

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: March 5, 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 February, 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 February, 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 February 12, 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. February 9, 2007
 - b. February 16, 2007
 - c. February 23, 2007
 - d. March 2, 2007
 - 2. ACG Legislative Update – March 2, 2007 (update of bills)
 - 3. Report from Bob Weaver regarding February, 2007 Accomplishments and March, 2007 Anticipated Actions – Dated February 27, 2007
- F. **WORKERS COMP EXPERIENCE MOD FOR FY 2008**: Attached is a copy of the claim/loss report prepared by the National Council on Compensation Insurance for Papio-Missouri River NRD Workers Comp effective July 1, 2006. **The experience mod for FY 08 has been set at .78.** Last year's experience mod was set at .79. As a point of reference, the experience mod for the District for FY 2006 was 1.02. A rating of 1.00 means that you are the

average for companies in your category and you will pay 100% of the base premium for workers comp. A factor of .78 means that the District has earned a 22% credit on our base premium. **District employees are to be commended for practicing established safety rules and guidelines in our O&M facilities, job sites and offices.**

G. **NEWS CLIPS:**

- ✓ February 2, 2007, USA Today article – Fixing levees isn't easy or cheap. Communities have a year to make repairs; first they need to find money.
- ✓ February 9, 2007, Omaha World Herald article – Ice concerns rise on Platte River
- ✓ February 11, 2007, Omaha World Herald article – Battle to control Niobrara. Irrigators fight water agencies over call to suspend permits.
- ✓ February 19, 2007, Omaha World Herald article – Protections sought for rural areas. Developments would face stricter land-use regulations in a Douglas County proposal.
- ✓ February 22, 2007, Omaha World Herald article – Ice, rainy forecast raise flooding fears near Elkhorn, Platte Rivers

/pt/Winkler/GM Reports/2007/March

February 2007

Information & Education Report

Information

- ◊ Set up and staffed booth at Omaha Boat Sports and Travel Show
- ◊ Helped organize presentation to NRCS Chief at NRC
- ◊ Began work on update of Trails Brochure
- ◊ Updated web pages
- ◊ Worked with staff and ad-hoc committee to select Public Information assistance to PCWP
- ◊ Continued work on SPECTRUM
- ◊ Aerial photography of Platte River after ice-out
- ◊ Continued planning for Envirothon
- ◊ Continued work on Chalco Hills Exhibit
- ◊ Met with committee planning PR efforts for Omaha Home for Boys
- ◊ Continued work on update of NRDs in Nebraska publication

Education

- ☐ Presented Enviroscape Program to all 3rd Graders at LaVista West Elementary
- ☐ Worked with the LaVista Sun on Environmental Ed Article
- ☐ Presented 4 hour workshop and chapter presentation at Pheasants Forever State Habitat Meeting
- ☐ Presented Bird Nest program to all Benson West 1st Graders
- ☐ Presented Bird Program to Millard South Environmental Studies Class
- ☐ Met with Green Hearts about NRD partnerships
- ☐ Continued working on document merging and mailings for Water Works 2007
- ☐ Presented Animal Adaptation programs to all Benson West 1st Graders
- ☐ Staffed booth at Boat, Sports, Travel Show
- ☐ Met with Papillion-LaVista school partner to plan activities
- ☐ Planned for Teacher Appreciation Day
- ☐ Started planning GPS program at LEP National Workshop
- ☐ Started revisions of Outdoor Classroom Grant packet
- ☐ Revised Education Specialist Job Description
- ☐ Nominated Nebraska PF for UNL Wildlife Award
- ☐ Ordered Books for Water Works presenters
- ☐ Coordinated Banquet materials for Heartland PF
- ☐ Planned NRD Wellness Activity for March
- ☐ Coordinated OPS Art Month Billboard

February, 2007

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Updated: February 12, 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 (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)

- **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 and 35 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-32 release of ROW agreement (P)
 - ★ S-27, S31 and S-32 – Approval of appraisals and preparation of easement forms (P)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - ★ Shadow Lake ROW Closing (P)
 - ★ DS-13 NDOR easement agreement (W)
 - ★ 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) (N)



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 9, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 9 NARD UPDATE

Notes from the NACD Annual Meeting -- Nebraska NRDs had 11 representatives attend the National Association of Conservation Districts Annual Meeting in Los Angeles this week. Olin Sims of Wyoming was elected President replacing Bill Wilson of Oklahoma, who has served out his term.

Much of the conference was spent discussing the new farm bill and funding for current programs. The budget for existing programs reflects higher corn prices, which in turn impacted a decision by USDA to announce there would be no general sign-ups in 2007 and 2008 for CRP and CSP. However, budget proposals are laid out to service existing contracts.

Key programs affecting conservation district members and customers, program funding levels as proposed in the president's FY 2008 budget and comparisons to last year include:

- Conservation Operations: \$802 million, up from \$791 million in FY 2007.
- Environmental Quality Incentives Program: \$1 billion, down \$270 million from Farm Bill authorized levels.
- Conservation Security Program: Proposed spending cap of \$316 million, up from \$259 million in FY07.
- Conservation Reserve Program Technical Assistance: \$58 million, down from \$80 million.
- US Forest Service State and Private Forestry: \$202 million, down from \$228 million in FY07.
- Resource Conservation and Development: \$15 million, down from \$51 million last year.
- Watershed Programs: \$6 million, down from \$75 million.

At the NACD annual meeting this week, several Nebraska conservation programs and individuals were recognized as follows:

- **The Upper Big Blue NRD** was the overall winner of the Association of Equipment Manufacturers /NACD Excellence in Communications Award. The award was given to recognize their outstanding overall communications efforts on water management, in particular the "Fantastic Fun – River Run" exhibit. Scott Snell, Information Director for the UBBNRD, who developed the exhibit, accepted the award on behalf of the district.
- **The Nemaha NRD** received the District Excellence Award in Water Resources for their work on more than 350 watershed structures in their district.

- **The Lower Platte South NRD** received the Northern Plains Region Collaborative Conservation Award for their work on the Antelope Valley Project. This award is given to the district that works with other conservation partners on a project.
- **Mike Mosel** was recognized for his years of service on the NACD Board. Mike goes off the board this year after serving on the NACD Board since the early 1990's. Mike has served as chair of the Agriculture Land Resources and District Operations Committee.

EPA Grant for Environmental Assessments and Nutrient Management Plans at Livestock Operations -- A new Environmental Protection Agency (EPA) program will help livestock operators identify and respond to environmental management challenges. In February 2007, EPA will issue an open solicitation for an \$8 million grant to conduct voluntary comprehensive environmental assessments and to develop and review nutrient management plans for animal feeding operations (AFOs). The goal of this project is to offer confidential no-cost technical assistance to AFO operators nationwide that will help operators prevent water discharges and reduce air emissions by identifying and addressing environmental challenges. The EPA will provide more detailed information on the solicitation once it is officially posted on www.grants.gov as well as on http://cfpub1.epa.gov/npdes/home.cfm?program_id=7

Nebraska Unicameral Committee Action

LB 488 – Income Tax Credit for Perpetual Conservation Easement Donations. Glenn Johnson, Manager of the Lower Platte South NRD, testified on behalf of NARD in support of LB 488, which provides an income tax credit for donated conservation easements. The bill targets areas designated as quick response water shortage areas in over appropriated basins and areas subject to interstate compacts, agreements, and decrees and on areas designated as biologically unique landscapes in the Nebraska Natural Legacy plan. Dan Smith, Middle Republican NRD Manager and Marlin Peterman, Papio-Missouri River NRD Assistant Manager, also testified in support of the bill. The committee took no action on the bill.

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

LB 20 – NRD Projects and Public Access. This bill increases public access to NRD water project properties and private lands. **Hearing 2/14 Judiciary Committee, 1:30, Room 1113**

LB 564 – Recreational Liability Act. This bill adds political subdivisions to those who receive recreational liability protection if they do not charge the public for access. **Hearing 2/14 Judiciary Committee, 1:30, Room 1113**

LB 566 – Recreational Liability Act. This bill extends some recreational liability protection to land owners. This includes political subdivisions. **Hearing 2/14 Judiciary Committee, 1:30, Room 1113**

LB567 – Extend Recreational Liability Protection to Private landowners that charge access. This bill provides recreational liability protection to land owners that charge for access on their property. **Hearing 2/14 Judiciary Committee, 1:30, Room 1113**

NARD Bill Summary Tracking Sheet				Last Updated: 02.09.07				
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
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	Select File	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Select File	AM30
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		
224	Well drilling moratorium	Kopplin	Withdrawn		Withdrawn		Withdrawn	MO00003
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government			
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.		Oppose as written	Natural Resources	1/31/2007	General File	AM190 - Pending
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007		
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Select File	AM101- adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007		
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Starts 2/20/07		DNR time TBA
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	Select File	AM90
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			
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
458	Integrated Management Plans and removing vegetation	Carlson <i>et al.</i>		Oppose as written	Natural Resources	(Revised) 2/28/2007		
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007		
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	3/1/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007		
530	Change allocation formula for Storm Water Management Plan program	Nantkes		Support	Natural Resources	2/8/2007		
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 <i>et al.</i>		Support	Judiciary	2/14/2007		
566	Adopt Public Recreational Liability Act	Louden <i>et al.</i>		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden <i>et al.</i>		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	General File	
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/1/2006		
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		Reference policy statement	Natural Resources	2/28/2007		
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007		
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



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February 16, 2007

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

Republican River Basin Plans Moving Forward – Representatives of the NRDs, Irrigation Districts, DNR, Attorney General's Office and other interested parties met in Cambridge on Thursday to discuss plans to keep Nebraska in compliance with the Republican River Compact. The group continues to make progress and appears to be on track toward finding a solution on the issue. The following are some conceptual changes that were discussed:

- **Dry year leasing of surface water supplies** – Three surface water irrigation districts would consider leasing their water rather than diverting it from the Republican River. Leasing surface water provides a quicker stream flow improvement than through reductions in groundwater irrigation.
- **Model Calculations** – The DNR staff will review the calculation of the credit Nebraska receives for mound water that seeps from the Platte to the Republican. This may be underestimated and could add about 8,000 acre-feet annually toward compact compliance.
- **Additional Groundwater Use Reductions** -- Additional reductions could be imposed, depending on the remaining shortage after the surface water leasing and other model corrections are calculated. The DNR will provide an estimate of additional reductions that may be necessary. In addition, methods would have to be developed to assure the gains from groundwater reductions will not be used by surface water users.
- **Local Funding** -- Other issues addressed were how to fund the local portion of any compliance activities in addition to the economic sacrifice already made by the local economies through reduced irrigation in the basin. The NRD representatives discussed both per acre fees and property taxes, but did not settle on one particular funding source.

Nebraska Unicameral Action

Approved by the Governor – The following bills received final approval from the Nebraska Legislature and have been approved by the Governor.

- **LB79 – Nebraska Litter Reduction and Recycling Act, Natural Resources Committee.** The purpose of this bill is to eliminate obsolete language in the Nebraska Litter Reduction and Recycling Act that pertain to transfer of funds that have already occurred. The bill also eliminates duplicative reporting requirements concerning grant activities.
- **LB 80 – Safe Drinking Water Act Projects, Natural Resources Committee.** Extends and defines the ability of NDEQ to use the Administrative Cash Fund of the Safe Drinking Water Revolving Fund for drinking water projects involving public water systems operated by political subdivisions up to and including 10,000 residents.

Sent to Final Reading

- **LB 313 – Engineering Requirements under the Livestock Waste Management Act, Natural Resources Committee.** State senators sent LB 313 to Final Reading this week. The bill clarifies that livestock operations

required to obtain a National Pollutant Discharge Elimination System permit and large livestock operations as defined in federal requirements are subject to the requirements of the Engineers and Architects Regulation Act. Small and medium size operations not required to obtain a National Pollutant Discharge Elimination System permit would be exempt from the Engineers and Architects Regulation Act.

Passed over on Select File

- **LB 291 – Change membership on the Nebraska Environmental Trust Board** – Senators decided to pass over a bill that would change the membership on the Nebraska Environmental Trust Board. The measure would eliminate the representation by congressional district and set districts similar to the boundaries of the Nebraska Game and Parks Commission. Two pending amendments resulted in the action by the bills sponsor, Senator Tom Hansen from North Platte, to pass over the bill rather than drag out debate. One amendment offered would make the agency directors that sit on the trust board ex officio, nonvoting members. The second amendment would strike the enacting clause. State senators and interested parties will try to work out the concerns with the amendments before the bill comes up for Select File debate again.

Committee Action

Recreational Liability Issues -- Glenn Johnson, Manager of the Lower Platte South NRD, testified on behalf of NARD in support of LB 564 & 566, which adds political subdivisions to those who receive recreational liability protection if they do not charge the public for access. The bills are response to a Nebraska Supreme Court decision striking down recreational liability protection for political subdivisions and were supported by communities and recreation interest across the state. The attorney that prevailed in the Supreme Court case and a representative of the Nebraska Trial Attorneys Association testified against the bills.

Members of the Judiciary Committee raised several concerns about providing blanket liability protection and not inspecting property and equipment on a timely basis. An amendment is being discussed to add some protection for recreational property against claims for injuries, death, or property damages from the inherent risk of recreational activities. These activities would be hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, waterskiing, winter sports, use of playground equipment, biking, roller blading, skate boarding, golfing, athletic contests, visiting, viewing, or enjoying historical, archaeological, scenic or scientific sites and similar leisure activities. No action has been taken by the committee.

LB 20 – NRD Projects and Public Access. Marlin Peterman, Papio-Missouri River NRD Assistant Manager, testified on behalf of NARD in opposition to LB 20, which increases public access to private property when NRD cost share is used. The bill changes the threshold from 20% public funds to 5% of the total cost of a project. Former Senator Curt Bromm testified in support of the bill on behalf of the Papio Valley Preservation Association, a group that opposes flood control projects.

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

LB272 – NRD Bonding Authority. This bill adds a three cent levy per one-hundred dollars of taxable valuation which is then appropriated by the NRD Board of Directors to issue bonds to pay for flood and reservoir structures
Hearing 2/22 Revenue Committee, 1:30, Room 1524

LB322 - Establishment of Water Resources Cash Fund and Other Funds. This bill creates a fund designed to aid natural resource districts that are deemed over-appropriated. **Hearing 2/20, Appropriations Committee, 1:30, Room 1524**

LB362 – Interlocal Agreements. Removes from budget limit allowable exemptions, restricted funds budgeted under an interlocal cooperative agreement. Makes interlocal agreements subject to tax limits. **Hearing 2/22, Revenue Committee, Room 1524**

LB503 – Change NRD Board Vacancy Appointments. The bill eliminates the provision that appointments for vacancies of NRD directors fill the unexpired term. **Hearing 2/22, Natural Resources Committee, Room 1525**

NARD Bill Summary Tracking Sheet				Last Updated: 02.16.07				
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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		
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202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007		
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn			Withdrawn	M000003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government			
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Pending AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.		Oppose as written	Natural Resources	1/31/2007	General File	AM190 - Pending AM385 - Pending
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007		
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Final Reading	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007		
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
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564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.		Support	Judiciary	2/14/2007		
586	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	General File	
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/1/2006		
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		Reference policy statement	Natural Resources	2/28/2007		
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February 23, 2007

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

Update on the Republican Basin Meeting -- Representatives of the NRDs, irrigation districts, DNR and the Nebraska Attorney General's Office met in Cambridge on Thursday to further refine plans to bring the Republican River Basin in compliance with the compact. The parties continue to move forward in developing plans and programs for the basin. All targets would be based on a moderate drought scenario and subsequent management changes in place achieve balance between allocation and consumptive use within 5 years. If average or above average moisture in the basin occurs, the districts would be in compliance much faster. Several items were agreed upon as follows:

- Consensus on short-term funding – Extend the current additional levy authority of 3 cents/\$100 valuation for at least 5 years. Also, seek authority for addition levy or fees to provide local matching dollars to fund water programs. If fees are imposed there should be a cap of no more than 1% of the total district valuation collected. Request a 80-20 state match for the next 5 years.
- Engage in water management activities that meet the goals of IMPs, including: 1) Augment water supplies; 2) Reductions of water uses; 3) Managing vegetation in the channel and riparian areas; and 4) Surface water leasing. Further reductions in groundwater allocations in varying amounts depending on how much would be needed after all the benefits of the other management options are considered. Compensation would be considered to those water areas subject to greater regulation.

Republican Basin Flows Increase – The Department of Natural Resources reported that 3,300 AF was added to Harry Strunk Reservoir and 6,300 AF added to Harlan County for a total of 9600 AF this week. The department estimates that these totals may more than double between now and the end of the month. Swanson, Hugh Butler, and Enders have not benefited very much from this recent snowmelt. However, there is some extra inflow going into Lovewell Reservoir. The Department did measure 1,500 cfs at Muddy Creek at Arapahoe on Thursday. ON the USGS web site, it looks like flows were about 1000 cfs at Orleans and about 200 cfs at Sappa Creek near Stamford. There are reports of some small ice jams but it doesn't appear to be much of a problem at this time.

Upper Big Blue NRD Outlines Irrigated Acre Policy - A total of 802,784 acres are included for certification in the Upper Big Blue NRD as of February 22, 2007. This represents approximately 70% of the total irrigated acres shown on the county assessors' records. All groundwater users must report information related to their groundwater uses by March 1, 2007 as a result of the District Average Ground Water Level Reporting Trigger becoming activated. The policy entails:

- **A 1978 decision to protect future generations from drought.** Officials gathered to determine how to protect the ground water from falling to low. They set up a standard each spring. Once the water level falls 2.48 feet below that standard, then the District begins the allocation process. The Upper Big Blue also has a goal to not let the ground water level fall below what it was in 1978.
- **Enforcement actions.** In 2004, the Upper Big Blue changed a stipulation in their plan. They now require that once the water level reaches the point of allocation (2.48 feet below set standard), each producer of the water must install flow meters on all existing wells. In addition, all new and replacement wells are required to have flow meters installed.

Nebraska Unicameral Floor Action

- **LB 333 - Private Onsite Wastewater System Contractors Certification and System Registration Act, Johnson.** This bill makes a number of provisions, including clarification of the requirement of employing a certified professional for the abandonment of an onsite system and the issuance of permits and requirements necessary for operation and maintenance. The bill was sent to Final Reading.

Committee Action

- **LB362 – Interlocal Agreements.** The Nebraska Association of Resources Districts, submitted testimony on behalf of Nebraska's Resources Districts in opposition to LB362, which restrict interlocal agreements to spending and levy limitations. Other political subdivisions also testified or submitted testimony in opposition. Although the bill is designed to limit interlocal agreements, it is not specifically targeted at the NRD's. The main issue brought forth is interlocal agreements between schools and utility suppliers to circumvent levy limits. Senator Ron Raikes of Lincoln sponsors the bill. The committee took no action on the bill.
- **LB503 – Change NRD board vacancy appointments.** Curt Friesen, Chairman of the Upper Big Blue NRD, testified on behalf of the Nebraska Association of Resources Districts in opposition to LB503. This bill proposes to change procedures for filling a NRD Board vacancy. The bill would require any director appointed within the first 19 months of a term file for election for the remaining two years of the term. The bill was brought to the Legislature at the request of Curt Bromm and the Papio Valley Preservation Association. sponsored by Senator Mick Mines of Blair. The committee took no action on the bill.
- **LB 272 – NRD General Obligation Bond Authority.** John Winkler, Papio Missouri NRD Manager, testified in support of LB 272 on behalf of the Nebraska Association of Resources Districts. The bill allows NRDs in a metropolitan area (PMRNRD) to use general obligation bonds to pay for flood control and stormwater projects. An amendment was offered by provided Senator Gail Kopplin of Gretna, the sponsor of the bill, to remove the additional 3 cent levy authority to pay for the bonds. Under the amendment, the district would be authorized to use existing taxing authority to pay for the bonds. Jim Thompson, PMRNRD Board Chairman, also testified in support of the bill. Several residents of Washington County and the Papio Valley Preservation Association.

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

LB387 – Require Water Meters on New Construction. This bill would require that all new residential construction be equipped with plumbing that separates inside water usage from outside water usage. It is designed to monitor each independently. **Hearing 2/27, Urban Affairs Committee, 1:30, Room 1510**

LB477 – Change Insurance Requirements. This bill would lower health insurance benefits for state employees. It also expresses that if political subdivisions do not follow suit they may face a reduction in state aid. **Hearing 2/28, Government Committee, 1:30, Room 1507**

LB701 – Create a Basin-wide Management Authority and Committee. This bill would create a basin management administration for all basins bound by an interstate compact. Water users in the basin would be regulated by this administration. **Hearing 2/28, Natural Resources Committee, 1:30, Room 1525**

LB493 – Change requirements of the Water Policy Task Force. This bill reduces meeting times of the Water Policy Task Force to one per year. At that meeting it would be required to review research provided by the University of Nebraska. **Hearing 3/1, Natural Resources Committee, 1:30, Room 1525**

LR 11CA -- Reduce Funding to the NETF and create a new Crime Fund. A constitutional amendment to reduce the distribution of state lottery proceeds to the Nebraska Environmental Trust from 44.5% to 41.5% and transfer the funds to a new Crime Fund. **Hearing 2/26 General Affairs Committee 1:30 Room 1510**

NARD Bill Summary Tracking Sheet				Last Updated: 02.23.07				
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 MO0003 - Failed MO0009 - 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		
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn			Withdrawn	MO00003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government			
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.		Oppose as written	Natural Resources	1/31/2007	General File	AM190 - Pending AM385 - Pending
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007		
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Final Reading	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007		
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	Final Reading	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			
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.		Oppose as written	Natural Resources	(Revised) 2/28/2007		
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007		
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	3/1/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007		
530	Change allocation formula for Storm Water Management Plan program	Nantkes		Support	Natural Resources	2/8/2007		
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.		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	General File	
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/1/2006		
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		Reference policy statement	Natural Resources	2/28/2007		
704	Adopt Fishable & Swimmable Waters Act	Preister		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 2, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 2 NARD UPDATE

Committee Action this Week

LB458 – Integrated Management Plans and Removing Vegetation from Riparian Areas. Jasper Fanning (Upper Republican NRD Manager), Dan Smith (Middle Republican NRD Manager), Nelson Trambly (Lower Republican NRD Board member) and John Thorburn (Tri-Basin NRD Manager) testified in support of LB 458 this week. Senator Carlson, the sponsor of the bill, offered an amendment to create a Task Force to work with the Department of Agriculture and Department of Natural Resources to develop and finance vegetation removal plans for the Platte and Republican River Basins.

The NRD representatives from the Republican River Basin took the opportunity to outline the latest plans for water management in the basin. Ann Bleed, DNR Director, followed in a neutral capacity, to outline some of the plan. The following are parts of the testimony from the NRDs

- The solution to Nebraska's short- and long-term water problems will take a multi-pronged approach that involves both reducing water use as well as raising the dollars required to make the appropriate changes.
- Shutting off groundwater irrigation alone will not keep Nebraska in compliance with the Republican River settlement. However, allocations on groundwater users will keep the Nebraska in compliance for the long-term.
- 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.
- Extending the 3 cent levy authority passed last year will help raise funds locally. Additional levy authority and or fee authority will be necessary to provide additional local finance needs. The State of Nebraska needs to match these funds to share the commitment to keep Nebraska in compliance.

The committee took no action on the bill. However, the committee will be working with interested parties to develop statutory changes to address the needs of the NRDs and the State of Nebraska in the Republican River Basin.

LB701 – Creates a Basin-Wide Management Authority & Committee. Several members of Water Claim testified in support of LB 701, a bill drafted by Water Claim to address issues in the Republican Basin. The original copy of the bill would allow for transfers of water from other basins to address the situation in the Republican Basin and set up another layer of government between the State of Nebraska and the NRDs to develop management plans for the Basin. An amendment was offered to the bill to place allocations in statutes rather than allowing local NRDs to set allocations based upon compact compliance needs. The bill was opposed by several agriculture organizations and individuals. Several other interested parties expressed concerns with the bill in a neutral capacity. The committee took no action on the bill.

LB477 – Change insurance requirements. Senator John Wightman presented a bill to the Government Committee this 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. There were no supporters of the bill, but over a dozen opponents. The Government Committee took no action on the bill. Senator Wightman mentioned he may just do an interim study on the issue rather than trying to get the bill advanced this year.

LB 503 -- Change NRD Board Vacancy Appointments. This bill was indefinitely postponed this week by the Natural Resources Committee. The bill would have eliminated the provision that appointments for vacancies of NRD directors fill the unexpired term. The new provisions would require that if a vacancy occurs on or after August 1 in an even-numbered year, the appointee shall serve for the remainder of the unexpired term. If the vacancy were to occur at any other time, the appointee shall serve until the first Tuesday following the first Monday in January following the next regular general election and at the next regular general election a member of the board shall be elected to serve the unexpired term. Senator Mick Mines introduced the bill on behalf of the Papio Valley Preservation Association.

Nebraska Unicameral Floor Action

LB 295 – Irrigation and Water Wells, Natural Resources Committee. The legislature debated and advanced LB 295 to Select File this week. This bill 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.

LB 313 – Engineering Requirements under the Livestock Waste Management Act, Natural Resources Committee. The bill clarifies that livestock operations required to obtain a National Pollutant Discharge Elimination System permit and large livestock operations as defined in federal requirements are subject to the requirements of the Engineers and Architects Regulation Act. Small and medium size operations not required to obtain a National Pollutant Discharge Elimination System permit would be exempt from the Engineers and Architects Regulation Act. This bill was passed by the legislature and presented to the governor on March 1st.

LB 333 – Private Onsite Wastewater System Contractors Certification and System Registration Act, Johnson. This bill makes a number of provisions, including clarification of the requirement of employing a certified professional for the abandonment of an onsite system and the issuance of permits and requirements necessary for operation and maintenance. This bill was passed by the legislature and presented to the governor on March 1st.

LB568 – Extend Scrap Tire Program. As amended on the floor this week, the bill extends the grant program for recycling tire under the Waste Reduction and Recycling Incentive Fund from June 30, 2007 to June 30, 2009, rather than to 2012. Pending AM210 would allow grant money to support public and private firms to conduct research to determine the amount of litter in various areas. This bill was advanced to Select File on March 1, 2007.

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

LB493 – Change requirements of the Water Policy Task Force. This bill reduces meeting times of the Water Policy Task Force to one per year and requires the WPTF to review research provided by the University of Nebraska. **Rescheduled to 3/8/07, Natural Resources Committee, Room 1525**

LB594 – Temporary Suspension of new well permits and surface water rights for irrigation. This bill restricts new issuance of surface water appropriations and water well permits for irrigation purposes. **Rescheduled to 3/8/07, Natural Resources Committee, Room 1525**

LB704 – Adopt Fishable & Swimmable Waters Act. 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, to meet that goal. **Hearing 3/8/07, Natural Resources Committee, Room 1525**

NARD Bill Summary Tracking Sheet				Last Updated: 02/28/07				
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 MO0003 - Failed MO0009 - 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	Revenue	2/22/2007	Withdrawn	MO00003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007		
289	Records of elections to exceed tax levy limits	Louden		Monitor	Government			
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.		Oppose as written	Natural Resources	1/31/2007	Final Reading	AM190 - Adopted AM385 - Adopted AM551 - Adopted
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007		
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Presented to Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007		
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	Presented to 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			
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.		Oppose as written	Natural Resources	(Revised) 2/28/2007		
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007		
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.		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	General File	AM210 - Pending
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006		
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		Reference policy statement	Natural Resources	2/28/2007		AM476 - Pending
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007		
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		

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LB	CA	Sponsor	Comite	Content	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				
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					
272		Kopplin	Revenue	Provide for issuance of bonds by certain natural resources districts and a levy on taxable property	2-22-07				
289		Louden	Government, Military and Veterans Affairs	Change procedure relating to elections to exceed the tax levy limit	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	1-31-07	2-7-07; Comm AM 190 (p. 497)			
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		
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		
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	Withdrawn	Heidemann Motion to Withdraw p. 395 42-0			
448		Ashford	Judiciary	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	2-7-07				
458		Carlson	Natural Resources	Require vegetation management in certain streams	2-28-07				
493		Langemeier	Natural Resources	Change provisions relating to the Water Policy Task Force	3-1-07				
503		Mines	Natural Resources	Change and provide requirements for vacancies on natural	2-22-07	1pp. 2-27-07			

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LB	CA	Sponsor	Comite	Content	Hrg	General	Select	Final	Gov
				resource district boards of directors					
530		Nantkes	Natural Resources	Change Storm Water Management Plan Program provisions	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	2-14-07				
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)			
594		Kopplin	Natural Resources	Limit the granting of water well permits as prescribed	3-1-07				
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	2-1-07				
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	2-28-07	Christensen AM 476 (p. 675)			
704		Preister	Natural Resources	Adopt the Fishable and Swimmable Waters Act	3-8-07				

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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: February 27, 2007
Subject: February 2007 Accomplishments and March 2007 Anticipated Actions

The FY'07 appropriations and Corps allocation cycle is nearing completion and could extend into March.

February Accomplishments

During February 2007, the firm:

1. Conferred with Congressional Appropriations committee staff and reported on the new majority's plans for completing the FY'07 appropriations cycle for the three major projects and the LPR NRD strategy for obtaining FY'07 funds from the Corps of Engineers.
2. Implemented strategy on FY'07 construction funds to be allocated.
3. Conferred with the Corps of Engineers on their actions to allocate construction general account funds under the FY'07 Appropriations Joint Resolution.
4. Conferred with Congressional staff and other Washington sources 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.
5. Reviewed and reported on the President's 2008 budget request.
6. Conferred 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.

March 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.
 - Complete request committee forms for the FY'08 appropriations requests for the three major projects and others.

2. FY'07 Energy and Water Development Appropriations
 - Conduct any followup with the Congressional delegation and Corps as needed on the FY'07 allocation.
3. Water Resources Development Act'07
 - Maintain contact with Congressional, USACE and other contacts on enactment of WRDA'07.
 - Continue to prepare draft delegation requests and other, supporting information to the House and Senate Committees for amendments to the WRDA 2000 project authorizations and the Lower Platte River Watershed Restoration Program.
 - Continue to monitor House and Senate legislative progress and further confirm inclusion of all Lower Platte River NRD amendments in conference report.
 - Provide information to delegation and respond to information needs.
4. 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.
5. Prepare reports to the LPRNRDs.
6. 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 to \$3,000.00. Additional budget is based on preparation of request forms for FY'08.

A statement for services for February 2007 will be rendered at COB on Wednesday, February 28, 2007, by arrangement with John Miyoshi.

KELLY & WEAVER
A Professional Corporation
Suite 700, 11 Dupont Circle, N.W.
Washington, D.C. 20036
202 797-7100; FAX: (202) 939-6969
weaver@kellyweaver.com

To: John Miyoshi, General Manager
Lower Platte North Natural Resource District
3125 Portia Street
P.O. Box 83581
Lincoln, Nebraska 68501-3581

Glenn Johnson and John Winkler

Statement for services to the Lower Platte River NRDs for February 2007.

Date: March 1, 2007

Date	Atty.	Description	Hours
2/1/07	RCW	Prepared report on FY'07 Appropriations Joint Resolution relating to construction funds. Conferred on email with J. Winkler regarding meeting with NRCS Chief in Omaha. Reviewed H.J. Res. 20 making appropriations for FY'07 and considered strategy for Maintaining project funding.	1.5
2/2/07	RCW	Reviewed scheduling for LPR NRD meeting with Omaha District and Provided rationale for meeting as soon as possible. Reviewed Administration's farm bill proposals. Worked on scheduling for Washington meetings. Reviewed draft letter to President from governors on WRDA and ongoing consultation. Prepared report on FY'07 USACE allocation process. (3.0)	2.5
2/05/07	RCW	Continued arranging for meetings for LPR NRDs in Washington. Reviewed President's budget proposal for FY'08 and conferred with NRDs regarding same. Participated in USACE budget briefing and conferred with Assistant Secretary on LP projects and WRDA. Prepared report to NRDs on FY'08 budget.	3.5
2/06/07	RCW	Prepared further report on President's FY'08 Budget.	1.0
2/07/07	RCW	Conferred with K. Howard regarding contacts with Corps on FY'07 Appropriations allocation.	1.0
2/20/07	RCW	Conferred with G. Loew on FY'07 budget allocations. Revised fact sheet for the FY'08 requests and forwarded to NRDs	1.0
2/22/07	RCW	Conferred with USACE and Hill staff regarding FY'07 appropriations allocation. Reviewed and revised projects master Fact Sheet for the FY'08 appropriations cycle. Prepared report on FY'07 Appropriations allocation by USACE.	2.0
2/23/07	RCW	Conferred with delegation staff on WRDA'07 submission. Reviewed and revised proposed WRDA amendments.	2.0
2/24/07	RCW	Conferred with M. Petermann regarding meeting with the Omaha District and revised WSCC form for Senator Nelson.	.5
2/26/07	RCW	Revised Nelson request forms for the projects and prepared Hagel and Terry request forms. (6.0)	5.0

2/27/07 RCW	Prepared for Hill meetings. Conferred with general managers of the Lower Platte River NRDs. Participated in meetings with the delegation and with the Corps of Engineers. Prepared February report.	7.5
2/28/07 RCW	Reviewed and revised Hagel forms and forwarded. Conferred on email with Congressman Terry's staff.	1.5

Total: 29 hours at \$ 175.00 per hour = \$5,075.00

Reduced to \$3,000.00 by Mr. Weaver

It is a pleasure to work with the Lower Platte River Natural Resources Districts.

Very truly yours,

Robert C. Weaver
For the firm



FEB 16 2007

Important Information About Your Workers Compensation Insurance

Dear Policyholder:

The National Council on Compensation Insurance, Inc. (NCCI), headquartered in Boca Raton, Florida, is the nation's largest information company serving the workers compensation marketplace. We provide information services to state funds, self-insureds, independent bureaus, insurance agents, regulatory authorities, insurance companies and employers like you.

A copy of your current experience rating worksheet is enclosed. NCCI calculates your rating annually on behalf of the insurance industry. The experience rating modifier, detailed on this worksheet, is one of the factors used to calculate your workers compensation insurance premium. A copy of your worksheet will be sent to you each year as part of NCCI's continuing efforts to increase employer awareness of safety in the workplace and its impact not only on your employees, but on your bottom line. Please remember, SAFETY in the workplace is one of the best ways to reduce workers compensation insurance costs.

Your experience rating factor can be found in the bottom right corner of the worksheet. A factor higher than 1.00 means your premium will be higher than that of the average company in your category. For example, a factor of 1.10 means your base premium will be surcharged 10 percent. A factor of .90 means you have earned a 10 percent credit on your base premium.

Many items impact your final experience factor including your payroll classification(s), your payroll, the frequency of injuries to your employees, and the dollar value of those injuries (the amount of medical and lost wage benefits paid to your injured employees as well as the amount of money held in reserve to pay continuing benefits). This information is reported to NCCI annually by your insurer.

If you have any questions regarding your experience rating, you should contact your insurance agent or insurance company for assistance. It is also recommended that you retain this worksheet for your files and for comparison to future annual calculations.



WORKERS COMPENSATION EXPERIENCE RATING

PAPIO MISSOURI RIVER NATURAL RESOURCES DISTRICT

NAME
OF
RISK

EFFECTIVE DATE 07/01/07

RISK IDENT. NO 260213776

STATE NEBRASKA

1	2	3D-	4	5 EXPECTED	6 EXP PRIM	7 CLAIM	8	9	10
CODE	ELR	RATI	PAYROLL	LOSSES	LOSSES	DATA	IJ F	ACT INC	ACT PRIM
CARRIER 11347			POLICY NO	6KUB895X8	69703	EFF-DATE	07/01/03	EXP-DATE	07/01/04
5606	174	18	190088	3308	595				
6217	357	17	300385	10724	1823				
7520	219	18	68662	1504	271				
8742	024	18	404598	971	175				
8810	016	20	894400	1431	286				
9015	184	19	30822	567	108				
9102	195	18	244576	4769	858				
9807	ADDITIONAL PREMIUM (0) (0)								
POLICY-TOTAL			2133531	(SUBJECT PREMIUM =	87681)		0	
CARRIER 11347			POLICY NO	6KUB895X8	69704	EFF-DATE	07/01/04	EXP-DATE	04/04/05
5606	174	18	167500	2915	525				
6217	357	17	239414	8547	1453				
7520	219	18	59590	1305	235				
8742	024	18	345603	829	149				
8810	016	20	775562	1241	248				
9015	184	19	25269	465	88				
9102	195	18	198198	3865	696				
9807	ADDITIONAL PREMIUM (0) (0)								
POLICY-TOTAL			1811136	(SUBJECT PREMIUM =	84415)		0	
CARRIER 15172			POLICY NO	WC9685292		EFF-DATE	04/01/05	EXP-DATE	07/01/05
5606	174	18	104152	1812	326				
6217	357	17	127066	4536	771				
7520	219	18	23054	505	91				
8601	038	18	6951	26	5				
8742	024	18	23369	56	10				
8810	016	20	294379	471	94				
9015	184	19	7968	147	28				
9102	195	18	63596	1240	223				
9807	ADDITIONAL PREMIUM (0) (0)								
POLICY-TOTAL			650535	(SUBJECT PREMIUM =	22640)		0	
CARRIER 15172			POLICY NO	WC9686380		EFF-DATE	07/01/05	EXP-DATE	07/01/06
5606	174	18	446267	7765	1398	NO 3	6 *	1418	1418
6217	357	17	306149	10930	1858				
7520	219	18	83404	1827	329				
8601	038	18	97538	371	67				
8742	024	18	195636	470	85				
8810	016	20	949732	1520	304				
	(A)	(B)	(C) EXPECTED EXCESS (D-E)	(D)	(E)	(F) ACTUAL EXCESS (H-I)	(G)	(H)	(I)

* Total By Policy Year of all cases \$2,000 or less.

Limited loss.

C Catastrophic loss.

D Disease Loss.

E Employers Liability Loss.

(11) PRIMARY LOSSES (12) STABILIZING VALUE (13) RATABLE EXCESS (14) TOTALS

PAGE NUMBER 1

DATE 02/06/07

ACTUAL	(B)	(C) X (1-W) + (G)	(A) X (F)	(J)
EXPECTED	(E)		(A) X (C)	(K)

(15) EXP. MOD.

(J) / (K)

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003852/000002 007001



WORKERS COMPENSATION EXPERIENCE RATING

PAPID MISSOURI RIVER NATURAL RESOURCES DISTRICT

NAME
OF
RISK

EFFECTIVE DATE 07/01/07

RISK IDENT. NO 260213776

STATE NEBRASKA

1	2	3	4	5	6	7	8	9	10
CODE	ELR	D- RATI	PAYROLL	EXPECTED LOSSES	EXP PRIM LOSSES	CLAIM DATA	D I U F	ACT INC LOSSES	ACT PRIM LOSSES
9015	184	19	37584	692	131				
9102	195	18	499049	9731	1752				
9807	ADDITIONAL PREMIUM (0)	0)				
POLICY-TOTAL			2615359	(SUBJECT PREMIUM =	100953)		1418	
RATING REFLECTS A DECREASE OF 70% MEDICAL ONLY PRIMARY AND EXCESS LOSS DOLLARS WHERE ERA IS APPLIED									
(ARAP) IF APPL : 1 00									
	(A)	(B)	(C) EXPECTED EXCESS (D-E)	(D)	(E)	(F) ACTUAL EXCESS (H-I)	(G)	(H)	(I)
	013		69558	84540	14982	0	22750	425	425

* Total by Policy Year of all cases \$2,000 or less.

Limited loss.

C Catastrophic loss.

D Disease Loss.

E Employers Liability Loss.

PAGE NUMBER 2

DATE 02/06/07

	(11) PRIMARY LOSSES	(12) STABILIZING VALUE	(13) RATABLE EXCESS	(14) TOTALS
ACTUAL	(I) 425	(C) X (1-W) + (G) 83265	(A) X (F) 0	(J) 83690
EXPECTED	(E) 14982	83265	(A) X (C) 9043	(K) 107290

(15) EXP. MOD.

(J) / (K)

0 78

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003852/000003 007001

2/21/07
USA Today

Fixing levees isn't easy or cheap

Communities have a year to make repairs; first they need to find money

By Brad Heath, Patrick O'Driscoll and Emily Bazar
USA TODAY

Communities responsible for maintaining levees publicly identified as substandard by the federal government are racing to fix problems caused by years of neglect.

One obstacle might prove more formidable than the levees themselves: money.

The Army Corps of Engineers identified 122 levees on Thursday that it said posed an unacceptable risk of failing in a flood. Although a few of the levees protect major cities such as Albuquerque and Sacramento, many guard sparsely populated areas and have been overgrown with trees and brush that could weaken them.

The levees were identified by a corps inspection program that intensified after Hurricane Katrina overwhelmed Gulf Coast levees in August 2005.

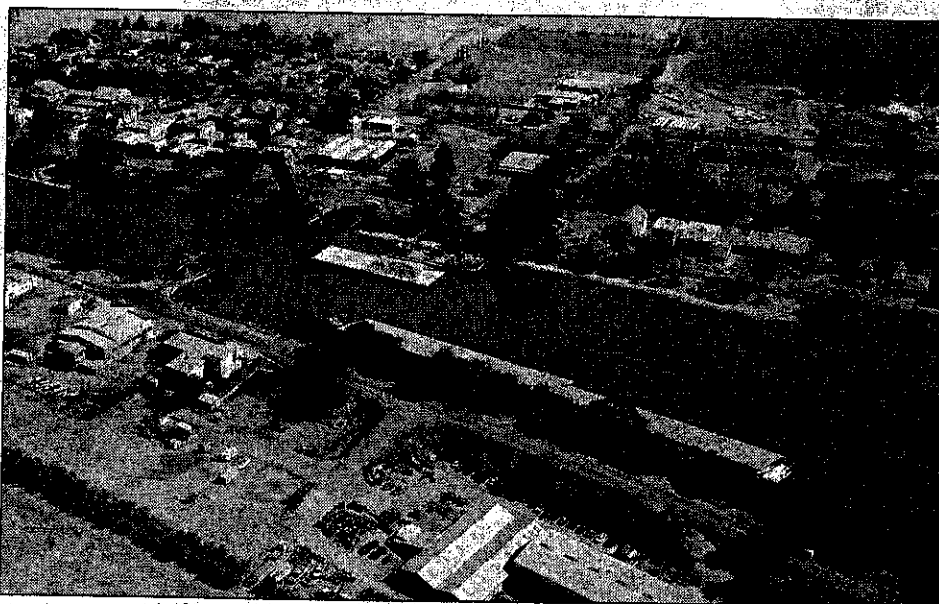
The corps has given the communities a year to make repairs. That deadline has left levee owners — primarily local governments for whom the corps built the levees — scrambling for the money to get the job done. For some, the challenge is significant.

Cost is large, but time short

In tiny Lincoln, N.H., floodwaters dug gaps between some of a levee's granite blocks in 1995. "It's not like it's going to all down tomorrow," town manager Ted Sutton said. Even so, he estimated repairs will cost \$500,000 to \$1 million.

Sutton said he's frustrated by the corps' deadline. The town has three months to produce a repair plan and one year to fix the levee, which protects about 10 homes and businesses. The levee is currently covered by snow and ice. "They're demanding we give them a plan in the middle of winter. I don't think so," he said. "It's frozen and under snow."

Repairing the levee in a year



South of Sacramento: A levee under repair in October. California voters have approved borrowing money for flood control, but other places with substandard levees are scrambling to fund the work.

California Department of Water Resources

Reactions to levee maintenance report

Seattle area

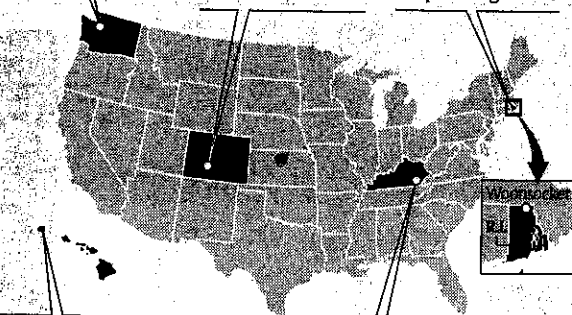
With 19 levees on the list, King County is considering taking over smaller flood-protection districts.

Southern Colorado

The small town of Creede faces costs as high as \$8 million for repairs. Creede's annual budget is less than \$400,000.

Woonsocket, R.I.

City Engineer Alan Brodd said his city has "done a fair amount of maintenance" on its levees but "apparently not enough for the Corps of Engineers."



Kauai County, Hawaii

County Engineer Donald Fujimoto said levee cleanup is underway. Earlier, his staff "didn't realize we were responsible for maintaining it."

Pineville, Ky.

Mayor Bob Madon said he didn't know a problem had been identified. The flood walls — built after a devastating 1977 flood — were dedicated less than 20 years ago.

Source: Reporting by Patrick O'Driscoll, Emily Bazar and Martin Kashdorf, USA TODAY; James Bruggers, *The (Louisville) Courier-Journal*; and Mike Leidemann, *The Honolulu Advertiser*

By Karl Gelles, USA TODAY

also will prove financially difficult, he said. "It took us 10 years to save enough money to build a new town hall, and that only cost between \$250,000 to \$300,000," he said. "We have no way of paying for something like that. It's just impossible."

Maj. Gen. Don Riley, director of civil works for the corps, acknowledged that many com-

munities face a challenge to find the money for repairs.

"Some communities have more challenges than others when it comes to the funding," he said. Communities will have to "look within their own local community, then look to the state, then possibly look to their congressional delegation" for financial assistance. "It will be a

have enough money to keep up with repairs.

Also on the list are two earthen dikes along the Rio Grande in Albuquerque. The concerns there are vegetation and maintenance of drains, not structural problems, said Dennis Domralski of the Middle Rio Grande Conservation District, which manages the levees.

"They're talking about maintenance things like rodents digging holes in them, vegetation, roots from trees getting in, and whether there's enough space between the levee and the bosque," the riverside forest where cottonwoods and other trees grow, he said.

Replacing the berms, which are 12-14 feet high and 16 feet wide, would cost "\$50 million and above," he said. He said he doesn't believe the levee ever will fail. That's because it would take a volume of water five times greater than any the city has seen in more than 25 years, he said.

Complicated problems

Even when the problems are small, fixing them can be frustratingly complex.

In Erie Township, Mich., outside Detroit, a quarter-mile levee built after Lake Erie flooded in the 1970s is overgrown with brush and has been undermined by groundhogs.

Township officials say they wanted to fix the dike, which protects about six homes, but couldn't because it's inside the security fence around a nuclear power plant, and they don't have access to it.

The plant agreed to let workers in after the corps threatened to decertify the levee, town supervisor William Frey said. They've started trimming the brush and plan to lure out the groundhogs and fill their tunnels with cement, he said.

In other places, environmental rules have complicated efforts to clear brush, especially in places where vegetation has grown for a long time, Riley said. "There are some trees that are (being) found to house endangered species. So it's not a simple matter of just removing the tree."

Contributing: Peter Eisler, Laura Parker, William Welch; Tamara Audi, *Detroit Free Press*



For a full list of the levees at risk, go to news.usatoday.com

community responsibility to seek the proper funding source for any help they need."

Operators acknowledge that many of the problems stem from lax maintenance.

In Brownstown Township, Mich., south of Detroit, "there hasn't been any ongoing maintenance program" for levees protecting two islands in Lake Erie, public works director Mark Gahry said. Fixing them will cost about \$60,000, he said.

In Macon, Ga., a mile-long levee that protects a water treatment plant was considered substandard by the corps because of trees and brush that have sprouted from it for years. Corps spokesman Billy Birdwell said the flora could weaken the levee. "Many of these items are considered routine maintenance," he said.

Macon's mayor, C. Jack Ellis, ordered city employees who operate the levee not to discuss it — or the cost of fixing it, said his spokesman, Ron Wildman.

All 37 levees around Sacramento were included on the corps' list. Last year, California voters approved a plan to borrow \$5 billion for flood-control improvements, which would pay for levee repairs. Jay Punia, the general manager of California's State Reclamation Board, said many local managers don't

Sites of risky levees listed

Some areas lack funds for repairs

By Peter Eisler
USA TODAY

WASHINGTON — Bowing to demands from news organizations, the Army Corps of Engineers revealed the locations Thursday of 122 levees nationwide that are so poorly maintained they could fail in a major flood.

Some of the substandard levees protect densely populated areas, such as Springfield, Mass., Albuquerque and Sacramento. Many others are in rural areas, where they shield valuable farmland but relatively few people.

Maj. Gen. Don Riley, director of civil works for the corps, said he does not know how many people live near the levees or what the required repairs might cost. He said communities have one year to fix the problems.

If a levee's deficiencies are not corrected, people living nearby might have to buy flood insurance.

Some local officials said they need more time to find ways to pay for the repairs, which typically cost millions of dollars.

"A year may be too short for folks to respond and to have the resources to respond," said Susan Gilson, who heads the National Association of Flood & Stormwater Management Agencies, which represents local levee operators.

In many cases, the levees were built by the corps and turned over to local communities, which are responsible for maintenance. In those cases, Gilson said, "there should be a commitment at the federal level to share costs."

Some local officials first learned of the problems this week, after

USA TODAY reported Monday that the corps had found 146 levees with problems so severe that floods could overwhelm them. The corps, which inspects about 2,000 levees nationally, refused at that time to list the specific levees.

USA TODAY and the Associated Press then requested the list under the Freedom of Information Act.

The full list of levees can be seen at news.usatoday.com.

Riley said the corps wanted to wait to release the list until it finished notifying all communities responsible for maintaining those levees. He noted that 24 levees were dropped from the earlier count because some communities have corrected the problems. He said that the corps "will likely find more (levees) that are deficient" when additional inspections and reviews are done in the coming months.

Most of the levee problems found by the corps stemmed from tree and brush growth, animal burrows and erosion, Riley said.

"What we're doing at this point is making sure the maintenance requirements are met and having meetings with the levee owners ... to make sure they understand what they need to do," Riley said.

If the levees aren't fixed:

- The corps could remove the levees from its inspection and rehabilitation program. That means the communities that own the levees would be ineligible for federal assistance to repair any damage the levees might suffer in a major flood.

- The Federal Emergency Management Agency could decide not to consider the levees adequate flood controls. Properties behind those levees would then be deemed high risks for flooding, and owners could be required to buy flood insurance policies costing hundreds of dollars a year or more.

Flooding was 'government-designed disaster'

I was thrilled to read USA TODAY's article "146 U.S. levees may fail in flood." So many Americans have Katrina fatigue and blame the victims for their predicament when the flooding was a government-designed disaster (News, Monday).

Maintenance of our levees was but one problem. There were underlying structural problems that led to the failure, not maintenance — and that should be more frightening to anyone living within reach of a levee system the U.S. Army Corps of Engineers designed.

The corps ignored its own studies that predicted failure of the levees in New Orleans. One study found the rate of subsidence to be greater than that used in designing the levees, so the levees were built lower than they should have been.

The second study found in some places the sediment on which the levees were built would slip when saturated. The corps admitted these and other flaws in a 6,000 page report.

Their negligence has cost us lives, homes, livelihoods and perhaps a culture; and it can happen to you, far from the Gulf

Voices of Katrina: Rebuilding a region

As we recover from one of the worst natural disasters in our country's history, USA TODAY is interested in hearing about people's experiences with the rebuilding process in the Gulf Coast region. Maybe you're starting over in a new location, or you're trying to rebuild in a neighborhood hit by Katrina. We want to share those stories here and online so others might learn from them.

Write to editor@usatoday.com or fax to 703-854-2053. Please include your contact number, city and state for verification purposes. Comments in the newspaper will be edited for accuracy clarity and length.

Coast and hurricane zone.

Unlike with a private firm, you cannot sue the corps for damages.

Amanda Phillips
New Orleans

2/21/07
USA Today

NEBRASKA

Ice concerns rise on Platte River

Thickening ice on the Platte River has officials keeping a wary eye on the situation.

Marlin Petermann, assistant general manager of the Papio-Missouri River Natural Resources District, said the ice near Valley ranged from 10 inches to 15.5 inches thick and averaged 13.3 inches when it was measured Tuesday.

Snow cover feeds water to the river when melting occurs, and the low temperatures will lead to thicker ice.

The key concern is rapid warming, Petermann said. If the ice breaks up in large chunks instead of melting gradually, the chunks can back up and cause water to spill out into the valley.

—Nancy Gaarder

W-H
2-9-07

Battle to control Niobrara

Irrigators fight water agencies over call to suspend permits

2-11-07
By DAVID HENDER
WORLD-HERALD STAFF WRITER

VALENTINE, Neb. — Irrigation farming threatens to sap the Niobrara River, the state's premier canoeing stream, say state and federal agencies.

The National Park Service and the Nebraska Game and Parks Commission are asking local and state water managers to temporarily stop issuing permits for new irrigation across hundreds of miles of northern Ne-

braska.

"We perceive a rush to grab water," said Tyler Cole, a Park Service hydrologist in O'Neill.

Some irrigators in this region of cowboys and canoes, however, are skeptical of the need for an irrigation timeout and suspicious of the agencies' motives.

"They want control of this river," said rancher Jack Bond of Kilgore.

The Park Service manages a 71-mile stretch of the Niobrara east of Valentine as a national scenic

river and is charged with protecting its natural wonders.

The area is the biological crossroads of the continent. Feeding the river are hundreds of waterfalls and thousands of springs seeping water from the Sand Hills.

The Niobrara attracts about 60,000 visitors a year and is credited with supporting more than 100 local jobs.

Canoe outfitters are concerned about falling flows in the Niobrara. Rocks and sandbars that weren't exposed until July in past years are now

revealed in May and June, said Twyla Graham of Valentine.

"We realize there's a drought," she said, "but irrigation's got to be part of the cause."

Graham said falling levels of underground water and river water could harm the valley's unique ecosystem.

Cole said a cursory examination of Niobrara hydrology records shows a downward trend in river flows and an upward trend in farm applications

See Niobrara: Page 2



MATT MILLER/THE WORLD-HERALD

Coming next Sunday

A half-century of explosive irrigation growth has strained Nebraska's greatest natural resource: water. Now taxpayers might get a multimillion-dollar bill to ease the pressure. How did it happen? "Irrigation Empire," an occasional series, begins next Sunday.

Niobrara: Irrigation blamed for decreasing levels of river water

SUNDAY WORLD-HERALD

Continued from Page 1
to take water from the river.

State records show 629 active or pending diversions of Niobrara water in Nebraska, nearly all for agricultural purposes. More permits have been issued to divert Niobrara water so far this decade than during all of the 1990s, Cole said.

Bond has active or pending permits to draw 32 cubic feet per second — or 14,362 gallons per minute — from the river. That's the equivalent of 9 percent of last year's season-low flow on July 31.

The state and federal agencies have pitched their plan to the Middle and Lower Niobrara Natural Resources Districts, along the river's central and eastern stretches. A meeting with the Upper Niobrara-White NRD in northwestern Nebraska is scheduled next month.

Ann Bleed, director of the Nebraska Natural Resources Department, plans to meet next month with the three NRDs to begin talks on their visions of the river's future.

The goal is to help prevent further declines in the Niobrara until the Nebraska Game and Parks Commission applies for a right to protect a certain amount of the stream flow for recreation, fish and wildlife. The commission wants time to study how much water it would ask to preserve.

Under the plan, the Middle and Lower Niobrara NRDs would impose temporary moratoriums on new groundwater irrigation wells. The Upper Niobrara-White NRD already has a moratorium.

The bans would let the Department of Natural Resources impose a similar halt on farm permits to pump water from the Niobrara.

Cole said warnings of what could happen to the Niobrara can be seen in the trickling flows and dry summer streambeds of the Platte and Republican Rivers.

"It is naive to believe that water resources in this basin are any less threatened," he told the Lower Niobrara NRD board last week.

Larry Hutchinson of Lincoln, water resources manager for the Nebraska Game and Parks Commission, said state officials are worried that farmers frustrated with water limitations and drought in other areas of the state will start buying land in the water-rich Niobrara basin to develop irrigation.

Bond, whose operation spans the Niobrara southwest of Valentine, moved from the Republican River basin in the mid-1990s.

"It is naive to believe that water resources



in this basin are any less threatened (than the Platte and Republican River basins).

Tyler Cole, National Parks Service hydrologist

He has state-issued permits to take water from the Niobrara upstream from the scenic river stretch of the stream. Bond pumps water to center-pivot sprinklers on the tableland above the rugged river valley to irrigate rye and millet to feed his cattle herd during winter.

A moratorium isn't necessary, Bond said, because farmers have already developed land near the river, the most suitable for irrigating. Canyons and hills rimming the river prevent wide use of irrigation.

"The terrain here dictates how much water you'll take out of the river," he said. "It governs itself."

Hutchinson said the concern isn't only how much water any individual irrigator diverts from the Niobrara upstream from its federally protected stretch.

"It's cumulative. Nine percent of the flow isn't a small amount. If that doubles, all of a sudden it could be critical," he said.

Tom Higgins of Newport, a member of the Lower Niobrara NRD board, said he doesn't disagree with the stewardship message behind the agencies' proposal but he doesn't like the idea of preventing irrigation.

Higgins also said the agencies used sketchy data to make educated guesses.

"You don't need a moratorium on the whole river while you make your guess," he said.

Rancher Jerry Adamson of Valentine, a Cherry County commissioner, said the Niobrara basin shouldn't be compared with the troubled Platte and Republican Rivers.

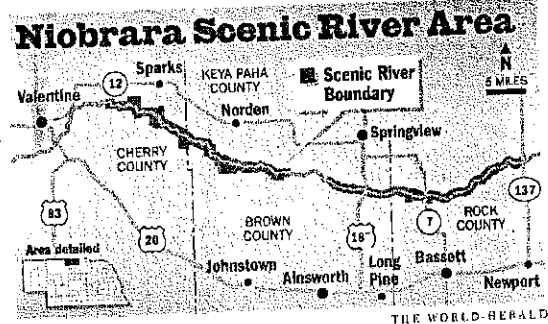
Hutchinson said Nebraskans have an opportunity to protect the Niobrara in ways not possible for the Platte or Republican.

"We never had a chance on the Republican before it was fully allocated for irrigation, and then groundwater (irrigation) development affected flows," he said, "and the Platte was pretty well appropriated long ago."

"The Niobrara is still a viable river."



DAVID HENDREX/THE WORLD-HERALD
Jack Bond of Kilgore, Neb., has state-issued permits to pump water from the Niobrara River to center-pivot sprinklers, which irrigate rye



THE WORLD-HERALD

Protections sought for rural areas

■ Developers would face stricter land-use regulations in a Douglas County proposal.

2-17-07
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Nature would be treated with a gentler hand when some of the remaining rural areas of Douglas County are developed, under policies up for approval by the county.

The county is proposing to require that developers minimize disturbance of the natural contours of the land and protect unique features, a practice known as conservation design.

Additionally, the county would require more natural dissipation of storm water through greater use of filtration and less reliance on storm sewers.

The Douglas County Planning Commission last week recommended that the County Board approve the regulations. A public hearing will be held at the Feb. 27 County Board meeting, and the board could vote on the policies that day.

Kent Holm, director of Douglas County Environmental Services, said the changes create the opportunity for "some unique living environments."

Natural prairies, wetlands, hillsides and wooded areas would more likely be preserved under

Get involved

Public hearing on Douglas County's new development regulations: 9 a.m. Feb. 27, Legislative Chamber, City-County Building, 1819 Farnam St.

Informational meeting on environmental development: 7 p.m. Feb. 27, Scott Conference Center, 6450 Pine St.

Technical workshops on development practices: Feb. 28 and March 1.

Questions? Call 444-6362

these new rules, he said.

And though it is difficult to generalize, Holm said, homes typically would be clustered together, with less space between houses and potentially smaller front yards.

But neighborhoods would have more green space held in common. Open areas would be consolidated and could be used as parkland or buffers alongside creeks.

The regulations will require that at least 30 percent of a development be set aside as green space, he said.

See Land: Page 2

Land: Conservation design offers gentler approach

Continued from Page 1

Property values should benefit, said Amy Haase, a planner with RDG Planning and Design, the Omaha-based consulting group that helped the county develop the regulations.

"Studies have shown that conservation-designed subdivisions sell better and appreciate at a better rate," Haase said.

The proposed rules would apply to the approximately 20 percent of Douglas County that is subject to county authority.

Holm said developers, utilities and governments should see de-

creased costs in the affected area, because clustered development results in fewer miles of sewers, natural gas pipes and water mains.

Jerry Slusky, a real estate attorney, said the changes will mean additional but acceptable design hoops for developers.

"It makes all the sense in the world," Slusky said. "Instead of just doing a grading plan that's best for developers, you balance out what is best for the environment, and that's a good test."

The City of Omaha also clusters developments in rural areas,

but one of the ways in which Douglas County takes its policies further is requiring that companion open space remain permanently open, Holm said.

An underlying goal of the regulations is to reduce storm-water runoff and water pollution.

The regulations require developers to find the best way possible to reduce runoff from a site. Urban runoff is one of the final major sources of water pollution that the federal government has been pushing metropolitan areas to control.

As a result, the regulations may spur more use of such things

as rain barrels, rain gardens and rooftop gardens.

"Had these practices been in place years ago, we would not have near as many problems with storm water that we do today," said Clare Duda, a board member.

He said the county continues to meet with Washington County officials to come up with additional storm water policies that provide an alternative to the plan being pushed by the Papio-Missouri River Natural Resources District and area cities. That NRD-led plan relies heavily on dams to catch storm runoff.



JAMES R. BURNETT/THE WORLD-HERALD

Ron Lehman of Papio-Missouri River Natural Resources District frequently checks the Platte River near Valley for ice jams. There already has been some lowland flooding, and emergency management officials are concerned about more extensive flooding with heavy rain forecast for this weekend.

Ice, rainy forecast raise flooding fears near Elkhorn, Platte Rivers

BY KEVIN COLE
WORLD-HERALD STAFF WRITER

Predicted heavy rain and thunderstorms could make for a long weekend of watching and waiting along some Nebraska rivers.

The National Weather Service issued flood warnings in Platte and Buffalo Counties earlier this week.

In Sarpy County, emergency management personnel and County Board members are meeting today to discuss plans in the event of flooding along the Elkhorn and Platte Rivers.

"We hope nothing is going to happen, but we want to be ready," said Lt. Russ Zeeb of the Sarpy County Sheriff's Office. "We are going to make a flyover

to get the freshest information possible before the meeting."

Tim Hofbauer, the emergency management director for Platte County, said ice jams along the Loup River upstream from Columbus have caused some lowland flooding.

Darrin Lewis, the emergency management director for Buffalo County, said ice jams on the Platte River don't seem to be causing any problems near Kearney — yet.

Rain Saturday could turn to snow Sunday, with temperatures dropping from the high 30s early in the day Sunday to low 30s later in the day, said Tony Zartman of AccuWeather, The World-Herald's weather consultant.

A mix of snow and rain is

likely just north and west of Omaha. And southeastern Nebraska and southwestern Iowa could see thunderstorms Friday night and Saturday.

Joyce Schram, whose family farms along the Platte River in Sarpy County, said she remembers the wide-spread flooding that occurred in 1966, 1978 and 1993.

"From my perspective, the worst scenario would be thunderstorms bringing an inch or two of rain before the ice (on the Platte) gets a chance to break up," she said. "If it rains and there's still a lot of ice, that's like raining on cement. It will just run off into the valley."

World-Herald staff writer Rhonda Stansberry contributed to this story.