A BILL FOR AN ACT relating to natural resources; to amend section 61-224, Revised Statutes Cumulative Supplement, 2020; to create the Lower Platte River Infrastructure Task Force; to provide for a fund transfer; to change provisions relating to use of the Critical Infrastructure Facilities Cash Fund; to eliminate obsolete provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. (1) The Lower Platte River Infrastructure Task Force is created. The task force shall consist of the following members: (a) Four directors or their designees, each from the board of directors of four natural resources districts with boundaries that include river basins along the lower Platte River, (b) the dean of the College of Engineering at the University of Nebraska-Lincoln or the dean's designee, (c) the mayor of a city of the primary class or such mayor's designee, (d) three representatives from communities located adjacent to the lower Platte River, and (e) the Director of Natural Resources as a nonvoting, ex officio member. The Director of Natural Resources shall appoint the members listed in subdivisions (a), (c), and (d) of this subsection. The task force shall convene within forty-five days after the effective date of this act at the call of the Director of Natural Resources and shall be housed in the Department of Natural Resources for administrative purposes. The task force shall select a chairperson and may hire consultants with funds as appropriated by the Legislature pursuant to section 2 of this act. Task force members shall receive no compensation for their services on the task force other than reimbursement for expenses incurred in carrying out their duties as provided in sections 81-1174 to 81-1177.

(2) The task force shall study three to five potential flood-control infrastructure projects along the river basin of the lower Platte River and gather the following data and information to compile an analysis:

(a) Hydrology and water supply;
(b) Topography of the area;
(c) Geotechnical information;
(d) Existing infrastructure that may be impacted;
(e) Existing and future recreation and economic needs of the area;
(f) Existing and expected economic data of the area;
(g) Existing and expected demographic data of the area;
(h) Environmental data of flood sites and regional environmental
data;

(i) Future land-use master plans;

(j) Existing and planned transportation infrastructure; and

(k) Land ownership data.

(3)(a) The task force shall (i) identify potential project locations and project size based on existing constraints, (ii) develop threshold criteria for project size to be of adequate scale to serve regional, or at a minimum, sub-regional populations, with appropriate amenities, and (iii) establish criteria for regional and sub-regional projects.

(b) Factors for task force consideration include:

(i) Location. The proximity to urban areas and centers of economic development;

(ii) Size. Identify opportunities to serve regional or subregional populations;

(iii) Water supply and land availability. Identify minimum water supplies required to sustain and support a water-based project in addition to sediment storage for reservoir sustainability and identify contiguous land areas for a project;

(iv) Infrastructure considerations. Assess public and private infrastructure that presents opportunities or may pose constraints, and to what degree;

(v) Socioeconomic considerations. Assess socioeconomic factors that are opportunities or constraints;

(vi) Environmental considerations. Assess environmental resources that may be augmented, or possibly impacted, and that may influence siting; and

(vii) Public acceptance. Assess the general likelihood of public acceptance of a project in a proposed area.

(4) The task force shall define project elements to maximize project benefits within physical constraints of a project, including concept-level definition of project features sufficient to estimate costs and
benefits and anticipated water-based project benefits that could include flood control, water supply, water quality, and hydropower. An event-based hydrologic model shall be developed and used in conjunction with existing hydrologic models to define flood-risk-reduction benefits. A long-term hydrologic model shall be used to determine firm yield of a potential site for assessing pool viability, water quality, water supply, and hydropower benefits. The definition of project features shall include type and size of project infrastructure, property acquisition, existing infrastructure impacts, recreation amenities, relocations, if applicable or required, and an estimate of costs.

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

(a) Flood-risk reduction;
(b) Water supply;
(c) Hydropower;
(d) Increased flat water recreational opportunities near the major population centers of Nebraska;
(e) Enhanced tourism in Nebraska from surrounding areas, capitalizing on and complimenting existing state recreational facilities in eastern Nebraska;
(f) Direct and indirect regional economic benefits associated with development of major recreation opportunities in eastern Nebraska;
(g) Population and workforce retention; and
(h) Any other relevant benefits.

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

(7) The task force shall report its findings to the Clerk of the Legislature no later than XXXX. The report shall be submitted electronically.

Sec. 2. Within ten days after the effective date of this act, the State Treasurer shall transfer nine hundred thousand dollars from the Water Sustainability Fund to the Critical Infrastructure Facilities Cash Fund to carry out the purposes of the Lower Platte River Infrastructure Task Force, except that such funds may only be expended by the task force on a dollar-per-dollar basis with matching funds from private sources in support of the study described in section 1 of this act.

Sec. 3. Section 61-224, Revised Statutes Cumulative Supplement, 2020, is amended to read:

61-224 (1) There is hereby created the Critical Infrastructure Facilities Cash Fund in the Department of Natural Resources. The fund shall consist of funds appropriated or transferred by the Legislature.

(2)(a) The fund shall be used by the Department of Natural Resources (i) (1) to provide a grant to a natural resources district to offset costs related to soil and water improvements intended to protect critical infrastructure facilities within the district which includes military installations, transportation routes, and wastewater treatment facilities and (ii) (2) to provide a grant to an irrigation district for reimbursement of costs related to temporary repairs to the main canal and tunnels of an interstate irrigation system which experienced a failure.

(b) The fund shall also be used pursuant to section 2 of this act to carry out the purposes of the Lower Platte River Infrastructure Task Force.

(3) Any funds remaining after all such project and task force costs have been completely funded shall be transferred to the General Fund. Transfers may be made from the Critical Infrastructure Facilities Cash
Fund to the General Fund at the direction of the Legislature. The State Treasurer shall transfer three hundred eighty-four thousand two hundred twenty-two dollars plus any accrued interest through April 5, 2018, from the Critical Infrastructure Facilities Cash Fund to the General Fund on or before June 30, 2019, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services. Any money in the Critical Infrastructure Facilities Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, and any interest earned by the fund shall be credited to the General Fund.

Sec. 4. Original section 61-224, Revised Statutes Cumulative Supplement, 2020, is repealed.