

April 7, 1992

LB 899

SENATOR KRISTENSEN: Yes, it was, Senator.

SENATOR HABERMAN: When we replace this land, to whose specifications do we follow when we replace the land?

SENATOR KRISTENSEN: We have to qualify for a permit and that permit is issued by the U.S. Army Corps of Engineers, so we have to...(interruption)

SENATOR HABERMAN: So we have to apply to the federal government's specifications?

SENATOR KRISTENSEN: Yes.

SENATOR HABERMAN: How many times has this happened to us, that we've run into wetlands when we construct?

SENATOR KRISTENSEN: Between 20 and 25 percent of all road projects.

SENATOR HABERMAN: Since when? On all roads projects?

SENATOR KRISTENSEN: The ones that we have currently right now, between 20 and 25 percent of them are affected by this. I can't...

SENATOR HABERMAN: What you're saying then is 20 to 25 percent of the roads that we are currently building or planning to build go through wetlands?

SENATOR KRISTENSEN: Or that needs...many of them, Senator, are the widening of a shoulder where you have to put a fill of dirt in and that fill of dirt constitutes for federal purposes the taking of a wetland. Now you and I may not agree that that's right, but that's the status of the law at this point in time.

SENATOR HABERMAN: Well one of the reasons it says that they want this is that delays in planned projects lead to inflationary cost factors, delays in ongoing projects costs the state in damages paid to contractors because of work delays. They don't know now whether they're running into this? How can we cause a delay to a contractor if we knew ahead of time that we're going to run into a wetlands?

SENATOR KRISTENSEN: It depends on whether the project was let