

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: April 5, 2007 Updated: April 10, 2007

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of March, 2007, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS**: None.
- C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, PERSONAL PROPERTY**: Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of March, 2007. Please review this report and contact me if you have any questions.
- D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL**: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of March 9, 2007. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **LEGISLATIVE UPDATE**: The following information is attached for your information:
 - 1. NARD Legislative Update
 - a. March 8, 2007
 - b. March 16, 2007
 - c. March 23, 2007
 - d. March 30, 2007
 - e. April 5, 2007
 - 2. ACG Legislative Update – April 9, 2007 (update of bills)
 - 3. Report from Bob Weaver regarding March, 2007 Accomplishments and April, 2007 Potential and Anticipated Actions – Dated March 29, 2007
- F. **UPDATE ON HERON HAVEN**: Attached are summary sheets that include the planned/organized activities at the Heron Haven site this past year. Heron Haven continues to be a very well maintained and used site by the entire community. The current calendar year promises to be busy.

G. NEWS CLIPS:

- ✓ March 7, 2007, Omaha World Herald article – Bridge landing design gets a boost.
- ✓ March 7, 2007, Omaha World Herald article – NRD defends need for P.R. aid.
- ✓ March 7, 2007, Omaha World Herald editorial – Looking for an answer
- ✓ March 9, 2007, Omaha World Herald article – Critics call moratorium on water well drilling overkill. But Sen. Gail Kopplin rejects the notion that local districts can manage the state's water problems with current regulations.
- ✓ March 9, 2007, Omaha World Herald – Midlands Voices – Suggestions welcome on fixing water woes, written by Mark Christensen
- ✓ March 22, 2007, Farm Service Agency News Release- Farm program deadline extended to August 3
- ✓ March 23, 2007, Omaha World Herald article – Fund plan OK'd for east-west metro area trail connector
- ✓ March 25, 2007, Omaha World Herald Editorial – Time to Act
- ✓ March 25, 2007, Lincoln Journal Star Editorial – Agriculture 'needs to step up to the plate.'
- ✓ March 27, 2007, Omaha World Herald article – A drought of water options
- ✓ March 27, 2007, Lincoln Journal Star article – Federal farm officials unveil consolidation plan
- ✓ March 29, 2007, Omaha World Herald article – Bill seeks \$8 million for state water woes
- ✓ March 29, 2007, Lincoln Journal Star article – Legislation to deal with water-short basin crafted
- ✓ March 30, 2007, Omaha World Herald article – Hopes rise for revisions to water plan
- ✓ March 30, 2007, Omaha World Herald article – Panel backs bill on local government liability
- ✓ April 3, 2007, Omaha World Herald article – Damage splits trail's users. Horses are banned after thousands of divots are let on the Wabash Trace
- ✓ April 3, 2007, Omaha World Herald article – Creek widening plan near Gretna draws skepticism
- ✓ April 4, 2007, Omaha World Herald article – Bill to fund dams dies in committee
- ✓ April 6, 2007, Omaha World Herald editorial – The cost of our fun

March 2007

Information & Education Report

Information

- ◇ Continued work on updating the Trails brochure
- ◇ Began work on the creation of a web page for Heron Haven
- ◇ Continued work on Public Involvement for PCWP
- ◇ Continued work on Chalco Hills Exhibit
- ◇ Continued work on SPECTRUM
- ◇ Completed office move
- ◇ Promoted media coverage of ENWRA flights
- ◇ Continued work on update of NE NRDs brochure

Education

- ☐ Held Water Works Planning Meeting
 - Continued Planning 2007 event
 - Sent out second mailing to teachers attending
 - Assembled registration packets
 - Worked with teachers on their special needs
- ☐ Presented Wildlife Encounters Program to Millard South Environmental Studies Class
- ☐ Delivered Treats to School Partners for Teacher Appreciation Day
- ☐ Held Metro Regional Envirothon—12 Teams Participated
 - Sent out certificates to winners
 - Worked with Accounting to get grants out to participating teams
 - Set results to NARD worked with them to coordinate teams attending state competition
- ☐ Attended World O! Water Planning Meeting
- ☐ Presented Owl Pellet Program to all Benson West 5th Graders
- ☐ Presented Water Program to Louisville Elementary
- ☐ Held NRD Wellness Ice Skating Outing
- ☐ Presented at Earth Wellness Festival—2 Day Festival
- ☐ Held LEP Educator Workshop
- ☐ Presented NRD Program to Boy Scout Troup
- ☐ Presented Geocache Program to Millard South Environmental Studies Class
- ☐ Started Planning for Summer Camp at Chalco
- ☐ Began planning for Agriculture Teachers Conference Workshop
- ☐ Continued working with Teachers on Outdoor Classroom Grants
- ☐ Revised the Outdoor Classroom Packet
- ☐ Continued working on LEP workshops to be held in Lodgepole and in St. Paul
- ☐ Continued working with Heather Francis at Upper Republican NRD on Water Conservation Workbook for Students
- ☐ Continued reviewing Geocache applications
- ☐ Worked with Douglas County and Washington County PF grants
- ☐ Started planning for LEP National Workshop presentation
- ☐ Completed NFWS grant to develop GPS curriculum
- ☐ Continued planning for Earth Day 2007
- ☐ Continued taking orders for tree seedlings and wildflower seed packets
- ☐ Planned NRD Wellness Outing for April
- ☐ Continued planning NRD spring/summer programs

March, 2007

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Updated: March 9, 2007

Current and On-Going Projects P-MRNRD Legal Counsel

★ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
- **Big Papio:** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
 - UPRR Bridge (Boyer/Young ROW) Bill of Sale and Temporary Easement (W)
- **Western Sarpy Dike** (Cleveland):
 - Bundy ROW preparation (potentially modify ROW/offer) (N)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - ★ Hansen ROW Condemnation settlement (W)
 - Glasshoff levee easement (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - ★ Mopac Trail (Hwy 50 to Lied Bridge – Purchase Agreements and easements (W)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
 - ★ Mo. River Trail – Purchase Agreements and easements (P)
 - Response to COE (Chuck Troia) re L.D.B. right of way (W)
 - ★ Missouri River Trail – Stratbucker condemnation (N)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - Silver Creek Site Easements– as needed (11 wetland bank ROW) (W)
 - Release of Site S-7 Easement (W)
 - ✳ S-27 Interlocal Agreement with SIDs on Dam Rehab/Trail Replacement (W)
 - ✳ Amendment of Silver Creek W/S design and professional services contract (W)
 - ✳ S-27, S31 and S-32 – Preparation of purchase agreements (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - ✳ Shadow Lake ROW Closing (P)
 - ✳ Amend Omaha/Elkhorn Agreement for DS-13 (W)
 - ✳ WP-RB5 Pink Industrial Park Purchase Agreement (W)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Review HDR Stage IV Contract (N)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**
 - Kennard Wastewater Interlocal Agreement (Woodward) (P)
 - Floodplain scoping contract w/HDR (Woodward) (P)
 - ✳ Forrest Run Channel Agreement (Woodward) (W)

LB564 - Recreational Liability Act – The Judiciary Committee advanced LB 564 this week with pending Amendment 879. The committee amendment creates a liability exemption for state and political subdivisions when claims relate to recreational activities in certain situations when no fee is charged to enter and use the land. Those situations are:

- Claims resulting from the inherent risk of the activity;
- Claims arising out of a spot or localized defect of the premises unless the defect is not corrected by the state or political subdivision within a reasonable time after actual or constructive notice of the defect.
- Claims arising out of the design of a skate park or BMX park that was constructed in accordance with generally recognized standards in existence at the time the facility was constructed.

The amendment goes on to define a fee, stating the participant must pay to participate in or be a spectator at a recreational activity, and includes fees paid to a third party only to the extent that the state or political subdivision retains control of the premises or activity. Fee does not include a charge for parking or vehicle entry. Lastly, the committee amendment provides that claims arising out of the failure to inspect or the negligent inspection of property used for recreational activities shall be handled under the new exemption created by this bill rather than the existing sections relating to inspection claims in the respective State and Political Subdivision Tort Claims Acts.

NRCS and FSA Proposed Office Closings - On March 27, 2007, the NRCS and the FSA announced their plan to close consolidate offices throughout the state. The NRCS county offices proposed to be consolidated include: Banner, Deuel, Dundy, Hayes, and Sherman. The FSA county offices proposed to be consolidated include: Banner, Boyd, Deuel, Dixon, Dundy, Frontier, Garfield, Greeley, Hayes, Sarpy, Sherman, and Thomas. The proposed consolidations are to help both the NRCS and the FSA with budget and staffing constraints. The consolidation sites were recommended based on point system that represented work load. The offices with the smallest work load were then recommended for consolidation. There is a 30 day comment period before the decision will be made final. Public meetings will be held where a consolidation is proposed for both NRCS and FSA offices. Contact your local NRCS or FSA office to find out when these meetings are.

Committee Action

LB 272 – NRD Bonding Authority Indefinitely Postponed. The Revenue Committee indefinitely postponed LB 272 this week. The bill, introduced by Senator Kopplin for the Papio-Missouri River NRD, would have allowed the board of directors of a natural resources district encompassing a city of the metropolitan class to issue negotiable bonds and refunding bonds of the district, entitled flood control dam and reservoir bonds, with terms determined appropriate by the board of directors, payable from an annual special flood control dam and reservoir levy upon the taxable value of all taxable property in the district. The action of the committee on this bonding bill does not impact the bonding proposal included in AM872 for LB 701.

Appropriations Committee Discussion – The Appropriations Committee recently discussed the idea of raising the cigarette tax 6 cents to help aid in expensive water programs. This would raise the state tax on a pack of cigarettes to 70 cents. The funds would be divided into three sections; three cents (about 3 million) of the tax would be put into the water resources cash fund, two cents (about 2 million) would go into the storm water cash fund, and one cent would go into an agricultural and natural resources research fund for research grants. This idea has not been included in any legislation but has caught the attention of many politicians, including the governor.



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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March 8, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 8 NARD UPDATE

Committee Action this Week

LB594 – Temporary Suspension of new well permits and surface water rights for irrigation. The Natural Resources Committee accepted testimony on LB 594 this week, which restricts new issuance of surface water appropriations and water well permits for irrigation purposes. Two individuals spoke in favor of the bill, while dozens of individuals and groups lined up in opposition of the bill. Several NRDs used the opportunity to update the committee and other of their district's management activities. The NRDs in the Niobrara and Elkhorn river basins presented evidence of increased stream flows over the past several decades and increased an/or stable ground water tables. Several other NRDs summarized their current water management plans and the success's of taking pro-active management. Senator Gail Kopplin of Gretna mentioned that he wanted to debate the issue and find out more about water management activities in areas of the state where there are no moratoriums. This bill was indefinitely postponed on March 9th.

LB477 – Change insurance requirements. Senator John Wightman presented a bill to the Government Committee last week which would move current state employee health insurance from its current 79% employer, 21% employee contribution breakdown to 75% employer, 25% employee in one-year increments through July 1, 2011. The bill also expresses legislative intent that political subdivisions receiving state aid should contribute in a comparable amount; if not, the subdivision could face a reduction in state aid. This bill was indefinitely postponed on March 5th.

Senator's and Committee's Select Priority Bills - Senators and committees selected priority bills for the year this week. Some of the bills of interest to NRDs include:

LB 458 -- Integrated Management Plans and removing vegetation, Carlson, *et al.* An amendment to the bill is being offered that would create a task force to assist the NRDs and other agencies in implementing vegetation management activities in full and over-appropriated areas. The amendment also provides 2 million/year in general fund appropriations. Senator Carlson declared this his personal priority bill for the session.

LB 295 – Irrigation and Water Wells, Natural Resources Committee. This bill makes a number of changes at the request of the Nebraska Department of Natural Resources. The bill is a Natural Resources Committee Priority Bill.

LB 564 – Recreational Liability Act, Friend, *et al.* The bill is in response to a Nebraska Supreme Court decision that struck recreational liability protection for political subdivision and state-owned property and re-instates some liability protection for public recreation facilities owned and/or managed by political subdivisions. Senator Augular declared LB 564 his personal priority bill.

LB 701 - Senator Carlson withdrew as a co-sponsor to LB 701 last week. The bill proposes a major over-haul of water management laws in Nebraska. Senator Christensen declared this his priority bill for this session.

Nebraska Unicameral Committee Hearings Next Week – All Hearings begin at 1:30 pm.

LB321 – Mainline Appropriations Bill. The Department of Natural Resources agency hearing is set for Monday, 3/12, in front of the Appropriations Committee, 1:30, Room 1524. Jasper Fanning, Upper Republican NRD Manager will be testifying on behalf of NARD in support of the agency budget.

LB420 – Change cigarette tax distribution and create funds. This bill creates the Agricultural Research Fund and the Water Resources Cash Fund. Both funds would be supported by cigarette taxes, and beginning July 1, 2008, \$1.5 million

and \$1 million annually would be placed in the Agricultural Research Fund and the Water Resources Cash Fund, respectively. **Hearing 3/12, 1:30, Room 1524**

Republican River -- The following are some answers to frequently asked questions about the Republican River Basin.

- ***As a person who doesn't live in the Republican Basin, why should I care about this issue?*** Delaying implementing the NRD's long-term plans in 2007 could increase potential taxpayer financial obligations to Kansas. Maintaining water supplies for residential, manufacturing and agricultural uses is critical to our quality of life.
- ***Why can't the State just demand that irrigators stop pumping?*** Shutting down every irrigation well in the Republican Basin will not keep Nebraska in compliance with the settlement agreement with Kansas. Other steps must be taken to maintain compliance.
- ***Isn't this whole problem the irrigators or NRDs fault?*** The state of Nebraska encouraged rural economic development through irrigation for decades and did not give NRDs all of the authority necessary to restrict irrigation in a responsible and timely manner.
- ***Why should my tax dollars (general fund tax dollars) be used to pay farmers not to grow corn?*** The state funds requested are not necessarily to "pay farmers not to grow corn." The funds may be used to put water into the Republican River for immediate compliance with Kansas for 2007. Funds may also be used to clear the river of overgrown vegetation which is using water that would stay in the river, or for other uses.
- ***Why aren't the local people paying for any of this?*** They are! They are currently decreasing water use and increasing property taxes to deal with the problem. Additionally, Republican River Basin NRDs have requested the authority from the State to raise their property tax levies even more, or charge a per-acre fee to farmers to help pay for the costs of maintaining Nebraska's compliance. Investing in Nebraska now will be cheaper than paying damages to Kansas in the long-run. These funds, however, cannot be collected until a system for collecting them is put in place, which would be in 2008. That is why the State has been asked to contribute money up front.
- ***What happens if the State doesn't provide any financial assistance?*** A couple of things: 1) Nebraska could end up out of compliance with the Kansas agreement which means the state will have to pay Kansas a large fine; 2) Other means to achieve compliance may have to be implemented which would be drastic reductions in irrigated production acres. This would drastically reduce property valuations in the area cutting off local funds to schools, communities, community colleges, and counties in the region. Under the state aid formula, the state would have to pay more to those local governments. 3) Fewer acres farmed means less seed, fertilizer, fuel and other goods and services associated with production agriculture would be purchased, which would severely cripple the local economy of the region.
- ***What are the good things that would happen if the State provides the necessary funding?*** There are several: 1) Nebraska could achieve compliance with Kansas in 2007; 2) Delaying implementing the NRD's long-term plans in 2007 could increase potential taxpayer financial obligations to Kansas; 3) With corn reaching \$4/bu, taking advantage of this opportunity means the potential state revenue from income taxes is significant; 4) State funds would maintain the rural economy at several levels and reduce the need for larger amounts of state aid; 5) State funds would allow property valuations to remain at current levels and would reduce the need for state aid; 6) Help protect the State's investment in the growing ethanol industry, as well as the livestock industry; 7) The State will be setting a precedent for fair and reasonable water policy throughout for all Nebraskans.

NARD Bill Summary Tracking Sheet				Last Updated: 03/09/07				
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007		
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007		
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007		
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations			
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007		
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations			
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007		
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007		
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn	Withdrawn		Withdrawn	M000003 - Prevalled
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee Priority	Oppose as written	Natural Resources	1/31/2007	Select File	AM190 - Adopted AM385 - Adopted AM551 - Adopted
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101- adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	AM288 - Pending
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007		
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Raikes		Oppose	Revenue	2/22/2007		
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007		
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007		
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007		
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose as written	Natural Resources	(Revised) 2/28/2007		
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman		Support	Revenue	2/8/2007		
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes		Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Auguliar	Support	Judiciary	2/14/2007		
568	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Select File	AM210 - Pending FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007		
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007		
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007		AM476 - Pending
704	Adopt Fishable & Swimmable Waters Act	Preaister		Monitor	Natural Resources	3/8/2007		
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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March 16, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 16 NARD UPDATE

NARD Officers Elected – Ted Hughes, Upper Elkhorn NRD, was elected to serve a second one-year term as President of the Nebraska Association of Resources Districts at the board meeting last week. Mr. Hughes served the past year as NARD President having previously served two years as NARD Vice-President, and two years as Secretary-Treasurer. Ted is the Dispatcher for Agronomy Services Incorporated of Norfolk and Neligh. In other officer elections, Dan Steinkruger, Lower Platte South NRD, was elected to serve a second one-year term as Vice-President. Mary Ann Wortmann, Lewis and Clark NRD, was elected to serve a second one-year term as Secretary-Treasurer.

Mr. Hughes also appointed Jim Meisner, Twin Platte NRD, to serve as Chairman of the Legislative Committee. Jim has served as chairman for the past 5 years. Mr. Hughes also filled the following appointments: Jim Johnson, South Platte NRD, was appointed Chairman of the Information and Education Committee and Judy Ridenour, Lower Loup NRD, was appointed as Chair of the Native Vegetation and Forestry Subcommittee.

Legislative Committee Action

DNR Agency Hearing – Jasper Fanning, Upper Republican NRD Manager, presented testimony to the Appropriations Committee in support of the Department of Natural Resources budget this week. Fanning outlined that Republican Basin districts will manage our water such that on average Nebraska is within our allocation. The short-term portion of the plan must then allow us to deal with the drought periods and lower allocations under the compact. Thus, we must do the things that will increase our allocation or reduce our use of streamflow in an immediate time frame. Surface water leases or buyouts and vegetation management are two of those components of the plan. As good stewards of the taxpayers' dollars, however, we want to be sure that the expenditure of funds to accomplish this will deliver substantial benefits of more water in the Republican River.

LB 391 -- Copies of records and speaking at public meetings, Mines. This bill was put on General File by the Government Committee with pending Amendment 678. The amendment would take place of the original bill, and proposes the following changes to open meetings laws. First, the amendment proposes requests for public records made during specific time must contain a specific subject matter. Second, the bill sets up a process for citizens to request an item be placed on the agenda for future meetings. Third, the amendment would not require members of the public to be on the agenda to speak on agenda items.

Bills Indefinitely Postponed

LB7 IPP – Nebraska Litter Reduction and Recycling Act. This bill eliminates some duplication by providing that NDEQ will report on activities under the act for the previous state fiscal year, and that this report shall be presented to the Governor as well as the Clerk of the Legislature. This bill was indefinitely postponed on March 12th by the Natural Resources Committee.

LB704 – Adopt the Fishable and Swimmable Waters Act, Preister. This bill attempts to ensure that all Nebraska streams, lakes, and public reservoirs meet state and federal standards by January 1, 2027. It requires the Nebraska Department of Environmental Quality to develop, publish, and put in place a plan by January 1, 2008. This bill was indefinitely postponed on March 9th by the Natural Resources Committee.

Priority Bills & Floor Action

LB488 – Income Tax Credit for Perpetual Conservation Easement Donations, Wallman. Provides an income tax credit for donated conservation easements on areas designated as a quick response water shortage areas in over appropriated basins and areas subject to interstate compacts, agreements, and decrees on areas designated as biologically unique landscapes in the Nebraska Natural Legacy plan. This bill was made a priority of Senator Wallman's on March 9th.

LB 530 – Change the allocation formula for the Storm Water Management Plan Program, Nantkes. The bill adds a requirement that, for distributing grant funds to a county, the proportion shall be based on the county population, less the population of city applicants within that county. The bill was declared a Speaker Priority on March 12th.

LB 622 – Open Meetings Act Training Sessions, Pirsch. The bill requires any public officer, public records coordinator, or public employee to complete a training course regarding the powers and duties of a public body and its members under the Open Meetings Act no later than one year after the day the member (a) takes the oath of office, or (b) assumes his or her duties as a member of a public body. On March 12th, this bill was placed on General File and declared a Speaker Priority.

LB 568 Tire Recycling - Senators advanced LB 568 to Final Reading this week after adopting an amendment that would require the Department of Environmental Quality to do a survey of litter problems in the state. The results of the survey would be submitted to the Governor. The other provisions of the bill remain which extends the grant program for recycling tires under the Waste Reduction and Recycling Incentive Fund from June 30, 2007 to June 30, 2009.

2007 NARD Washington DC Trip – Forty-seven NARD members, representing 13 NRDs, were in Washington DC this week attending the annual NARD Washington DC Trip. After participating in the two-day sessions to learn more about the issues of concern at the national level, the NARD members spent a day on the hill visiting the Nebraska Representatives and Senators. Following is a brief summary of the sessions:

- **Secretary Mike Johanns** – The highlight of the conference was a visit from Secretary of Agriculture Mike Johanns. Secretary Johanns reported strong farm economic news outlining that 1) Farm income is up, 2) Exports are up 1.3 billion this year, 3) Debt/asset ratio is the lowest in recorded history, and 4) Most farmers are working for themselves rather than relying on government support. He also reported the design of the new program will center on conservation programs with a \$7.8 billion increase in conservation funding. Also, funding and promotion of renewable energy supplies will be important.
- **Other NRCS Updates** - NRCS staff members Gary Mast, Carole Jett and Jack Carlson provided updates to the group on several issues. Mr. Carlson reported on technology issues relating to Information Systems and Technical Service Providers (TSP). Total cost for information systems are \$85 million and \$10 million in support to the employee, which equates to about 11% of the NRCS budget. Security compliance and protection of personal records is crucial and includes 1) Background check to maintain the privacy of the information, 2) Annual security awareness training, 3) Passwords reset very frequently, 4) Encrypting laptop and workstation files, and 5) Incident and theft response plans. Mr. Carlson also outlined plans to help streamline the TSP process and incorporate the private sector. Part of the 5-year Information Technology Plan is to optimize partnerships and leverage private sector opportunities, similar to the Turbo-Tax software programs for taxpayers. As an example, farmers may be able to work with the local John Deere dealer and a private TSP to develop and implement conservation plans.
- **Updates from National Organizations** -- Kris Polly, Director of Government Relations for the National Water Resources Association outlined the changes in the leadership for key committees. Krysta Harden, Executive Director of the National Association of Conservation Districts, provided key insight on lobbying congressional members and developing working relationships with agencies and staff. Thomas Kimmell, CEO for the National Irrigation Association, outlined that 84% of water used in the US is for irrigation. Using pivots provide more efficient use of irrigation and Nebraska is ahead of the national average with 74.1% from sprinklers as compared to 56.1% nationwide. Ernie Shea, Executive Director for the 25X25 initiative, outlined their organizations goal of obtaining 25 % of the energy used in the US by 2025 to come from domestic sources. A diverse group of people are coming together to help support the initiative, which includes ethanol promotion as well as other alternative energy sources. David Tuft, Natural Resources Defense Council, told the group about the need to reduce carbon emissions to address global warming.
- **US Army CORP of Engineers, the Water Resources Development Act and Watershed Resource Management** – Larry Prather, US ARMY CORP Of Engineers, and Bob Weaver, Attorney, Kelly and Weaver PC, outlined CORP budget issues and the Water Resources Development Act. The CORP Budget has proposed increases, however new language is also being considered to require the CORP to provide more assistance to states that have water management plans. States with watershed-based management could be positioned to receive additional funding if the proposed language is adopted. There are also several Nebraska projects in-line to receive funding if the WRDA bill is approved. Mike Sykes, with the National Watershed Coalition, provided a summary of activities and programs of the coalition. The coalition provides advocacy for local conservation district programs. Mr. Sykes stressed that Congress and various agencies are looking for ways to encourage states to manage resources on watershed or river basin basis rather than looking only at the county or city level.

NARD Bill Summary Tracking Sheet					Last Updated: 03/16/07			
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007	IPP	
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007		
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007		
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations			
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007		
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations			
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007		
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007		
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn		Withdrawn		Withdrawn	M000003 - Prevalled
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee Priority	Oppose as written	Natural Resources	1/31/2007	Select File	AM190 - Adopted AM385 - Adopted AM551 - Adopted
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101- adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	AM289 - Pending
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007		
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Raikes		Oppose	Revenue	2/22/2007		
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007		
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007	General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007		
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose as written	Natural Resources	(Revised) 2/28/2007		
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007		
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Augulier	Support	Judiciary	2/14/2007		
568	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Final Reading	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007		
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007		
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007		AM476 - Pending
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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March 23, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 23 NARD UPDATE

Republican River Basin Financing -- The Republican River NRDs have been meeting with state agencies and Irrigation Districts in the basin to discuss surface water leasing and potential long-term purchase of surface water to assist with compact compliance. Leasing or purchasing surface water would fill short-term needs of the basin and also act as a "shock-absorber" in future water-short years for compact compliance.

One of the problems related to this solution is financing. Thus, NARD has been working with bond counsel to come up with some statutory language to allow the local NRDs in the basin to assist with financing through bonds and/or revenue notes. This would allow for repayment of the bonds over time rather than coming up with all of the tax funds needed in the first year. In the next week, a draft will be offered to senators for consideration as part of the solution on the water issues. In summary, this is how the program could work.

- The provisions and authorities would only apply to the a natural resources district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin.
- Allows the local NRDs, irrigation districts and other local entities to be involved in negotiation and development of a solution to the issues at hand.
- Qualified projects that could be financed would include any one or any combination of the following:
 - (1) The acquisition, ownership and management of water rights, including storage rights, with respect to a river or any of its tributaries.
 - (2) The 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) Augmentation of river flows with ground water.
 - (5) Such other measures to enhance river flow as are determined appropriate by the board of directors of a qualified natural resources district.
- Allows a qualified natural resources district to issue bonds and refunding bonds of the district, with terms determined appropriate by the board of directors, payable from one or more permitted payment sources:
 - (1) Funds granted to a qualified natural resources district by the state or federal government for one or more qualified projects.

- (2) An occupation tax of up to \$10 per irrigated acre.
- (3) Additional property tax levy authority of up to 10-cents.

- Allows for qualified districts to form joint entities or agencies for the qualified projects and project financing The qualified natural resources district may issue the bonds or refunding bonds directly, or such bonds may be issued to any interlocal joint entity or to any joint public agency in connection with any joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of the qualified natural resources district. For the payment of such bonds or refunding bonds, the qualified natural resources district may pledge one or more permitted payment sources.

Vegetation Management Bill Advances – The Natural Resources Committee advanced LB 458, with amendments, to assist local NRDs with vegetation management in rivers and tributaries. The committee amendment is supported by NARD, as it eliminates the unfunded mandate portion of the original bill. The committee amendment creates a 13-member Riparian Vegetation Task Force consisting of the Governor, state agencies, NRDs and a riparian landowner from each of the state's congressional districts. The task force would sunset on June 30, 2009.

The task force is to consult with appropriate federal agencies and develop and prioritize vegetation management goals and plans to accomplish them. The primary focus of the task force shall be in river basins that are fully appropriated or overappropriated. Intent language is included to appropriate \$2 million dollars annually to the Noxious Weed and Invasive Plant Species Assistance Fund for the management of vegetation within the banks of a natural stream or within one hundred feet of the banks of the channel of any natural stream. These funds are to be used only for activities and equipment as part of a vegetation program to improve streamflow.

Extension for ranch operations advanced -- Senators advanced LB 677 last week which would give certain ranch operations an extension to request an inspection of their animal feeding operation. As amended by the Natural Resources Committee amendment, LB 677 would reauthorize the exemption for previously exempt livestock operations. Those operations would have until Jan. 1, 2009, to request an inspection without incurring late fees. Late fees would apply for operations that fail to request an inspection by the deadline.

State Envirothon Competition Set -- The Nebraska State Envirothon is set for May 5th in Fort Robinson, Nebraska. The regional results are in and the State invitations have been sent out. The following schools have confirmed participation in the state competition: Sidney Team 1, Sidney Team 2, Creek Valley, Wauneta-Palisade Team 1, Hayes Center, Superior Team 1, Neligh Team 2, Bellevue East Team A, Pender, Concordia Team B, David City and St. Paul. Superior Team 2 is in the process of determining whether or not their students will be able to compete.

Traditionally, there are 14 schools that compete in the State's Envirothon competition. There are 7 tests that the students will take; aquatics, forestry, policy, special topics, range, soils, and wildlife. The special topics test is weighted heavier than the other tests. It requires an oral presentation designed to solve a problem that Nebraska is currently dealing with. This year's Envirothon theme focuses on the analysis of renewable energy. This year's winner will participate in Canon's National Envirothon competition in Geneva, New York at the Hobart and William Smith Colleges. Congratulations and good luck to all teams participating.

The Nebraska Envirothon competition is always in need of volunteers to help with activities as well sponsors to help offset the cost of running the event. If you are interesting in assisting with this year's competition, please contact Kody Schrader at (402) 471-7672.

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13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007		
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007		
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations			
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007		
	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations			
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007		
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007		
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn	Withdrawn		Withdrawn	M00003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee Priority	Oppose as written	Natural Resources	1/31/2007	Select File	AM190 - Adopted AM385 - Adopted AM551 - Adopted
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101- adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	AM289 - Pending
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007		
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Raikes		Oppose	Revenue	2/22/2007		
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007		
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007	General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007		
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
468	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose original version	Natural Resources	(Revised) 2/28/2007	General File	AM741-Pending - NARD supports as amended
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007		
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Augular	Support	Judiciary	2/14/2007		
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Final Reading	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007		
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007		
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007		AM476 - Pending
704	Adopt Fishable & Swimmable Waters Act	Praister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



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March 30, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 30 NARD UPDATE

Republican River Basin Water Bill Introduced – State Senators, representatives of the Governor's office, Republican Basin NRDs and other interested parties reached an agreement on a major water bill that would provide financing for water programs in the Republican River Basin. The Natural Resources Committee advanced the agreement in an amendment (AM 872) to LB 701, Senator Christensen's Priority Bill. Because this amendment has new matter before the Legislature (NRD Bonding), the Natural Resources Committee will hold a hearing on April 4th. The bill includes several legislative proposals and new ideas as follows:

- 1) **Bonding Authority for NRDs** -- The bill includes the authority for NRDs in the Republican Basin to lease or acquire surface and ground water rights in the basin and divert the water from irrigation to enhance stream flows. The NRDs would have the authority to issue bonds to pay for the projects. Here are some key provisions of this section of AM872:
 - The provisions and authorities would only apply to the a natural resources district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin.
 - Allows the local NRDs, irrigation districts, local irrigators and other local entities to be involved in negotiation and development of a solution to the issues at hand.
 - Qualified projects that could be financed would include any one or any combination of the following:
 - (1) The acquisition, ownership and management of water rights, including storage rights, with respect to a river or any of its tributaries.
 - (2) The 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) Augmentation of river flows.
 - Allows a qualified natural resources district to issue bonds and refunding bonds of the district, with terms determined appropriate by the board of directors, payable from one or more permitted payment sources:
 - (1) Funds granted to a qualified natural resources district by the state or federal government for one or more qualified projects.
 - (2) An occupation tax of up to \$10 per irrigated acre.
 - (3) Additional property tax levy authority of up to 10-cents.

- Allows for qualified districts to form joint entities or agencies for the qualified projects and project financing
- 2) **Vegetation Management Provision of LB 458** – The amendment creates a 13-member Riparian Vegetation Task Force consisting of the Governor, state agencies, NRDs and a riparian landowner from each of the state's congressional districts. The task force would sunset on June 30, 2009.

The task force is to consult with appropriate federal agencies and develop and prioritize vegetation management goals and plans to accomplish them. The primary focus of the task force shall be in river basins that are fully appropriated or over-appropriated. Intent language is included to appropriate \$2 million dollars annually to the Noxious Weed and Invasive Plant Species Assistance Fund for the management of vegetation within the banks of a natural stream or within one hundred feet of the banks of the channel of any natural stream. These funds are to be used only for activities and equipment as part of a vegetation program to improve stream flow.

- 3) **Water Management Changes of LB 295** – This bill was already on Select File and makes a number of changes at the request of the Nebraska Department of Natural Resources, including:
- Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse.
 - Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use.
 - Provides an exception so that a person may use a water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other nonconsumptive use approved by the applicable natural resources district.
- 4) **State Funding for Water Programs, LB 322** – The provision is Governor Heineman's proposal to establish a of Water Resources Cash Fund. The provisions of the bill appropriates \$2.7 million per year to the Water Resources Cash Fund. After October 1, 2012 and until October 1, 2019, a ½ cent/bushel check-off on corn will be imposed and directed to the Water Resources Cash Fund. Any district that would use these funds would be required to submit a report of its planned activities.
- 5) **Additional Department of Natural Resources Requests** – Apparently at the request of the Department of Natural Resources, additional language was included in the amendment to do the following:
- Allow NRDs to impose a temporary well drilling moratorium without a notice or hearing.
 - Require DNR to do an annual determination in fully and over-appropriated basins, starting January 1, 2008, and every January 1 thereafter, the maximum water that may be depleted from stream flow in the short-term and long-term in order to remain in compliance with compacts, decrees or other state agreements.

The hearing on the bill is scheduled for April 4 in the Natural Resources Committee Hearing Room (#1525) beginning at noon.

NARD Bill Summary Tracking Sheet				Last Updated: 03/29/07				
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7	New provisions for Open Meetings Act	Praister		Monitor	Government	1/18/2007	IPP	
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202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn			Withdrawn	M000003 - Prevalled
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007	IPP	
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee Priority	Oppose as written	Natural Resources	1/31/2007	Select File	AM190 - Adopted AM385 - Adopted AM551 - Adopted
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	AM289 - Pending
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477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007	General File	AM 825 - Pending
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Aguilar	Support	Judiciary	2/14/2007	General File	AM879 - Pending
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Final Reading	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP	
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701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007 AM872-4/4/2007		AM476 - Pending AM872 - Pending
704	Adopt Fishable & Swimmable Waters Act	Praister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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April 5, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 5 NARD UPDATE

Republican River Basin Water Bill Hearing -- The Natural Resources Committee hearing for AM872 on LB701, Senator Christensen's Priority Bill, took place Wednesday, April 4th. All four NRDs in the Republican River Basin, the Department of Natural Resources, Nebraska Farm Bureau and Nebraska Cattlement testified in support of the bill. Opponents included Nebraskan's First and the Nebraska Corn Growers Association. Water Claim testified neutral on the bill. Those in the committee voting for advancement to general file were Senator Loudon, Senator Hudkins, Senator Carlson, Senator Dubas and Senator Fisher. Senator Kopplin voted against the bill. Both Senator Wallman and Senator Christensen did not vote on the bill in committee.

The bill was advanced from committee under AM 938 with the four core components of the proposal intact. These include:

1. **Bonding Authority for NRDs** -- The bill includes the authority for NRDs in the Republican Basin to lease or acquire surface and ground water rights in the basin and divert the water from irrigation to enhance stream flows. The NRDs would have the authority to issue bonds to pay for the projects. Funding sources for repayment of the bonds could come from up to a 10-cent property tax and up to \$10/acre fee on irrigated acres.
2. **Vegetation Management Provision of LB 458** -- The amendment creates a 13-member Riparian Vegetation Task Force consisting of the Governor, state agencies, NRDs and a riparian landowner from each of the state's congressional districts. The task force would sunset on June 30, 2009.
3. **Water Management Changes of LB 295** -- This bill was already on Select File and makes a number of changes at the request of the Nebraska Department of Natural Resources, including 1) Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse. 2) Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use. 3) Provides an exception so that a person may use a water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other non-consumptive use approved by the applicable natural resources district.
4. **State Funding for Water Programs, LB 322** -- The provision is Governor Heineman's proposal to establish a Water Resources Cash Fund. The provision of the bill appropriates \$2.7 million per year to the Water Resources Cash Fund. After October 1, 2012 and until October 1, 2019, a ½ cent/bushel check-off on corn will be imposed and directed to the Water Resources Cash Fund. Any district that would use these funds would be required to submit a report of its planned activities.

Changes to other provisions of the bill include:

1. **Water Availability** -- Several testifiers at the hearing mentioned opposition to one section of AM 872 that would have required DNR to do an annual determination in fully and over-appropriated basins, starting January 1, 2008, and every January 1 thereafter, of the maximum water that may be depleted from stream flow in the short-term and long-term in order to remain in compliance with compacts, decrees or other state agreements. This language was eliminated and replaced with language in AM 938 that the department, in consultation with the effected natural resources district, must make an annual estimate regarding the maximum amount of water that may be available from streamflow for a beneficial purpose in the short and long-term. The language would not be an "order" by the department rather only a forecast developed by DNR and the affected NRDs.
2. **Temporary Stays on New Water Use** -- Allow NRDs to impose a temporary well drilling moratorium without a notice or hearing, but requires a hearing within 180 days. This language remains and similar language was added to AM 938 allowing DNR to impose a temporary 180-day stay on new surface water natural-flow appropriations in areas where a natural resources district has imposed a temporary 180-day stay on new well construction and the addition of new irrigated acres.

The bill will be up for General File debate when Senators return from the 4-day Easter Recess on Tuesday, April 10th.

Floor Action

LB564 - Recreational Liability Act -- The Legislature debated LB 564 this week which provides some limited liability provisions for recreational facilities that was removed by the Supreme Court last fall. The Judiciary Committee amendment to the bill creates a liability exemption for state and political subdivisions when claims relate to recreational activities in certain situations when no fee is charged to enter and use the land. Those situations are:

- Claims resulting from the inherent risk of the activity;
- Claims arising out of a localized defect of the premises unless the defect is not corrected by the state or political subdivision within a reasonable time after actual or constructive notice of the defect.
- Claims arising out of the design of a skate park or BMX park that was constructed in according with generally recognized standards in existence at the time the facility was constructed.

After a filibuster by Senator Chambers, the committee amendment was adopted and the bill was advanced to Select File.

LB488 - Income Tax Credit for Perpetual Conservation Easement Donations -- Senator's debated a bill to allow for conservation easement tax credits this week. Senator Wallman's priority bill, LB 488, originally would have provided a 50% income tax credit to all donated conservation easements so long as that credit did not exceed \$250,000. The Revenue Committee amendment to the bill would place a cap of \$5 million in credit. After some debate and failed amendments to the bill, Senator Langmeier filed a motion to indefinitely postpone. The bill was laid over at the request of Senator Wallman rather than taking up the IPP motion.

LB622 Open Meetings Act Training Sessions -- Senator's failed to advance a bill on General File this week that would have required training courses for members of a public body, public officers, and public employees on the issue of public records and open meetings no later than one year after taking the oath of office or assuming his or her duties as a member of the public body or agency. Senator Pirsh introduced the bill, which was later declared a Speaker Priority Bill. A vote to advance the bill failed to garner the necessary 25 votes and thus, did not advance. It is unlikely the bill will come up again this year.

NARD Bill Summary Tracking Sheet					Last Updated: 04/04/07			
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007	IPP	
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007		
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007		
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations			
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007		
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations			
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007		
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007		
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn	Withdrawn		Withdrawn	M000003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007	IPP	
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee Priority	Oppose (Support amended version)	Natural Resources	1/31/2007	Select File	Incorp. into AM 938 to LB 701
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	Incorp. into AM 938 to LB 701
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007		Incorp. into AM 938 to LB 701
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Ralke		Oppose	Revenue	2/22/2007		
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007		
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007	General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007	General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose original version	Natural Resources	(Revised) 2/28/2007	General File	Incorp. into AM 938 to LB 701. NARD Support amended version.
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007	Laid Over	AM 825 - Adopted AM894 to AM825 - Lost AM924 to AM825 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Augular	Support	Judiciary	2/14/2007	General File	AM679 - Pending
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Presented to Governor	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for Irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007	Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007		
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007 AM872-4/4/2007	General File	AM476 - Pending AM872 - Pending AM913 - Pending AM938 - Pending
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		

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LB	CA	Sponsor	Comte	Content	Priority	Hrg	General	Select	Final	Gov
	11	Flood	General Affairs	Constitutional amendment to change the distribution of lottery proceeds		2-26-07				
7		Preister	Government, Military and Veterans Affairs	Change the rights of the public regarding agenda items under the Open Meetings Act		1-18-07	ipp; 3-12-07			
13		Mines	Government, Military and Veterans Affairs	Provide for the creation and certification of joint entities under the Interlocal Cooperation Act		1-19-07				
17		Mines	Government, Military and Veterans Affairs	Change provisions relating to multiple office holding		1-17-07	1-22-07; Langemeier AM 71 (p. 340) 42-1			
20		Mines	Judiciary	Change provisions related to public recreational access to water projects		2-14-07				
79		Natural Resources	Natural Resources	Change provisions related to reporting under the Nebraska Litter Reduction and Recycling Act		1-17-07	1-18-07	1-24-07	2-12-07	2-15-07
80		Natural Resources	Natural Resources	Authorize additional assistance for projects under the Safe Drinking Water Act		1-17-07	1-19-07; Comm AM 30 (p. 323) 35-0	1-26-07	2-12-07	2-15-07
105		Louden	Appropriations	Appropriate funds for the Nebraska Forest Service		3-6-07				
187		Mines	Government, Military and Veterans Affairs	Prohibit certain interlocal agreements		1-24-07				
197		Schimek	Judiciary	Change the Political Subdivisions Tort Claims Act		2-7-07				
202		Louden	Natural Resources	Change the Integrated Solid Waste Management Act		1-19-07	2-27-07; Comm AM 13 (p. 677)			
224		Kopplin	Judiciary	Impose a moratorium on new water wells as prescribed		Withdrawn	Kopplin motion to withdraw p. 194 34-0			
272		Kopplin	Revenue	Provide for issuance of bonds by certain natural resources districts and a levy on taxable property		2-22-07	ipp; 3-29-07			
289		Louden	Government, Military and Veterans Affairs	Change procedure relating to elections to exceed the tax levy limit	Speaker	2-7-07	2-12-07; Comm AM 316 (p. 546)			
291		Hansen	Natural Resources	Change the Nebraska Environmental Trust Board membership		1-25-07	1-29-07; Comm AM 123 (p. 398) 31-0	2-1-07; Preister AM 398 (p. 596)		
295		Natural Resources	Natural Resources	Change provisions relating to irrigation and regulation of water and water wells	Natural Resources	1-31-07	2-7-07; Comm AM 190 (p. 497) 26-0; Loudon AM 385 (p. 590) 28-0; Loudon AM 551 (p. 724) 28-0	3-5-07		
313		Natural Resources	Natural Resources	Amend the Livestock Waste Management Act with respect to certain engineering requirements		1-24-07	1-29-07; Comm AM 101 (p. 398) 32-0	2-1-07	3-1-07	3-8-07
314		Louden	Natural Resources	Redefine water well for purposes of registration		1-31-07	2-12-07; Comm AM 289 (p. 548)			
321		Flood	Appropriations	Appropriate funds for state government expenses		2-20-07				
322		Flood	Appropriations	Change provisions relating to certain funds and provide for transfers of funds and extend an excise tax		2-20-07				
333		Johnson	Natural Resources	Change the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act		1-24-07	1-25-07; Comm AM 90 (p. 373) 31-0	2-1-07	3-1-07	3-8-07
387		Langemeier	Urban Affairs	Require separate plumbing and water metering for new construction as prescribed		2-27-07				
391		Mines	Government, Military and Veterans Affairs	Change provisions relating to public records and meetings		2-1-07	3-13-07; Comm AM 678 (p. 842)			
448		Ashford	Judiciary	Change limitation of action provisions under the Political Subdivisions Tort Claims Act		2-7-07				

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LB	CA	Sponsor	Comte	Content	Priority	Hrg	General	Select	Final	Gov
458		Carlson	Natural Resources	Require vegetation management in certain streams	Carlson	2-28-07	3-20-07; Comm AM 741 (p. 911)			
493		Langemeier	Natural Resources	Change provisions relating to the Water Policy Task Force		3-8-07				
503		Mines	Natural Resources	Change and provide requirements for vacancies on natural resource district boards of directors		2-22-07	ipp; 2-27-07			
530		Nantkes	Natural Resources	Change Storm Water Management Plan Program provisions	Speaker	2-8-07	2-27-07			
534		Schimek	Natural Resources	Change provisions relating to urban storm water drainage		2-8-07				
564		Friend	Judiciary	Change the Recreational Liability Act	Agular Priority	2-14-07	3-30-07; Comm AM 879 (p. 1015) 42-0			
566		Louden	Judiciary	Adopt the Public Recreational Liability Act		2-14-07				
567		Louden	Judiciary	Change the Recreational Liability Act		2-14-07				
568		Natural Resources	Natural Resources	Extend a scrap tire grant program		1-31-07	2-5-07; Louden AM 210 (p. 687) 35-0	3-1-07	3-30-07	
594		Kopplin	Natural Resources	Limit the granting of water well permits as prescribed		3-8-07	ipp; 3-9-07			
622		Pirsch	Government, Military and Veterans Affairs	Require training courses in public records and the Open Meetings Act for all members of a public body, public officers, and public employees	Speaker	2-1-07	3-12-07; Comm AM 259 (p. 811) 33-0			
652		White	Natural Resources	Require the state and political subdivisions to do energy audits		2-7-07				
701		Christensen	Natural Resources	Adopt a river basin administration committee	Christensen	2-28-07	4-4-07; Comm AM 938 (p. 1086); Christensen AM 476 (p. 675); Louden AM 872 (p. 988); Preister AM 914 (p. 1058)			
704		Preister	Natural Resources	Adopt the Fishable and Swimmable Waters Act		3-8-07	ipp; 3-9-07			

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R E P O R T

To: Glenn Johnson, John Miyoshi and John Winkler and Marlin Petermann
From: Bob Weaver
Date: March 29, 2007
Subject: March 2007 Accomplishments and April 2007 Anticipated Actions

February Accomplishments

During March 2007, the firm:

1. Conferred with Corps of Engineers on successful FY'07 project funding and prepared reports to the NRDs on same.
2. Reviewed and revised requests to the House and Senate authorizing committees for the LPR NRD WRDA projects for the Lower Platte Water Restoration Program and amendments to the WRDA 2000 enacted project authorizations.
3. Conferred with Congressional staff and other Washington sources, assisted delegation staff, and reported on prospects and schedule for completing the Water Resources Development Act of 2007 including amendments to the WRDA 2000 authorizations for the three major construction projects.
4. Conferred with Nebraska delegation staff on request for FY'08 Appropriations.
5. Prepared member forms and House and Senate committee forms for the FY'08 project funding requests by the Nebraska delegation.
6. Arranged for and participated in meetings in Washington with the delegation and NRCS and USACE
7. Conferred with NRCS and reported on possible sources of Department of Agriculture funding for the LPR NRD monitoring and watershed management program and prospects and issues for the 2007 Farm bill.
8. Reviewed reports on the 2007 Farm bill and considered strategy for LPR NRD funding.

See statement for services for further detail.

April 2007: Planned, Potential and Anticipated Actions

1. **FY'08 Energy and Water Development Appropriations**
 - Further implement developed strategy for expanded funding in the FY'08 appropriations.
 - Confer with delegation staff and provide supporting information as needed for project funding requests.
 - Confer with appropriations committee staff, USACE and other Washington contacts in support of LPR NRD funding requests.
 - Identify opportunities for LPR NRD contacts with delegation to thank them for and support project requests for FY'08.
2. **Water Resources Development Act'07**
 - Maintain contact with House and Senate, USACE and other contacts on enactment of WRDA'07 in both houses.
 - Assist delegation staff in working on appropriate language for the floor managers amendments for the WRDA 2000 enacted projects and the Lower Platte River Watershed Restoration Program.
 - Provide information to delegation and respond to information needs supporting WRDA provisions for the Lower Platte NRDs.
3. **Identify and report on other federal funding sources for watershed management including (a) a Clean Water Trust Fund; and (2) NRCS project funding under the Conservation Security Program and others in the 2007 Farm Bill.**
4. **Prepare reports to the LPRNRDs.**
5. **Monitor and report other federal legislative and administrative developments that would support the LPRNRDs and watershed restoration such as reauthorization of the Clean Water Act funding programs such as Sec.319 nonpoint source.**

Anticipated budget to be billed: \$2,500.00

The March 2007 statement of services accompanies this report sent by email on March 29, 2007.

MAR 20 2007

HERON HAVEN HAPPENINGS—2006

- January:** 10th – Conservation meeting - open to members and public-Global Warming
10th – A Walking club of Omaha – tour of grounds and building
11th – Meeting with Dale Gubbels – Omaha recycling administrator
15th – A second Walking Club of Omaha –tour of grounds & building
21st – Birding for the Beginner education Class #1 held- Ione teacher
29th Bird Seed Sale Deliveries
31st - Heron Haven Board of Directors Meeting
- February:** 7th - Conservation Meeting -- Open to all members & Public-
7th- Birding for the Beginner education class #2 held—Ione Teacher
20th Heron Haven Board of Directors meeting
21st Building upgrade consultation--
- March** 14th- Conservation meeting - Open to all members and public
16th Nebraska Wildlife Federation – Public Forum – Platte River Issues
28th Heron Haven Board of Directors meeting
31st UNO students here for hike, studies and program--
- April** 5th Church Group - Tour and program on “Heron Haven”
5th Meeting Corps of Engineers & NRD
8th UNO Biology Class - tour and studies
8th Birding for the Beginner education class #3 – 10:00 – 12:00
11th Conservation meeting - Open to all members and public
18th Birding for the Beginner class #4 – 10:00 – 12:00
18th Heron Haven Board of Directors Meeting
22nd Participated in Earth Day at Elmwood Park
25th Speakers Bureau – Women’s Club -- (Ione)
- May** 3rd Meeting with Ethanol Board Representative - Conservation members
6th Birding for the Beginner class #5 – 10:00- 1200
9th Pack 656 – Webelos group – Hike & Program
12th Northwest High School Biology Class 8:15 – Lecture & tour
12th Director - Nebraska Wildlife Federation 1:00 – 3:00 –Ione
13th Birding for the Beginner Class #6 – 1:00 – 3:00
13th Spring Cleanup at Heron Haven – Board members & volunteers
23rd Heron Haven Board of Directors meeting
25th Photography of Nature --class – 9:00 – 1:00p.m. Pat Mingarelli
- June** 8th – 9th – 10th – Garage Sale
15th Speakers Bureau – All About Birds – Abrahams library- Ione
19th Heron Haven Board of Directors Meeting
Trail Guide posted along trail

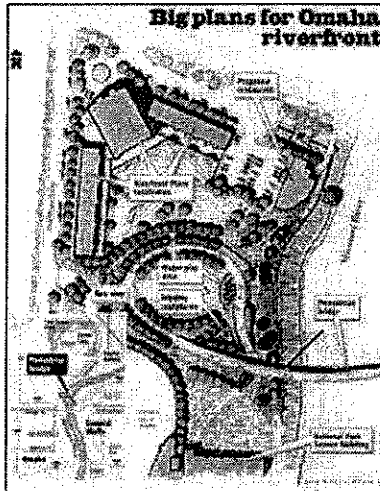
July	5 th	Speakers Bureau – NARFE –(Retirees of Federal employees - “Heron Haven” - Ione
	10 th	Lecture - Nebraska Wildlife Federation – 7:00 – 9:30
July	16 th	Heron Haven Festival – Open House – 1:00 – 5:00 p.m.
	19 th	Webelos Program & hike – 6:30 – 8:30 p.m. – Ione
	20 th	Heron Haven Board of Directors Meeting
	22 nd	Nebraska Wildlife Federation work day – created a demonstration backyard at Heron Haven for Heron Haven – No charge
	22 nd	Environthon Nebraska Team (on way to Canada) Tour & lecture
	27 th	Consultation – Boy Scout #1 for Eagle Project
August	8 th	Consultation - Boy Scout #2 for Eagle Project
	18 th	Consultation – Boy Scout #3 for Eagle Project
	31 st	Cleanup in Heron Haven Building – Volunteers & Board of Directors
September	8 th	Consultation – Boy Scout #4 for Eagle Project
	12 th	Conservation Meeting “Water Problems in Nebraska”- Ione Speaker
	13 th	Consultation – Boy Scout #5 for Eagle Project
	16 th	Birthday party – for Ione at Heron Haven
	21 st	Consultation – Boy Scout #6 for Eagle Project
	22 nd	Heron Haven Board of Directors Meeting
	23 rd	Work Day – Boy Scout Group #1 for Eagle Project
	23 th	Work Day – Boy Scout Group #2 for Eagle Project
October	14 th	Nature Photography Class - 9:00 a.m. – 1:00 p.m.
	16 th	Grade 3– Boy Scouts – Tour and Program
	18 th	Heron Haven Board of Directors meeting
	21 st	Work Day – Boy Scout Group #3 for Eagle Project
	23 rd	10 Carloads of parents & boy Scouts walked the trail before closing
	24 th	Speakers Bureau – Vennelyst Park Program – Ione speaker
	25 th	Conservation Meeting – 7:00 p.m – “Global Warming – City involvement – Speaker – Cammi Watkins
	26-27-28 th	Bird seed sale delivery
	29 th	Work Day -- Boy Scout Group #4 for Eagle Project
November	15 th	HH Board of Directors meeting
	18 th	Boy Scout # 4 –Wood chips on trails – Eagle Scout project
December	20	HH Board of Directors meeting

*****The Building was open to the public on Tuesdays, Thursdays, and Fridays, from 10:00 – 2:00 during the winter months. 10:00 – 4:30 and later every day during the summer when volunteers were caring for the butterfly garden, native grass demonstration plots, or watering flowers all around the building. Irises and lillies were donated by a member and were planted by the Prairie Grass Display plots.

Published Wednesday | March 7, 2007

Bridge landing design gets a boostBY TOM SHAW
WORLD-HERALD STAFF WRITER

Call it a pallid sturgeon excursion.



Click to enlarge.

Omaha leaders are planning a family destination on the city's side of the Missouri River pedestrian bridge. The project calls for several features, including an interactive play area with sculptures of wildlife native to the river.

Plans also include a water-spray area where kids can play and a large, sloping field where people can sit and look down on the play areas and the river.

Omaha Parks Administrator Larry Foster said city officials wanted to make the landing "more spectacular" than what was proposed by the bridge architect. Those plans called for green space, landscaping and a flagpole.

Now the city is looking at a \$2.2 million to \$2.5 million project and will work with the nonprofit group Back to the River on fundraising.

"It's always been our desire to do it," said Mayor Mike Fahey of a more ambitious project. "We just knew that it would take some extra effort."

Marlin Petermann, assistant general manager of the Papio-Missouri River Natural Resources District, said the district may contribute money to the project. The board will vote Thursday on giving the project \$200,000. The NRD already has given \$1 million to the bridge project.

"The NRD's been a strong supporter" of river projects, he said.

The \$22 million bridge, set for completion in late 2008, will link Omaha and Council Bluffs. Bluffs leaders previously announced that their side of the bridge will have a mix of parks, trails, living space and shops.

On the Omaha side of the river, the new park will be mostly inside the sloped circular walkway that's part of the bridge.

Omaha's plans reflect the city's urban environment, whereas the Bluffs side is more in line with the natural character of the flood levee that the bridge goes over, said Gayle Malmquist, who heads Back to the River and is Council Bluffs' development services coordinator.

The project on Omaha's side of the bridge is the latest in the city's march back to the riverfront. It joins the Qwest Center Omaha, Lewis & Clark Landing, the National Park Service regional headquarters and Gallup University campus.

Omaha's portion of the bridge is being built in the middle of the city's riverfront development - between the Riverfront Place condo development and the Park Service building.

The features planned for the Omaha side of the bridge actually will cause the shape of the curved entrance ramp to be changed slightly. Foster said the change will not cost extra money because that part of the bridge has not been started.

The sculptures in the Omaha play area will be used to teach children about the local environment. Foster said the tentative name is "River Critters."

The critters probably will include a fish called a pallid sturgeon and the least tern, a bird. Both are endangered. Foster said children will be able to climb on the sculptures. Other play equipment will go in the space as well.

Foster compared the idea to "Doorly's Pride," the sculpture of a lion pride near the main entrance to the Henry Doorly Zoo that is popular with children.

An interactive water play area with sprays and mists will let kids cool off in warm weather.

Walkways that connect to the existing Omaha river trail system will lead visitors through a plaza to an entrance stairway. The stairway will take visitors to the top of the sloped green space inside the ramp curve.

A bus stop will be near the ramp on the Omaha side. Visitors will be able to use the parking lot of the National Park Service building after hours on weekdays and anytime during the weekend, Foster said.

RELATED

- Council still undecided about bridge lawsuit

A restaurant also is planned near Omaha's bridge landing, though it technically will be part of the Riverfront Place development. That restaurant could be around 5,000 square feet and is described by city leaders as tavern-style.

The city says it's not yet known who would operate the restaurant. It would be separate from Rick's Cafe Boatyard, which is to the south of the bridge area at Lewis & Clark Landing, another city park.

Contact the Omaha World-Herald newsroom

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NRD defends need for P.R. aid

□ **The consulting firm whose service is sought would help “get proper information out” on a plan for 29 dams, the district says.**

By Nancy Gaarder

WORLD-HERALD STAFF WRITER

The Papio-Missouri River NRD and City of Omaha say the hiring of a communications consulting firm would help engage the public and dispel rumors about a controversial plan to build as many as 29 dams in the metro area.

Critics of the dam-building initiative say hiring such a firm is an inappropriate use of tax dollars.

Eleven local governments will help pay for the firm, with most of the money coming from the Natural Resources District and City of Omaha, which are leading the effort to construct the dams.

“This is to get proper information out to people,” said NRD board member Rich Tesar. “We need help. In my opinion, we’ve blown it.”

Clare Duda, a Douglas County commissioner, said the pending contract is an “absurd” use of tax dollars.

“This is under the guise of seeking more public involvement, and that’s not a very good excuse for doing this,” Duda said. “Their plan has not been well-received by the public, and now they’re hiring a public relations firm to make it look better.”

According to the NRD, the firm will coordinate its activities with the 12 local governments, create an advisory committee, organize public

The NRD is handling the contract on behalf of the Papillion Creek Watershed Partnership. Eleven entities make up the group: Omaha, Bellevue, Bennington, Girls and Boys Town, Gretna, La Vista, Papillion and Ralston; Douglas and Sarpy Counties; and the NRD.

The partnership focuses on helping local governments comply with federal water pollution standards and reduce flood risk. Omaha and the NRD account for about 60 percent of the partnership’s funding.

Douglas County remains a member, though it has distanced itself with disagreements about the dams — especially the group’s plans to issue bonds to finance construction.

Issues Management Solutions would be paid as much as \$50,000, with the money coming from the partnership, said Paul Woodward, project manager for the NRD.

An NRD board committee voted unanimously to select Issues Management Solutions of Omaha from among three firms it interviewed in February. The full board is expected to vote on the contract next month.

NRD board members Jim Thompson and John Conley said the firm’s help is needed to counter what they describe as misinformation — particularly that the district plans to spend “half a billion dollars” on dams.

The district is contemplating the possible construction of these 29 dams, plus another two dams that are part of another project, at a total cost of potentially more than \$380 million. Funding would come from property taxes, a new fee on development, possibly the private sector and other sources.

Marty Grate, Omaha environmental services manager, said the partnership’s goal is to improve the way it works with the public.

“It’s not that we’re trying to sell something,” he said. “We’re trying to step back and get the public involved. There was a lot of criticism . . . that public participation was inadequate. We want to look at that and get the public involved.”

Among the chief criticisms of earlier efforts was that landowners at risk of losing property to the dams were not notified of the plan even though developers were intimately involved.

Residents who oppose the dams say the plan is fundamentally flawed, and the need to hire Issues Management Solutions is proof.

“If the dams were completely valid, they wouldn’t have to hire a P.R. firm,” said Tyler Mohr, whose property could be flooded by a dam.

Looking for an answer

State Sen. Mark Christensen's original proposal to solve water problems in the Republican River basin raised a hornet's nest of difficulties. But his amended bill, seemingly an attempt to appease every noisy hornet, doesn't work, either.

The Legislature's Natural Resources Committee, headed by Sen. LeRoy Loudon, has a paramount obligation to seek a constructive consensus — as difficult as that will be — and develop a viable approach to this challenge. The committee will need to look at ideas beyond many of those in Christensen's proposals, however.

Originally, Legislative Bill 701 involved creating basin administrative committees around the state to make decisions about each river system. It would have increased property taxes, set poor rules for interbasin transfers of water and ordered the state to pay millions to the too-independent commissions.

Most of those provisions are gone from the newest version of LB 701. The bill now would cover only the Republican River basin, a sensible change that limits the proposed solution to the site of the actual problem.

*** The latest language is confusing, but perhaps the biggest controversy centers on the provision that requires the Legislature to make water-allocation decisions. Forty-nine senators would have the power (but hardly the expertise) to decide how many inches of water that irrigators in the Republican River area could pump from the ground or divert from surface streams.

Using "controversy" to describe the reaction to such an arrangement isn't the right word. Thrusting the complex and technical decisions about Nebraska's imperiled water resource into the political arena would be lunacy.

The only state entity with the experience, the resources and the objectivity to handle the question is the Department of Natural Resources. The Republican River's natural resources districts should be heard on the issue, too. *** The problems on the Republican River sprang from a 1943 compact involving Kansas, Nebraska and Colorado that divided the river's water equitably. A Kansas lawsuit against Nebraska was settled recently; Nebraska promised to abide by the water allocations in the compact.

In recent years, due to drought, increased groundwater pumping, conservation measures and a combination of factors, the river flows have fallen short. The debate is how to increase the amount of water in the river and who should bear the financial burden. Christensen's original bill would have assigned the cost to Nebraska taxpayers. His latest version would spread the pain around.

Taxpayers still would have to pony up for incentive programs to cut water use in the basin. Groundwater irrigators' allocations would be reduced substantially, but — a major pothole on the road to agreement — surface-water irrigators would be asked to turn back 25 percent of the water to which they are entitled under long-standing water rights.

It is unclear how successful a voluntary turnback would be. In some quarters, the idea was greeted with laughter. *Requiring* a turnback would be even dicier. The constitutionality of the proposal is questionable, to say the least. *** Another shaky part of the bill retains the first measure's reliance on squeezing money out of the state or federal governments to recompense irrigators for water consumption caused by conservation practices. Until actual studies are done (a real problem with the whole concept), the bill arbitrarily would assign 65 percent of the responsibility for stream depletion to farmers' soil and water conservative practices, such as terracing.

The figure seems to have been culled from a U.S. Bureau of Reclamation study done some years ago that seems to have amounted to little more than a guess. Many experts hint that the total could be far less. But officially, most agree that there is simply not enough data to set any percentage at all.

As Loudon and his Natural Resources Committee make decisions about the state's water resources, they can quickly determine that the latest version of the bill is still inadequate to the challenge. Only legislation that offers an adequate and equitable solution for taxpayers, irrigators and all Nebraskans will do.

Critics call moratorium on water well drilling overkill

□ But Sen. Gail Kopplin rejects the notion that local districts can manage the state's water problems with current regulations.

By David Hendee

WORLD-HERALD BUREAU (3-09-07)

LINCOLN — Nebraska needs a two-year timeout on drilling irrigation wells to determine whether the activity is dooming the state's groundwater aquifers, State Sen. Gail Kopplin of Gretna said Thursday.

Some farmers and others call the proposal overkill. They say Nebraska needs to let its system of local groundwater regulation work.

Kopplin challenged the argument that water-well decisions are best left to local natural resources districts because their directors are familiar with their areas.

"Local decision-making ended when the entire state was asked to pay for the problems created by past mistakes," he said at a hearing Thursday on Legislative Bill 594, his proposal for a temporary statewide moratorium on additional wells.

Gov. Dave Heineman has asked the Legislature to create a \$128million cash fund from tax revenue and other sources over 12 years to help resolve the state's water challenges.

Nebraska could be an estimated 200,000 acre-feet short of providing Kansas with its share of Republican River water by the end of this year. A 1943 compact allocates the basin's water supply among Nebraska, Kansas and Colorado.

Nebraska also is part of an interstate agreement that governs water flows in the Platte River.

More than 100 people attended the hearing before the Natural Resources Committee.

During his years on the committee, Kopplin said, he has heard countless people testify about water. They talked about surface water, groundwater, Lake McConaughy, the Republican River, the Platte River and Pumpkin Creek.

"No one takes these issues lightly," Kopplin said. "Everyone wants a solution. Lawmakers are considering a halt to new wells and paying landowners to reduce irrigation. We simply do not agree. And we just keep on drilling."

Lumir Jedlicka of Schuyler, a director of the Lower Platte North Natural Resources District, said a statewide moratorium would be unfair.

The Lower Platte North NRD around Columbus doesn't prohibit wells but has a small area with restrictions on all high capacity irrigation wells.

"The expensive water problems this state faces are not east or north of Columbus," Jedlicka said.

He said NRDs, the Water Policy Task Force and a 2004 water law are adequate tools to manage groundwater.

"All of the tools plus the checks and balances are in place to manage our ground and surface water supply in a sustainable way," he said. "We feel it would be an emotional decision, not one based on science, to place a statewide drilling moratorium over the Lower Platte North NRD."

Duane Filsinger, general manager of the Lower Niobrara NRD at Butte, said his board has been working with businesses and landowners for a solution that would be acceptable to all.

"LB 594 is definitely not the answer to our state's water management issues," he said.

The committee also heard testimony on bills to refocus the Water Policy Task Force and to ensure that bodies of water meet state and federal water standards.

LB 702, introduced by State Sen. Don Preister of Omaha, would establish a Surface Water Quality Task Force. The new group would review plans and timelines proposed by the Nebraska Department of Environmental Quality to assess every body of the water in the state.

The task force would report its findings to the governor and Legislature.

Several farmers, acreage owners, anglers and environmentalists testified for the bill. A representative of the state's home builders and a cattleman spoke against it.

"I admit that opposing this bill is a bit like talking trash about mom, apple pie and baseball," said Duane Gangwish, of Nebraska Cattlemen. Still, Gangwish said, cattlemen are concerned about finding room in the state budget for LB 702's \$15 million budget and about targeting every body of water in the state.

Gangwish also questioned the impact and cost of potentially fencing off countless miles of stream banks across 23 million acres of ranchland in the Sand Hills.

LB 493, introduced by State Sen. Chris Langemeier of Schuyler, would let an executive committee set the agenda of the Water Policy Task Force. It also calls for studies on allowing inter-basin water transfers and water leasing.

The 49-member task force, under Langemeier's bill, would meet at least once a year to take up the committee's proposals and recommendations.

Created in 2002, the task force now meets three or four times a year. It proposed the legislation that became LB 962, the state law that establishes state and local management of groundwater and surface water.

Midlands Voices

Suggestions welcome on fixing water woes

BY MARK CHRISTENSEN

The writer, of Imperial, Neb., is a Nebraska state senator representing District 44.

In response to a March 7 editorial on Legislative Bill 701: Every solution has its critics. It is easy to find people who don't like some part of every idea.

What is extremely difficult to find is anyone willing to suggest ideas in the face of such constant criticism. To date, there is only one person who has put any comprehensive ideas on the table for discussion. Like those ideas or not, there are no others willing to dare public exposure.

The key parts of any waterrelated bill must address the following points. And no matter how those points are addressed, there will be plenty of critics on each component.

- ☐ How do we comply in the short term with the requirements of the Nebraska Supreme Court ruling of 2002 to either increase the water supply or decrease consumptive use?

- ☐ How do we eliminate the problem in the long term?

- ☐ Who would pay for any set of solutions?

- ☐ Who would manage the money and make the day-to-day decisions?

Finding workable answers to those questions is not easy. If it were, there would be a lot of people making suggestions rather than just shooting at anything that sticks its head above ground.

There are only two possible answers to the first question: How do we comply in the short term? One answer is to increase the water supply. The other is to lease or buy surface water. Those are your options.

A number of people want shutting off irrigation wells to be a third possible answer, but doing so would not produce a fast enough effect to do what is required. Shutting off irrigation wells is like stopping a train. It takes a long time to result in a decrease in use.

The long-term solutions have more options. But the longterm solutions are largely dependent on how we answer the three other questions that must be answered first.

The biggest challenge involves who would pay for the solutions. This is where the most misinformation comes about. This is where people often choose to hear the things they like and to ignore the things they don't like. It is here where normally honest, rational people sometimes become very selfish and forget about the big picture.

Virtually everyone who looks at LB 701 first looks to see how it would affect his pocketbook. If there is no effect, it is a good plan. If there is an effect, then it is a bad plan and fingers begin to point as to why the other guy needs to pony up more.

There are several constants in my plans. They would solve the problem, and they would require money from both the state and the Republican River basin.

We can quibble over the details of how that is done. But in the end, we must solve the problem or a judge will do it for us. Any short-term solution would include buying surface water or increasing the water supply. I can support either idea.

LB 701 attempts to accommodate the many conflicting demands with the limited tools we have available. I welcome suggestions on how to best use the tools we have.

News Release

Nebraska Farm Service Agency

www.fsa.usda.gov/ne

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FARM PROGRAM DEADLINE EXTENDED TO AUGUST 3

LINCOLN, NE, March 22, 2007 — Nebraska Farm Service Agency State Executive Director Brian Wolford, today announced the sign-up deadline for the 2007 Direct and Counter-cyclical Program (DCP) has been extended to Friday, August 3, 2007.

The extension is due to issues involving the problems in performance of the FSA web-based computer system. The late-file fee of \$100 will only be assessed for farms that are enrolled after August 3, 2007, and before September 30, 2007.

Enrollment in DCP for the 2007 contract period began on October 1, 2006, and was scheduled to end on June 1, 2007. Wolford noted that the extension will allow FSA and farmers more time to complete the 2007 contracts. Questions concerning sign-up appointments should be directed to the local FSA office.

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Published Friday | March 23, 2007

Fund plan OK'd for east-west metro area trail connector

BY KAREN SLOAN
WORLD-HERALD STAFF WRITER

Navigating Omaha streets by bicycle can be tricky.

There are drivers who are unaccustomed to sharing the road with cyclists, sidewalks covered in gravel and glass, and stoplights and signs that slow down the ride.

That's why many cyclists prefer to use the metro area trail system, which has wide paths without vehicle traffic or other hazards. While the system has an impressive network of trails that run north and south, users have lamented the lack of east-west connector trails.

That could change in the coming years.

Omaha is moving forward with the long-discussed Keystone Trail East Connector, which will eventually link the Keystone Trail to the Field Club Trail. When complete, midtown residents will have a path to the Keystone Trail, which then connects to others, including the Big Papio and West Papio trails.

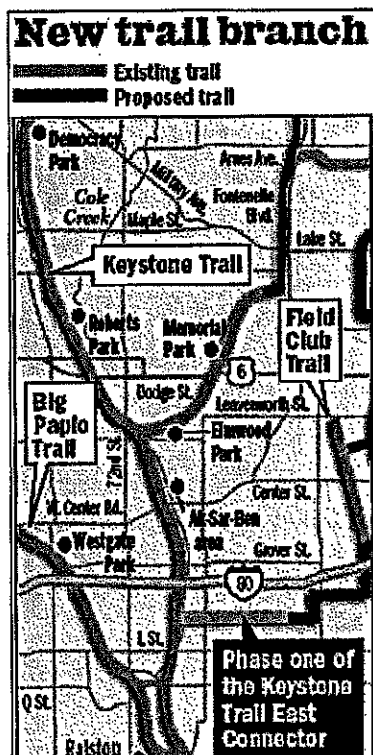
Though the city does not keep statistics on trail usage, City Parks Director Steve Scarpello said the Keystone Trail is the city's most popular.

The Omaha City Council this week approved an agreement with the Nebraska Department of Roads, the Peter Kiewit Foundation and the Papio-Missouri River Natural Resources District to jointly fund the new connector trail.

That's welcome news to Mark Savery, manager of the Trek Bicycle Store of Omaha on 72nd Street. He helps organize group rides that use the Keystone Trail to get out of Omaha and onto rural Nebraska roads. The new connector will make it easier for cyclists to jump on the trail system without having to drive or navigate city streets, Savery said.



Jenny Arndt, left, and Anna Arndt take Percy for a walk on the Keystone Trail on Wednesday afternoon. Omaha plans to build an east-west link for the trail to the Field Club Trail.



"From the standpoint of the bike community, the east-west trails have been the big holdup," he said. "This is a great way to get things rolling."

Savery said building more trail connections should help grow the city's bike culture.

Runners are also eagerly anticipating the addition.

The Omaha Running Club hosts a fun run on the Field Club Trail around the Fourth of July, and parking can be a problem during the event, said Vice President Daren Konda. Creating more access points to the trail should help ease the congestion of the event and will provide runners with more route options.

"It will be a benefit for the community," he said. "That will be one of the major east-west trails."

The Keystone East Connector won't appear overnight, however.

Plans call for the trail to be constructed in three phases due to the limited availability of federal money, Scarpello said. The first phase, which was approved by the council, will be approximately 2.2 miles, at an estimated cost of \$1.2 million.

Nearly half of that, \$500,000, will come from federal money issued through the Nebraska Department of Roads. Omaha will contribute approximately \$200,000, with an expected \$315,000 from the Peter Kiewit Foundation and \$200,000 from the NRD.

Scarpello said there are not yet any cost estimates on the entire Keystone East Connector, but that the city hopes to secure more federal funding in the

Click to enlarge

future.

The first phase of the connector will link to the Keystone Trail at Karen Park near 62th and H Streets. It will continue east to 45th and Dayton Streets. Once the final two phases are complete, the connector will be about five

miles long.

Scarpello said he does not know when construction will get under way on the trail, but that the first phase will likely be completed by the summer of 2009. Planning and constructing the connector will likely be more time consuming than for most of the city's other trails that run through more sparsely developed areas. Trail building is more complicated in urban areas because of the limited availability of land, he said.

Contact the Omaha World-Herald newsroom

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Time to act – OWH Editorial 3/25/07

It is time to do something. It is time, that is, for Nebraska to take strong action in managing its severe and complex problems involving water.

That much-needed call is being voiced this year at the Legislature. As many Nebraskans can attest, however, the refrain is far from new. Calls for decisive, coordinated action on Nebraska water management have a long history.

World-Herald editorials from the past three decades — going back to the 1970s, the last period of extended drought — provide a useful chronology of the various debates on water policy.

It is true that commendable work has at times been done. One example among many is the general water policy framework achieved in 2004 via Legislative Bill 962.

Still, in 2007 it is clear that Nebraska faces enormous water challenges. The gravest is the severity of water stress in the Republican River basin, with the prospect of awesome financial penalties involving the state's water obligations to neighboring Kansas.

And so the familiar but necessary call for action appropriately arises again.

*** "There will have to be controls. Almost everyone is agreed on that," a World-Herald editorial stated in July 1974. "They will have to be imposed soon. The summer of 1974 has pushed the problem front and center for the Legislature's attention for 1975."

Two years later, The World-Herald ran an editorial titled "Tighter water management needed." In it, the newspaper observed: "Perhaps the costly drought will have brought with it something of value if its seriousness brings Nebraska at last to comprehensive legislative action in water-resource management."

In November 1980, The World-Herald featured an editorial titled "Why wait on crisis impact? Water problems on doorstep." It noted that concerns over the state's long-term water challenges had been voiced as long ago as the 1940s (as former World-Herald publisher Harold W. Andersen has explained in his personal columns on the More Commentary page).

The 1980 editorial argued forcefully that the time had long passed for mere half-steps: "Once again, there are voices saying, let's go slow, let's study the problem some more. . . . But after 40 years of study, including intensive data-collecting and -sifting by state agencies during recent months, what's wrong with asking for some meaningful action by the Legislature in its forthcoming session?"

"We have had adequate warning by the experts that our water supply is in jeopardy. What's wrong with taking preventive action before the full effect of the crisis hits us?"

Indeed. In 2007, following the return of drought in recent years, the full effect of the water crisis has struck Nebraska with a vengeance.

*** An August 1979 editorial noted a water incident near Burwell, Neb. From a present-day perspective, the episode seems a precursor of the Panhandle's Pumpkin Creek episode (in which irrigation wells dried up the creek).

Another editorial from 1979 (titled "Another water alert") voiced support for strengthening the authority of natural resources districts as advocated by then-State Sen. Vard Johnson of Omaha.

During the 1980s, The World-Herald strenuously promoted the metering of irrigation pumps. "The way has been pointed toward one of the most effective ways of conserving water," the paper said in August 1981. "Nebraska had better not wait too long."

Another editorial theme from that era was a recognition of conjunctive use — the concept involving the hydrological connections between groundwater and surface water.

"Will Nebraskans say, like the Texan, that they are going to pump it out until it's gone 'because it's my water?' " The World-Herald stated in June 1980. "It is unconscionable to ignore the needs of future generations in a scramble to make profits today by pumping out every last drop 'because it's my water.' " In May 1981, the newspaper applauded a landmark Nebraska Supreme Court decision involving conjunctive use. In its ruling, the court stated that underground water is "publicly owned" and

that "the public may limit or deny the right of private parties to freely use the water."

The decision, the editorial said, "should encourage the Legislature to take such actions as are needed to protect Nebraska's water resources."

*** A particular World-Herald concern in the 1970s and '80s involved the placement of irrigation pivots on marginal land in the Sand Hills. In October 1986, an editorial stated flatly: "What greedy landowners and speculators did to parts of the Nebraska Sand Hills in the 1970s and early 1980s was an outrage."

During that same era, The World-Herald spoke out strongly to oppose the Deer Creek project in Wyoming and the Two Forks Dam project in Colorado, citing the harmful effects they would have on Nebraska's water situation.

In the early 1990s, The WorldHerald examined the water challenges in southwest Nebraska. "Shortages of water in Nebraska's Republican River basin may be startling to some Midlanders who are learning about the problem for the first time," an editorial said in June 1992. "However, the shortages have been worsening for a number of years — and by some accounts are destined to become even more serious in the years ahead."

The overall public interest would be served, the editorial said, if the Upper Republican NRD prevailed in a lawsuit in which the NRD was sued by a farm partnership over water restrictions.

"The importance of winning that suit becomes much more apparent in light of the Republican River basin's troubles," the editorial said. "Nebraska needs a strong system to prevent man from pumping the aquifers dry, and in turn the rivers, and in turn the lakes."

In March 1994, an editorial cheered a Nebraska Supreme Court ruling that upheld the right of the Upper Republican NRD to regulate the use of underground water.

That same year, The World-Herald said it was "regrettable" that State Sen. Chris Beutler of Lincoln, then the chairman of the Natural Resources Committee, had backed away "from legislation to regulate the pumping of underground water."

"Delay will not make the problem disappear," The World-Herald said. "Nebraska needs a comprehensive surface (water) and groundwater conservation and usage plan that would take into account the varying interests."

*** It is never easy to make headway on Nebraska water policy, an editorial noted in May 1981. On the contrary, the editorial said, the state usually faces "long and sometimes bitter struggles" to get "needed water- protection measures through the Nebraska Legislature."

In April 1984, The World-Herald explained the grave risks of failing to take strong action: "It would be self-defeating to delay conservation measures until water supplies grow short. And, once water supplies are depleted, alternatives can be economically and politically prohibitive."

The judgment of future generations was the theme rightly stressed by a January 1977 editorial: "Let us hope that 40 years from now, when our grandchildren look back on the 1970s, they will see them as a time in which we kept on learning how to use scarce water wisely. For of one thing we may be sure: Drought will come again."

That is, of course, correct. Which is why, once again, it is time to raise the call to take strong action to meet Nebraska's critical water needs.

Let's not add the water debate of 2007 to the state's long list of missed opportunities.

That refrain on the need for managing Nebraska's water problems has a long history.

Agriculture 'needs to step up to the plate'

LJS Editorial Sunday, Mar 25, 2007 - 12:01:26 am CDT

Gov. Dave Heineman deserves respect for his direct and plain-spoken efforts to have agriculture play a bigger role in covering the costs of water programs in Nebraska.

Heineman's proposed Water Resources Cash Fund would pay the estimated \$128 million the state will incur over the next 12 years.

"Agriculture needs to step up to the plate," Heineman told members of the state's Water Policy Task Force.

The most controversial part of his plan would divert a half-cent in checkoff fees to the plan for the years 2013 through 2019.

That proposal has met with resistance from the powerful Nebraska Farm Bureau, which complains that it leans too heavily on agriculture.

But if that source of funding is removed, agriculture won't be paying its fair share.

Most of the other real dollars in Heineman's proposal are various tax funds that come from taxpayers across the board. The plan calls for \$32.4 million in state tax revenue, \$12 million in federal grants and \$3.6 million from Environmental Trust funds.

There's also a so-called "in-kind contribution" from agriculture that supposedly totals \$36 million, based on tax support for Natural Resource Districts and effects of irrigation restrictions.

But the "in-kind" contribution does nothing to meet the state's cash needs for meeting its obligations under the Republican River Compact with Kansas, the Platte River Cooperative Agreement with Colorado and Wyoming and the state's plan for statewide water management.

There are valid arguments to be made against diverting checkoff funds to the Water Resources Cash Fund. Originally, the funds were self-help funds for agriculture to be used for marketing, research and similar purposes. Use of the checkoff for water policy would be a considerable change of purpose.

But if the checkoff system is not used as a funding mechanism, a replacement should be devised that accomplishes the same thing.

As Heineman pointed out, agriculture uses 94 percent of the water in Nebraska, according to the U.S. Geological Survey. Nebraska ranks first in the nation in the amount of corn under irrigation.

Not counting "in-kind" contributions, Heineman's proposal still calls for most of the real dollars to come from the general tax-paying public. Agriculture would pay \$44 million. About \$48 million would come from the general public.

Taxpayers already are supporting Nebraska agriculture to an amazing degree. Direct tax subsidies to Nebraska farmers and ranchers in recent years sometimes have totaled more than \$1 billion a year.

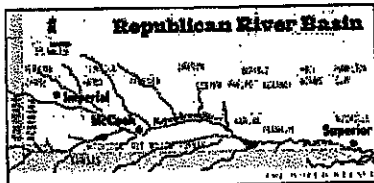
The governor undoubtedly is right when he said most Nebraskans don't think they should have to foot the bill for the Water Resources Cash Fund.

Heineman deserves support for insisting on a reasonable cash contribution from agriculture. The state's nonagricultural taxpayers will be more likely to do their part to solve the state's water problems if they believe that agriculture is willing to do its fair share.

Published Tuesday | March 27, 2007

A drought of water optionsBY DAVID HENDEE
WORLD-HERALD BUREAU

LINCOLN - The Republican River Basin's farm-based economy might not take a serious hit if Irrigation is stopped on thousands of acres of cropland in the region, a Federal Reserve Bank economist said Monday.



Click to enlarge.

The blow, however, could be devastating to some communities, said Jason Henderson, who heads the Omaha branch of the Fed's Kansas City bank.

"These are back-of-the-envelope calculations, (but) . . . the impact could potentially be small on the overall economy," Henderson told about 160 people at a University of Nebraska-Lincoln water conference.

But not minor enough to reduce anxiety in small towns, Henderson said in a later interview.

"Some small towns already feel like they're on the edge," he said. "They face declining populations and struggle at generating growth. The question is - (to) which nobody knows the answer - will this be enough to push them over the edge?"

The issue is a hot one in the basin. Irrigators in southwestern and south-central Nebraska face new limits and other restrictions on how much water they are allowed to pump, because of an interstate agreement with Kansas and Colorado on sharing Republican River water. One option is paying farmers in key areas not to irrigate.

Nebraska has been using more than its legal share of the Republican's water. Underground water pumped by farmers is partly blamed for the problem. The state must reduce its consumption of the river water or face possible legal or financial penalties.

State officials have developed scenarios showing how the problem could be addressed using reductions ranging from 15 percent to 80 percent of the water that groundwater irrigators are allowed to pump for crops.

The potential economic impact of steep reductions in irrigated agriculture and the eventual shrunken tax base could doom some towns and schools, say school superintendents and other community leaders in the basin. Agricultural real estate makes up a major share of the taxable property in rural counties.

Henderson, the Fed economist, said irrigation cutbacks are technically small "but would have real impacts on the local economy."

For example, he said, retiring 120,000 acres of irrigated land in the Republican River Basin could:

- Trim \$1.7 million to \$2.2 million from the region's \$42.2 million agricultural property tax base, a decline of 4.03 percent to 5.21 percent.
- Lower farmland values \$121.9 million to \$158.6 million. That's a 5 percent to 6.5 percent decline in the region's \$2.4 billion farmland value total.
- Create a ripple-effect loss of \$17 million to \$48 million in sales and other economic activity. That's a 0.57 percent to 1.6 percent decline in the region's \$3 billion economy.

Henderson based his calculations on recent studies by NU agricultural economists, the Nebraska Policy Institute and the Nebraska Department of Natural Resources.

Answers to the state's problems in the basin will require cooperation, Henderson said.

"A good solution will be one where everybody has been involved, and the community has thought about the future - what it wants to be and how water supports that."

The annual Water Law, Policy and Science Conference continues today at the Embassy Suites Hotel.

Contact the Omaha World-Herald newsroom

Federal farm officials unveil consolidation plan

By ART HOVEY / Lincoln Journal Star
Tuesday, Mar 27, 2007 - 09:18:07 pm CDT

It's not a done deal yet, but the Farm Service Agency in Nebraska is again circulating a plan for closing county-level offices.

The latest proposal, announced at a Lincoln media briefing Tuesday, calls for shuttering 12 offices, including the one that serves both Douglas and Sarpy counties from Omaha, and consolidating them with nearby locations.

The Cass County office at Weeping Water would have primary responsibility for Sarpy County, but farmers there and elsewhere could also pick a different service office if it better suited their individual needs.

All the other proposed closings are outside Southeast Nebraska. The 32 affected employees statewide would be offered FSA jobs elsewhere.

"We feel this does address our challenges," Brian Wolford told reporters. "It supports our employees and it improves service and efficiency to our producers," added the FSA's Lincoln-based state director.

Downsizing the local offices that help farmers with support payments and other farm program chores has been a frequent source of controversy in the state.

As recently as 2005, the agency's national leadership pulled the plug on a plan largely developed in Washington. It targeted 23 Nebraska offices, including those at Auburn, Aurora, Pawnee City, Schuyler and Weeping Water, for closing and consolidation.

It was withdrawn in a matter of weeks amid heated criticism from farmers, community leaders and members of the state's congressional delegation.

Responding to questions Tuesday, Wolford sounded optimistic about getting a better reception this time.

With the most recent proposal, "we could take the time we needed to do it right."

That includes regional meetings in recent months with about 250 farmers that represent their peers on the county committees affiliated with the county offices. It also means more freedom to select an approach that works in Nebraska.

Other state FSA offices were required to submit similar plans and 26 have now done so.

Although Wolford said saving money was not a primary goal, he estimated the savings from cutting the number of county offices from 81 to 69 at about \$500,000.

In detailing the situation, Wolford also noted that the agency has 139 fewer employees in county offices than it did in 1996, as well as much more limited authority to hire people on a temporary basis.

"It would be wonderful if we had more people," he said, "but we've got to face facts."

A sister federal agency, the Natural Resources Conservation Service, also announced Tuesday that it was closing offices in Banner, Deuel, Dundy, Hayes and Sherman counties to reduce operating costs.

Rob Robertson of the Nebraska Farm Bureau Federation sat in on Tuesday's media

session. Afterwards, he said concerns at the state level stop short of outright opposition.

"We're going to encourage our members to go to the local meetings and give feedback," he said.

The Southeast Nebraska feedback session will be April 2 at 2:30 p.m. at the Millard Social Hall.

All the state plans will eventually be gathered together for presentation to Congress.

The Nebraska restructuring plan can be viewed at www.fsa.usda.gov/ne

The leadership of the Nebraska Farmers Union, strongly critical of previous restructuring proposals, has yet to decide what it will do about this one. But Vern Jantzen of Plymouth, secretary and District 4 director, offered his personal opinion.

"From my personal view, if my county office closed, I could live with it," he said, "but it just makes my life so much more complicated."

He doesn't necessarily buy the point about state-level initiative either. "I question who's pushing this."

Don't most farmers do much of their government business through electronic messages in a computer-driven era?

"I'm sure the big guys do," Jantzen said. "And in the final analysis, that's part of our problem. Our farm policy is set up for the big guys."

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Print Page

Published Thursday | March 29, 2007

Bill seeks \$8 million for state water woes

BY MARTHA STODDARD
WORLD-HERALD BUREAU

LINCOLN - Nebraska would dedicate more than \$8 million over three years to helping solve the state's water problems under a bill advanced Wednesday by the Legislature's Appropriations Committee.

State Sen. Lavon Heidemann of Elk Creek, the committee's chairman, told his colleagues the funding measure will be part of a larger package addressing the state's water problems.

"This could be far cheaper than other things," he said. "The alternative is a lot worse."

Nebraska could be liable for hundreds of millions of dollars if the state fails to meet its obligations under an agreement with Kansas for sharing water from the Republican River. Nebraska has used more than its share in previous years.

The Appropriations Committee measure includes \$3 million from the current year's budget to buy water from the Bostwick Irrigation District this summer. The water would be released from the Bostwick reservoir down the Republican River to Kansas.

It would be the state's second such purchase. Last year, the state spent \$2.7 million to buy 15,000 acre-feet of water from the Bostwick reservoir and smaller amounts from other districts.

The committee's proposal also includes \$5.4 million for a newly created water resources fund during the two-year budget that begins July 1.

Gov. Dave Heineman proposed the fund to help pay for bringing the state in compliance with agreements on both the Platte and Republican Rivers. The Platte agreement requires Nebraska to increase river flows to provide habitat for endangered species.

A third part of the measure would put a half-cent checkoff fee on corn and grain sorghum from 2012 through 2019, with the money going into the water resources fund. Heineman has said the corn checkoff would provide \$6.3 million a year beginning in 2013.

The Appropriations Committee action moves the Legislature a step closer to developing a larger water plan. The plan would deal most immediately with Republican and Platte problems and, over the long term, could address other conflicts created by increasing demands on the state's water supply.

Efforts to pull a water plan together have picked up steam as planting season nears and farmers begin deciding whether to plant irrigated or dryland crops.

Another piece of the emerging plan would allow the three natural resources districts in the Republican River basin to buy up permanent water rights by issuing bonds.

Sen. Mark Christensen of Imperial said the proposal would allow the districts to pay off the bonds by either charging an occupation fee of \$10 per irrigated acre or raising the property tax levy by 10 cents per \$100 of assessed valuation.

The boards of the three NRDs have expressed support for the proposal.

Christensen said irrigators and property tax payers may not be happy with the plan and prefer that the state shoulder all of the cost. But he said the alternative could be a more drastic shutoff of irrigation in southwest Nebraska.

"It's like a Russian roulette game, and the state's playing it hard," he said.

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Legislation to deal with water-short basin crafted

By NATE JENKINS / The Associated Press
Thursday, Mar 29, 2007 - 08:55:00 pm CDT

New and higher taxes on irrigators in the water-short Republican River Basin are part of a new legislative package designed to send Kansas water it is owed under a compact with that state.

The package mainly hinges on allowing natural resources districts in the basin to issue bonds to buy surface water to send to Kansas that would otherwise be used for irrigation. Money to pay off the bonds would be raised by the districts through additional tax-levy authority of about 10 cents per \$100 of valuation and imposing a new, \$10-per-acre fee on irrigated land.

The deal was announced Thursday and will be considered by the Legislature.

Water included in the deal would come from Harry Strunk Lake, north of Cambridge, and the Frenchman Valley Irrigation District, among others. Also included in the deal is \$3 million in state funding to lease water from the Bostwick Irrigation District, which holds water in Harlan County Lake.

Some of the money raised by resources districts could also be used to pump water into the Republican River.

Local and state officials that have been at odds over how to send to Kansas water it is owed under the three-state compact hailed the deal as an important compromise.

"The basin is really pulling together and working together," said Ann Bleed, the state's lead water official and head of the Department of Natural Resources. "They've come forward and said, 'We need to work out a deal.' I'm amazed and very impressed."

Blead lauded irrigation districts for assuming significant risks that enough money will be raised to pay for the water they will be asked to provide, and resources districts for having the will to collect the dollars that will be needed to pay for it.

Gov. Dave Heineman said the plan helps build a framework for addressing future water challenges. The deal was welded together by Heineman, resources districts, the Department of Natural Resources and several state senators, including those who represent districts in the basin.

Speaker of the Legislature Mike Flood of Norfolk announced the deal Thursday.

The Natural Resources Committee will hold a hearing on the plan April 4 at noon in the capitol.

Besides powers for the districts to raise dollars for water buyouts and the \$3 million for the Bostwick deal, the plan includes \$3 million in state funding for a water cash fund and \$2 million in state funding for removal of water-consuming vegetation along the Republican River.

Dan Smith, general manager of the Middle Republican NRD, said surface-water buyouts that are planned would affect about 49,000 acres. Imposing more taxes on irrigators, he said, "is kind of an awkward position, but it's about the only solution we feel we had that made sense."

"We're in the position we either buy water or make cuts in allocations (of water) that are borderline ridiculous," Smith said.

Less irrigation is not in the legislative package, partially because there is general agreement among the parties that restrictions should be flexible and based on water availability instead of fixed in law. But resources districts have signaled a willingness to reduce pumping in the future as part of a long-term solution to being in compliance with the compact.

Smith said he was hopeful that the plan would bring the state in line with how much water it is supposed to send to Kansas this year. But it likely won't be enough to put the state in compliance with the compact that is guided by five-year averages of water use.

"This package in and of itself will not get us to where we need to be for the longer term," Bleed said. But, she added, "It shows Kansas we are working toward being in balance."

A determination of whether Nebraska is in compliance based on the five-year average will be made this summer, and a finding that the state is not, which is likely, could make it liable for damages to Kansas.

Blead said Kansas officials are aware of the proposals announced Thursday, but she did not know their reaction to it.

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Published Friday | March 30, 2007

Hopes rise for revisions to water plan

BY DAVID HENDEE
WORLD-HERALD BUREAU

LINCOLN - A comprehensive legislative package to help Nebraska out of its water woes surfaced Thursday in the Legislature.

"We think it's probably the best plan that's come forward. We hope it solves the problem," said State Sen. LeRoy Loudon of Ellsworth, chairman of the Natural Resources Committee.

The compromise plan guts and amends Legislative Bill 701 - introduced by State Sen. Mark Christensen of Imperial and points it toward the legislative fast track. Christensen's proposal was a wide-ranging bill that, among other things, would have established a new, basin-wide water management authority.

The amended bill would collect millions of dollars from irrigators and other property owners in the Republican River Basin this year to supplement anticipated additional millions from taxpayers statewide. The basin extends from southwest to south-central Nebraska.

The money would be used, in part, to lease water from irrigation districts and release it downstream to Kansas to help Nebraska comply with the Republican River Compact. The irrigation districts store water from streams and distribute the water to its members via canals.

Nothing in the new plan reduces or eliminates regulations imposed on irrigators to use less water.

Nebraska is under tremendous pressure to reverse several years of using more than its share of water in the Republican. Nebraska could be nearly 200,000 acre-feet over its allocation this year, according to state officials. An acre-foot is the amount of water it would take to cover one acre 12 inches deep.

Elements of the package announced Thursday:

State funding - \$13 million in the next two fiscal years (\$3 million for a possible one-time water lease this year with the Nebraska Bostwick Irrigation District; \$2.7 million each year from the governor's proposed Water Cash Fund; \$300,000 each year from the state's Environmental Trust Fund; and \$2 million each year for the removal of invasive vegetation.)

Local funding - Up to \$16 million annually in the three Republican River natural resources districts through a \$10-per-acre tax on irrigated land and an extended property tax levy.

Long-term funding - \$128 million total during the next 12 years from general tax funds and from a half-cent checkoff fee on corn and grain sorghum.

The Nebraska Department of Natural Resources would be required to issue annual forecasts on how much water is available for use in the Republican basin.

NRDs would be required to explain what they've done to reduce water usage before they could tap the state's Cash Water Fund. Districts would use the fund to pay farmers who stop irrigating land.

If the state concluded that the districts failed to sufficiently dial back water usage, the districts would be required to repay the incentive money.

The new plan would give NRDs the ability to issue bonds. The bond revenue would be used to acquire irrigators' rights to surface water and groundwater, remove vegetation from rivers and augment stream flows. Funding to repay the bonds would come from the districts' additional taxing authority.

Dean Edson, executive director of the Nebraska Association of Resources Districts, commended basin farmers who said they were willing to pay higher fees and taxes to make the plan work.

"This has been kind of like unscrambling an egg," Edson said, "but we're moving forward, and we realize we have to make the best of our situation."

The package was crafted in recent weeks in behind-the-scenes meetings led by Speaker Mike Flood of Norfolk. Participants included the Governor's Office, lawmakers and heads of state agencies. The latest meeting was at noon Thursday.

"The best way to address our water issues is to work together," Flood said. "That is what we did and that is why this

package is going to come before the Legislature."

The measure is scheduled for a public hearing at noon Tuesday before the Natural Resources Committee. If the committee advances the proposal to the full Legislature as expected, the plan could face first-round debate as early as April 10.

LB 701 is Christensen's priority bill.

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Published Friday | March 30, 2007

Panel backs bill on local government liability

BY LESLIE REED
WORLD-HERALD BUREAU

LINCOLN - The Legislature will consider whether to give Nebraska cities and other local governments protection from liability for injuries at public skateboarding parks and similar recreational facilities.

The Judiciary Committee voted 6-1 Thursday to advance legislation prompted by last year's Nebraska Supreme Court ruling that local governments can be held liable for injuries on publicly owned property.

The high court reinstated a case brought by a Dawes County woman who broke her ankle when she stepped in a hole while attending a festival on the courthouse lawn.

Afterward, a number of cities closed their skateboarding parks, saying they could not risk being held liable if someone was injured at the parks.

State Sen. Steve Lathrop of Omaha negotiated with the League of Nebraska Municipalities and an attorney with the City of Omaha to develop the proposal now contained in Legislative Bill 564.

The bill would change existing law so that governments could not be sued for injuries that occurred at facilities that are free to the public, if the injuries arose out of the inherent risk of the recreational activity.

They also could not be sued if the injuries occurred at facilities for skateboarding, inline skating, biking or scootering that were built with generally recognized engineering and safety standards in existence at the time of construction.

Governments could not be sued if someone were injured because of a defect in recreational facilities unless officials knew the defect existed and failed to fix it within a reasonable time. They could be held liable if they didn't exercise "even slight care" to detect and correct defects, according to the legislation.

Sen. Ernie Chambers of Omaha voted against the bill.

"Why should we allow cities to build facilities that are inherently dangerous?" he said.

If a child becomes a quadriplegic because of injuries suffered at a public skateboard park, he said, the government should help pay for that child's future health care.

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Damage splits trail's users

4-3-07

BY NANCY GAARDER
WORLD-HERALD STAFF WRITER

Horses have been banned from any part of the Wabash Trace, after a group of horseback riders caused what has been described as the worst damage in the popular trail's 18-year history.

Thousands of divots, four to six inches deep, were left in the most popular stretch of the crushed limestone trail, the three to four miles south of Council Bluffs. The holes made the trail unsafe for bicyclists, joggers and walkers, said Bill Danforth, president of the all-volunteer organization that oversees the trail.

While horses had been allowed on an adjacent dirt bridle trail, they are never supposed

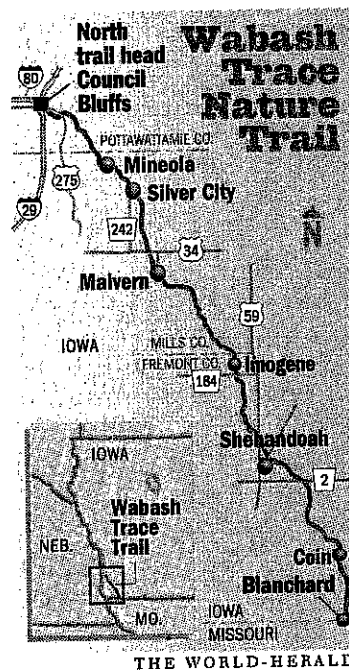
Horses are banned after thousands of divots are left on the Wabash Trace.

to be on the limestone path. The ban now extends to the bridle trail, Danforth said.

It appears, Danforth said, that a group of horse riders traveled the limestone trail during the spring thaw, when it was most fragile.

Volunteers — none of them horseback riders — have repaired the trail, Danforth said. Some volunteers took vacation time from their jobs to get the work done, he said. The group has also had to buy a new grading machine.

The trail should be safe to
See Trail: Page 2



Trail: Horse riders banned from Wabash Trace

Continued from Page 1
ride by today, Danforth said. Volunteers were planning to grade it Monday evening for the fifth time.

Danforth said some horseback riders have made angry phone calls to the Southwest Iowa Nature Trails association board, threatening legal action or intimidation along the trail because of the ban.

That's been frustrating, he said, horseback riders have not been doing their share to maintain the trail.

To donate

Make checks payable to the Southwest Iowa Nature Trail

Send to P.O. Box 522, Council Bluffs, IA, 51502-0524

Take the bridle trail, which doubles as a mountain biking path, Danforth said.

Three off-road cyclists, after gaining a commitment from horseback riders, invested \$5,000 of their own money to build three bridges along the bri-

dle path strong enough to hold horses. It would have cost less than \$1,000 had they not wanted to accommodate horses.

Tim Edwards, one of those cyclists, said it was frustrating when the horseback riders wouldn't help pay for the bridges. It also has been frustrating that they haven't shown up to help clear the trail.

Edwards and his friends have spent three years clearing overgrown brush and downed trees from the 10 miles of trail between Council Bluffs and Mineola.

The Wabash is a converted rail line that runs from Council Bluffs to the Missouri border.

Danforth said that if horseback riders commit to helping with maintenance, the ban could be lifted.

"There's been conflict," he said, "but I'd like to offer an olive branch."

Kathleen Hunt, who stables a horse near the trail, said she wants to bring horseback riders together and do just that.

"We love being out there," she said. "We want to be responsible."

Published Tuesday | April 3, 2007

Creek widening plan near Gretna draws skepticism

BY NANCY GAARDER
WORLD-HERALD STAFF WRITER

Spring rains are back, and with them have come the renewed threat of flooding in the Forest Run subdivision outside Gretna.

Cathy McQueney said she was up until 2 a.m. one night last week watching water encroach on her home. And Saturday, she watched again as runoff from Gretna, flowing down a creek, poured into the low-lying area behind the McQueney home.

Residents of Forest Run have been working with the Papio-Missouri River Natural Resources District, Sarpy County, the City of Gretna and others to get help with flood problems.

Marlin Petermann of the NRD said officials of the governments plan to meet later this month to discuss widening the creek so that it can handle more water. Work, he said, could begin in May or June, if all goes well.

But no one expects the ditch to solve the underlying problems, and that's discouraging, McQueney said.

The ditch will alleviate flooding in some rains, but it won't prevent flooding in very heavy rains. The ditch carries runoff from a significant portion of Gretna, and the homes are located in the path of flooding.

"It's really frustrating," McQueney said. "We need a dam."

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Bill to fund dams dies in committee

BY NANCY GAARDER
AND LESLIE REED

WORLD-HERALD STAFF WRITERS

The effort to build numerous dams in the Omaha metropolitan area just got a little tougher.

A Nebraska legislative committee has killed a bill that would have given the Papio-Missouri River Natural Resources District authority to issue bonds to help pay for the dams.

The NRD has said the ability to spread out the cost of the dams by issuing bonds is central to getting them built. The NRD has proposed as many as 31 dams at an estimated cost of \$390 million.

For their part, NRD board members say they plan to forge ahead.

State Sen. Chris Langemeier

of Schuyler, a member of the Revenue Committee, said the 7-0 vote to kill the bill was intended to send a message to the Papio NRD: Instead of going into debt to buy land for dams, work harder to preserve green space through easements and tougher Omaha metro-area zoning.

Board members say they're disappointed but have no plans to abandon their dam construction efforts.

"If we need to build some of the bigger projects, this will make it harder, but we'll keep trying," said Jim Thompson, NRD chairman.

Thompson and other board members say they do not believe the NRD will ever build all the dams on the list, in part because priorities will change.

For now, though, lack of bond-

ing authority means they'll likely continue on their current path — building less costly dams.

"Within our means, we'll tackle each one as we can," Thompson said.

Shawn Melotz, a Douglas County resident who would lose land to some of the proposed dams, said the committee's decision is a victory for taxpayers.

"This will help control property tax increases and eliminate unnecessary spending by the NRD," she said. "It will be much harder to finance (dams)."

The Papio NRD already is building several dams in the Omaha area and is paying for them in part through an increase in property taxes.

Because the committee voted to kill the bonding authority pro-

positional, known as Legislative Bill 272, supporters would have to gather 30 votes to revive the idea through an amendment to another bill.

Rich Tesar, a Papio NRD board member, said he was not surprised by the committee's actions. He and other board members say they will ask the Legislature to reconsider.

"We need to do a lot of work to get this through," he said. "It's a matter of educating the Legislature about what needs to be done in Omaha."

But Langemeier said it's not a question of education.

"The Legislature is fully aware of their needs," he said. "The Legislature is not convinced that (the Papio NRD board members) have fully reviewed their options."

4-4-07

The cost of our fun

A compromise to unlock some Nebraska skateboard parks and shield public recreation from excessive litigation has advanced in the Legislature.

Many will welcome it; indeed, most should. But others will not. It depends on how one tells the tale.

Under one script, local governments are fighting for average Nebraskans who need fun things for adults and especially youths to do to help keep their communities viable.

The support for this script can be seen in the 42-1 vote to advance Legislative Bill 564. As amended, the bill would forestall suits over recreational injuries that aren't caused by officials' deliberate failings.

The other script says average Nebraskans need protection from governments that build alluring things like skate parks but won't take responsibility for the hazards.

Note that "average Nebraskans" figure in both scripts. That's because the antagonists here, in truth, are Nebraskans vs. themselves. They want public amenities — but as cheaply as they can get away with them.

Some types of recreation, such as parks and playgrounds, are best provided collectively. But some kinds of fun are more risky than others, especially if kids choose to engage in them in the streets. So some towns have logically built confined venues, such as skate parks.

What if someone gets hurt on public recreational land? The Nebraska Supreme Court said in 1981 that local governments couldn't be successfully sued. But last fall, the court reversed itself on that point.

Some cities promptly shut down still-new skate parks. Some barred sledding and ice skating. The future of all kinds of public recreation, from local festivals to swinging on swings, is clouded without changes proposed by LB 564.

County and municipal officials say: If we can't get insurance or the premiums go way up, we can't risk opening our land.

Translation: *You don't want to risk us opening your land. Not if you want us to keep your taxes down.*

That point can be overdone. As State Sen. Ernie Chambers led a lonely filibuster against LB 564 Wednesday, he offered various ideas to retain governmental liability for certain types of risks. Senators speaking for local officials said it would cost this or lawyers could contest that.

Finally, Chambers suggested that cities merely post signs with safety rules. The answer: No dice. Kids like to steal such signs as trophies.

Sen. Rich Pahls of Omaha, a former school principal, retorted that he used to have a staff member inspect weekly every sign posted on school property. If a sign was stolen, it was replaced until the kids tired of the quest and left it alone.

Really, does the cost of a sign or six compare with thousands in premiums or millions in damages?

Yes, it's hard to accept "play at your own risk" if you or a loved one faces a lengthy, costly disability. But some young people are lured to risky activities. In the case of skateboards or BMX bicycles, adults can try to confiscate their wheels, let them ride in the streets or steer them to where risks are minimized.

The high court ruling, however, turned on a case hardly life-threatening — that of a woman at a festival who broke her ankle in a hole on a courthouse lawn that a groundskeeper knew about but hadn't fixed.

The ruling set up a ridiculous scenario where governments can be sued for unintentional hazards but not, due to a different state law, for intentional ones. Any legislative response needs to reverse that.

LB 564, in its current form, would do so. Governments would remain liable for deliberately neglected "spot defects" but would be exempt from liability for injuries involving "inherent risk" — getting hit by a baseball, falling off a skateboard, etc. If communities built their skate park or BMX park according to the highest available standards, they couldn't be successfully sued for design defects.

The bill, if it passes, would strike a necessary balance between Nebraskans' desire to enjoy their public lands and facilities and their aversion to paying a ransom to do so.

But remember that this issue isn't Us vs. Them. It's Us vs. Us — and what we're willing to live with if the risks of having fun catch up with us.

Recreational liability plan would balance fiscal, physical risks of parks.