

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 288

Introduced by Slama, 1; Albrecht, 17; Clements, 2; Crawford, 45; Dorn, 30; Gragert, 40; Hansen, B., 16; Wayne, 13.

WHEREAS, Nebraska has experienced severe flooding in the past several years; and

WHEREAS, the frequency of severe flood events due to anthropogenic factors and releases from Gavins Point Dam is increasing; and

WHEREAS, Nebraska's preliminary assessment of damage to bridges, roads, and other infrastructure caused by the 2019 severe flood event reached approximately four hundred and fifty million dollars; and

WHEREAS, states rely on the Federal Emergency Management Agency to pay for the majority of recovery efforts related to flood damaged infrastructure; and

WHEREAS, because of the increasing frequency of flooding in Nebraska, the subsequent failure of dams, levees, and dikes caused by high water levels, and the increase in expenses for recovery efforts to restore damaged infrastructure, it is imperative that flood control be a top priority; and

WHEREAS, the Flood Control Act of 1936, an act passed by Congress and signed by President Franklin Delano Roosevelt, authorized civil engineering projects such as dams, levees, dikes, and other flood control measures to be managed by the United States Army Corps of Engineers; and

WHEREAS, the United States Army Corps of Engineers has authority over many of the levee systems in Nebraska as well as management of water flows in the Missouri River basin using a network of six dams; and

WHEREAS, as a result of a lawsuit the United States Army Corps of Engineers was ordered to address a U.S. Fish and Wildlife Service biological opinion outlining measures that must be taken by the Corps to come into compliance with the Endangered Species Act, which led to a revision of the Missouri River Mainstem Reservoir System Master Water Control Manual for the

Missouri River Basin; and

WHEREAS, the Master Water Control Manual for the Missouri River Basin issued in 2004 provided that the Corps, in consultation with affected interests and other agencies, would appropriately consider endangered species protection in order to obtain the optimum development and utilization of the water resources of the Missouri River basin to best serve the needs of the people; and

WHEREAS, while development along and downstream of the Missouri River has increased, the standards put in place by the Corps for levee design, construction, and maintenance have not been updated in over twenty years; and

WHEREAS, the Corps should consider the impact of flooding on people and agricultural land and economies and prioritize flood control over fish and wildlife under the authority of the federal Endangered Species Act when creating future Missouri River Mainstem Reservoir System Master Water Control Manuals and updating levee standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature respectfully urges Congress and the United States Army Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstem Reservoir System Master Water Control Manual for the Missouri River Basin.

2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and the United States Army Corps of Engineers.