




LOWER PLATTE SOUTH

natural resources district

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Memorandum

Date: June 15, 2021
To: Board of Directors
From: David Potter, Assistant General Manager 
RE: June 14, 2021 Platte River Subcommittee Meeting Minutes.

The Platte River Subcommittee met in person at the District office on Monday, June 14, 2021. There were two items on the agenda but only one requiring action. Subcommittee members in attendance included Don Jacobson, Gary Hellerich, Christine Lamberty, Ray Stevens, Anthony Schutz, and Ken Vogel. Members absent included Chelsea Johnson and Ron Nolte. Others attending the meeting were Dave Sands with the Nebraska Land Trust, Paul Zillig, David Potter, and Dan Schulz. The meeting was called to order by Chair Jacobson at 5:36 p.m. and the agenda was reviewed.

The first item was consideration of renewing our existing Nebraska Land Trust Agreement for work on conservation easements along the Platte and Missouri River corridors and the Haines Branch Prairie Corridor. Schulz gave a brief overview of the proposed cooperative agreement with the Nebraska Land Trust and introduced Dave Sands. A copy of the agreement was sent to the subcommittee members prior to the meeting. Potter stated that the agreement was the same as the current agreement with the dates being changed. The contribution is \$30,000/year. Sands had given a power point presentation at the April 26th subcommittee meeting and was present at this meeting to answer any additional questions. The current three-year agreement with the Nebraska Land Trust is ending June 30, 2021 and the NLT is requesting that this partnership continue for an additional three-year period beginning in Fiscal Year 2022.

It was moved by Vogel, seconded by Stevens, and unanimously approved to recommend the Board of Directors approve the Cooperative Assistance Agreement between the Lower Platte South NRD and the Nebraska Land Trust that allows for an additional three-year District commitment in the amount of \$30,000/year, commencing in fiscal year 2022.

The second item was discussion of LB-406. Potter introduced John Winkler, General Manager of PMRNRD, who participated in the meeting virtually and provided an explanation and review of the bill.

The meeting was adjourned at 6:02 p.m.

AGREEMENT BETWEEN
LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT
AND
NEBRASKA LAND TRUST
FOR
COOPERATIVE ASSISTANCE

THIS AGREEMENT is made and entered into by and between the LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT (hereinafter referred to as the "NRD") and the NEBRASKA LAND TRUST (hereinafter referred to as "the TRUST").

WHEREAS, The TRUST is a 501 (c) (3) nonprofit organization that has adopted Standards and Practices promulgated by the Land Trust Alliance and actively acquires or stewards conservation lands and conservation easements, with the goal of land conservation in Nebraska; and,

WHEREAS, the mission of the TRUST is to accept conservation easements or gifts of land to preserve lands that remain essentially in their natural state; are ecologically, historically, or archeologically significant; serve as wildlife habitat, and/or are used for low impact agriculture; and,

WHEREAS, the authorities of the NRD include prevention of damages from floodwater and sediment, development and management of fish and wildlife habitat and recreational and park facilities, and forestry and range management; and

WHEREAS, the NRD desires to utilize the expertise and experience of the TRUST to explore the opportunities for acquisition of conservation easements District-wide, with particular focus on the Platte and Missouri River corridors and on the Haines Branch Prairie Corridor.

NOW, THEREFORE, for and in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the parties agree as follows:

1. The TRUST agrees that it shall:
 - a. Conduct educational programs with landowners, public officials, and others within the NRD for the purpose of explaining conservation easements and the multiple advantages thereof; and
 - b. Provide technical assistance to the District with the development of baseline surveys on proposed conservation easement properties, and in the monitoring and evaluation of held conservation easements; and
 - c. Assist the NRD in the development of a land protection strategy and easement templates for the acquisition of conservation easements in the District; and,

- d. Consult with the NRD on funding and grant proposals and assist in compliance with the requirements of the fund sources; and,
 - e. Assist the NRD in negotiations and acquisition of conservation easements over priority properties.
2. The NRD agrees that it will assist the TRUST to develop land protection and easement acquisition strategies for the Corridor; will pay the sum of \$30,000, annually, to the TRUST for the purpose of partially funding the activities of the TRUST undertaken pursuant hereto; and, will work with the TRUST to identify prospective donors of conservation easements, additional funding sources and partnership opportunities.
 3. The term of this Agreement shall commence upon execution thereof by both parties; and this Agreement shall terminate on June 30, 2024, unless sooner terminated as provided below.
 4. The following personnel shall represent the parties in carrying out the terms of this Agreement and are designated to receive notices hereunder:

For the NRD:	For the TRUST:
Paul Zillig, General Manager	David Sands, Executive Director
	Glenn Johnson, Chairman

5. This Agreement may be terminated by either party with or without cause on 60 days written notice delivered to the other party.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates hereinafter indicated.

Executed by THE NEBRASKA LAND TRUST, on this _____ day of _____, 2021.

NEBRASKA LAND TRUST

By _____
David Sands
Executive Director

Executed by the LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT on
this _____ day of _____, 2021.

LOWER PLATTE SOUTH NATURAL
RESOURCES DISTRICT.

By _____
Paul Zillig
General Manager

LB 406e - Create the Lower Platte River Infrastructure Task Force and provide funding. McDonnell. Speaker Priority.

Senators gave final approval to LB 406e by a 41-0-8 vote on May 19th. The bill was presented to the Governor on May 20th and was signed by the Governor on May 26, 2021. The bill included the emergency clause and became law immediately.

The Executive Board of the Legislature announced appointments to the Statewide Tourism and Recreational Water Access and Resource Sustainability Special Committee that was created by the passage of the bill.

Appointed to the committee are:

Plymouth Senator Tom Brandt;
Elmwood Senator Robert Clements;
Norfolk Senator Michael Flood;
Creighton Senator Tim Gragert;
Venango Senator Dan Hughes;
Omaha Senator John McCollister;
Omaha Senator Mike McDonnell; and
Lincoln Senator Anna Wishart.

The committee also includes Speaker Mike Hilgers of Lincoln as chairperson and Brainard Senator Bruce Bostelman, chairperson of the Natural Resources Committee.

The Legislature advanced LB 406 to Final Reading on May 12th on a voice vote after adopting AM 1424 on a 35-0 vote and AM 1386 on a 34-0 vote.

AM 1386 adds language that the special committee shall terminate on December 31, 2022. AM 1424 adds that contracts for the study be based on competitive bids.

Previously, state senators advanced LB 406 to Select File on a 42-2-5 vote after adopting the committee amendment (AM 1092) and a floor amendment (FA 38). The floor amendment (FA 38) changes the name of the special committee to The Statewide Tourism and Recreational Water Access and Resource Sustainability (STAR WARS) Committee of the Legislature.

The Natural Resources Committee held a hearing on a proposed amendment (AM 848) to LB 406 on Tuesday, April 20th. After the hearing, the committee advanced AM 1092 which replaces the bill.

The amendment (AM 1092) creates the Statewide Tourism and Recreational Water Access and Resource Sustainability Special Committee of the Legislature. It was adopted on a 43-2-4 vote. The floor amendment adopted on a 40-2-7 vote incorporates the acronym “STAR WARS” for the “Statewide Tourism and Recreational Water Access and Resource Sustainability” committee.

The committee shall consist of the Speaker of the Legislature, who shall serve as chairperson. Other members include the chairperson of the Natural Resources Committee, one member of the Appropriations Committee, and at least four other members of the Legislature appointed by the executive board. The appointed members of the special legislative committee shall be members who represent legislative districts comprising portions of the areas under study or who otherwise have knowledge of such areas.

The Executive Board of the Legislative Council shall provide staff as required by the committee from existing legislative staff. In addition, the committee may hire additional staff, make expenditures for travel, and enter into contracts for consulting, engineering, and development studies.

It is the intent of the Legislature to appropriate two million dollars for fiscal year 2021-22 to carry out the purposes of the committee.

Studies shall be conducted on:

- The need to protect public and private property, enhance economic development, and promote private investment and the creation of jobs along the Platte River and its tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska. The study of the Lower Platte River shall not include a study of any dam on a Platte River channel but may include infrastructure options that maintain the integrity of the main channel of the Platte River. The committee may study dams relating to tributaries of the Platte River and levees in such area.
- The need to provide for public safety, public infrastructure, land-use planning, and economic development in the Lake McConaughy region of Keith County, Nebraska.
- The socioeconomic conditions, recreational and tourism opportunities, and public investment necessary to enhance economic development and to catalyze private investment in the region in Knox County, Nebraska, that lies north of State Highway 12 and extends to the South Dakota border and includes Lewis and Clark Lake and Niobrara State Park.
- The studies for Lake McConaughy in Keith County and Lewis and Clark Lake and Niobrara State Park in Knox County shall evaluate the outcomes and the economic benefits of proposed development and improvements to residents, the local region, and state tourism.

The committee shall hold hearings and request and receive reports from state, county, and city agencies regarding matters pertaining to its studies. The committee may hold one or more closed sessions for the receipt of confidential information if at least one-half of the members of the committee vote in open session to hold a closed session. The committee may appoint a subcommittee for the purpose of receiving public input as it relates to protection from flooding along the Platte River from Columbus, Nebraska, to Plattsmouth, Nebraska.

The special legislative committee shall endeavor to complete each study on or before December 31, 2021, but such studies shall be completed no later than December 31, 2022.

The Natural Resources Committee accepted testimony on the Amendment 848 to LB 406 on April 20th.

Opening on the amendment to the bill, Sen. McDonnell provided the committee with an overview of the negotiations and discussions that led to a compromise amendment to the issue. He noted the language in the bill specifically outlines the study of the Lower Platte River shall not include a study of any dam on a Platte River channel but may include infrastructure options that maintain the integrity of the main channel of the Platte River. The committee may study dams relating to tributaries of the Platte River and levees in such area. The potential for a dam on the mainstream of the Platte River was the center-point of opposition to the original bill and that has now been alleviated.

Proponents

John Winkler, General Manager of the Papio-Missouri River NRD, testified on behalf of NARD.

Winkler offered the NRDs assistance to formulate proactive options to mitigate the devastating impacts of flooding and drought, create recreational opportunities, foster economic and community development, create jobs and investment, as well as improve the natural environment. The historic flood of 2019 was all about

the uncontrolled tributaries of the state like the Platte, Elkhorn, and Loup Rivers. Preliminary analysis illustrates that if a significant reservoir or several reservoirs were in place in the Lower Platte Basin during the March 2019 flood event the certified levee systems south of the mouth of the Platte and Missouri River in Iowa, Nebraska, Kansas, and Missouri would have been within their design capacities and potentially would not have been overtopped or failed.

At a minimum over two and a half billion dollars in damages to critical public and private infrastructure and property could have been prevented. This figure does not include damages to agricultural land, homes, businesses, lost income, entire communities destroyed and the future productivity of thousands of acres of farm ground compromised; all from one single event.

In stark contrast to the impacts of flooding, it is estimated that the duration and intensity of droughts will increase, flash droughts like the one in 2021 may become more frequent. Throughout the state's history there has always been stresses on our drinkable and irrigated water supplies that test their resiliency and sustainability. Several significant reservoirs that could provide enough surface water augmentation on demand and enhance aquifer recharge all year round would be a tremendous boost to the resiliency of the lower Platte corridor where nearly 70% of the state's population resides.

In fact, the most recent statewide groundwater report published by the University of Nebraska at Lincoln's School of Natural Resources highlighted that groundwater wells near reservoirs and canals continue to show increases as they benefit from seepage or groundwater recharge. Groundwater levels have risen as much as 60 feet near Lake McConaughy due to recharge from the lake. In south-central, central, and western Nebraska, groundwater has risen by more than 100 feet due to the influence of canals and reservoirs. This type of sustainable water supply would be especially beneficial to the City of Lincoln who relies solely on the Platte River Basin for its water needs.

Winkler noted that reservoirs would add a tremendous number of recreational benefits both land and water based to the Omaha/Lincoln metropolitan area. It is consistently reported that the urban areas of our state and country lack sufficient outdoor recreational opportunities. With addition acres of flat-water recreation, that would also provide flood control benefits, it is reasonable to conservatively expect several hundred million dollars in economic impact to the state's economy.

Others testifying in support had a common theme of flood control, recreation, and economic development. Testifiers in support included: Speaker Mike Hilgers; Mark Simpson, Knox County; Deb Schilz, Keith County Visitors Committee; Kelly Hanvey, Knox County Development Agency; Jessop Adams, Keith County Planning and Zoning; Corey Crandall, Keith County Commissioner; Lane Anderson, Keith County Commissioner; Karla Scott, Keith County Chamber; Jeff Davis, BNSF Railway; Patrick Liska, Knox County Supervisor; Kevin Barta, Knox County Road Department; Kristal Stoner, Audubon Society.

Written testimony in support was submitted by Angela Janda-Craig, Nebraska Game and Parks;

Written testimony in a neutral capacity included: Jeff Buettner, Central Nebraska Public Power and Irrigation District; and Jay Ferris, Nebraska Farm Bureau.

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 406

FINAL READING

Introduced by McDonnell, 5; Gragert, 40; Flood, 19; Lindstrom, 18;
Sanders, 45.

Read first time January 14, 2021

Committee: Natural Resources

- 1 A BILL FOR AN ACT relating to natural resources; to state legislative
- 2 findings; to create the Statewide Tourism And Recreational Water
- 3 Access and Resource Sustainability Special Committee of the
- 4 Legislature; to provide powers and duties; to provide a termination
- 5 date for the committee; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds and declares as follows:

2 (1) The future vibrancy of the people, communities, and businesses
3 of Nebraska depends on reliable sources of water;

4 (2) While it is in the state's best interest to retain control over
5 its water supplies, much of the state's water resources are currently
6 underutilized;

7 (3) Well-planned flood control is critical to the future of the
8 people, communities, and businesses of Nebraska;

9 (4) The state's water resources provide economic benefit to the
10 people, communities, and businesses of Nebraska by helping to attract
11 visitors from other states and boost local economies;

12 (5) Nebraska has tremendous water resources across the state,
13 including, but not limited to, the Ogallala Aquifer, Lake McConaughy, the
14 Platte River, the Republican River, and the Missouri River. The state's
15 lakes and rivers help Nebraskans enjoy the water resources in our state
16 and make Nebraska an even more attractive place to live and raise a
17 family;

18 (6) In light of the disruption from the COVID-19 coronavirus
19 pandemic and the trend toward a remote workforce around the country,
20 people around the country are rethinking where they want to work, live,
21 and raise a family. As people consider where to live, access to
22 sustainable water resources and outdoor recreational opportunities will
23 be important considerations in making Nebraska a competitive choice for
24 the future;

25 (7) Studies should be conducted focusing on securing Nebraska's
26 future water supply and strengthening Nebraska's flood control
27 infrastructure, while also considering economic and recreational
28 opportunities, including opportunities from increased tourism, in finding
29 innovative solutions and winning opportunities for the State of Nebraska;

30 (8) Any such studies must not deter ongoing economic activity or
31 fail to protect current investment in the areas under study; and

1 (9) An investment in a one-time series of studies that take
2 advantage of previous studies while including innovative approaches and
3 new technologies is best positioned to find solutions for all Nebraskans,
4 especially Nebraskans living, working, and investing in the areas under
5 study.

6 Sec. 2. (1) The Statewide Tourism And Recreational Water Access and
7 Resource Sustainability (STAR WARS) Special Committee of the Legislature
8 is hereby established as a special legislative committee to exercise the
9 powers and perform the duties provided in this section. The special
10 legislative committee shall consist of no fewer than seven members of the
11 Legislature as determined by the Executive Board of the Legislative
12 Council. The special legislative committee shall consist of the Speaker
13 of the Legislature, who shall serve as chairperson of the special
14 legislative committee, the chairperson of the Natural Resources Committee
15 of the Legislature, one member of the Appropriations Committee of the
16 Legislature, and at least four other members of the Legislature appointed
17 by the executive board. The appointed members of the special legislative
18 committee shall be members who represent legislative districts comprising
19 portions of the areas under study or who otherwise have knowledge of such
20 areas.

21 (2) The Executive Board of the Legislative Council shall provide
22 staff as required by the special legislative committee from existing
23 legislative staff. In addition, the special legislative committee may
24 hire additional staff, make expenditures for travel, and enter into
25 contracts for consulting, engineering, and development studies. The
26 contracts shall be based on competitive bids and subject to approval by
27 the executive board upon the recommendation of a majority of the members
28 of the special legislative committee. It is the intent of the Legislature
29 to appropriate two million dollars for fiscal year 2021-22 to carry out
30 the purposes of this section.

31 (3)(a) Studies shall be conducted on:

1 (i) The need to protect public and private property, including use
2 of levee systems, enhance economic development, and promote private
3 investment and the creation of jobs along the Platte River and its
4 tributaries from Columbus, Nebraska, to Plattsmouth, Nebraska;

5 (ii) The need to provide for public safety, public infrastructure,
6 land-use planning, recreation, and economic development in the Lake
7 McConaughy region of Keith County, Nebraska; and

8 (iii) The socioeconomic conditions, recreational and tourism
9 opportunities, and public investment necessary to enhance economic
10 development and to catalyze private investment in the region in Knox
11 County, Nebraska, that lies north of State Highway 12 and extends to the
12 South Dakota border and includes Lewis and Clark Lake and Niobrara State
13 Park.

14 (b) The study of the Lower Platte River pursuant to subdivision (3)
15 (a)(i) of this section shall not include a study of any dam on a Platte
16 River channel, but may include infrastructure options that maintain the
17 integrity of the main channel of the Platte River. The committee may
18 study dams relating to tributaries of the Platte River and levees in such
19 area.

20 (c) The studies regarding Lake McConaughy in Keith County and Lewis
21 and Clark Lake and Niobrara State Park in Knox County shall evaluate the
22 outcomes and the economic benefits of proposed development and
23 improvements to residents, the local region, and state tourism.

24 (4) The special legislative committee may hold hearings and request
25 and receive reports from federal, state, county, city, and village
26 agencies and natural resources districts regarding matters pertaining to
27 such studies. The special legislative committee may hold one or more
28 closed sessions for the receipt of confidential information if at least
29 one-half of the members of the special legislative committee vote in open
30 session to hold a closed session. The special legislative committee may
31 appoint one or more subcommittees for the purpose of receiving public

1 input as it relates to the purposes described in section 1 of this act
2 and this section.

3 (5) The special legislative committee shall endeavor to complete
4 each study on or before December 31, 2021, but such studies shall be
5 completed no later than December 31, 2022.

6 (6) The special legislative committee shall terminate on December
7 31, 2022.

8 Sec. 3. Since an emergency exists, this act takes effect when
9 passed and approved according to law.