

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: May 7, 2007

Updated: May 10, 2007

FROM: John Winkler, General Manager

A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of April, 2007, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

- Randy Lee, Park Superintendent at Walnut Creek Rec Area, has resigned his position with the District. He will continue to live in the Walnut Creek residence and will be managing the campgrounds and providing security evenings and weekends. He will also be training City of Papillion staff to assure a smooth transition when the park is transferred on October 1st. Randy has been with the District for 27 years. He served as the District's Engineering Aide/Surveyor and Field Office Rep prior to moving to Walnut Creek. He has accepted a position with Olsson Associates as a technical manager in their construction services group. We will all miss "Mr. Walnut Creek" and wish him well in this new endeavor.

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 April, 2007. Please review this report and contact me if you have any questions.

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL**: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of April 16, 2007. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **LEGISLATIVE UPDATE**: The following information is attached for your information:

1. NARD Legislative Update
 - a. April 13, 2007
 - b. April 19, 2007
 - c. April 26, 2007
 - d. May 4, 2007
2. Report from Bob Weaver, dated May 3, 2007, regarding FY 2008 Appropriations and Legislative Report and a Summary of the Nebraska FY'08 USACE Appropriations Projects

F. NEWS CLIPS:

- ✓ April 12, 2007, Omaha World Herald article – Omaha set to foot 43 percent of dams' higher PR bill.
- ✓ April 13, 2007, Lincoln Journal Star editorial – Filibuster foes must stand up for recreation.
- ✓ April 15, 2007, Omaha World Herald editorial – Inching forward. Legislature takes sound first step toward honing Republican River compromise.
- ✓ April 19, 2007, 25 x 25 eNews – America's Energy Future
- ✓ April 19, 2007, Omaha World Herald article - New water taxes pass second round.
- ✓ April 19, 2007, Lincoln Journal Star article – State lawmakers move water bill to final reading
- ✓ April 20, 2007, Omaha World Herald editorial – Water bill progresses
- ✓ April 22, 2007, Omaha World Herald editorial, written by Harold Andersen – Gold Rush for Niobrara water harms future of state treasure
- ✓ April 21, 2007, Omaha World Herald article – Economic toll estimated for irrigation cutbacks
- ✓ April 24, 2007, Lincoln Journal Star article – Upper Big Blue well levels down, but not enough to limit irrigators
- ✓ April 26, 2007, Papillion Times article – Mr. Walnut Creek. Randy Lee moving on to other endeavors
- ✓ April 26, 2007, Papillion Times article – Walnut Creek Residents find fish on doorknobs
- ✓ April 27, 2007, Omaha World Herald article – Water-use bill soon to be law
- ✓ April 27, 2007, Omaha World Herald editorial – Protecting a resource. Monumental achievement: Legislature extends ability of NRDs, DNR to manage water.
- ✓ May 2, 2007, Burt County Plaindealer article – Corps seeks permits for Lower Decatur
- ✓ May 3, 2007, Omaha World Herald article – NPPD rattles Niobrara River irrigators
- ✓ May 5, 2007, Omaha World Herald editorial – New water focus
- ✓ May 6, 2007, Omaha World Herald – Harold Anderson's column – Movement to preserve Niobrara gains some needed momentum
- ✓ May 6, 2007, Omaha World Herald article – Two counties oppose dam plan. Officials say a drainage-based approach would better solve the metro area's runoff-control problems.
- ✓ May 6, 2007, Omaha World Herald Public Pulse, written by Linda Ryan – Consider another plan
- ✓ May 7, 2007, Omaha World Herald article – Sprucing up in Sarpy County. Board considers new design standards
- ✓ May 8, 2007, Washington County Enterprise article – Rivers and creeks on the rise. Heavy rains lead to some flooding across the region.
- ✓ May 8, 2007, Lincoln Journal Star article – What did all that rain really mean?
- ✓ May 8, 2007, Omaha World Herald article – Drink it in: The drought is finally over. Apart from the Panhandle, rainfall has replenished Nebraska's soil and streams.
- ✓ May 10, 2007, Omaha World Herald article – Alternatives offered to NRD plan for 29 dams
- ✓ May 10, 2007, Omaha World Herald editorial – Midland Voices, written by Jim Thompson – Public input needed on water planning.
- ✓ May 10, 2007, Lincoln Journal Star editorial – Importance of flood control demonstrated

April 2007

Information & Education Report

Information

- ◇ Continued work on Trails brochure update
- ◇ Completed creation of Heron Haven web page on NRD site
- ◇ Updated Trails and River Access web pages
- ◇ Continued involvement with PCWP efforts
- ◇ Completed Chalco Hills Exhibit for visitor's center
- ◇ Published Spring 07 SPECTRUM
- ◇ Distributed wildflower seeds through OPPD Green Power program
- ◇ Began work on 2007 Public Opinion Survey (updates surveys completed in 1987, 1992, 1997 and 2002)

Education

- ☐ Continued Planning for Earth Day 2007
- ☐ Continued Planning for Water Works 2007
- ☐ Continued scheduling Chalco Hills Presentations for Spring/Summer 2007
- ☐ Presented Ground Water Model to all Benson West 6th Graders
- ☐ Presented Fishing Presentation to Millard South Environmental Studies Students
- ☐ Attended planning meeting for World O! Water Festival to be held at Chalco Hills
- ☐ Presented Bird Nest Program to all Benson West Kindergarteners
- ☐ Trained 15 Creighton University Pre-service Teachers in Project Learning Tree, Project Water Education for Teachers, Project WILD, and Leopold Education Project
- ☐ Presented at Arlington Elementary Earth Day Festival
- ☐ Staff an NRD booth at Earth Day Omaha
- ☐ Organized and Staffed Children's Tent at Earth Day Omaha
- ☐ Coordinated Community Service Project for Millard South Environmental Studies Students
- ☐ Presented Geocaching program to Louisville Elementary
- ☐ Staffed booth at Exploration Day at Omaha's Henry Doorly Zoo
- ☐ Coordinated Randy Lee's going away dinner, and prepared Randy Lee Newsletter
- ☐ Coordinated Summer LEP workshops with NRCS and LPSNRD
- ☐ Started planning for presentation at NGPC Outdoors Expo
- ☐ Sent out Workplace Wellness Tips
- ☐ Continued working out Outdoor Classroom Grants
- ☐ Coordinated Tree Delivery and Tree Give-away to District Teachers
- ☐ Started Working with Holy Name on Outdoor Classroom plans

April, 2007

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Updated: April 16, 2007

Current and On-Going Projects P-MRNRD Legal Counsel

★ = Top Priority
F = Future Work – No Assignment
N = New Assignment
O = Others Handling
W = Work in Progress
P = PFP's Portion Completed

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

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



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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April 13, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 13 NARD UPDATE

Republican River Basin Water Bill Advances -- State Senators advanced LB 701 to Select File on a 38-1 vote this week after two days of healthy debate on the four divisions of the bill. Senators also advance the related appropriations bill, LB 701A, on a 36-0 vote.

The bill was advanced after 4 separate divisions of the bill were approved. All four core components of the proposal remain intact. These divisions include:

- **First Division -- Bonding Authority for NRDs** -- The bill includes the authority for NRDs in the Republican Basin to lease or acquire surface and ground water rights in the basin and divert the water from irrigation to enhance stream flows. The NRDs would have the authority to issue bonds to pay for the projects. Funding sources for repayment of the bonds could come from up to a 10-cent property tax and up to \$10/acre fee on irrigated acres. This division also included extension of the 3 cent levy authority for NRDs in fully and over-appropriated areas from 2008 to 2012. One amendment was adopted that would sunset the bonding authority for new projects after 15 years. This division was approved 36-0 with 11 not-voting and 2 excused and not voting.
- **Second Division -- State Funding for Water Programs, LB 322** -- The provision is Governor Heineman's proposal to establish a Water Resources Cash Fund to be administered by DNR to comply with interstate water compacts and conserve water in fully and overappropriated basins. The provision of the bill appropriates \$2.7 million per year to the Water Resources Cash Fund. After October 1, 2012 and until October 1, 2019, a ½ cent/bushel check-off on corn will be imposed and directed to the Water Resources Cash Fund. NRDs could access money from the fund with a 40 percent match requirement. Any district that would use these funds would be required to submit a report of its planned activities. One amendment was adopted to increase the check-off from ½ cent to 6/10ths of a cent. Amendments to increase funding for stormwater, and add sales tax on bottled water which would be directed toward water programs, were dropped before consideration.

This division also included \$3 million for the current fiscal year to be appropriated to the state Department of Natural Resources to negotiate leases on surface water rights in the Bostwick Irrigation District.

This division was approved 39-0 with 9 not voting and 1 excused and not voting.

- **Third Division -- Water Management Changes of LB 295** -- This bill was already on Select File and makes a number of changes at the request of the Nebraska Department of Natural Resources, including 1) Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse. 2) Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use. 3) Provides an exception so that a person may use a water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other non-consumptive use approved by the applicable natural resources district.

This division also included language that will require DNR, in consultation with the effected natural resources district, to do an annual determination in fully and over-appropriated basins, starting January 1, 2008, and every January 1 thereafter, to estimate the maximum amount of water that may be available from stream flow for a beneficial purpose in the short and long-term. The language would not be an "order" by the department, rather only a forecast developed by DNR and the affected NRDs.

Finally, this division allows NRDs to impose a temporary well drilling moratorium without a notice or hearing, but requires a hearing within 180 days. Similar language is included allowing DNR to impose a temporary 180-day stay on new surface water natural-flow appropriations in areas where a natural resources district has imposed a temporary 180-day stay on new well construction and the addition of new irrigated acres.

This division was approved 35-0 with 14 not voting.

- **Fourth Division – Vegetation Management Provision of LB 458** -- The amendment creates a 13-member Riparian Vegetation Task Force consisting of the Governor, state agencies, NRDs and a riparian landowner from each of the state's congressional districts. The task force would sunset on June 30, 2009. One amendment was adopted to add a representative from the Nebraska Environmental Trust Fund to the task force.

This division was approved 39-2 with 6 not voting and 2 excused and not voting.

After the fourth division was approved, the entire package and related appropriations bills were advanced to Select File. A Select file amendment will be drafted to address concerns raised during debate. These include:

- Clarify that if one source of water is purchased from an irrigator, that user can not use a second source of water on that tract.
- Clarify that the Attorney General's Office has oversight and enforcement powers on interstate compact compliance.
- Add language to make it clear that the forecast by DNR and NRDs on water availability and use is only a forecast.
- Clarify that political subdivisions outside of the Republican Basin can not participate in the interlocal agreements for bonding purposes.
- Clarify that herbicides used for vegetation management follow label requirements for application.
- Clarify the representation from the Nebraska Environmental Trust Fund.
- Clarify that groundwater can be leased.
- Clarify reporting dates for use of funds from the Water Resources Cash Fund.
- Correct internal references in the bill.

The bill should be up for Select File debate next Wednesday or Thursday.

NRD Co-sponsors Joint Effort on Tree Planting -- More than 1,200 Boy Scouts, Cub Scouts and Venture Crew members from four states planted 15,000 tree seedlings during the 18th annual Fort Robinson Fire Recovery tree-planting event last weekend. Scouts from Colorado, South Dakota, Wyoming and Nebraska arrived at Fort Robinson State Park to participate in the event. The U.S. Forest Service and Bessey Nursery grew the 15,000 ponderosa pine seedlings for distribution by the Nebraska Association of Resource Districts and the Upper Niobrara-White Natural Resource District.

Natural Resources Leader Passes -- Wayne "Buster" Davis succumbed to a very long battle with cancer on April 8, 2007. Wayne was involved with the Upper Niobrara White NRD as a director and has served on the Natural Resources Commission. Wayne rarely passed an opportunity to participate in local, state and national meetings where he could share and learn more about protecting and enhancing natural resources in Nebraska. His contributions will be greatly missed. He is survived by his wife of 52 years, Iris of Hay Springs, daughters Carol and John Lewin, Marcia and Steve Sandberg, both of Hay Springs, 3 grandchildren, 1 great grand child and a sister, Marion Scott of Rushville.

NARD Bill Summary Tracking Sheet				Last Updated: 04/13/07				
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007	IPP	
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007		
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007		
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations			
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007		
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
106	Nebraska Forest Service funding	Louden		Support	Appropriations			
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007		
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007		
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn	Withdrawn		Withdrawn	M00003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007	IPP	
289	Records of elections to exceed tax levy limits	Louden	Speaker	Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose (Support amended version)	Natural Resources	1/31/2007	Select File	Incorp. into AM 938 to LB 701
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	Incorp. into AM 938 to LB 701
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007		Incorp. into AM 938 to LB 701
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Ralikes		Oppose	Revenue	2/22/2007		
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007		
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007	General File	AM678-Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007	General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose original version	Natural Resources	(Revised) 2/28/2007	General File	Incorp. into AM 938 to LB 701. NARD Support amended version.
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007	IPP pending, Laid Over	AM 825 - Adopted AM884 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	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Augullar	Support	Judiciary	2/14/2007	Select File	AM879 - Adopted
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Approved by Governor	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007	Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007		
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007 AM872-414/2007	General File	AM 938 - Adopted Various Amendments adopted and lost
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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April 19, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 19 NARD UPDATE

Republican River Basin Water Bill Advances to Final – State Senators advanced LB 701 to Final Reading on a unanimous voice vote this morning after less than 2 hours of debate. Senators also advance the related appropriations bill, LB 701A, on a unanimous voice vote. Senators adjourned for a 3-day weekend shortly after taking action on the bill.

The bill was advanced after four clarifying floor amendments, offered by Senator Chambers, and one major amendment (AM 1073), offered by Speaker Flood, were adapted to the bill. Speaker Flood coordinated the request of about 14 state senators to come up with the compromise language in AM 1073. The four core components of the proposal remain intact. These include (followed by amendments to that component):

1. **Bonding Authority for NRDs** – This component includes the authority for NRDs in the Republican Basin to lease or acquire surface and ground water rights in the basin and divert the water from irrigation to enhance stream flows. The NRDs, either on their own and/or through an interlocal agreement, would have the authority to issue bonds to pay for the projects. Funding sources for repayment of the bonds could come from up to a 10-cent property tax and up to \$10/acre occupation tax on irrigated acres. This component also included extension of the 3 cent levy authority for NRDs in fully and over-appropriated areas from 2008 to 2012. The bonding authority for new projects would sunset in 15 years.

The portions of AM 1073 dealing with this component includes language to: 1) Clarify that only qualified NRDs could form interlocal agreements to issue the bonds; 2) Clarify the 15 year sunset provision; 3) Within 45 days of a request from the Natural Resource Committee, a report would be required by the qualified NRDs issuing such bonds of existing and planned activities to the committee; 4) Beginning April 1, 2008, a district that uses bonds to purchase surface water shall restrict the use of groundwater from water wells used on acres certified for both groundwater and surface water use to no greater than the total groundwater allocation granted less the surface water purchased; 5) Clarify that groundwater can be leased or purchased with the bonds; 6) Clarify that river enhancement projects authorized under the bond are consistent with the all authorities granted in Chapter 2, Article 32; and 7) Clarify that the occupation tax becomes delinquent at the same time as general property taxes.

2. **State Funding for Water Programs, LB 322** – This component is Governor Heineman's proposal in LB 322 to establish a Water Resources Cash Fund to be administered by DNR to comply with interstate water compacts and conserve water in fully and overappropriated basins. The provision of the bill appropriates \$2.7 million per year to the Water Resources Cash Fund. After October 1, 2012 and until October 1, 2019, a 3/5 cent/bushel check-off on corn will be imposed and directed to the Water Resources Cash Fund. NRDs could access money from the fund with a 40 percent match requirement. This division also included \$3 million for the current fiscal year to be appropriated to the state Department of Natural Resources to negotiate leases on surface water rights in the Bostwick Irrigation District.

The portion of AM 1073 dealing with this component included language to: 1) Make it clear in a statement of intent that the provisions included in this bill does not establish a precedent that the Legislature must or should purchase water or provide compensation for any economic impacts resulting from necessary water regulation; 2) Increase the grain sorghum check-off from ½ cent to 6/10ths of a cent starting in 2012 to match the corn check-off; and 3) Dropped the reporting requirements of the NRDs that use the funds and created a requirement for the Department of Natural Resources to develop rules and regulations for use of the funds. These components would require a) how planned activities of the district would assist in compliance with an interstate compact or decree or a formal state contract or agreement as required by 46-715 and b) a schedule of implementation of the activity or its components. Any NRD that fails to implement and enforce controls, rules and regulations as required under 46-715 would not be eligible for funding from the Water Cash Fund. The department would be required to submit an annual report to the Legislature by October 1 each year on the use of the funds.

3. **Water Management Changes of LB 295** – This component was already on Select File in LB 295 and makes a number of changes at the request of the Nebraska Department of Natural Resources, including 1) Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse. 2) Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use. 3) Provides an exception so that a person may use water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other non-consumptive use approved by the applicable natural resources district.

This component also included language that will require DNR, in consultation with the effected natural resources district, to do an annual determination in fully and over-appropriated basins, starting January 1, 2008, and every January 1 thereafter, to estimate the maximum amount of water that may be available from stream flow for a beneficial purpose in the short and long-term. The language would not be an "order" by the department, rather only a forecast developed by DNR and the affected NRDs.

Finally, this component allows NRDs to impose a temporary well drilling moratorium without a notice or hearing, but requires a hearing within 180 days. Similar language is included allowing DNR to impose a temporary 180-day stay on new surface water natural-flow appropriations in areas where a natural resources district has imposed a temporary 180-day stay on new well construction and the addition of new irrigated acres.

The portion of AM 1073 dealing with this component included language to: 1) Clarify that the department is only making a forecast of available water each year, not an order or determination; and 2) Add language similar to LB 1226 last year that water wells of public water suppliers are exempt from temporary moratoriums.

4. **Vegetation Management Provision of LB 458** – This component creates a 13-member Riparian Vegetation Task Force, as proposed in LB 458, consisting of the Governor, state agencies, NRDs and a riparian landowner from each of the state's congressional districts. The task force would sunset on June 30, 2009. One amendment was adopted to add a representative from the Nebraska Environmental Trust Fund to the task force.

The portion of AM 1073 dealing with this component included language to: 1) Add that the task force analyze the cost effectiveness of available vegetation treatment; 2) Any plan developed by the task force shall utilize the principles of integrated vegetation management and sound science; 3) Clarify the new member added on General File is from the Nebraska Environmental Trust not the Nebraska Trust Fund; and 4) Clarify that for administrative and budget purposes, the task force shall be housed with the Department of Agriculture.

NARD Bill Summary Tracking Sheet				Last Updated: 04/20/07				
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007	IPP	
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007		
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007		
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations			
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007		
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations			
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007		
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007		
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn			Withdrawn	M00003 - Prevalled
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007	IPP	
289	Records of elections to exceed tax levy limits	Louden	Speaker	Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose (Support amended version)	Natural Resources	1/31/2007	Select File	Incorp. into AM 938 to LB 701
301	Extend NETF distribution	Janesen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	Incorp. into AM 938 to LB 701
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20		DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007		Incorp. into AM 938 to LB 701
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Ratkes		Oppose	Revenue	2/22/2007		
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007		
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007	General File	AM678 - Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007	General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007		
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose original version	Natural Resources	(Revised) 2/28/2007	General File	Incorp. into AM 938 to LB 701. NARD Support amended version.
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007	IPP pending, Laid Over	AM 825 - Adopted AM894 to AM825 - Lost AM924 to AM825 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007		
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007		
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Augulliar	Support	Judiciary	2/14/2007	Select File	AM879 - Adopted
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007		
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007		
588	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Approved by Governor	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2006	IPP Failed to Advance From GF	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007		AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007		
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007 AM872-4/4/2007	Final Reading	ER870 - Adopted AM1073 - Adopted Various Amendments adopted and lost
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007		



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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April 26, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: April 26 NARD UPDATE

LB 289, Changes to Elections for Exceeding the Budget -- Senators advanced LB 289 to Select File this week, which changes the election procedure for exceeding the tax levy limit. Current law allows certain political subdivisions and villages to approve a levy in excess of the limits or the final levy allocation at a meeting of the residents of the political subdivision or village called after public notice. At least ten percent of the political subdivision or village constitutes a quorum for purposes of taking action to exceed the limits or final levy allocation. Under LB 289, a record will be made of the registered voters residing in the political subdivisions or village who are present at the meeting. The method of voting will protect the secrecy of the ballot. The committee amendment strikes obsolete provisions in § 77-3444 dealing with special elections held before October 10, 1998.

Republican River Basin Water Bill Approved -- State Senators gave final approval to LB 701 on a 43 (yes) - 0 (no) - 6 (not voting) vote and LB 701A on a 44 (yes) - 0 (no) - 5 (not voting) vote on Thursday, April 26. Senators voted on the bill after a procedural vote to suspend the rules to take up the measure. The rule suspension was necessary as the rules require the budget to be approved before senators can approve other appropriations bills.

Here is how the Senators voted on LB 701:

Yes: *Adams, Aguilar, Ashford, Avery, Burling, Carlson, Christensen, Cornett, Dierks, Engel, Erdman, Fischer, Flood, Friend, Fulton, Gay, Hansen, Harms, Heidemann, Howard, Hudkins, Janssen, Johnson, Karpisek, Kopplin, Kruse, Langemeier, Loudon, McDonald, McGill, Mines, Nantkes, Nelson, Pahls, Pankonin, Pedersen, Pirsch, Raikes, Rogert, Schimek, Stuthman, White, Wightman*

No: none

Not Voting: *Chambers, Dubas, Lathrop, Preister, Synowiecki, Wallman,*

Here is the Vote on LB 701A, which included the funding for the Riparian Vegetation Management and funds for Bostwick Irrigation District water lease:

Yes: *Adams, Aguilar, Ashford, Avery, Burling, Carlson, Christensen, Cornett, Dierks, Engel, Erdman, Fischer, Flood, Friend, Fulton, Gay, Hansen, Harms, Heidemann, Howard, Hudkins, Janssen, Johnson, Karpisek, Kopplin, Kruse, Langemeier, Lathrop, Loudon, McDonald, McGill, Mines, Nantkes, Nelson, Pahls, Pankonin, Pedersen, Pirsch, Raikes, Rogert, Schimek, Stuthman, White, Wightman*

No: none

Not Voting: *Chambers, Dubas, Preister, Synowiecki, Wallman*

The following is a summary of the 4 main components of the bill as passed:

1. **Bonding Authority for NRDs** – This component includes the authority for NRDs in the Republican Basin to lease or acquire surface and ground water rights in the basin and divert the water from irrigation to enhance stream flows. The NRDs would also have the power to undertake other stream flow augmentation programs consistent with the all management authorities granted to the NRDs in Chapter 2, Article 32. The three Republican River Basin NRDs are currently in negotiations to lease surface water from at least 26,000 acres from Frenchman Cambridge, Frenchman Valley and Riverside Irrigation Districts for the 2007 year.

The NRDs, either on their own and/or through an interlocal agreement, would have the authority to issue bonds to pay for the projects. Funding sources for repayment of the bonds could come from up to a 10-cent property tax and up to \$10/acre occupation tax on irrigated acres. The occupation tax would be collected and become delinquent in the same manner as property taxes. This component also included extension of the 3 cent levy authority for NRDs in fully and over-appropriated areas from 2008 to 2012. The bonding authority for new projects would sunset in 15 years.

Within 45 days of a request from the Natural Resource Committee, a report would be required by the qualified NRDs issuing such bonds of existing and planned activities to the committee. Also, beginning April 1, 2008, a district that uses bonds to purchase surface water would be required to restrict the use of groundwater from water wells used on acres certified for both groundwater and surface water use to no greater than the total groundwater allocation granted less the surface water purchased.

2. **State Funding for Water Programs, LB 322** – This component is Governor Heineman's proposal in LB 322 to establish a Water Resources Cash Fund to be administered by DNR to comply with interstate water compacts and conserve water in fully and overappropriated basins. The provision of the bill appropriates \$2.7 million per year to the Water Resources Cash Fund. After October 1, 2012 and until October 1, 2019, a 3/5 cent/bushel check-off on corn and grain sorghum will be imposed and directed to the Water Resources Cash Fund. NRDs could access money from the fund with a 40 percent match requirement. This division also included \$3 million for the current fiscal year to be appropriated to the state Department of Natural Resources to negotiate leases on surface water rights in the Bostwick Irrigation District. Intent language was added to make it clear that this bill does not establish a precedent that the Legislature must or should purchase water or provide compensation for any economic impacts resulting from necessary water regulation.

This component adds a requirement for the Department of Natural Resources to develop rules and regulations for use of the Water Resources Cash Funds. These components would require a) how planned activities of the district would assist in compliance with an interstate compact or decree or a formal state contract or agreement as required by 46-715 and b) a schedule of implementation of the activity or its components. Any NRD that fails to implement and enforce controls, rules and regulations as required under 46-715 would not be eligible for funding from the Water Cash Fund. The department would be required to submit an annual report to the Legislature by October 1 each year on the use of the funds.

3. **Water Management Changes of LB 295** – This component was already on Select File in LB 295 and makes a number of changes at the request of the Nebraska Department of Natural Resources, including 1) Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse. 2) Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use. 3) Provides an exception so that a person may use water

well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other non-consumptive use approved by the applicable natural resources district.

This component also included language that will require DNR, in consultation with the effected natural resources district, to do an annual determination in fully and over-appropriated basins, starting January 1, 2008, and every January 1 thereafter, to estimate the maximum amount of water that may be available from stream flow for a beneficial purpose in the short and long-term. The language would not be an "order" by the department, rather only a forecast developed by DNR and the affected NRDs.

Finally, this component allows NRDs to impose a temporary well drilling moratorium without a notice or hearing, but requires a hearing within 180 days. Similar language is included allowing DNR to impose a temporary 180-day stay on new surface water natural-flow appropriations in areas where a natural resources district has imposed a temporary 180-day stay on new well construction and the addition of new irrigated acres. Water wells of public water suppliers are exempt from temporary moratoriums.

4. **Vegetation Management Provision of LB 458** – This component creates a 13-member Riparian Vegetation Task Force, as proposed in LB 458, consisting of a representative of the Governor, state agencies, NRDs, the Nebraska Environmental Trust, and a riparian landowner from each of the state's congressional districts. The task force would sunset on June 30, 2009. The task force is to analyze the cost effectiveness of available vegetation treatment and shall utilize the principles of integrated vegetation management and sound science. For administrative and budget purposes, the task force will be housed with the Department of Agriculture.

Appropriations Committee Budget Released – The Appropriation Committee released its proposed budget this week. The proposed budget reflects a 4.5% average growth over the two year biennium, 3.7% in FY2007-08 and 5.3% in FY2008-09. This is about .7% above the Governors recommendation of 3.8% average growth which was submitted prior to certified TEEOSA aid and several salary contract settlements. This 4.5% average growth is significantly lower than the prior biennium (average growth of 7.4%), and the average General Fund spending growth over the past 20 years (6.9%). This 4.5% average spending growth is also roughly 1/2 percent below the historical growth in state personal income as reported by the federal Bureau of Economic Analysis.

The Committee proposed budget is higher than the Governors proposal by \$59 million over the biennium, reflecting the 4.5% average growth compared to the 3.8% average growth in the Governors recommendation. Most of the difference between the Committee and Governor can be attributed to (1) salary increases for the University of Nebraska and State Colleges, (2) state employee salaries of which much if the difference relates to the Special Master ruling subsequent to the Governors recommendation, TEEOSA school aid which was officially certified after the Governors recommendation and HHS provider rates.

Adjustments are made in NRD programs are reflective of committee preferences after the agency hearing. Debate on the budget is expected to begin next week and must be advanced to the Governor by the 80th day, which is May 15th. The details of the budget for natural resources program are in the chart on the next page.

Funding for Natural Resources Programs

Program	Governor Hieneman Proposed		Appropriations Committee Advanced		Percent Change	
	FY 07-08	FY 08-09	FY 07-08	FY 08-09	FY 07-08	FY 08-09
State Aid to NRDs	1,545,502	1,545,502	1,545,502	1,545,502	0.0%	0.0%
Small Watersheds	500,000	500,000	500,000	500,000	0.0%	0.0%
Soil and Water Conservation Fund	3,193,454	3,193,454	3,193,454	3,193,454	0.0%	0.0%
Water Well Decommissioning	240,840	240,840	240,840	240,840	0.0%	0.0%
Resources Development Fund	3,638,368	3,638,368	3,373,066	3,373,066	-7.3%	-7.3%
Soil Survey Fund	143,051	143,051	75,000	0	-47.6%	100.0%
Natural Resources Water Quality Fund	1,250,000	1,250,000	1,250,000	1,250,000	0.0%	0.0%
*Water Resource Development	1,257,299	1,264,348	0	0	100.0%	100.0%
Interrelated Water Mgt Plan Program	2,500,877	2,501,773	2,412,854	2,412,854	-3.5%	-3.6%
*Nebraska Water Rights	1,067,873	1,084,140	0	0	100.0%	100.0%
*DNR Agency Operations Fund	6,308,754	6,457,355	8,789,160	9,054,149	39.3%	40.2%

* Programs Merged. See narrative below.

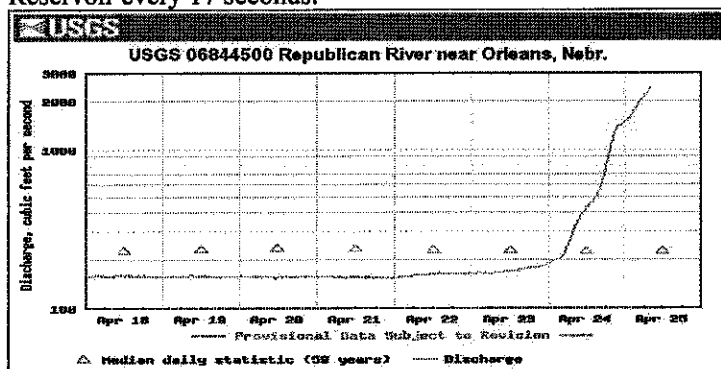
* Eliminate Soil Survey program funding. This modification would reduce funding for the Soil Survey program to \$75,000 in FY07-08 and eliminates the program in FY08-09. This program is a cooperative venture between the department and the University of Nebraska, and soil surveys have been completed for all the counties of Nebraska. The FY07-08 funding would allow for completion of an existing project, and to close out the program.

* Consolidation of staffing and operations into Program 334. Programs 310 (Water Resource Development) and 331(Water Rights) were consolidated into Program 334 (DNR Agency Operations Fund) in the Appropriations Committee recommendation. The transfer of staff into this program would give the agency greater flexibility in the management of work assignments. There is no net increase or decrease to the agency budget, and the changes are administrative in nature.

* Reduce current base funding for the Resources Development Fund. (Prog 307 Resources Develop Fund) by \$215,302.

* Reduce General Funds due to a one-time appropriation and decrease federal funds (Prog 310 Water planning process) by \$2,547,500. The reduction shown in this program is an adjustment due to a one-time appropriation in FY06-07. Reduced funding is based upon the agency request.

Rain Gage at Orleans – Heavy rains throughout the state have helped alleviate moisture concerns. This is exceptionally important to the residents of the Republican River Basin, where prolonged drought has contributed significantly to depleted stream flows. The graph below shows the flow levels after the rains this week. Note the triangles represent the median daily statistical flows and the blue line depicts the actual flows recorded at the stream gauge. Timely rains resulting in improved stream flow will greatly assist with compact compliance. Based on the flows displayed on this chart, one acre/foot of water reached the Harlan County Reservoir every 17 seconds.



For USGS web site information and data go to:
<http://waterdata.usgs.gov/nwis/uv?06768000>

NARD Bill Summary Tracking Sheet					Last Updated: 04/26/07			
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007	IPP	
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Mines		Oppose	Government	1/19/2007	Held in Committee	
17	Prohibit NRD dual office holding	Mines		Oppose	Government	1/17/2007	IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Mines		Oppose	Judiciary	2/14/2007	Held in Committee	
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations	3/8/2007	Held in Committee	
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007	Held in Committee	
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations	3/6/2007	Held in Committee	
187	Interlocal agreement prohibitions and rules	Mines		Monitor	Government	1/24/2007	Held in Committee	
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007	Held in Committee	
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn			Withdrawn	M00003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007	IPP	
289	Records of elections to exceed tax levy limits	Louden	Speaker	Monitor	Government		General File	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose (Support amended version)	Natural Resources	1/31/2007	Select File	Incorp. into AM 938 to LB 701
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	Incorp. into AM 938 to LB 701
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20	General File	DNR Hearing March 12
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007	General File	Incorp. into AM 938 to LB 701
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Raikes		Oppose	Revenue	2/22/2007	Held in Committee	
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007	Held in Committee	
391	Copies of records and speaking at public meetings	Mines		Oppose	Government	2/1/2007	General File	AM978 - Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007	General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007	Held in Committee	
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose original version	Natural Resources	(Revised) 2/28/2007	General File	Incorp. into AM 938 to LB 701. NARD Support amended version.
477	Change insurance requirements	Wightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007	IPP pending, Laid Over	AM 825 - Adopted AM864 to AM825 - Lost AM924 to AM825 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/8/2007	Held in Committee	
503	Change NRD board vacancy appointments	Mines		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007	Held in Committee	
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Auguilar	Support	Judiciary	2/14/2007	Select File	AM879 - Adopted
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007	Held in Committee	
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007	Held in Committee	
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Approved by Governor	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2008	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007	Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007	Held in Committee	
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/28/2007 AM872-4/4/2007	Passed by Legislature	ER870 - Adopted AM1073 - Adopted Various Amendments adopted and lost
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007	Held in Committee	



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May 4, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: May 4 NARD UPDATE

Governor Heineman signs Republican River Basin Water Bill –Governor Dave Heineman signed LB 701 into law on Tuesday this week. The bill provides new authorities to NRDs to manage water resources and also provides funding sources for water programs. The main components of the bill include:

- 1) Authorizing NRDs to purchase water rights and issue bonds to pay for such. The payment stream for the bonds includes a 10 cent property tax levy and/or a \$10 per acre irrigation occupation tax.
- 2) Extends the NRD Water Management 3-cent levy authority from 2008 to 2012.
- 3) Provides \$2.7 million in General Funds for water programs in fully and overappropriated areas until 2012. After 2012, a 3/5 cent check off on corn and grain sorghum will provide the state source of revenue.
- 4) Creates a 13-member Riparian Vegetation Task Force to analyze the cost effectiveness of available vegetation treatment in the Platte and Republican River Basins. The measure includes \$2 million/year for vegetation removal projects.
- 5) Requires DNR, in consultation with the effected natural resources district, to do an annual determination in fully and over-appropriated basins to estimate the maximum amount of water that may be available from stream flow for a beneficial purpose in the short and long-term.
- 6) Allows NRDs to impose a temporary well drilling moratorium without a notice or hearing, but requires a hearing within 180 days. Similar language is included allowing DNR to impose a temporary 180-day stay on new surface water natural-flow appropriations in areas where a natural resources district has imposed a temporary 180-day stay on new well construction and the addition of new irrigated acres. Water wells of public water suppliers are exempt from temporary moratoriums.

Niobrara Water Right Found – On May 1, 2007, the Department of Natural Resources ("DNR") issued closing notices to all persons holding water rights junior to June 8, 1942, who divert water from the Niobrara River upstream of Spencer, Nebraska. This action came in response to a "call for water" from the Nebraska Public Power District ("NPPD"). NPPD claims to hold a 1942 water right for a hydropower at Spencer that effectively claims the entire flow of the Niobrara River. If NPPD and DNR are correct, the Niobrara River is, and has been, fully appropriated since 1942. This new finding appears to contradict earlier conclusions. Since passage of LB 962 and as required by that law, DNR has made determinations in each of the past two years in its determination of fully appropriated basins and concluded the Niobrara River had significant volumes of unappropriated water. It will be interesting to see how all of this unfolds as NPPD has mentioned they would be interested in selling the water right.

Recreational Liability Bill Advanced to Final Reading – On Wednesday, senators advanced a bill dealing with political subdivisions' liability for accidents on public and private lands to Final Reading. The bill, LB 564, was introduced in response to a 2006 Nebraska Supreme Court decision, Bronsen v. Dawes County. In that case, the court overruled more than 25 years of precedent declaring that state law does not provide governmental entities with the same limited immunity. The bill proposes to create three exemptions to the liability of state or local government for claims relating to recreational activities for which no fee is charged:

- 1) Claims resulting from the inherent risk of the activity;

- 2) Claims arising out of a spot or localized defect of the premises unless the defect is not corrected by the state or political subdivision within a reasonable time after actual or constructive notice of the defect; and
- 3) Claims arising out of the design of a skate park or bicycle motocross park that was constructed using generally recognized standards in existence at the time the facility was constructed.

Before advancing the bill to Final Reading, an amendment was added that would require political subdivisions to post and maintain a sign at each Skateboard Park and Bicycle Motocross Park sponsored by the political subdivision indicating that it is not liable for injury or death resulting from the inherent risks of the recreational activities. Under the amendment, the absence of a sign would not increase liability on the part of the political subdivision.

Appropriations Committee Budget Advanced – The mainline appropriations bill was advanced to Select File this week with no changes from the committee recommendations. Several amendments await for Select File debate next week. The proposed budget reflects a 4.5% average growth over the two year biennium, 3.7% in FY2007-08 and 5.3% in FY2008-09. The details of the budget for natural resources program are in the following chart.

Funding for Natural Resources Programs

Program	Governor Hieneman Proposed		Appropriations Committee Advanced		Percent Change	
	FY 07-08	FY 08-09	FY 07-08	FY 08-09	FY 07-08	FY 08-09
State Aid to NRDs	1,545,502	1,545,502	1,545,502	1,545,502	0.0%	0.0%
Small Watersheds	500,000	500,000	500,000	500,000	0.0%	0.0%
Soil and Water Conservation Fund	3,193,454	3,193,454	3,193,454	3,193,454	0.0%	0.0%
Water Well Decommissioning	240,840	240,840	240,840	240,840	0.0%	0.0%
Resources Development Fund	3,638,368	3,638,368	3,373,066	3,373,066	-7.3%	-7.3%
Soil Survey Fund	143,051	143,051	75,000	0	-47.6%	100.0%
Natural Resources Water Quality Fund	1,250,000	1,250,000	1,250,000	1,250,000	0.0%	0.0%
*Water Resource Development	1,257,299	1,264,348	0	0	100.0%	100.0%
Interrelated Water Mgt Plan Program	2,500,877	2,501,773	2,412,854	2,412,854	-3.5%	-3.6%
*Nebraska Water Rights	1,067,873	1,084,140	0	0	100.0%	100.0%
*DNR Agency Operations Fund	6,308,754	6,457,355	8,789,160	9,054,149	39.3%	40.2%

* **Programs Merged.** See narrative below.

* **Eliminate Soil Survey program funding.** This modification would reduce funding for the Soil Survey program to \$75,000 in FY07-08 and eliminates the program in FY08-09. This program is a cooperative venture between the department and the University of Nebraska, and soil surveys have been completed for all the counties of Nebraska. The FY07-08 funding would allow for completion of an existing project, and to close out the program.

* **Consolidation of staffing and operations into Program 334.** Programs 310 (Water Resource Development) and 331 (Water Rights) were consolidated into Program 334 (DNR Agency Operations Fund) in the Appropriations Committee recommendation. The transfer of staff into this program would give the agency greater flexibility in the management of work assignments. There is no net increase or decrease to the agency budget, and the changes are administrative in nature.

* **Reduce current base funding for the Resources Development Fund.** (Prog 307 Resources Develop Fund) by \$215,302.

* **Reduce General Funds due to a one-time appropriation and decrease federal funds** (Prog 310 Water planning process) by \$2,547,500. The reduction shown in this program is an adjustment due to a one-time appropriation in FY06-07. Reduced funding is based upon the agency request.

NARD Bill Summary Tracking Sheet				Last Updated: 04/28/07				
Bill or CA	Description	Sponsor(s)	Priority	NARD POSITION	Committee	Hearing Date	Status	Amendments
7	New provisions for Open Meetings Act	Preister		Monitor	Government	1/18/2007	IPP	
13	New procedures and oversight for interlocal agreements under Interlocal Cooperation Act	Minas		Oppose	Government	1/19/2007	Held in Committee	
17	Prohibit NRD dual office holding	Minas		Oppose	Government	1/17/2007	IPP pending, Laid Over	AM71 - Adopted M00003 - Failed M00009 - Pending
20	Require public recreation access to NRD water projects	Minas		Oppose	Judiciary	2/14/2007	Held in Committee	
42	Change distribution of cigarette taxes	Hudkins		Monitor	Appropriations	3/8/2007	Held in Committee	
78	Recoverable amounts	Nantkes		Oppose	Judiciary	2/7/2007	Held in Committee	
79	NDEQ reporting under Litter Reduction & Recycling Act	Nat. Res. Comm.		Monitor	Natural Resources	1/17/2007	Approved by Governor	
80	NDEQ funding of Safe Drinking Water projects	Nat. Res. Comm.		Support	Natural Resources	1/17/2007	Approved by Governor	AM30 - Adopted
105	Nebraska Forest Service funding	Louden		Support	Appropriations	3/6/2007	Held in Committee	
187	Interlocal agreement prohibitions and rules	Minas		Monitor	Government	1/24/2007	Held in Committee	
197	Political Subdivisions Tort Claims Act	Schimek		Monitor	Judiciary	2/7/2007	Held in Committee	
202	Liens under Integrated Solid Waste Management Act	Louden		Monitor	Natural Resources	1/19/2007	General File	AM13 - Pending
224	Well drilling moratorium	Kopplin	Withdrawn	Withdrawn	Withdrawn		Withdrawn	M00003 - Prevailed
272	NRD bonding authority	Kopplin		Support	Revenue	2/22/2007	IPP	
289	Records of elections to exceed tax levy limits	Louden	Speaker	Monitor	Government		Final Reading	AM316 - Pending
291	Change membership on Nebraska Environmental Trust Board	Hansen		Monitor	Natural Resources	1/25/2007	Select File	AM123 - Adopted AM 156 - Withdrawn AM398 - Pending
295	Irrigation well spacing and permits	Nat. Res. Comm.	Committee	Oppose (Support amended version)	Natural Resources	1/31/2007	Select File	Incorp. into AM 938 to LB 701
301	Extend NETF distribution	Janssen		Support	General Affairs	2/5/2007	General File	AM204 - Pending
313	Clarify engineering requirements under Livestock Waste Management Act	Nat. Res. Comm.		Support	Natural Resources	1/24/2007	Approved by Governor	AM101 - adopted
314	Add dug pits to definition of water well	Louden		Support	Natural Resources	1/31/2007	General File	Incorp. into AM 938 to LB 701
321	Mainline appropriation bill	Speaker Flood, at request of Governor		Support	Appropriations	Agency Hearings Start 2/20	Select File	Numerous Amendments Pending
322	Water Resources Cash Fund & other funds	Speaker Flood, at request of Governor		Support	Appropriations	2/20/2007	General File	Incorp. into AM 938 to LB 701
333	Authorize fee schedule for Private Onsite Wastewater System Contractors Certification	Johnson		Monitor	Natural Resources	1/24/2007	Approved by Governor	AM90 - Adopted
362	Interlocal agreements	Raites		Oppose	Revenue	2/22/2007	Held in Committee	
387	Require water meters on new construction	Langemeier		Oppose	Urban Affairs	2/27/2007	Held in Committee	
391	Copies of records and speaking at public meetings	Minas		Oppose	Government	2/1/2007	General File	AM678 - Pending
420	Change cigarette tax distribution and create funds	Erdman		Monitor	Appropriations	3/12/2007	General File	AM890 - Pending
448	Extend timeframe for filing lawsuits against political subdivisions	Ashford		Oppose	Judiciary	2/7/2007	Held in Committee	
458	Integrated Management Plans and removing vegetation	Carlson et al.	Carlson	Oppose original version	Natural Resources	(Revised) 2/28/2007	General File	Incorp. into AM 938 to LB 701. NARD Support amended version.
477	Change insurance requirements	Wrightman		Oppose	Government	2/28/2007	IPP	
488	Income tax credit for perpetual conservation easement donations	Wallman	Wallman	Support	Revenue	2/8/2007	IPP pending, Laid Over	AM 825 - Adopted AM884 to AM925 - Lost AM924 to AM925 - Lost
493	Change meetings of Water Policy Task Force and require review of UNL research	Langemeier		Monitor	Natural Resources	(Revised) 3/9/2007	Held in Committee	
503	Change NRD board vacancy appointments	Minas		Oppose	Natural Resources	2/22/2007	IPP	
530	Change allocation formula for Storm Water Management Plan program	Nantkes	Speaker	Support	Natural Resources	2/8/2007	General File	FA 00090 - Pending AM 1110 - Pending
534	Funding storm water programs	Schimek		Support	Natural Resources	2/8/2007	Held in Committee	
564	Add state and political subdivisions to those who receive recreational liability protection	Friend et al.	Augular	Support	Judiciary	2/14/2007	Final Reading	AM879 - Adopted
566	Adopt Public Recreational Liability Act	Louden et al.		Support	Judiciary	2/14/2007	Held in Committee	
567	Extend recreational liability protection to landowners that charge for access	Louden et al.		Support	Judiciary	2/14/2007	Held in Committee	
568	Extend Scrap Tire Grant Program	Nat. Res. Comm.		Support	Natural Resources	1/31/2007	Approved by Governor	AM210 - Adopted FA31 - Adopted
594	Temporary suspension of new well permits and surface water rights for irrigation	Kopplin		Reference policy statement	Natural Resources	(Revised) 3/8/2007	IPP	
622	Open Meetings Act training sessions	Pirsch		Monitor	Government	2/1/2007	Failed to Advance From GF	AM259 - Adopted
652	Mandatory energy audits	White		Oppose	Natural Resources	2/7/2007	Held in Committee	
701	Create a basin-wide management authority & committee	Christensen	Christensen	Reference policy statement	Natural Resources	2/29/2007 AM872-4/4/2007	Signed by the Governor	ER870 - Adopted AM1073 - Adopted Various Amendments adopted and lost
704	Adopt Fishable & Swimmable Waters Act	Preister		Monitor	Natural Resources	3/8/2007	IPP	
11CA	Reduce funding to NETF & create a new Crime Fund	Flood		Oppose	General Affairs	2/26/2007	Held in Committee	

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FY'08 Appropriations and Legislative Report

May 3, 2007

Fiscal Year 2008 Energy and Water Appropriations

The House Appropriations Committee and its thirteen subcommittees are drafting fiscal 2008 appropriations bills. The Energy and Water Development Appropriations bill is anticipated to be among the first approved at the subcommittee and full committee levels this year likely sometime in June. Congressman Jeff Fortenberry submitted the project requests included in the attached list as proposed by the Lower Platte North, Lower Platte South, and Papio-Missouri River Natural Resources Districts.

Recent contacts with Congressional appropriations staff and the Corps of Engineers indicate that the Congress will consider the addition of \$600 million to \$800 million in funding for Corps projects over the amount requested by the Administration in the President's FY'08 Budget submitted in February. The leadership of the House and Senate Appropriations Committees are seeking to accelerate completion of the FY'08 bills for sending to the President prior to the start of the 2008 fiscal year on October 1, 2007.

Water Resources Development Act of 2007

The House of Representatives approved the Water Resources Development Act of 2007, H.R. 1495 on April 20, 2007, with the authorization updating amendments requested for the Sand Creek, Antelope Creek and Western Sarpy-Clear Creek projects. The bill also includes the Lower Platte River Watershed restoration project among a group of other watersheds in a new program authorizing Corps assistance to watershed management. These provisions were requested by Congressman Jeff Fortenberry. He and Congressman Lee Terry supported passage of H.R. 1495.

Next week, the Senate is expected to take-up the Environment and Public Works Committee's proposed Water Resources Development Act reported during April. Senate floor consideration is expected to be on a "manager's amendment" to the committee's bill that is not yet available but likely includes the authorization updating amendments for the three major

Lower Platte River projects, first authorized in WRDA 2000, and the Lower Platte River Watershed Restoration Project substantially as submitted by Senators Nelson and Hagel. The latter would authorize \$12 million for projects and activities to restore and improve the Lower Platte River watershed. Water from this area will be available to serve approximately 50% of the state's population once the Omaha ground well-field is completed.

A House – Senate Conference Committee on WRDA'07 would proceed after Senate passage of the bill during this summer.

Other Legislation

The House and Senate agriculture committees are proceeding to develop separate versions of the 2007 Farm Bill. The Administration submitted its authorization proposal earlier this year. Senator Nelson and Congressman Fortenberry are members of their respective bodies' agriculture committees. Congressman Adrian Smith is also a member of the House committee.

Both the House and Senate agriculture committees have been holding hearings and identifying priority issues for drafting legislation. Among the highest priorities is full-funding for the Conservation Security Program enacted in 2002 as a major step to improving USDA conservation programs.

The Administration's proposal includes a new watershed management program to be known as the Regional Water Enhancement Program ("RWEP") which would be implemented through the USDA Environmental Quality Improvement Program. "The purpose of the RWEP shall be to improve water quality and water conservation on a regional scale to benefit working agricultural lands and other lands surrounding working agricultural lands, including fish and wildlife habitat, by selecting and providing coordinated program assistance to water quality and water conservation projects administered by partners at geographic levels beyond that of individual working agricultural lands, such as- (1) watersheds; and (2) irrigation and drainage districts." The Administration's proposal would authorize \$175 million for implementation of RWEP including funding to local governments.

SUMMARY

Nebraska FY'08 USACE Appropriations Projects

1. Western Sarpy-Clear Creek Flood Damage Reduction Project \$7.1 million
 - Improved levee to protect Lincoln and Omaha water supply well fields, I-80 highway and bridge, Burlington Northern main line, other highways and telecommunications lines. Lincoln water transmission mission pipe washed-out in 1993 ice-jam induced flooding.
 - Area's water will be available to serve 50% of Nebraska's population.
 - Project will tie-in to Mil Con levee and protect Nebraska National Guard camp at Ashland which suffered severe flooding in 1993 and 1997.
 - Environmental restoration features for least tern, piping plover and pallid sturgeon
 - Existing levee overtopped in spring 2007 ice event.
 - \$3 million from FY'07 allocation will move levee forward on both sides.
 - FY'08 request: \$7.1 million, leaving \$ 0.1 million to complete project.
2. Sand Creek Environmental Restoration Project
 - Constructed wetland to restore several types of historic wetlands and support national net gain goal and restoration structure to serve as roadway for U.S. 77 Expressway.
 - USACE LRR quantified environmental outputs.
 - Related flood damage reduction benefits for Wahoo, Nebraska which experienced flooding twice during 2006, along U.S. 77 Expressway.
 - USACE has approved local sponsor request to reduce project cost by \$11 million.
 - FY'08 request is for \$1.7 million to move project and completion of the last link of U.S. Expressway 77.
3. Antelope Creek Flood Damage Reduction Project
 - Sequencing for this multipurpose project requires completion of (a) flood damage reduction element and greenway before (b) transportation and (c) community revitalization elements can occur adjacent to the University of Nebraska in downtown Lincoln.
 - First two segments of the flood damage reduction project have been completed from the receiving stream going up watershed.
 - Request is for \$9 million as in the President's budget will markedly move the flood control element forward to completion.

4. Fremont South Sec. 205 CAP flood control study. FY'08 request \$160,000
5. Schuyler Sec. 205 CAP flood control study. FY'08 request \$150,000.
6. Lower Platte River and Tributaries Study \$175,000, \$130,000 in President's request plus \$45,000 for watershed assessment.
7. Big and Little Papio Flood Plain Remapping Project in Omaha Metropolitan Area. FY'08 request \$1.9 million.
8. Heron Haven Sec. 206 CAP ecosystem restoration project for design and construction of open water in these historic wetlands in Omaha. FY'08 request: \$459,000.

Published Thursday | April 12, 2007
Omaha set to foot 43 percent of dams' higher PR bill
BY NANCY GAARDER
WORLD-HERALD STAFF WRITER

The City of Omaha and several other local governments are poised to join forces in spending about \$86,000 on a public information campaign concerning up to 29 dams proposed for the metro area.

The money would be paid to Issues Management Solutions, an Omaha-based communications consultant. It was initially envisioned that the campaign would cost \$50,000.

Steven Wolf, president of Issues Management Solutions, said the "heavy lifting" the firm has to do to "set the record straight" about the dam project justifies the cost.

Wolf is at work trying to change the public's perceptions of the dams. He said some of them are better characterized as "berms" and some of the reservoirs as "drainage ditches."

The dams proposed by the Papio-Missouri River Natural Resources District include 17 reservoirs ranging in size from 12 acres to 215 acres, according to NRD documents. Sizes for 12 smaller reservoirs, which would function as sediment traps, have not been determined.

The reservoirs would be built in concert with developers, who would be allowed to build around the structures.

The total cost of the 29 dams is estimated at \$282.5 million. Two other dams that are part of another project could cost about \$100 million.

A committee of the Papio NRD board gave preliminary approval this week to hiring Issues Management. The NRD, as the managing agency among a coalition of 12 local governments, is responsible for selecting the firm.

The full NRD board will make its decision today.

Jim Thompson, chairman of the NRD board, said the cost of the contract rose because of the amount of work Issues Management will be doing.

Wolf said his firm would prepare fact sheets, visit the proposed dam sites and meet with community leaders and local residents. Later this year, it will coordinate a series of 12 public meetings on the issue.

The firm also will create an advisory group, analyze news coverage of the dams and focus on developing a unified voice. It also proposes training public officials who will be presenting information on the dams, but the training would cost extra.

Doug Kagan of Nebraska Taxpayers for Freedom questioned the need for the contract.

"Hiring a public relations company that may manufacture a public setting to fit your own preconceived conclusions is an insult to taxpayers," Kagan told the NRD committee.

Board member Tim Fowler said the stakes are significant when it comes to flood control, and the NRD needs to do a better job explaining the need for the dams, as well as the process being used in deciding to build them.

"I don't want anyone to ever come back and say we didn't do the right thing at the right time," Fowler said.

The City of Omaha is footing the bulk of the bill for the consultant because it has the largest population and area in the Papillion Creek watershed.

It also would be one of the chief beneficiaries of the plan. The city has selected dams as one of its primary vehicles for meeting federal requirements to control storm water runoff.

Omaha's share of the consultant's bill would be 43.1 percent. The NRD would pay 20.7 percent, Douglas County 15 percent, Sarpy County 12.7 and seven other local governments would pay the remaining 8.5 percent.

Filibuster foes must stand up for recreation

Friday, Apr 13, 2007 - 12:20:43 pm CDT

Congratulations to the 40 state senators who shut off Sen. Ernie Chambers' filibuster of a bill needed to keep open city skateboard parks, skating rinks and other recreational opportunities.

The bill is needed to provide some protection against lawsuits filed by people injured in accidents on government property.

Local government officials across the state became worried about liability after a court ruling last year. That ruling allowed a Utah woman to sue Dawes County for damages after she was injured when she stepped into a hole on the courthouse lawn in Chadron during Fur Trade Days festivities.

In response, some communities closed skateboard parks, sledding hills and skating rinks because they couldn't find affordable insurance. The University of Nebraska suspended hunting on thousands of acres of university land, including a popular tract near Mead.

The city of Lincoln banned sledding on some hills on the Holmes Park Lake dam and prohibited sledders from building snow bumps that could send sleds flying.

Those might have been only the start of such bans. Many communities across the state are watching the Legislature to learn whether they would remain vulnerable to lawsuits. Lynn Rex, executive director of the League of Nebraska Municipalities, warned that schools might be forced to fence playground areas to prevent unsupervised children from playing on the equipment.

The difficulty senators faced in addressing the issue was finding the proper balance between protecting government's ability to offer recreational opportunities and protecting citizens' right to sue for damages in cases when government is negligent.

From this perspective, LB564, introduced by Sen. Mike Friend of Omaha and amended under compromise negotiated by Sen. Steve Lathrop of Omaha, strikes that balance.

The bill's strongest protection would be for recreational facilities that are free to the public. The government would be exempt if injuries resulted from the inherent risk of such activities as skateboarding and if the facility were built according to generally recognized engineering and safety standards at the time of construction. Governments could also avoid liability from defects, unless officials knew about the defect and failed to correct it.

Government would be more liable to lawsuits for activities for which a fee is charged.

Chambers is adamant in his lonely stand that the bill provides too much protection to government. Speaker Mike Flood warned senators to expect the filibuster to continue during the next two rounds of debate. The 40 senators who voted to end the filibuster should stick together. Passage of the bill will keep some fun in the state, especially for young people.

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Inching forward

Legislature takes sound first step toward honing Republican River compromise.
(OWH Editorial, 4-15-07)

The bill to bail out the Republican River basin received firstround approval in the Nebraska Legislature last week, but the road ahead is far from smooth. With the kind of cooperation and compromise seen on the legislative floor, however, a resolution that is fair to all Nebraskans seems on the horizon.

It took two days of sometimes heated debate to move Legislative Bill 701 to the second stage of floor debate. But in the end, the vote heavily favored the measure. That is a positive step for Nebraska.

The bill would funnel about \$8 million in state funding this fiscal year into an ongoing state water cash fund, in-stream vegetation eradication and a single purchase of water from the Bostwick Irrigation District to help Nebraska meet its responsibility to send more water to Kansas via the Republican River.

LB 701 also would give the three Republican River natural resources districts the authority to levy an occupation tax of up to \$10 per acre on irrigated land, as well as a property tax increase of up to 10 cents per \$100 of taxable valuation.

The money would be used for acquiring water rights, irrigation canals and reservoirs, augmentation of river flows and vegetation management. This is a key feature of the compromise. Local irrigators and other basin residents are taking on much of the financial burden, and rightfully so, since they have long been the primary beneficiaries of irrigation.

Groundwater irrigation in the Republican basin was among the factors contributing to the water shortfall. A Kansas lawsuit and settlement, which Nebraska has not yet fulfilled, raised the specter of potentially expensive monetary damages and total shut-off of groundwater irrigation in the Republican Valley. That dramatic — and potentially ruinous — threat was rightly emphasized by senators who said they didn't like the compromise but planned to grit their teeth and support it.

An unappealing alternative to local control — and local taxation — briefly buzzed across the legislative floor: Some senators, many of them from urban areas, debated whether the state should simply exercise its power to condemn irrigators' acres in order to get enough water to meet responsibilities.

That kind of drastic action, according to State Sen. Mark Christensen, who brought the initial bill, would mean "death to the valley" and bankruptcy for irrigators and others in the area. Such a policy deserves no place in this legislation.

The measure, in a major step, would give more regulatory power to the NRDs and the state Department of Natural Resources. And it would set up an extensive two-year program to remove vegetation from clogged watercourses, initially concentrating on the Republican River. The bill's provisions are specific enough to limit most of its effects to the Republican, although the water cash fund, for one, would be available in other areas, too.

Several proposed amendments would benefit the bill, including a sunset provision to rescind the NRDs' bonding authority in 15 years if it isn't reauthorized. Rightly popular among senators was the idea of forming an oversight committee to see that the NRDs do their jobs properly. The agencies are on board with the compromise but have not always been so responsible.

Lawmakers appear to be considering an amendment that could be a deal-breaker: requiring a vote of the people in an NRD before property taxes could be raised. Sen. Tom White of Omaha was among the lawmakers worried that the state would shovel in money up front and that the NRDs would contribute later — if at all. If that element of uncertainty is introduced into the compromise, considerable support for this vital bill will vanish.

There is work to be done on LB 701 before it is considered again. But lawmakers should be careful to bear in mind that the compromise is fragile, that it depends heavily on concessions made by both sides and that the alternative, as Christensen said, is an "economic disaster to my district that is not even fathomable."

LB 701 would give the state Natural Resources Department and the Republican River NRDs the tools and the power to guide the destiny of their river basin, which has long contributed to the prosperity Nebraska enjoys. As the bill moves forward, inch by painful inch, the best interests of all Nebraskans are at stake.

Teer, Pat

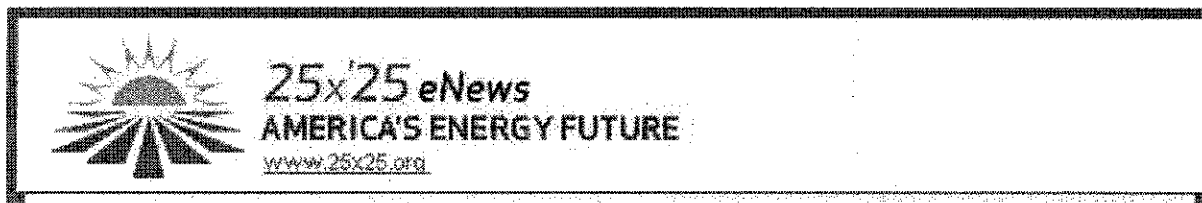
From: Dean E. Edson [dedson@nrdnet.org]
Sent: Thursday, April 19, 2007 5:13 PM
To: Tom Moser; Stan Staab; Ron Cacek; Ron Bishop; Rod Horn; Teer, Pat; Nancy Brisk; Onnen, Mike; Mike Murphy; Mike Clements; Petermann, Marlin; Lyndon Vogt; Lower Niobrara NRD; Leon Butch Koehlmoos; Kent O. Miller; John Turnbull; John Thorburn; John Miyoshi; Jasper Fanning; Glenn Johnson; Duane Filsinger; Dennis Schueth; Deb Hayes; Dave Clabaugh; Dan Smith; Bob Hilske; Anna Baum; Winkler, John; Yvonne Austin; Tesar, Richard; Orval Gigstad; Mosel, Michael L.; Lyle Heinrichs; Keith Rexroth; Jim Meismer; Jim Johnson; Gerald Dillman; Doug Dickinson; Dean Rasmussen; Dean Johnson; Dean & Sharron Jochem; Dan Steinkruger; Joe Anderjaska
Cc: Jeanne Dryburgh; Dick Ehrman; Kody Schrader
Subject: Fw: 25x'25 e-News for April 19, 2007

FYI

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----- Original Message -----

From: 25x'25 e-News
To: dedson@nrdnet.org
Sent: Thursday, April 19, 2007 2:06 PM
Subject: 25x'25 e-News for April 19, 2007



April 19, 2007

News from the 25x'25 Renewable Energy Initiative

Welcome to 25x'25 e-News, reporting every two weeks on news from the 25x'25 Initiative and related renewable energy happenings. For more information, be sure to check out our website at <http://www.25x25.org/>.

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Texas Alliance Addresses Community Concerns

4/20/2007

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Ag Day Celebration in California Marked by Praise of 25x'25
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New Hampshire House Adopts RPS Bill; Moves Toward 25x'25
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Governors Announce Top Energy Priorities for States
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NREL Highlights Leading Utility Green Power Programs
EPA Finalizes Renewable Fuels Standard
IPCC Report Underscores 25x'25 Environmental Benefits
Annual U.S. Wind Power Rankings Track Industry's Growth
NC State Building a Cellulosic Pilot Plant
Coachmen to Look at Alternative Energy Sources for RVs, Modular Housing
Oil Companies Create Biofuels Alliances

POLICY UPDATES

25x'25 National Goal Resolution Update

The House of Representatives is back in session this week following a two-week recess; the Senate returned to the Hill last week. As a result, the focus on gathering additional congressional cosponsors for the 25x'25 national goal is shifting back to Washington, DC. To date, 29 Senators have signed on in support of S. Con. Res. 3 and 57 House members are supporting S. Con. Res. 25. 25x'25 leaders, partners and state alliances are making a concerted effort to double the number of cosponsors of the concurrent resolutions and to achieve their passage in the Senate by the Memorial Day recess, and in the House by the July 4 recess.

FY 2008 Budget Resolution, Renewable Energy Provisions, Head to Conference

The fiscal 2008 budget resolution heads to conference committee this week to work out differences in a nearly \$3 trillion spending measure. The House and Senate late last month approved broadly similar measures that, among other provisions, boost spending for renewable energy. The budget resolution is nonbinding, but sets rules and a ceiling for congressional spending for the next fiscal year. The Senate version includes a reserve fund proposed by Sen. Kent Conrad (D-ND) that creates a placeholder for renewable energy tax credits. It would allow the Finance Committee to extend tax breaks for wind, biomass, geothermal, hydropower, solar and other clean energy technologies, as long as they are offset. The House version of the budget resolution also creates a reserve fund, redirecting oil subsidies to invest \$14 billion over the next 10 years in renewable energy and energy efficiency programs. Conrad also included a \$15 billion reserve fund for the farm bill in the Senate resolution, allowing the Agriculture Committee to spend \$15 billion above the Congressional Budget Office baseline estimates. The Agriculture Committee would also have

to find offsets for the increased spending under congressional "pay-as-you-go-rules." The House budget resolution also provides for "deficit-neutral reserve fund" for the farm bill, set at \$20 billion.

Tax Committees to Look at Renewable Energy Provisions

The House Ways and Means Committee and the Senate Finance Committee are holding hearings this week to target policies that will boost renewable and alternative energy sources, responding to directives from Congress' new Democratic leadership to committee chairmen. The Senate Finance Committee will meet Thursday morning to hear about tax incentives for alternative fuels and vehicles. Later that day, the House Ways and Means Subcommittee on Select Revenue Measures holds a hearing aimed at boosting tax incentives for alternative energy. Measures based in tax structure are expected to move more quickly than bills that will come under consideration by both chambers' energy and environment committees that review a wide range of renewable energy proposals. But the long-term costs of tax breaks for renewables are still expected to draw considerable debate.

Bingaman, Domenici Mark Up Biofuels, Efficiency Legislation Later This Month

Senate Energy and Natural Resources Committee Chairman Jeff Bingaman (D-NM) and ranking member Pete Domenici (R-NM) held a hearing last week on legislation they introduced that would dramatically expand the use of renewable fuels over the next two decades. The two senators say the bill responds to calls for reduced dependence on foreign sources of oil and cleaner sources of energy. Bingaman and Domenici say the Biofuels for Energy Security and Transportation Act of 2007 (S.987) builds on the 2005 Energy Policy Act to create new renewable fuel standards and promote their usage and development. The legislation will require America's fuel supply to contain higher amounts of renewable fuels, from 8.5 billion gallons in 2008 to 36 billion gallons in 2022. From 2016 to 2022, the bill requires an increasing portion of the renewable fuels consumed to be advanced biofuels, such as cellulosic ethanol, biobutanol and other fuels derived from unconventional biomass feedstocks. The measure would also increase DOE funding for bioenergy research and development by 50 percent over fiscal years 2007 to 2009, in part to create seven bioenergy research centers throughout the country and provide grants for research in renewable technologies in states with low rates of ethanol production. The measure also contains provisions to clarify and strengthen the loan guarantee program, authorizing up to \$250 million for each biofuels production facility and requiring DOE to guarantee 100 percent of loans for cellulosic ethanol projects. For more on the measure, including a one-page summary and section-by-section analysis, go to <http://energy.senate.gov/public/>.

This week, Bingaman is expected to introduce a broad energy efficiency bill that will feature a national renewable electricity standard. The bipartisan bill will address efficiency in industry and utilities, along with auto technology-related provisions. Mileage standards, which are subject to another committee's jurisdiction, are not part of the Bingaman measure. The bill will be used in the Finance Committee's development of energy tax legislation. A major goal in the Bingaman plan is a renewable portfolio standard requiring the nation's utilities to obtain 15 percent of their power from renewable sources by 2020. More than 20 states currently have an RPS in place.

Bingaman is said to be planning to mark up the biofuels and efficiency measures later this month for inclusion in a major package of energy legislation that Senate Majority Leader Harry Reid (D-NV) wants to bring to the floor and act on before Congress goes into its Memorial Day recess.

Meanwhile, as chairman of the Senate Finance Subcommittee on Energy, Natural Resources, and Infrastructure, Bingaman last week also held a hearing on tax legislation that will provide

greater incentives for renewable energy development. For more, go to <http://bingaman.senate.gov/news/record.cfm?id=272388>.

25x'25 INITIATIVE UPDATES

25x'25 Resolutions in the States

In Florida, 25x'25 partners and supporters are leading the effort to move 25x'25 resolutions through the state legislature. SR 1680, introduced by Senator Mike Bennett, has passed the Senate Ag Committee and is awaiting floor action. HR 7117, introduced by Representatives Stan Mayfield and Denise Grimsley, is also awaiting floor action. Florida 25x'25 supporters say the resolutions are expected to come up for debate very soon.

In the Alabama legislature, HR 228/HJR 231 was introduced last week by Rep. Greg Wren of Montgomery. Wren is also sponsoring legislation that would create a Permanent Joint Legislative Committee on Energy Policy. The Committee would be charged with developing the Alabama Energy Plan and recommend courses of action to address the state's energy challenges. Opportunities to diversify the State's energy supply and provide new opportunities for agriculturally-based products and Alabama-based clean energy technologies would also be examined. Alabama Gov. Bob Riley endorsed the 25x'25 Vision in November 2006 and has implemented several initiatives and programs in Alabama to promote the production and use of biofuels. In January, Governor Riley announced that the state government's fleet of vehicles was switching to ethanol.

And In Georgia earlier this month, resolutions aiming to establish the 25x'25 as a state goal were introduced in the State Legislature. SR 644 was introduced by Senators Ross Tolleson and John Bulloch. The House version was introduced by Rep. Richard Royal. As of press time, a bill number had not been assigned to the House resolution. Gary Black, President of the Georgia Agribusiness Council and a 25x'25 state leader, lead the effort to get the resolutions introduced. Georgia state alliance partners are working to get the resolutions adopted before the end of the legislative session.

To date, six states-Colorado, Nebraska, Vermont, Kansas, Montana and Mississippi-have passed legislation supporting 25x'25.

State Alliance Formed in South Carolina

The South Carolina Biomass Council unanimously voted last week to endorse the 25x'25 Vision and serve as the central state entity to promote the objectives and long-term goals of the 25x'25 Initiative. Several current initiatives in South Carolina, including the South Carolina Strategic and Tactical Research on Energy Independence Commission's (STREIC) report, "Breaking the Dependence on Oil and Fueling the Future through Economic Development," compliment the 25x'25 campaign. The STREIC report made several legislative recommendations, including sales tax rebates for in-state purchases of flex-fuel, hydrogen, and hybrid vehicles; incentive payments to retailers and refiners of ethanol and biodiesel fuels; the establishment of an energy task force to develop a comprehensive plan to reduce the state's dependence on imported energy sources; and that South Carolina officially join the 25x'25 campaign.

The South Carolina Biomass Council was created in April 2006 to develop a long term strategy to make biomass energy a feasible large-scale alternative. The Council recently completed a set of public policy recommendations aimed to accelerate the construction of indigenous bioenergy enterprises using biomass produced in the state. Dr. Nick Rigas, Director of the

South Carolina Institute for Energy Studies at Clemson University, is chairman of the council, which consists of members representing state and federal agencies, elected officials, agriculture and forestry groups, private industry, universities, and renewable energy and economic development advocates. To access the STREIC report, go to <http://www.energy.sc.gov/news.aspx?id=6>.

Texas Alliance Addresses Stakeholder Concerns

The Texas State 25x'25 Alliance met last week and addressed community concerns about renewable energy issues, such as rising corn prices and electric transmission lines that run through farm property. The gathering drew representatives from the livestock, forestry and sorghum industries; the Texas Farm Bureau, the Texas Department of Agriculture, Rice University, the American Wind Energy Association. Also on hand were members of the Rural Alliance for Renewable Energy and private entrepreneurs. Other topics of discussion included how 25x'25 can increase its advocacy role as more than 30 bills dealing with renewable energy are currently making their way through the Texas legislature. State alliance leaders were charged with developing a strategic plan for helping move the state to a 25x'25 energy future. Alliance members also debated the creation of a sub-committee that would meet to further discuss and begin to craft solutions for the increased price of feed due to renewable energy production.

Pavlova Joins 25x'25 Team

25x'25 is pleased to announce that that Anna Pavlova has joined the alliance's staff team to help advance the alliance's national goal resolutions as well as the policy recommendations outlined in the 25x'25 Action Plan. She will also be networking with and supporting 25x'25 partners in pursuit of common objectives.

Anna's past work experience includes four years with the American Soybean Association where she managed energy, international trade and food aid issues with Congress, the WTO and the executive branch. Anna has also worked with multi-national corporations where she provided market analysis services and has researched, reported and lobbied on a wide range of issues of importance to production agriculture. She has created and/or coordinated coalitions of businesses, commodity organizations and trade groups taking on issues ranging from U.S. food aid policy to regulatory science related to trade traceability and labeling.

She is a graduate of Georgetown University with a degree in international politics and economics.

"We are delighted that Anna has chosen to join our team and we look forward to the many contributions she will make to our efforts," said 25x'25 Project Coordinator Ernie Shea. "Anna brings a wealth of experience and will make a fine addition to our staff."

"I've spent the last five years working with agricultural coalitions in support of often difficult and contentious issues," she said. "I look forward to this exciting opportunity to help create a new energy future for our country."

NEW ENDORSEMENTS

The following are the latest partners to endorse 25x'25:

Regional: Jefferson County (GA) Board of Commissioners; Stevens County (MN) Board of Commissioners; Kentucky Clean Fuels Coalition of KY; St. John Valley SWCD of ME; Pennsylvania Rural Electric Association; Mercer County Farm Bureau of IL; Menard County Farm Bureau of IL; Crestone Solar School of CO; Home Farm Technologies of MN; Hancock County Farm Bureau of IL; Stephenson County Farm Bureau of IL; Midwest Alliance for Renewable Energy and; The Traylor Group of AL

Please visit <http://www.25x25.org/> and click on "Endorsements" to view the complete list of endorsers.

IN THE STATES

Ag Day Celebration in California Marked by Praise of 25x'25

The 25x'25 Vision drew praise from California Gov. Arnold Schwarzenegger and State Secretary of Food and Agriculture A.G. Kawamura at a recent Ag Day celebration. "Our state is a leader in clean energy technologies and our world-class agriculture industry is playing a critical role in this," the governor said in a statement read at a State Capitol gathering of industry leaders and renewable energy advocates. The event, which featured examples of clean energy technology, "focuses on the many ways that agriculture powers our future through the production and conservation of energy. The exciting technologies and emerging opportunities on display today will give our elected officials and our citizens a chance to see how this industry is taking a lead in developing and implementing new energy solutions for the state. Today's focus on agriculture and energy is an excellent step toward achieving the goals of the 25x'25 nationwide renewable energy initiative that I endorsed in September 2006," Schwarzenegger said. This initiative was first envisioned by farm leaders, with the goal of producing 25 percent of our energy from renewable resources by the year 2025. This is exactly the kind of innovative and forward-looking effort that California and our nation need in order to pursue a long-term clean energy strategy." Kawamura, a member of the national 25x'25 steering committee, added that the event showed "how agriculture is going to be part of the solution to reduce greenhouse gas emissions and lessen the effects of climate change. In the next decade, you will find that there is no such thing as waste. Everything will have a renewable value." Partnering the event were the 25x'25 Initiative; Pacific Ethanol; Pacific, Gas & Electric; and California Biomass Collaborative.

Oregon Senate Passes 25x'25 Renewable Portfolio Standard Measure

Oregon's State Senate passed a bill last week that requires electric utilities to make renewable energies such as wind, solar and wave power at least 25 percent of their power supplies by 2025. Adopted on a 20-to-10 vote, the measure now goes to an energy and environment committee in Oregon's House of Representatives. HB 838 calls on utilities to add renewable energy in stages, beginning with 5 percent by 2011, 15 percent by 2015 and 20 percent by 2020, before reaching the 25 percent standard five years later. A five-percent renewable energy supply target for 2025 has been set for smaller, consumer-owned utilities. The bill allows Renewable energy added after 1995, including hydroelectricity projects, would count toward the state goal. States that neighboring Oregon have similar renewable energy laws: California targets 20 percent of supplies by 2010, Nevada 20 percent by 2015, and Washington state 15 percent in 2020. To read a copy of Oregon SB 838, go to <http://www.leg.state.or.us/07reg/measpdf/sb0800.dir/sb0838.intro.pdf>.

New Hampshire House Adopts RPS Bill; Moves Toward 25x'25

The New Hampshire House of Representatives has passed legislation creating a renewable portfolio standard, moving the state toward the goal of ensuring 25 percent of New Hampshire's energy comes from renewable sources by 2025, says Gov. John Lynch, one of 17 governors who endorse the national 25x'25 Initiative. "Reaching that goal will give our state more energy choices, bolster our economy and make our air and water cleaner. It will help create jobs right here in New Hampshire by expanding uses for our wood products, in building clean power plants, and in research and development," the governor said. The RPS contained in HB 873, Lynch said, will encourage investment in energy production in New Hampshire that will deliver economic and environmental benefits to the state and the region. "Steady demand for wood chips will help to support our logging communities, and greater fuel diversity will strengthen our energy independence."

"If we want to secure a more stable, cleaner electricity supply for future generations, the time to act is now," Gov. Lynch said. The measure is now pending before the state Senate Energy, Environment and Economic Development Committee. To read a copy of the bill, go to <http://www.gencourt.state.nh.us/legislation/2007/hb0873.html>.

Gov. Doyle Launches New State, Regional Efforts to Meet 25x'25

Citing it as the state's next step in achieving the goal of 25x'25 - "getting 25 percent of our electricity and 25 percent of our transportation fuels from renewable sources by 2025" - Wisconsin Gov. Jim Doyle earlier this month signed an executive order creating a new Office of Energy Independence to advance the governor's vision on energy policy and promote the state's bioindustry. He said the office will serve as a single-point of contact for citizens, businesses, local units of government and non-governmental organizations pursuing bio-development, energy efficiency and energy independence. The office will also identify federal funding opportunities and serve as the State Energy Office, working to maintain federal designation and funding. The governor also created a Task Force on Global Warming that will bring together key Wisconsin business, industry, government, energy and environment leaders to examine the effects of, and solutions to, global warming in Wisconsin. Doyle also announced the state Public Service Commission's launch of a market-driven regional effort with Minnesota, Iowa, South Dakota, North Dakota and the province of Manitoba to track and trade renewable energy credits. And as the new chairman of the Midwest Governors Association, Doyle said he would call for a regional summit in Wisconsin this fall to focus on regional efforts to achieve energy independence and fight global warming. For more information, go to <http://www.wisgov.state.wi.us/>.

Colorado Governor Advances Energy Agenda

Colorado Gov. Bill Ritter punctuated his first 100 days in office this week by issuing a "Greening of State Government" executive order, introducing the state's new climate change adviser, and signing several energy-related bills into law. These actions are part of the state's New Energy Economy legislative agenda, launched by Gov. Ritter to lead Colorado to energy self sufficiency and establish the state as a global and national renewable energy leader.

"One of the centerpieces of these first 100 days is clearly the New Energy Economy," Ritter said. "We've accomplished a lot in a short period of time. We've doubled Colorado's renewable energy portfolio. We've made it easier for utility companies to build wind-power transmission lines. We attracted a wind-blade manufacturing plant. We're quadrupling the

number of E-85 ethanol fuel pumps around Colorado. And we've got the renewable energy Collaboratory up and running.

Gov. Ritter also renamed the Office of Energy Management and Conservation to the Governor's Energy Office to better reflect the agency's broader mission of advancing Colorado's New Energy Economy.

"The New Energy Economy absolutely embraces conservation and efficiency as important components of a sustainable energy future," Ritter said. "But building a New Energy Economy also requires a broader mission. The office will take the lead in expanding renewable energy resources and opportunities for Colorado's economy, for Colorado's environment, and for Colorado's energy independence. Under its new name, the Governor's Energy Office will chart the future by advancing Colorado's New Energy Economy."

The "Greening of State Government" executive order establishes several goals for the reduction of energy consumption in state facilities and vehicles, and for the use of efficient materials and resources, by 2012, such as: reduce energy consumption by 20 percent at all state facilities; cut the use of paper products by 20 percent; reduce water consumption by 10 percent; purchase more environmentally friendly products; and cut the use of petroleum products in state vehicles by 25 percent.

To read the Governor's announcement, go to:

<http://www.colorado.gov/governor/press/april07/greening-government.html>

PA Governor Makes \$31.4 Million Available for Clean Fuel Development

Pennsylvania Gov. Edward G. Rendell is making \$31.4 million available in grants to help businesses and organizations develop clean energy and alternative fuel projects. The governor said the projects will create jobs, strengthen agriculture and biofuels producers, and promote homeland security by diversifying America's energy production. The grants will be funded through Pennsylvania's three innovative alternative energy development programs - up to \$16.4 million through the Alternative Fuels Incentive Grants program, including \$10 million through the Pennsylvania Energy Development Authority and \$5 million in Energy Harvest grants. "These grants will be a substantial, and important, investment to help Pennsylvania put a broader energy strategy in place to protect consumers from soaring electricity costs and to achieve energy independence," Rendell said. The governor has proposed an \$850 million Energy Independence Fund, which, he said, will increase the state's clean energy production capacity and to save electricity consumers up to \$10 billion over 10 years. For more information on the grants, visit DEP's Web site at <http://www.depweb.state.pa.us/>, DEP Keywords: "Energy."

Governors Announce Top Energy Priorities for States

Building on initiatives to address energy challenges in their states and the recent launch of the National Governors Association 2007 Energy Project, governors have adopted a set of federal energy legislative priorities for the 110th Congress, including a call for the extension of the Renewable Energy Tax Credits. The governors say Congress should provide companies and their investors stability to plan and finance renewable energy projects by extending the renewable energy production tax credit, which expires in 2008, and expanding the separate tax credits for solar energy, which also expire in 2008. The governors also urge Congress to expand the alternative fuels standard, enhance transportation fuel efficiency, incentivize carbon capture and sequestration technologies, boost energy efficiency and conservation, and increase funds to promote advanced technologies. For more on the NGA

energy priorities, go to <http://www.nga.org/>.

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GOVERNMENT IN ACTION

Extension Agents Learn about Renewable Energy Opportunities for Farmers, Ranchers

Colorado State University was the recent site of *Renewable Energy Options: The Role of Extension Agents in the 21st Century Energy Economy*. Drawing extension agents from across 17 states, the conference featured industry, government and academic leaders who shared their knowledge with agents who will help ranchers and farmers undergo significant shifts in their operations as the natural resources they manage play a growing role in providing energy for the future. The objective of the conference was to equip extension agents with the kind of information about renewable energy – especially that drawn from agricultural resources – that you can help farmers and ranchers realize new business possibilities. "Educating and assisting people with harnessing wind, growing new crops, or collecting solar or geothermal energy can pay off not only for them, but for their communities and the environment at large," said Marc Johnson, dean of CSU's College of Agricultural Sciences. "At the same time," he added, "extension evolves by maintaining its continuing core mission in a new opportunity environment." Conference topics included energy from agriculture, or biomass; energy from wind; energy from the sun; energy from thermal heat; and community development. Speakers included James Fischer a member of the board of directors of DOE's Energy Efficiency and Renewable Energy programs; Larry Flowers, leader of the National Renewable Energy Lab Wind Powering America project; and Mike Bowman, a member of the 25x25 Steering Committee.

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USDA, Colo. State Scientists Quantify Greenhouse Reductions from Biofuels

Researchers from Colorado State University and USDA's Agricultural Research Service say that when compared with the life cycle of gasoline and diesel, ethanol and biodiesel from corn and soybean rotations reduced greenhouse gas emission by nearly 40 percent, reed canarygrass by 85 percent, and switchgrass and hybrid poplar by 115 percent. In a study to be published in the Ecological Society of America's *Ecological Applications* journal, the study's authors note that although fossil fuel inputs are required to produce and process biofuels, hybrid poplar and switchgrass converted to ethanol compensate for these emissions and actually remove greenhouse gasses from the atmosphere when the benefits of co-products are included. And greenhouse gas savings from biomass gasification for electricity generation are even greater. For more information, go to http://www.today.colostate.edu/index.asp?url=display_story&story_id=1001683

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NREL Highlights Leading Utility Green Power Programs

Austin (TX) Energy tops the DOE's National Renewable Energy Laboratory annual ranking of utility programs in total sales of renewable energy to program participants. Using information provided by utilities, NREL each year develops "Top 10" rankings of the nation's leading utility green power programs. Under these voluntary programs offered by more than 600 utilities across the country, consumers can choose to help support additional electricity production from renewable resources such as solar and wind. Other category rankings include total number of customer participants (Xcel Energy), customer participation rate (City Palo Alto Utilities in California), and the lowest price (also Austin Energy). Utility green pricing

programs are one segment of a larger green power marketing industry that counts Fortune 500 companies, government agencies and colleges and universities among its customers, and helps support more than 2,500 MW of renewable electricity generation capacity. For more information, go to http://www.eere.energy.gov/greenpower/resources/tables/pdfs/0307_topten_pr.pdf

EPA Finalizes Renewable Fuels Standard

The Environmental Protection Agency this month finalized new standards to boost the use of renewable fuels such as ethanol and biodiesel. Refiners will be required to use at least 7.5 billion gallons of renewable fuel in gasoline by 2012, the EPA said. The rule, authorized in an energy law signed by President Bush in 2005, also requires that 4.02 percent of gasoline sold or dispensed to U.S. motorists in 2007 be renewable fuel, or about 4.7 billion gallons. That is more than 1 percent higher than required last year. Energy Secretary Samuel Bodman said the renewable fuel plan was a "critical step in increasing the nation's energy security." The EPA said the new law has led to increased production of ethanol and projected that by 2012 renewable fuels would reach more than 11 billion gallons, or about 3.5 billion more than required under the plan. The agency also said the new standards are expected to reduce carbon monoxide emissions from gasoline-powered vehicles and equipment by 0.9-2.5 percent and greenhouse gas emissions by 8 million to 13.1 million tons by 2012. For more, go to <http://www.epa.gov/otaq/renewablefuels/>.

25x'25 VISION: By 2025 America's working lands will provide 25 percent of the total energy consumed in the United States, while continuing to produce safe, abundant and affordable food, feed and fiber.

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1800 Massachusetts Avenue, NW, Suite 400, Washington, D.C. 20036

Published Thursday | April 19, 2007
New water taxes pass second round
BY DAVID HENDEE
WORLD-HERALD STAFF WRITER

LINCOLN - Some Nebraska irrigators wouldn't be allowed to double-dip into the state's water resources under a bill advanced Thursday by the Legislature.

Legislative Bill 701 would impose millions in new taxes and fees in the Republican River basin to help resolve water shortages in the region and to tighten restrictions on farmers who irrigate cropland.

In addition to the new taxes and fees, the bill would authorize spending about \$3 million in general state tax funds on water management programs.

Lawmakers gave LB 701 second-round approval, 33-0. One more vote is needed before the bill goes to Gov. Dave Heineman's desk.

The legislation takes aim at problems created by Nebraska's using more Republican River water than it was allocated under a three-state compact that includes Kansas and Colorado.

Under the bill, natural resources districts would be able to impose a new tax levy of 10 cents per \$100 of assessed property valuation on all Republican River basin residents and a \$10 per-acre fee on irrigated land.

The money would be used to buy and lease water to send to Kansas, reduce water-consuming vegetation along the river and possibly augment flows in the river with groundwater.

Thursday's speedy debate and easy approval followed negotiations organized by Speaker Mike Flood of Norfolk after the bill received first-round approval last week.

Among changes crafted in those talks was one prohibiting farmers from selling or leasing rights to Republican River water and then making up the difference by pumping underground water onto their crops.

If the bill becomes law, the state and local resources districts plan to lease water held in basin reservoirs and release it down the Republican River to help Nebraska meet its obligations to Kansas.

Water is stored in the reservoirs by irrigation districts, which typically release it into canals. Farmers who are irrigation district members divert the water into ditches and either flood their fields or pump the water through center-pivot irrigation systems.

Here's how the change would affect farmers in the Nebraska Bostwick Irrigation District at Red Cloud:

Farmers in the area are limited to using no more than 11 inches of groundwater. Bostwick members who forgo a 3-inch per acre supply of surface water in exchange for cash would be limited to pumping no more than 8 inches of groundwater. In the past, they've been allowed to sell their surface water supply and pump their full 11-inch allocation, if needed.

The double-dipping restriction would begin in April 2008. It wouldn't start this year because farmers already made planting decisions based on expectations of having a full water supply, Flood said.

The bill also reaffirms the principle that the people of Nebraska, not irrigators, own the state's water.

State Sen. Ernie Chambers of Omaha successfully added grain sorghum growers to those who would pay an increased promotional fee when they sell crops. A three-fifths of a cent per bushel fee on sorghum, to help finance provisions of the bill, would begin in 2012. The fee in the bill originally applied only to corn.

Jay Rempe, a Nebraska Farm Bureau lobbyist, said he supports the bill because it gives the state and natural resources districts needed tools to better manage water in the basin. He said he was not enthusiastic about the increased checkoff fees.

Flood said moving the bill through the Legislature quickly would help Nebraska avoid costly legal battles and the potentially disastrous impact of shutting down irrigation in the area.

He said the bill was a painful but necessary remedy for water shortages in the Republican basin.

State lawmakers move water bill to final reading

BY NANCY HICKS / Lincoln Journal Star

Thursday, Apr 19, 2007 - 06:02:42 pm CDT

The Nebraska Legislature gave second-round approval to the water policy bill intended to help the state and local Natural Resources Districts send more water down the Republican River as required by a three-state compact.

Senators added language on Thursday that protects the public ownership of water, while allowing the state and local NRDs to purchase water and water rights from irrigators.

The bill does not establish a precedent, said Omaha Sen. Ernie Chambers. It doesn't mean that every time regulation produces negative economic impacts "the state is going to cough up money," he said.

The bill (LB701) is a compromise plan that requires local NRDs in the Republican River basin and the state to help pay for the cost of meeting the three-state compact.

The three local NRDs, the Upper, Middle and Lower Republican natural resources districts, will have the authority to float bonds and repay the bonds through higher local property taxes and a fee on irrigators in the basin.

The state will provide about \$13 million in state funds over a three-year period to buy water, remove invasive vegetation from streambeds, and help with water studies. The state is also expected to provide about \$3 million in state tax and lottery funds each year into the future, and earmark money from a corn and grain sorghum checkoff fee in the future.

Sen. Mark Christensen of Imperial, whose district includes the affected area, said the bill doesn't have everything he wants, but it is a way to get something through the Legislature this year.

"We have got to have a plan. To do nothing is not an option," he said. Senators have said that the state could face a stiff fine or a federal judge could shut off all irrigation in the area if Nebraska doesn't make an effort to meet the conditions of the compact.

The goal is to get Kansas their water so we don't have to pay, said Omaha Sen. Don Preister.

Christensen said he would like to have a vote of the people in the NRD districts on using bonds. The bill as currently drafted allows the local NRD board to take that step without seeking voter approval. Christensen said he might try to make that change next year.

He also wants an audit of the model used to determine how pumping of groundwater affects the stream flow. The Legislature will have an internal study, he said.

Several dozen senators were involved in different aspects of the bill that could provide a framework for how the state deals with future water crises. Chambers, imitating the Academy Awards, read a list of the names of all 49 senators thanking them for their work on the measure.

Water bill progresses

OWH Editorial 4/20/07

Nebraska lawmakers did an effective job Thursday in amending and passing Legislative Bill 701 on to its final reading. The measure would govern water management in the Republican River basin.

LB 701 would direct about \$8 million in state funding this fiscal year into projects to add more water to the Republican River, including vegetation eradication and water purchases. Nebraska settled a lawsuit filed by Kansas by agreeing to abide by the terms of a 1943 interstate compact regarding how much water must be left in the Republican River for Kansas to use.

The measure also would set up a state cash fund for water management projects and give three Republican River natural resources districts the power to tax irrigators and district residents in order to supplement the river.

An amendment strengthened oversight of the NRDs by the Legislature's Natural Resources Committee.

Other amendments mainly clarified lawmakers' intent and incorporated some changes discussed during the bill's first reading. One wise change, proposed by State Sen. Ernie Chambers, explicitly stated that LB 701 should not be considered a precedent for payment of state funds to someone affected by future regulation.

The Legislature approved the bill in a spirit of cooperation and camaraderie. The few disagreements that arose during the first reading of the measure had disappeared. It was a remarkable display of teamwork aimed at an extraordinarily important goal: Preserving Nebraska's water resources — and the prosperity of its agricultural sector — while still complying with important interstate agreements.

As the vital measure moves to final reading and ultimate adoption, Nebraskans would be well served if lawmakers continue to keep that goal in the forefront of their minds.

Cooperative spirit marks Legislature's consideration of vital measure.

Gold rush' for Niobrara water harms future of state treasure

(OWH, Harold Andersen Column, 4-22-07)

I can think of nothing more worthy of Gov. Dave Heineman's prompt and decisive attention than the fast-developing but little-publicized threat to the future of the Niobrara River, that unique Nebraska stream whose scenic and recreational values make it a state treasure as well as a national one.

The prompt and decisive attention I suggest for the governor's consideration is an order to the Nebraska Department of Natural Resources to impose a moratorium on all pending applications for permits to pump water from the Niobrara. The moratorium would last while the threat to the Niobrara is carefully assessed — after which the moratorium could be modified or, if the evidence so indicates, made permanent.

A person close to the situation said there seems to be "a sort of a gold rush" of applications for drawing more water from the Niobrara, primarily for irrigation — a rush to get water allocations approved before the developing threat to the Niobrara is acted upon by state officials.

Serious concern over the threat to the Niobrara was indicated last month by an 11-1 vote of the Niobrara Council asking the Department of Natural Resources to deny new surfacewater appropriations.

Now comes a strongly worded letter from Paul L. Hedren of O'Neill, superintendent of the National Park Service headquarters charged with protecting stretches of the Niobrara that have been given "National Scenic River" and "Missouri National Recreational River" designations by the federal government.

In a letter sent last week to Ann Bleed, director of the Nebraska Department of Natural Resources, the National Park Service representative wrote: "As you are aware, we have been a vocal proponent for a moratorium on surface- and groundwater permits in the entire Niobrara basin. . . . In our presentation to you and your staff last September, the National Park Service forecast a scenario in which demands for water from the Niobrara River for

irrigation would . . . potentially affect the values for which segments of the Niobrara River and the Missouri River were congressionally designated."

The Park Service representative expressed concern "that a surge of new applications filed in February, March and April of 2007 will adversely affect the Niobrara River segments" that carry the National Scenic River and Missouri National Recreational River designations.

"For the first three months of 2007," Hedren's letter continued, "surface-water applications for over 102 cubic feet per second for irrigation uses have been filed in the Niobrara basin."

These applications, Hedren wrote, "pose a substantial threat" to federally reserved water rights and the Niobrara's "outstandingly remarkable values and the public interest and should not be granted without a thoughtful and serious analysis of their effects on a variety of resources on the Niobrara River."

Hedren's letter reminded Bleed of a March 16 letter that described the Niobrara Council's resolution requesting that Bleed's department find that the public interest "demands a moratorium on further surfacewater appropriations throughout the Niobrara River basin." It wants natural resources districts to monitor groundwater levels and withdrawals and develop data identifying areas where a moratorium may be appropriate.

The NPS official's letter also asks that Bleed hold a public hearing before making any decision regarding pending applications. (Hedren's letter made clear that so-called *de minimis* uses — very small diversions for specific small projects — would not be included in the moratorium.) I cannot imagine a stronger case for stopping "the gold rush" until the potentially disastrous situation has been analyzed and appropriate policy adopted, all this subject to Gov. Heineman's supervision.

The governor has shown strong and effective leadership in addressing water problems in the Republican River basin. My suggestion today is that his commendable close attention to water management problems be broadened — promptly and decisively — to include the Niobrara.

The disappointment, inconvenience or delay that might be caused by a moratorium would, I believe, be far outweighed by the potential benefit of checking the "gold rush" for Niobrara water. The leadership that the governor has shown in addressing the Republican River basin problem, if broadened now to include the Niobrara, would well serve the best interests of Nebraskans.

Of great significance, I believe, is that the concerns voiced by Hedren are shared by 11 of the 12 members of the Niobrara Council who voted on the issue. Local representatives are very knowledgeable and very concerned about the threat to the Niobrara.

The council's membership includes commissioners and landowners from Rock, Brown, Cherry and Keya Paha Counties as well as the National Park System, the Nebraska Game and Parks Commission, representatives of canoers and outfitters and a conservation and wildlife representative.

So the call for a moratorium is not simply from a federal official interested in protecting the interests for which long stretches of the river have been given special federal scenic and recreational recognition. The call for the moratorium comes also from commissioners and landowners who reflect local concern for the future of the river.

□ The writer, retired publisher of The World-Herald, may be reached at P.O. Box 27347, Omaha, Neb., 68127. The telephone number is (402) 593-4553.

Economic toll estimated for irrigation cutbacks

(4-21-07)

By David Hendee

WORLD-HERALD STAFF WRITER

The Republican River basin in southwest and south-central Nebraska could lose 503 jobs and sustain an \$81.6 million economic hit if irrigation were significantly reduced, a new University of Nebraska-Lincoln study concludes.

But Legislative Bill 701 could buffer the economic blow, said Mike Clements, general manager of the Lower Republican Natural Resources District.

The basin's four resources districts commissioned the study after state officials unveiled examples in December of potential restrictions for underground water in the region.

Among the regulatory scenarios laid out were 15 percent reductions in the amount of water farmers could pump from upland wells and 40 percent reductions from wells near rivers and streams. The UNL study factored the sample reductions into its estimates.

The report forecasts annual basin losses of \$277 million in property values, \$3.6 million in tax revenue to counties and schools and nearly \$58 million in crop sales under the pumping scenario.

Under the bill, natural resources districts would be able to impose a new tax levy of 10 cents per \$100 of assessed property valuation on all Republican River basin residents and a \$10 per-acre fee on irrigated land.

The money would be used to buy and lease water to send to Kansas, reduce water-consuming vegetation along the river and possibly augment flows in the river with groundwater.

Clements said LB 701, which would use a mix of new and existing tax revenue, would be a good investment by Nebraskans.

Nebraska is in the process of limiting water use in the Republican basin to comply with an agreement with Kansas.

Upper Big Blue well levels down, but not enough to limit irrigators

By ART HOVEY / Lincoln Journal Star

Tuesday, Apr 24, 2007 - 12:45:41 am CDT

Irrigators within the boundaries of the Upper Big Blue Natural Resources District are breathing a sigh of relief.

Test results taken from about 500 wells in the York-based NRD in March and April indicate average groundwater levels fell less than 1 foot from the same point a year ago. That means the NRD management will not have to implement water allocation in 2007 for the 13,000 irrigation wells and 1.1 million irrigated acres in the district.

John Turnbull, general manager of the Upper Big Blue, said he was pleasantly surprised. "I thought they'd probably be down more," Turnbull said Monday. "But I think the thing that made a pretty big difference is pretty good rains in August (2006). So we quit irrigating about the 1st of August."

The Upper Big Blue, which includes all of York and part of Seward and seven other counties, has the most irrigated acres of the 23 NRDs in the state. It has also experienced an average, cumulative drop of more than 12 feet in the last half-dozen years.

That's the largest uninterrupted decline in 46 years of record-keeping.

The most recent average decline of .86 feet leaves irrigators only about 1.6 feet from allocation. Allocation means producers would be limited to a specified amount of water per year until conditions improve.

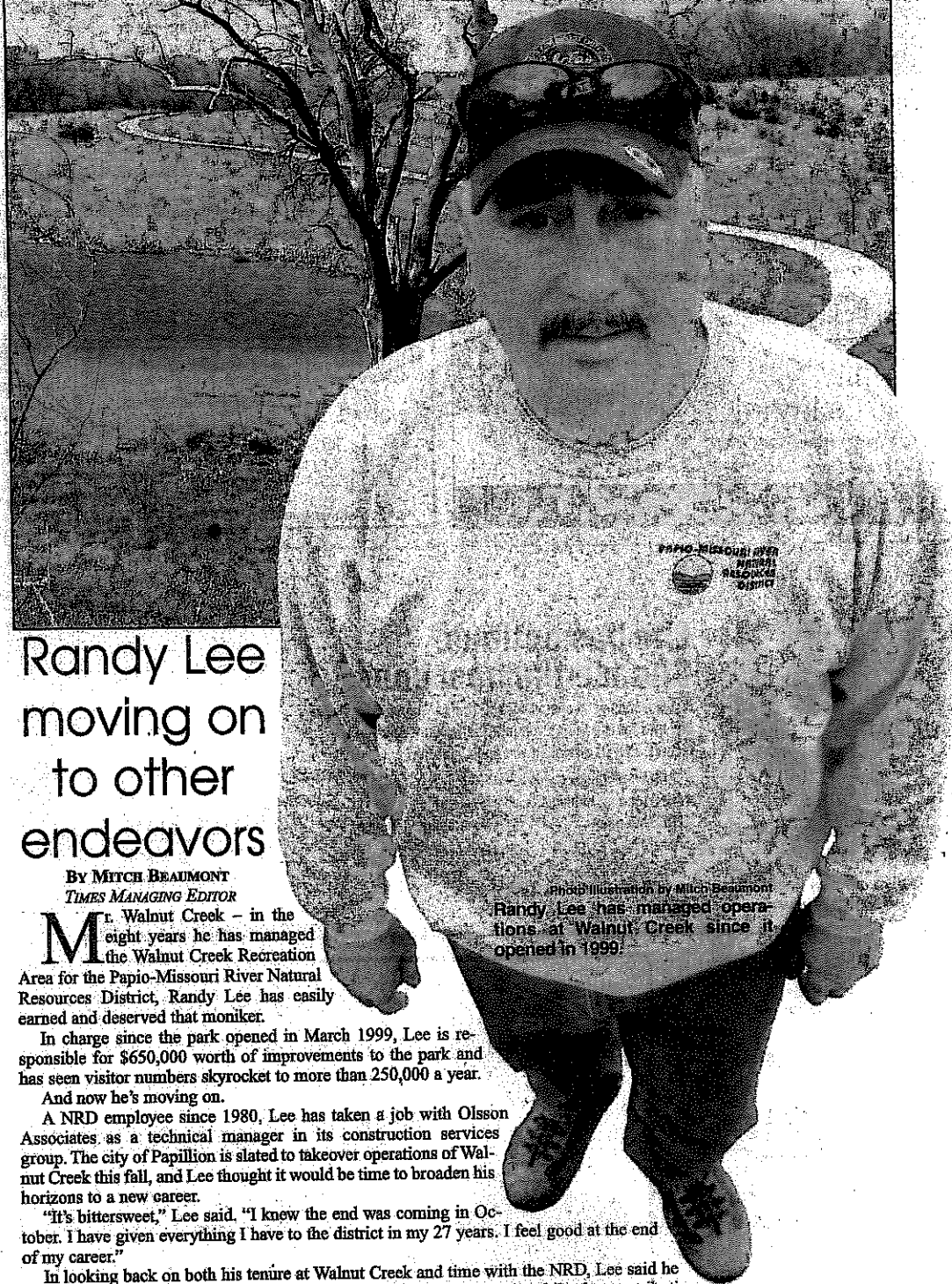
Because of declines up to 2007, farmers were required to report irrigated acres this spring for the first time.

Turnbull said variations in average decline were fairly apparent. The bigger drops tended to be in the Hastings-Geneva area, including 2.1 feet in Clay County. Well levels dipped from 1-2 feet around York and held steady in Butler County and northern Seward County.

For 2007, "nothing changes in the way of phased-in regulations. And that still leaves us 1.62 feet above where we would require meters and allocation," Turnbull said.

Reach Art Hovey at (402) 523-4949 or ahovey@alltel.net.

Mr. Walnut Creek



Randy Lee moving on to other endeavors

BY MITCH BRAUMONT
TIMES MANAGING EDITOR

Mr. Walnut Creek - in the eight years he has managed the Walnut Creek Recreation Area for the Papio-Missouri River Natural Resources District, Randy Lee has easily earned and deserved that moniker.

In charge since the park opened in March 1999, Lee is responsible for \$650,000 worth of improvements to the park and has seen visitor numbers skyrocket to more than 250,000 a year.

And now he's moving on.

A NRD employee since 1980, Lee has taken a job with Olsson Associates as a technical manager in its construction services group. The city of Papillion is slated to takeover operations of Walnut Creek this fall, and Lee thought it would be time to broaden his horizons to a new career.

"It's bittersweet," Lee said. "I knew the end was coming in October. I have given everything I have to the district in my 27 years. I feel good at the end of my career."

In looking back on both his tenure at Walnut Creek and time with the NRD, Lee said he considers himself a lucky man - he's been able to work his dream job, while also contributing to the community at large.

Photo illustration by Mitch Braumont
Randy Lee has managed operations at Walnut Creek since it opened in 1999.

SEE RANDY LEE, PAGE A6

Randy Lee

CONTINUED FROM PAGE A1

He was instrumental in helping Papillion-La Vista South construct baseball fields south of the school, helped the Walnut Creek Amphitheater project find its site just south of the fields and recently helped the NRD and city reach an agreement for a new fire station near 108th Street and Schram Road.

"The ultimate goal has been to provide a clean, safe environment for park users," he said, "and I think we've accomplished that."

His efforts on the baseball complex, Lee said, were a way for him to give back and get involved in, "something I truly loved."

In the eight years he's managed Walnut Creek, Lee said he's most enjoyed, "working with great parents and making lifelong friends."

Barry Keller, coordinator of the recreation area's Clean Lakes Advisory Council, said Lee has made himself available at all hours of the day or night – all in the interest of keeping Walnut Creek the best possible recreation tool in the area.

"Randy is a guy that goes way beyond what is necessary for a park superintendent," Keller said. "He's always looking for ways to improve maintenance operations. He has been very supportive to the council and we have totally enjoyed serving as his advisors."

"He's always there when you need him there. He's a 24/7 guy. He's always a 'yes' man, never 'no' kind of guy."

Marlin Petermann, assistant general manager for the NRD, who has known Lee his entire 27 year career, echoes those sentiments.

"Randy has just a great work ethic, just seeing what needs to be done and getting it done. He's a self-starter and he also has taken tremendous pride in his work, anything he does, he does it right," Petermann said. "He's one of those employees you wish you could stamp out 20 of them. We're really going to miss him."

Ken Molzer, the visionary for the amphitheater, said that project wouldn't be anywhere near completion without Lee's contributions.

"The committee is very, very fortunate to have the pleasure to work with Randy. He's been very supportive," Molzer said. "He had great ideas with regard to the site location, thanks to him we have the site we have now. We have thoroughly enjoyed working with him. Without him it would not have been as much fun. I hate to see him leave, he's done well."

Walnut Creek residents find fish on doorknobs

BY MITCH BEAUMONT
TIMES MANAGING EDITOR

By 10 a.m. last Saturday, fish were hanging from every doorknob of every house in the Walnut Creek area.

It wasn't a prank — they weren't real fish — but an education effort by the recreation area Clean Lakes Advisory Council.

Every spring, for the last four years, council members, community volunteers and local scouts trudge through the Walnut Creek area neighborhoods and deliver paper fishes to each home, usually hanging them on the doorknob.

The fish contain basic tips for keeping pollutants out of the lake, said Barry Keller, the council's coordinator.

"People are very appreciative of the information," he said, "because most people are not aware of these suggestions. Yes it's very positive, the attitude is a very good thing."

Each year the number of fish delivered goes up, Keller said, because new homes are still being constructed in the area. This year volunteers delivered more than 500 fishes.

"Every inhabited building gets one," Keller said.

Randy Lee, superintendent of the Walnut Creek Recreation Area, said the Clean Lakes Advisory Council has been crucial in the Papio-Missouri River Natural Resource District's effort to educate the public and area residents the best ways to keep the area clean.

"Initially our biggest education effort was to make people aware that this is a pack in and pack out area," Lee said. "The next effort was educating landowners. I would say that's definitely been achieved."

The 21-member council is comprised of a "potpourri of the talent," Keller said, including engineers, landowners and outdoor enthusiasts.

"The council is a very nice cross-section of people with many talents with one thing in common — they all care about keeping the lake clean," he said.



Water-use bill soon to be law

By LESLIE REED
WORLD-HERALD BUREAU

LINCOLN — A bill to reduce agricultural water use in the Republican River basin should be law by Tuesday.

Nebraska lawmakers voted 43-0 Thursday to give final approval to Legislative Bill 701, which is intended to help resolve Nebraska's water war with Kansas over Republican River flows.

Gov. Dave Heineman promised to quickly sign it into law, with a ceremony set for Tuesday.

"LB 701 will help our state make substantial progress in our goal of achieving sustainable water use throughout Nebraska," Heineman said.

He said the bill addresses short-term problems in the Republican basin while creating a framework that can be used to address long-term water challenges.

But the new law will cost tens of millions of dollars in coming years, and State Sen. Mark Christensen of Imperial called it "a hard one to vote for."

"But the alternative of a total shut-off was worse," Christensen said.

LB 701 will impose millions in new taxes and fees on property owners and irrigators who live in the southwestern and south-central Nebraska river basin. Those dollars will lease water from farmers who irrigate from the river, so that the water then can be sent to Kansas.

The state will contribute another \$5 million a year in sales and income taxes collected from all Nebraskans. That money will be used to find ways to increase water levels in the river and to remove trees and weeds in or near stream channels so that more water can flow through.

NEBRASKA LEGISLATURE 2007

And beginning in 2012, continuing until 2019, Nebraska farmers will be required to pay a three-fifths-cent per bushel tax on corn they sell and a half-cent tax on grain sorghum.

All told, the program could cost Nebraskans about \$25 million a year when fully implemented.

The bill was passed on an emergency basis, the money being committed even before the Legislature considers the rest of the state budget.

Legislative Speaker Mike Flood of Norfolk advocated for the bill's passage. "It shows to Kansas that Nebraska is acting in good faith," he said.

Supporters hope the bill will help Nebraska meet its agreement with Kansas without devastating the regional farming economy. Over the past four years, Nebraska has consumed more water than allowed under the pact.

The measure also could set a precedent for addressing looming water shortages in other Nebraska river basins.

"It is a sacrifice on the part of farmers, but it gives the basin the tools" needed to manage water use, said Jay Rempe, lobbyist for the Nebraska Farmers Union. "The hope is that, in the long run, we can maintain a viable irrigated economy."

Last week, a University of Nebraska-Lincoln report indicated that southwest and south-central

Nebraska could lose 503 jobs and sustain an \$81.6 million economic hit if the problem were addressed only by restricting the use of irrigation wells.

Under LB 701, the natural resources districts will lease water rights from people who irrigate directly from streams and rivers, instead of restricting irrigation wells, said Mike Clements, general manager of the Lower Republican NRD. The NRDs also may drill their own wells at nine locations so they can pump water into the river.

A "huge number" of groundwater irrigation wells would have to be cut back to improve the river levels, Clements said.

There are 1.2 million acres in the Republican River basin irrigated with groundwater wells. In contrast, only 40,000 acres irrigated with river water would be affected when the NRDs lease their water rights, he said.

But Steve Smith, director of the pro-irrigation group Water-Claim, said LB 701 hands the NRDs a "blank check" without addressing problems in Nebraska's agreement with Kansas or in the computer model used to calculate the amount of water Nebraska gets each year.

Smith estimates that about 20 percent of the water shortage results from irrigation — 15 percent from groundwater users and 5 percent from surface water irrigators.

The remainder occurs because farmers have improved their water conservation techniques so that there is less runoff filling the streams and because of increased vegetation around river and stream beds, Smith said.

"This is a temporary solution that will not solve the problem long term," he said.

Protecting a resource

4-27-07

After all the words said and written about water management in Nebraska and the Republican River emergency, the Legislature's vote to pass Legislative Bill 701 Thursday was almost an anticlimax.

Almost. Nothing so monumental could ever really be anticlimactic.

Forty-three senators favored the measure, with no negative votes. Gov. Dave Heineman has indicated he will sign the bill — enthusiastically — on May 1.

Lawmakers have done an excellent job providing tools for the state Department of Natural Resources and the three Republican River natural resources districts to handle the region's water supply problem. LB 701 will set aside about \$8 million in state funds this fiscal year for projects to add water to the Republican, including such things as water purchases from irrigation districts.

Additional water is needed to bring Nebraska into compliance with a 1943 compact with Kansas and avoid potential federal court action and financial damages. The compact specified how much water Nebraska had to leave in the Republican River as it passed the border.

The legislation will send a powerful message to Topeka about Nebraska's willingness to address its water management deficiencies and its determination to meet its obligations under the compact. Perhaps that will be enough to persuade Kansas authorities to be flexible in the next few years as the Republican NRDs struggle to meet the compact's requirements.

Monumental achievement: Legislature extends ability of NRDs, DNR to manage water.

The legislation also will set up a state cash fund for water management projects, a first-rate idea proposed by Heineman. The three NRDs also will have the power, when the measure is

signed, to tax irrigators and district property owners to fund projects that benefit the river's flow.

Lawmakers, including Speaker Mike Flood, State Sens. Mark Christensen, Chris Langemeier and Tom Carlson and Natural Resources Committee Chairman LeRoy Louden, among others, showed commendable dedication in working out the LB 701 compromise. Most agricultural groups around the state supported it, despite not getting everything they wanted from the measure. Speaker after speaker at the committee's public hearings suggested that the overall goal of the bill was important enough for them to swallow their complaints.

The spotlight now shines on the state DNR and its director, Ann Bleed, as well as on the Republican NRDs and the groundwater and surface-water irrigators in the valley. These are the actors who will determine the success or failure of the Legislature's plan.

The state needs to move past petty arguments and past disagreements. Everyone's goal is the same: to protect and preserve Nebraska's limited water resources. Upon that all-important goal depends the future of the state's agricultural sector — and also, directly or indirectly, the future of most of Nebraska's communities.

The moment is now. Seize it.

Corps seeks permits for Lower Decatur

Platte River, Burt County 5-2-07

A recent announcement by U.S. Army Corps of Engineers signaled the move to the next phase of the Lower Decatur Bend project.

Ten years after project talks began, the Corps is taking public comment on the project as part of its application to the Nebraska Department of Environmental Quality for a construction permit.

According to Corps of Engineers spokesman Matt Wray, the permit from the DEQ is "one part of the puzzle" needed for the project to proceed.

Even if the requested permit is granted, Wray said, the project still must be approved by other segments of the Corps before it can proceed.

Because so much of the permitting process remains undecided, he said it was too soon to know when, or if, construction would begin and how much it might cost.

The project, set between markers 683 and 689 on the Missouri River two miles southeast of Decatur, consists of digging a

2,000-foot long flowing chute, 150 feet wide at the bottom, at the south end of the project area. The chute is connected to the river at each end to simulate the natural braided channels the river featured historically and provide additional habitat for aquatic and land-based animals, including the endangered pallid sturgeon, least tern, and piping plover.

Plans also call for the lowering of revetments (armored dikes) and six spur dikes in the river. Corps officials estimate lowering the revetments will inundate an area extending inland 175 feet. The new wetland will offer a variety of aquatic habitat, including sandbars, snags, shallow pools and backwaters—typical conditions in the prechannelized Missouri. Along the backside of the newly flooded area, a trench will be dug to limit scouring and erosion and help form the new channel border area.

As a part of the permit process, the Corps is accepting

(Continued on Page 5)

Lower Decatur permits sought

(Continued from Page 1)

public comment to "evaluate the impacts of this activity," according to a statement to the media. Comments will be used to prepare an Environmental Impact Statement as required by federal law. Comments also are used to determine the need for a public hearing and to determine overall public interest in the project.

Written comments may be sent to: Nebraska Regulatory Office—Wehrspann, 8901 So. 154th St., Omaha, NE 68138-3621.

Comments must be received before May 14. Any comments received will be considered pub-

lic information. Copies of all comments, including names and addresses of commentators, may be provided to the Corps unless confidentiality is requested.

Before May 14, anyone may request, in writing, that a public hearing be held to consider the application. Requests must specifically state the reasons for a public hearing. If a hearing is warranted, interested parties will be notified of the time, date and location.

Additional information is available by contacting the Corps at (402) 896-0896.

Published Thursday | May 3, 2007
NPPD rattles Niobrara River irrigators
BY DAVID HENDEE
WORLD-HERALD STAFF WRITER

New wrinkles are emerging in the brewing Niobrara River water war.

Irrigators who pump from the Niobrara, across 400 miles of northern Nebraska, received letters Wednesday from the Nebraska Department of Natural Resources ordering them to stop diverting or storing water.

The agency acted after the Nebraska Public Power District, which operates a hydropower unit at Spencer Dam on the Niobrara, asked for its full water right.

The action effectively freezes, at least temporarily, about a dozen applications for permits to pump river water.

It also raises the possibility that the Natural Resources Department could designate the Niobrara as "fully appropriated," resulting in an immediate halt on new uses of water in the river or underground.

All this buoyed defenders of the popular canoeing stream.

"A timeout - even if momentary - is welcome because it's just pandemonium out there right now. We're seeing a breakneck race to grab water," said Paul Hedren, superintendent of the Niobrara Scenic River.

The stop order means that if the Niobrara farmers want to irrigate their fields this summer, they'll have to pay NPPD.

Here's how it works:

NPPD has three water rights on the Niobrara totaling 2,035 cubic feet per second, or "cfs." The rights date to the 1890s, 1920s and 1942. The Niobrara's flow at Spencer Dam dropped below 2,035 cfs Monday. It isn't uncommon for the flow there to dip below 1,000 cfs in July and August.

Water rights from rivers and streams are administered under a priority system that grants a legal advantage to those who are senior on the list because they have older rights.

NPPD's rights are senior to about 440 others upstream from Spencer Dam to the Wyoming border. When a holder of a senior right calls for his water, the state agency administering the rights must shut off holders of junior water rights.

"I've been getting lots of calls. People are upset," said Tom Hayden, superintendent of the resources department's Bridgeport field office.

Because of water-use rankings in the Nebraska Constitution, however, using water to irrigate has preference over using water to generate electricity.

So NPPD plans to sell its water to the irrigators affected.

"Our goal is to protect the rights of the hydro plant, not to put irrigators out of business," said Brian Barels, NPPD's water manager.

New water focus

OWH Editorial 05.05.07

Nebraska's water story only grows more complicated, and the importance of a careful, strategic view of river management becomes more apparent.

The latest plot twist moves the action north to the Niobrara River, arguably the state's most beautiful waterway and the only one designated as a national scenic river. Its waters float thousands of canoers and tubers each year, some of whom glide through parts of the 71-mile stretch east of Valentine that is managed by the National Park Service.

As in other Nebraska rivers, flows in the Niobrara have declined noticeably in recent years. One sign is that sandbars once apparent only in July have been exposed in May or June, a disconcerting development for recreation outfitters and others who depend on Niobrara waters for their livelihoods. Part of the reason is the drought of the past few years. But irrigation — the wild card on the Platte and the Republican Rivers — also plays its role.

Several major groups deeply involved in the management and future of the Niobrara have called for a freeze on all new irrigation applications that would affect the river. The Niobrara Council, which helps manage the scenic river designation, voted to ask the state Department of Natural Resources to deny new surface-water appropriations upstream from Newport, Neb.

The National Park Service and the state Game and Parks Commission have a broader aim: Both want water managers from two of the three natural resources districts on the river to stop issuing permits for the drilling of new underground irrigation wells. The third NRD, the Upper Niobrara, already has a moratorium in effect.

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

Harold W. Andersen, retired publisher of The World-Herald, has written on this matter in recent weeks in his column on the More Commentary page. His column tomorrow further explores the topic.

*** Given the extraordinary lengths to which the state has just gone to belatedly address the water difficulties in the Republican River basin, the last thing Nebraska needs is one more situation in which the state fails to implement a proactive, strategic approach to basin management.

Irrigation has proven a steady economic engine for Nebraska, bringing good crops and prosperity to areas that would have been poorer without it. At the same time, the Republican River situation provides an important lesson about the need for comprehensive action to protect the rivers, owned by all Nebraskans.

The Legislature recently passed LB 701, a multimillion-dollar, multiyear attempt to fix some of the Republican's problems and bring Nebraska into compliance with its Kansas agreement. That bill explicitly gives NRDs the ability to impose temporary moratoriums on well drilling to prevent similar water stampedes elsewhere.

A moratorium on all new irrigation permits in the Niobrara basin — both surface and underground wells — is vital to give the DNR and the Lower and Middle Niobrara NRDs time to assess the situation.

The DNR needs breathing space during which it could study the hydrology of the basin and the norms of available groundwater and surface water. After that, everyone involved — irrigators, recreation advocates, scenic river authorities and others — could look at the data. And officials could make decisions such as the amount of water that should be allocated for irrigation, recreation and other uses.

The Niobrara is not officially a fully allocated or over-allocated river. Technically, there is water still available for distribution. But a recent demand by the Nebraska Public Power District for the water to which it is entitled for the Spencer hydropower plant apparently has pushed the Niobrara over the edge into full appropriation, unofficially at least. This greatly magnifies the need for a moratorium on new irrigation development.

*** The fragility of Nebraska's rivers should be obvious. The state needs to take a prudent and farsighted approach to the Niobrara, not only because of its importance to irrigation but also because of its recreational contribution to the economy. In addition, the river's ecosystem is unique and well deserving of protection.

The Niobrara has moved front and center to offer yet another challenge to state and local water managers, one that needs to be met with thoughtful policies and determined action. A moratorium on new irrigation wells would be a good start.

Moratorium on expanding irrigation wells is important to Niobrara.

Movement to preserve Niobrara gains some needed momentum

Harold Anderson Column, OWH 05.06.07

The case for a moratorium on increased agricultural diversion from the Niobrara River continues to build, as does the likelihood of a public hearing in which the future of the Niobrara would be carefully considered.

There is also, I believe, increasing consideration of this view: Complicated legal issues and past practices in the granting of agricultural irrigation permits should be set aside if the public interest clearly requires it and the law allows it.

Contributing to the development of this potentially promising picture, a fourth agency responsible for protecting the public interest in preservation of natural resources has added its support to a policy of no further diversion of water from the Niobrara for agricultural purposes, at least until the issue has been more carefully studied.

The fourth agency to speak out is the U.S. Fish and Wildlife Service. Its Mountain-Prairie Region office in Denver wrote Ann Bleed, director of the Nebraska Department of Natural Resources (DNR), with a request that she withhold a decision on water diversion until a public hearing has been held.

Similar formal requests have been filed with Bleed by the Niobrara Council, consisting largely of landowners and County Board members in the Niobrara Valley, and by a representative of the Niobrara National Scenic River headquarters, based in O'Neill, of the National Park Service.

Arguments in favor of ensuring "instream flow rights" for fish, wildlife and recreation have been advanced by staff members of the Nebraska Game and Parks Commission, although the commission has not filed a request for a moratorium on increased diversion.

The latest communication directed to the DNR, from the Fish and Wildlife Service, says that Fish and Wildlife holds "surface- and groundwater rights necessary to protect the missions" of both the Valentine and the Fort Niobrara national wildlife refuges.

The Fish and Wildlife letter to Bleed lists 11 specific requests for additional irrigation water diversion that are of concern. The letter includes this carefully worded warning of possible legal action: "It is Service policy to work with states to protect water resources. However, the Service will use all legal avenues available if we feel that our interests are being negatively affected."

In two conversations with me, Bleed indicated no lack of interest in protecting the Niobrara River and also indicated her agreement that the issues should be thoroughly considered in a public hearing, during which all parties of interest would have a chance to state their cases.

However, the DNR director said it is her belief that she has no legal authority to impose a temporary moratorium on new permits. The DNR's attorney, Bleed said, feels that the best route to a public hearing would be for her to approve one of the pending applications, in accord with past practices, after which parties of

interest could request a hearing that would have to be held.

The attorney advising her, Bleed said, believes that a postdecision hearing would provide a better legal record than a pre-decision hearing if her decision were to be appealed. However, she indicated that she has not decided against the possibility of a public hearing before acting on the pending applications for additional irrigation water diversion.

A factor in all of this is the decision of the Nebraska Public Power District to file for implementation of its Niobrara River water rights, dating to the 1890s.

NPPD's water rights were designed to ensure a steady flow of water through the district's hydroelectric power plant near Spencer, Neb. The district has the rights to a flow of water of 2,035 cubic feet per second, which, Bleed said, is approximately the total volume of the water running in the Niobrara at this time.

Since water for irrigation has a priority over water for industrial purposes like the hydroelectric dam, NPPD must sell water to those upstream irrigators who have water rights. Such contracts presumably will be negotiated. The NPPD decision is generally regarded as an effort to collect income from upstream irrigators to offset the loss of flow through its hydroelectric plant.

Bleed said she agrees that the effect of the NPPD application may very well lead to a year-end decision that the Niobrara's water is "fully appropriated," after which her department could issue no new water-diversion permits. But that leaves a critically important eight-month period before a "fully appropriated" decision might be made.

It is during these eight months that a public hearing likely will be held and important decisions will have to be made. Will more permits be issued, the holders of which could, in effect, buy water from NPPD? Will there be a public hearing? Will it be before or after the issuance of additional permits? Will the decision following that public hearing be followed by litigation?

Stay tuned, but I believe the chances of preserving the Niobrara as both a state and national treasure are steadily improving. The World-Herald, the Lincoln Journal Star and the Norfolk Daily News have added their voices to the campaign to protect the Niobrara.

□ The writer, retired publisher of The World-Herald, may be reached at P.O. Box 27347, Omaha, Neb., 68127. The telephone number is (402) 593-4553.

5-6-07

Two counties oppose dam plan

■ Officials say a drainage-based approach would better solve the metro area's runoff-control problems.

By NANCY GAARDER

WORLD-HERALD STAFF WRITER

The two counties have drafted a storm-water control plan that would rely more heavily on natural drainage.

Saving the nature of development in the Omaha area is at stake, Douglas and Washington County officials are enlisting the public's support in opposing a multigovernment dam-building project.

By contrast, the City of Omaha and several other governments have centered their plan on dams—as many as 29 at a potential cost of \$282.5 million.

Douglas and Washington

Learn more

What: Storm-water control plan

When: 7 p.m. Wednesday

Where: Bennington High School, 16610 Bennington Road

Online: www.dcpplanning.org and www.papiopartnership.org

County officials will explain their plan to the public at a hearing Wednesday.

"It is our absolute hope to convince the (other governments)

to go our direction, rather than the way they are going with reliance on dams," said Clare Duda, a Douglas County Board member.

Duane "Harlo" Wilcox, chairman of the Washington County Board, said he hopes that the Washington-Douglas County plan "proves to be the better proposal."

"We feel that it is," he said.

The Papillion Creek Watershed Partnership, a coalition of 11 metropolitan-area governments, has proposed the dams as a way of catching the increased

runoff that will occur when the rest of rural Sarpy, Douglas and Washington Counties is developed.

The federal government requires governments to reduce runoff because it pollutes watersheds. Officials with the watershed partnership said their plan does that and more by reducing the risk of flooding.

Jim Thompson, president of the Papio-Missouri River Natural Resources District's board and proponent of the dam plan, said the ideas proposed in the

See Water: Page 2

Water: Counties oppose dams

Continued from Page 1

two-county plan are included in the watershed plan.

He concurred with Duda on the importance of the decisions ahead.

"You bet it's a big deal," Thompson said. "We're talking lots of changes. It behooves all of us to set this down for future generations."

Storm-water runoff is the common thread in flooding, federal limits on runoff from development and the potentially \$1 billion modernization of Omaha's sewer system.

Omaha Mayor Mike Fahey supports the dam-centered plan, said spokesman Joe Gudenrath. The plan was created through meetings with city and natural resources district staff, developers and others.

Fahey has "confidence in his department heads and the experts we have within the city and their recommendations on how to proceed," Gudenrath said.

The two proposals differ in how they would fund improvements.

The dam plan rests on a fee paid by builders. The counties' plan would institute a new storm-water fee to be paid on real estate. The NRD lobbied for such a fee but failed in the face of political opposition.

The natural methods of controlling storm water in the counties' plan include:

■ Specialty designed gardens, either on rooftops or yards, that catch and filter rain water.

■ Grassy ditches that absorb rain washing off streets instead of concrete curbs that send the water into sewers.

■ Porous pavement in driveways that absorbs runoff instead of allowing it to flush into sewers.

Duda said the county has agreed to an NRD request that the various governments meet to discuss their differences. That meeting has not been scheduled.

Consider another plan

20
9.0
5 The Environmental Protection Agency has mandated that communities like ours must do more — under penalty of substantial fines — to protect rivers, lakes and streams from pollutants carried by storm-water runoff.

Douglas and Washington Counties chose to work together to develop their own storm-water policies after they found policies supported by the Papio-Missouri River Natural Resources District to be inadequate.

That NRD supports storm-water policies that call for building 29 or more dams on rich farmland, a project that could cost taxpayers nearly \$300 million. Ecological studies show that dams do little to improve water quality and actually harm aquatic life.

Instead, the proposed Douglas-Washington policies espouse stopping rainfall where it lands, using such methods as low impact development and conservation design. As a taxpayer, I'd rather see my money spent on a storm-water runoff plan that actually gets the job done than see my money used to subsidize lakeside home development.

The Douglas County and Washington County Boards will hold a joint public hearing on their proposed new storm-water management policies Wednesday at 7 p.m. at Bennington High School, 168th Street and Bennington Road.

Linda Ryan, Omaha

OWH- 5/7/07

Sprucing up in Sarpy County

Board considers new design standards

By JOE DEJKA
WORLD-HERALD STAFF WRITER

Sarpy County is putting its best facade forward.

The Sarpy County Board on Tuesday will consider adopting architectural design standards to govern new buildings along Interstate 80 and other highways in the county.

The standards, proposed for a quarter of a mile on either side of the highways, would keep out eyesores like junkyards while requiring new buildings to use fancier architecture, signs and landscaping.

Critics say the standards, writ-

ten with input from real estate developers, are lenient and include a grandfather clause that undermines the goal of attracting upscale development.

However, a Gretna city councilwoman who helped write the standards said the grandfather clause would guarantee that developments approved several years ago, but not yet built, could proceed under the rules that existed at that time.

Much of the land along the I-80 corridor through Sarpy County is undeveloped. When La Vista landed Cabela's and two upscale hotels, however, it opened eyes to the possibilities.

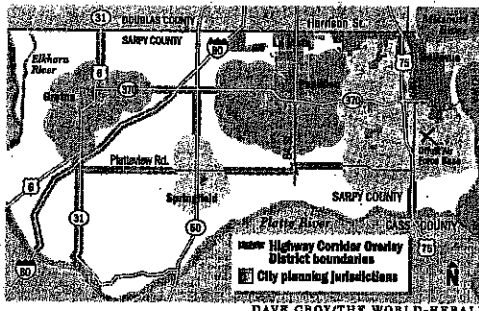
Wal-Mart announced in February that it would build a 180,000-square-foot Supercenter at I-80 and Nebraska Highway 370. The Sarpy County Board also is seeking federal approval for a new interchange at Platte Road in hopes of spurring development near the Platte River.

Sarpy County's proposal would apply to portions of I-80, Platteview Road, Highways 50, 370, 31 and 75. Any development requiring a building permit would be affected. However, land platted prior to March 9, 2004, and nonagricultural land

See Sarpy: Page 2

Building up Sarpy County's image

New building standards are proposed in half-mile-wide districts along the county's most visible and heavily traveled highways. Inside the Highway Corridor Overlay Districts, the county would ban eyesores like junkyards and impose architectural standards for buildings, landscaping and signs.



Sarpy: Not everyone likes new standards

Continued from Page 1
that was part of a phased development prior to that date, would be exempt.

The exemption would settle a court dispute over the look of the Omaha Steaks distribution center in the Commerce Business Centre at I-80 and Nebraska Highway 370.

The county and Omaha Steaks have been sued by a neighboring landowner who claims that an existing set of design standards covering the area was not enforced on Omaha Steaks.

The new standards, containing the exemption, would replace the old ones, which apply only along Nebraska 370, between 120th Street and the Interstate, and on Highway 50 from Nebraska 370 to Schram Road.

Duane Dowd, who filed the 2005 lawsuit, said the exemption would undermine the goal of beautifying the corridor, as well as the purpose of his lawsuit.

Dowd said he owns or represents 210 acres affected by the current standards and 175 acres just south of the Nebraska 370 corridor.

"I want it to look nice out there," he said. "Nobody's going to build a nice hotel or a nice office or restaurant across the street from a truck stop, tire store or distribution center."

Papillion also sued the county, claiming that the building would be a blight on its future western gateway.

A judge tossed out both lawsuits, finding Omaha Steaks was exempt. Dowd has appealed.

Papillion Mayor James Blinn said the exemption would result in a "hodgepodge" of buildings and would be unfair to some property owners.

"You have devalued the land of people who will now comply with it, and you have increased the value of land of people who do not comply with it, which is exactly the opposite of what we would hope would happen," Blinn said.

Blinn said developers resisted when Papillion first imposed higher design standards. Their main concern was that the rules be applied fairly, he said.

Blinn said his city's success at luring development proves that design standards don't scare off development. Papillion required two new shopping centers—the Shoppes at Market Pointe and the Shadow Lake Towne Center—to comply.

Gretna City Councilwoman Sally McGuire said the exemption would make sure that developments approved several years ago, but only partially built, would avoid an abrupt change in the rules.

"We thought we needed to allow them to build in a manner consistent with the existing buildings," she said.

She said the rules should create an inviting picture for motorists and prevent hazardous development.

Buildings would have to be oriented to show their best side. Loading docks, air conditioners, trash containers and truck parking would have to be out of sight from the highways—though an exception would be made where "surrounding topographic features prevent concealment."

Architects would have to incorporate features such as towers, facade variations, recessed walls and changes in color or materials.

Sarpy County Planning Director Rick Houck said he disagrees with parts of the proposal, which was recommended by the Sarpy County Planning Commission.

Houck said he prefers applying standards a half-mile on either side of a highway. From the elevated driving lanes of I-80, for instance, motorists can see buildings farther away than a quarter of a mile, he said.

Houck also said he wants the rules to apply to the entire I-80 corridor within Sarpy County's zoning jurisdiction.

The proposal would exempt about a mile and a half of I-80, from La Vista's zoning jurisdiction to a half mile north of Highway 370. That leaves out the Sapp Bros. truck plaza, Werner Enterprises and other property near the Highway 50 interchange.

Houck said there are buildings on the west side of that stretch that may have reached their life expectancy.

When those are replaced, he said, new buildings should be required to comply with the standards.

Rivers and creeks on the rise

Heavy rains lead to some flooding across the region

By Jim Brazda
Reporter

Washington County remained in a flood watch Monday as water from heavy weekend downpours made its way into local rivers and streams. The National Weather Service in Valley reported around 4.5 to 6 inches in Washington County since the storm front began to move through last Thursday.

Washington County Roads Superintendent Cheryl Parsons said the rain caused problems in several areas in the county, especially near Arlington.

"It was an extremely busy weekend," Parsons said.

County Roads P32 and 11 had to be closed due to flooding on Bell Creek, which was unable to empty into a full Elkhorn River. Bell Creek went "way over" its banks, said Bill Pook, Region 5/6 emergency manager. So much so it might as well be called a lake.

Several homeowners in a flood-prone area of northeast Arlington were notified to prepare to remove valuables and self-evacuate as the waters approached their front doors and road closing would leave them stranded, Pook said.

The Nebraska Department of Roads was closely monitoring Highways 30 and 75, but there was no decision made to close either highway, he said.

Even though the rain had stopped, at least for a while, on Monday morning, it is important to remember flooding can occur up to a day after a storm as stormwater drains from the fields and into creeks and rivers, Pook said.

The rushing stormwater also destroyed a box culvert on County Road 38, between County Roads 31 and 33 that may take weeks to repair, Parsons said. The road will remain closed until the culvert can be installed.

In several areas of the county, cornstalks from disked-up farmland washed out of the fields to plug up culverts and divert water over county roads. Road crews

were out over the weekend unplugging the culverts and scraping the stalks from the roads where they accumulated, Parsons said.

The road department even responded to a mudslide on County Road P51 and County Road P40, near the Missouri River in the southeast portion of the county, she said. High waters in many creeks and tributaries softened the soil enough to dislodge some large trees near riverbanks.

The rain did not cause many flooding problems in Douglas County. The Papillion Creek was running full, but most of the problems were along the Missouri River from heavy rains in Iowa, said Marlin Petermann, assistant general manager

at the Papio-Missouri River Natural Resources Department. The channel and levy system in Sarpy County seemed to control most of the stormwater, he said.

Iowa received the brunt of the storm. The heaviest rain fell in the Loess Hills of Harrison and Pottawatomie counties, with Logan, Iowa, seeing nearly 8 inches of precipitation. Flooding along the Missouri River crept

over Interstate 29, causing the Iowa Department of Transportation to close the north/south route. Southbound interstate traffic was diverted to Iowa Highway 75 west to U.S. Highway 75 near Decatur, then down through Blair to Highway 30. It will be several days until the interstate reopens, because Iowa transportation officials must inspect the interstate after floodwaters recede and clear debris, said Dena Gray-Fisher, Iowa Department of Transportation spokeswoman.

The heavy rain may also cause a crunch for farmers already rushing to get their corn in the ground. Some areas that flooded will have to be entirely replanted, said University of Nebraska Extension Educator Jim Peterson.

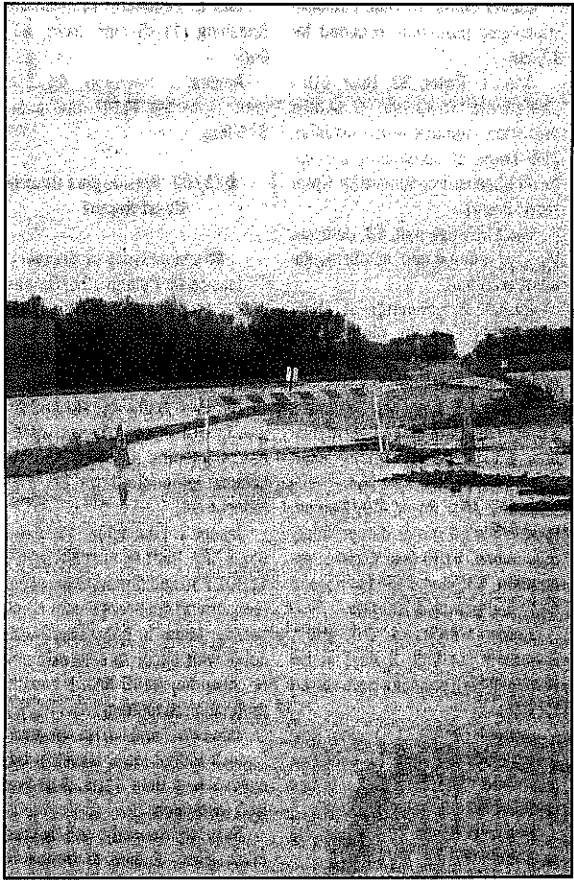
"For corn, yes it's crunch time," Peterson said. "It'll be a few days now before people can get anywhere."

Every day past May 15 corn is planted, it loses an estimated one bushel-per-acre of productivity, he said. This may affect farmers in the Missouri River bottom most, because some of it may already be flooded.



MELISSA RICE/PILOT-TRIBUNE

A few Arlington residents in Arlington found themselves surrounded by water after the Bell Creek flooded over the weekend. This home on First Street was one of two on the northeast edge of town that were surrounded by water.



First Street on the northeast edge of Arlington was closed after floodwaters covered the road.

What did all that rain really mean?

BY ALGIS J. LAUKAITIS / Lincoln Journal Star

Tuesday, May 08, 2007 - 12:57:33 am CDT

Weekend rains soaked basements, backed up sewers, swelled creeks and turned streets into rivers.

Much of eastern Nebraska got between 4 and 7 inches of rain, enough to meet or exceed the average rainfall for May.

And there's much of May — on average, Lincoln's wettest month — left. Downpours didn't help farmers struggling to plant corn and other crops. More rain means more delay — and the longer the delay, the greater potential for lower yields.

Fields are so wet some farmers might be pondering whether to grow rice, joked state climatologist Al Dutcher.

So what does all this rain mean for the state? Here are answers to the most pressing questions:

Is the drought over? The drought is over for now in eastern and central Nebraska, but it's still hanging on in the west, especially in the Chadron area.

Recent rains have improved soil moisture conditions in western Nebraska, said Brian Fuchs, a climatologist with the National Drought Mitigation Center at UNL, but the moisture did not do much to fill rivers, creeks and reservoirs in that part of the state.

"These are going to be the slowest to recover," Fuchs said, because they've been through six, seven or eight years of drought.

How much rain did we get across the state? Eastern Nebraska got the most, from 4 to 7 inches or more. Lincoln officially received 4.9 inches of rain, according to the National Weather Service. Falls City received 7.15 inches. North-central Nebraska got 2 to 5 inches; the northeast and central part of the state got 1 to 3 inches; most parts of western Nebraska got about an inch; and the Panhandle region got about a half inch to an inch of rain.

Does all of this rain mean that the Platte River won't run dry this summer? The weekend downpours and earlier rain and snow have helped recharge soil moisture in the Platte River Basin, Fuchs said. That's good news because it raises the water table and allows a river to flow for longer periods of time. High water tables and more soil moisture also decrease the need for irrigation.

"If the river runs dry, it will be later in the summer than what we have seen in the past few years," Fuchs said.

Recently, the Platte west of Columbus has run dry in mid or late June.

What does all of this rain mean for Lake McConaughy? The state's largest reservoir is the poster child for the long-term drought. The 22-mile-long lake in Keith County has shrunk to about eight miles. Fuchs said rains have helped, but the lake is still hurting. Last year at this time, Lake McConaughy was at 42 percent of its capacity, compared to the 38.5 percent now.

Unfortunately, most of the recent rain has fallen downstream. Bleed said more water in the Republican will help Nebraska meet its obligations to send water to Kansas in the lower part of the basin, she said.

Nebraska has overused its allocation of water from the Republican the past three years. Lawmakers have come up with a multimillion-dollar plan to shield the state from penalties and help Nebraska comply with a three-state agreement regulating water use.

Is all this rain good for farmers? If you've planted all of your crops, then it's good news. If you're just starting, it's bad. "This event is really going to put the kibosh on planting activities in the eastern part of the state," climatologist Dutcher said. Soils are very wet and it will take a few days of dry weather to get farmers back into the fields. Corn planting across the state was 40 percent complete as of Sunday, well behind last year's 63 percent and four days behind the average of 58 percent, according to the Nebraska office of the National Agricultural Statistics Service.

Do these heavy downpours signal the start of a wetter-than-normal late spring/early summer?

Dutcher said the state could see normal to above-normal precipitation through May, if a drought continues in the southeastern part of the U.S. A high-pressure system associated with that drought is forcing moist air from the Gulf Coast into the western High Plains.

"What scares me more than anything else is that if we don't get an extended period of drying. These flooding issues are not going to go away," Dutcher said.

Reach Algis J. Laukaitis at 402-473-7243 or alaukaitis@journalstar.com.

Drink it in: The drought is finally over

(OWH, 5-08-07)

□ **Apart from the Panhandle, rainfall has replenished Nebraska's soil and streams.**

By Bill Hord and David Hendee

WORLD-HERALD STAFF WRITERS

Water closed roads, washed out cornfields and overwhelmed city sewers, but look at the bright side — there is no drought in the eastern two-thirds of Nebraska.

Only nine months ago, the entire state was in a drought, according to the National Drought Mitigation Center. Today it is only the Panhandle. The rest of the state is nearly saturated.

Although still low, reservoirs are rising. Livestock drink from ponds. Stream flows are up.

Crops will have enough moisture to grow for weeks, and water stored in the soil could reduce the amount of irrigation needed later this summer. Even if rainfall drops back to only half of average, there will be enough moisture from deep in the soil to grow a good crop, said the state climatologist, Al Dutcher.

Dutcher said he is reluctant to declare a certain end to a drought cycle that has persisted

since 1998. A sudden hot, dry spell can rapidly change things, he said.

"My suspicions are that for eastern Nebraska the drought is over, and it has been for a few months," he said, "but you get edgy."

Relief from drought began with rainfall last December, said Brian Fuchs of the National Drought Mitigation Center in Lincoln.

"The key then was that the ground wasn't frozen yet," Fuchs said. The moisture was able to replenish the depleted soil and begin to recharge streams, rivers and lakes.

"We continued to do fairly good in the winter with snowfall for much of the state, and then continued a wet weather pattern in spring," Fuchs said.

In the last two weeks, almost all of central and eastern Nebraska has had 4 or more inches of rain. Some stations have reported 7, 8 or 9 inches.

Even the formerly droughtbeleaguered southwest corner of the state has shared in the bounty, receiving 4 or more inches in most locations before missing out on last weekend's widespread rain.

The Republican River, for example, continues to resemble a river — f or a change — flowing into Harlan County Lake in south-central Nebraska. The river has been a drought-stricken trickle in recent years.

Harlan County Lake has 20.5 percent more water in it than it did a month ago and is 61.4 percent full, according to the U.S. Bureau of Reclamation.

Although the Saturday and Sunday storms mostly dumped heavy rain downstream of Harlan County Dam, the runoff will be a boost to Nebraska's efforts to resolve its troubles with Kansas over sharing the water in the Republican River.

An estimated 8,000 acre-feet of water poured across the Nebraska-Kansas state line near Guide Rock, Neb., Sunday, said Brad Edgerton, supervisor of the Nebraska Natural Resources Department's field office at Cambridge.

Nebraska will get credit for about 4,000 acre-feet of that total, helping to balance the state's water ledger with Kansas.

Edgerton and others stood on a bridge over the Republican and measured the flow at its crest. They measured 4,630 cubic feet per second flowing toward Kansas. The flow typically at that spot would be close to zero.

Stream flows in Nebraska's rivers Monday highlighted places that have received abundant precipitation this year and those that remain in drought.

The stream flow of the North Platte River at the Wyoming state line was about 4 percent of the estimated highest rate ever measured for the day, according to the U.S. Geological Survey.

On the wetter end of the state, the stream flow of the Republican River at Hardy was 97 percent of the highest rate. The Platte River at Louisville was at 93 percent, and Logan Creek near Uehling was at 95 percent.

The big rains, however, don't mean that levels of underground water, pumped by farmers during the summer to irrigate crops, will quickly rebound in stressed areas of the state.

The storms replenished the soil, but rising groundwater levels happen over long periods of time, said John Turnbull, general manager of the Big Blue Natural Resources District at York.

"Rain is not an instant recharge of groundwater," Turnbull said. "But if this wet cycle continues in June and July, it'll reduce pumping pressure. If June and July are dry, we'll see more pressure to pump. Recharge is a long-term deal."

Ninety-three percent of the topsoil in Nebraska has adequate or surplus moisture, the U.S. Department of Agriculture reported Monday.

"The primary concern now is the planting delay," Dutcher said.

Farmers in Nebraska were five days behind planting corn, with 40 percent of the crop planted, the USDA reported. Iowa farmers were a week behind, with 53 percent of the corn

crop planted.

Corn Belt farmers are in a race to get corn planted by mid-May, after which there are not enough days in the growing season to produce maximum yields.

If rain persists, farmers could back off of their intention to plant more corn acres to feed the growing demand of ethanol plants. Among them is Decatur farmer Larry Mussack, who looked Monday at standing water on one of his fields three miles west of the Missouri River.

"You could float a boat," Mussack said.

McConaughy still waits for relief

Rebounding levels of Harlan County and Swanson Lakes on the Republican River reflect snowmelt and heavy rains that occurred upstream this spring.

Lake McConaughy's continued decline on the North Platte River illustrates continued drought in the Nebraska Panhandle and in the mountains of Wyoming and Colorado.

Lake McConaughy May 7, 2007 669,900 acre-feet (38.4 percent of capacity) **May 7, 2006** 733,500 acre-feet (42.1 percent of capacity)

Harlan County Lake May 7, 2007

194,305 acre-feet

May, 7, 2006

138,794 acre-feet

Swanson Lake May 7, 2007

51,472 acre-feet

May 7, 2006

41,126 acre-feet

Alternatives offered to NRD plan for 29 dams

5-16-67

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

You could call it the citizens' anti-dam plan.

More than 200 people gathered in Bennington Wednesday night to hear the proposals that are being offered as alternatives to the plan by the Papio-Missouri River Natural Resources District, the City of Omaha, Sarpy County and others to build as many as 29 dams.

Noticeably missing from the joint meeting of the Douglas and Washington County boards: the consultants.

Instead, slides were presented

showing development practices that are said to lessen the need for dam construction in the Omaha area.

The Washington-Douglas County plan would use such things as rain gardens, rooftop gardens, grassy swales and filter strips to slow and absorb runoff.

Council Bluffs, Chicago, Kansas City, Mo., and the Ford Motor Co. all use these more natural methods of controlling runoff, said Marian Maas, George Cunningham and Mike Ryan.

"You think this is a bunch of environmentalist tree-huggers proposing this stuff," Ryan said. "But these are not tree-huggers."

If it is working for them, it can work here."

Clare Duda, a member of the Douglas County Board, said the two boards believe these alternative practices would greatly reduce runoff and minimize the need for dams.

Douglas County Board member Mike Boyle drew loud applause from the crowd at Bennington High School when he challenged the Natural Resources District board to back down on the dams. Six NRD board members attended the meeting.

"I would hope that you would consider what these taxpayers,

these property owners are saying about our land," Boyle said. "We don't want you to do what you are doing. We want you to stop it."

Boyle and others contrasted the citizen input in the two-county plan with the extensive involvement that developers had in creating the NRD-led plan.

Jim Thompson, NRD board chairman, responded to Boyle.

Thompson, a supporter of the dams, said the NRD plan incorporated the ideas being presented by the two counties and their constituents.

"I hope that all of these things work," he said. "I'm in favor of them. There is no one solution."

Public input needed on water planning

5-10-07

BY JIM THOMPSON

The writer is chairman of the Papio-Missouri River Natural Resources District.

Late Saturday night, I was making a journey from west Omaha to midtown during the downpour. The direct route was down Pacific Street, a roller coaster of a road. Between trying to get those windshield wipers on a faster speed and dodging the creeping streams from the curb lane, I kept wondering if our flood-control efforts in Douglas and Washington Counties would survive the night.

A World-Herald headline on Sunday morning ("Two counties oppose dam plan") was an ironic twist to the subsequent stories about the flooding that occurred on the other side of the Mighty Mo. Were Nebraskans luckier than Iowans? As the evaluation unfolds, we will realize that it is not a matter of luck but a matter of how Mother Nature works.

On our side, we have the Papillion Creek Watershed Partnership that includes the cities of Omaha, Bellevue, Papillion, Bennington, Gretna, Boys Town, La Vista and Ralston, plus Douglas and Sarpy Counties and the Papio-Missouri River Natural Resources District.

These 11 governmental jurisdictions are performing innovative and vitally important planning, the likes of which have never been attempted in our area. An important next step is to continue the process of actively involving all interested Papillion Creek watershed residents in the next phase of this regional planning effort.

More than five years of unprecedented cooperation and collaboration among these partnership jurisdictions have gone into developing regional watershed quality, stormwater management and land-use policies that would assist each jurisdiction in keeping its residents safe.

These policies would ensure that appropriate development and zoning decisions are made and that we have a watershed that meets federal Clean Water Act requirements. These policies were developed by the partnership through unanimous agreement among the representatives from each participating jurisdiction. Nine of the 11 jurisdictions already have locally adopted these significant policies.

To clarify the misinformation that has been reported and discussed too many times: When the Papio-Missouri River NRD board and other members of the partnership adopted

These policies would ensure that we have a watershed that meets federal Clean Water Act requirements.

these regional planning policies, none of the jurisdictions specifically approved the construction of any dams or water management structures.

No single option or method to achieve these regional planning goals has been approved by any jurisdiction as the partnership moves into the next stage of its water-quality analysis, stormwater safety and land-use planning studies. The evaluation process should include all options.

Significant public involvement and input will help each community determine which steps are necessary to achieve these responsible goals that are in the best interest for our region. However, it would be an injustice to those who live and

work downstream to categorically exclude the use of flood-control structures to control the millions of gallons of water that rush through the territory.

The benefit of the partnership is that each jurisdiction has been able to leverage its resources to meet individual jurisdictional needs while ensuring that these needs are appropriately addressed in a comprehensive manner for all residents living within the watershed. This very approach has been in place for all the engineering analysis and policy development work that has occurred to date. The communication and outreach effort is no different and is as equally important as any other aspect of this complex endeavor.

We all have a responsibility to ensure that the residents of our participating communities understand the need and purpose for the stormwater policies developed thus far.

Through the use of all options available, can we guarantee green space, good water quality and adequate flood prevention? This goal is a long-term one.

As our metropolitan area develops, generations from now will determine if we did our job. But it will take the efforts of all governmental jurisdictions, from Washington County to the end of the funnel in Bellevue, to work together through one comprehensive set of regional policies and standards.

The engineers and other experts in the field have done a tremendous job already in guiding the development of our long-term planning. If only they could get my windshield wipers to work faster.

Importance of flood control demonstrated (Lincoln Journal Star Editorial)

Thursday, May 10, 2007 - 12:36:24 am CDT

Record-setting rains last weekend were a reminder of the importance of flood control and floodplain management as Lincoln continues to grow.

The Journal Star's photos of stormwater rippling at the doors of stalled cars in downtown Lincoln may have been a startling sight to residents who were fortunate to spend the weekend on higher ground in other parts of the city.

Think how much worse it would have been without the millions of dollars that previous generations invested.

The work that has been completed on the sometimes controversial Antelope Valley project already has shown its worth, according to Doug Ahlberg, emergency management director for the city.

Back in 1993, when floods devastated the Midwest, portions of the Devaney Sports Complex had to be sandbagged to protect them against rising water.

Now the area is better protected. "Two years ago, the Devaney Center and the fairgrounds would have had water," Ahlberg said. "Our tax dollars are not wasted for that."

Major flood control work began locally after flooding in 1950 killed 14 people in southeastern Nebraska.

Holmes Lake, created in 1962, usually is viewed by residents as a recreational opportunity. This weekend it served its other role as the Holmes Lake dam temporarily corralled flood waters rather than allowing them to rush down Antelope Creek toward Lincoln's inner core.

Elsewhere in the Salt Creek basin, dams at Branched Oak Lake, Pawnee Lake and Wagon Train Lake also held back floodwater from Salt Creek.

Also important to reducing damage from flooding are policies that keep development from floodplains.

One prime example of that in Lincoln is Wilderness Park. Like Holmes Lake, Wilderness Park is known primarily for providing recreational opportunities.

Covering almost 1,500 acres at the southwestern edge of the city, the park offers a tranquil outdoor respite for city dwellers. Twenty-two miles of trails for horseback riding, hiking and biking wind through the tree-shaded land that borders Salt Creek.

When the creek swells over its banks with floodwater, the park serves its flood control function, providing another spot for temporary storage of water.

Lincoln remains at risk of flooding from extraordinarily intense and long-lasting downpours. And there were some instances last weekend of flooded basements and streets, particularly in the Highlands where chest-high depths were reported at one location.

But it would have been much worse without help from previous generations. The 54 percent of Lincoln voters who voted earlier this month for the \$8.5 million bond issue for storm sewers and drainage projects should pat themselves on the back. They continued an important tradition.