of 2010, Kansas elevated the dispute to the Supreme Court by filing a request for the court to entertain the dispute. Each of the three states filed briefs in the case in the following months. Briefing came to a close at the end of February 2011, when the U.S. Solicitor General filed a brief with the court explaining the federal interests in the basin, focused primarily on the interests of the U.S. Bureau of Reclamation. Finally, on April 4, 2011, the Supreme Court agreed to accept the case and appointed Special Master William Kayatta, Jr., of Portland, Maine to oversee the proceedings. The special master acts as a trial judge and has the authority to set deadlines, summon witnesses, issue subpoenas, and ultimately make recommendations to the Supreme Court.

In the briefs filed with the court, the States requested that the court address a wide-range of issues concerning the 1943 Republican River Compact and the FSS. Kansas maintains its claim for damages based on Nebraska's alleged overuse of its share of Republican River water during a two-year period from 2005-2006. Kansas also maintains that the Court should adopt its compliance remedy. Again, details on Kansas' requests will come out during these new proceedings.

Nebraska has also requested the Court to address issues raised by Nebraska in arbitration. Nebraska's issues involve proposals to fix errors in the accounting procedures which determine the available water supply within the basin, and how much water is used by each state. Nebraska claims that a precise accounting of water supplies and uses is paramount to the accuracy of any compliance calculations which must be completed.

State FFA Convention -- The NARD Foundation sponsored three awards at the 84th Annual State FFA Convention held in Lincoln April 6th – 8th. The three award areas were Outdoor-Recreation Proficiency, Natural Resources Chapter Award, and the Environmental and Natural Resources Management Career Development Event (CDE). This is a great opportunity to recognize Nebraska's youth for their interest and hard work in helping to protect our natural resources.

The Outdoor-Recreation Proficiency allow students to compete against other students who have similar Supervised Agriculture Experiences, while allowing students to learn more about the importance of record keeping. There were 13 total state qualifiers and the top three finalists had to go through interviews where students explained their projects and answered questions to a panel of judges. McKenzie Gibbens from Atkinson-West Holt High School won first place and will have the opportunity to represent Nebraska at the National FFA Convention in October in Indianapolis. Matthew Rozic from Mead and Kate Schluntz from Franklin were also finalists.

On Friday morning ten FFA Chapters from across the state received the Natural Resources Chapter Award. This award is for the chapters with the most participation in natural resources events including: Land judging, range judging, Envirothon and other natural resources related activities. The top ten chapters were: Broken Bow, Central, Conestoga, Fairbury, Norris, Ravenna, Schuyler, Superior, Verdigre and York.

The third award, the Environmental and Natural Resources Management CDE, focuses on testing problem-solving and decision making skills in environmental and natural resources. The contest consists of two parts. The first is an individual test on general natural resources knowledge. The second part is a group test on a specific theme. For 2011, the focus was soils and land use based upon soil properties and landscape. Students were also asked to consider issues related to zoning in rural areas. The first place team and will have the opportunity to represent Nebraska at the national contest in October. Contest results will not be finalized until the weekend.

Federal government shutdown would impact NRDs – As of Friday afternoon, April 8, it had become clear that a federal budget agreement between the House and Senate may not be reached before a government shutdown takes effect. If Congress and the White House fail to reach an agreement by midnight Friday, when the current spending authorization measure expires, parts of the government will close down. This means that nationally 800,000 government workers will be furloughed, including the vast majority of Natural Resource Conservation Service (NRCS) employees across Nebraska.

Most NRDs participate in partnership agreements with NRCS that allow NRDs to employ people who accomplish work for NRCS, both part-time and full-time, either within NRD offices, or in NRCS field offices statewide. In the event of a government shutdown, all NRCS offices will close and all personnel employed by NRDs who work in NRCS offices will not be allowed to work in the closed federal facilities for an indefinite period of time.

However, some NRDs may be able to allow these employees to perform alternate work for a short period of time in local NRD offices, but may be restricted to only NRD functions. The impact of this situation will affect not only the employees and their families, but also affect the NRDs' ability to meet obligations on conservation programs.

NARD Bill Summary Tracking Sheet							Updated: 04/08/11	Page 1 of 2		
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments		
LB1	Revisor bill to repeal an obsolete statute relating to the Republican River	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1		
LB2	Revisor bill to repeal obsolete statutes relating to the Water Policy Task Force, ground water conservation districts, and certain provisional permits	Executive Board		Support	Executive Board	Revisor Hearing Held	Approved by the Governor 2/10/11	Passed 48-0-1		
LB27	Change appropriations for water power and water well registration fees	Langemeier		Monitor	Natural Resources	1/27/2011	Passed on Final Reading	Passed 42-0-7		
LB28	Change provisions relating to chertification	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 49-0-0		
LB29	Change provisions relating to the use of certain funds by the Department of Environmental Quality	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 47-0-2		
LB30	Change the Environmental Protection Act relating to composting sites	Langemeier		Support	Natural Resources	1/21/2011	Approved by the Governor 2/22/11	Passed 49-0-0, ER 10 Adopted		
LB31	Change supplemental agricultural appropriation of water provisions	Langemeier		Monitor	Natural Resources	1/27/2011	Passed on Final Reading	Passed 42-0-7, AM 206 Adopted		
LB32	Change dam and appropriation application approval provisions	Langemeier		Support	Natural Resources	1/27/2011	Passed on Final Reading	Passed 42-0-7		
LB96	Change state aid to counties	Revenue		Monitor	Revenue	1/27/2011	Committee	Passed 42-0-7		
LB103	Change instream appropriation provisions	Schitz		Oppose	Natural Resources	2/23/2011	Committee			
LB115	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	Council		Monitor	Judiciary	2/3/2011	Committee			
LB118	Eliminate provisions relating to state aid to natural resources districts	Avery		Neutral with Position Statement	Revenue	1/28/2011	Committee			
LB119	Change provisions relating to state aid to incorporated municipalities	Avery		Monitor	Revenue	1/26/2011	Committee			
LB127	Change input into determinations and management plans for regulation of water	Avery		Oppose	Natural Resources	3/3/2011	Committee			
LB154	Change procedures for filling vacancies on natural resources districts boards	Janssen		Monitor	Natural Resources	1/20/2011	Approved by the Governor 2/22/11	Passed 49-0-0		
LB173	Prohibit natural resources district board members from running for or holding more than one office	Avery		Oppose	Government, Military and Veterans Affairs	2/2/2011	Committee			
LB224	Change provisions relating to recall of certain political subdivision officials	Avery		Monitor	Government, Military and Veterans Affairs	1/28/2011	Committee			
LB229	Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund	Fischer	Larson	Neutral with Position Statement	Natural Resources	1/19/2011	Select File	AM 281 Adopted, AM 1060 Adopted, FA 13 Filed		
LB243	Change membership on the Republican River Basin Water Sustainability Task Force	Carlson		Support	Natural Resources	2/2/2011	Approved by Governor 3/10/11	Passed 47-0-2 with emergency clause		
LB248	Change provisions relating to burning permits and range-management burning	Dubas		Support	Natural Resources	2/10/2011	General File	AM 272 Filed		
LB258	Provide that entry onto land by land surveyor is not criminal trespass	Krist		Monitor	Judiciary	2/10/2011	Committee			
LB266	Change the Open Meetings Act relating to closed sessions	Sullivan		Monitor	Government, Military and Veterans Affairs	1/26/2011	Committee			
LB328	Provide for amendment of hydropower appropriations as prescribed	Fischer		Oppose	Natural Resources	3/10/2011	Committee			
LB340	Adopt the Hazardous Liquid Pipeline Notification Act	Dubas		Monitor	Natural Resources	2/9/2011	Committee			
LB356	Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund	McCoy		Monitor	Natural Resources	1/27/2011	Returned to Select File for AM 1052, then advanced again to Final Reading	AM 122 Adopted, AM 1052 Adopted		
LB374	Appropriate funds for state government expenses	Speaker Flood		Neutral with Position Statement	Appropriations	Ongoing	Committee			

NARD Bill Summary Tracking Sheet

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Published Wednesday March 9, 2011

World-Herald editorial: Corn, water, conservation

Nebraska farmers who irrigate are growing increasingly concerned about how much water is in the state's watercourses, how much is available for use and how best to use it. Now, practical data are available that suggest that more corn can be grown with up to 37 percent less water.

Farmers in the Tri-Basin Natural Resources District provided UNL Institute of Agriculture and Natural Resources researchers with detailed data on their water use from 2005 to 2007. Tri-Basin includes parts of Gosper, Phelps and Kearney Counties. The data were analyzed by UNL scientist Ken Cassman.

Irrigators in the basin don't face restrictions on the amount of water they can apply, though some others across the state do. The number of acres they can irrigate is limited.

Cassman reported that pivot irrigation can reduce water use by 4.5 inches compared with gravity irrigation and that another three inches can be saved when the land is in strip-till, ridge-till or no-till cultivation. Those farming methods are considered conservation-minded; they help prevent erosion and offer other benefits.

He said the numbers indicated that improved timing of water application can cut water use by 10 percent to 15 percent on top of other savings. And rotating soybeans (which enrich the soil by fixing nitrogen) and corn can gain an extra 10 bushels of corn per acre with the same amount of water.

Through such relatively easy moves, growers can use up to 37 percent less water than they need now. That's a remarkable savings.

The farmers in Tri-Basin are already on the bandwagon on three of the water-saving programs. About two-thirds of the corn acreage is pivot-irrigated, 78 percent is conservation-tilled and 60 percent is in corn-soybean rotation.

Cassman suggested that the findings could be applied throughout the western Corn Belt, if differences in wind and humidity are taken into account.

Water is a crucial natural resource in Nebraska. The state is recovering from the recent drought as well as less runoff from the Rocky Mountains, which feed the major rivers.

If farmers can indeed conserve up to one-third of the water they use, the benefits will flow to the entire state.

Published Mar 14, 2011

Published Monday March 14, 2011

World-Herald editorial: Lawmakers, flood control

Dissenters, unhappy that they lost a legislative battle two years ago to grant the Papio-Missouri River Natural Resources District the power to issue bonds to fund flood-control measures, are trying to strike back.

The Nebraska Legislature is considering Legislative Bill 487, now in committee. The proposal would throw major obstacles in the way of needed flood-control improvements in the Omaha metropolitan area.

The measure would allow any local government, even a village board, to veto any flood-control project — for any reason — anywhere within its zoning jurisdiction. Projects, which typically encompass many acres, can be in three or four zoning districts.

Here's what that would mean in the Omaha area: A village board or city council hostile to the partnership or the NRD or Omaha could stop construction of vital flood-control measures that would protect hundreds of thousands of people and billions of dollars in property. So could a board or council too susceptible to the heavy political pressure applied — a small but vocal number of opponents of a project.

County boards already have the ability to cancel these partnership projects. Adding more uncertainty is neither sensible nor just. The same issue arose and was dealt with long before 2009, when lawmakers passed the compromise legislation that appropriately gave bonding power to NRDs, with various restrictions.

That legislation was the result of long and challenging negotiations among all the parties. Then-Sen. Tim Gay did an outstanding job, over the course of many weeks, in getting the various sides to lend support to consensus legislation that balanced the different interests.

The final version of Gay's legislation rightly received broad support from lawmakers. It was a laudable example of how the Legislature should address complex state issues.

Nebraska lawmakers would be irresponsible to blow up that important achievement by approving LB 487.

An entire community, upstream as well as downstream, has a common interest in flood-control projects, including dams, dikes and similar structures. The harm caused by major flooding is widespread. Certainly, the cost of flood insurance rises for everyone, the flooded and the dry. Floods don't just harm those who get wet.

Lawmakers this session also should be wary of proposals to forbid bond funds from being used to add recreational facilities to flood-control projects.

The NRD routinely adds recreational amenities, such as hiking and biking trails, to its projects. One of its core missions is providing recreational opportunities to the citizens within its jurisdiction.

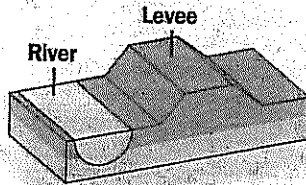
These facilities are used by thousands of Nebraskans. Lawmakers are beginning to micromanage when they dictate this type of decision.

It would be foolish for the state to renege on the compromises under the important 2009 legislation. The current law well serves the public interest. Lawmakers should stand firm against any calls to dismantle it.

MORE MIDLANDS NEWS

FAILING LEVEES

Levees are dirt or clay embankments built to keep water within a channel. While they are designed to help protect agricultural and urban areas from river flooding, they can fail.



OVERTOPPING

Water rises above the levee, typically built 1 foot higher than an area's 50-year flood level.

UNDERFLOW

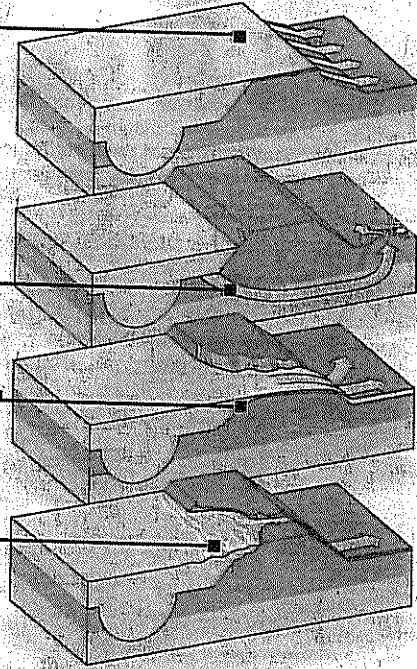
Water permeates sand deposits underneath the levee and water rises up on the other side.

SLUMPING

Weight of the contained water pushes over a levee's sides.

EROSION

Waves cause the top and sides of the levee to slowly give way.



SOURCE: U.S. Geological Survey,
U.S. Army Corps of Engineers

MCCLATCHY NEWSPAPERS

Corps' work makes levees on Missouri flood-ready

By ANDREW J. NELSON
WORLD-HERALD STAFF WRITER

COUNCIL BLUFFS — The construction of levees along the Missouri River by the U.S. Army Corps of Engineers after World War II opened up once flood-prone areas to commercial, residential and industrial development.

But the levees require upkeep.

The corps' Omaha District expects to spend roughly \$40 million rehabilitating the levees between the Mighty Mo's headwaters and Rulo, Neb., that were damaged by flooding in 2010.

It's money well-spent, the corps says. In the metro area alone, the levees help safeguard a Mid-American Energy plant, a large chunk of Council Bluffs and parts of Bellevue. Failure could be catastrophic.

"These levees definitely protect a tremendous amount of people and critical public infrastructure that would be devastated if something was to happen to the levees," said Kim Thomas, chief of emergency management for the corps' Omaha District.

The \$40 million cost is under budget, Thomas said. Congress allotted \$66 million.

The levees needed to be refurbished because they held back floodwaters for much of 2010. Eventually, that water partially eroded some of the levees and seeped under them in spots.

"Seepage is a naturally occurring phenomenon," said Tim Gouger, project manager for levee rehabilitation. "But you don't want it to impact the levee itself."

Repairs could not begin until the water finally receded in December, and crews were on duty around the clock in the snow and the mud to get them ready in time for the spring runoff season.

The levees are generally 15-foot-high earthen berms about 60 feet wide at their base and 10 feet wide on top. They are made of "cohesive soils," the kind of soil that sticks together and does



THE WORLD-HERALD

not let water through.

"Basically, if it sticks to your boots, it's in the levee," said Todd Tobias, a construction supervisor for the corps.

Floodwaters affected several levees in the Omaha District, but the most damaged were a 19-mile-long one south of Council Bluffs and a 15-mile-long one near Watson, Mo., Thomas said.

Fixes included reinforcing weak spots, replacing flood-damaged drainage pipes and building earthen berms right behind the levees in seepage-prone areas.

These "seepage berms," roughly 150 feet wide and 4 feet high, are designed to stop water that may seep under a levee.

A total of about 150,000 cubic yards of soil was trucked in to refurbish the levee south of Council Bluffs, Thomas said.

Most of the Missouri River downstream of Sioux City, Iowa, has levees, said Judd Kneuvean, chief of emergency management for the Kansas City District.

Exact numbers are hard to come by, but there are roughly 1,600 miles of corps levees along the 2,341-mile length of the Missouri, according to officials.

By March 1, all Omaha District levees were ready to withstand more flooding, although there is still work being done.

The levee system includes concrete flood walls, Thomas said. That's what protects parts of Omaha.

Contact the writer:
402-444-1310, andrew.nelson@owh.com

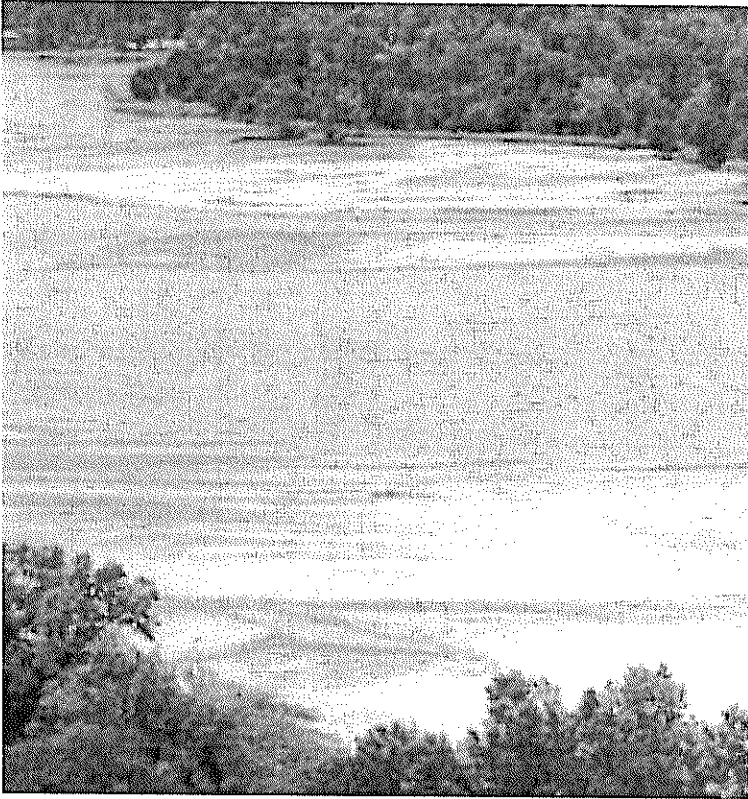
W-H Editorial 3-22-11
POTPOURRI OF ISSUES

* * *

The U.S. Army Corps of Engineers is doing important repair work to levees damaged by flooding in 2010. Those levees provide an all-important safeguard against the type of catastrophic flooding that hit the Omaha area in 1952 and in the mid-1960s. The corps impressively is keeping the work under budget, expecting to spend around \$40 million. Around \$66 million was authorized for the project. The Omaha area is right to keep its eye on flood prevention, both along the Missouri as well as the Papio Creek Watershed. We can't afford to neglect it.

Sandbar study to help nesting plovers and terns

- Journal Star
- 3.28.11
-



Sandbars on the the lower Platte River downstream from Columbus. (Courtesy Lower Platte River Corridor Alliance)

Sandbars are to the Platte River what holes are to Swiss cheese.

They are everywhere, and they help give the Platte its braided-river appearance.

Soon, for the first time, there will be a study on the lower Platte River on how sandbars are formed.

In the lower reaches of the Platte downstream from Columbus, canoers and air boaters use sandbars as rest stops. Weeds invade when water levels drop, and driftwood finds temporary anchorage.

Sandbars serve a more useful purpose for wildlife.

Historically, they have provided critical nesting habitat for the piping plover and interior least tern.

But that is no longer the case.

Human activity and development have taken their toll. Piping plovers are listed as threatened and interior least terns are endangered, mostly due to the loss of habitat.

"We've made enough changes to the river that the habitat is not there," said Mary Bomberger Brown, program coordinator for the Tern and Plover Conservation Partnership, a group of organizations dedicated to saving the species.

A pilot study will be launched in April to find ways to restore some of that lost sandbar habitat in places where both species have had the most nesting success on the river.

Researchers from the U.S. Geological Survey will use time-lapse photography and field observations to study the frequency, abundance, location, size and vegetation of sandbars in the spring, summer and fall.

USGS hydrologist Jason Alexander said they will be measuring sandbars that are two acres or larger and counting all sandbars in a 20-mile stretch below Salt Creek.

This is the first time a sandbar study has been done on the lower Platte River, Alexander said.

"We're interested in the physical process behind their formation," he said.

Researchers know that floods and other hydrological variations like tributary flows affect sandbar formation, but they don't know exactly how that process works in different seasons.

Cameras will help track that. Alexander hasn't decided where the cameras will be located. He said they will be pointed at the sandbars and secured to prevent theft.

Total cost of the study is \$66,935, with the Lincoln-based Lower Platte South Natural Resources District contributing \$46,838 and the USGS paying the balance.

Two other NRDs -- the Papio-Missouri River and the Lower Platte North -- initially expressed interest in the project but ran into funding problems.

"We think it's a good project. We have no problem with that. Timing-wise, we're not in a position that we should be saying yes to it," said John Miyoshi, general manager of the Lower Platte North, based in Wahoo.

In addition to helping endangered species, Miyoshi sees other potential benefits from studying sandbars. Information collected would help the NRD and other governmental agencies when they have to apply for permits to build levees and bridges or stabilize stream banks, he said. Addressing threatened or endangered species issues on the river often is part of a permitting process.

All three NRDs will benefit from the data collected in the pilot study because they are members of the Lower Platte River Corridor Alliance, a consortium of local and state agencies dedicated to protecting the long-term vitality of the lower Platte River corridor, downstream from Columbus.

Meghan Sittler, the alliance's program coordinator, said the pilot study will provide a "baseline" of information and pave the way for a long-term project.

The alliance plans to ask the Nebraska Environmental Trust this fall for a \$170,000 grant to pay for three more years of research; the USGS would contribute \$90,000.

Sittler briefed the Lower Platte South NRD Board last week on the project before it voted to provide up to \$46,838 for the pilot study. She said the research would be in a stretch of the Platte that is adjacent to the district's boundaries.

"It has more sandbars than other portions and more habitat for the two species," she said.

NRD director Bob Andersen noted that each of the three NRDs was supposed to contribute \$20,000 initially and that \$46,838 was a "hard sell" in these difficult times.

"But if we're going to do the project, let's do it right," Andersen told the board.

Director Larry Swanson echoed Andersen's remark, saying the NRD should be pro-active.

"We should do it. We're dealing with endangered species, and they (the problems) won't go away," Swanson said.

Bomberger Brown said returning piping plovers and interior least terns to renovated sandbars will be a win-win for everyone, including governments, gravel and sand mining industries and homeowners who have built houses on abandoned sandpit lakes. Both species often use nearby sandpit lakes for nesting instead of sandbars, where they should be, she said.

Sandbars are much safer, Bomberger Brown said.

"The river acts as a moat around the sandbars. They're safer from predators, safer from humans and not nesting in places where men use bulldozers," she said. "They're not nesting in the middle of human activities."

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Compromise drafted on water funds

3-30-11

By PAUL HAMMEL
WORLD-HERALD BUREAU

LINCOLN — A proposed compromise was worked out Tuesday night on a controversial bill that would take half of the annual funding of the Nebraska Environmental Trust for the next 10 years and devote it to water projects.

Under an amendment to Legislative Bill 229, projects that help restore flows to over-appropriated and fully appropriated streams could apply for up to \$3.3 million a year in grants from the trust, which is funded by the state lottery.

The trust, created in 1992, receives about \$15 million a year and distributes the money as grants for wildlife habitat proj-

ects, lake restoration, litter reduction and other projects.

Grants would have to be matched dollar-for-dollar with general state tax money to gain bonus points and qualify for funding through the trust's grant selection process, said Mark Brohman, executive director of the Environmental Trust.

The grants would be available for three years. The Legislature also would conduct an interim study to find a long-term financial solution to restoring stream flows and bringing Nebraska in compliance with multistate agreements over river levels.

As originally drafted, LB 229 would take \$7 million a year over 10 years from the trust — a prospect that upset wildlife, conservation and environmental

groups.

Those groups said the measure would take too much money from existing trust projects such as renovating fishing lakes and providing wildlife habitat.

The proposed compromise will be introduced today, when first-round debate on LB 229 is scheduled to begin.

Representatives of farm and wildlife groups, along with several state senators, participated in talks on the bill Tuesday.

The lawmakers included the author of LB 229, Sen. Deb Fischer of Valentine, and Sen. Chris Langemeier of Schuyler, chairman of the Natural Resources Committee.

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Compromise and politics

Sometimes a stance is absolutely correct on policy but runs into problems with the politics. So it is, unfortunately, with the important effort to safeguard the Nebraska Environmental Trust.

Lawmakers have been debating a troubling proposal to drain no less than half of the Environmental Trust's funding — about \$7 million a year — for 11 years to help Nebraska comply with its multistate river agreements.

As we said a few weeks back, the trust is "one of Nebraska's central tools for safeguarding the environment statewide" and is "grounded in impressive participation at the local level." Plus, it was approved in its current form by a statewide vote of the people.

A wide array of Nebraska groups stepped forward to resolutely defend the Environmental Trust, but tremendous pressure built up at the Capitol to head off a political meltdown over the issue at a time when tensions are high regarding budget issues.

Hence the compromise announced on Tuesday night.

Under that approach, the state Department of Natural Resources will be allowed to apply for \$3.3 million a year for the next three years for riveragreement projects. An interim study will be done to examine long-term revenue options to fund the river agreements.

So, there will be a diversion, but it will be limited to three years and the trust's overall grant process will remain intact.

The debate on this issue had one positive result: It showed, unmistakably and dramatically, that the Environmental Trust has the strong, unwavering support of a broad segment of Nebraskans, rural and urban.

Proponents of any future raids on the trust need to keep that fact firmly in mind.

Twin Platte NRD aided by high flows

WORLD-HERALD NEWS SERVICE

NORTH PLATTE — A surplus of water in the North Platte River now will help a natural resources district later.

Larger-than-usual releases of water from Lake McConaughy have resulted in some flooding along the North Platte River.

To help ease the risk of flooding, area irrigation districts and the Nebraska Department of Natural Resources have agreed to divert some of that water into irrigation canals earlier than usual.

Once the water is diverted into irrigation canals, some of it will seep into the Ogallala aquifer and become groundwater.

That will help the Twin Platte Natural Resources District, which has to return some of that groundwater to the river over the next 10 years under a plan to protect and increase water flows.

Court decision reopens Republican River fight

B Y PAUL HAMMEL

WORLD-HERALD BUREAU

LINCOLN — Kansas appears to have grabbed the momentum in its long-running legal dispute with Nebraska over flows in the depleted Republican River.

On Monday, the U.S. Supreme Court agreed to reopen Kansas' lawsuit with Nebraska, allowing lawyers to present arguments that Nebraska used more water than allowed in 2005 and 2006.

The high court's decision gives Kansas a new opportunity to seek millions of dollars in damages from Nebraska taxpayers and tougher restrictions on irrigators in the Republican River basin of south-central and southwest Nebraska.

It comes after the two states and Colorado negotiated a settlement of most water disputes in 2003. The court's action also follows an arbitrator's non-binding ruling in 2009 that Kansas had proved only nominal monetary damages from low flows in the Republican, not the \$72 million in losses it claimed for 2005 and 2006.

Monday's action by the high court shifts the momentum — and it isn't good news for Nebraska, said Mike Jess, a former director of the Nebraska Department of Water Resources and now a private consultant.

"It's clearly saying that there's a live issue here," Jess said. Despite what Nebraska would like, the dispute "is just not going to go away. It says, in all likelihood, that Nebraska needs to do more."

Kansas first sued in 1998, alleging that both Nebraska and Colorado had violated a 1943 compact among the three states. In 2003 the Supreme Court entered a decree approving the terms of a settlement negotiated by the states.

Now Kansas says Nebraska violated both the settlement decree and the compact by overusing more than 78,000 acre-feet of water during 2005 and 2006.

Monday's ruling comes 11 months after Kansas asked the Supreme Court to reopen the case and enforce the terms of the settlement.

Kansas Attorney General Derek Schmidt, in a statement, praised Monday's decision. This "allows us to proceed and gives Kansas the chance to press our case and protect our state's and citizens' interests," he said.

Kansas has argued for years that increased irrigation by Nebraska farmers depleted flows in the Republican River, harming Kansans and violating the threestate compact. The agreement guaranteed that 40 percent of the river's water would reach the Jayhawk State.

Nebraska disputes the claims. It also has embarked on efforts to restore flows in the Republican River, including reducing irrigation and removing water-robbing vegetation from the streambed.

But reducing irrigation too drastically would be devastating economically, Nebraska officials have said.

While the arbitrator's 2009 ruling indicated that Kansas hadn't proved its claim of massive economic losses, it also said Nebraska needed to do more to increase flows in the Republican, particularly during dry years.

Kansas' recent legal moves indicate it doesn't believe Nebraska has done enough, Jess said. Kansas also likely has new stud-

ies to bolster its claim of major economic damages, he said.

The Supreme Court appointed William Kayatta Jr., a lawyer from Portland, Maine, as special master to hear the new points raised by Kansas. After taking evidence and testimony, Kayatta will make recommendations to the high court.

Nebraska has been in compliance with the Republican River compact since 2007, but compliance in 2005 and 2006 remains in dispute.

One of the natural resources districts in the region, the Upper Republican NRD, recently announced that it would buy 3,300 acres of irrigated farmland to reduce water use.

But there remains friction among the three NRDs in the Republican basin over whether each is doing enough.

Nebraska Attorney General Jon Bruning, in a statement, said farmers in the Republican basin have "the management tools in place to continue to be in compliance with the compact."

"Our farmers have done what is necessary for the last several years to ensure we are doing our part," Bruning said.

Robert Nelson: Spending debate

By Robert Nelson
WORLD-HERALD COLUMNIST

Is it possible to make government bigger by trying to make government smaller?

The U.S. House of Representatives recently voted to discontinue funding to the U.S. Army Corps of Engineers' massive information-gathering project to modernize the now 67-year-old management plan for the Missouri River.

The cancellation of the Missouri River Authorized Purposes Study, termed "Mr. APS" by some acronym-loving oddball, would save American taxpayers \$17 million, at least in the short term.

Since the Flood Control Act of 1944, the Missouri River, once a valley-wandering beast of a braided river, has been dammed, channelized and lined with dikes with these purposes in mind: flood control; navigation; hydropower; irrigation; water quality; recreation; and fish and wildlife management.

Today, providing those valuable services is combined with the harsh reality that drastically changing a river can have drastic environmental effects.

The river no longer carries vast loads of sediment, which, several scientific studies have shown, may be leading to numerous erosion problems downstream that could cost taxpayers millions, if not billions, to fix.

For one: Wetland habitats have disappeared and, because of dropping water tables, are becoming increasingly difficult, and expensive, to re-establish.

A key reason for revisiting this issue is that once-less-significant priorities such as recreation, fish and wildlife concerns and water quality might now be bigger priorities than they once were.

Some of the prime goals of the initial plan, such as making the river navigable for barge traffic (which now barely exists north of the state of Missouri), might not be as important.

One idea being floated is to modify the release of water from the river's dams to more closely match the seasonal rises and falls of water levels that sustained the river's original ecosystem.

Missourians worry that this could increase the chances for flooding and, at other times, make barge travel difficult.

With that in mind, Missouri's congressional delegation has led the charge to yank funding for the corps' study.

Were the study to be continued, it is likely that the management of the Missouri River might be adjusted to better represent the interests of states up the river from Missouri, such as Nebraska or Iowa.

In the past year, however, Missouri politicians have been successful at tagging the study as an example of wasteful government spending.

Indeed, budget concerns are the reason Rep. Lee Terry, R-Neb., said he voted to defund the study.

"The simple issue is that we have to pare back on spending," Terry said in a phone interview. "I hate to sound parochial here, but I heard nothing from constituents about this and didn't personally see the benefit of continuing the study for Nebraska."

Now the defunding issue moves to the Senate.

There, it seems that a strong argument could be made that spending \$17 million to finish the corps study could save taxpayers many millions of dollars more in the years to come and, perhaps, restore habitats and increase opportunities for Nebraska and Iowa's hunters, fishers and other outdoor enthusiasts.

Bill Smith, a Sioux City, Iowa, resident who is president of the Missouri Valley Waterfowl Association, has been involved with several attempts to revisit the river's management plan. In recent months, he has written several Midwestern political figures, arguing that killing the corps' river study would waste taxpayer dollars, not save them.

"All people need to do is look at the numbers," Smith said. "Look how much taxpayers pay to keep the river (north of St. Joseph, Mo.) open for barge traffic that doesn't exist. Then look at how much money South Dakota makes from recreational tourism dollars.

"Instead of a road to nowhere, we have a navigation channel to nowhere," he said. "If this study dies, that's absolutely how things will remain."

Since 1944, Smith said, several hundred million taxpayer dollars have been spent to maintain that deep channel north of Missouri for a barge industry that never really has materialized.

"If I was a senator or a governor or just a taxpayer in a state other than Missouri along the river, I'd want to know if our money was being invested wisely in a river management plan that hasn't been looked at hard in 67 years," he said.

Admittedly, the financial numbers swirling around this issue get complicated very quickly.

Add to this the argument that, although barge traffic has been scant in previous years, it could, in these times of higher fuel costs, become a much more viable option for moving goods.

It's such a complex issue that a comprehensive study would be needed to guide wise and cost-effective use and protection of the Missouri River in the decades to come.

Which is what Congress intended to do in 2009 by providing money for the corps' Missouri River Authorized Purposes Study.

Just another one of those big government studies ...

... that not only could benefit the Missouri Valley ecosystem and perhaps provide business and recreational opportunities for the people of Nebraska and Iowa, but also could save American taxpayers much more than it costs.

To rework a phrase:

Maybe, in this case, we have to spend money to save money.

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Neb. closer to owning beloved land

By John Schreier
WORLD-HERALD BUREAU

Nebraska's largest waterfall soon will sit on public land.

The Nebraska Environmental Trust on Thursday approved a grant to the Nebraska Game and Parks Commission that will allow it to purchase land containing Snake River Falls.

Although the five members voting in favor of the award didn't represent a majority, opponents fell short of the eight votes necessary to kill the controversial sale. Six members voted no and one abstained.

"We've only got one chance. If it comes up for sale again, we'll have no control over it," board member Vince Kramper said in urging approval of the measure.

The 3,100-acre Snake Falls Ranch is about 20 miles south of Valentine in Cherry County.

The Game and Parks Commission will pay \$3.5 million for a 1,300-acre parcel that contains Snake River Falls and about three miles of river upstream.

The trust approved a grant of approximately \$2.4 million. The parks commission will fund the remaining \$1.1 million from revenue produced by the sales of hunting and fishing permits and excise taxes on goods such as guns and boat fuel.

Although the commission has been forced to cut its budget in other areas, the game cash fund is solvent.

The remaining 1,800 acres, costing about \$5 million, will be sold to the 110-member Snake Falls Sportsmen's Club, which has leased fishing rights since the area was closed to public access 20 years ago.

"I've fished it for so many years, it's in my soul," said Dave Baxter, a Lincoln resident and member of the club. "I just want to see it protected."

The sale was strongly opposed by many neighboring residents, who fear that an onslaught of visitors would harm the fragile ecosystem. That portion of the Snake River is widely considered among the region's finest trout-fishing streams.

The parks commission is considering allowing only barbless hooks or fly fishing — or limiting access to the river through a lottery.

"The Environmental Trust Fund, to me, is about providing good access to the citizens of the state," said board member Gloria Erickson, who voted against the measure. "This includes families and young people who might not meet the requirements to fish."

Heirs of Les and Betty Kime own the Snake Falls Ranch and initially offered to sell the entire property to the private Snake Falls Sportsmen's Club.

The fishing club couldn't afford to buy the entire ranch so it approached the Game and Parks Commission about buying part of the property. The agency turned to the Nebraska Environmental Trust, which distributes funds from the state lottery.