

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: March 7, 2008

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, 2008, 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, 2008. 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 19, 2008. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** Attached is the Papillion Creek Watershed Partnership Monthly Update for February, 2008. Please review and if you have any questions, contact me. The next Partnership meeting will be held on March 20, 2008 at 10:00 a.m. at the NRC.
- F. **LEGISLATIVE ISSUES:** The following NARD Legislative Updates are attached for your information:
1. February 8, 2008
 2. February 15, 2008
 3. February 22, 2008
 4. February 29, 2008
- G. **NEWS CLIPS:**
- ✓ February 5, 2008, Lincoln Journal Star article – Nebraska on way to compliance with water compact, Bleed says
 - ✓ February 5, 2008, Omaha World Herald article – Kansas to protest overuse of river. The action could take Nebraska back to court.

- ✓ February 5, 2008, Omaha World Herald article – Governor says Nebraska has enormous water problem
- ✓ February 5, 2008, National Association of Resources Districts news release – NACD Disappointed with President’s budget
- ✓ February 6, 2008, Lincoln Journal Star article – Heineman, Barfield take different paths toward river accord
- ✓ February 9, 2008, Lincoln Journal Star article – Hazardous pilings, piers removed from river at Camp Ashland
- ✓ February 12, 2008, Lincoln Journal Star article – Council reluctant about \$50 million watershed plan
- ✓ February 14, 2008, Omaha World Herald article – Bill would pay Republican River irrigators
- ✓ February 15, 2008, Blair Enterprise article – Papio partnership plug presented to co. board
- ✓ February 17, 2008, Omaha World Herald article – Low-impact development rules sought to reduce contamination of waterways
- ✓ February 17, 2008, Lincoln Journal Star article – NRD deposits irrigation rights in first ‘water bank’
- ✓ February 19, 2008, Omaha World Herald article – Fears of river flooding ebb. Parts of the Elkhorn and Platte haven’t frozen, so ice jams appear less likely near where they meet.
- ✓ February 20, 2008, Lincoln Journal Star article – Platte ice jam outlook worsens
- ✓ February 20, 2008, Lincoln Journal Star article – Bruning talks about water, I-300 lapse
- ✓ February 21, 2008, Omaha World Herald article – Game and Parks bill advances
- ✓ February 22, 2008, Lincoln Journal Star article – State braces for economic slowdown
- ✓ February 22, 2008, Omaha World Herald article – Reduction in revenue feared
- ✓ February 22, 2008, Omaha World Herald article – Smith to join resources panel
- ✓ February 22, 2008, Omaha World Herald article – Trail to close for bridge removal
- ✓ February 27, 2008, Ralston Recorder article – Papio Watershed concerns has NRDs’ attention
- ✓ February 27, 2008, Dakota County Plaindealer article – Three to seek NRD seat
- ✓ February 27, 2008, Bellevue Leader article – Here’s the skinny on the watershed. Open houses aim to help residents understand future
- ✓ February 27, 2008, LaVista Sun article – Everything you need to know about the Papio-Missouri Watershed
- ✓ March 4, 2008, Omaha World Herald article – Flooding closes U.S. Highway 275 at the Dodge County-Cuming County line
- ✓ March 5, 2008, Lincoln Journal Star article – Officials watch Platte for potential flooding problems

February 2008 Information & Education Report

Information

- ◇ Wrote draft language for NRD grants acknowledging funding.
- ◇ Helped plan and carry out Intergovernmental meeting on PCWP
- ◇ Helped plan and staff PCWP open houses
- ◇ Updated web site
- ◇ Began work on Spring Spectrum
- ◇ Began planning for media campaign
- ◇ Continued work on recreation area signs
- ◇ Continued work on updating NE NRDs Recreation Areas publication

Education

- Continued planning Earth Day Omaha 2008
- Met with Kellom Elementary on Outdoor Classroom Plans
- Continued planning for NRD Summer Day Camps
 - Set up advertising schedule
 - Organized daily agenda for all 4 camps
- Continued planning for Water Works 2008
 - Selected Schools
 - Sent out Acceptance/Rejection Letters and Schedules
- Continued planning for Envirothon 2008
- Organized Statewide I&E Meeting for February 4th
- Sent out Wellness and Environmental e-mails to staff
- Sent out ticket notices for Richard Louv at the Lied
- Continued working on GPS curriculum
- Planned for OPS career day presentation
- Presented Wildlife CSI to Millard South Class
- Attended class at the zoo on Amphibians
- Presented to UNO CADRE on how to tie the Environment to their Curriculum
- Presented Owl Pellets presentation to all 6th graders at St. Stephen's School
- Attended Luncheon with Richard Louv and Louv at the Lied presentation
- Presented Bird Nest programs to the Severe/Profound classes at Benson West
- Presented Owl Pellets to Millard South Class
- Advertised for permanent Education Assistant position
- Continued working on Outdoor Classroom Grants, and PF grants

Report On Purchases Construction Services, Professional Services, Personal Property

February, 2008

Date	Project Name	Item / Task	Company	Cost
2/1/08	Western Douglas Co. Trail	Title searches	Cornhusker Land Title	\$3,600.00
2/20/08	Little Papio Creek	Install chain link fence, upstream of Maple Street	Elkhorn Fence Company	\$6,830.04
2/1-29/08	Project Maintenance	Crushed and screened rock	Martin Marietta	\$11,585.00

Updated: February 19, 2008

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)
 - ⊛ Land transfer agreement w/Douglas County (P)
 - ⊛ Piccolo Point easement forms (W)
- **Big Papio:** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
- **Western Sarpy Dike** (Cleveland):
 - ⊛ Bundy and others ROW preparation (potentially modify ROW/offer) (W)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - ⊛ Horn, Glasshoff ROW certification letter to USACE (N)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property purchase agreements as needed (F)
- **Trail Projects** (Bowen):
 - ⊛ Mopac Trail (Hwy 50 to Lied Bridge) –Educational Land & Funds condemnation; closings (W)
 - Missouri River Trail – Omaha O&M Agreement (N)
- **Missouri River Corridor Project** (Becic):
 - ⊛ Missouri River Trail – Qwest Relocation Payment (P)
 - Agreement for Omaha to maintain Missouri River Trail at N.P. Dodge North (N)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - ★ Silver Creek Site Easements– as needed (Site #11 and #9 ROW) (W)
 - Release of Site S-7 Easement (W)
 - S-31 – Handle Moore condemnation (P)
 - Turtle Creek #2 ROW documents (F)

- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - ★ Close w/Omaha on DS-13 property (F)

- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):

- **Rural Water Projects:** (Sklenar)

- **Elkhorn River Public Access Sites** (Sklenar):

- **Other:**
 - Kennard Wastewater Closing (Woodward) (F)
 - ★ NGP&C Interlocal Agreement on D-4 dredging (Bowen) (W)
 - ★ Complete Ice Jam Explosives Contract (Woodward) (P)
 - ★ Rumsey Station wetlands expansion purchase agreement (Cleveland) (W)
 - ★ Blair NRCS/NRD office; prepare closing documents for property (Sklenar) (N)

MONTHLY UPDATE

FEBRUARY 2008

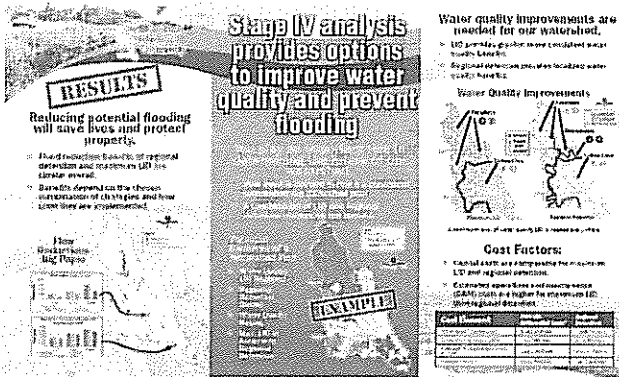


The Partnership held a meeting on February 15th. A Communications Team meeting was held prior to the full Partnership meeting on February 12th. Meeting minutes and other materials are updated regularly on the Partnership's website: www.papiopartnership.org.

Stage IV Watershed Evaluation

The main focus through February was getting the message out on the results of the Stage IV evaluation and preparing for a major public outreach effort. The month started off with a meeting of elected officials hosted by Jim Thompson, NRD Board Chairman. The group was updated on information concerning growth and development in the watershed, new floodplain mapping and the results of the Stage IV analysis by HDR. This unprecedented meeting was well attended and opened the doors for discussion. Copies of the presentation and the audio recording of the meeting are available. If interested in a copy please contact the NRD office.

The final results fact sheet and display board were discussed and produced during the month in order to be available for the first public meeting on February 19th.



Public Outreach and Involvement

As previously mentioned, the month of February was focused on public outreach and involvement. Briefings were held with the City of Bellevue and Washington County making sure that all communities were updated on the Partnership's ongoing study and upcoming public meetings. These last two meetings completed the one on one meetings with elected officials.

Public Open Houses during the month of February are listed below:

- February 19, 2008 – UNO WH Thompson Alumni Center
- February 21, 2008 – Northwest High School

- February 25, 2008 – Millard West High School
- February 27, 2008 – Papillion LaVista South High School
- February 28, 2008 – Bellevue Support Center

- Two more meetings will take place in March:
- March 4, 2008 – Concordia High School
- March 6, 2008 – Dana College

Meeting notices were given to all Partnership community contacts to post in public buildings. Notices were posted in the Omaha World Herald and included on the online community calendars for the local television stations. IMS contacted television and radio stations for interviews. Press releases were sent to the local newspapers. In addition, the City of Omaha has set up on the Partnership's website a Virtual Public Open House so that the public can view the information and input comments online. Details on the attendance and a summary of public comments will be available at the March 20th Partnership meeting and provided in the March Update.

Douglas County and the City of Omaha updated the partners on some exciting upcoming projects. The conceptual plan for Cole Creek Stream Restoration is complete and financing options are being evaluated. The Saddlebrook project is underway with the greenroof construction anticipated to be in place by the fall. The rainwater collection system bids are in for the Douglas County Health Center and construction is expected to start this spring.

Stormwater Legislation

The Natural Resources Committee voted unanimously to advance LB880 to the floor with three amendments. The amendments include that bonds will not be issued for detention projects that have a permanent pool greater than 500 acres. Bond funds being used on any project greater than 20 acres must provide public access and finally that there can be no transfer of condemned land from the NRD to private entities. Discussions are ongoing with Senator Kopplin and Senator Price along with other interested parties.

LB 534 did not advance from the Natural Resources Committee.

Next Meeting: The next Partnership meeting will be March 20th at 10:00 AM at the Papio-Missouri River NRD office.



BENNINGTON



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 8, 2008

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

NARD Legislative Conference -- Almost 300 NRD board members and employees from all 23 NRDs attended the 2007 NARD Legislative Conference this week. Governor Dave Heineman expressed appreciation to the NRDs for their hard work on the controversial water issues and stressed the importance of working together to resolve water issues in Nebraska. The NARD voting delegates reviewed the legislation before the Nebraska Unicameral this session.

Delegates supported bills that would provide mechanisms to account for water that has been added back to the streams either through regulatory efforts, purchases or leases. These concepts are included in LB's 924 (Senator Fischer), 975 (Senator Wightman) and 1041 (Senator Christensen). Other key legislation supported includes: Payments to surface water users who leased water last year to the NRDs but can not be paid because of the lawsuit on LB 701; bonding efforts for the Pappio-Missouri River NRD to finance storm-water projects; and increasing funding to the Nebraska Resources Development Fund.

Hearings this week

Accounting for increased water flows -- Each of the next three bills included language that would account for water that is placed back into Nebraska Rivers and streams while also protecting that amount of water. The State of Nebraska has required and approved the following for Integrated Management Plans (IMPs) in the Republican River Basin but has never outlined any way to protect the water. After intervention by Nebraska surface water interest, the State of Nebraska allowed less than one-half of the 40,000 acre-feet of water leased to go to Kansas even though a couple of the key requirements in the approved IMPs include:

- o Ensure that ground water and surface water users within the MRNRD assume their share of the responsibility to keep Nebraska in compliance with the Republican River Compact.
- o Reserve any stream flow available from regulation or supplemental programs, enacted or implemented to maintain Compact compliance, from any use that would negate the benefit of such regulation or programs.

However, at the hearings on the bills, representatives of surface water irrigation districts testified in opposition to any accounting or protection of water placed back in the streams and publicly stated that any new water in streams should be only available to them for diversion. This appears to be in conflict with the Integrated Management Plans approved by the State of Nebraska and the NRDs for the Republican Basin. The three bills include:

LB 924 -- Provide for stream flow depletion offsets. Senator Fisher. The bill modifies several statutes relating to water management. It makes five major changes: First, it establishes a clear procedure for natural resources districts to follow to quantify gains to stream flows by integrated management plans or programs, and acquisition of existing groundwater or surface water uses on a permanent or temporary basis. Second, it modifies the state endangered species act to more closely resemble the federal act. Third, when applying for an instream flow right, the changes would require the Nebraska Game and Parks Commission and the Natural Resources District to agree on an application prior to filing the application with the Department of Natural Resources, no matter which entity initially is seeking the flow right. Fourth, it changes the annual river basin determination procedure by requiring the Department of Natural Resources to review existing surface water rights nonuse prior to the department making a preliminary conclusion that a river basin, subbasin, or reach presently is fully appropriated. If the right has been forfeited or abandoned, the rights would be adjudicated under section 46-229.02. Finally, the bill eliminates the reference all other applicable state or federal laws for the department to consider for determining whether a basin, sub-basin or reach is fully appropriated.

Those testifying in support of the bill included Mike Murphy, Middle Niobrara NRD, Dean Jochem, Middle Niobrara NRD, Ron Bishop, Central Platte NRD, Dan Smith, Middle Republican NRD, and Jasper Fanning, Upper Republican NRD. A letter of support was submitted by John Winkler, Papio-Missouri River NRD. Surface water irrigation districts opposed protection of any new water placed in the streams. The Committee took no action on the bill.

LB975 -- Change provisions relating to river-flow enhancement bonds. Senator Wightman.

The bill clarifies limitation of groundwater pumping on acres where surface water has been leased that was passed last year in LB 701. The bill clarifies that the limitation is on the specific acre that was served by the leased or purchased water. It also outlines limitations when groundwater is purchased or leased. Dan Smith, Middle Republican NRD, and Jasper Fanning, Upper Republican NRD, spoke in favor of the bill. Surface water irrigation districts opposed protection of any new water placed in the streams. The Committee took no action on the bill.

LB 1041 -- Protect certain water purchased or leased for river flow enhancement. Senator Christensen.

The bill would require surface water or ground water purchased or leased by the state, or purchased or leased for river-flow enhancement purposes by a natural resources district be fully protected and accounted for by the Department of Natural Resources from the point of diversion to the intended destination or use of such purchased or leased water, except for normal carriage loss. Dan Smith, Middle Republican NRD, and Jasper Fanning, Upper Republican NRD, spoke in favor of the bill. Although the bill only applies to the Republican River Basin, Central Nebraska Public Power and Irrigation District opposed protection of any new water placed back in the streams. The Committee took no action on the bill.

LB 862 -- Change noxious weeds funding provisions. Agriculture Committee. The bill proposes to increase funding to the Noxious Weed and Invasive Plant Assistance Fund, which is used to assist county weed programs. On or before October 1, 2008, \$200,000 would be transferred from the Commercial Feed Administrative Cash Fund to the Noxious Weed and Invasive Plant Species Assistance Fund. Beginning January 1, 2009, 2 cents of the existing 10 cent/ton commercial feed inspection fee would be transferred to the Noxious Weed and Invasive Plant Fund. John Thorburn, Tri-basin NRD, testified in support of the bill on behalf of NARD.

LB 800 -- Change intentional underground water storage permit provisions. Senator Louden. Allows for all intentional underground water storage projects to charge a fee for withdrawal of water. Existing law prohibits projects existing on August 26, 1983 from charging a fee. Ron Bishop, Central Platte NRD, and John Thorburn, Tri-Basin NRD, testified in support of the bill and asked for amendment that would allow the local NRD to approve of the fee before the fee can be imposed. The committee has taken no action on the bill.

LB 801 – Mandatory Meters on all wells. Senator Louden. The original bill would require integrated management plans developed for fully and/or overappropriated basins to prevent or offset any increased depletion to the stream resulting from the removal of a surface water appropriation from a tract of land by an adjudication, voluntary relinquishment, or transfer when the land continues to be served by a ground water well. Senator Louden offered an amendment to the bill (AM 1629) prior to the hearing to require meters on all wells greater than 50 gallons per minute by 2012. Ron Bishop, Central Platte NRD, John Turnbull, Upper Big Blue NRD, and Dennis Schueth, Upper Elkhorn NRD, testified in opposition of the amendment to require meters but spoke in favor of the original proposed bill. There were many other groups opposed to the amendment. The committee has taken no action on the bill.

LB 1150 – Increase funding for the Nebraska Resources Development Fund. Senator Langemeier. Increases the funding for the Nebraska Resources Development Fund from \$3,373,066 to \$7,000,000. Those testifying in support of the bill included John Miyoshi, Lower Platte North NRD, Dan Watermeier, Nemaha NRD and Natural Resources Commission member, and Myron Lemke, North Platte NRD and Natural Resources Commission member. The committee took no action on the bill.

Appropriations Committee Releases Preliminary Budget – On the following page are some details out of the Appropriations Committee initial budget release this week.

- Since Sine Die of the 2007 Legislative Session, the financial picture for the current biennium (FY08 / FY09) has actually improved. At Sine Die, the variance from the minimum General Fund reserve (commonly referred to as the surplus or shortfall) was predicted to be only \$310,862. The current estimate is a positive \$4.1 million.
- Actual and projected revenues have increased by \$164.6 million since Sine Die 2007. Actual receipts for FY2006-07 were \$47.3 million above forecast. In October 2007, the FY07-08 and FY08-09 forecasts were revised by the Nebraska Economic Forecast Advisory Board by a total of \$117.3 million; \$68.8 million in FY07-08 and \$48.5 million in FY08-09.
- The higher actual/projected receipts, offset by required transfers to the Cash Reserve Fund, are mostly offset by increased appropriations per the Appropriations Committee Preliminary Budget. Over the two year period, the preliminary budget adjustments total \$66.5 million of which over 80% is attributed to TEEOSA school aid. Included in this total is \$7 million set aside as a contingency for budget adjustments after the hearings.
- While the current FY08/FY09 biennial budget would appear to end in a financially secure position, the prospects for the following biennium are not quite as positive. The current financial status (with the Committee preliminary budget adjustments) yields a projected balance that is \$4.4 million above the minimum reserve. For the following biennium the ending balance is projected to be \$287 million below the required minimum reserve.
- In the current biennium the higher appropriation levels (mostly due to TEEOSA school aid) since Sine Die 2007 are mostly offset by higher actual and forecast revenues. However, this is not the case in the following biennium where the revenue estimates under the historical average methodology, changed by only \$23 million while the increase in the TEEOSA school aid estimate alone accounts for an additional \$257 million over the two year period.
- The one bright spot going into the following biennium is the \$540 million Cash Reserve Fund balance that is projected to be carried forward from the current biennium into the next.

Hearings next week

February 13 – Government Committee

LB 962 -- Change public body meeting provisions of the Open Meetings Act. Senator Preister. The proposal would prohibit public bodies from requiring that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda.

February 13 – Natural Resources Committee

LB1094 -- Change allocation provisions relating to the Nebraska Resources Development Fund. Senator Carlson. Changes provisions under the Nebraska Resources Development Fund to allow funding for drought relief and financial assistance to natural resources districts in the preparation of management plans or for the augmentation of river flows as an incentive programs.

LB1127 -- Change permitted uses of the Water Resources Cash Fund. Senator Christensen. Allows the Water Resources Cash Fund to be used to provide aid to natural resources districts for drought relief assistance and river flow augmentation.

LB1131 -- Authorize a collection fee for collection of a natural resources district occupation tax. Senator Christensen. Clarifies that the county treasurer can collect a fee of one percent of the occupation taxes collected for NRD river flow enhancement bonds.

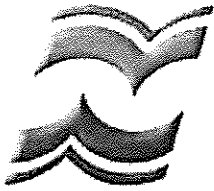
LB1132 -- Change provisions relating to river-flow enhancement bonds. Senator Christensen. Clarifies that occupation taxes shall be collected in the same time and manner and shall also become delinquent at the same time and manner as general real estate taxes.

Floor Action

Senators advanced **LB 790** to Select File this week. The bill proposes to increase the maximum payment through the Nebraska Buffer Strip Programs from \$150 to \$250 per acre.

NARD Bill Summary Tracking Sheet							<i>Last Updated: 02/01/08</i>	
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government		Held in Committee	
17	Prohibit NRD dual office holding	Mines		Oppose	Government		IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary		General File	
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations		Held in Committee	
78	Recoverable amounts	Nanikes		Oppose	Judiciary		Held in Committee	
105	Nebraska Forest Service funding	Louden		Support	Appropriations		Held in Committee	
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government		Held in Committee	
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary		Held in Committee	
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources		Sent to Governor for Approval	AM13 - Lost AM1540 - Adopted ER6139 - Adopted
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources		Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose (Support amended version)	Natural Resources		Select File	Incorp. into AM 936 to LB 701
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs		Held in Committee	
391	Copies of records and speaking at public meetings	Mines		Oppose	Government		General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations		General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary		IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue		IPP	AM 825 - Adopted AM864 to AM825 - Lost AM824 to AM825 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources		IPP	
534	Funding storm water programs	Schimek		Support	Natural Resources		Held in Committee	
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Resources Judiciary		IPP	AM 1579 - Pending
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary		IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government		Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources		IPP	
724	Change fees under the Remedial Action Plan Monitoring Act.	Nat. Res. Comm.			Natural Resources	1/23/2008	General File	
725	Provide Grant under the Waste Reduction and Recycling Incentive Act.	Nat. Res. Comm.			Natural Resources	1/23/2008	General File	
727	Change provisions relating to hearings conducted by DNR	Nat. Res. Comm.			Natural Resources	2/22/2008	Committee	

751	Change noxious weed funding provisions relating to stream vegetation removal	Christensen			Agriculture	2/5/2008	Committee
790	Change buffer strip reimbursement provisions	Erdman			Agriculture	1/22/2008	Select File
798	Change provisions relating to irrigation water reuse pits	Louden			Natural Resources	2/6/2008	Committee
799	Change provision relating to applications to permit transfer of water appropriations	Louden			Natural Resources	2/6/2008	Committee
800	Change intentional underground water storage permit provisions	Louden			Natural Resources	2/6/2008	Committee
801	Add a requirement for integrated management plans	Louden			Natural Resources	2/6/2008	Committee
802	Provide for water diversion during times of flooding	Louden			Natural Resources	2/20/2008	Committee
862	Change noxious weeds funding provisions	Agriculture Committee			Agriculture	2/5/2008	Committee
880	Provide for watershed enhancement bonds	Kopplin			Natural Resources	1/25/2008	Committee
881	Impose an excise tax on production of ethanol	Stuthman			Revenue	1/30/2008	Committee
922	Adopt the Cellulosic Biomass Renewable Energy Initiative and impose and change taxes	Dubas			Revenue	2/27/2008	Committee
924	Provide for stream flow depletion offsets	Fischer			Natural Resources	2/7/2008	Committee
945	Change authority of natural resources districts	Pedersen			Natural Resources	1/25/2008	Committee
946	Impose an excise tax on production of ethanol	Burling			Revenue	1/30/2008	Committee
962	Change public body meeting provisions of the Open Meetings Act	Preister			Government	2/13/2008	Committee
975	Change provisions relating to river-flow enhancement bonds	Wightman			Natural Resources	2/7/2008	Committee
998	Appropriate funds to the Nebraska Innovation Zone Commission and provide for a transfer from the Cash Reserve Fund	Gay			Appropriations	1/31/2008	Committee
1017	Change provisions relating to tax levies members of risk management pools	Raikes			Revenue	2/22/2008	Committee
1040	Impose an excise tax on production of ethanol	Louden			Revenue	1/30/2008	Committee
1041	Protect certain water purchased or leased for river flow enhancement.	Christensen			Natural Resources	2/7/2008	Committee
1049	Change terms for members of the Nebraska Game and Parks Commission	Erdman			Natural Resources	2/20/2008	Committee
1050	Changes the Nebraska Game and Parks to a Code Agency	Erdman			Natural Resources	2/20/2008	Committee
1061	Provide for fees, rebates, and grants relating to electronic equipment recycling.	Louden			Natural Resources	1/31/2008	Committee
1094	Change allocation provisions relating to the Nebraska Resources Development Fund	Carlson			Natural Resources	2/13/2008	Committee
1127	Change permitted uses of the Water Resources Cash Fund	Christensen			Natural Resources	2/13/2008	Committee
1131	Authorize a collection fee for collection of natural resources district occupation tax	Christensen			Natural Resources	2/13/2008	Committee
1132	Change provision relating to river-flow enhancement bonds.	Christensen			Natural Resources	2/13/2008	Committee
1150	Appropriate funds to the Department of Natural Resources	Langemeier			Appropriations	2/6/2008	Committee
1161	Appropriate funds to the Department of Natural Resources	Karpisek			Appropriations	2/6/2008	Committee
1164	Adopt the Wildlife Damage Act.	Lautenbaugh			Natural Resources	2/21/2008	Committee



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 15, 2008

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 15 NARD UPDATE

Notes from the NACD Annual Meeting -- Nebraska NRDs had 17 representatives attend the National Association of Conservation Districts 62nd Annual Meeting in Reno, Nevada this week. Following are some of the conference highlights:

- **NACD Acting President Steve Robinson**, acknowledged that it had been a difficult time for the association after the untimely death of 2007 President Olin Sims but spoke of the new partnerships and business decisions that NACD has successfully forged—from weaning NACD of unprofitable lines of business to working with FFA on education materials. Robinson spoke also of the many long hours devoted this year to fighting for a strong conservation title in the Farm Bill that, hopefully will work to the benefit of conservation districts and agricultural producers nationwide. He also called upon districts to push themselves to become more involved and engaged with their districts, state associations and national organization.
- **Orval Gigstad, Nemaha NRD**, was elected Vice President of the Northern Plains Region, which includes the states of Kansas, South Dakota, North Dakota, Montana and Nebraska. Nebraska hosts the 2008 Northern Plains Region Leaders meeting June 8-10 at Lied Lodge in Nebraska City. Details will be forthcoming.
- **Mark Rey**, USDA Undersecretary for Natural Resources and the Environment, and **Stephen Allred** Assistant Secretary for the US Department of the Interior, joined NACD leadership in addressing issues that expanded upon the conference theme, "Conservation Beyond Boundaries." Rey gave an update of the Administration's key concerns for the Farm Bill, reminding the audience that the President has gone on record refusing to sign a Farm Bill that raises taxes or fails to reform the commodity title. Allred, whose Department manages one in five acres nationwide, reminded conferees of the importance of public and private interests going beyond their personal boundaries to effectively protect natural resources and manage the landscape.

Nebraska Unicameral Committee Action

Payments to Republican River Basin surface water irrigators -- Two legislative bills, LB 1094 and 1127 were discussed this week by the Natural Resources Committee to provide payments to surface water irrigators that leased water to the natural resources districts in 2007. The NRDs were scheduled to issue bonds to make the payments authorized under LB 701 passed last year, but a court case was filed challenging the constitutionality of the taxing authority. Because the court challenge threatened the repayment method, the bonds could not be issued to make the payment.

According to testimony at the hearing, most bankers are viewing it as short-term accounts receivable for the irrigators. However, further delayed payments could cause financial hardships.

The State of Nebraska should be 29-44,000 acre feet in the black for 2007 primarily due to the efforts of the NRDs through groundwater regulation and surface water leases.

Senator Carlson introduced **AM 1808** which strikes all the existing language in **LB 1094** and all references to the Nebraska Resources Development Fund and creates the Water Contingency Cash Fund. The \$9 million fund would be administered by the Department of Natural Resources and directed to the natural resources districts that leased

the water in 2007 to in turn compensate water right holders who agreed to lease and forgo the use of water. Any funds not used for such purpose by the natural resources districts would have to be returned.

Senator Christensen presented **LB1127** which changes permitted uses of the Water Resources Cash Fund to make similar payments.

Jasper Fanning, Upper Republican NRD; Dan Smith, Middle Republican NRD; Mike Clements, Lower Republican NRD; and Glenn Johnson (on behalf of the Nebraska Water Resources Association), spoke in favor of the bills. The only opposition was to the use of the NRDF. That is addressed through AM 1808. No action has been taken by the committee. To follow unicameral procedures, a second hearing will be held next week on AM 1808, but all testifiers went on record supporting AM 1808 and no additional testimony is expected.

Clarifications on Collection Fees under LB 701 – The Natural Resources Committee also accepted testimony on two other bills introduced by Senator Christensen, **LB 1131 and 1132**, which clarify existing interpretation of LB 701. The bills clarify that the county treasurer can collect a fee of one percent of the occupation taxes collected for NRD river flow enhancement bonds and that occupation taxes shall be collected in the same time and manner and shall also become delinquent at the same time and manner as general real estate taxes. Traci Witthuhn, Republican River Basin Coordinator, spoke in favor of the bills. No action has been taken by the committee.

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

Wednesday, February 20th

LB 802 (Louden) Provide for water diversion during times of flooding. The bill allows water to be diverted from a stream for the purpose of alleviating harm to downstream landowners and appropriators during times of flooding upon approval by the department and with the consent of downstream appropriators who may be affected. Natural Resources Committee, Room 1525.

LB 1049 (Erdman) Change terms for members of the Nebraska Game and Parks Commission. The proposal changes the terms for members appointed after January 1, 2009 to a four year term rather than five. The bill also prohibits any person who has served two full terms after January 1, 2009, to be reappointed as a member of the commission. Natural Resources Committee, Room 1525.

LB 1050 (Erdman) Changes the Nebraska Game and Parks to a Code Agency. The bill makes the Nebraska Game and Parks Commission a code agency under the governor's office. The commission members would be changed to advisory members and the director of the agency would be appointed by the governor rather than hired by the commission members. Natural Resources Committee, Room 1525.

Thursday, February 21st

LB 1164 (Lautenbaugh) Adopt the Wildlife Damage Act. The bill creates a wildlife damage claim program in the Nebraska Game and Parks Commission to provide a cost-share program to counties for abatement and damage claims. Wildlife damage from deer, geese, turkey and elk would be eligible for the program. The counties would be required to have a wildlife damage program for landowners to be eligible for the program. Damages would be paid out up to a maximum of \$15,000. Natural Resources Committee, Room 1525.

Friday, February 22nd

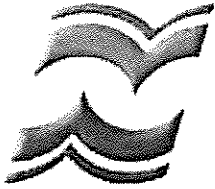
LB 727 (Natural Resources Committee) Change provisions relating to hearings conducted by the Department of Natural Resources The bill proposes to change the time from 15 days to 30 days for a party to request the Department of Natural Resources to hold a hearing on a final decision made by the department that did not have an original hearing. The bill is a placeholder for DNR and other interested parties to review the department's regulatory procedures and offer any statutory changes to the process at the hearing. Natural Resources Committee, Room 1525.

LB 1017 (Raikes) Change provisions relating to tax levies of members of risk management pools. Requires that all costs and expenses associated with membership in a risk management pool, including, but not limited to, standard insurance coverage's, group self-insurance coverage's, assessments levied by the pool, retirement of debt incurred by the pool, and operating expenses of the pool be subject to levy limitations. The proposal would also require that any funds generated for insurance pools or related cost through general obligation bonds would be subject to the levy limitations. Revenue Committee, Room 1524.

NARD Bill Summary Tracking Sheet

Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government		Held in Committee	
17	Prohibit NRD dual office holding	Mines		Oppose	Government		IPP pending, Laid Over	AM71 - Adopted MO0003 - Failed MO0009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary		General File	
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations		Held in Committee	
78	Recoverable amounts	Nantkes		Oppose	Judiciary		Held in Committee	
105	Nebraska Forest Service funding	Louden		Support	Appropriations		Held in Committee	
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government		Held in Committee	
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary		Held in Committee	
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources		Approved by the Governor	AM13 - Lost AM1540 - Adopted ER8139 - Adopted
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources		Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose (Support amended version)	Natural Resources		Select File	
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs		Held in Committee	Incorp. into AM 938 to LB 701
391	Copies of records and speaking at public meetings	Mines		Oppose	Government		General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations		General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary		IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue		IPP Motion Pending	AM 825 - Adopted AM804 to AM825 - Lost AM824 to AM825 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources		IPP	
534	Funding storm water programs	Schimek		Support	Natural Resources		Held in Committee	
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary		IPP	AM 1579 - Pending
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary		IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government		Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources		IPP	
724	Change fees under the Remedial Action Plan Monitoring Act.	Nat. Res. Comm.		Monitor	Natural Resources	1/23/2008	General File	
725	Provide Grant under the Waste Reduction and Recycling Incentive Act.	Nat. Res. Comm.		Monitor	Natural Resources	1/23/2008	General File	
727	Change provisions relating to hearings conducted by DNR	Nat. Res. Comm.		Support	Natural Resources	2/22/2008	Committee	
751	Change noxious weed funding provisions relating to stream vegetation removal	Christensen		Support	Agriculture	2/5/2008	Committee	
790	Change buffer strip reimbursement provisions	Erdman		Support	Agriculture	1/22/2008	Select File	

Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
NARD Bill Summary Tracking Sheet								
798	Change provisions relating to irrigation water reuse pilot	Louden		Support	Natural Resources	2/6/2008	Committee	
799	Change provision relating to applications to permit transfer of water appropriations	Louden		Support	Natural Resources	2/6/2008	Committee	
800	Change intentional underground water storage permit provisions	Louden		Support, Clarify language	Natural Resources	2/6/2008	Committee	
801	Add a requirement for integrated management plans	Louden		Support, but Oppose AM 1629	Natural Resources	2/6/2008	Committee	AM1629 - Pending
802	Provide for water diversion during times of flooding	Louden		Monitor	Natural Resources	2/20/2008	Committee	
862	Change noxious weeds funding provisions	Agriculture Committee		Support	Agriculture	2/5/2008	Committee	
860	Provide for watershed enhancement bonds	Kopplin	Kopplin	Support	Natural Resources	1/25/2008	Committee	
861	Impose an excise tax on production of ethanol	Stuthman		Monitor	Revenue	1/30/2008	Committee	
922	Adopt the Cellulosic Biomass Renewable Energy Initiative and impose and change taxes	Dubas		Monitor	Revenue	2/27/2008	Committee	
924	Provide for stream flow depletion offsets	Fischer		Support	Natural Resources	2/7/2008	Committee	
945	Change authority of natural resources districts	Pedersen		Oppose	Natural Resources	1/25/2008	Committee	
946	Impose an excise tax on production of ethanol	Burling		Monitor	Revenue	1/30/2008	Committee	
962	Change public body meeting provisions of the Open Meetings Act	Preister		Monitor	Government	2/13/2008	Committee	
975	Change provisions relating to river-flow enhancement bonds	Wightman		Support	Natural Resources	2/7/2008	Committee	
998	Appropriate funds to the Nebraska Innovation Zone Commission and provide for a transfer from the Cash Reserve Fund	Gay		Support	Appropriations	1/31/2008	Committee	
1017	Change provisions relating to tax levies members of risk management pools	Raikes		Monitor	Revenue	2/22/2008	Committee	
1040	Impose an excise tax on production of ethanol	Louden		Monitor	Revenue	1/30/2008	Committee	
1041	Protect certain water purchased or leased for river flow enhancement.	Christensen		Support	Natural Resources	2/7/2008	Committee	
1049	Change terms for members of the Nebraska Game and Parks Commission	Erdman		Monitor	Natural Resources	2/20/2008	Committee	
1050	Changes the Nebraska Game and Parks to a Code Agency	Erdman		Monitor	Natural Resources	2/20/2008	Committee	
1061	Provide for fees, rebates, and grants relating to electronic equipment recycling.	Louden		Monitor	Natural Resources	1/31/2008	Committee	
1094	Change allocation provisions relating to the Nebraska Resources Development Fund	Carlson		Oppose, but Support AM 1808	Natural Resources	2/13/2008	Committee	AM 1808 - Pending
1127	Change permitted uses of the Water Resources Cash Fund	Christensen		Support	Natural Resources	2/13/2008	Committee	
1131	Authorize a collection fee for collection of natural resources district occupation tax	Christensen		Support	Natural Resources	2/13/2008	Committee	
1132	Change provision relating to river-flow enhancement bonds.	Christensen		Support	Natural Resources	2/13/2008	Committee	
1150	Appropriate funds to the Department of Natural Resources	Langemeier		Support	Appropriations	2/6/2008	Committee	
1161	Appropriate funds to the Department of Natural Resources	Karpisek		Monitor	Appropriations	2/6/2008	Committee	
1164	Adopt the Wildlife Damage Act.	Lautenbaugh		Monitor	Natural Resources	2/21/2008	Committee	



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 22, 2008

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 22 NARD UPDATE

Forecasting Board reduces revenue estimates – The Nebraska Forecasting Board reduced projected Nebraska tax revenues by \$126 million for FY 07-08 and FY 08-09 (\$51 and \$75 million respectively). If the forecast is correct, the general fund will be short of the 3% minimum reserve requirement by \$68.5 million at the end of Fiscal Year 08-09. Governor Dave Heineman issued as memorandum to all Code Agency Directors to undertake a critical review of expenditures in hiring, travel, software, hardware, equipment and other operating costs.

Priority Bills selected -- State senators finished selecting priority bills on Friday, February 22nd. Bills dealing with natural resources include: **LB 880 (Kopplin)** which authorizes watershed enhancement bonds; **LB924 (Natural Resources Committee)** which makes several changes to water laws relating to increasing stream flows, instream flow laws, endangered species and fully appropriated designations; **LB 1049 (Erdman)** changes terms for Game and Parks Commission members; and **LB 1094 (Christensen)** which provides payments to surface water irrigators that leased water to NRDs.

Accounting for new water in streams – It appears that surface water interest have little interest in developing language to account for water placed back in streams by NRD regulation programs, leases or purchases. As the law is being interpreted now by the Department of Natural Resources, any water placed into the stream would go to existing surface water right holders and allowed to be diverted back out of the stream rather than going toward compact or interstate agreement compliance, or to a new domestic, industrial or municipal use.

Three legislative bills (**LB 975** by Senator Wightman, **LB 924** by Senator Fisher and **LB 1041** by Senator Christensen) all have language that would account for water placed back in the stream and protect it for intended purposes. The natural resources districts are required by law to develop programs to manage water resources, assist with compact and interstate agreement compliance, while also maintaining the local economy. The second round of negotiation has ended with a firm rejection by surface water interests of any accounting or protection of the increased stream flows. Senators from the natural resources committee would like to have some language to include in **LB 924** to address some, if not all, of these issues.

Nebraska Unicameral Committee Action

Watershed enhancement bonding advances — The Natural Resources Committee advanced **LB 880** to General File which authorizes watershed enhancement bonds in the Papio-Missouri River NRD to issue watershed enhancement bonds to pay costs of design, rights-of-way acquisition, and construction of multipurpose projects and practices for storm water management within the natural resources district issuing such bonds, including flood control and water quality. The bonds would be payable from an annual special watershed enhancement bond levy upon the taxable value of all taxable property in the district. The bond levy is includable in the computation of other limitations upon the district's tax levy.

The committee added an amendment (**AM 1787**) that makes three additional changes to address the concerns raised by the Washington County residents as follows: 1) Bond proceeds could not be used for structures holding more than 500 acres of a permanent pool of water which would eliminate the establishment of large dams in Washington County; 2) Specific language prohibiting the use of eminent domain for the purposes of enhancing private developers; and 3) Public access would be required on any structure created under this program that is greater than 20 acre pool. After adding the language to address the concerns they raised, and for reasons unknown at this time, the Washington County group changed their minds and decided to still oppose Senator Kopplin's Priority Bill.

Natural Resources Committee merges bills – The Natural Resources Committee advanced **LB 798** this week and included two other bills (**LB 799 and 800**) as **AM 1894**. The original bill, LB 798, changes the definition of a

headwater segment of a natural stream to an ephemeral natural stream which would be exempt from state storage and use permits. Included in the amendment is **LB 799** which allows for a transfer of surface water for irrigation when there is a change in the point of diversion which meets the following requirements: (i) The new point of diversion is on the same named stream, the same tributary, or the same river or creek as the approved point of diversion; (ii) the proposed point of diversion will not move above or below an existing diversion point owned by another appropriator; and (iii) the proposed point of diversion is not above or below a tributary stream or a constructed river return or a constructed drain.

Also in the amendment is **LB 800** which allows for all intentional underground water storage projects to charge a fee for withdrawal of water. Existing law prohibits projects existing on August 26, 1983 from charging a fee. The committee rejected an amendment to involve the NRDs in the approval process for a fee on groundwater, but it was rejected by Chairman Loudon as he wanted no oversight by the NRDs on the fee.

Change terms for members of the Nebraska Game and Parks Commission --The Natural Resources Committee advanced **LB 1049** which proposes to change the terms for members appointed after January 1, 2009 to a four year term rather than five. The bill also prohibits any person who has served two full terms after January 1, 2009, to be reappointed as a member of the commission. Senator Erdman declared the bill his priority for the session.

Natural resources district occupation tax technical correction. The Natural Resources Committee advanced **LB1131** which clarifies that the country treasurer can collect a fee of one percent of the occupation taxes collected for NRD river flow enhancement bonds. The committee added **AM 1895** which is the original version of **LB1132** which clarifies that occupation taxes shall be collected in the same time and manner and shall also become delinquent at the same time and manner as general real estate taxes. Both bills mirror current practice. Senator Christensen has requested the bill be placed on consent calendar.

Hearing procedures for DNR – The Natural Resources Committee took testimony on **LB 727** which would change provisions relating to hearings conducted by the Department of Natural Resources. The bill proposes to change the time from 15 days to 30 days for a party to request the Department of Natural Resources to hold a hearing on a final decision made by the department that did not have an original hearing. The bill is a placeholder for DNR and other interested parties to review the department's regulatory procedures and offer any statutory changes to the process at the hearing. Don Blankenau testified on behalf of NARD and explained the process undertaken to resolve the issues for DNR and all of the interested parties involved. However, there is no consensus from the group to make a formal recommendation to the committee. The Department of Natural Resources did not show up for the hearing. No reported action has been taken on the bill.

Bills Indefinitely Postponed –

LB 881 -- Impose an excise tax on production of ethanol for highway funding.

LB 945 -- Prohibit natural resources districts from using eminent domain as it relates to flood control projects and development.

LB 946 -- Impose an excise tax on production of ethanol for water programs.

LB 1040 -- Impose an excise tax on production of ethanol for water programs.

Nebraska Unicameral Committee Hearings Next Week – Wednesday, February 27th at 1:30 pm.

LB 922 (Dubas) Adopt the Cellulosic Biomass Renewable Energy Initiative and impose and change taxes. Creates the Cellulosic Biomass Renewable Energy Board to review and approve applications for incentives under the Cellulosic Biomass Renewable Energy Initiative and award incentives within four categories: (1) Cost-share grants; (2) Loans; (3) Production incentives; and (4) General grants. The program would be funded by an excise tax of one cent per one million BTU units would be imposed on natural gas imported to Nebraska for industrial use.

On the Federal Level

Congressman Smith joins Natural Resources Committee -- Congressman Adrian Smith (R-NE) has been asked to join the House Natural Resources Committee, which has jurisdiction over water policy, domestic energy resources, all federal public lands, national forests, environmental regulations such as the Endangered Species Act. Smith will officially join the Natural Resources Committee, chaired by Rep. Nick Rahall (D-WV), next week when Congress returns from the President's Day district work period.

NARD Bill Summary Tracking Sheet						Last Updated: 02/22/08	Page 1	
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government		Held in Committee	
17	Prohibit NRD dual office holding	Mines		Oppose	Government		IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary		General File	
42	Change distribution of cigarette taxes	Huckins		Monitor	Appropriations		Held in Committee	
78	Recoverable amounts	Namkes		Oppose	Judiciary		Held in Committee	
105	Nebraska Forest Service funding	Louden		Support	Appropriations		Held in Committee	
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government		Held in Committee	
197	Political Subdivisions Tort Claims Act	Schlimmek		Monitor	Judiciary		Held in Committee	
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources		Approved by the Governor	AM13 - Lost AM1540 - Adopted ER8139 - Adopted
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources		Select File	AM123 - Adopted AM156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose amended version)	Natural Resources		Select File	Incorp. into AM B38 to LB 701
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs		Held in Committee	
391	Copies of records and speaking at public meetings	Mines		Oppose	Government		General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations		General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary		IPP	
488	Income tax credit for perpetual conservation easement donations	Wailman	Wallman	Support	Revenue		IPP Motion Pending	AM 825 - Adopted AM854 to AM825 - Lost AM824 to AM825 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources		IPP	
534	Funding storm water programs	Schlimmek		Support	Natural Resources		Held in Committee	
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary		IPP	AM 1579 - Pending
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary		IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government		Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources		IPP	
724	Change fees under the Remedial Action Plan Monitoring Act.	Nat. Res. Comm.		Monitor	Natural Resources	1/23/2008	General File	
725	Provide Grant under the Waste Reduction and Recycling Incentive Act.	Nat. Res. Comm.		Monitor	Natural Resources	1/23/2008	General File	AM1710 - Pending
727	Change provisions relating to hearings conducted by DNR	Nat. Res. Comm.		Support	Natural Resources	2/22/2008	Committee	
751	Change noxious weed funding provisions relating to stream vegetation removal	Christensen		Support	Agriculture	2/5/2008	Committee	
750	Change buffer strip reimbursement provisions	Erdman		Support	Agriculture	1/22/2008	Final Reading	

Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
NARD Bill Summary Tracking Sheet								
								Page 2
798	Change provisions relating to irrigation water reuse pits	Louden		Support	Natural Resources	2/6/2008	General File	AM1894 - Pending
799	Change provision relating to applications to permit transfer of water appropriations	Louden		Support	Natural Resources	2/6/2008	Committee	
800	Change intentional underground water storage permit provisions	Louden		Support, Clarify language	Natural Resources	2/6/2008	Committee	
801	Add a requirement for integrated management plans	Louden		Support, but Oppose AM 1629	Natural Resources	2/6/2008	Committee	AM1629 - Pending
802	Provide for water diversion during times of flooding	Louden		Monitor	Natural Resources	2/20/2008	Committee	
862	Change noxious weeds funding provisions	Agriculture Committee		Support	Agriculture	2/5/2008	Committee	
880	Provide for watershed enhancement bonds	Kopplin	Kopplin	Support	Natural Resources	1/25/2008	General File	AM1787 - Pending
881	Impose an excise tax on production of ethanol	Stuhman		Monitor	Revenue	1/30/2008	Indefinitely Postponed	
922	Adopt the Cellulosic Biomass Renewable Energy Initiative and impose and change taxes	Dubas		Monitor	Revenue	2/27/2008	Committee	
924	Provide for stream flow depletion offsets	Fischer	Natural Resources	Support	Natural Resources	2/7/2008	Committee	
945	Change authority of natural resources districts	Pedersen		Oppose	Natural Resources	1/25/2008	Indefinitely Postponed	
946	Impose an excise tax on production of ethanol	Burling		Monitor	Revenue	1/30/2008	Indefinitely Postponed	
962	Change public body meeting provisions of the Open Meetings Act	Preister		Monitor	Government	2/13/2008	General File	
975	Change provisions relating to river-flow enhancement bonds	Wightman		Support	Natural Resources	2/7/2008	Committee	
998	Appropriate funds to the Nebraska Innovation Zone Commission and provide for a transfer from the Cash Reserve Fund	Gay		Support	Appropriations	1/31/2008	Committee	
1017	Change provisions relating to tax levies imposed on members of risk management pools	Raikes		Monitor	Revenue	2/22/2008	Committee	
1040	Impose an excise tax on production of ethanol	Louden		Monitor	Revenue	1/30/2008	Indefinitely Postponed	
1041	Protect certain water purchased or leased for river flow enhancement.	Christensen		Support	Natural Resources	2/7/2008	Committee	
1049	Change terms for members of the Nebraska Game and Parks Commission	Erdman	Erdman	Monitor	Natural Resources	2/20/2008	General File	
1050	Changes the Nebraska Game and Parks to a Code Agency	Erdman		Monitor	Natural Resources	2/20/2008	Committee	
1061	Provide for fees, rebates, and grants relating to electronic equipment recycling.	Louden		Monitor	Natural Resources	1/31/2008	Committee	
1094	Change allocation provisions relating to the Nebraska Resources Development Fund	Carlson	Christensen	Oppose, but Support AM 1808	Natural Resources	2/13/2008	Committee	AM 1808 - Pending
1127	Change permitted uses of the Water Resources Cash Fund	Christensen		Support	Natural Resources	2/13/2008	Committee	
1131	Authorize a collection fee for collection of natural resources district occupation tax	Christensen		Support	Natural Resources	2/13/2008	General File	AM1895- Pending
1132	Change provision relating to river-flow enhancement bonds.	Christensen		Support	Natural Resources	2/13/2008	Committee	
1150	Appropriate funds to the Department of Natural Resources	Langemeier		Support	Appropriations	2/6/2008	Committee	
1161	Appropriate funds to the Department of Natural Resources	Karpisek		Monitor	Appropriations	2/6/2008	Committee	
1164	Adopt the Wildlife Damage Act.	Lautenbaugh		Monitor	Natural Resources	2/21/2008	Committee	



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 29, 2008

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 29 NARD UPDATE

NARD Information/Education Director -- David Wolf joined the Nebraska Association of Resources Districts as the Information/Education Director on February 25, 2008. Wolf is a native of Scottsbluff and a graduate of UNL with a degree in Political Science. His previous work experience includes working in Washington, DC for US Senator Ben Nelson. He most recently assisted with coordination of the Democratic Caucus's in Nebraska's Third Congressional District. Dave can be contacted via email at dewolf@nrdnet.org.

Nebraska Unicameral Floor Action

Public meeting change advances – Senators gave first-round approval this week to **LB962**, which modifies the Open Meetings Act. The bill, sponsored by Sen. Don Preister of Bellevue, would prohibit a public body from requiring that members of the public be placed on a meeting's agenda prior to being allowed to speak on agenda items.

Watershed enhancement bonding — Senators may debate **LB 880** next week which authorizes watershed enhancement bonds in the Pappio-Missouri River NRD to issue watershed enhancement bonds to pay costs of design, rights-of-way acquisition, construction of multipurpose projects and practices for storm water management. The bonds would be payable from an annual special watershed enhancement bond levy upon the taxable value of all taxable property in the district. The bond levy is includable in the computation of other limitations upon the district's tax levy.

The committee added an amendment (**AM 1787**) that makes three additional changes to address the concerns raised by the Washington County residents as follows: 1) Bond proceeds could not be used for structures holding more than 500 acres of a permanent pool of water which would eliminate the establishment of large dams in Washington County; 2) Specific language prohibiting the use of eminent domain for the purposes of enhancing private developers; and 3) Public access would be required on any structure created under this program that is greater than 20 acre pool. After adding the language to address the concerns they raised, and for reasons unknown at this time, the Washington County group changed their minds and decided to still oppose Senator Kopplin's Priority Bill. A negotiation meeting is set up for Tuesday, March 4th to attempt to identify the issues of concern from the Washington County residents.

Change terms for members of the Nebraska Game and Parks Commission – Senator Erdman's Priority bill, **LB 1049**, is scheduled to come up for first round debate next week and several amendments/motions are already filed. The bill proposes to change the terms for members appointed after January 1, 2009 to a four year term rather than five. The bill also prohibits any person who has served two full terms after January 1, 2009, to be reappointed as a member of the commission.

One of the first motions to deal with is **MO 131** by Senator Chambers to indefinitely postpone the bill. Senator Preister has filed **AM 2035** which changes the representation on the commission, so there are three commission members from each congressional district. Senator Erdman filed **AM 2047** which outlines that when a member ceases to meet the qualifications for his or her initial appointment, the office shall be immediately vacated and clarifies that an appointment made for the remainder of the term shall not be considered a full term. Senator Schimek filed **AM 2019**, which would require equal gender representation on the commission.

Payments to Republican River Basin surface water irrigators – Senator Christensen’s priority bill, LB 1094 (Introduced by Senator Carlson), may come up for debate later next week. The committee amendment to the bill, **AM 2036**, strikes all the existing language in **LB 1094** and all references to the Nebraska Resources Development Fund and creates the Water Contingency Cash Fund. The \$9 million fund would be established by a transfer from the Cash Reserve Fund and would be administered by the Department of Natural Resources. The natural resources districts that owe for leased water would be required to submit a written request to the department outlining the amount of financial assistance to meet the obligations. The committee amendment also includes an emergency clause, so it would become effective upon final approval of the legislature. The State of Nebraska should be 29-44,000 acre feet in the black for 2007 primarily due to the efforts of the NRDs through groundwater regulation and surface water leases.

Committee Action

Hearing procedures for DNR advances – The Natural Resources Committee advanced **LB 727** to General File with no amendments. The bill proposes to change the time from 15 days to 30 days for a party to request the Department of Natural Resources to hold a hearing on a final decision made by the department that did not have an original hearing. The bill is a placeholder for DNR and other interested parties to review the department’s regulatory procedures and offer any statutory changes to the process at the hearing. Although there is no consensus from the group to make a formal recommendation to the committee at this time, the senators advanced the bill, so an amendment could be filed later if consensus is reached.

Cellulosic Biomass Renewable Energy Initiative postponed – After the hearing on **LB 922**, the Revenue Committee voted 5-2 to kill the proposal to create the Cellulosic Biomass Renewable Energy Initiative. The bill, introduced by Fullerton Sen. Annette Dubas, would create financial incentives for research and development of cellulosic ethanol production, which is derived from switchgrass. The bill included a funding mechanism of 1 cent per one million BTUs tax on natural gas imported into Nebraska.

Wildlife damage compensation postponed -- Members of the Natural Resources Committee voted 8-0 to indefinitely postpone **LB 1164** this week. The bill, introduced by Senator Lautenbaugh, would have allowed the Nebraska Game and Parks Commission to establish programs on a county by county basis to encourage farmers to take steps to protect their crops from damage done by local wildlife. The programs would have provided that participating farmers who go to the fullest extent to protect their crops, be allowed to apply to the county for reimbursement for the damage done by deer and other wildlife within certain limits set forth in the bill

Natural Resources Committee Priority Bill – The Natural Resources Committee has not finished work on **LB 924**, the committee priority bill. Late this week, interested parties were trying to work with the senators to develop language dealing only with procedures to account for groundwater offsets. Several versions of the language were offered, but a consensus could not be reached. The most recent unfounded concern raised was that the NRDs might circumvent an Integrated Management Plan (IMP) by accounting for a retired use. There is no possible way for an NRD to circumvent an IMP by retiring a water use. The natural resources districts are required by law to develop programs to manage water resources, assist with compact and interstate agreement compliance, while also maintaining the local economy. The language to account for increases to stream flows through surface leases has been dropped from formal discussion.

Use of water on co-mingled acres – The NRDs, DNR and surface water irrigators were able to develop a compromise for language on **LB 975**, a bill introduced by Senator John Wightman of Lexington. The original purpose of the bill was to clarify when surface water is leased to NRDs or the State of Nebraska that groundwater use had to be limited on those same acres. Language was passed in LB 701 last year that intended to limit such use, but several scenarios developed over the interim that needed to be addressed. The new compromise language would eliminate the existing language and replace it with a requirement in that the agreement for the lease or purchase identify a) the method of payment, b) the distribution of funds by the party or parties receiving payment, c) the water use or rights subject to the agreement, and d) the water use or rights allowed by the agreement. The bill is not prioritized so the language, if approved by senators on the Natural Resources Committee, would have to be incorporated into another bill this session.

NARD Bill Summary Tracking Sheet							Last Updated: 02/29/08	Page 1
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government		Held in Committee	
17	Prohibit NRD dual office holding	Mines		Oppose	Government		IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary		General File	
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations		Held in Committee	
78	Recoverable amounts	Namikes		Oppose	Judiciary		Held in Committee	
105	Nebraska Forest Service funding	Louden		Support	Appropriations		Held in Committee	Amend to LB 321 in 2007
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government		Held in Committee	
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary		Held in Committee	
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources		Approved by the Governor	AM13 - Lost AM1540 - Adopted ER8139 - Adopted
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources		Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits			Oppose (Support amended version)	Natural Resources		Select File	
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs		Held in Committee	Inscrip. into AM 638 to LB 701
391	Copies of records and speaking at public meetings	Mines		Oppose	Government		General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations		General File	AM890 - Pending
448	Extend timeframes for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary		IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue		IPP Motion Pending	AM 625 - Adopted AM664 to AM625 - Lost AM624 to AM625 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources		IPP	
534	Funding storm water programs	Schimek		Support	Natural Resources		IPP	AM 1579 - Pending
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary		IPP	
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary		IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government		Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources		IPP	
724	Change fees under the Remedial Action Plan Monitoring Act	Nat. Res. Comm.		Monitor	Natural Resources	1/23/2008	General File	
725	Provide Grant under the Waste Reduction and Recycling Incentive Act.	Nat. Res. Comm.		Monitor	Natural Resources	1/23/2008	General File	AM1710 - Pending
727	Change provisions relating to hearings conducted by DNR	Nat. Res. Comm.		Support	Natural Resources	2/22/2008	General File	
751	Change noxious weed funding provisions relating to stream vegetation removal	Christensen		Support	Agriculture	2/5/2008	Committee	
790	Change buffer strip reimbursement provisions	Erdman		Support	Agriculture	1/22/2008	Final Reading	

NARD Bill Summary Tracking Sheet							Last Updated: 02/29/08	Page 2
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
798	Change provisions relating to irrigation water reuse pits	Louden		Support	Natural Resources	2/6/2008	General File	AM1894 - Pending
799	Change provision relating to applications to permit transfer of water appropriations	Louden		Support	Natural Resources	2/6/2008	IPP	
800	Change intentional underground water storage permit provisions	Louden		Support, Clarify language	Natural Resources	2/6/2008	IPP	
801	Add a requirement for integrated management plans	Louden		Support, but Oppose AM 1629	Natural Resources	2/6/2008	Committee	AM1629 - Pending
802	Provide for water diversion during times of flooding	Louden		Monitor	Natural Resources	2/20/2008	IPP	
862	Change noxious weeds funding provisions	Agriculture Committee		Support	Agriculture	2/5/2008	Committee	
880	Provide for watershed enhancement bonds	Kopplin	Kopplin	Support	Natural Resources	1/25/2008	General File	AM1787 - Pending
881	Impose an excise tax on production of ethanol	Stuhman		Monitor	Revenue	1/30/2008	Indefinitely Postponed	
922	Adopt the Cellulosic Biomass Renewable Energy Initiative and impose and change taxes	Dubas		Monitor	Revenue	2/27/2008	Committee	
924	Provide for stream flow depletion offsets	Fischer	Natural Resources	Support	Natural Resources	2/7/2008	Committee	
945	Change authority of natural resources districts	Pedersen		Oppose	Natural Resources	1/25/2008	Indefinitely Postponed	
946	Impose an excise tax on production of ethanol	Burling		Monitor	Revenue	1/30/2008	IPP	
962	Open Meetings Act	Preister	Speaker	Monitor	Government	2/13/2008	Select File	
975	Change provisions relating to river-flow enhancement bonds	Wightman		Support	Natural Resources	2/7/2008	Committee	
998	Appropriate funds to the Nebraska Innovation Zone Commission and provide for a transfer from the Cash Reserve Fund	Gay		Support	Appropriations	1/31/2008	Committee	
1017	Change provisions relating to tax levies members of risk management pools	Raikes		Monitor	Revenue	2/22/2008	Committee	
1040	Impose an excise tax on production of ethanol	Louden		Monitor	Revenue	1/30/2008	Indefinitely Postponed	
1041	Protect certain water purchased or leased for river flow enhancement.	Christensen		Support	Natural Resources	2/7/2008	Committee	AM2109-Pending AM2047 Pending AM2035 Pending
1049	Change terms for members of the Nebraska Game and Parks Commission	Erdman	Erdman	Monitor	Natural Resources	2/20/2008	General File	
1050	Changes the Nebraska Game and Parks to a Code Agency	Erdman		Monitor	Natural Resources	2/20/2008	Committee	
1061	Provide for fees, rebates, and grants relating to electronic equipment recycling.	Louden		Monitor	Natural Resources	1/31/2008	IPP	
1094	Change allocation provisions relating to the Nebraska Resources Development Fund	Carlson	Christensen	Oppose, but Support AM 1808	Natural Resources	2/13/2008	General File	AM1808 - Pending AM2036- Pending
1127	Change permitted uses of the Water Resources Cash Fund	Christensen		Support	Natural Resources	2/13/2008	Committee	
1131	Authorize a collection fee for collection of natural resources district occupation tax	Christensen		Support	Natural Resources	2/13/2008	General File	AM1895- Pending
1132	Change provision relating to river-flow enhancement bonds.	Christensen		Support	Natural Resources	2/13/2008	IPP	
1150	Appropriate funds to the Department of Natural Resources	Langemeier		Support	Appropriations	2/6/2008	Committee	
1161	Appropriate funds to the Department of Natural Resources	Karpisek		Monitor	Appropriations	2/6/2008	Committee	
1164	Adopt the Wildlife Damage Act.	Lautenbaugh		Monitor	Natural Resources	2/21/2008	IPP	

Nebraska on way to compliance with water compact, Bleed says

BY ART HOVEY / Lincoln Journal Star

Tuesday, Feb 05, 2008 - 12:27:47 am CST

Nebraska's nagging headache over the Republican River started to throb again on Monday as Kansas prepared to turn over its complaint about irrigation excess to the Republican River Compact Administration.

In December, Kansas water official David Barfield laid out a 45-day timetable that set Feb. 4 as the deadline for keeping the dispute off a "fast track" agenda for the compact's March meeting in Kansas City.

Ann Bleed, director of the Nebraska Department of Natural Resources, responded with a letter Monday afternoon that listed several concerns about the way Kansas is computing diminished river flows that it blames on too much irrigation in Nebraska.

However, Bleed tried to close on a diplomatic note.

"Although we were surprised and disappointed at the timing of your letter, Nebraska remains committed to working with both Kansas and Colorado to try to resolve these issues and achieve interstate comity within the Republican River Basin."

Blead's letter is the latest development in a long-running dispute in which Kansas has threatened to go to court to collect a cash settlement that could add up to millions of dollars for violations of the three-state compact.

In follow-up comments, Bleed maintained that Nebraska and three natural resources districts along the river are positioning themselves for a strong water-conservation effort.

She said NRDs based at Alma, Curtis and Imperial have adopted conservation measures for ground-water pumping "which we believe will get us into compliance."

Barfield, chief engineer in the Kansas Department of Agriculture, was not immediately available for comment.

Last month, Barfield demanded, in addition to monetary damages, a shutdown of Nebraska irrigation wells within 2½ miles of the Republican River and its tributaries, plus any wells in the entire basin drilled since 2000.

The Republican River Compact board, which meets March 11-12, is composed of the top water officials from each of the three states.

Mike Clements, general manager of the Lower Republican NRD at Alma, said his board of directors has agreed to a five-year allocation timetable that allows irrigators a total consumption of 45 inches of irrigation water.

A previous three-year timetable set the standard at 36 inches over three years.

"We have reduced our allocations by roughly 22.5 percent," Clements said, "so we think the Lower Republican has stepped up to the plate in taking additional steps . . . to make sure our water use is kept in check."

David Aiken, a water-law specialist at the University of Nebraska-Lincoln, said the chances for staying out of a courtroom confrontation rest largely with what will happen at the local level.

Continued

"I think that probably Kansas and the Nebraska Department of Natural Resources may not be that far apart," Aiken said. "The hitch has been with the NRDs."

Mike Jess of the UNL Water Center said everybody wants compliance, "but the fact remains that Nebraska has just been unable to do that. And at least on a cumulative basis, since 2002, Nebraska has missed by quite a large margin."

As those monitoring the situation look ahead to the compact meeting, they are also awaiting action from a Lancaster County District Court judge on a lawsuit filed by nine Republican River Basin landowners.

They are objecting to provisions of a new state law that would use local property tax revenue to limit irrigation and achieve compact compliance. A decision from Judge Paul Merrick could come as soon as late February.

Not in the compliance mix, so far in 2008, is a strategy in which the state has previously purchased millions of dollars worth of surface water, much of it from Harlan County Reservoir and the Bostwick Irrigation District, to send on to Kansas.

Rod Ely of Guide Rock, a member of the Bostwick Irrigation Board, said the plan for 2008 is to route the equivalent of 11 inches of water from the reservoir, depleted by years of drought and now largely replenished, to irrigator-members.

"On the other side," said Ely of the state, "nobody has approached us about buying any water, and as far as we know, there's no money out there to buy any water."

Reach Art Hovey at 473-7223 or at ahovey@journalstar.com.

WATER DISPUTE

Kansas to protest overuse of river (OWH, 2-05-08)

The action could take Nebraska back to court.

By David Hendee

WORLD-HERALD STAFF WRITER

Kansas is launching a formal protest of Nebraska's overuse of the Republican River.

The action is the first step in a yearlong process that could see Kansas and Nebraska return to the U.S. Supreme Court a decade after Kansas sued its northern neighbor over the issue of sharing the Republican's water.

"We'll be pushing," said David Barfield, the Kansas water czar. "We want this to happen as expediently as possible, within reason."

Barfield decided Monday to submit the dispute to the Republican River Compact Administration for fast-track attention after Nebraska rejected remedies Kansas had proposed in December.

The Kansas demand: that Nebraska shut off thousands of irrigation wells in the Republican basin and pay a financial penalty.

Nebraska's reply: No.

Ann Bleed, director of the Nebraska Natural Resources Department, told Barfield in a three-page letter Monday that Kansas' analysis of the situation could be flawed.

As one example, Bleed said the two states haven't resolved conflicts over how to share evaporation from Harlan County Lake, a reservoir on the Republican in south-central Nebraska.

She also said that Kansas' suggested solution would appear to require Nebraska to restrict its use of the river water more than is necessary.

"Nebraska cannot accept Kansas' proposed remedy," Bleed said.

Nebraska state and local officials have adopted water management plans that will keep the state in compliance with the interstate agreement regulating use of river water, she said.

The plans include stricter regulations on the amount of underground water that farmers are allowed to pump.

The Republican River provides water for irrigation, drinking, recreation and other uses in Colorado, Kansas and Nebraska. It is governed by a 1943 compact among the three states that allocates the basin's water supply. Nebraska gets 49 percent, Kansas 40 percent and Colorado 11 percent.

Kansas sued Nebraska and Colorado in 1998, saying the two upstream states were using more than their legal shares of the Republican.

A 2000 U.S. Supreme Court decision determined that pumping underground water, to the extent that it reduces surface flow in the river, must be accounted for under the compact. Each state is required to keep its use within its allocation.

But Nebraska has been using more water than it is permitted. Nebraska officials acknowledge the violation and have sought ways to cut water use.

"Nebraska is committed to complying with the Republican River Compact," Bleed said.

Kansas also is leaning on Colorado to comply with the compact. Water and agricultural officials of those states met last week in Topeka, Kan., to discuss Colorado's compliance problems.

Published Tuesday | February 5, 2008

Governor says Nebraska has enormous water problem

BY DAVID HENDEE

WORLD-HERALD STAFF WRITER

Nebraska has enormous water problems that have grown in importance and complexity, Gov. Dave Heineman said Tuesday.

In a talk to the Nebraska Association of Resources Districts in Lincoln, Heineman said the state is making progress in its attempts to use no more than its legal share of water in the Republican River.

He commended the Upper, Middle and Lower Republican Natural Resources Districts for adopting new water management plans to help reduce the use of underground water in the Republican basin.

Heineman noted that a year ago Nebraska was expected to owe Kansas about 200,000 acre-feet of water for the period 2003 through 2007. The actual deficit was closer to 117,000 acre-feet, he said.

"That is very good news," he said.

Heineman said Nebraska is making significant changes to comply with an interstate agreement regulating how much water in the river Colorado, Kansas and Nebraska are allowed to use.

Kansas water officials decided Monday to lodge a formal complaint against Nebraska for its overuse of the river water. The dispute could land the states in the U.S. Supreme Court

"I sincerely hope that the state of Kansas will continue to work with us; not against us," Heineman said. "Cooperation, rather than confrontation, is the best path to success for everyone involved."

Heineman said the best way for Nebraska to resolve its water challenges is through cooperation and collaboration.

He said Legislative Bill 701, passed and signed into law last year, was an example of southwest Nebraskans putting the state's interests above their own in order to ensure that the opportunity for agriculture and local to thrive and continue to grow in the years ahead.

The law allowed Republican basin NRDs to sign contracts with irrigation districts to purchase their water and release it down the river to Kansas. Irrigation districts signed agreements with individual farmers.

An insurance company was prepared to issue bonds for the purchase, and NRDs were ready to make the payments.

Then the deal was interrupted by a lawsuit. A ruling on the case from a district judge in Lancaster County is pending.

Heineman said the lawsuit had an immediate and unintended consequence. Farmers who signed contracts in good faith can't be paid until the lawsuit is resolved.

"It is unfair to our farmers and ranchers," Heineman said.

NACD DISAPPOINTED WITH PRESIDENT'S BUDGET

NACD Acting President Steve Robinson, a corn, soybean and wheat producer from Marysville, Ohio, today issued the following statement in response to the Bush Administration's release of its proposed fiscal year 2009 budget.

Washington, D.C. – February 5, 2008 – “The fiscal year 2009 budget proposal released yesterday by the Bush Administration falls short of our goals for conservation on America’s working lands. On behalf of the National Association of Conservation Districts, I want to express our concern that the proposal does not meet the continued demand we face to help landowners meet regulatory requirements and place conservation practices on their land.

“America's landowners and managers have shown a growing interest in participating in conservation efforts. However, the proposed budget cuts access to conservation planning and technical assistance and reduces funding for programs. These cuts, coupled with the fact that Congress has not reauthorized the Farm Bill, put conservation districts and their landowner customers in a difficult spot, limiting their ability to implement needed conservation practices and programs.

“NACD has been advocating for three main priorities, all of which were under funded in the Administration’s proposal. Our NACD Board-approved priority programs include the U.S. Environmental Protection Agency’s 319 Nonpoint Source Program, the U.S. Forest Service’s State and Private Forestry Program and the Conservation Technical Assistance Program that is part of the USDA NRCS Conservation Operations account.

“Each of these program areas is critical to providing the financial support and technical assistance needed to make conservation improvements. Without funding, we cannot expect to make the needed gains.

“Our three priority programs also leverage additional state and local dollars, stretching each federal dollar farther. Funding EPA 319, State and Private Forestry and Conservation Technical Assistance is a fundamental investment that should not be considered optional.

“We realize this is just the beginning of the process and will continue to work with Congress to ensure funding of our three priority programs as part of our overall efforts to enhance conservation on America’s working lands.”

Heineman, Barfield take different paths toward river accord

BY ART HOVEY / Lincoln Journal Star

Wednesday, Feb 06, 2008 - 12:19:57 am CST

Dave Heineman sounded intent on compromise.

David Barfield sounded as if he was ready to go to court.

There was a distinct contrast Tuesday between Nebraska's governor and Kansas' top water official as they talked about possibilities for working out a deal on each state's share of water from the Republican River.

"Cooperation, not confrontation, is the best path for everyone involved," Heineman told officials from Nebraska's 23 natural resources districts as they gathered in Lincoln for their annual legislative conference.

But Barfield, chief engineer for the Water Resources Division in the Kansas Department of Agriculture, seemed content to carry on with a timetable he announced in December that's aimed at cutting Nebraska irrigation and delivering a bigger share of water to Kansas.

In a phone interview earlier Tuesday, he promised to move "fairly deliberately" on a strategy that could force Nebraska to shut down all irrigation wells within 2.5 miles of the river and all irrigation wells drilled along the river since 2000.

"We're still waiting for Nebraska to get in compliance," said Barfield, who laid out a timetable in December that includes filing with the U.S. Supreme Court as soon as December 2008.

"We do intend to engage Nebraska as fully as we can," he said, "but we do intend to pursue resolution of this dispute as well."

The latest disagreement over the terms of a 1940s river compact signed by Nebraska, Kansas and Colorado flared as irrigation development and drought in the Republican River Basin over the past eight years convinced Kansas officials they needed to act to protect their interests.

If Kansas prevailed in court, Nebraska could be liable for tens of millions of dollars of damages.

As of Monday, Barfield is preparing to submit Kansas' concerns to the Republican River Compact Administration in Kansas City in March.

A letter sent his way the same day by Ann Bleed, director of the Nebraska Department of Natural Resources, did nothing to lessen his resolve.

"A look at Ann's letter indicates there's still a dispute here," he said.

Continued

As far as he's concerned, the letter failed to lay out a conservation strategy specific enough to allow his state to do modeling and reach a conclusion about its potential results.

The broader message, said Barfield, is "show us by your proposed action that this will get you within your share."

The compact administration is presided over by top water officials from the three states.

That stop "just provides time and opportunity for dialogue and clarification of issues," Barfield said.

In his speech to NRD board members, Heineman amplified Bleed's contention that her department and three natural resources districts based at Alma, Curtis and Imperial are working toward compliance.

He cited recent evidence that a forecast deficit of 200,000 acre feet of water for Kansas from 2003-2007 was actually closer to 117,000 acre feet.

"That is very good news," the governor said.

Dan Smith, general manager of the Middle Republican NRD at Curtis, and Jasper Fanning, his counterpart with the Upper Republican at Imperial, also cited progress based on tighter allocations of groundwater, buying surface water rights and other measures.

Smith conceded the state was out of compliance in 2005 and 2006. On that point, "we're at the mercy of Kansas," he said. "If Kansas chooses to look at that as the issue, there's nothing we can do."

Fanning said his board members are getting ready to lower the Upper Republican NRD's annual groundwater allocation from 13.5 inches to 13 inches Tuesday. They're also using federal money to take land out of irrigation.

From Fanning's vantage point, Barfield doesn't seem especially interested in incremental progress.

"He's representing the state of Kansas to get them as much water and money as he can," Fanning said. "He just doesn't seem to have the ability to do it in a very charming sort of way."

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Hazardous pilings, piers removed from river at Camp Ashland

BY ALGIS J. LAUKAITIS / Lincoln Journal Star
Saturday, Feb 09, 2008 - 11:53:18 pm CST

With their shaved tips, the wood pilings pulled out of the Platte River near Camp Ashland looked like giant pencils.

The well-preserved pilings were once used to support an old bridge — one of several across the Platte River — near that location. The wood pilings, some at least 30 feet long, could be close to 100 years old.

The wood pilings were sunk 20 to 30 feet in the river bottom to stabilize a bridge. Workers also found concrete piers, encased in steel, in the vicinity and similar cylindrical concrete objects, weighing more than 9 tons, laying on their sides.

The Lower Platte River Corridor, a group working to preserve the long-term vitality of the river, spent two years and about \$600,000 removing all of the submerged structures about one-half mile north of the U.S. 6 bridge.

The project was paid for by three natural resources districts — Lower Platte North, Lower Platte South and Papio-Missouri, the Nebraska Military Department and the Nebraska Game and Parks Commission.

The submerged pilings and piers were removed for safety reasons, said the group's coordinator, Rodney Verhoeff. When water levels drop in the river, as they often do in the summer, the wood pilings and concrete piers are closer to the surface. Airboats have sustained thousands of dollars in damage, he said.

Worse, a person drowned near Louisville years ago when a canoe was pushed against a piling near the Nebraska 50 bridge by the force of the river flow.

The wood pilings and concrete piers also contribute to ice jams that back up water and cause floods in low-lying areas, Verhoeff said.

Removing the submerged structures near the National Guard's Camp Ashland wasn't easy. Workers had to build a coffer dam around the obstructions, pump out the water, then use a cutting torch to slice through the metal casing of each concrete pier.

"They were huge," said Verhoeff; each concrete pier measured 4 feet in diameter.

Workers used backhoes and other heavy equipment to extract the structures from the river. When the work was done, a dozen concrete piers and 11 wood pilings had been removed over a two-year period.

Alliance members praised the project at their quarterly meeting in Wahoo on Thursday. Several members noted that when they see or hear of such work being done, it shows them that something is being done to "fix" the Platte River.

Said Mike Jess, with the University of Nebraska Conservation and Survey Division: "It is very tangible. It's something people can see."

The obstruction removal project near Camp Ashland was the second such project for the alliance, which is made up of three NRDs and six state agencies.

In 2005, the group undertook a pilot project to remove old railroad and bridge pilings in the Platte River near Louisville. They spent \$380,000 to take out 20 concrete clusters of pilings and 400 wood pilings.

Continued

"It was a mess," Verhoeff said, noting that many of the concrete pilings had iron rebar poking out of the sides.

The group has identified 10 more spots with such obstructions in a 110-mile river corridor from Columbus to Plattsmouth.

Verhoeff told alliance members that money is not available to do any more piling removal this year, but several alliance members urged him to try to obtain funding for an additional project.

Submerged pilings near the Two Rivers State Recreation Area near Venice are next in line for removal, Verhoeff said. A survey has identified 31 clusters, with seven wood pilings in each, at that location, plus 19 concrete pilings.

"I've seen kids playing on them," he said.

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Print Page

Council reluctant about \$50 million watershed plan

By DEENA WINTER / Lincoln Journal Star
Tuesday, Feb 12, 2008 - 12:17:03 am CST

The Lincoln City Council tapped the brakes when asked Monday to approve a watershed study that recommends \$50 million worth of projects.

The money would primarily be spent to reduce the risk of flooding in a nine-square-mile swath of northeast Lincoln that drains into a stream called Dead Man's Run.

The work would take more than 800 homes and businesses out of a 100-year floodplain. But some were hesitant to spend that much money — even if most of it comes from the federal government: Councilman Ken Svoboda said one constituent compared the \$50 million solution to putting an ambulance on every street corner to reduce heart attack deaths.

The council delayed voting on the plan for 60 days. The watershed study lays out a plan to reduce the chance of flooding, improve water quality and address erosion along Dead Man's Run, a tributary of Salt Creek.

A big reason the price tag is so high is that the watershed is in an urbanized area that includes the University of Nebraska-Lincoln East Campus and Westfield Gateway shopping center.

Among the projects: widening and strengthening the stream channel, replacing several bridges over the stream and building stormwater detention basins.

But two proposed stormwater detention basins — in Taylor Park near 70th and O streets, and on property owned by Chateau Development and Lincoln Lutheran school — were snags that prompted the council to hold off on a vote.

Councilman Jon Camp pushed for the delay. The vote would trigger the plan costing \$50 million — the largest price tag yet of the five watersheds studied by the city and Lower Platte South Natural Resources District.

City officials hope federal funding will cover 75 percent of the cost and would likely come up with the rest by asking voters to approve a bond issue in 2010 at the soonest. The watershed plan must be approved by the council before the city can apply for outside funding.

Part of the \$610,000 cost of the watershed study was to update floodplain maps — which hadn't been updated since 1997. The council approved the updated maps.

The new maps resulted in a net 60 additional buildings falling within the 100-year floodplain, which now envelops a total of 982 buildings. Buildings in a 100-year floodplain have a 1 percent chance of major flooding in any given year. During a 100-year storm in this watershed, some areas could be swamped with 5 to 7 feet of water.

If the city did all the projects outlined in the watershed study, the floodplain would be reduced to the point it envelops only 172 buildings.

Most homeowners and business owners in the flood plain must buy flood insurance, with premiums that range from a couple hundred dollars to more than \$1,000 annually.

In recent decades, the watershed has had street flooding but the last major flood is believed to have been in 1957.

However, a 100-year flood could cause millions in damage, according to the study authors.

Some council members, such as Robin Eschliman, questioned the high cost to get homes out of the floodplain, suggesting it would be cheaper to write a check to homeowners to cover the cost of their flood insurance.

Dan Steinkruger, who lives near 81st and Vine streets, grew up near Taylor Park in the 1960s, where his father built a house on top of a hill rather than along the stream. He said neighborhoods around the stream are rapidly deteriorating because they're in the floodplain and homeowners are reluctant to invest in improvements.

"Without the plan, we will have significant flooding there some day," he said. "It's just a matter of time."

Not having to pay for flood insurance would also free up money for other purchases, proponents said.

To allay those concerns, the council voted to require that the detention basins return to the council for final approval after engineering studies are done. But that wasn't enough to stop Camp from pushing for the 60-day delay, saying more information is needed on the detention basins.

Bill would pay Republican River irrigators

2-14-08

By DAVID HENDEE

WORLD-HERALD BUREAU

LINCOLN — Nebraska has a moral and fiscal responsibility to pay nearly \$9 million owed to Republican River basin farmers who gave up rights to water released to Kansas last year, legislators were told Wednesday.

"We now have over 350 irrigators who sold their surface water in good faith and are now left holding the bag," said Mike Clements, general manager of the Lower Republican Natural Resources District.

"They must be paid," said State Sen. Tom Carlson of Holdrege, who amended his Legislative Bill 1094 to deal with the situation.

Carlson and Clements were

among seven people testifying in support of the bill during a Natural Resources Committee hearing.

Carlson's proposal would create a fund to pay the irrigators with \$9 million from the state's cash reserve fund.

The money would be repaid.

How the farmers and the state got into this predicament dates to a lawsuit filed in the Nebraska Supreme Court in October.

Nine landowners and homeowners in the Republican basin challenged the constitutionality of a state law designed to help Nebraska resolve its water problems with Kansas. Nebraska has used more than its legal share of the Republican River's water.

The challengers asked the

court to strike down a provision in the law that allows natural resources districts in the basin to levy a new property tax. The NRDs planned to use the tax revenue to repay bonds used to compensate irrigators for Republican River water they relinquished.

The high court refused to hear the case, but the challengers took it to trial in Lancaster County District Court. A judge's ruling is pending.

Carlson said his amendment has nothing to do with Nebraska's obligation to Kansas.

"But it has everything to do with how we treat our citizens," he said.

Payment was promised in December, but the pending litigation scuttled the deal. Potential court appeals threaten to delay

payment for months or years.

If the state wins the lawsuit, the new taxes collected by the NRDs would repay the cash reserve fund, Carlson said.

If the state loses the lawsuit, the money would be repaid through an occupation tax the NRDs levy on irrigated land or by other means provided by future legislation, he said.

"It is not the NRDs' fault. It is not the Legislature's fault, but the farmers were not paid," Carlson said.

Irrigators in the Frenchman-Cambridge Irrigation District, for example, gave up 26,000 acre-feet of water for a promised payment of \$7.8 million.

The Nebraska Farm Bureau and the Nebraska Bankers Association supported the amended bill.

Papio partnership plug presented to co. board

By Stephanie Ludwig
Reporter *Enterprise*

Going green was on the Washington County Board of Supervisors' agenda, in more ways than one.

First, it was Dennis McCormick, who urged the board at Tuesday's meeting to adopt a few "green" methods, such as energy efficient light bulbs, in remodeling of the former Eagles building.

Later, it was permission for Curt Hofer to amend a zoning regulation that would allow an outbuilding closer to the property line in the 2008 Street of Dreams project currently being built in the Cottonwood Creek subdivision. The area is being developed with aspects of conservation design.

But it was an update from the Papillion Creek Watershed Partnership that caught most of the attention.

Paul Woodward, Mark Wayne and Marlin Petermann from the Papio-Missouri River Natural Resources District presented to the board an update on Stage IV, a study sponsored by the Partnership and conducted by HDR.

Findings from this meet-

ing were also presented at a meeting between public officials from the concerned areas on Feb. 2.

Woodward and Wayne tried to convince the board that the purpose of the Watershed Partnership is about water quality, and that there has been too much focus on dams. However, in order to prevent major flooding in the Watershed, which covers about 402 square miles in Washington, Douglas and Sarpy counties, and to maintain water quality, aspects of low impact development and water quality basins would have to be built, the study proposed.

Washington County is not a part of the Partnership, which is comprised of 11 governmental bodies located on and around the Watershed.

After the Partnership's presentation, District 5 board member Jeff Quist questioned Woodward about changes in development requirements, which may help with flood control. Because flood control on the Papio Creek has been an issue for years, the NRD representatives were also questioned as to why development was allowed to continue in the

flood plain.

"It would eliminate a lot of problems by just saying 'no,'" said Harlo Wilcox, board chairman.

Pam Daly, a Fort Calhoun resident running for the board, said she agreed with Wilcox.

"There should be no building in a flood plain. Period," she said.

Woodward said that studies of parts of the flood plain have only been around since the early 1970s and weren't as in-depth as the Partnership's recent study.

Daly also criticized the NRD and Partnership for ignoring factors such as global warming in the study, and considering only the most expensive aspects of low impact development, such as pervious concrete, in their flood control recommendations.

Tyler Mohr, a Douglas County resident, came to the meeting to commend the board for not joining the Watershed Partnership and to express his displeasure in the NRD and the Partnership's authoritative arrangement.

"The public would be

SEE BOARD PAGE 3A

Continued

BOARD *Keeping an eye on 2 bills*

FROM PAGE 1

better served if the NRD focused on flood control by not allowing building in the flood plain and the use of low impact development rather than putting so much of their time and our tax dollars into lobbying for eminent domain and bonding authority to be used in private development projects," Mohr, who owns property in Washington County, said.

Mohr and Kevin Propst, a trustee for the village of Washington, agreed that the NRD should not have given authority over to the Partnership, which is a non-

elected entity, to use tax dollars to pay for the study.

The study cost approximately \$1.3 million.

The public will have a chance to discuss the study at several public forums around the metro area. Concordia High School, 15656 Fort St., will host a forum March 4, and the Durham Center at Dana College will host a forum on March 6. Both open houses will be held from 4:30 to 7:30 p.m.

More information can be found at www.papiopartnership.org.

The County Board is also keeping an eye on two bills in the Nebraska legislature,

LB 880 and LB 945.

LB 880 would give the NRD bonding authority to collect levy dollars to pay for flood control and water quality managers. LB 945 would protect land from being seized by the NRD

through eminent domain and handed over to developers.

Quist is writing a letter to send to the Legislature on behalf of the board against LB 880, which Wilcox called an "open checkbook."

Published Sunday | February 17, 2008

Low-impact development rules sought to reduce contamination of waterways

BY JUDITH NYGREN
WORLD-HERALD STAFF WRITER

A new emphasis on nature to control storm water runoff in the Papillion Creek watershed has won favor with communities in the Omaha metropolitan area.

So much so, the City of Omaha is preparing low-impact development rules to reduce the amount of storm water — and pollutants — rushing off land into already contaminated waterways. Other communities in Douglas, Washington and Sarpy Counties are expected to follow suit as part of their effort to adopt uniform policies for the watershed.

Many see low-impact development as a promising compromise for an area divided over the use of dams to control flooding. The latest water management proposal still calls for dams, but far fewer than once discussed — possibly no more than six to 15 when combined with low-impact development techniques. In the past, as many as 29 possible dam sites were identified in the three-county area.

The question now before elected officials and residents in the watershed is whether the new proposal strikes the right balance. The public will have a chance to weigh in during a series of open houses that kick off Tuesday at the University of Nebraska at Omaha.

Neither approach is cheap. Low-impact development would cost \$530 million in today's dollars to integrate into the landscape and maintain, according to an HDR study that calculated expenses over a 50-year period. The proposed dams carry an estimated price tag of \$477 million.

Nor is either an all-purpose remedy to the area's water woes. Low-impact development's primary benefit is improved water quality. The most stringent development standards also offer flood control comparable to dams. But dams are the better choice for immediate flood prevention, the study concluded.

By combining the two approaches, the watershed can address its immediate need for flood control and its longer-range goal of protecting waterways, said John Winkler, general manager of the Papio-Missouri River Natural Resources District, which oversees the watershed.

"We're actually coming to a middle ground" with the latest water management plan, Winkler said.

Clare Duda, chairman of the Douglas County Board, said he sees the latest plan as a "move toward common ground." That doesn't mean dam opponents will like it, he said. "But it's a step in the right direction."

Duane Wilcox, chairman of the Washington County Board, said the plan likely won't change his board's position: "We're going to keep pushing and keep pushing for no dams."

Washington and Douglas Counties opposed the earlier dam proposal and drafted their own water management plan, which included a low-impact development plan. Washington County worries that it could be home to the watershed's largest dam, one of the reasons it never joined the Papio-Creek partnership of 11 other city and county governments.

Wilcox said Washington County understands the need for cohesive planning for the watershed.

"We're all after the same thing," he said. It's just a matter of how best to get there — and Washington is confident it can do its part to control flooding and clean up waterways with low-impact development alone, he said.

Low-impact development works with the natural topography of an area to contain storm water on site, where it can be absorbed and filtered by the ground. The development options are numerous, including specially engineered swales and ditches, dry or wet retention ponds and water permeable materials for parking lots.

Lyle Christensen of HDR said developers would decide the best and most cost-effective method for retaining storm water within their subdivisions or commercial developments. But whatever method they use, it will cost more and require green space, he said.

Open houses

Open houses are planned for the public to explore flood-control options for the Papillion Creek watershed. Each will run from 4:30 p.m. to 7 p.m.

Tuesday: University of Nebraska at Omaha's Thompson Alumni Center, Bootstrapper Hall, 66th and Dodge Streets.

Thursday: Northwest High School cafeteria, 8204 Crown Point Ave.

Feb. 25: Papillion-La Vista South High School cafeteria, 10799 Highway 370.

Feb. 27: Millard West High School commons area, 5710 S. 176th Ave.

Feb. 28: Lied Activity Center, 2700 Arboretum Drive, Bellevue.

March 4: Concordia High School, 15656 Fort St.

March 6: Dana College, Durham Center, Blair, Neb.

Continued

HDR determined that the watershed, when fully developed, would need more than 1,000 on-site detention sites, each up to six acres, to handle a 100-year rainstorm — or 6.7 inches of rainfall in 24 hours, most of it during a two-hour period.

Omaha expects to adopt low-impact standards that would require developers to contain a minimum of a half-inch of water. Marty Grate, the city's environmental services manager, said at that level, low-impact development only addresses water quality. More water would have to be retained to reduce flooding, he said.

While the watershed seems ready to embrace low-impact development, Winkler said, such development does little to address existing flood problems. That's where dams enter the plan.

The plan identifies possible dam sites, ranking them according to their potential impact on flood reduction. The dam proposed for Washington County ranked among the most important.

Winkler said the partnership isn't interested in building a dam opposed by local residents. The goal of the upcoming forums and ongoing talks with elected officials is to develop a plan that everyone can live with, he said.

But any community or county that says no to dams has to be prepared to adopt stringent low-impact development standards, then ensure they can't be undone, Winkler said.

"We have to make sure it all fits together," he said.

Contact the Omaha World-Herald newsroom

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NRD deposits irrigation rights in first 'water bank'

*BY ALGIS J. LAUKAITIS/Lincoln Journal Star
Sunday, Feb 17, 2008 - 12:16:20 am CST*

The Central Platte Natural Resources District has one of the strangest banks in Nebraska.

The Grand Island-based district isn't putting cash into the bank. Instead it's depositing irrigation rights.

Basically, the natural resources district pays landowners who voluntarily agree not to pump groundwater to irrigate their crops — ever. In effect, the district is saving water to meet its current responsibilities and for future uses.

Ron Bishop, general manager of the Central Platte NRD, calls it water banking. "It's accounting for and tracking water savings," he said when asked for a simple definition.

Bishop didn't coin the term or come up with the idea. Several other states have established water banks. Kansas, for example, uses its water bank to ensure there's enough water in an aquifer for a wildlife refuge on Rattlesnake Creek.

But the Central Platte NRD is the first to establish one in Nebraska. And Bishop believes more water banks will be created as the state struggles with new water regulations, water shortages and increasing demands for water from agriculture, industry and municipalities.

Three other natural resources districts — Twin Platte in North Platte, Tri-Basin in Holdrege and North Platte in Gering — also are interested in establishing water banks.

The Central Platte NRD began its water banking program last July with \$1.5 million in its 2008 budget.

"We made the first purchase in October, and by Christmastime it (the \$1.5 million) was gone," Bishop said.

The money was used to acquire the irrigation rights on seven or eight tracts of land along the Platte River, mostly in Dawson County, he said. There also was one tract in neighboring Buffalo County.

Based on the initial success of the water banking program and interest from landowners, the Central Platte NRD board has authorized its staff to borrow up to \$2 million to pay for additional irrigation rights as they become available, Bishop said.

Why the interest at a time when corn and soybean prices are high and irrigation is a sure-fire way of boosting crop yields?

"In a lot of cases, what we are doing is acquiring the irrigation water on pieces of ground that are difficult to farm or difficult to irrigate," Bishop explained, adding that some of the tracts are center-pivot corners or odd shaped with different crop row lengths.

The price paid to landowners who sign up for the water bank program varies, Bishop said. In November, according to the district's Web site, the board of directors approved the payment of

\$470,000 for four easements.

At a recent water conference in Holdrege, Bishop said the amount is negotiated between the landowner and the NRD. He said the district wants to get the "highest quality" irrigation right which will return the most amount of water to the river.

"A water right in central Dawson County close to the river is of more value to the NRD than at Duncan because the river is not over-appropriated there," he told the audience, made up of mostly irrigators.

The Central Platte NRD turned to water banking as a way to restore water flows in the over-appropriated Platte River Basin west of Elm Creek. Bishop told the Holdrege audience that it could take 10 years to get that section of river restored to fully-appropriated status.

To comply with the state's new water law, LB962, and the Platte River Recovery Implementation Program — agreed to by Nebraska, Colorado and Wyoming and the federal government — the Central Platte NRD is required to offset any new uses of water after 2005 by agriculture, municipalities and industry.

Bishop said his district has to offset any water depletions to the Platte River that would impact the U.S. Fish and Wildlife Services' target flows for endangered species that use the river (such as the piping plover or least tern) or existing water rights.

Brad Mellema, director of Audubon's Rowe Sanctuary near Gibbon, said the water bank, in theory, should provide more water for the Platte River and help wildlife.

"The reality of actually having water in the river remains to be seen," Mellema said. "We hope it does."

The Central Platte NRD has not established an annual quota for signing up landowners for its water bank program.

Said Bishop: "All we can get with the money we've got — that's our target."

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Fears of river flooding ebb

□ **Parts of the Elkhorn and Platte haven't frozen, so ice jams appear less likely near where they meet.**

By Chelsea Keeney
WORLD-HERALD STAFF WRITER

Marlin Petermann can't remember the last time the Elkhorn River didn't freeze over during the winter.

"It certainly is rather unusual," said Petermann, assistant general manager of the Papio-Missouri River Natural Resources District. A running Elkhorn River can make for a running Platte River near where the two meet — north of Ashland — which decreases the likelihood of flooding in the area, Petermann said.

This year, portions of the Elkhorn and the Platte below the mouth of the Elkhorn are open, Petermann said.

Rich Tesar, a Papio-Missouri NRD board member, said he has noticed flowing water at Waterloo and below the West Dodge Road bridge.

At Arlington, the Elkhorn hasn't frozen this winter, said Micheal Dwyer, deputy director of Washington County Emergency Management. Dwyer looks at the Elkhorn about four times a week when he drives over the U.S. Highway 30 bridge.

"At least so far — knock on wood — it seems to flow pretty well," Dwyer said.

The Elkhorn isn't open everywhere. Last week at West Point, for example, the river had 100 percent ice cover, said Phil Soenksen, associate director of hydrological data at the United States Geological Survey Nebraska Water Science Center.

See *Ice*: Page 2



Despite the cold conditions, the Elkhorn River has been open in places this year. This view looks south from the Q Street bridge in western Douglas County.

JAMES R. BURNETT/THE WORLD-HERALD

Continued

Ice: Partially unfrozen rivers may reduce flooding

Continued from Page 1

Tom Goulette, West Point's city administrator, said he has seen the Elkhorn both frozen and flowing this winter.

The Platte River isn't flowing as freely as the Elkhorn is. Above the mouth of the Elkhorn, near Ashland, the Platte River is frozen over all the way back to Columbus, with some locations recording the ice 13 inches thick.

Petermann said that during flood years, "the Elkhorn would release its ice first, which melts and flows into the Platte, which was not ready to release its ice." That, he said, creates an ice jam, which can cause flooding. The worst ice-jam floods occurred in 1993 and 1997, with minor ice-jam flooding in 2001 and 2007, Petermann said.

Petermann said that after the 1993 floods, a consortium of three NRDs that cover the Elkhorn and Platte Rivers from Fremont to Plattsmouth was formed to monitor the rivers' ice conditions. The ice is measured weekly at about 40 locations.

So why hasn't all of the Elkhorn frozen over? With average temperatures of around 20 degrees so far this year, hasn't it been cold enough?

Brian McManus, a spokesman for the Nebraska Department of Environmental Quality, said the Elkhorn is a groundwater-fed stream. The groundwater comes up at 53 degrees, he said, which helps keep the river water from freezing.

Tesar speculated that the Elkhorn has not frozen up and down the river because the darker-colored, muddy water absorbs more heat than the lighter-colored, sandy waters of the Platte. He also said the Elkhorn River water level looks to be 6 to 8 inches higher than normal, making the current faster and keeping it from freezing.

According to Soenksen of the U.S. Geological Survey, the Elkhorn averaged a discharge of 2,147 cubic feet per second in 2007, up from 936 cubic feet per second discharged during 2006.

McManus said, "The real factors that keep the Elkhorn from freezing are the volume of flow and speed of flow."

Tesar, a self-proclaimed river rat who has property along the Platte, said he looks at both the Platte and Elkhorn Rivers at least four times a day and is thrilled they are not totally frozen over.

"I watch both of these rivers religiously," Tesar said. "These rivers are living bodies in constant change."

Platte ice jam outlook worsens

*BY ALGIS J. LAUKAITIS / Lincoln Journal Star
Wednesday, Feb 20, 2008 - 12:09:09 pm CST*

The ice is getting thicker on the Platte River between Lincoln and Omaha, and the weather over the next several weeks will be critical in determining the potential for ice jams and spring flooding.

In the past, Platte ice jams have sent floodwaters over dikes, into housing developments and across roads and farm fields.

In 1993, a 6-mile-long jam forced the river through dikes on the west bank and through Lincoln's well fields, causing millions of dollars in damage.

Colder weather through tonight — with night temperatures dipping below or near zero and moving to the teens during the day — won't help ice conditions.

"Basically, the ice in all likelihood will increase in thickness. By how much I am not exactly sure," said Jeff Reese, a hydrologist with the National Weather Service.

A weekend warming trend, with temperatures in the 30s and 40s, could make conditions worse, especially if it rains rather than snows. There's a chance for rain Monday.

"A rain storm could put a lot of water on the river and the rain could break it (the ice) up before it is ready to thaw and that could create an ice jam," said Marlin Petermann, assistant general manager of the Papio-Missouri Natural Resources District.

Volunteer observers are keeping an eye on the river upstream from Ashland to Fremont and Columbus as well, Petermann said. That stretch of the Platte is iced-over.

The average ice thickness of the river is about 15 inches, Petermann said. Based on past experience, when the ice gets that thick there are usually problems with ice clearing, he said.

The ice 3 miles upstream of the Nebraska 64 bridge near Valley is between 12.5 inches and 17.5 inches thick, according to measurements by the Papio-Missouri NRD the past two weeks.

In 1997, ice on the Platte was about 24 inches in some places. A helicopter dropped explosives to break up a jam that stretched 2.5 miles north of the U.S. 6 bridge near Ashland. Explosives also were used in 1999.

Petermann is optimistic there may not be severe problems because there is open water on the Elkhorn from Arlington to its confluence with the Platte. That's good news because flowing water could help move ice downstream.

Reese said a gradual thaw over the next few weeks would help reduce the chance of ice jams and flooding along the Platte River.

But a sudden rise in temperatures would not be good because the ice could break up too fast and create flooding problems.

Said Petermann: "The further we get into March, the more potential for a quick warm-up which could melt the snow quickly and create a lot of runoff."

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Bruning talks about water, I-300 lapse

By the Lincoln Journal Star

Wednesday, Feb 20, 2008 - 01:01:35 am CST

Jon Bruning thinks the state is making progress in meeting its obligations under the Republican River Compact.

And as Nebraska's attorney general, he would be content with no progress in adopting an alternative to an unconstitutional anti-corporate farming law.

"We have plans in place to comply without the need for all this aggressive action by Kansas," he said Tuesday in assessing the river compact climate for a Nebraska Farm Bureau Federation audience.

Nebraska officials are trying to head off a possible lawsuit by Kansas counterparts claiming they're not getting their fair share of Republican water.

Speaking at the Farm Bureau's 2008 legislative conference, Bruning said water-conservation measures on the Nebraska side of the border, including a ban on new irrigation wells, are having some effect in getting Kansas the 40 percent share of water it was promised under the 1943 river agreement.

He gave some of the credit to "ground-breaking integrated management plans" adopted by local natural resources districts, but pointed to seven years of drought as a large part of the problem.

On the matter of resurrecting major features of Initiative 300, Bruning would just as soon not see it happen. He favors a policy that would allow unrelated farmers to form limited liability partnerships, as just about anybody outside agriculture can do.

"Farmers ought to be the same way," he said.

During a question-and-answer session, Farm Bureau member Harold Rickertsen of St. Paul stood up to voice his distaste for a proposed modification of I-300 pending in the 2008 Legislature.

Rickertsen was one of six plaintiffs to file a successful challenge against the original law in federal court in Omaha in late 2005.

"I thank Nebraska for paying our lawyers," he said, "and I don't know why they'd want to do it again and pay our lawyers again."

While Bruning agrees, and while he considers legislative action unlikely, he said he stands ready to defend passage of a new law in court.

"If they do, it's the job of my office to defend them," he said.

Published Thursday | February 21, 2008
Game and Parks bill advances
BY DAVID HENDEE
WORLD-HERALD BUREAU

LINCOLN — The qualifications and terms of the people who manage Nebraska's fish, wildlife, parks and outdoor recreation resources would change under a bill headed to the floor of the Legislature.

Legislative Bill 1049 would make fundamental changes in the process of selecting Nebraska's eight Game and Parks Commissioners, said State Sen. Phil Erdman of Bayard, who introduced the legislation.

The commissioners govern the Game and Parks Commission. They are appointed by the governor to serve five-year terms.

Erdman said his plan provides better accountability and eliminates loopholes on the commissioners' political affiliation.

Current state law says no more than four commissioners should be of the same political party.

It isn't uncommon, however, for people to change their party affiliation to independent to qualify for the commission prior to appointment, Erdman said.

The bill would require that solely for purposes of appointment to the commission, the appointee's party affiliation would be based on voter registration records at the most recent statewide general election.

"You're known by the brand you wear," Erdman said, quoting the late Rep. Virginia Smith, a Republican who represented western Nebraska in Congress.

The bill also would change the commissioners' term to four years, with the option of being reappointed by the governor.

Erdman said four-year terms are consistent with many other elected and appointed state offices.

The Nebraska Farm Bureau and Nebraska Cattlemen supported the bill. The Nebraska Council of Sportmen's Clubs and the South Platte United Chambers of Commerce opposed it.

The Natural Resources Committee advanced the bill 7-1.

Voting yes were State Sens. LeRoy Loudon of Ellsworth, Tom Carlson of Holdrege, Mark Christensen of Imperial, Annette Dubas of Fullerton, Deb Fischer of Valentine, Norm Wallman of Cortland and Carol Hudkins of Malcolm. Gail Kopplin of Gretna voted no.

The committee tabled Erdman's LB 1050, which sought to bring Game and Parks directly under the governor.

In that proposal, the governor would appoint the director, and commissioners would become members of an advisory board.

State braces for economic slowdown

By JoANNE YOUNG / Lincoln Journal Star

Friday, Feb 22, 2008 - 07:13:24 pm CST

Nebraska's economic forecasters put their heads together Friday and came up with some bad news.

Their estimates for how much state tax receipts will go up this year and next are lower than projected last October.

That news caused Gov. Dave Heineman to rein in thoughts of giving state residents \$75 million in tax relief and to call for agencies to scrutinize all spending. New spending should be rejected, he said.

"Every penny, every dime, every dollar counts," he said.

He led the way by canceling his trip this weekend to the National Governors Conference in Washington, D.C., and Lt. Gov. Rick Sheehy's trip to a similar conference in March.

"We knew there was going to be a day we were going to have to prepare for an economic slowdown," Heineman said.

A national economic slowdown is finally having an impact on the state, he said.

The Nebraska economy has always had mood swings, with four to five years of above average growth, followed by four or five with below average growth.

The Nebraska Economic Forecasting Advisory Board adopted a forecast for this year that shows total tax receipts could be \$3.407 billion, down \$51 million from previous forecasts.

Next year, the total could be \$3.514 billion, down \$75 million from October 2007 forecasts.

The growth in revenue is projected to be below average, at 4.2 percent this year and 3.7 percent next year.

The forecast shows the state will be short \$68 million by the end of the legislative session. Nebraska must balance its budget, but not by raising taxes, Heineman said.

He doesn't believe the state will have to dip into its estimated \$500 million cash reserve.

Laurence Lanphier, forecasting board chairman, said the revenue dip predictions reflect increased oil prices and a housing downturn.

"There are an awful lot of variables," he said.

Continued

The economy will change, he said. "We just have to wait and see how much."

While some have predicted a nationwide recession, the Nebraska forecasters said it all depends on how you define a recession. But many economists agree there won't be much growth in at least the first half of this year.

Lincoln's sales tax revenue has been flat, said forecaster Steve Ferris, of Ferris Financial Group in Lincoln. He saw no real optimism for the economy in the next year.

Gerald Conway said that in northeast Nebraska grain farmers are pretty satisfied. Good land prices mean a lot of land is turning over, primarily with neighbors buying from neighbors to expand. Grain price futures are all solid, he said.

Leslie Andersen said things are not quite so bright in the Omaha area. Sales are flat, the residential construction market is dead and unemployment is expected to increase for at least the next year.

Sen. Lavon Heidemann, chairman of the Legislature's Appropriations Committee, said the state will have to come up with the \$68 million, required by state law for the budget's minimum reserve.

Heidemann said he agrees with the governor: It will be hard to justify new spending.

"We have a lot of work in front of us," he said.

Lawmakers are cautiously eyeing one big ticket item on the budget — state aid to schools.

The governor has fully funded school aid since he has been in office. But the state's portion of school funding is predicted to increase 17.5 percent for the next school year, and then 11 percent for each of the next two years.

Heineman earlier called for changes in the state aid formula.

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Published Friday | February 22, 2008
Reduction in revenue feared
BY MARTHA STODDARD
WORLD-HERALD BUREAU

LINCOLN — Lawmakers may have to rein in state school aid, reject new spending and raid the cash reserve fund if the pessimists are right about what a little-known forecasting board will do today.

The doom-and-gloomers expect the Nebraska Economic Forecasting Advisory Board will make significant reductions in the state's official revenue forecast for the current budget year and the year following.

"I don't even want to think about it," said State Sen. Lowen Kruse of Omaha, vice chairman of the Appropriations Committee. "I'm expecting it will be bad news."

Most senators and others interviewed Thursday said they anticipate that the board will lower its revenue forecast compared to what it had projected in October.

Even the most confident don't look for an increase in the numbers.

"I'm a little more optimistic," said Sen. Ray Janssen of Nickerson, chairman of the Revenue Committee. "What I see is not much movement one way or another."

By law, the Legislature uses the forecasting board's revenue projections in setting the state budget.

The board last met in October, at which time members added \$117 million to their forecast.

The board projected then that Nebraska would collect nearly \$3.46 billion in taxes during the budget year ending June 30 and \$3.56 billion in the next budget year.

That would equal 5.6 percent growth in tax revenue during the current year and 4.3 percent growth the next year.

But Gov. Dave Heineman, in a letter Tuesday to key lawmakers, said there are increasing signs that the national economic slowdown is affecting Nebraska. The result may be a budget imbalance, he said.

"Higher housing costs, increased energy and fuel prices and double digit health care insurance increases are having a significant impact on most Nebraskans' household budgets," he said.

A strong farm economy, buoyed in part by growing ethanol production, should help Nebraska's revenue picture, said Sen. Ron Ralke of Lincoln, who formerly served on the forecasting board.

But he also sees economic clouds gathering.

How lawmakers respond to the forecast will depend on how big a change the board makes in its projections, said Sen. Lavon Heidemann of Elk Creek, chairman of the Appropriations Committee.

The governor said he would be ready to act soon after the board meets if the new forecast leaves the state with a large budget hole. His spokeswoman, Jen Rae Hein,

Continued

said the severity of the problem would determine what action he takes.

In general, the options boil down to cutting spending, taking money from the cash reserve fund or raising taxes.

Senators concurred that a tax increase is unlikely this year, although the forecast could make it difficult to pass any additional tax cuts.

Drawing on the cash reserve, sometimes called the state's rainy day fund, is more likely to be considered. The reserve had been projected to reach a record \$540 million by June 30, 2009.

Heidemann has advocated a hands-off approach to the cash reserve, arguing that the money will be needed during the next economic slowdown.

He said some lawmakers will argue that the time of need has arrived, while others will say the reserve should be saved to help with the 2009-11 budget period.

Legislative fiscal staffers already project a \$286.5 million gap between revenue and spending in those years, and that's without a slowdown in tax revenue growth. Expected increases in state school aid account for \$256 million of that future deficit.

Raikes, chairman of the Education Committee, said one budget option would be to reduce the amount budgeted for state school aid, starting with the 2008-09 school year.

That was scheduled to be the year in which a temporary aid adjustment expired. The adjustment was imposed in 2002-03 to reduce state spending during the last economic downturn.

While the aid adjustment was in place, schools were allowed to increase their property tax levies.

Smith to join resources panel

Rep. Adrian Smith's office said Thursday that the Nebraska Republican will join the House Natural Resources Committee next week.

Smith will be the only Nebraskan on the committee, which oversees water policy, American Indian matters, national parks and forests and environmental regulations.

Smith already is a member of the House Agriculture Committee, Budget Committee and Science and Technology Committee. He'll continue to hold those seats. —AP W-H 2-22-08

Trail to close for bridge removal

The Keystone Trail along the Little Papillion Creek between Mercy Road and Grover Street will close at 7:30 a.m. today and will remain closed most days for two weeks.

The closing will allow for the removal of an abandoned Union Pacific Railroad bridge over the Little Papio near 64th and Spring Streets, said Emmett Egr, information and education coordinator for the Papio-Missouri River Natural Resources District.

That section of trail will be open only on Sundays, Egr said.

Egr said the bridge hasn't been used in years and needs to be removed because it can restrict water flow and catch debris, increasing flood risks.

—Chelsea Keeney

W-H 2-22-08

Papio Watershed concerns has NRD's attention

2-27-08

BY JAKE RUSSELL

RECORDER STAFF WRITER

Widening floodplains and unacceptable levels of pollutants in the water are just a few issues with the Papillion-Missouri Watershed, according to information from the Papillion Creek Watershed Partnership, which includes Ralston.

A series of town hall meetings are being held to educate the public on these issues, and here are some things you need to know before attending one of the upcoming meetings.

The watershed consists of the areas where runoff water dumps into Big Papillion Creek, Little Papillion Creek and West Papillion Creek.

Eventually, the Big Papillion Creek dumps into the Missouri River. Places outside the watershed are places that dump directly into the Missouri or Platte River.

The main issues are three-fold:

1. The levels of allowable pollutants in the water are set by the state. The Nebraska Department of Environmental Quality says the waters of the creek contain unacceptable levels of fecal coliform bacteria found in human and animal feces, man-made chemicals called polychlorinated biphenyls (PCBs), agricultural

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runoff called Dieldrin used in insecticides, and sediment. This type of common water pollution is called "nonpoint" because it does not come from one specific site.

2. Floodplains are getting wider. As development continues to occur, the floodplains impact more land and property. More residents are affected, Woodward said. There is a higher risk of property being damaged if a flood were to occur and the possibility of residents having to buy flood insurance.

3. There is urgency as the watershed develops, and if action is not taken now, there will not be the opportunity to make a change, Woodward said.

The plan will determine policies to be followed for future developments and lay out improvements for current developments, Wayne said.

Three to seek NRD seat

Plaindealer 2-27-08

With just days remaining until the deadline for candidates to file for this spring's primary election, one well-known name in conservation circles is missing from the list of candidates.

Dick Connealy, the Decatur-area farmer who has represented District 1 on the Papio-Missouri River Natural Resources District board of directors since 1985, has decided not to run for another four-year term.

"Twenty-four years is enough," he told the Plaindealer last week. "I really didn't want to hit that 25-year number."

Connealy said he enjoyed his time with the board, which predates the 1989 merger between the Middle Missouri Tributaries and the Papio resources districts.

"It was simple when I started, but it became a lot more complex after the merger," he said. "I got to learn so many new things, especially about trails and flood control. It was really enjoyable."

So far, three men: Scott Japp, Arlington; Kevin Propst, Washington; and Jim Jepsen, Hubbard, have filed to take Connealy's place. The May primary will narrow the field to two candidates.

Voters in the Oakland-Craig school district also will have decisions to make. A primary run-off will be required to trim the field of candidates seeking the five at-large seats open for election. As of Friday afternoon, 11 candidates had filed for the spots.

County Democrats will need to decide between three candidates for United States Senate. Fremont man Larry Marvin already was in the race for Republican Chuck Hagel's seat. Columbus industrialist Tony Raimondo and 2006 congressional nominee Scott Kleeb of Hastings both announced their respective candidacy early this week.

The winner of that race will be part of a three-person race for Hagel's seat. Former Nebraska governor, and former United States Ag Secretary, Mike Johanns is running against Schuyler business-

(Continued on Page 3)

Here's the skinny on the watershed

Open houses aim to help residents understand future

BY JAKE RUSSELL
LEADER STAFF WRITER

Widening floodplains and unacceptable levels of pollutants in the water are just a few issues with the Papillion-Missouri Watershed, according to information from the Papillion Creek Watershed Partnership. A series of town hall meetings are being held to educate the public on these issues, and here are some things you need to know before attending one of the upcoming meetings.

What is the Papiio-Missouri watershed?

The watershed consists of the areas where runoff water dumps into Big Papillion Creek, Little Papillion Creek and West Papillion Creek. Eventually, the Big Papillion Creek dumps into the Missouri River. Places outside the watershed are places that dump directly into the Missouri or Platte River.

What are the main issues?

1. The levels of allowable pollutants in the water are set by the state. The Nebraska Department of Environmental Quality says the waters of the creek contain unacceptable levels of fecal coliform bacteria found in human and animal feces, man-made chemicals called polychlorinated biphenyls (PCBs), agricultural runoff called Dieldrin used in insecticides, and sediment. This type of common water pollution is called "nonpoint" because it does not come from one specific site. Water quality must be improved. "We're doing this at the earlier stages," said Paul Woodward, water resources engineer for the Papillion-Missouri River NRD. "The longer we wait, the more it costs to clean it up."

2. The floodplains are getting wider. As development continues to occur, the floodplains impact more land and property. More residents are affected, Woodward said. There is a higher risk of property being damaged if a flood were to occur and the possibility of residents having to buy flood insurance.

3. There is urgency as the watershed develops, and if action is not taken now, there will not be the opportunity to make a change, Woodward said.

The numbers

11 — Local governments that comprise the Papillion Creek Watershed

Partnership, including Bellevue, Gretna, La Vista, Papillion and Ralston. The Papillion Creek Watershed Partnership formed to address the watershed's critical water quality and flood prevention needs. The watershed encompasses 402 square miles and more than one-third of Nebraska's population. The partnership was formed because the watershed is a regional issue and for cities to handle it independently would be difficult.

"How do you control water in La Vista independently when it's coming from Omaha?" said Jim Thompson, Papillion-Missouri River NRD board chairman.

2009 — Date the partnership must submit a plan in conformance with the Clean Water Act.

2040 — Projected date for the completion of the watershed. "We're looking for a long-term solution to protect future generations," Thompson said. "It's hard for people to put this in perspective in drought conditions, but if we had a 100-year rain it could be devastating."

A 100-year rain occurs when 6 inches of rain falls in a 24-hour period. Flooding is caused when most of the 6 inches falls in two hours. The model for the floodplain is based on the statistics of intense rainfall, Woodward said. The last 100-year rain was in 1964. The latest flood was in 1999, but it wasn't from a 100-year rain.

\$400 million — Ballpark estimate of the cost over the next 30 to 40 years to carry out the plan in terms of building water retention structures and compensation for staff time in monitoring and maintenance, said Mark Wayne, Sarpy County Administrator and spokesperson for the partnership.

There are three ways to pay for the watershed improvements:

1) The NRD can budget each year and nip at it piece by piece, Thompson said. Cities can also implement certain items to their budgets, but it's too big an issue for one city to pay for it by itself.

2) The NRD can obtain bonding authority from Legislature to issue bonds, which would allow it to obtain money to buy land and build the structures. "Buying land is significant," Thompson said. "Land value is increasing and development is scrunching the land to

Open house in Bellevue

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put any of these structures."

The cost is two-fold as the NRD acquires land and builds. "Ideally, you'd do this all at once but right now we don't have that in our budget," Thompson said.

3) The NRD can partner with developers so the developer incurs part of the expense. "Obviously, the cost will protect millions of dollars in property and lives," Thompson said. "If there's a fear that we'd exponentially raise property taxes, it's not part of the plan."

The options

The plan will determine policies to be followed for future developments and lay out improvements for current developments, Wayne said.

There are two ways to address the issue. The first is regional detention, which is a widespread water basin that contains water for a region as opposed to a local detention on one's property. The other option is low-impact development, which retains water on a smaller geographic level.

The most economic option is to combine regional detention efforts with low-impact developments, Thompson and Woodward said.

Regional detention developments:

An earthen dam built out of soil to hold back the water, making a permanent lake area where water comes in and most sediments and pollutants are filtered out. The dam would also be above lake level to hold back flooding water.

Low-impact developments:

Rain barrels placed on rainspouts to catch water from running down the street.

Rain gardens, which are similar to flower gardens or wetlands, Wayne said. Water drains towards a wetland area covered in sand and gravel to get the water back in the ground.

Swails:

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also includes education of the general public.

Many of the low-impact developments can be done on local properties. Anything that can be done in a residential or commercial area helps, Woodward said.

"I would encourage people to come to forums and pay attention to it," Wayne said.

How does this affect...

La Vista

La Vista is the only city completely contained in the watershed, Wayne said. A lot of the La Vista area is already developed so future development policies, while playing a role, will not be as big an issue as residents who may be impacted. For example, a storm water utility fee was introduced in the Legislature. Though not yet approved, it would require each property owner to pay a proportionate sum of money based on how much rooftop, driveway and sidewalk they have, Thompson said. The idea is that water runs off the rooftop, driveway and sidewalk into the creek.

Gretna

Gretna has a lot of undeveloped ground that will be affected in the future as it develops, Wayne said. Some areas south of Gretna are not in the watershed as it runs off into the Platte River. The new regulations will be the most important issue as more developers build to make sure guidelines are met.

Papillion

Papillion is in the watershed to the north of Capehart Road in the east to Schram Road in the west. A lot of the new subdivisions in Papillion (e.g. Shadow Lake) are close to the ridge-line, Wayne said. Papillion is also toward the bottom of the watershed, which heightens the threat of flood damage to residents.

Bellevue

Most of Bellevue's future growth area is outside the watershed, running into the Platte River, but, as Bellevue is at the absolute bottom of the watershed, the widening floodplains are a big issue.

Ralston

Though Ralston is almost fully developed, its involvement comes in case of future growth or new business so as to meet the same guidelines.

Springfield

Springfield is the only city in the United Cities of Sarpy County outside of the watershed.

LA VISTA SUN.com



02/27/2008

Everything you need to know about the Papilio-Missouri Watershed

By: Jake Russell, Times Staff Writer

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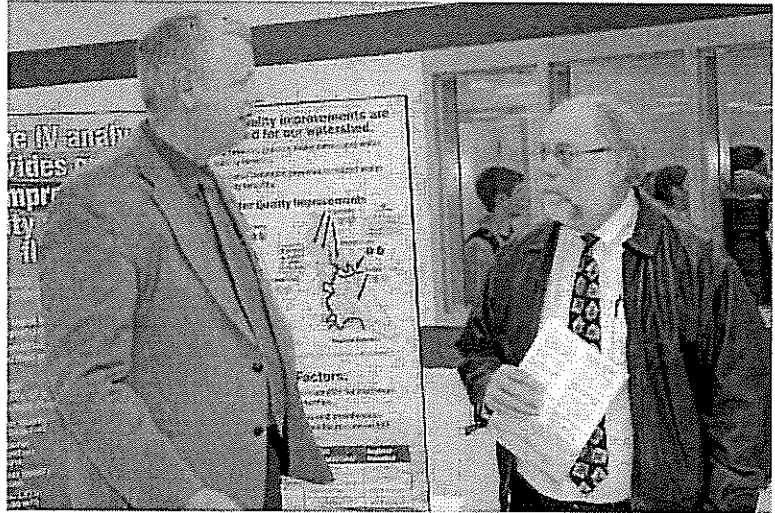
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The issue is not just structural as it also includes education of the general public.



Lyle Christensen answers questions for Steve Kryger at the open house forum on Feb. 25 in the Papillion-La Vista South High School cafeteria.

Published Tuesday | March 4, 2008

Flooding closes U.S. Highway 275 at the Dodge County-Cuming County line

BY CHELSEA KEENEY
WORLD-HERALD STAFF WRITER

U.S. Highway 275 at the Dodge County-Cuming County line was closed today because of flooding.

Dale Butler, a district operations maintenance manager for the Nebraska Department of Roads, said an ice jam on the Elkhorn River caused some water to cover Highway 275.

The affected area of the highway is about a 50-foot stretch, he said.

Butler said motorists headed west should use U.S. Highway 77 north to Nebraska Highway 32 west. Eastbound motorists should use Highway 32 east to Highway 77 south.

Butler did not know how long that stretch of highway would be closed.

Contact the Omaha World-Herald newsroom

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Officials watch Platte for potential flooding problems

BY ALGIS J. LAUKAITIS / Lincoln Journal Star

Wednesday, Mar 05, 2008 - 11:56:57 am CST

No flooding was reported on the Platte River between Ashland and Louisville on Wednesday but authorities are watching ice conditions farther upstream.

A portion of U.S. 275 in eastern Nebraska was closed early Wednesday due to flooding from the Elkhorn River, which flows into the Platte above Ashland.

The state Department of Roads reports that the roadway was closed in both directions from West Point to Scribner about 5 a.m. Tuesday. It remained closed as of Wednesday morning, and there was no word on when it would reopen.

Cuming County sheriff Brad Boyum said ice jams along the Elkhorn River have caused flooding at Crowell and some parts of West Point.

Water was also reported over the road in some parts of Dodge County.

Marlin Petermann, assistant general manager of the Pappio-Missouri River Natural Resources District in Omaha, said the Platte River is wide open from the confluence of the Platte and Elkhorn rivers to Louisville.

"We don't expect any problems in the Highway 6 (Ashland) area downstream," Petermann said.

It's a different situation upstream on the Platte River from the Nebraska 92 bridge to Schuyler. Petermann said that stretch of river is still mostly covered with ice.

"We're watching that closely," Petermann said. "With the cold temperatures that last couple of days there hasn't been much movement of ice."

However, Petermann, said warmer weather this weekend and early next week could start melting the ice and create some flood problems.

The Associated Press contributed to this story.