

Questions for Natural Resources Committee's
Interim Studies Hearing:

LR 174

July 31, 2007

North Platte, NE

Compiled by Sen. Mark Christensen

Department of Natural Resources Proposed Testimony

1. What obstacles are in the way of developing a water management system through better cooperation between agencies allowing for better management of our water resources by diverting excess water during emergencies and great need? (such as floods, ice jams, and drought) Are the obstacles legal barriers (Federal and State statutes, agency regulations, water rights, etc.), technological barriers with data and communication systems, administrative barriers, physical barriers, political barriers, or other?

LB 962 provides the legal framework to effectively manage hydrologically connected ground water and surface water and recognizes the responsibilities of the DNR in regulating surface water resources and recognizes the responsibilities the NRDs have in managing ground water. When required, the DNR and NRDs jointly develop integrated management plans (IMP) for affected river basins, subbasins, or reaches. There are some concerns among local surface water irrigation districts that they have been left out of the IMP process as the DNR and NRDs are only required to "consult" with the districts in the preparation of the plans.

There is a fairly constant dialog between federal agencies and the DNR concerning water management issues. The Department is in close contact, often daily, with the Bureau of Reclamation on water supply issues and stays in close contact with the Corps of Engineers and the Federal Emergency Management Agency on flood-related matters. The Department also works with the Platte River Recovery and Implementation Program and the U.S. Fish and Wildlife Service on matters dealing with water management. Through the Department's Floodplain Management program and Dam Safety program, local units of government and individual dam owners are educated on their vulnerability to floods. We continue to look for opportunities to improve outreach and education in these areas. The Nebraska Emergency Management Agency (NEMA) provides the coordination and cooperation mechanisms needed between federal, state and local units of government in times of flood and drought. The Nebraska Ice Reporting Network and the Governor's Task Force on Disaster Recovery are two initiatives coordinated by NEMA to ensure interagency cooperation during and after emergencies.

In certain circumstances federal laws may preempt state laws (such as the Endangered Species Act), which could create obstacles in implementing new water management systems. Continued dialog with the federal agencies is necessary to identify potential

conflicts and seek resolution. In many instances the Bureau of Reclamation has been very careful to give deference to the State when issues of joint responsibility and jurisdiction have arisen. It must also be recognized that there can be contractual obligations between the federal government and water users that could create conflicts in implementing new water management programs. These conflicts need to be identified early in the planning stages of a new program and worked out between the parties.

There may be physical obstructions in the waterways that limit the effectiveness of water management systems to convey flood flows or stored releases. An example of this would be the excessive phragmites growth in the North Platte River at North Platte that has raised the flood stage and limits the delivery of Platte River Recovery and Implementation Program water from Lake McConaughy and other future potential water supplies to meet water supply goals in the central Platte River.

2. Is one obstacle more significant to address first, compared to any of the other obstacles?

No legal obstacles or obstacles to effectively communicate are apparent, but a concrete proposal of a specific water management system with goals, benefits, and costs will facilitate discussion of obstacles.

3. Would the possibility of diverting excess water during emergencies be easier during a particular time of the year more than other times of the year?

The possibility of diverting excess water during emergencies has historically been easier to assess during the non irrigation season, simply because you have fewer uses to look at when determining whether the diversion will harm existing uses. Most emergency diversions have been allowed to alleviate flooding downstream or the potential for overtopping a dam downstream.

4. Do you have suggestions or ideas on how Nebraska should begin to build a system of data and communication between agencies to lessen property damage, to increase our potentiality for compliance with agreements and compacts, and to fill reservoirs by diverting excess water that would otherwise leave Nebraska instead of providing for a need in another part of the State?

Legal, data, and communication systems are in place for interested parties to propose projects for perceived problems and the Department is prepared to review and comment on the technical aspects. Some examples of data and communication systems that are in place include:

- Daily data exchange between the Department, Wyoming, and the Bureau of Reclamation on the North Platte River
- The Cooperative Hydrology Study
- Data exchange between the Department, the Bureau of Reclamation, Kansas and Colorado on the Republican River Compact Administration

- Data bases for the Platte River Recovery and Implementation Program that are currently being developed
- The Nebraska Ice Reporting Network coordinated by the Nebraska Emergency Management Agency

We understand that there is always room for improvement and would welcome any concrete suggestions on how we can improve our operations.