

AMENDMENTS TO LB406

Introduced by McDonnell, 5.

1 1. Strike the original sections and insert the following new
2 sections:

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

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

6 (2) While it is in the state's best interest to retain control over
7 its water supplies, much of the state's water is currently used outside
8 of the state;

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

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

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

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

27 Sec. 2. (1) The Statewide Tourism and Recreational Water Access and

1 Resource Sustainability Special Committee of the Legislature is hereby
2 established as a special legislative committee to exercise the powers and
3 perform the duties provided in this section. The committee shall consist
4 of the Speaker of the Legislature, who shall serve as chairperson of the
5 committee, and six members of the Legislature appointed by the Executive
6 Board of the Legislative Council, with two members appointed from each
7 congressional district.

8 (2) The Executive Board of the Legislative Council shall provide
9 staff as required by the committee from existing legislative staff. In
10 addition, the committee may hire additional staff, make expenditures for
11 travel, and enter into contracts for consulting, engineering, and
12 development studies. The contracts shall be approved by the executive
13 board upon the recommendation of a majority of the members of the
14 committee. It is the intent of the Legislature to appropriate two million
15 dollars for fiscal year 2021-22 to carry out the purposes of this
16 section.

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

18 (i) The need to protect public and private property, enhance
19 economic development, and promote private investment and the creation of
20 jobs along the Platte River and its tributaries from Columbus, Nebraska,
21 to Plattsmouth, Nebraska;

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

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

31 (b) The studies for Lake McConaughy in Keith County and Lewis and

1 Clark Lake and Niobrara State Park in Knox County shall evaluate the
2 outcomes and the economic benefits of proposed development and
3 improvements to residents, the local region, and state tourism.

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

12 (5) Any studies conducted by the committee shall be completed on or
13 before December 31, 2021. The committee shall seek input from the
14 Statewide Water Resources Infrastructure Task Force regarding its study
15 of the Platte River region described in subsection (2) of section 3 of
16 this act.

17 Sec. 3. (1) The Statewide Water Resources Infrastructure Task Force
18 is created. The task force shall consist of the following members: (a)
19 Four directors or general managers of natural resources districts, each
20 from the board of directors or offices of four natural resources
21 districts with boundaries that include river basins along the lower
22 Platte River, (b) the dean of the College of Engineering at the
23 University of Nebraska-Lincoln or the dean's designee, (c) the mayor of a
24 city of the primary class, (d) the mayor of a city of the second class,
25 (e) three representatives from a city or village located adjacent to the
26 lower Platte River, (f) one member of a metropolitan utilities district
27 board, and (g) the Director of Natural Resources as a nonvoting, ex
28 officio member. The Director of Natural Resources shall appoint the
29 members listed in subdivisions (a) and (c) through (f) of this
30 subsection. The task force shall select a chairperson from the members of
31 the task force and may hire consultants with funds appropriated by the

1 Legislature. The task force shall convene within forty-five days after
2 the effective date of this act at the call of the chairperson of the task
3 force. Task force members shall receive no compensation for their service
4 on the task force other than reimbursement for expenses incurred in
5 carrying out their duties as provided in sections 81-1174 to 81-1177.

6 (2) The task force shall study three to five potential flood-control
7 infrastructure projects along the river basin of the lower Platte River
8 selected as provided in subsection (3) of this section. For purposes of
9 this section, the lower Platte River or lower Platte River basin is that
10 corridor of the lower Platte River from Columbus, Nebraska, to
11 Plattsmouth, Nebraska, as identified by the Department of Natural
12 Resources. For each project, the task force shall gather information as
13 required by subsections (4) through (6) of this section and gather the
14 following data and information to compile an analysis:

- 15 (a) Hydrology and water supply;
16 (b) Topography of the project area;
17 (c) Geotechnical information;
18 (d) Existing infrastructure that may be impacted;
19 (e) Existing and future recreation and economic needs of the project
20 area;
21 (f) Existing and expected economic data of the project area;
22 (g) Existing and expected demographic data of the project area;
23 (h) Environmental data of flood sites and regional environmental
24 data;
25 (i) Future land-use master plans;
26 (j) Existing and planned transportation infrastructure; and
27 (k) Land ownership data.

28 (3)(a) The task force shall (i) identify potential project locations
29 and project size based on existing constraints, (ii) develop threshold
30 criteria for project size to be of adequate scale to serve regional, or
31 at a minimum, subregional populations, with appropriate amenities, and

1 (iii) establish criteria for regional and subregional projects.

2 (b) The task force shall consider the following factors in
3 determining which projects to study:

4 (i) Location, including the proximity to urban areas and centers of
5 economic development;

6 (ii) Size, including the opportunities to serve regional or
7 subregional populations;

8 (iii) Water supply and land availability, including minimum water
9 supplies required to sustain and support a water-based project in
10 addition to sediment storage for reservoir sustainability and contiguous
11 land areas for a project;

12 (iv) Infrastructure considerations, including public and private
13 infrastructure that present opportunities or pose constraints and the
14 degree of such opportunities or constraints;

15 (v) Socioeconomic considerations, including socioeconomic factors
16 that are opportunities or constraints;

17 (vi) Environmental considerations, including environmental resources
18 that may be augmented, or possibly impacted, and that may influence
19 siting;

20 (vii) Public acceptance, including the general likelihood of public
21 acceptance of a project in a proposed area; and

22 (viii) Property protections.

23 (c) No potential intervention for a project may harm or relocate any
24 city of the second class, and protecting private property shall be
25 prioritized.

26 (4) The task force shall define project elements to maximize project
27 benefits within the physical constraints of a project, including concept-
28 level definition of project features sufficient to estimate costs and
29 benefits and anticipated water-based project benefits that could include
30 flood control, water supply, water quality, and hydropower benefits. An
31 event-based hydrologic model shall be developed and used in conjunction

1 with existing hydrologic models to define flood-risk-reduction benefits.
2 A long-term hydrologic model shall be used to determine firm yield of a
3 potential site for assessing pool viability, water supply, water quality,
4 and hydropower benefits. The definition of project features shall include
5 type and size of project infrastructure, property acquisition, existing
6 infrastructure impacts, recreation amenities, relocations if applicable
7 or required, and an estimate of costs.

8 (5) The task force shall also perform an economic analysis to assess
9 project economic benefits, including:

10 (a) Flood-risk reduction;

11 (b) Water supply;

12 (c) Hydropower;

13 (d) Increased flat water recreational opportunities near the major
14 population centers of Nebraska;

15 (e) Enhanced tourism in Nebraska from surrounding areas,
16 capitalizing on and complementing existing state recreational facilities
17 in eastern Nebraska;

18 (f) Direct and indirect regional economic benefits associated with
19 development of major recreational opportunities in eastern Nebraska;

20 (g) Population and workforce retention; and

21 (h) Any other relevant benefits.

22 (6) The task force shall also perform an environmental analysis to
23 identify environmental constraints, impacts, and challenges to project
24 development, including a general socioeconomic and natural resource
25 assessment and evaluation of potential project-related effects. Such
26 assessment and evaluation shall be performed in the context of a federal
27 National Environmental Policy Act evaluation and evaluate typical social
28 and natural resource categories, identify federal, state, and local
29 regulatory authorizations that would be required, and evaluate the
30 complexity of obtaining any regulatory authorizations.

31 (7) The task force shall report its findings to the Clerk of the

1 Legislature no later than December 31, 2021. The report shall be
2 submitted electronically.

3 Sec. 4. Since an emergency exists, this act takes effect when
4 passed and approved according to law.