

# MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: July 7, 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 June, 2011, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS:**

1. The District received a letter from the United States Army Corps of Engineers thanking Jerry Herbster for his support in providing emergency office space for the Missouri River Project Staff at the NRC. The Missouri River Staff will be housed here for approximately two months.
2. The District has been notified that the Whitted Creek Stream Rehabilitation Project is holding up well during the flood of 2011. The water is currently backing into the Whitted Creek from the Papio and is about 24 inches depth-wise of backing up (over) the waterfall structure; birds and wildlife are returning to the refuge.
3. The District has received the "Stay in the Game" Award, presented by the Nebraska Department of Health and Human Services in partnership with Workwell Inc. for the District's participation in the Colorectal Cancer Screening Program.

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 June, 2011. Please review this report and contact me if you have any questions.

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** None

E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** The next Papillion Creek Watershed Partnership meeting is scheduled to meet on July 28, 2011, at 10:00 a.m. at the NRC.

F. **LEGISLATIVE REPORT:**

- May 20, 2011 NARD Legislative Update
- May 27, 2011 NARD Legislative Update

G. **NEWS CLIPS:**

- ✓ June 6, 2011, Bellevue Leader article – Dam water surge puts Riverfront in peril – NRD builds berm under highway
- ✓ June 8, 2011, Omaha World Herald article – Platte, too, may pack a punch
- ✓ June 10, 2011, Omaha World Herald article – City updates flood plans; RiverFest moved to BU
- ✓ June 11, 2011, Omaha World Herald article – City officials update flooding information
- ✓ June 20, 2011, Omaha World Herald article – Private levees fly under inspection radar
- ✓ June 23, 2011, Omaha World Herald article – Midlands Voices: NRDs responsibly manage groundwater resources
- ✓ June 24, 2011, Omaha World Herald article – Latest on Flooding
- ✓ July 7, 2011, Omaha World Herald article – Joining Together Against Flood – Human spirit truly inspiring
- ✓ July 6, 2011, Bellevue Leader article – Volunteers help fill sandbags

/pt/Winkler/GM Reports/2011/july

## **June, 2011 Information/Education Report**

### **Information**

- Continued work on interpretive sign for Platte River Landing
- Continued working on I&E budget recommendations
- Continued work on Trails brochure update/reprint
- Updated Facebook page
- Began work on scripts for 2011 Public Service Announcements Campaign
- Began work on Fall 2011 Spectrum newsletter
- Reviewed Fact Sheets for possible changes
- Updated web site
- Created and updated Missouri River Flood Fighting page within web site

### **Education**

- Backyard Explorers Summer Camp = 21 4-5 year olds, 1 week, 9am-12pm
  - Topics: water, plants, animals and play
  - Planned, coordinated and facilitated all activities
- Discovering Nature Summer Camp = 41 6-8 year olds, 1 week, 9am-2pm
  - Topics: Senses Exploring, gardening, lake exploration, wildlife and camping
  - Planned, coordinated and facilitated all activities
- School programs
  - Druid Hill Elementary – gardening/plants program = 70 K-6<sup>th</sup> grade students
  - Benson West Elementary – owls program = 80 K-6<sup>th</sup> grade students
  - Druid Hill Elementary – bugs program = 70 K-6<sup>th</sup> grade students
- Wildlife Encounters day camp program – raptors and water quality = 17 6-12 year olds
- Continued contacting World O! Water participants
- Continued prep and planning for NRD Summer Camps
- Go Play Adventure Book deliveries to distribution locations
- Continued planning for early childhood curriculum workshop in July
- Girl Scout Programming and Camp Out help at Chalco Hills, 24 girls
- Continued planning screenings of "Mother Natures Child"
- Met with Julie Harris of Live Well Omaha on Safe Routes to School/Outdoor Classrooms
- Attended FNA Board Meeting
- Continued planning LEP workshop in Norfolk, NE
- Finalized post locations/install for GPA 3
- Sent out Post Host letters, press releases, information on GPA 3
- Updated the MORE Nature Website
- Continued working with Lanoha on Nature Playground at Chalco
- Coordinated 6 billboards throughout Omaha for GPA3
- Met with Durham Museum about coordination of programs for Fall 2011
- Purchased prizes and coordinated pick up for Go Play Adventure 2
- Presented information about GPA 3 at Omaha Community Centers Meeting
- Designed and Ordered signage for Nature Playground at Chalco



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**1616 CAPITOL AVENUE**  
**OMAHA NE 68102-4901**

JUN - 6 2011

June 3, 2011

Real Estate Division

SUBJECT: Emergency Office Space, Papio Dam Site 20, 8901 South 154<sup>th</sup> Street, Omaha, Nebraska – Papio-Missouri River Natural Resources District

Mr. Jerry Herbster  
Papio-Missouri River Natural Resources District  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska Dakota 68138

Dear Mr. Herbster,

This letter is to thank you and the Papio-Missouri River Natural Resource District for providing emergency office space to the Corps of Engineers, Missouri River Project Staff in the Papio-Missouri River Natural Resources Center. It is our understanding that the emergency space will be provided at no cost for approximately two months beginning June 1, 2011. It is also our understanding that the space may be available for continued use if needed with two weeks prior notice.

Thank you for assisting the Corp of Engineers in the flood fight. If you have any questions, please write to me at the above address or telephone Bob Incontro of my staff at 402-995-2831.

Sincerely,

Lon G. Larson  
Chief, Real Estate Division



# STAY IN THE GAME



5-STAR AWARD RECIPIENT

PRESENTED TO:

*Papio Missouri NRPD*

for successfully meeting the standards for colorectal and cardiovascular preventive screening and education.

*June 15, 2011*

Date

*Danielle J. Thies*

Danielle Thies  
WorkWell, Inc.

*Michelle Heffelfinger*

Michelle Heffelfinger  
Nebraska Colon Cancer Program

**WorkWell**  
We value people and the pursuit of LivingWell.



Department of Health & Human Services

**DHHS**

N E B R A S K A

**June, 2011**



## Nebraska's Natural Resources Districts

[www.nrdnet.org](http://www.nrdnet.org)

Protecting Lives • Protecting Property • Protecting the Future

601 S. 12<sup>th</sup> St. Suite 201  
Lincoln, NE 68508

[nard@nrdnet.org](mailto:nard@nrdnet.org)  
(402) 471-7670

May 20, 2011

TO: NARD Board, NRD Managers and Conservation Partners  
FROM: Dean E. Edson, NARD Executive Director  
RE: May 20, 2011 NARD Update

### Legislative Action – General File

**LB 400 - NRD Three-Cent Levy Authority.** State Senators advanced **LB 400** to Final Reading on Friday by a voice vote. Earlier in the week, State Senators advanced the bill to Select File on a 35-1 vote after adopting the Revenue Committee amendment. The Revenue Committee amendment (**AM 1446**) guts the original **LB 400** and inserts the provisions of **LB 528**, which extends the three-cent levy authority for fully and over-appropriated NRDs until 2017-18. The Committee amendment was adopted on a 34-1 vote.

Senator Christensen was the lone senator to vote against the committee amendment and advancement of the bill on General File.

Prior to adopting the committee amendment, Senator Christensen introduced **AM 1501** which proposed to eliminate the sunset date of 2017-18 and replace it with language that would sunset the authority for each eligible district eight years after the district first implemented the levy. This language would eliminate the authority as soon as next year for some districts while others would be eliminated anywhere from two to eight years from now. The Christensen amendment failed 4-36.

On Select File, Senators adopted an amendment offered by Senator Cornett (**AM1512**) which incorporates provisions of **LB 430**. The language clarifies that the bonded debt of sanitary improvement districts is exempt from the levy limits. The Nebraska State Auditor's office had raised concerns that it was not clear that sanitary improvement districts' bonded debt was exempt. Bonded indebtedness is exempt for other political subdivisions. Senators adopted the amendment on a 33-0 vote. **LB 430** was advanced out of the Revenue Committee by an 8-0 vote but did not have priority status.

Originally **LB 400** would have repealed the Long-Term Care Savings Plan Act and is a Speaker Priority Bill introduced by Charlie Janssen. **LB 528** did not have priority status and would not be scheduled for debate in the remaining days of the 2011 session.

**LB 629 - Adopt the Hazardous Liquid Pipeline Reclamation and Recovery Act. Sullivan.** The legislature advanced **LB 629** to Select File on a 47-0 vote this week after adopting the committee amendment to the bill. Originally the bill proposed to ensure that no pipeline carrier would be allowed to construct or operate a pipeline through this state for the transportation of hazardous liquid unless and until the Public Service Commission certifies that the pipeline carrier has provided proof of financial responsibility.



The Natural Resources Committee amendment (AM 1465) guts the original provisions of the bill and makes a pipeline company financially responsible for reclamation costs related to a project. The amendment was adopted on a 45-0 vote. Key provisions of the committee amendment are:

- Creates the Oil Pipeline Reclamation Act;
- Requires that a pipeline carrier owning, constructing, operating or managing a pipeline through the state for transporting oil be financially responsible for reclamation costs related to construction, operation and management of the pipeline;
- Reclamation is to begin as soon as reasonably practicable upon backfill;
- Responsibility continues until the pipeline is permanently decommissioned or removed;
- The act does not prohibit a government entity from pursuing reclamation costs related to roads, bridges and other infrastructure;
- The act provides the minimum standards to be met by a pipeline carrier.
- The act is not to affect the agreements made between a landowner and pipeline carrier, and is not to affect a pipeline carrier's duties under applicable federal law or permits.
- An emergency clause and severability clause are included.

**Governor Action -- Governor Heineman signed the following bills into law this week:**

**LB 229e - Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund. Fischer.** The bill provides for a process for the Nebraska Department of Natural Resources to apply for a grant from the Nebraska Environmental Trust Fund (NETF) to fund water programs. The bill was a result of compromise from the NETF, State Senators, environmental groups, and ag groups. This is what the compromise does:

- Allows the Department of Natural Resources (DNR) to apply to NETF for a three-year \$9.9 million grant for fully/over-appropriated river basins and gives that grant 50 bonus points in the ranking. If approved, the grant will be paid out in three annual installments of \$3.3 million. The bonus points will be contingent on the Legislature appropriating \$3.3 million in General Funds annually to match the NETF funds.
- Provides an annual match of \$3.3 million in General Fund dollars that will be appropriated to the Water Resources Cash Fund (WRCF). Previously, the WRCF received \$2.7 million annually. Total appropriation intent over the three-year period is \$9.9 million.
- Creates a sub-account within the Water Resources Cash Fund for the purpose of holding funds received from the NETF. The interest from this sub-account will be credited back to the NETF.
- Adds intent language to apply for an additional three-year grant provided that benchmark criteria are met.
- Requires that expenditures from the WRCF made to natural resources districts have met the 40 percent matching fund requirement. The 40 percent matching requirement is

already part of existing law for a NRD to receive funds from the WRCF. No more than 10 percent of the 40 percent match from the NRD can be in-kind.

**LB 248 - Change provisions relating to burning permits and range management burning.**

**Dubas.** The bill allows local fire departments to develop standards rather than rules and regulations for burning permits. The bill also eliminated the term "range management" and replaced it with an expanded definition of "land management".

The bill made clarifications to the definition of land management burning and added that scientific research may be conducted under the land management burning law. Land management is defined in the bill as meaning the controlled application of fire to existing vegetative matter on land utilized for grazing, pasture, forests, or grassland to control weeds, pests, insects, and disease, prevent wildland fires, manage watersheds, care for windbreaks, and conduct scientific research.

That language includes land that is used for grazing, pasture, forests, or grassland to control weeds, pests, insects, and disease, prevent wildland fires, manage watersheds, care for windbreaks, and to conduct scientific research.

**LB 374e -- Appropriate funds for state government expenses. Speaker Flood, on behalf of the Governor.**

This is the mainline appropriations bill for state government operations. Funding for natural resources programs is included in this bill. State aid to municipalities, counties and natural resources districts was eliminated by **LB 383e** passed earlier this session. The committee amendment (**AM 904**) made changes to the Interrelated Water Management Fund. The new language transfers \$1,153,267 to the Department of Natural Resources general operations program to carry out technical studies that will include cooperative efforts with natural resources districts. It also eliminated \$500,000 in funding and left \$500,000 annual appropriation for the program.

**LB 378e -- Provide for fund transfers and change provisions relating to various funds.**

**Speaker Flood, on behalf of the Governor.** The bill provides for fund transfers. For natural resources programs, the bill transfers \$2.7 million to the Water Resources Cash Fund. This fund is increased under **LB 229Ae** to \$3.9 million which Senators gave final approval to after budget bills passed. The chart on the next page shows the funding for natural resources programs.

**LB 549e - Create the Nebraska Youth Conservation Program. Council.** The bill creates the Nebraska Youth Conservation Program to be administered and maintained by the Nebraska Game and Parks Commission (NGPC). The program will 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 combines academic, environmental and job skills training with personal growth opportunities for the participants.

The bill also creates the Nebraska Youth Conservation Program Fund which will consist of appropriations by the Legislature and any gifts, grants, bequests and other contributions to the fund. The appropriations bill (**LB 549Ae**) transfers \$994,400 from the State Settlement Cash Fund to the Nebraska Youth Conservation Program Fund to start the program. The bill also eliminates legislative discretion over the State Settlement Cash Fund and authorizes the Attorney General to determine the fund's use. Senator Langemeier declared **LB 549e** as his Priority Bill for the session.

**Natural Resources Funding FY 2011-12 & FY 2012-13**

	<b>FY 11 Approp</b>	<b>FY 11-12 Governor</b>	<b>FY 12-13 Governor</b>	<b>FY 11-12 Final</b>	<b>FY 12-13 Final</b>
<b>DNR Operations Funding</b>					
General Fund	9,304,414	9,133,419	9,243,904	10,286,686	10,397,171
Cash Fund	473,337	774,277	776,125	774,227	776,125
Federal Fund	430,887	432,333	439,596	432,333	439,596
Total Operations Funding	10,208,638	10,340,029	10,459,625	11,493,296	11,612,892
<b>Small Watersheds</b>					
General Fund	0	0	0	0	0
Cash Fund	475,000	475,000	475,000	475,000	475,000
Total	475,000	475,000	475,000	475,000	475,000
<b>Soil and Water Conservation Fund</b>					
General Fund	2,318,036	2,318,036	2,318,036	2,318,036	2,318,036
Cash Fund	384,750	50,000	50,000	50,000	50,000
Total	2,702,786	2,368,036	2,368,036	2,368,036	2,368,036
<b>Water Well Decommissioning</b>					
General Fund	0	0	0	0	0
Cash Fund	228,798	100,000	100,000	100,000	100,000
Total	228,798	100,000	100,000	100,000	100,000
<b>Nebraska Resources Development Fund</b>					
General Fund	3,140,325	3,140,325	3,140,325	3,140,325	3,140,325
Cash Fund	47,500	47,500	47,500	47,500	47,500
Total	3,187,825	3,187,825	3,187,825	3,187,825	3,187,825
<b>Natural Resources Water Quality Fund</b>					
General Fund	0	0	0	0	0
Cash Fund	1,187,500	1,187,500	1,187,500	1,187,500	1,187,500
Total	1,187,500	1,187,500	1,187,500	1,187,500	1,187,500
<b>Inter-related Water Management</b>					
General Fund	2,153,267	2,153,267	2,153,267	500,000	500,000
Cash Fund	0	0	0	0	0
Total	2,153,267	2,153,267	2,153,267	500,000	500,000
<b>NRD State Aid</b>	1,436,069	0	0	0	0
<b>Water Resources Cash Fund (LB378e &amp; 229Ae)</b>	2,700,000	2,700,000	2,700,000	3,900,000	3,900,000





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Protecting Lives • Protecting Property • Protecting the Future

May 27, 2011

TO: NARD Board of Directors, NRD Managers and Conservation Partners  
FROM: Dean E. Edson, NARD Executive Director  
RE: May 27 NARD Sine Die Update

The Nebraska Legislature adjourned sine die May 26, 2011 on day 87 of a 90 day session. This document contains a summary of the outcome of all 2011 Legislative Bills of interest to natural resources districts.

The first section lists bills that were passed by the Legislature and approved by Governor Heineman. The second section lists bills that will be carried over to the 2012 Legislative session. The third section lists bills that have been indefinitely postponed because its provisions have been included in other enacted legislation or its companion bill has been indefinitely postponed. The fourth section lists interim study resolutions that were introduced in 2011.

Bills that passed are on pages 1-7, bills that will be carried over to the 2012 Legislative session are on pages 7-14, bills that are indefinitely postponed are on page 14, and interim study resolutions introduced in 2011 are on pages 15-16.

Most bills passed and approved by the governor become law three calendar months after the Legislature adjourns unless they have an emergency clause or a specified operative date. The emergency clause is a provision that allows a bill or a portion of a bill to take effect immediately after the governor signs it or after the Legislature overrides a governor's veto.

### **Section One – Bills Passed by the Legislature and Approved by Governor Heineman**

#### **LB 1 – Revisor bill to repeal an obsolete cost-share program relating to the Republican River.**

The bill was introduced by the Executive Board. Senators gave final approval to **LB 1** by a 48-0-1 vote on February 4, 2011. The bill was approved by the Governor on February 10, 2011.

#### **LB 2 – Revisor bill to repeal obsolete statutes relating to the Water Policy Task Force, ground water conservation districts, and certain provisional permits.**

The bill was introduced by the Executive Board. Senators gave final approval to **LB 2** by a 48-0-1 vote on February 4, 2011. The bill was approved by the Governor on February 10, 2011.

**LB 27 – Change provisions relating to water appropriations for power generation.** 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. Senators gave final approval to **LB 27** by a 42-0-7 vote on April 8, 2011. The bill was approved by the Governor on April 14, 2011.

**LB 28 – Change provisions relating to chemigation.** The bill eliminates the requirement that a copy of each approved chemigation application be immediately forwarded to the Department of Environmental Quality. The bill requires that the information be maintained by the natural resources districts and provided to the department upon request.

The bill also eliminates a couple of provisions in annual reports from the natural resources districts to the department. The reports would no longer have to include the location of each permitted chemigation system in the district and the name of each permit holder utilizing chemigation in the district.

The bill was introduced by Senator Langemeier. Senators gave final approval to **LB 28** by a 49-0-0 vote on February 16, 2011. The bill was approved by the Governor on February 22, 2011.

**LB 29 -- Change provisions relating to the use of certain funds by the Department of Environmental Quality.** This bill accomplishes three things: 1) Changes the funding source for the reimbursement of political subdivisions for the cleanup of illegal roadside dumps from the Integrated Solid Waste Management (Integrated Waste) Cash Fund to the Waste Reduction and Recycling Incentive (Waste Reduction) Fund. 2) Enables the department to fund part of its emergency response activities out of the Petroleum Release Remedial Action (Petroleum Release) Cash Fund. This program is currently funded 100% out of the Integrated Waste Cash Fund. 3) Removes statutory authority to utilize fees remitted to the Integrated Waste Cash Fund for the performance of cleanup activities under the Livestock Waste Management (Livestock) Act.

The bill was introduced by Senator Langemeier. Senators gave final approval to **LB 29** by a 42-0-7 vote on February 16, 2011. The bill was approved by the Governor on February 22, 2011.

**LB30 -- Change provisions relating to composting sites.** The bill clarifies the state statute to ensure citations to federal laws (Clean Water Act, etc.) are accurate. The bill increases the permit term for composting sites from five years to ten years and eliminates the prohibition on permit transfers. The bill also eliminates the requirement that compost sites be inspected semiannually. On Select File, **ER 10** was adopted to the bill to provide correct references to federal law. An ER amendment is an Enrollment and Review amendment that makes minor corrections to the bills as they move through the process.

The bill was introduced by Senator Langemeier. Senators gave final approval to **LB 30** by a 49-0 vote on February 16, 2011. The bill was approved by the Governor on February 22, 2011.

**LB 31 -- Change supplemental agricultural appropriation of water provisions.** 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. Senators gave final approval to **LB 31** by a 42-0-7 vote on April 8, 2011. The bill was approved by the Governor on April 14, 2011.

**LB 32 - Change dam and appropriation application approval provisions.** 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. Senators gave final approval to **LB 32** by a 42-0-7 vote on April 8, 2011. The bill was approved by the Governor on April 14, 2011.

**LB 154 - Change procedures for filling vacancies on natural resources district boards.** Janssen. The bill makes a couple of changes when a vacancy occurs on natural resources boards.

First the bill requires that when a vacancy occurs, the board of directors shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term (a) in writing to the Secretary of State and (b) to the public by a notice published in a newspaper of general circulation within the district or by posting in three public places in the district.

Second, if the vacancy occurs during the term prior to August 1 of the second year of the unexpired term, the appointee would have to run for election for the remaining term. Finally, if the vacancy occurs after August 1 of the second year of the unexpired term or during the third or fourth year of the unexpired term, the appointee shall serve until the term expires.

The bill was introduced by Senator Janssen. Senators gave final approval to **LB 154** by a 49-0 vote on February 16, 2011. The bill was approved by the Governor on February 22, 2011.

**LB 229e - Transfer funds from the Nebraska Environmental Trust Fund to the Water Resources Cash Fund.** The bill provides for a process for the Nebraska Department of Natural Resources to apply for a grant from the Nebraska Environmental Trust Fund (NETF) to fund water programs. The bill was a result of compromise from the NETF, State Senators, environmental groups, and agriculture groups. This is what the compromise does:

- Allows the Department of Natural Resources (DNR) to apply to NETF for a three-year \$9.9 million grant for fully/over-appropriated river basins and gives that grant 50 bonus points in the ranking. If approved, the grant will be paid out in three annual installments of \$3.3 million. The bonus points will be contingent on the Legislature appropriating \$3.3 million in General Funds annually to match the NETF funds.
- Provides an annual match of \$3.3 million in General Fund dollars that will be appropriated to the Water Resources Cash Fund (WRCF). Previously, the WRCF received \$2.7 million annually. Total appropriation intent over the three-year period is \$9.9 million.
- Creates a sub-account within the Water Resources Cash Fund for the purpose of holding funds received from the NETF. The interest from this sub-account will be credited back to the NETF.
- Adds intent language to apply for an additional three-year grant provided that benchmark criteria are met.
- Requires that expenditures from the WRCF made to natural resources districts have met the 40 percent matching fund requirement. The 40 percent matching requirement is already part of existing law for a NRD to receive funds from the WRCF. No more than 10 percent of the 40 percent match from the NRD can be in-kind.

The bill was introduced by Senator Fischer; Senator Larson also declared it his Priority Bill for the session. Senators gave final approval to **LB 229e** with an emergency clause by a 39-5-5 vote on May 11, 2011. The bill was approved by the Governor on May 17, 2011.

**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.

The bill was introduced by Senator Carlson. Senators gave final approval to **LB 243** by a 47-0-2 vote on March 4, 2011. The bill was approved by the Governor on March 10, 2011.



**LB 248 - Change provisions relating to burning permits and range management burning.** The bill allows local fire departments to develop standards rather than rules and regulations for burning permits. The bill also eliminated the term "range management" and replaced it with an expanded definition of "land management".

The bill made clarifications to the definition of land management burning and added that scientific research may be conducted under the land management burning law. Land management is defined in the bill as meaning the controlled application of fire to existing vegetative matter on land utilized for grazing, pasture, forests, or grassland to control weeds, pests, insects, and disease, prevent wildland fires, manage watersheds, care for windbreaks, and conduct scientific research.

The bill was introduced by Senator Dubas. Senators gave final approval to **LB 248** by a 41-0-8 vote on May 11, 2011. The bill was approved by the Governor on May 17, 2011.

**LB 366 - Change subcommittee recommendation provisions relating to the Nebraska Environmental Trust Fund.** 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. The bill also requires that all subcommittee meetings be subject to the Open Meetings Act.

The bill was introduced by Senator McCoy. Senators gave final approval to **LB 366** by a 46-0-3 vote on April 20, 2011. The bill was approved by the Governor on April 26, 2011.

**LB 374e -- Appropriate funds for state government expenses.** This is the mainline appropriations bill for state government operations. Funding for natural resources programs is included in this bill. State aid to municipalities, counties and natural resources districts was eliminated by **LB 383e** passed earlier this session. The committee amendment (**AM 904**) made changes to the Interrelated Water Management Fund. The new language transfers \$1,153,267 to the Department of Natural Resources general operations program to carry out technical studies that will include cooperative efforts with natural resources districts. It also eliminated \$500,000 in funding and left \$500,000 annual appropriation for the program.

The bill was introduced by Speaker Flood on behalf of Governor Heineman. Senators gave final approval to **LB 374e** with an emergency clause by a 43-0-6 vote on May 11, 2011. The bill was approved by the Governor on May 17, 2011.

**LB 378e -- Provide for fund transfers and change provisions relating to various funds.** The bill provides for fund transfers. For natural resources programs, the bill transfers \$2.7 million to the Water Resources Cash Fund. This fund is increased under **LB 229Ae** to \$3.9 million which Senators gave final approval to after budget bills passed. *The chart on the next page shows the funding for natural resources programs.*

The bill was introduced by Speaker Flood on behalf of Governor Heineman. Senators gave final approval to **LB 378e** with an emergency clause by a 43-0-6 vote on May 11, 2011. The bill was approved by the Governor on May 17, 2011.

**Natural Resources Funding FY 2011-12 & FY 2012-13**

	<b>FY 11 Approp</b>	<b>FY 11-12 Governor</b>	<b>FY 12-13 Governor</b>	<b>FY 11-12 Final</b>	<b>FY 12-13 Final</b>
<b>DNR Operations Funding</b>					
General Fund	9,304,414	9,133,419	9,243,904	10,286,686	10,397,171
Cash Fund	473,337	774,277	776,125	774,227	776,125
Federal Fund	430,887	432,333	439,596	432,333	439,596
Total Operations Funding	10,208,638	10,340,029	10,459,625	11,493,296	11,612,892
<b>Small Watersheds</b>					
General Fund	0	0	0	0	0
Cash Fund	475,000	475,000	475,000	475,000	475,000
Total	475,000	475,000	475,000	475,000	475,000
<b>Soil and Water Conservation Fund</b>					
General Fund	2,318,036	2,318,036	2,318,036	2,318,036	2,318,036
Cash Fund	384,750	50,000	50,000	50,000	50,000
Total	2,702,786	2,368,036	2,368,036	2,368,036	2,368,036
<b>Water Well Decommissioning</b>					
General Fund	0	0	0	0	0
Cash Fund	228,798	100,000	100,000	100,000	100,000
Total	228,798	100,000	100,000	100,000	100,000
<b>Nebraska Resources Development Fund</b>					
General Fund	3,140,325	3,140,325	3,140,325	3,140,325	3,140,325
Cash Fund	47,500	47,500	47,500	47,500	47,500
Total	3,187,825	3,187,825	3,187,825	3,187,825	3,187,825
<b>Natural Resources Water Quality Fund</b>					
General Fund	0	0	0	0	0
Cash Fund	1,187,500	1,187,500	1,187,500	1,187,500	1,187,500
Total	1,187,500	1,187,500	1,187,500	1,187,500	1,187,500
<b>Inter-related Water Management</b>					
General Fund	2,153,267	2,153,267	2,153,267	500,000	500,000
Cash Fund	0	0	0	0	0
Total	2,153,267	2,153,267	2,153,267	500,000	500,000
<b>NRD State Aid</b>	1,436,069	0	0	0	0
<b>Water Resources Cash Fund (LB378e &amp; 229Ae)</b>	2,700,000	2,700,000	2,700,000	3,900,000	3,900,000

**LB 383 – Eliminate state aid to local government.** The bill eliminates state aid to municipalities, counties and natural resources districts. The state aid to NRDs was \$1.4 million annually.

Senator Abbie Cornett introduced **LB 383** at the request of Governor Heineman; the Revenue Committee also declared it a priority bill for the session. Senators gave final approval to **LB 383** by a 36-9-4 vote on March 4, 2011. The bill was approved by the Governor on March 10, 2011.

**LB 400 - NRD three-cent levy authority (*incorporated original provisions of LB 528*.)** Originally **LB 400** would have repealed the Long-Term Care Savings Plan Act. **LB 528** did not have priority status and would not be scheduled for debate in the remaining days of the 2011 session. The bill's original provisions were struck and replaced with the language from **LB 528** with a Revenue Committee amendment (**AM 1446**). The Committee amendment was adopted on a 34-1 vote. State Senators then advanced the bill to Select File on a 35-1 vote after adopting **AM 1446**. The provisions of **AM 1446** extended the NRDs three-cent levy authority in fully and over-appropriated from 2011-12 to 2017-18 which is the same language in **LB 528**.

Senator Christensen was the lone senator to vote against the committee amendment, the advancement of the bill to Select File, and the approval of the bill on Final Reading.

Prior to adopting the committee amendment, Senator Christensen introduced **AM 1501** which proposed to eliminate the sunset date of 2017-18 and replace it with language that would sunset the authority for each eligible district eight years after the district first implemented the levy. This language would have eliminated the authority as soon as next year for some districts while others would have been eliminated anywhere from two to eight years from now. The Christensen amendment failed 4-36.

On Select File, Senators adopted an amendment offered by Senator Cornett (**AM1512**) which incorporated provisions of **LB 430**. The language clarified that the bonded debt of sanitary improvement districts is exempt from the levy limits. The Nebraska State Auditor's office had raised concerns that it was not clear that sanitary improvement districts' bonded debt was exempt. Bonded indebtedness is exempt for other political subdivisions. Senators adopted the amendment on a 33-0 vote. **LB 430** was advanced out of the Revenue Committee by an 8-0 vote but did not have priority status.

The bill was introduced by Senator Janssen; Speaker Flood also declared it a Priority Bill for the session. Senators gave final approval to **LB 400** by a 47-1-1 vote on May 25, 2011. The bill was approved by the Governor on May 26, 2011.

**LB 549e - Create the Nebraska Youth Conservation Program.** The bill creates the Nebraska Youth Conservation Program to be administered and maintained by the Nebraska Game and Parks Commission (NGPC). The program will 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 combines academic, environmental and job skills training with personal growth opportunities for the participants.

The bill also creates the Nebraska Youth Conservation Program Fund which will consist of appropriations by the Legislature and any gifts, grants, bequests and other contributions to the fund. The appropriations bill (**LB 549Ae**) transfers \$994,400 from the State Settlement Cash Fund to the Nebraska Youth Conservation Program Fund to start the program. The bill also eliminates legislative discretion over the State Settlement Cash Fund and authorizes the Attorney General to determine the fund's use.

The bill was introduced by Senator Council; Senator Langemeier also declared it his Priority Bill for the session. Senators gave final approval to **LB 549e** with an emergency clause by a 44-0-5 vote on May 11, 2011. The bill was approved by the Governor on May 17, 2011.



**LB 629 - Adopt the Hazardous Liquid Pipeline Reclamation and Recovery Act.** Originally the bill proposed to ensure that no pipeline carrier would be allowed to construct or operate a pipeline through this state for the transportation of hazardous liquid unless and until the Public Service Commission certifies that the pipeline carrier has provided proof of financial responsibility.

The Natural Resources Committee amendment (**AM 1465**) gutted the original provisions of the bill and made a pipeline company financially responsible for reclamation costs related to a project. The amendment was adopted on a 45-0 vote. Key provisions of the committee amendment are:

- Creates the Oil Pipeline Reclamation Act;
- Requires that a pipeline carrier owning, constructing, operating or managing a pipeline through the state for transporting oil be financially responsible for reclamation costs related to construction, operation and management of the pipeline.
- Reclamation is to begin as soon as reasonably practicable upon backfill.
- Responsibility continues until the pipeline is permanently decommissioned or removed.
- The act does not prohibit a government entity from pursuing reclamation costs related to roads, bridges and other infrastructure.
- The act provides the minimum standards to be met by a pipeline carrier.
- The act is not to affect the agreements made between a landowner and pipeline carrier, and is not to affect a pipeline carrier's duties under applicable federal law or permits.
- An emergency clause and severability clause are included.

The bill was introduced by Senator Sullivan; he also declared it his Priority Bill for the session. Senators gave final approval to **LB 629** with an emergency clause by a 47-0-2 vote on May 26, 2011. The bill was approved by the Governor on May 26, 2011.

## **Section Two – Bills to be Carried Over to the 2012 Legislative Session**

**LB 96 – Change state aid to counties. Revenue Committee.** The current state aid to counties formula includes a two part formula. In the first part of the formula, the bill eliminates the guarantee that each county receives \$30,000 in state aid and replaces it with “up to \$30,000”. The second calculation is the remaining portion based upon the ratio of real and personal property in the county to the state total real and personal property. The existing formula guarantees 0.0075 percent minimum of the total funds. The bill proposes to take the minimum to zero. The bill is currently held in the Revenue Committee.

**LB 103 – Change instream flow appropriation process. Schilz.** The bill clarifies that an instream flow cannot be granted in a fully or over-appropriated basin, but does allow for a transfer of a natural flow appropriation to an instream flow right. The bill is currently held in the Natural Resources Committee.

**LB 115 – Change limits under the Political Subdivision Tort Claims Act. Council.** The bill extends the time frame from one year to two years for a claim to be filed against a political subdivision under the Political Subdivisions Tort Claims Act. The bill is currently held in the Judiciary Committee.

**LB 118 – Eliminate state aid to natural resources districts. Avery.** The bill eliminates state aid to natural resources districts. The bill is currently held in the Revenue Committee.

**LB 119 - Change provisions relating to state aid to incorporated municipalities. Avery.** The bill caps state aid to municipalities to \$9,900,000 and only distributes the funds to municipalities that have a non-bond levy that meets or exceeds 75 percent of the state average for non-bond levies. The bill is currently held in the Revenue Committee.

**LB 127 - Change input into determinations and management plans for regulation of water. Avery.** The bill would require that natural resources districts consult with the Nebraska Game and Parks Commission when developing an integrated management plan. The bill is currently held in the Natural Resources Committee.

**LB 173 - Prohibit natural resources district board members from running for or holding more than one office. Avery.** The bill adds natural resources districts to the list of higher offices, which prohibits natural resources district board members from holding more than one office. The bill is currently held in the Government, Military and Veterans Affairs Committee.

**LB 224 - Change provisions relating to recall of certain political subdivision officials. Avery.** The bill proposes that locally elected officials may be recalled only for malfeasance in office, misfeasance in office, nonfeasance in office, or conviction of a crime involving an act of dishonesty or a false statement. The bill defines the terms as follows:

Malfeasance in office means the knowing and intentional commission by a public official of an unlawful or wrongful act in the performance of the duties of such public official which infringes on the rights of any person or entity.

Misfeasance in office means the negligent performance by a public official of the duties of such public official or the negligent failure by a public official to perform a specific act which is a required part of the duties of such public official.

Nonfeasance in office means the knowing and intentional failure by a public official to perform a specific act which is a required part of the duties of such public official.

The bill is currently held in the Government, Military and Veterans Affairs Committee.

**LB 258 - Provide that entry onto land by a land surveyor is not criminal trespass. Krist.** The bill establishes several work related duties of a land surveyor that would exempt such person from criminal trespass on private property. The bill is currently held in the Judiciary Committee.

**LB 266 - Change the Open Meetings Act relating to closed sessions. Sullivan.** The bill proposes to add a non-elected official for the reason of evaluation of job performance as a purpose of having a closed session of a public body. The bill is currently held in the Government, Military and Veterans Affairs Committee.

**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. The bill is currently held in the Natural Resources Committee.

**LB 340 - Adopt the Hazardous Liquid Pipeline Notification Act. Dubas.** The bill establishes procedures for owning, operating, or managing a pipeline or part of a pipeline in Nebraska. It would require an application be filed with the Nebraska Public Service Commission by the carrier. The pipeline carrier would have the burden to establish that the proposed pipeline would serve the public interest. Prior to determining whether to approve an application, the commission shall evaluate:

- (a) Whether the pipeline carrier has demonstrated compliance with all applicable state statutes, rules and regulations;
- (b) Evidence regarding the environmental, economic and social impacts of the proposed pipeline;
- (c) Evidence regarding the pipeline carrier's efforts to ensure the health, safety or welfare of the residents of the area along the proposed route of the pipeline;
- (d) The impact of the proposed pipeline on the orderly development of the area around the route of the pipeline;
- (e) The views of the governing bodies of the area around the route of the pipeline; and
- (f) Any other relevant factors as determined by the Commission.

The bill is currently held in the Natural Resources Committee.

**LB 391 - Create the Nebraska Invasive Species Council. Schilz.** The bill establishes the Nebraska Invasive Species Council to recommend action to minimize the effects of harmful invasive species in Nebraska. Invasive species is defined to mean aquatic or terrestrial organisms not native to the region that cause economic or biological harm and are capable of spreading to new areas. The council would be governed by up to a 12 member group including: 1) The Nature Conservancy, Nebraska Office; 2) The Nebraska Game and Parks Commission; 3) The Department of Agriculture; 4) The Nebraska Forest Service; 5) The University of Nebraska-Lincoln; 6) The Nebraska Cooperative Fish and Wildlife Research Unit; 7) The Nebraska Weed Control Association; and 8) Up to five members at large who shall represent public interests, at least three of which shall represent agricultural land owner interests, as appointed by the Governor.

The council would also include five non-voting, ex officio representatives as follows: 1) The Midwest Region of the National Park Service; 2) The USDA Animal and Plant Health Inspection Service; 3) The United States Department of Agriculture; 4) USDA NRCS; and 5) The United States Geological Survey.

The council would be responsible for developing and updating a statewide adaptive management plan for Nebraska citizens. The plan would address the following: 1) Statewide coordination and intergovernmental cooperation; 2) Prioritization of invasive species response and management; 3) Early detection and prevention of new invasive species through deliberate or unintentional introduction; 4) Inventory and monitoring of invasive species; 5) Identification of research and information gaps; 6) Public outreach and education; 7) Identification of funding and resources available for invasive species prevention, control, and management; and 8) Recommendations for legislation regarding invasive species issues. The bill is currently held on General File.

**LB 392 -- Provide powers and duties relating to aquatic invasive species. Schilz.** The bill establishes the Aquatic Invasive Species Program under the Nebraska Game and Parks Commission. The program would monitor and sample waters of the state for aquatic invasive species, hire personnel, including, but not limited to, an aquatic invasive species coordinator and temporary staff, and purchase equipment, provide additional enforcement, education, and research relating to control of aquatic species.

The bill would authorize NGPC officers to stop and inspect any conveyance vehicle. Conveyance vehicle is defined as a motor vehicle, a vessel, a trailer, or any associated equipment or containers which may contain or carry aquatic invasive species. The bill creates a Class III misdemeanor for any person that (a) fails or refuses to submit to an inspection of a conveyance requested by an authorized inspector or (b) refuses to permit or prevents proper decontamination or treatment of a conveyance as prescribed by the authorized inspector.

The program would be funded by 20 percent of the current boat registration fees and a new \$30 Aquatic Invasive Species Stamp on out-of-state conveyance vehicles entering Nebraska. The bill is currently held in the Natural Resources Committee.

**LB 395 -- Change voting provisions for members of the Nebraska Environmental Trust Board. Schilz.**

The bill proposes to make state agency representatives to the NETF Board non-voting members. These include the Director of Environmental Quality, the Director of Natural Resources, the Director of Agriculture, the secretary of the Game and Parks Commission, and the chief executive officer of the Department of Health and Human Services or his or her designee. The bill also makes the executive director of the NETF a non-voting member. The bill is currently held in the Natural Resources Committee.

**LB 444 -- Provide methods for notice under the Open Meetings Act. Avery.** The proposal defines the methods in which a public body shall give reasonable advance publicized notice of the time and place of each meeting. These would include, but not be limited to, publication in a newspaper of general circulation, posting on the public body's website, or posting in a public building in the community. The bill is currently held in the Government, Military and Veterans Affairs Committee.

**LB 473 -- Adopt the Black-Tailed Prairie Dog Management Act. Louden.** The bill creates the Black-Tailed Prairie Dog Management Act which 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 provides 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 bill is currently held on General File.

**LB 484 - Exclude certain activities from the definition of excavation under the One-Call Notification System Act. Hadley.** The bill adds an exemption to the one-call system for soil sampling for agricultural nutrient and water management purposes, soil sampling performed to meet requirements of local, state, or federal regulations, soil sampling performed for manure management, and installation of soil moisture monitoring equipment. The bill is currently held in the Transportation and Telecommunications Committee.

**LB 487 - Provide for resolution and ordinance power relating to flood protection and water quality enhancement projects. Karpisek.** The bill changes provisions relating to flood protection and water quality enhancement bonds. Prior to the issue of bonds or funds to an NRD that encompasses a city for a project that includes reservoir, water quality or projects greater than 20 acres, a country board, city council, or village board may pass an ordinance state that is does not approve the construction. The board shall hold a public hearing and vote on the resolution or ordinance within 90 days after notice from the NRD of its intent to issue bonds. The bill is currently held in the Natural Resources Committee.

**LB 498 - Change water resources provisions relating to in situ uranium mining. Louden.** Originally LB 498 would have exempted in situ uranium mining in which water is subsequently re-injected into the underlying aquifer from which it was withdrawn from the Industrial Ground Water Regulatory Act and from the definition of consumptive use. Committee amendment AM 1581 now replaces the bill. Current law allows a permit to be amended unless it would increase daily peak withdrawal or the annual volume by more than 25 percent from the amounts allowed in the original permit. The committee amendment proposes an exception to this rule for applications requesting an increase in the maximum daily volumetric flow rate or annual volume to levels allowed under a Department of Environmental Quality-issued permit. The bill is currently held on General File.

**LB 526 - Change provisions relating to water transfers. Carlson.** The bill allows for a second alternative for water transfers which would be the entire amount of a surface water irrigation right for a non-consumptive use. The bill maintains the other transfer purpose if both the current use and the proposed use are for irrigation, the number of acres to be irrigated will not increase after the transfer, and the location of the diversion from the stream will not change. The bill is currently held in the Natural Resources Committee.



**LB 527 -- Change tax levy authority of natural resources districts. Carlson.** The bill would allow NRDs that have been preliminarily determined to be fully appropriated, but later reversed, to have access to the three-cent levy to administer and implement ground water management activities and integrated management activities. The bill places a 2016-17 sunset date on the authorization. The bill is currently held in the Revenue Committee.

**LB 529 - Change provisions relating to conservation and preservation easements and the Nebraska Environmental Trust. Carlson.** The bill proposes several changes to filing and obtaining conservation easements.

First, the bill proposes that the proposed holder shall provide written notice of the proposed easement to the governing bodies of all entities levying taxes on the property at the same time the notice of the proposed conservation or preservation easement is given to the affected governing body.

Second, the notice shall be delivered by first-class mail and shall include a statement of the fiscal impact of changing the classification of the property or removing it from the tax rolls.

Third, the proposal allows for a county to deny the easement if it is found to be inconsistent with the best interest of the county.

Fourth, if the easement is held by a charitable corporation or trust it would be limited in duration to ten years. Within 90 days of the expiration of such easement, the corporation or trust would be granted a process, including a public hearing, to continue the easement.

Fifth, the Nebraska Environmental Trust Fund board would be prohibited from holding property in fee or obtaining easements.

Sixth, the NETF would be limited to no more than ten percent of the grant allocations in any year shall be used by the recipients for land purchases and easements. The bill is currently held in the Natural Resources Committee.

**LB 533 -- Change membership of the Niobrara Council. Fischer.** The bill proposes several changes to the Niobrara Council, including:

- Requiring that a commissioner rather than a representative be the member to the council from each of the county boards of Brown, Cherry, Keya Paha, and Rock counties.
- Eliminates the Governor's authority to appoint a representative of the US Fish and Wildlife Service and replaces it with the regional director of the National Park Service or his or her designee and the US Fish and Wildlife Service regional director or his or her designee. The proposal also requires such federal agencies to formally notify the Niobrara Council and the Governor in writing that such appointees may vote on all matters before the council.
- Eliminates the preference that the council meet one a month and leaves it open to just having regular meetings.
- Eliminates the prohibition of council members to vote on any matter on which he or she participated or voted as a member of a county board, county planning commission, or natural resources district board.

The bill is currently held in the Natural Resources Committee.

**LB 537 -- A bill to change provisions relating to budget limitations and property tax levy. Karpisek.** The bill allows for political subdivisions to adjust their budgets for fiscal years beginning on or after July 1, 2011, for replacing revenue lost due to reductions in state aid. The bill is currently held in the Revenue Committee.

**LB 595 – Create Water Resources Revolving Loan Fund Act. Carlson.** 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 cost of the program.

The loans under the program would be for activities related to financing or refinancing the costs of eligible projects including:

- (1) acquisition by purchase or lease of water rights in accordance with Chapter 46, article 6, pertaining to ground water, and Chapter 46, article 2, pertaining to surface water, including storage water rights with respect to a river or any of its tributaries,
- (2) acquisition by purchase or lease or the administration and management, pursuant to mutual agreement, of canals and other works, including reservoirs, constructed for irrigation from a river or any of its tributaries,
- (3) vegetation management, including, but not limited to, the removal of invasive species in or near a river or any of its tributaries,
- (4) the augmentation of river flows consistent with the authority granted under Chapter 2, article 32, and
- (5) to develop, store or convey water, and to provide, contract for, and furnish water for domestic purposes, agriculture, manufacturing, and any and all other beneficial uses.

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.

In addition, a provision is added to the bill to allow a transfer from an unidentified source called "Fund XXX" to allow for negotiation on legislative spending cuts and/or other transfers. The bill is currently held in the Natural Resources Committee.

**LB 596 -- Provide for standing with respect to integrated management plan proceedings. Carlson.** The bill would allow standing to participate in any legal or administrative proceedings on integrated management plans by any irrigation district, reclamation district, public power and irrigation district, mutual irrigation company, canal company, or municipality is the owner of an appropriation that relies on water from an affected river basin, sub-basin, or reach that is included in an integrated management plan. The bill is brought forth by Central Nebraska Public Power and Irrigation District after losing a Supreme Court case against the State of Nebraska and NRDs in the Platte River Basin. The bill is currently held in the Natural Resources Committee.

**LB 626 -- Adopt the Electronics Recycling and Job Creation Act. Mello.** The bill proposes to establish an electronics recycling program under the Department of Environmental Quality for computers, monitors, video display devices, televisions, and other electronic equipment intended for home or residential use. The program would be funded by fees on manufacturers of such devices based upon the number of electronic devices sold in the state. The fees would be:

- (a) \$1,250 for sales of 25 but not more than 250 electronic devices;
- (b) \$5,000 for sales of more than 250 but not more than 1,000 electronic devices; and
- (c) \$10,000 for sales of more than 1,000 electronic devices.

A 50% reduction in fees would be allowed for a manufacturer that can certify to the department that the number of pounds of electronic devices recycled as a percentage of the number of pounds of electronic devices that the manufacturer sold in this state in the previous calendar year exceeds 60%. The bill is currently held in the Natural Resources Committee.



**LB 645 - Require inclusion of established surface water use and established ground water 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 is currently held in the Natural Resources Committee.

**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 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 is currently held in the Natural Resources Committee.

**LB 655 -- Change provisions relating to an occupation tax imposed by natural resources districts. Christensen.** The bill proposes that a NRD may allow for the occupation tax on irrigated land to be calculated as a flat amount per irrigated acre or in a different manner as follows:

- 1) The district shall determine the amount of revenue needed to be raised from the tax for the project for the current fiscal year, which could not exceed an average of ten dollars per certified irrigated acre.
- 2) The district shall determine the total acre-feet of surface water and ground water irrigation usage in the district during the immediately preceding calendar year.
- 3) The district shall determine the per acre-foot revenue need by dividing the amount determined in #1 above by the amount determined in #2.
- 4) The district shall calculate the tax for each record owner of irrigated agricultural land based upon each record owner's acre-feet usage of surface water and ground water irrigation during the immediately preceding calendar year by multiplying such usage by the per acre-foot revenue needed.

The district may require reporting by irrigation districts as necessary to carry out calculating the tax owed. The bill is currently held in the Natural Resources Committee.

**LB 656 -- Change provisions relating to flood protection and water quality enhancement bonds. Janssen.** The bill proposes to prohibit the use of bonds for multipurpose projects and practices for storm water management in the Papio-Missouri River NRD. The bill would only allow bonds to be used for construction of flood control and water quality projects and practices for storm water management. Projects that include recreational purposes and use would be prohibited. The bill is currently held in the Natural Resources Committee.

**LB 683 -- Create the Storm Water Management Commission. Mello.** The bill proposes to create the Storm Water Management Commission to study the following:

- 1) The relationship among and adequacy of federal, state, and local regulations and practices that pertain to storm water management;
- 2) The economic impact of actual and potential financing mechanisms for storm sewer system programs;
- 3) The role of design, construction, and maintenance practices by residential, commercial and industrial property owners in storm water management; and
- 4) Options for actual and potential user-charge revenue mechanisms for funding storm sewer system programs.

The commission shall issue a report of its findings and any recommendations for proposed legislation to the Legislature and the Governor on or before November 1, 2011 at which time the proposed commission would terminate.

Members would include:

- A member of the Appropriations Committee;
- A member of the Natural Resources Committee;
- A member of the Urban Affairs Committee;
- The Director of Environmental Quality or his or her designee;
- The Director of Economic Development or his or her designee;
- A representative from the League of Nebraska Municipalities who is employed by a municipality that has a separate storm sewer system;
- A representative of the Nebraska Chamber of Commerce who resides in a municipality which has a separate storm sewer system;
- The president of a metropolitan utilities district;
- A member of the Nebraska Association of Commercial Property Owners; and
- A member of the Omaha Association for a More Competitive Business Environment.

Members of the commission shall serve without compensation and without reimbursement for actual expenses.

Finally, only political subdivisions would be allowed to use NETF grants for land acquisition. The bill is currently held in the Natural Resources Committee.

**LR 51 CA – Constitutional amendment to change allocation of state lottery proceeds. Heidemann.** A proposed constitutional amendment that would redirect the net lottery proceeds currently going to the Nebraska Environmental Trust Fund. Currently the NETF gets 44.5% of the net proceeds. The proposal would provide 22.25% to the Water Resources Cash Fund and 22.25% to the University of Nebraska Innovation Campus. After 2038, the portion going to the Innovation Campus would go to the General Fund. The bill is currently held in the Natural Resources Committee.

### **Section Three – Bills that have been Indefinitely Postponed**

**LB 528 – Change the sunset date on NRD levy. Carlson.** The bill originally proposed to change the sunset date for the NRD three-cent levy for ground water management activities and integrated management activities in fully and over-appropriated areas from 2011-12 to 2017-18. **LB 528** did not have priority status and would not be scheduled for debate in the remaining days of the 2011 session. The bill's provisions were incorporated into **LB 400** with a committee amendment (**AM 1446**.)

## **Section Four – Interim Study Resolutions Introduced in 2011**

The following are the list of interim study resolutions introduced in 2011 that are of interest to natural resource districts. These are sorted by issue.

A complete list can be found at: <http://www.nebraskalegislature.gov/session/interim.php>.

### **DIRECTORS & ELECTIONS**

**LR 245** -- Interim study to examine how technology may be used in elections to make the process more efficient and user-friendly for voters. Avery.

### **FUNDING & TAXES**

- **Water Management Programs**

**LR 218** -- Create the Water Sustainability Funding Task Force to study all possible sources of revenue that could be used to establish a dedicated funding source for water management activities. Natural Resources Committee.

**LR 314** -- Interim study to examine all possible sources of revenue that could be used to establish a dedicated funding source for water management activities in Nebraska. Natural Resources Committee.

- **Trails and Transportation**

**LR 217** -- Interim study to examine issues pertaining to creating a regional transportation commission or authority for purposes of helping to fund political subdivisions' transportation infrastructure projects. Cornett.

**LR 316** -- Interim study to examine the timing issues relating to the construction, permitting, and coordination processes of state and federal agencies regarding roads and transportation projects. Krist.

- **Other**

**LR 220** -- Interim study to examine issues pertaining to the imposition of occupation taxes by local governments. Cornett.

**LR 231** -- Interim study to examine any aspect of the state tax structure and tax policy. Cornett.

### **GENERAL ADMINISTRATION**

**LR 215** -- Interim study to examine issues relating to defined benefit plans of political subdivisions. Nebraska Retirement Systems Committee.

**LR 233** -- Interim study to review the scope of the agricultural exemption from the One-Call Notification System Act. Hadley.

**LR 244** -- Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee. Avery.

**LR 318** -- Interim study to examine the costs incurred when state government and political subdivisions provide services readily available in the private sector. Fulton.

### **LAND USE & ACQUISITION**

**LR 332** -- Interim study to determine the fairness of permanent wildlife conservation easements in today's economic and agricultural climates. Natural Resources Committee.

## **SOLID WASTE**

**LR 205** -- Interim study to examine the potential establishment of a statewide electronics recycling program. Mello.

**LR 247** -- Interim study to examine development of a comprehensive approach to reducing the environmental and health risks posed by the use or disposal of selected consumer products. Haar.

**LR 264** -- Interim study to examine ways to encourage recycling and the use of recycling materials in manufacturing by Nebraska businesses. Mello.

## **WATER QUALITY**

**LR 207** -- Interim study to examine the formation and governance of sanitary and improvement districts. Dubas.

**LR 260** -- Interim study to examine statutes and regulations on in-situ mining and hydraulic fracturing, also known as fracking. Haar.

**LR 323** -- Interim study to examine combined sewer overflow projects affecting municipalities. Mello.

## **WATER & WETLANDS**

- **Flood Control**

**LR 257** -- Interim study to examine the flood control needs of Omaha and the greater Omaha metropolitan area. Mello.

- **Integrated Management Plans**

**LR 273** -- Interim study to examine the criteria for developing integrated management plans required under the Nebraska Ground Water Management and Protection Act. Langemeier.

**LR 304** -- Interim study to examine legislative intent under the Nebr. Ground Water Management and Protection Act regarding water use on "commingled acres". Christensen.

**LR 309** -- Interim study to examine ways to manage water and provide benefits to landowners and other entities for their ability to store and manage water in recharge areas. Schilz.

## **OTHER**

**LR 294** -- Interim study to examine the formation and mission of outdoor outfitters and guides in the State of Nebraska. Avery.

**LR 295** -- Interim study to compile research relating to food safety, animal welfare, resource stewardship, and farm economy welfare, associated with restrictions of livestock husbandry practices promoted by animal welfare advocacy groups. Carlson.

**LR 312** -- Interim study to examine the intent of LB 392, 2011, including duties provided to the Game and Parks Commission for inspection, impoundment, and decontamination relating to aquatic invasive species. Schilz.



# Dam Water surge puts riverfront in peril

NRD builds berm under highway

By Carrie Kreisler  
Leader Editor

As record amounts of water are being released from dams to the north and the Missouri River continues to swell, the City of Bellevue is taking necessary precautions.

The City is taking steps to protect its infrastructure in the flooded areas," said Phil Davidson, community relations coordinator.

In particular, the City is working with the Popple-Missouri River Natural Resources District to protect Harlan Lewis Road and areas south of Haworth Park in the event water was to flow from the north in the Kramer Park development down along the railroad tracks.

The NRD began creating a berm Monday underneath Highway 370. The railroad tracks were removed from under the bridge and 7 feet of dirt was piled there.

Also on Monday, volunteers filled more than 5,000 sandbags in the parking lot near the baseball fields at Haworth Park in conjunction with the berm project.

Only 40 people were needed to get the job done, but 75 showed up, said Mayor Rita Sanders.

"We're thrilled," she said about the response from the community.

The 5,000 bags provided by the NRD were put atop the temporary berm underneath Highway 370. The City also put the remaining sandbags around structures such as the lift station near Paradise Lakes mobile home park.

Sanders said the City is being "proactive" about the flood situation.

"We still think we're ahead of the curve," she said Monday.

So far, no evacuation orders have been issued in Bellevue, Davidson said.

Starting Friday, Payne Drive — the access road north and south of Highway 370 — will be closed to traffic, he said.

And, after Thursday, no more baseball or softball games are scheduled at Haworth Park.

Davidson also said the city's Public Works Department has removed everything from the buildings and storage sheds around the baseball fields.



Submitted by Phil Davidson, City of Bellevue  
Workers with the Popple-Missouri River Natural Resources District put the last sheet of plastic over the berm under the highway near Haworth Park on Tuesday. Once the plastic is down, they could put the rest of the 5,000 sandbags on top. The berm is to protect Harlan Lewis Road and areas to the southwest of Haworth Park. In addition to Haworth Loop Hiking/Biking Trail, remains closed. The trail runs south from Haworth Park along the Missouri River to the confluence with the Popple Creek, then northwest to Capetown Road near 13th Street.

## MORE FLOOD COVERAGE ON PAGE A8:

- Bellevue Chamber of Commerce working on alternate location for RiverFest
- Gifford Farm Education Center closes, canceling summer camps
- Local doctor weighs in on health risks associated with flooding

Also, keep checking [www.bellevueleader.com](http://www.bellevueleader.com) and [www.facebook.com/bellevueleader](http://www.facebook.com/bellevueleader) for updated information on the flooding.

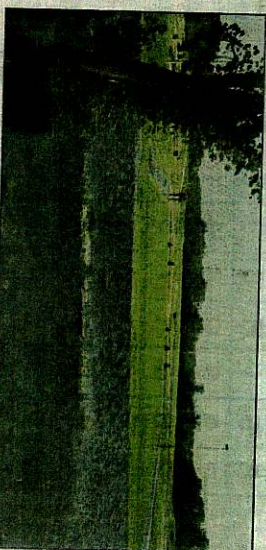


Photo by Carrie Kreisler  
Water is increasing by the day at the Kramer Park area north of Haworth Park. The Bellevue Junior Sports Association football fields are threatened by the rising water, as record flows are coming from dams in South Dakota.



Published Jun 8, 2011

Published Wednesday June 8, 2011

## Platte, too, may pack a punch

By Nancy Gaarder

WORLD-HERALD STAFF WRITER



### THE WORLD-HERALD

This summer's flooding along the Platte in eastern Nebraska could be much worse than last year's. This 2010 photo was taken near Plattsmouth.

With the Missouri River already flooding and still rising, eastern Nebraskans fear a second punch as extraordinary snowmelt eventually washes down the Platte River and converges with the Missouri south of the Omaha area along the Sarpy-Cass County line.

But what is becoming quickly apparent in a state awash in water: Flooding is relative.

No one knows how much trouble the Platte will create for eastern Nebraska — its flows are exceptionally unpredictable.

However, officials say, there's some reason to hope that the Platte won't pose a catastrophic problem.

The wild card will be rain.

Locally heavy rains could cause flash flooding along area creeks, since there is nowhere for tributaries to drain, given that both the Platte and Missouri Rivers are too full to take any more water.

For now, concerns about the Platte are focused on western Nebraska, where the river has threatened a major economic lifeline, the Union Pacific rail line through North Platte.

"In any other year, if the Missouri River wasn't flooding, there would be a huge story on the Platte," said Brian Dunnigan, head of the Nebraska Department of Natural Resources.

"But given the magnitude of the flows on the Missouri, the Platte is getting a little bit overshadowed. ... It's a very serious situation, and we're watching it every day."

The water content of snow in the mountains above the North Platte River is 327 percent of normal for this time of year, said John Lawson, Wyoming area manager for the U.S. Bureau of Reclamation.

The bureau has worked since last fall to evacuate about 1 million acre-feet of water from its reservoirs, Lawson said. The out-of-the ordinary effort emptied the equivalent of about one-third of the Wyoming reservoirs' capacity.

"Does anybody know what will happen?" Lawson asked. "The only one who knows that is at a much higher level than you or I."

At North Platte, the river has surged 1.7 feet over flood stage as a result of managed releases from the dam at Lake McConaughy.

Emergency repairs at North Platte have been made to a damaged levee. Officials have also dug a diversion ditch to drain water away from the city's



airport, and a major effort is under way to protect the Union Pacific rail line.

"That rail line is a critical piece of infrastructure," said Al Berndt, assistant director of the Nebraska Emergency Management Agency.

In an effort to save the rail line, officials have cut a gash in U.S. Highway 30 at North Platte so pent-up floodwaters can flow away from the rail line and to the river.

Berndt said Highway 30 will be closed for some time.

While carving a hole in a federal highway to save a railroad might seem extreme, Berndt said, it was necessary. Cars and trucks have multiple alternative routes, including nearby Interstate 80. But the rail line has nowhere else to go.

City officials believe that the work will pay off.

"At this point, we're probably in about as good a shape as we can be in trying to protect our city," said Jim Hawks, North Platte city administrator.

In Scottsbluff, where the city could receive its worst flooding in 60 years, some of the local zoo animals have been moved to higher ground.

The little guys from the petting zoo have headed to a real farm; reptiles and varmints such as snakes, lizards and ferrets will go home with zookeepers; and animals the size of bobcats, raccoons and badgers are being moved to cages on high ground, said Anne James, executive director of the Riverside Discovery Center.

Larger animals such as tigers, lions and leopards will stay put. An engineer has evaluated the flood risk and said they should be OK, James said.

In eastern Nebraska, there's a good chance the snowmelt on the Platte won't bring a catastrophic double-punch, said Marlin Petermann, assistant general manager of the Papio-Missouri River Natural Resources District.

The worst Platte-related flooding in eastern Nebraska might occur in the lakeside communities along the Platte — such as Hanson Lakes, Chris Lake and Buccaneer Bay.

"I don't think it's going to be significant, as far as we're understanding it," Petermann said.

Rick Chermok of the National Weather Service concurred.

"Snowmelt alone probably won't add a tremendous amount (in eastern Nebraska)," Chermok said.

If severe flooding occurs along the Platte, it most likely will come from rain, he said. Last year's heavy rains and flooding along the Elkhorn River are just what officials don't want to see repeated.

Another wild card with the Platte is irrigation. If the summer is hot and dry, Nebraska farmers will draw significant flows away from the Platte to their fields.

"It would sure help the state if we had a hot and dry summer and irrigation came up strong," said Cory Steinke of the Central Nebraska Public Power District.

Because so much is uncertain on the Platte, the U.S. Army Corps of Engineers is analyzing the flooding that could be caused by different volumes of water.

"We'll just have to wait and see," said John Remus of the corps. "We may or may not be in danger there."

If problems do develop as a result of snowmelt, he said, officials will have enough time as the river traverses the state to get ready in eastern Nebraska.

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Published Jun 10, 2011

Published Friday June 10, 2011

## City updates flood plans; RiverFest moved to BU

By Scott Stewart

Leader Staff Writer



Photo by Whitney Pandil-Eaton

The Missouri River continues to rise at Hayworth Park. This view from Thursday shows the water approaching the park's access road.

As the Missouri River continues to rise, Bellevue emergency management personnel and city officials continue to prepare for the worse while remaining optimistic the city's defenses will hold.

A group of city, county and other officials assembled at the District 1 Fire Station on Friday morning for an update on the flooding situation. Officials will continue to meet every 48 hours to keep monitoring progress and preparing for the possibility of substantial flooding of residential areas.

Assistant Fire Chief Steve Betts told the assembled group the city needs to be able to sustain an emergency response for 24 to 48 hours.

"We're preparing for war," Betts said. "We are stockpiling stuff at the front lines in case something happens down here."

The city is stockpiling water, batteries, life jackets, insect repellent and other supplies that may be needed. The city also has arranged to have boats available in case they are needed for an emergency response.

As of Friday, the water level of the Missouri River in Omaha is 31 feet. The river is expected to reach 32 feet by Monday, three feet over flood stage.

In the event flooding begins displacing Bellevue residents, the Red Cross will open a shelter at the Lied Activity Center, 2700 Arboretum Drive, near the intersection of Fort Crook Road and Highway 370. The Humane Society will also be at the shelter, helping to take care of pets and other animals during an emergency situation.

Emergency management officials have already canvassed the areas the U.S. Army Corps of Engineers predicts would be impacted if floodwaters breach the city's levee. Residents who may face flooding were given letters notifying them of the threat and advising them to consider voluntary evacuation.

The major areas of concern for Bellevue include Green Acres, Paradise Lakes and Sands mobile home parks, Paddington Kennel, Sokol Park, areas of Offutt Air Force Base and the Cat Osterman Softball Village. Those areas could be under six to 10 feet of water if water gets past the city's 13-mile levee system.

City officials also added the former Coreslab property south of the city to the emergency plan. Bellevue Fire Battalion Chief Joe Gibilisco said the property contains hazardous chemicals that may need moved if threatened by floodwaters.

If a breached levee forces the evacuation of mobile homes, city officials are estimating a worst-case scenario of having one hour before floodwaters cover Paradise Lakes. Emergency responders are planning to focus on residents who will need help evacuating — including some with disabilities, lack of transportation or other special needs.

In such an event, the city plans to send all of its emergency resources to the flood areas. Police and firefighters from other Sarpy County communities will be called in to handle other emergency calls.

Adding to the city's concerns are events planned this weekend in the threatened areas, which might leave many more potential victims in the path of a flood.

Emergency planners are estimating up to 500 people would need to evacuate if the levee breaks. However, up to 2,000 people might be in the impacted area for events this weekend.

The annual Offutt Appreciation Picnic at Offutt's Base Lake, located on federal property near Offutt Air Force Base, drew several thousand people today to the site near the Missouri River. After the picnic, the lake will be closed for camping as a precautionary measure.

More than 215 children and counselors will evacuate the Gene Eppley Camp and Retreat Center, located on Allied Road near Highway 75 and Platte River Drive. Camp Quality Heartland, a week-long camp for children affected by cancer, was suppose to run through Sunday, but camp activities will end two days early.

"We have decided that we are going to leave the Salvation Army camp on Saturday with parent pick-up between 9 a.m. and 11 a.m.," said camp director Murry Fenn.

The camp is expected to be evacuated by noon.

A wedding Saturday at Sokol Park is expected to draw hundreds of people to the area, and a baseball tournament at the Cat Osterman complex may draw 24 youth teams on June 20 if the area avoids flooding.

Emergency management personnel are also combating gawkers at Hayworth Park and other sites affected by the rising Missouri River. Residents are asked to avoid those areas so they do not become victims of the flooding.

#### **RiverFest moved to Bellevue University**

The Bellevue Chamber of Commerce announced Thursday that a "Plan B" for RiverFest will move the annual festival to the hilltop at Bellevue University. Flooding at Hayworth Park cancelled the community celebration last year, but event organizers wanted to avoid cancelling the event two consecutive years.

"It is a difficult decision to make — relocate the event or cancel again," Megan Lucas, chief executive officer of the Bellevue Chamber, said in a press release. "The hilltop at Bellevue University is one of the highest points in Bellevue, it is easily accessible and has the space to accommodate the event."

Lucas said event organizers are looking for additional financial support to cover the increased costs associated with moving the festival.

"Increased support will be needed to pull off moving such a large event with many moving parts, increased event expenses and tremendous logistical challenges," Lucas said. "We need committed sponsors who want to ensure that Bellevue does not miss the opportunity to have RiverFest for a second straight year."

Paul Swanson, chair of the chamber board, said it was important to the city and chamber the event go on as planned.

"We want to have RiverFest 2011, as do thousands of people," Swanson said in a press release. "RiverFest has grown to become an outstanding community event that draws more than 40,000 people."

RiverFest will be held July 15-16. For more information, visit the chamber's website, [www.bellevuenebraska.com](http://www.bellevuenebraska.com).

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Published Jun 11, 2011

Published Saturday June 11, 2011

## City officials update flooding information

By Scott Stewart

Leader Staff Writer

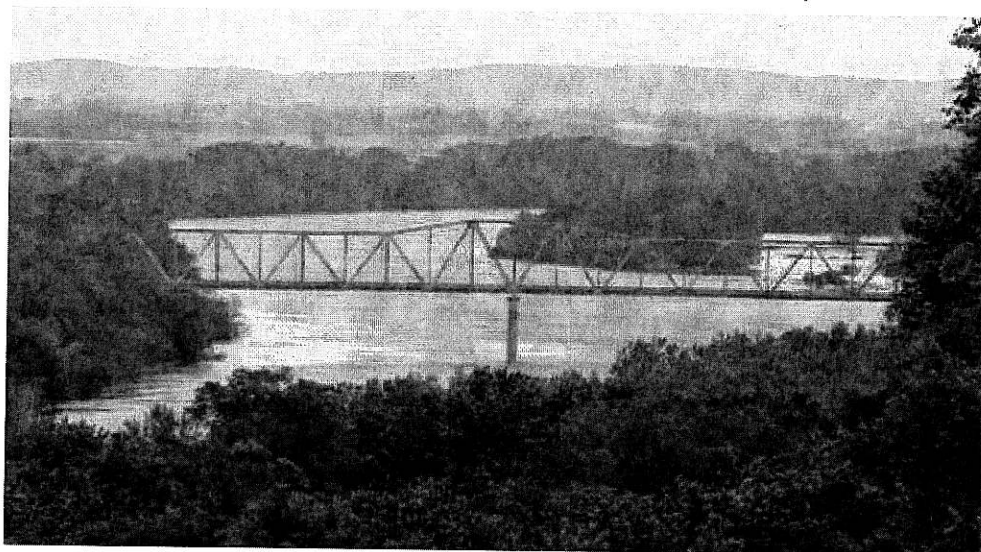


Photo by Scott Stewart

The view Sunday morning of the Bellevue toll bridge over the Missouri River from a residence along Ridge Drive.

Emergency planning officials met Sunday at the District 1 Fire Station for another update on the flooding situation.

No major announcements were made during the meeting, at which officials reviewed updates to the city's response plan as required by the Federal Emergency Response Agency.

Another update is expected Tuesday morning. Pick up Wednesday's edition of the Leader for more information on the flooding situation.

At the meeting, Bellevue Fire Department Battalion Chief Joe Gibilisco went over the basics of how emergency crews will respond if the city's levees fail to hold back Missouri River floodwaters.

On Monday, city officials plan to check on residents still at Paradise Lake and other mobile home communities in the potential flood zone. They will determine who has already evacuated and what others have planned regarding voluntary evacuation and flood preparations.

The major areas of concern for flooding are the Green Acres, Paradise Lakes and Sands mobile home parks; Paddington Kennel; Sokol Park; areas of Offutt Air Force Base; the Cat Osterman Softball Village and the former Coreslab property south of the city.

Those areas could be under six to 10 feet of water if water gets past the city's 13-mile levee system.

"Everyone knows levees are going to be tested," Gibilisco said. "On the Missouri River, four or five levees in the past week or so have failed. Our worse case scenario is if the levee fails close to Paradise Park, we're going to have water in Paradise Park immediately to within one hour."

No one can predict whether or how the Missouri River levees might break, Gibilisco said.

In the event of flooding, Bellevue will ask for mutual aid assistance from Gretna, Springfield, La Vista and Papillion to handle additional emergency calls and support Bellevue emergency crews. They will be called to Bellevue as part of a 911 dispatch in the event the levees are breached.

Rising water in Papio Creek is also a concern for emergency planning officials, Gibilisco said. At this point, the creek is not expected to flood, but the tributary to the Missouri River is being monitored.



"The Missouri is acting as if it was a natural dam," Gibilisco said. "If (floodwater) goes over the Papio, it would be the same as going over the Missouri. Water will still be able to affect all the mobile home parks in the area."

#### **Staying informed, helping out**

The city is working with Nebraska 211, which is operated by United Way of the Midlands, to provide an avenue for distributing information to the public. Information is expected to start being available early next week.

For now, however, anyone with questions about flooding should contact Public Relations Coordinator Phil Davidson at (402) 293-3052 or Emergency Management Coordinator Dale Tedder at (402) 682-6603.

The Nebraska Emergency Management Agency has also set up a statewide flooding hotline at (855) 211-2453 or (855) 211-2452, which is staffed from 8 a.m. to 8 p.m. Other state and local agencies have specific information on their websites or are distributing information through the media.

Anyone who wants to help should consider becoming a Red Cross volunteer, Gibilisco said. Information on how to volunteer or donate to the Red Cross can be found at [www.redcrossomaha.org](http://www.redcrossomaha.org)

"We're going to lean on the Red Cross quite a bit," Gibilisco said.

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Soon you can hit the gym — outdoors  
An outside fitness center, with the kind of equipment you'd see in a conventional indoor gym, will open soon at Elmwood Park. **MIDLANDS**

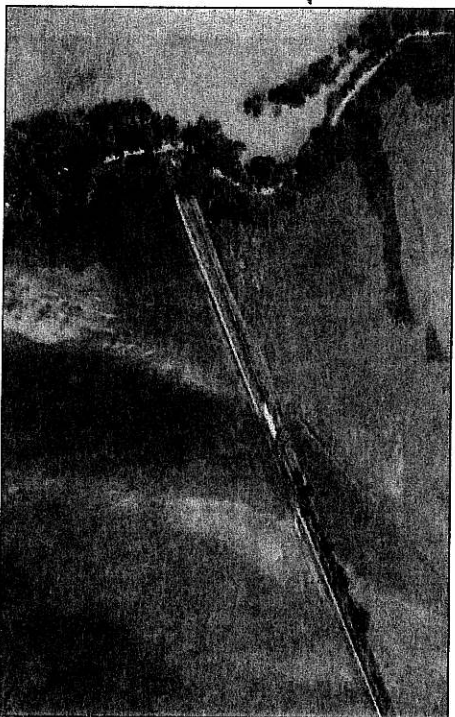
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# Omaha World-Herald

SUNRISE  
EDITION

MONDAY, JUNE 20, 2011

LOCALLY OWNED SINCE 1885



**THE MISSOURI RIVER POURS OUT OF ITS BANKS AND FLOODS FIELDS ON THE LOWA SIDE, NORTH OF OMAHA. A PROPOSAL TO BUILD FEDERAL LEVEES NORTH OF OMAHA WAS NEVER FUNDED.**  
NATT MILLEN/THE WORLD-HERALD

## MISSOURI RIVER FLOODING

# Private levees fly under inspection radar

By PAUL HAMMILL  
WORLD-HERALD BUREAU

**LINCOLN** — A Nebraska official says the prolonged flooding along the Missouri River is sure to revive a call to create a state inspection program of private flood-control levees — built by farmers, cabin owners and others and not subject to inspection now.

Brian Dunningan, director of the Nebraska Department of Natural Resources, pointed to a two-year-old recommendation from a national

levee safety task force established after Hurricane Katrina.

The task force called for establishing state levee safety programs to supplement inspections now done by the U.S. Army Corps of Engineers on levees it has built or overseen. The task force also recommended a national inventory of all private flood-control dikes.

Although the 14,000 miles of federal corps levees must follow design rules and face regular inspections, the estimated 100,000 miles

See Levees: Page 2

## CONTINUING COVERAGE

### THEN AND NOW:

Aerial photos show the progression of the flooding. **PAGE 3A**

### MORE ROAD CLOSURES:

Water flows over two levees in northern Missouri, choking off two more routes. **MIDLANDS**

### PAYING FOR DAMAGE:

A look at the help that is available to flood victims. **MONEY**

### DEVELOPMENTS:

The latest flooding updates from Nebraska and Iowa. **MIDLANDS, PAGE 8B**

### WHAT'S NEXT?

Check our weather forecast and Missouri River stages. **MIDLANDS, PAGE 8B**

### ON OMAHA.COM/

**FLOODMAP:** An interactive county-by-county map of flooding along the Missouri River

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## COLLEGE WORLD SERIES



FATHER'S  
DAY DOESN'T

# Levees! Deeper river channel north of Omaha has better capacity

Omaha - June 20, 2011  
Continued from Page 1

of private levees across the country don't, raising questions about their maintenance and integrity.

One concern is that such levees might have been fine for their original purpose — to protect farmland or weekend cabins from short-term high water — but now are being counted on to protect more expensive, full-time homes.

Dunnigan said that when discussions of levee safety come up, he is reminded of an old saying in his business: There are two types of levees — those that have failed and those that will.

"Any time you have flooding like we do now, there will be a lot of attention on creating state programs," he said.

Currently the State of Nebraska, like most states, is responsible for inspecting flood-control dams. Nearly 2,400 dams of 25 feet in height or higher are inspected, of which half are private dams.

But neither Nebraska nor Iowa has a state levee inspection program.

The extent of private flood-control levees in Nebraska is impossible to estimate, Dunnigan and other officials said, because they aren't inspected and aren't part of any inventory. But Cedar Creek, Neb., along the Platte River in Cass County, is an example of where a private levee was built.

Most private levees are probably north of Omaha on the Missouri River, or along the Platte, Elkhorn and other rivers.

The U.S. Army Corps of Engineers completed a system of levees in 1954 through the Omaha-Council Bluffs area



DANIELLE BEEBE/THE WORLD-HERALD

Pat Klever, left, of the U.S. Army Corps of Engineers shows David Newton and others on Saturday the proper way to stack sandbags to keep the railroad tracks from flooding near Bartlett, Iowa.

and points south on the Missouri, said John LaRondeau, a civil engineer with the corps in Omaha. But a proposal for a similar set of federal levees north of Omaha was never funded, he said.

Most of the Iowa side of the river is protected by levees. The Nebraska side has dikes generally corresponding to populated areas or power plants, such as near Nebraska City, Brownville, Peru and Lake Wa-Can-Do, north of Nebraska City.

Federal levees were not built north of Omaha for several reasons, LaRondeau said.

One reason is that the Missouri River north of Omaha has scoured out a deeper channel over the years, increasing its capacity and decreasing the need for flood-control levees.

LaRondeau said the riverbed at Sioux City, Iowa, is about 10 feet deeper than in 1967, when the series of flood-control dams

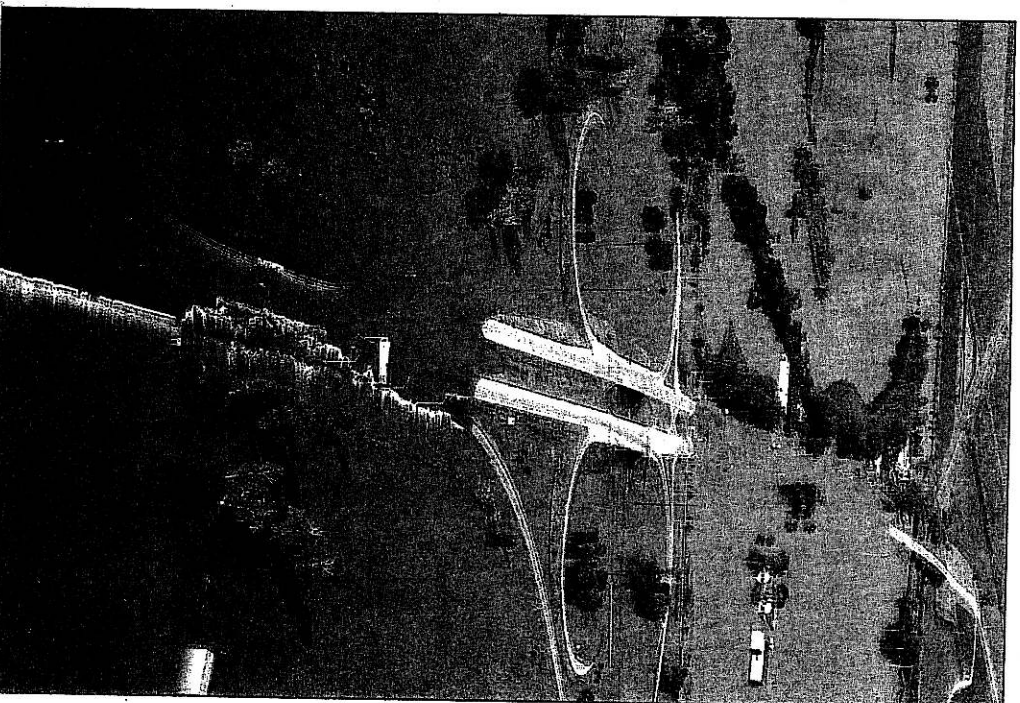
was completed.

As for privately constructed levees, some are well-made, he said, but others are merely dirt pushed up by farmers who hoped to stave off high flows from the river. But even well-made levees fail — the breach near Hamburg, Iowa, occurred in a federal levee, LaRondeau pointed out.

"This flood is a different animal," he said, because of the sustained high flows.

John Winkler, general manager of the Papio-Missouri River Natural Resources District, based in Omaha, said his agency manages about 18 miles of federally inspected levees along the Missouri River, including those that protect Offutt Air Force Base near Bellevue. The NRD also manages 80 miles in the Papillion Creek watershed and along the Platte River.

Winkler said he's all for better levee design and inspec-



KENT SIEVERS/THE WORLD-HERALD  
Missouri River floodwaters on Saturday were inundating the area where Interstate 680 and Interstate 29 meet.

tions but thinks money would be better spent improving the levee system than creating a duplicative state inspection force.

The National Committee on Levee Safety estimated that it would cost \$170 million to set up levee safety programs in all

50 states. And the cost of building levees has risen because of higher design standards adopted after Hurricane Katrina.

"Government is very good at studying problems but horrible at fixing them," he said.

Contact the writer:  
AND ARA ARA

# Midlands Voices: NRDs responsibly manage groundwater resources

By John Turnbull

*The writer has been general manager of the Upper Big Blue Natural Resources District in York, Neb., since 1978 and has 36 years of NRD management experience.*

Nebraskans across the state are challenged by unprecedented volumes of water flooding our rivers, homes, businesses and farmland. We sympathize with those who have been displaced or are threatened by this tragedy.

Part of the mission of Nebraska's unique natural resources districts (NRDs) is to minimize flooding on rivers within our state, and we take our role in protecting lives and property very seriously.

For several years, NRDs have been challenged by another issue concerning the groundwater below us and the claims by some that our groundwater resource is being threatened. Unlike the current flooding situation, the groundwater situation in Nebraska is stabilizing and improving due to responsible management by NRDs and others.

Recent groundwater level measurements taken by the Upper Big Blue NRD show that Nebraska is continuing to succeed in effectively and efficiently managing our state's valuable groundwater resource. This data contradict the opinion of some who think Nebraska's streams and aquifers have dried up because groundwater has been overused. In fact, Nebraska's natural resources districts are doing their job to responsibly manage water use and maintain groundwater levels.

Natural resources districts (NRDs) conduct ongoing monitoring of groundwater levels throughout the state. This is especially important in areas where groundwater levels fluctuate due to water use and rainfall.

In April and May, the Upper Big Blue NRD measured 484 observation wells throughout the district and found that the average from these wells showed a 1.27-foot increase from the 2010 levels. Groundwater levels in the Upper Big Blue NRD have been measured since 1961.

You often hear people talk negatively about the effect of groundwater, or center-pivot, irrigation on groundwater levels. Since 1961, the number of farmland irrigated acres in the Upper Big Blue NRD has grown nearly 400 percent from approximately 300,000 acres to 1.1 million acres today.

However, since 1961, the average groundwater level has risen one-half foot overall, even with an increase of 800,000 irrigated acres over that same period of time.

Through the conservation efforts of groundwater users and because of an extended period of above average rainfall in the 1980s and 1990s, the average groundwater level in the Upper Big Blue NRD rose significantly to a level in 2000 that was approximately seven feet higher than the 1961 level (baseline) and 14 feet higher than the low level of 1976 to 1981.

The Upper Big Blue NRD requires the installation of water meters on all new and replacement wells, as well as requiring water use reports from irrigators and municipalities. In 2010, irrigation water application was 5.2 inches per acre and municipal use was equivalent to 5.0 inches per acre.

To put this in context, during the 1970s, 16 to 22 inches of water per acre were regularly used for irrigation in the district. The irrigated acres in the Upper Big Blue NRD make up one-seventh of the state's total irrigated acres.

We can think of the aquifer as a savings account. In wet periods, we are adding water to our savings account for use in dry times. The purpose of our regulations is to manage the groundwater in times of shortage to ensure that we can sustain our long-term water supply for future generations and to avoid conflicts between users.

NRDs across Nebraska are taking similar actions to protect our groundwater resource for use by future generations. The NRDs are a vital link in local control that implements state objectives for water conservation and protection.



# Latest on flooding: June 24

Omaha W-H 6.24.11

**It's a record:** The National Weather Service Office in Valley reports that river stages along the Missouri at both Plattsmouth and Nebraska City have preliminarily surpassed record flood stages set in 1993. At Plattsmouth, the previous record was 35.65 feet; on Thursday it was at 36.03 feet. The previous record in Nebraska City was 27.19 feet; Thursday's level was 27.79 feet.

**Reopened:** The Interstate 29/680 interchange near Loveland has reopened, the Iowa Department of Transportation said. Mitigation work, including the use of sandbags, barrier walls and pumps, allowed for the reopening. The interchange remains vulnerable to increased water levels.

**Levees patrolled:** The City of Bellevue said it has been informed by the Papio-Missouri River Natural Resource District that the district's levees along the Missouri River east and south of Bellevue are being monitored 24 hours a day by the Nebraska Army National Guard.

**Levee tested:** The U.S. Army Corps of Engineers says discharges from the Oahe Dam and runoff from the Bad River pushed the Missouri to within 1 foot of the top of the levees at Pierre, S.D. The corps reduced discharges from the dam when the Bad River began rising from heavy rain this week. The Bad River drains into the Missouri at Fort Pierre.

**Damage reports:** The state is asking Iowa residents and businesses along the Missouri River to begin estimating the amount of flood damage to their property.

The information may be used in requests for federal disaster aid. Residents and businesses in Fremont, Harrison, Mills, Monona, Pottawattamie and Woodbury Counties are asked to call the Iowa Concern Hotline at 800-447-1985. Damage to farm residences may be reported. Damage to other agricultural buildings, equipment and property should be reported to the Farm Service Agency.

**Hunting canceled:** All muzzleloader deer hunting seasons on DeSoto and Boyer Chute National Wildlife Refuges for this fall and early winter have been canceled because of the long-term impact of the flooding. The possibility of a limited archery deer hunting season at DeSoto will be evaluated later, officials said.

**Roads closed:** Flooding is making it difficult to get around the region where Kansas, Iowa, Nebraska and Missouri come together. Interstate 29 was shut down in the area and a number of river bridges were closed.

The Missouri Department of Transportation said parts of I-29 are expected to remain closed through mid-August. The St. Joseph News-Press reported that nearly 200 people in Rock Port have temporarily relocated because a 10-minute drive to jobs mostly in St. Joseph now takes more than two hours.

**Suttle plea:** Omaha Mayor Jim Suttle issued a statement Thursday asking the White House, Nebraska's congressional delegation and Gov. Dave Heineman to help the city secure disaster funding to help pay for flooding costs.

Suttle said funding is needed "so these emergency expenses do not impose undue financial burdens on our already fragile local budgets, or on our taxpayers."

President Barack Obama signed an emergency disaster declaration last week that makes government agencies in 18 Nebraska counties, including Douglas, eligible to apply for federal aid.

**Railroad work:** In North Platte, Union Pacific crews have finished work on a 3-foot-high, 3,600-foot-long berm near a railroad bridge threatened with floodwaters.

A railroad spokesman said operations are running normally at the Council Bluffs rail yard, and while some trains have been rerouted, many are still running through the Omaha area. BNSF has raised its tracks in several locations, including a four-mile stretch between Pacific Junction, Iowa, and Oread, Neb.

The railroad has raised tracks on three bridges in the area, built levees on both sides of the track and lined the roadbed with rocks.

**Sandbagging in the Bluffs:** Volunteers are needed to help fill sandbags at two locations Saturday, said Kris Ranney, volunteer coordinator at the Council Bluffs Flood Volunteer Center at First Christian Church. "We need 50 to 100 to fill sandbags at the Mid-America Center," she said. Another 50 volunteers are needed at the Pottawattamie County Jail, 1400 Big Lake Road, she said. Work at both sites will begin at 8 a.m.

## THE RUMOR MILL

**Rumor:** The U.S. Army Corps of Engineers is holding back some releases of water until the College World Series is over.

**Fact:** "That is not true," corps spokeswoman Jody Farhat said Thursday. While the corps did elect to release an additional 10,000 cubic feet per second from Gavins Point Dam this week — during the baseball tournament, by the way — authorities say there aren't more planned. That assumes, of course, that higher-than-anticipated rainfalls don't put extra pressure on upstream reservoirs.

W-H 7.5.11

## JOINING TOGETHER AGAINST FLOOD

### Human spirit truly inspiring

The slow-motion disaster that is a flood leaves enough time for the best in the shining human spirit to come out.

Omaha and other communities along the flooding Missouri River and its tributaries have experienced that in recent weeks, and the effort goes on.

The rule has been neighbor helping neighbor, friend helping friend, stranger helping stranger.

Loose coalitions of experts, novices and willing workers formed, shifted, did the job in front of them, went on to do another.

When city and county officials in the Omaha metropolitan area asked for volunteers to fill sandbags, thousands appeared — from homes already flooded, from homes in danger of inundation and from homes not in any danger from rising water.

Young people, old people, the middle-aged, the twentysomethings, the thirtysomethings — the turnout has been startling and the enthusiasm and concern of workers has been heartwarming. Companies have rallied employees to help. UNO students turned out in full force. Plus kids from Boys Town, kids from high schools, kids with their friends and kids alone.

Visitors from other states who saw the need and had to come. College World Series fans who wanted to give back a little something to a city that has been kind to them. Passersby who saw a need.

What these volunteers are saying is simple but moving: "My house is gone, but maybe I can help someone else." "I don't know anyone who's flooded out, but I wanted to help anyway." "My house is safe, thanks to people like this, and I had to come fill sandbags for someone else."

A million sandbags, more than that, in the metro area alone, filled, deployed and holding back the brown water or waiting to bridge a dangerous gap.

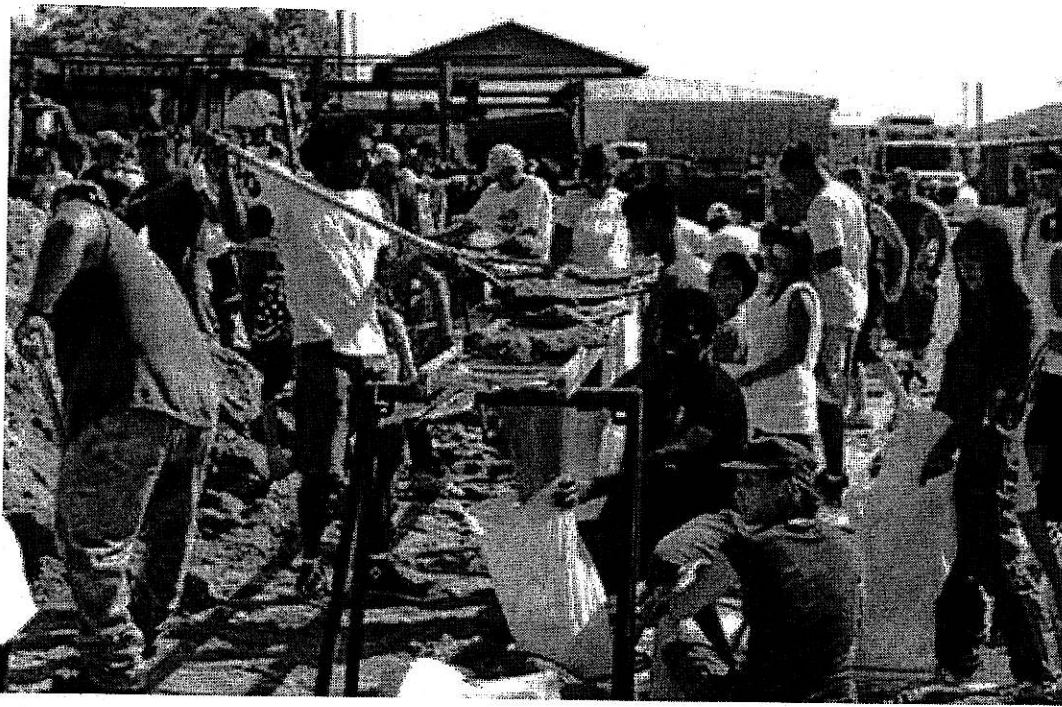
And then there are the volunteers helping out the volunteers, among them the United Methodist Women, who baked 125 dozen cookies and passed them out to hungry sandbaggers. The American Red Cross, coordinating local businesses to provide lunches to the hard workers.

**Sandbagging wasn't the only volunteer effort up and down the Missouri, either. Farmers revved up their Cats and their tractors to shore up levees and reinforce flood walls; contractors volunteered heavy equipment and the operators to run it. The staff and board of the Papio-Missouri River Natural Resources District kept a wary 24-hour eye on the flood structures for which they are responsible.**

The coordinated efforts of county commissioners and other elected and appointed officials along the Big Muddy — trustees of area drainage districts prominent among them — have saved towns, farms and areas in between. These officials worked together for most of the month of June to plan, anticipate, catch up, shore up, save — whatever needed to be done.

The work hasn't ended yet, and the crisis is by no means over. But it's pretty evident that there will be no slackers on the front lines in the battle against the swift waters.

Bless every one of them.



About 100 volunteers helped fill sandbags Thursday after for use by the City of Bellevue. For more photos and any updates, visit the Leader's Facebook page, [www.facebook.com/bellevueleader](http://www.facebook.com/bellevueleader).

## Volunteers help fill sandbags

About 100 Bellevue residents braved the heat Thursday morning to help the city build a stockpile of sandbags.

Bellevue Public Schools bused the volunteers, who were organized by the city with help from the Bellevue Chamber of Commerce, from the Lied Activity Center to the City Shops, 206 Industrial Road, located near Harlan Lewis Road.

**The Salvation Army was on-hand to provide water and snacks to the volunteers, whose efforts were directed by officials with the Papio-Missouri River Natural Resource District.**

"We're going to be doing the same thing tomorrow," said city spokesman Phil Davidson. "We have about 3,000 or 4,000 more bags that need filled."

Davidson said details about Friday's sandbagging operation will be released Thursday afternoon. Check back later or visit the Leader's Facebook page, [www.facebook.com/bellevueleader](http://www.facebook.com/bellevueleader), for more information when it becomes available.

The 5,000 sandbags filled Thursday were being prepared for use to protect city public works infrastructure, levees and Mission Avenue near Haworth Park and the Bellevue Bridge, which remained open after the city placed sandbags to prevent water from spilling onto the roadway.

The volunteers included dozens of students from Bellevue East High School's Air Force Junior ROTC corps and about 15 volunteers from Bellevue University, which allowed employees to take paid time off work to assist in the effort.

Cristina Lamas, who coordinates high school outreach in south Omaha for Bellevue University, took a break from filling bags to wipe sweat from her brow and sand from her hair.

"I feel like I hadn't helped in any way, and I wanted to do something," Lamas said. "This is my first time doing something like this."

Retired Lt. Col. Bill Steele, a JROTC drill instructor at Bellevue East, said students organized online and through the organization's commander of operations. He said at least 30 people from the corps showed up to assist the city in flooding preparations.

"I'm really happy because it's really hard to get kids in the summertime," Steele said.

Matthew Becker, Joe Martin and Weston Secrist were among those Bellevue East cadets pitching in to help their city, as well as those cadets whose lives have personally been impacted by flooding. The 17-year-old incoming seniors took turns shoveling sand, holding traffic-cone funnels and preparing empty and finished bags.

"We nicknamed it the sand bar because there's just so much sand," Becker said. "We like to support the community."