

March 15, 1990

LR 285, 289

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 285.

SPEAKER BARRETT: LR 285 is adopted. LR 289.

CLERK: Mr. President, 289 was a resolution primarily introduced by Senator Elmer and a number of the members. It asks the Legislature to request the districts file with FERC a petition for rehearing or in the alternative a request for clarification of the February 14, 1990, order, and that the FERC be requested to stay execution of the order and to expedite its consideration of any petition for rehearing, that the Nebraska Department of Water Resources and other appropriate state and local agencies are directed to provide any information available which assists FERC in determining the potential impacts on recreation, fish and wildlife, irrigation, and power production resulting from the February 14, order, and that the Clerk send a copy to each entity specifically named.

SPEAKER BARRETT: The Chair recognizes Senator Elmer, please.

SENATOR ELMER: Thank you, Mr. Speaker. This resolution is one that has been very seriously considered over the past 30 days by Nebraska Public Power District, Central Public Power and Irrigation District, various state agencies involved with water use and protection in our state. The Federal Energy Regulatory Commission, February 14th, issued an order to Nebraska Public Power District requiring certain stream flows be maintained in the Platte River at the gauge at Grand Island, more than 200 miles from Kingsley Dam and Lake McConaughy. Given current climatic conditions and the predicted continuing dry weather in the watersheds in the Upper Platte, very serious consequences could result from these required releases. Hydrologic data that I have been given by NPPD and Tri-County show that by the end of 1992, given very dry conditions that are most probably going to take effect, Lake McConaughy could be virtually dry. This sort of exacerbates these conditions. Therefore, I am presenting this resolution. I don't know how many members have read it. It states: "WHEREAS, the Federal Energy Regulatory Commission (FERC) on February 14, 1990, ordered the Nebraska Public Power District (NPPD) in cooperation with the Central Nebraska Public Power and Irrigation District (Central) to maintain instream flows by releasing stored water to the Platte River for the benefit of four endangered and threatened species; and WHEREAS, NPPD is required in cooperation with Central to continue the