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Agriculture Committee
February 17, 2009

[LB98]

The Committee on Agriculture met at 1:30 p.m. on Tuesday, February 17, 2009, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB98. Senators present: Tom Carlson, Chairperson; Annette Dubas, Vice Chairperson; Brenda Council; Merton "Cap" Dierks; Russ Karpisek; Scott Price; Ken Schilz; and Norman Wallman. Senators absent: None. [LB98]

SENATOR DUBAS: My name is Senator Annette Dubas. I am the Vice Chair of the Ag Committee, and I will be overseeing the hearing today as Senator Carlson will be introducing LB98. I would like to introduce members of the committee and support staff. To my right is Rick Leonard; he's research analyst. Our page is Kim Weber from Lincoln. To Mr. Leonard's right is Senator Tom Carlson, who is the Chair of the Ag Committee and will be introducing LB98 today. Senator Cap Dierks from Ewing; Senator Norm Wallman from Cortland; Senator Brenda Council from Omaha. To my immediate left is Senator Russ Karpisek from Wilber; Senator Scott Price from Bellevue; and Senator Ken Schilz from Ogallala. Our committee clerk is Barb DeRiese. Before we begin, I would like to ask all of you to please turn off your cell phones and pagers. We don't appreciate any interruptions, and it also can cause some interference with our recording equipment, so I please ask that you turn those off. Those wishing to testify today, we ask that you come to the front of the room to be heard, and as someone finishes testifying, we ask you to move up into that chair, and the front row of chairs have kind of been designated as the on-deck chairs so I ask if you'll be seated there. If you do not choose to testify, but would like your name entered into the official record as being a part of the hearing, there's a form at the door that you can sign. This will be made a part of the official record of the hearing. Also, if you do not choose to testify, you may submit comments in writing and have them read into the official record. However, you will not be listed on the committee statement unless you come to the mike and actually testify even if it is just to state your name and your position. We also ask that you fill out a testifier's sign-in sheet and present that to the committee clerk before you testify. This year we are using a computerized transcription program. It is very important to complete this sign-in sheet prior to testifying. And they are on the tables by each of the doors. If you are testifying on more than one bill, and that won't be the case today, you need to submit a form for each one. When you come up to testify, please give the form to the committee clerk, and if our transcribers have any questions about your testimony, they can use this contact information to get in touch with you. Before you begin your testimony, we ask that you state your name and then spell it for the record. Even if it is a simple name, we ask you for that spelling. Please keep your testimony concise and try not to repeat what someone else has covered. Today we will be using the light system. You'll be given five minutes for your testimony. You'll get the green light; that's a go. At four minutes, you'll get the yellow light, and then at the end of your five minutes, you'll get the red light. Now, you don't have to stop immediately, as soon as that red light comes on, but if you're mid-thought or mid-sentence, we ask that you

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kind of wrap it up and be finished then. If you have any hand-out material, please give it to the page, and she will distribute it to the committee. You need at least ten copies to distribute to the committee. If you don't have enough of those copies with you right now, you can hand them to our page, and she'll make sure that she can get copies made for us that you'll have to hand out. We also ask that there's no visible signs of support or opposition to a bill. We want everyone to feel welcome in what they are bringing before the committee today, so appreciate your cooperation in that respect. I think with that, done with the formal introductions, we will go ahead and be ready for Senator Carlson.
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SENATOR CARLSON: (Exhibit 1) Senator Dubas and members of the Agriculture Committee, I'm Tom Carlson, T-o-m C-a-r-l-s-o-n, representing District 38, here to introduce LB98. Each of you have a handout that you've received, and I think everybody in our audience has the opportunity for one of these handouts at the door, and if you don't have one, I'd encourage you to pick one up. I would ask the committee to just look at the second page which is the Riparian Vegetation Management Task Force members. In LB701, the project to remove vegetation from the streambeds of the rivers of fully or overappropriated basins became law in July of 2007. And part of that bill was to appropriate \$2 million in 2007 and \$2 million in 2008 for this project. The bill carried a sunset provision of June 30, 2009, and this gave two years for us to see what kind of headway we could make in this project and then reevaluate, and that's what we are here to do today. You can see by the membership on the task force, we have a lot of divisions of government represented. We had a good representation of senators from the Legislature, and this group has been very, very active. They've been very committed to what we've done over the past two years, and I can't even express my appreciation for how much effort has gone into this project and making it a success. I'd ask you to look at the next page, and that's headed Streambed and Riparian Vegetation Removal. When this bill was introduced on the floor in 2007 and I presented it, I had said that it's necessary that we attempt this for several reasons. And if you look down why it's beneficial to all Nebraska citizens, first of all, we need to clear this invasive education out of the vegetation...out of the streambed, not if it floods, but when it floods, so one good reason is for flood control. Second, was to improve the carrying capacity of the stream to handle water. And two years ago, when we tried to release water from the Harlan County Lake and take it down the 70-some miles of streambed to Kansas, only half of it got there. And so we had a problem. We needed to deliver water to Kansas, and we couldn't do it. In clearing the vegetation out of the streambed, I argued that it would be good for endangered species; it would be good for hunting, good for fishing, good for wildlife viewing, good for hiking, good for camping, good for rafting. One of the things I would mention, that last July 4th in the Republican River below Harlan County Lake, there were 4,000 people that rafted, and that's the first time in several years that they've been able to do that. It was good for forest management, and it's good for overall recreation. The last item that I had on the list was, it's possible that it's going to save water. Now to say that that's a minimal goal would not be the truth. But I argued on

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the floor that if we removed the vegetation, and it helped in all those points prior to water savings, that alone would be worth the effort. It has saved water, and I want to address that with you today. And so to...I want you to bear with me on some pictures here on the power point. I'm going to go through these rapidly. Senator Council, it's kind of awkward for you, but I want you to see this, so you get in a position that you can. My wife, Margo, always tells me you go too fast through some of these pictures, so slow down a little bit. But I'm going to get to the meat of it, and then we'll add several testifiers, that come behind, that will elaborate a little bit more. In the Republican River at Franklin, and I don't know in miles, but Franklin is about 20 miles east of the Harlan County Lake. This is a picture taken from the bridge at Franklin on the Republican River looking west. The date on there is September of 2007. That's phragmites; it covers the streambed. You can see a little bit of water on the left-hand side. You can see the helicopter spraying the streambed, and one of the concerns initially was that if we use chemical in the streambed, is that a problem for fish? Is it a problem for wildlife, domestic animals, and human beings? And that's not a problem. The other question was, this is going to be a big spraying project, and we're going to kill everything within two miles of the stream. And that application can be and was very, very accurate. The chemical kills what it touches, but it's a slow kill. And so with the bill becoming law in July of 2007, the first that we could really get to any kind of a treatment was in September of 2007, and so you see the picture. And that's what the streambed looked like at that time. The next picture was taken in 2008, same spot on the river. And you can see, there's dead vegetation. Phragmites is a plant that has an extensive root system, and by spraying it, we killed the phragmites. We stopped the water use of the phragmites. We didn't necessarily scour out all the dead plants, and so one of the things that is very effective, but it's expensive, is to deep disk, and there was a portion of the river that we did deep disk, and that interrupts that root system, and then with high water, it really scours it out nicely. We used big equipment, removed the trees that had fallen into the streambed and those that were right at the edge of the stream, took them out and up to a position where on high water they wouldn't find their way back into the stream. And that was a project from Harlan County Lake through the 78 miles of streambed down to the Kansas line. In the western Republican, the further west you go, the narrower the streambed becomes on the Republican River, and that project was invasive tree removal. There will be others that testify in more detail on what happened with that project. One of the things in removing the trees is have the heavy equipment cut it off at ground level, pick it up, remove it, pile it up. The bill read that we either cleared out the streambed of the river or within a hundred feet either side of the center thread of the stream, so when you get into a narrow stream area, we could go a hundred feet either side of the center line. And so you can see how narrow that streambed is out west. The top picture is salt cedar, and the bottom picture is what it looked like after clearing a hundred feet either side. Saltcedar, a mature salt cedar, will take a lot of water, and certainly this clearing has made a difference. Now the next picture in the upper right-hand corner is Russian olive, and I have some fun talking to groups because I tell them, that may be one plant that God made a mistake on. I don't

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know what purpose Russian olive ever served. But it will take all the water that it can get, and you can't see the streambed up there, but the after picture shows it cleared a hundred feet either side of the center line. In the back portion of that picture, you can see the trees that are piled up, so the trees were removed at ground level. The stump was sprayed, and the trees were piled up. They haven't been burned. Hopefully, there's a positive use for those at a later time. Now this picture was taken in early 2008, in April of 2008. The next picture from the same spot was October of 2008. That's the way the river is supposed to look. Tim Smith will testify and tell you a little bit more about this. This is out in an area that receives very, very little rainfall. The next picture was the same spot, taken February 5, 2009. And keep in mind, this is an area that receives very, very little rainfall. So the Republican River looks more like it used to in that spot, and that water runs down into Swanson Reservoir. I'm going to allow the testifiers to come up and discuss in more detail what they have to say about this project. I appreciate you listening to this and write down any questions you may have. I would just as soon let the testifiers come up and talk about how they see this project. I'll be glad to answer any questions later on, although I wouldn't refuse to answer one now. [LB98]

SENATOR DUBAS: Thank you, Senator Carlson. Are there any questions? Seeing none, we have our first proponent. Whenever you're ready. [LB98]

MIKE SARCHET: Mike Sarchet, M-i-k-e S-a-r-c-h-e-t. I am from Minatare, Nebraska, in Scotts Bluff County. Landowner since '76, career educator, I retired from teaching environmental science and resource science in '04. I've been very involved with Russian olive control, primarily since the eighties. I think Russian olive and salt cedar and phragmites are something that you really don't think about until the crisis hits. In our case, in western Nebraska, as long as we had plenty of precipitation coming out of Wyoming, and as long as we could irrigate for 135 days a year out of our irrigation system, there really wasn't much concern. And until the drought hit us in 2003, and it still exists within our area, the crisis really hadn't hit home until we were cut back to 40 days of irrigation water instead of 135 and being able to run it 60 percent. That's when it really hit home that people started realizing we needed to solve some problems. In '04, the upper part of Nine Mile Creek where my home farm is, went completely dry. This creek started flowing as kind of a natural, man-made enhanced stream, famous for trout fishing, started flowing in about 1913, had never gone dry even through our other droughts in the thirties and fifties until '04, went completely dry for the upper two miles. Russian olive was a large part of that with the drought. I've been involved in controlling Russian olive from the eighties when I worked for the U.S. Fish and Wildlife Department with the Youth Conservation Corps. And when the U.S. Fish and Wildlife took over the North Platte refuge system, one of their priorities was to remove nonnative habitat. Russian olive was our first order. We started removing Russian olive, and that's the first time that I had a hands-on awareness as to the actual water consumptive powers of this amazing tree. Our first project, there was a small pond of wetland area that was great for the ducks nesting in the area. We went in there, and on our first day, we removed 19

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trees. And we cut those 19 trees with chain saws, and then the youth helpers that I had, we chained them with a tractor, and we pulled them out of there. When we were pulling those out, we drove across what had been the pond in nice wet years, and drove back and forth across there with the tractor. We shut that down actually on a Friday at noon. When we came back the next Monday, there were two trees left that we needed to get, but we could no longer drive across the pond. They were somewhere in the range of several inches, six to eight inches of water that had risen in the area, and we actually could not get those other two trees. It was too wet and boggy all the way around there. We had to wait until the next summer to remove those. Time after time in cases where we remove Russian olives, we see the same story. I had the opportunity to work with the NRD, and with money from the Environmental Trust we did the Nine Mile Creek project which some of you have heard of, removing Russian olives. That is imperative because the Nine Mile Creek had become so totally clogged with Russian olives and other invasive species, that we couldn't use it for livestock. I had one-half mile of the creek to where I hadn't been able to get livestock down to the creek to cross or water for over ten years. In one-quarter mile section of that creek, we removed 276 mature Russian olive trees. They had totally taken over the area. Within two miles of my home area was a beautiful wetland that was my first introduction to hunting in western Nebraska. When I came out as a rookie teacher in 1974, one of my students who wanted a few brownie points took me pheasant and duck hunting, and he took me to this great little wetland area just east of Scottsbluff, and little would I know that eventually that would be two miles from my home ranch that I bought in '76. At that time, it was about a four-acre wetland, and as we walked into there that morning, not only did we flush pheasants, but several hundred mallards came up off the water. In '04, this wetland was completely dry. If you walked down into the bottom of it where we used to have the main flow channel, it was seepy and a few little puddles but no flow, and that was because of our drought that hit in that area, and because of the fact that it was completely choked with Russian olives. When we started the removal project with the large equipment that we carried out in '05, when we went in there with equipment again, we were driving back and forth. The excavator was cutting trees. He cut a path all the way across it, opened up a path across that wetland sheering trees, and then shut down for the weekend. When he came back on the following Monday, he could no longer drive across there with the excavator. The water had started working up, and again, a combination of factors, vibrating of the ground, but also removing the trees from that area. For the rest of that project, he had to work around the perimeter of the area. That area right now has about one acre of standing water. It has an outflow of 4.4 cubic feet per second, and we are still in a drought in our area. This is our best year that we've had since '02. We almost got 8 inches of total precipitation in the upper Nine Mile area which is the best we've had. We've been averaging less than six since '03. I could give you a case-by-case example. I think one of the things in my last minute I need to state is that I think one of the prime reasons that LB701 was so remarkable is it showed that Nebraska had the wisdom and understood that we need to look at watershed control and that there's lots of reasons to do it, and water conservation is one part of that, but

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many other beneficial reasons. Wyoming has agreed, they're doing the same things on their side, and we had a prime example at our tour last spring when we hosted the conference. We had a young rancher that stood there, and he said, you know, when I stood in this exact spot the day before they removed the trees, I was standing in dry grass, wondering if I really should be letting them tear up my pasture. Two days later, he was standing in the same spot, and his boots were wet. That's the amazing difference that can happen with flow and release when you remove the Russian olives. We're behind, but we've caught up. We're moving forward. I think further support on removal and control of Russian olives is imperative. Thank you. [LB98]

SENATOR DUBAS: Thank you, sir. We would like to have you stay for questions, please (laugh). We're not going to let you get off that easy (laugh). Any questions for Mr. Sarchet? Senator Price. [LB98]

SENATOR PRICE: Senator Dubas, thank you very much. Mr. Sarchet, that's very eye-opening for a city guy to hear about the Russian olives. Did the brownie points work? [LB98]

MIKE SARCHET: Did the what work? [LB98]

SENATOR PRICE: Did the brownie points work? [LB98]

MIKE SARCHET: Absolutely. [LB98]

SENATOR PRICE: Good. And second of all, that I noticed is that, hopefully, we've made a statewide effort at an approach...old military guy here, an approach of how we take these trees out from the center out or something. I mean, do we have a standardized process so we don't lose the opportunity to take out two trees? If 18 makes a big difference, two make a difference also. So that we have a process by where we approach taking trees out when we approach people. [LB98]

MIKE SARCHET: In the west, I can only speak for our area. We were very lucky in that we got some significant grants from the Environmental Trust which has been a huge help. What we've been able to do is using those funds, leveraging them with LB701 funds, and also, we now have a very good cooperation with the EQIP programs and WIP programs to where it's been working very well, is remove the first hundred feet of the corridor with LB701 money, and then use cost-share program with the landowners and remove from there on back. And amazing savings, you know, in the grass. If I had 25 minutes, I would take it all. There's huge advantages, but, yes, there is advancement. [LB98]

SENATOR PRICE: Well, I was just stating, you cited two cases amongst many where trees were left because water was there, you know, 48 to 72 hours later, and, hopefully,

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we're taking them from the center out so we can work that outside edge a little quicker and don't leave things standing in the middle of this water. So that's all my question was. Thank you. [LB98]

SENATOR DUBAS: Other questions? Senator Carlson. [LB98]

SENATOR CARLSON: Senator Dubas. Mike, that was '04 when you had that on Nine Mile Creek, you removed the Russian olives, and how different is the flow today than it was in 2004? [LB98]

MIKE SARCHET: Yeah, within the first year in '05, we had a huge peak and flow that came that first year afterwards. We still have an increased flow. It's still running about 30 percent higher than it was in '03 and '04, and that's to be expected. One of the things that's the most enlightening for everyone is the fact that the native vegetation has come back much better than we expected. And even with native vegetation filling in and planting of some preferred habitat, some of the bushes and stuff there, we still have an increased flow. This winter is the first winter since '03 that there has been water flowing year 'round on the upper part of my creek, the upper part of Nine Mile Creek. Last year it flowed through Thanksgiving. The week after Thanksgiving, the springs had dried up. This week, this last weekend, I walked the upper mile and a half, and seven springs are still seeping and flowing, and, again, we're still in a drought out there, so I think we still have amazing rebound occurring. [LB98]

SENATOR CARLSON: Thank you. [LB98]

SENATOR DUBAS: Senator Dierks. [LB98]

SENATOR DIERKS: Mike, we've had, I think, great success with removal of the vegetation on both the Republican and the Platte. Where you removed all the Russian olives from the Nine Mile Creek area, do you have a problem with reseeding? How is that going to work? Are you going to have reinfestation? [LB98]

MIKE SARCHET: As part of our program, we did do a three-year protocol as far as chemical control, going back and spot spraying and controlling which you have to do. You have to have a follow-up control. Last year when they went through, I know that in the first mile and a half, they only spot sprayed 17 regrowths, so we are getting good control. And along with the regrowth, the exciting thing is we thought we would have to replant vegetative grasses and native grasses, and they filled back in on their own. We haven't had to replace grasses. [LB98]

SENATOR DIERKS: And what are some of those native grasses? Are they bromegrass, is that part of it? [LB98]

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MIKE SARCHET: Not much smooth brome. Smooth brome is not really native out there. But we do more of the bluestem; gamma grasses are moving in. And there are a whole host of the natives. We're getting more of the sedges coming back in that we pretty well lost before. So a greater diversity of habitat, the way it should be, is moving back in. [LB98]

SENATOR DIERKS: Thank you. [LB98]

SENATOR DUBAS: Other questions? I would have one just as a follow-up on Senator Dierks's, I'd like to really emphasize or understand the importance of ongoing maintenance, and, you know, what happens if we have a gap, and we aren't able to continue to? [LB98]

MIKE SARCHET: Yeah, that's a very legitimate question. You know, when we first started looking at this, I started working on this for Pheasants Forever, and our problem was we couldn't get landowners to commit to the cost and everything to do it. What we found on Nine Mile is that by doing this project and the protocol very similar to what LB701 required, once you've gone in and got initial control and with the chemicals and the equipment available now, it's legitimate and honest to expect landowners to maintain that control. You know, we have the laws in place, but it's been impossible to enforce them, because the problem was so big and it covered everyone. And, quite honestly, it was just as bad on the federal and state land as it was on the private land. By going in and doing these control measures, it's very legitimate then to expect and require landowners to maintain control in the future. We have the chemicals, and we have the equipment to do it. Five years ago, you saw very few farmers with small little sprayers on their ATVs. Now you won't go anywhere and not find a farmer that doesn't have an ATV with a spot sprayer on the back. And that sounds trivial, but with the chemicals that are available now and the application methods that are available, landowners can be expected and held accountable for control once we help them get the initial control. [LB98]

SENATOR DUBAS: Thank you. Any other questions? [LB98]

MIKE SARCHET: Thank you for the opportunity. [LB98]

SENATOR DUBAS: Seeing none, thank you very much for your testimony today. [LB98]

CHARLES BROOKS: (Exhibit 2, 2a, 2b) Senator Dubas, Senator Carlson, members of the Agriculture Committee, my name is Charles Brooks, C-h-a-r-l-e-s B-r-o-o-k-s. I'm Chairman of the Nebraska Riparian Vegetation Management Task Force, and I'd like to highlight that I'm not speaking as a formal recommendation of the task force, but just as my position as the chairman, and what I've seen. The task force created by LB701 in 2007 was charged with developing and prioritizing vegetation management goals,

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analyzing the cost effectiveness of available vegetation treatment, developing integrated vegetation management plans and policies within sound science on fully appropriated and overappropriated rivers in Nebraska. With a \$2 million appropriation for each year for 2007 and 2008, the members appointed by Governor Heineman first met with state senators of Franklin, Nebraska, two years ago to launch the Nebraska Vegetation Management Task Force. The initial objective was to improve stream flow rates in Republican River channels to deliver more water to the stateline under Nebraska's compact with Kansas. As Senator Carlson mentioned, we also found out that there was benefits for recreation, the tubing, the canoeing, and better wildlife enhancement too without these invasive species on the banks. On 11,000 acres along 374 miles of riparian land, within the hundred foot boundaries of the Republican and Platte River channels, various management techniques have been implemented. Streambanks and islands were treated, shredded, disked, and I'd like to point out here that this wasn't all islands or all the streambanks, only where the invasive plants were. And like the islands in the Republican, where they had the more mature vegetation, you know, we worked around those and just treated, as you saw, with the helicopter, the invasive species and only certain islands were disked as demonstration plots to see how things were going, so it wasn't widespread. It was only where applicable. We also had trees and debris removed to enhance the flow of the rivers. Fencing and grazing systems were being developed. Nearly 99 percent of affected landowners gave permission for the treatment of their property. Test plot studies are ongoing to better understand water use by invasive plants, and to test the effectiveness of cultural control methods such as mowing, disking, grazing, and spraying to determine which control methods most effectively prevent reoccurrence. Other work groups within the task force are refining goals and objectives, developing strategies to educate the public, delineate streambank ownership rights, and I might point out here that, you know, the streambed workshop group is continuing to discuss the need for designation of ownership within a streambed. It's a point which is not addressed in state law, and this ownership is going to be very important when we get through with our main project, and we're discussing maintenance like, well, who owns what parts of the streambed, and who's actually in control to keep this reoccurrence from happening. So that task force group has tackled a big one. We also have work groups that improve survey and monitoring methods and manage funding incentives. Vegetation management activities are starting to show measurable, noticeable results on Nebraska's rivers. We are developing a task force report with recommendations for the Governor and the Nebraska Legislature. I believe that the members of the task force have seen the benefits LB701 provided to the Republican and Platte River systems. We need to persist in this beneficial work. I ask you to support our efforts to improve riparian vegetation management statewide. LB98 is needed to continue our work, and all our task force meetings and reports may be found at www.agr.ne.gov, and you just press underneath Riparian Vegetarian Management Task Force button. Thank you for your consideration, and I'd answer any questions. [LB98]

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SENATOR DUBAS: Thank you very much, Mr. Brooks. Questions? Senator Council. [LB98]

SENATOR COUNCIL: I'm going to assume the city kid posture on this question. When you spoke of the islands on the river being disked, what is the process you're referring to? What is diskings an island? [LB98]

CHARLES BROOKS: Okay, Senator Carlson on his...one of his slides had like the helicopter would come in and spray it. And then we were trying to determine, we still have the big root mass and the vegetation laying on top. And we were trying to determine, how are we going to get this island to scour clean again? And so, one method that we were testing on various islands in the...and an island might be just a big sandbar that comes up in the river, and we found contractors that had these great big disk blades, and they can...with Caterpillar type equipment they can disk across that ground and kind of chew up that vegetation. And then it's laying there kind of loose for the next high flow to scour that off. [LB98]

SENATOR COUNCIL: Wash it down. Okay. And your testimony indicated that you're developing a task force report with recommendations for the Governor and Legislature. Now, you did prepare annual reports since LB701, is that correct? [LB98]

CHARLES BROOKS: Right. On each December 15th, we've submitted a preliminary report of what's been happening. [LB98]

SENATOR COUNCIL: And those preliminary reports include preliminary recommendations. Is that? [LB98]

CHARLES BROOKS: The task force has not made any or it's just more observations at this point, and we have yet to meet...and some of the management activities are still ongoing this fall and spring, and so probably later towards the summer we will come together and evaluate those...come up with a... [LB98]

SENATOR COUNCIL: That's all I have, Senator Dubas. [LB98]

SENATOR DUBAS: Thank you. Other questions. Senator Karpisek. [LB98]

SENATOR KARPISEK: Thank you, Senator Dubas, Mr. Brooks. Thank you for being here again. First, I'd just like to say how impressed I was with the landowners, that 99 percent let you on that...their ground to do this, and that was imperative to do. So I think that that really helped when we were talking about, is this a local issue, a state issue? I think that really helped the state become involved. And I know that that was a part of your work that made that happen. The whole thing has done better than I imagined, and I expected quite a bit, but it has done better. I guess real quick, what are the next steps?

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I know we talked about going through and spot spraying. Is there a thought to go farther than the hundred feet or just keep up what we're doing? [LB98]

CHARLES BROOKS: I think with the...at this time, with the untreated areas that we have left, that all our efforts would be on continuing to reach that hundred foot area throughout the appropriate, overappropriated systems first before we start looking at expanding that area out there. We have large areas that still remain untreated in the state, and we'd like to use our money to those purposes first. [LB98]

SENATOR KARPISEK: And after this first round, have you had many complaints, people that are not happy with the results, or the way things were handled? [LB98]

CHARLES BROOKS: I'm not personally aware of, you know, of any complaints that the management activity caused any harm or degradation of the property. [LB98]

SENATOR KARPISEK: And I'm not either. I just wanted that on the record. I just think this was done very well, very well thought out, and we're getting great results and thank you for your work. Thank you, Senator Dubas. [LB98]

SENATOR DUBAS: Senator Dierks. [LB98]

SENATOR DIERKS: Thank you, Senator Dubas. Charles, would you give us a brief rundown on the efforts of cleaning the salt cedar out of the Lake McConaughy area which you've accomplished? [LB98]

CHARLES BROOKS: I believe there's going to be testimony by another individual that might more clearly delineate that process. [LB98]

SENATOR DIERKS: Okay, thank you. [LB98]

SENATOR DUBAS: Senator Price. [LB98]

SENATOR PRICE: Senator Dubas, thank you. Sir, how fast growing is Russian olive? [LB98]

CHARLES BROOKS: I'm not qualified to give you a quantitative answer on that. [LB98]

SENATOR PRICE: Well, maybe someone can later on, and whoever's coming up can. But I mean, some trees...if you're going to plant a cottonwood, you can expect a fast growth. If you're going to plant an oak, you can wait awhile. Somewhere in betwixt those two, I think where the Russian olive falls. And I was just kind of wondering if someone will be able to tell me at some point in time. [LB98]

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CHARLES BROOKS: I am sorry. I can't give you any kind of quantitative answer. [LB98]

SENATOR PRICE: That's fine. Okay, thank you. [LB98]

SENATOR DUBAS: Other questions? Seeing none, thank you, Mr. Brooks. [LB98]

CHARLES BROOKS: Thank you. [LB98]

KENT ADEN: (Exhibit 3) Senator Dubas and members of the committee, my name is Kent Aden, K-e-n-t A-d-e-n, and I'd like to address one of the projects that has taken place with the LB701 funds. And I do have to apologize. I think I gave the page a copy that I need to have in front of me to help me with my notes. (Laughter) I am the assistant real estate administrator for the Central Nebraska Public Power and Irrigation District, and we implemented a plan at Lake McConaughy called the "Surround and Drown" Plan. And I'd like to, first of all, tell you about some of the benefits of Lake McConaughy, and then the benefits of this project. The core Central is a political subdivision of the state. We own and operate Lake McConaughy, largest storage reservoir in the state, stores water for irrigation, hydro electric generation, and environmental needs. Lake McConaughy provides water for direct surface water deliveries for approximately 200,000 acres of irrigated cropland and also provides ground water recharge then for an additional 300,000 acres. Lake McConaughy provides water for hydro electric generation through five different hydro facilities along the system, and cooling water for the state's largest coal fired plant (Gerald Gentleman Steam Plant) out at Sutherland. But along with these licensed water uses, Lake McConaughy provides huge recreational and economic impacts in the area from that recreation. Last year, there were 883,000 visitor days at Lake McConaughy for all types of recreational opportunities associated with the lake from swimming, boating, hiking, camping, whatever. Another thing that Lake McConaughy provides is habitat for a couple endangered and threatened species, the Interior Least Tern and the Piping Plover. We have basically the state's largest nesting population of these two endangered species on those bare sand shores of Lake McConaughy, and probably one of the most successful nesting programs out there at Lake McConaughy. The North Platte River feeds Lake McConaughy. Lake McConaughy is on the North Platte, and this basin has experienced about nine years of drought now. And because of those drought conditions, and lower inflows into our system, it had exposed nearly 12,000 acres of dry lakebed that were being subjected to vegetation taking over. And one of those plants that was of huge concern was the salt cedar. Salt cedar has a reputation of being a very high water user. There's all kinds of numbers out there as to what it does use, and I'm not qualified to say what number is right, but there is a thought that it's a high water user. And it was also destroying...taking over habitat that threatened an endangered species, the terns and plovers were using for nesting on the shores of Lake McConaughy. In your handout, there is a photo on the first page there, an example of the density of the salt cedar that was taking place on the lake bed. We developed the

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"Surround and Drown" Plan, using an integrated management approach, pest management approach, where we would control this unwanted vegetation through the use of herbicides, selectively spot sprayed herbicides along with using this herbicide in the upper elevations of the lake bed, so that when the water came back up, the other vegetation would be drowned out, which enabled us to reduce the costs so we only had to treat about 8,000 acres instead of 12,000. We left the other 4,000 to drown out. Along with that, we included mechanical removal of some of this treated vegetation in two of the high use tern and plover areas, nesting areas. And one area that's high use public recreational area, the Martin Bay area on the north end of the dam, we wanted to remove this vegetation because of the hazards associated with the submerged vegetation for boaters. We teamed up with the West Central Weed Management Area which covers Keith and Lincoln Counties, and three counties to the north. We were awarded \$347,000 of the LB701 funds, but more importantly, we used those funds to help generate more. And I see my time is up. I would invite you to read through a couple of the other bullet points, and be glad to answer questions. [LB98]

SENATOR DUBAS: Thank you, Mr. Aden. Questions? Senator Carlson. [LB98]

SENATOR CARLSON: Senator Dubas. Kent, do you want to talk a little bit about the next two pictures and go ahead and finish up. [LB98]

KENT ADEN: Okay, okay. Just to finish up here, in late August of 2007, we came in with helicopters and spot sprayed the salt cedar infestation; 2,010 acres were spot sprayed. In 2008, as ongoing efforts, we came in and only had to treat 135 acres of skips or misses, so maintenance is very important. And we just completed last month the mechanical removal of the 161 acres of vegetation in the Martin Bay area. The two photos on the third page of your handout is basically a before and an after of the Martin Bay area, and the last photo there is an example of the geographic information that we're getting from these applications. We know where the stuff was. We know where to go back and look for it. We know how much we treated. Thank you. [LB98]

SENATOR DUBAS: Senator Carlson. [LB98]

SENATOR CARLSON: I need to clarify a little bit. On these two pictures, I think everybody would be interested in this. Obviously, we see the helicopter spraying on top of, but is this roughly the same spot on the bottom? [LB98]

KENT ADEN: Actually, it's the same bay...the top picture we're actually looking south toward the body of the lake, and in the bottom picture we're looking north toward the upper portion of that bay. The same type of vegetation was...covered this whole Martin Bay area. [LB98]

SENATOR CARLSON: But the bottom picture didn't get to look like that without some

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physical removal, did it? [LB98]

KENT ADEN: Right. We went in there mechanically in January of this year with bulldozers and shredders and removed that vegetation. [LB98]

SENATOR CARLSON: Thank you. [LB98]

SENATOR DUBAS: Other questions? Senator Council. [LB98]

SENATOR COUNCIL: I have two questions. I wanted to first thank you for testifying, but turning back to that picture, the removal of the vegetation in that area, in the top photo I can see where the lake is now. So the assumption is, is that with higher rainfall or more vegetation control on the sources of the lake that this bay area would eventually be restored with water. Is that the...? [LB98]

KENT ADEN: That is correct, through water conservation efforts. I don't know if you're aware that the irrigators of at least Central Nebraska Public Power have now went, I believe, four years on reduced water deliveries. That has probably helped the water levels come back at Lake McConaughy as much as anything. Our inflows are still only about 60 percent of historic numbers. Right now, our lake elevation looks like it's within about two feet of being able to run water back into this bay again, so it is recovering. [LB98]

SENATOR COUNCIL: The reason I was asking the question because at the end of your testimony, you began to speak to how much of the grant money had been utilized for work at Lake McConaughy, and you were beginning to tell us that number. And then if you could complete telling us that number and how much of it was allocated to what specific projects. [LB98]

KENT ADEN: Yeah, we received \$347,000 of the LB701 funds, and all of those funds were used in the aerial spot treating of the vegetation, but those funds helped us get other funds. They were the seed to get more funds. We came up with another \$255,000 of funds from other sources that are enabling us to do some of this mechanical removal and clearing areas. [LB98]

SENATOR COUNCIL: Kind of like a matching funds basis or? [LB98]

KENT ADEN: Yeah. These weren't exactly matching funds. They were funds that we said, hey, we're going to have some money to work with here. Would you help us out and they weren't grant matching fund type things. Nebraska Attorney General, Game and Parks, and actually Central Public Power. [LB98]

SENATOR COUNCIL: Because what I'm looking at and please bear with me. My

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understanding...I'm looking at 161 acres, if I understood you correctly, that comprises this Martin Bay area, and, you know, my concern is, if \$347,000 has been expended to date to clear it like this, you know, what are the prospects of revegetation occurring before the inflows increase substantially enough to then cause concern for the vegetation? Maybe it's a cart and a horse question I'm asking you? [LB98]

KENT ADEN: Right. (Laugh) First of all, I'd like to clarify a little bit that the monies that have been spent out there so far, treated 2,010 acres...2,010 [LB98]

SENATOR COUNCIL: Okay. That's a total, 2,010. And this is only 161 of that. Okay. [LB98]

KENT ADEN: This is 161 of that that we went in after it was treated and removed the vegetation. And, yes, our hope is that climate change and inflow changes, the lake refills, and that is our maintenance then for Lake McConaughy for future infestations. If it doesn't, we do have to stay diligent in staying on top of this invasion. [LB98]

SENATOR COUNCIL: Just a final comment. Even we eastern Nebraska city kids follow what occurs with Lake McConaughy, particularly because it is touted as one of the premier recreational areas in the state, and when you see some of these overhead photos of what the lake looks like now compared to what it looked like prior to 2003, it's kind of hard to convey to individuals that it still retains that level of appeal and attraction for recreational purposes, if nothing else. [LB98]

KENT ADEN: Yes, it's still a big lake. It can be a lot bigger, and we're trying to not only...looking at things like endangered species use out there, but this Martin Bay area that we've been talking about is for the public recreational. We're trying to...it's awful hard to build a sandcastle in the middle of a salt cedar thicket. And we're trying to clear it out. (Laughter) [LB98]

SENATOR COUNCIL: I appreciate that. Thank you. [LB98]

SENATOR DUBAS: Other questions? Senator Wallman. [LB98]

SENATOR WALLMAN: Thank you, Chairman Dubas. Yes, thank you for coming. Now, with the snowfalls in Wyoming and that, you look for higher lake levels this spring? [LB98]

KENT ADEN: Boy, I wished we could. [LB98]

SENATOR WALLMAN: It'd be nice. [LB98]

KENT ADEN: You know, looked at the snowfall or snotel reports yesterday. The upper

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North Platte region is around 100 percent of average right now. Some of the lower regions are a little less than that around 80 percent. Historically, those numbers don't mean a whole lot till they get into late March and April. That's our wet snow. That's the stuff that holds the water. [LB98]

SENATOR WALLMAN: Thank you. [LB98]

SENATOR DUBAS: Senator Schilz. [LB98]

SENATOR SCHILZ: Thank you, Senator Dubas. Kent, thanks for coming in today. [LB98]

KENT ADEN: Yes. [LB98]

SENATOR SCHILZ: I should mention to everyone that just not this last weekend, but the weekend before, I actually drove through the Martin Bay area, and saw all the work that you've done there, and it's impressive. My question is to you, have you guys done any modeling or any sort of figuring as to how much water you expect...how much more water will be available for storage because of the management activities you were taking in there? [LB98]

KENT ADEN: Well, it's...like I say, there's all kinds of numbers out there on what salt cedar plants use. [LB98]

SENATOR SCHILZ: Yeah, sure. I just want the right ones. (Laughter) [LB98]

KENT ADEN: Yeah. I wished I had the right one too. Some of the numbers are as high as 200 gallons per day per plant. That's a huge number when you put that...that is equivalent to about six or seven acre feet of water under an acre of salt cedar. [LB98]

SENATOR SCHILZ: And I guess, have you looked at...as you've done this, have you looked at any way of measuring that to get some hard numbers so that if there's anybody that's challenging you on whether it's working or not that you can point to that and say, look, we've got this. [LB98]

KENT ADEN: That's a very hard number to come up with. I know we've...as the task force, and I would like to mention that I am also a member of the Riparian Task Force, that was one of the questions that we initially started looking at is how do we quantify this? And the water use, the water savings is a very hard one to come up with a scientific number. But eyeballs on the ground. We can see it. (Laugh) [LB98]

SENATOR SCHILZ: Well, and I'm in full support of what you're talking about. I just like to have ammunition. [LB98]

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KENT ADEN: Yeah. I wished I had a number, but I just can't. [LB98]

SENATOR SCHILZ: Well, I appreciate that. Thank you. [LB98]

SENATOR DUBAS: Senator Carlson. [LB98]

SENATOR CARLSON: Senator Dubas. Kent, I'm going to try and lead you into something, and if you don't want to go there, stop. [LB98]

KENT ADEN: Okay. (Laughter) [LB98]

SENATOR CARLSON: On this second page, this picture... [LB98]

KENT ADEN: Yes, yes. [LB98]

SENATOR CARLSON: That shows the spring. Is that part of the 2,000 acres that were treated? [LB98]

KENT ADEN: That is part of the 2,000. [LB98]

SENATOR CARLSON: On the front page, is that part of the 2,000 acres that was treated? [LB98]

KENT ADEN: That's part of the 2,000. [LB98]

SENATOR CARLSON: And that was treated in 2007. [LB98]

KENT ADEN: Correct. [LB98]

SENATOR CARLSON: That was dead in 2008. [LB98]

KENT ADEN: Yes, it was. [LB98]

SENATOR CARLSON: It didn't take any water in 2008. [LB98]

KENT ADEN: That's correct. [LB98]

SENATOR CARLSON: And when you have water that comes into Lake McConaughy, and then you measure it at the end of the year, that's impacted by the inflows which is still way below normal. It's also impacted by the outflows which go on down for irrigation. In your opinion, the fact that this 2,000 acres was dead in 2008 and didn't take water, is there more water in Lake McConaughy today than there would have been

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without doing this? [LB98]

KENT ADEN: I wished I could say yes. The only number I can give you is that today, Lake McConaughy is nine feet higher today than it was last year at this same time, same date. I think that's... [LB98]

SENATOR CARLSON: And that can't all be explained by inflows. [LB98]

KENT ADEN: No. Inflows have been basically the same during this drought in that 60 percent of average...our irrigators have conserved, and these efforts have taken place. A combination of. [LB98]

SENATOR CARLSON: Thank you. [LB98]

KENT ADEN: Yeah. [LB98]

SENATOR DUBAS: Senator Price. [LB98]

SENATOR PRICE: Senator Dubas, thank you. Great segue for a question I had. So, if all things are the same, then this time next year there's could be seven feet of water over...in that bay. [LB98]

KENT ADEN: We would hope so. Of course, environmental changes, what happens, irrigation deliveries and demands, yep. [LB98]

SENATOR PRICE: Sure, sure. But I mean if we just keep it the same, our outflows are the same, inflows don't improve any, and we should have seven feet of water over the...that's a pretty good measurement I think, you know, for validation. [LB98]

KENT ADEN: Yeah, we would hope so. [LB98]

SENATOR PRICE: All right, thank you. [LB98]

SENATOR DUBAS: I would have a question for you, Mr. Aden. [LB98]

KENT ADEN: Yes. [LB98]

SENATOR DUBAS: Should the water not come in like we hope that it comes in, what resources would you have available to you to maintain, to make sure that the species don't start popping back up? [LB98]

KENT ADEN: Well, as Mr. Sarchet was saying, you know, with the help of these funds, we have went in and tackled the big problem. We've done that big expensive work. Now

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as the landowner, Central Nebraska Public Power and Nebraska Game and Parks who basically leases most of that area for recreation, we need to be diligent in keeping it at bay now so we will have to yearly assess what's regrown, yearly assess whether we need to do spraying, removal, whatever, but we do. We do have to stay after it. [LB98]

SENATOR DUBAS: Would that be a costly undertaking for you? [LB98]

KENT ADEN: We believe that it should be a very low percentage of what the initial cost was, more on an annual maintenance cost. Some examples of that, the state of Florida did a huge eradication effort on a species similar to salt cedar where they were spending upwards of \$40 million a year for about ten years to get rid of this species. Their maintenance now is about a half a million dollars a year. So that's a comparative number to look at, that maintenance of these areas, once we get the knockdown done, maintenance becomes cheaper. [LB98]

SENATOR DUBAS: If we are able to continue this program, and so we aren't going to keep moving down the river and cleaning things up, does that put you in a more difficult position for maintenance? I mean, if we aren't continuing to clean up the riverbeds, does that make your job...? [LB98]

KENT ADEN: Oh yes, very...very much so. One thing that we've tried to look at and on a statewide basis is doing this from a top down approach. If you clean up your property, but your neighbor that's upstream of you still has the problem, you're going to get it. It's coming downstream, so yeah, we need to keep this effort up from a top down approach and get the whole state cleaned up or if we leave a gap in here, it's going to be here before very long. [LB98]

SENATOR DUBAS: Okay, thank you. Any other questions? Seeing none, thank you very much for your testimony. [LB98]

KENT ADEN: Thank you. [LB98]

SENATOR DUBAS: Whenever you're ready, go ahead. [LB98]

MERLE ILLIAN: (Exhibit 4) Okay. Good afternoon, Senator Dubas, members of the Ag Committee. I'm Merle Illian spelled M-e-r-l-e I-I-I-I-a-n. I'm from Red Cloud, and I've been hired as the coordinator for the Eastern Republican River Riparian Project Area. This is a section of the river that includes the area from Cambridge Diversion eastward all the way to the Kansas-Nebraska state line just south of Superior which is a 146-mile stretch. Before we could begin contractual work on the river, it required agreements be signed by all those landowners that had property paralleling the river channel. As you know, they own the river right up to the middle...or own the property right up to the middle of the river. This involved contacting 290 landowners or operators and informing

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them of the plan of work which we had developed. Of these 290 landowners, all but four signed. This gave our working group an excellent indication of the amount of support and faith that they had in the plan that we had developed. The plan of work basically entailed four different phases. First of all, it was a vegetation management within the river channel. Secondly, it was removal of debris and log jams within the channel. Then came the deep disking of islands to enhance the scouring, and then the removal of invasive vegetation along the perimeter of the river. Most of the work completed thus far has been an 82-mile stretch of river from Harlan County Dam eastward to the Kansas-Nebraska state line. It has made a tremendous difference on the amount of conveyance and water downstream. I've had many landowners comment to me that although they were somewhat...that they supported the entire effort, they were somewhat skeptical of the immediate results that we did achieve. These landowners have nothing but praise for the work that has been completed so far. Now landowners on up west of Harlan County Dam, an area that we have not gotten to yet, are very much aware of the successful results downstream, and are eagerly awaiting additional funding to allow this stretch of river to be cleaned out. This stretch of the river is completely choked off with invasive vegetation and logjams which have been creating tremendous flooding on nearly an annual basis. Our working group and local state senator, Tom Carlson, have excellent vision of where they want this project to go, and are constantly hearing praise from area landowners in communities along the river. The citizenry realize the importance of increased water flows down the river to meet the Kansas-Nebraska water compact, increased water for irrigation, and recreational potential. The people are relying on our group to carry this project out to the full extent of our capability, depending upon funds and manpower. This project is also stimulating area landowners, county commissioners, weed superintendents, and other state and federal agencies to join in the effort, thus creating a 60 percent in-kind match for dollars received from LB701 thus far. And as more awareness and interest is created over time, this match should rise. I might add that success always seems to breed success. These landowners have noticed that since we've cleaned this river out, how freely this river is flowing now. And we did have some high water here this past spring in which this is going to happen. We had some sloughing off of additional trees. These landowners were contacting us, saying, hey, what can be done? We were getting with these landowners. We were getting some chain saws out there. They were getting tractors down there. They were pulling these trees out of the river. They're getting involved; they want to get involved. Also, we had our local FFA class come in and assist in pulling some trees out of the river. We've got other FFA classes wanting to get involved. Also, the Corps of Engineers has been excellent to work with. We're working with the Corps of Engineers. We're talking about the possibility of water releases, not just a steady flow through the entire summer, but possibly some surge so that releasing it in larger amounts for a shorter period of time in hopes of this may help to kind of scour the river and keep the vegetation down, so there are plans. There is thought being made as to what...for the future of this, you know, once funding does cease, that we are...we do have some thoughts in mind here. People of the Republican River Valley are very

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appreciative of the funding received from LB701 thus far, but we are not quite finished yet. We all urge that strong consideration be given to LB98 to allow the working group to completely carry out their plan of work. Thank you, and I'll be happy to answer any questions. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Illian. Any questions? Senator Price. [LB98]

SENATOR PRICE: Senator Dubas, thank you. Sir, have the other four people acquiesced? The people...you mentioned four people signed waivers. [LB98]

MERLE ILLIAN: No, they have not signed yet. These individuals, they...it seems like you talk to them about the project, and they're antigovernment, period, or they just...they get to talking about other things that are irrelevant to what we're wanting to do here, and those people you just got to let them go. [LB98]

SENATOR PRICE: Okay. [LB98]

SENATOR DUBAS: Senator Schilz. [LB98]

SENATOR SCHILZ: Thank you, Senator Dubas. Thank you, sir, for coming in today. And this is just for my knowledge and education here. If those individuals, at some point, don't step up, will they then be required because of noxious weed laws and things like that to take care of that on their own and themselves? [LB98]

MERLE ILLIAN: That is correct. As far as the noxious weed goes, of course, phragmites was the number one problem invasive plant we had down there. And you are correct. If our weed superintendent goes down this river next year, they notice that phragmites is growing there, they've got to take care of it or the county weed superintendent can go ahead and spray it, and then they'll send them a bill. [LB98]

SENATOR SCHILZ: They'll bill. Yeah. Well, I was just wondering. So there is some incentive to step up and do this... [LB98]

MERLE ILLIAN: There certainly is, um-hum. [LB98]

SENATOR SCHILZ: ...not for just the altruistic stuff that you get more water in the stream, but there might be some bite there if you don't. [LB98]

MERLE ILLIAN: That's correct. [LB98]

SENATOR SCHILZ: Okay, thank you. [LB98]

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SENATOR DUBAS: Other questions? Senator Wallman. [LB98]

SENATOR WALLMAN: Thank you, Senator Dubas. Thank you for coming also. Now is the state of Kansas doing anything like this with their invasive species? They surely have some phragmites too, don't they? [LB98]

MERLE ILLIAN: They've got phragmite...matter of fact, where we stopped right at the Kansas line, about a hundred foot down, a lot of phragmites, and I just hope it doesn't start working its way back up the river right now. Yes, they've got problems down there. [LB98]

SENATOR SCHILZ: So send the bill to Kansas...(Laughter) [LB98]

SENATOR DUBAS: Other questions? I would have a couple for you, Mr. Illian. You mentioned in here, your group has been able to generate some in-kind dollars. Where are these dollars coming from? [LB98]

MERLE ILLIAN: This money has come from NRDs, from county commissioners. The Corps of Engineers has been excellent to work with down there. They've contributed not only in manpower but financially. And then there's been some other funding sources that we have received from...to assist us with this. [LB98]

SENATOR DUBAS: If we are able to reinvest in this program, what would be the financial impact on your area? [LB98]

MERLE ILLIAN: There again, someone is going to have to pick up the ball, and we...that's the number one question asked of us, Senator. Who is going to assume the responsibility? I know in talking with Mike Clements, the NRD manager, it would be excellent if we could maybe keep somebody on to keep the ball rolling down there, you know. But the landowners, I really think entities is going to have to...and, you know, they've really gained pride in this river. They're seeing it as it used to be, running as it used to be. It's excellent when they see trees that have fallen into the river after it's been cleaned out, calling and say, hey, what can we do to get that out of there, you know? You've all heard of the Adopt a Highway program, you've got environmentalist groups, you know, that would...and FFA groups, youth groups. There's a possibility we could work out some program, adopt a segment of the river. You know, spend a day or two a year or go down and...you know, there's just a lot of different thoughts that are running through our minds right now as to what we can do to carry this program, keep it continued, keep it going. [LB98]

SENATOR DUBAS: I thank you very much. Thank you for your work. One moment, we have another question here. Senator Carlson. [LB98]

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SENATOR CARLSON: Senator Dubas. Just a statement because sometimes in the testimony so far, it can sound to the committee like we've gone through the first time and gotten it done. We're not done. After we get done the first time, the things that Merle just talked about could be good opportunities for the maintenance, but we're not done. [LB98]

MERLE ILLIAN: That's correct. [LB98]

SENATOR DUBAS: Any other questions? Thank you. Next proponent. Good afternoon. Ready whenever you are. [LB98]

ROB SCHULTZ: (Exhibit 5) Good afternoon. Rob Schultz, R-o-b S-c-h-u-l-t-z. Senator Dubas, Senator Carlson and members of the Agricultural Committee, my name is Rob Schultz. I'm the Hall County weed superintendent and the president of the Nebraska Weed Control Association. I am here today representing the Nebraska Weed Control Association. Our organization was formed in 1947 for the primary purpose of establishing a uniform program to prevent the spread of noxious weeds across the state. Currently, the Nebraska Weed Control Association represents all weed control superintendents and weed control authorities in the state of Nebraska. I am here today on behalf of the Nebraska Weed Control Association to testify in support of LB98. The Nebraska Weed Control Association strives for strong weed control programs across the state. With the threat of invasive species like salt cedar, phragmites, and Russian olive, it is difficult for county programs to afford the cost of treatment and control efforts. Counties do not have the resources available to control riparian invasive species. The Nebraska Weed Control Association saw the need for additional partners in its efforts to control riparian invasive species, encouraged its county members to join together with other agencies, private businesses, and landowners in localized areas to address common concerns. Currently, there are 85 counties involved in 13 different weed management areas across the state. The collaboration in the weed management areas across the state has been tremendous. Through this type of organization, the ability is there to identify riparian invasive species and get them under control with coordinated efforts. LB701 provided significant funding for weed management areas in overappropriated and fully appropriated stretches of the Republican and Platte Rivers. These weed management areas have spent over \$3.49 million of the LB701 in 2007 and 2008 controlling invasive vegetation that uses and impedes water. LB98 will continue projects on Nebraska rivers that was started by LB701 within the past two years. Many of these projects were not completed and could use the assistance to finish them. If LB98 does not go through, I see the control work that has been done minimized, and the area of uncontrolled invasive vegetation continue to increase. We are not close to being done. The types of invasive species that are being controlled are very aggressive, large water users, and impedes water conveyance. They are in areas where county weed control authorities and landowners do not have the funding or resources available to control those invasive plants. The cooperation and coordination

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of local entities interested in vegetation management through the weed management areas has provided for the efficient and effective utilization of vegetation management grant funds. The Nebraska Weed Control Association is committed to the riparian vegetation management effort and will continue to work with all interested parties to accomplish our goals. We thank the Governor and the Legislature for their part in this effort, and we ask you to support and advance LB98 out of committee. I'd be happy to answer any questions. Thank you. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Schultz. Any questions? Senator Council. [LB98]

SENATOR COUNCIL: Yes, thank you, Mr. Schultz, for appearing and testifying. Regrettably though, your testimony has raised some questions for me. It's my understanding that under LB701, it's a grant program, so projects are identified, applications are submitted. If the grant is approved, the monies are allocated, and the work is undertaken. Am I correct? Now, if during 2007 and 2006, \$3.5 million of the potential \$4 million has been used, where is that half million sitting right now? Has it been... [LB98]

ROB SCHULTZ: There are still some projects to be completed. [LB98]

SENATOR COUNCIL: Okay. So those projects, though, had grants approved and so it's just awaiting the expenditures to be made? [LB98]

ROB SCHULTZ: Yes, and finished. [LB98]

SENATOR COUNCIL: Okay. And with regard to what LB98 is seeking which is the continuation of the \$2 million allocation, are there projects that grants...applications have been submitted for that have not been funded because of the unavailability of funding? [LB98]

ROB SCHULTZ: Yes. [LB98]

SENATOR COUNCIL: Do you have any idea of what the outstanding requests amount to? And if it's not a fair question for you, please tell me because it may not be fair to ask you. I probably should have asked the chairman of the task force when they were... [LB98]

ROB SCHULTZ: There will be another testimony coming up shortly for weed management area that did apply for some grants, so appropriate question for an answer. [LB98]

SENATOR COUNCIL: Okay, thank you. [LB98]

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SENATOR DUBAS: Other questions? Senator Price. [LB98]

SENATOR PRICE: Yes, Mr. Schultz, do you care to take a stab at characterizing the characteristics of salt cedar and/or Russian olive of how quickly they grow and how quickly they propagate and as compared to other species? I mean, I can go to UNL Web site, I guess, and they'll tell me real quick, but I was hoping the pros from (inaudible) knew. [LB98]

ROB SCHULTZ: I'm probably not qualified to answer that question either, so. [LB98]

SENATOR PRICE: Okay. [LB98]

SENATOR DUBAS: Other questions? Seeing none, thank you very much, Mr. Schultz. [LB98]

MILT MORAVEK: Senator Dubas, Senator Carlson and the rest of the committee, my name is Milt Moravek, M-i-l-t M-o-r-a-v-e-k. I'm with the Central Platte Natural Resources District headquartered out of Grand Island. First thing I'd like to do is thank Senator Carlson for his undying efforts to make sure that LB701 got passed initially, and he's working just as hard to get LB98 going, and he has done more for the invasive species in this state than anyone else by far, and we thank you very much for that, Senator Carlson. It was said just a few minutes ago about what was left. Well, our district has 185 miles of the Platte River channel, a lot of meandering side channels as well, not just the main channel. So we have a lot of side channels that get out past and beyond that hundred-foot limit that was stated in LB701. This last year, we controlled a third of it with around \$400,000 of funds--\$300,000 from LB701, \$100,000 that came from our district. And then we were able to leverage about another \$40,000 of match money on top of our \$100,000 to do a little more. But we've still only got one-third of our district sprayed and controlled. So what does that tell us? That tells us that we have two-thirds left, and if it costs \$400,000 to do one-third, then we have \$800,000 of spraying and controlling left to do just in our district alone. So it's a major, major need, and major good reason why we need the monies from LB98. And as Senator Carlson said, this problem is not going to go away. We see phragmites in all those side channels, and our district is more concerned in the side channels being open, because we look at as a flood control issue, probably more than the environmental end of it. We need to make sure that when there's a flood on the Platte River that there's enough channels out there that are open to cover, to handle that water. Not only that, we're having phragmites move up all of our tributaries, and so that's going to be a problem for us for years and years and years. All the main tributaries, even the irrigation canals in the western part of their district, they have phragmites moving up them, and we have phragmites up more than five miles in a lot of those tributaries. We understand that LB98 and LB701 is not going to take care of that, but it's going to be local funds that are

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going to have to take care of that. You've probably heard that the NRCS and FSA are looking at an EQIP program that would help the landowners out with their invasive species. They could get part of it paid for. Some of it may include fencing so the livestock can utilize it. Some of it may be spraying and other different types of controls. But just wanted to let you know that Central Platte Resources District is in dire need of these funds along with most of the rest of the districts along the Platte corridor as well as the Loup corridor. And I even heard the other day that they found some salt cedar up on the Loup River, so, you know, there's other rivers in this state that we're going to have to address in the future. So this is a program, LB98, that is needed. We need to continue the task force, and we need to continue the funding. It is very, very important, and I would like to thank you for letting me speak. And I'd be happy to answer any questions you might have. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Moravek. Any questions? Senator Council. [LB98]

SENATOR COUNCIL: Thank you very much, Mr. Moravek, for addressing one of the questions I have and a concern I have. And that is that LB98 provides for the continuation of this program for two years, and I might be reading the mind of my colleague, Senator Price, when he asks about the propagation rate for some of this vegetation is at, you know, what point in time are we just talking about maintenance of what you've been able to accomplish, utilizing the funds from LB701 and if LB98 passes, what would you project on an annual basis that the Central Platte Natural Resource District would need to expend to maintain it if we were able to utilize the dollars in the task force funds to do the initial eradication. What would you estimate on an annual basis you'd need to maintain it? [LB98]

MILT MORAVEK: Well, we don't have any figures in mind, and it's also going to depend on how successful this EQIP program that FSA and RCS is working with the landowners on. If we get large landowner participation through that program, then our efforts could be less, but I'm going to be budgeting this fiscal year \$100,000 in our budget to be used on the initial clearing, and that money then, again, will be leveraged to bring in some other money from maybe U.S. Fish and Wildlife Service, Game and Parks as a match to do even more of that. Our board knows that this problem is not going to go away. We are going to have to look at it as far as a maintenance problem for years to come, maybe forever. And so, it's going to have to be one of our high priorities. [LB98]

SENATOR COUNCIL: Okay, thank you. And Madam Chairman, I have to be excused for a few minutes. [LB98]

SENATOR DUBAS: Sure. Other questions? Seeing none, thank you very much for your testimony. [LB98]

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MILT MORAVEK: Thank you. [LB98]

DICK KINCAID: (Exhibits 6, 7, and 8) Good afternoon. My name is Dick Kincaid, D-i-c-k K-i-n-c-a-i-d, close to the name on the room here, but then. And Senator Dubas and Senator Carlson and members of the Agriculture Committee, I'm representing two groups today at this hearing. I serve as the chairperson for the Platte Valley Weed Management Area and also as a weed superintendent for Buffalo County. My purpose today is offer testimony and support of Senator Carlson's LB98. The Platte Valley WMA was developed in 2004 as a volunteer organization to address invasive species impacting the Big Bend region of the Platte River in south central Nebraska. The first three years of our existence, only small projects were attempted as we learned to function as a working group without dedicated funding. The last two years, our accomplishments actually demonstrated the potential of a functioning WMA. The first years of our WMA were not wasted, but rather that of an organization learning how to get the job done. We have prided ourselves on our diversity and membership as we have shared expertise and resources to get to where we are today. Along the journey, we developed a shared purpose to reclaim the Platte River from the impact of invasive species such as phragmites and salt cedar. It may have started with individual visions of what our job was, but as a group we learned to compromise for the greater good of the projects. The learning curve developed new understandings between partners on water issues between agriculture and environmental interests. We became a working group where the partners contributed more than just their names, but they rather started to contribute financial resources in their in-house expertise and personnel. The sharing of resources included reallocating planned projects and their dedicated funding to tie into whatever projects we had on the ground at the time. The coordination and rescheduling helped the Platte Valley WMA during the lean years of funding. In 2008, we were beneficiaries of funding under LB701. We requested close to \$1.8 million and received close to \$300,000 which was leveraged with other outside funds to pay for our activities. We operated in the public's interest and were able to treat approximately 1,928 acres. In addition to the state grant dollars, we were able to overlay other grants to encompass roughly 3,509 acres in total during 2008. The issue then becomes from the Platte Valley WMA of how do we complete the initial phase of our task in treating the main channels of the Platte River from the Dawson/Lincoln County lines to the Polk/Platte County lines. We are not even one-third complete in our estimations on acres of phragmites in need of treatment. It then becomes a priority to ensure funding for the next several years from a stable funding source. Yes, we can write outside grants, but the likelihood of receiving funding is always suspect when you must compete on a national stage. Instate funding allows for the priorities to be established and identified under the language of LB98. Failure to complete the project in an orderly time frame most likely will result in the previous efforts and dollars being wasted. Platte Valley WMA was asked originally to work on this type of riparian zone project, and we have demonstrated our commitment in accomplishing this task. I would like to supply additional background on my

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experience with the Platte River vegetation issues. This is based on three decades of service to my county on weed control issues. Experience and common sense have taught me that when you quit working on a weed issue for one year or so, it will take two years to regain. The downstream sections from Kearney are rapidly falling prey to phragmites and currently, 60 to 70 acres per river mile are infested. If we wait a couple of years, I think we can raise that estimate close to 90 acres just on the expansion of phragmites. It's also been an observation that I have that public infrastructure is at risk in both Buffalo and Hall Counties. Both the city of Kearney and Grand Island have the municipal water wells and fields located in the flood plain in the Platte River. As a footnote, the city of Kearney actually exists on an island in the Platte River for its \$40 million water wells. Lincoln and Omaha regions are not immune to the risk of Platte River flooding, damaging their infrastructure. Thus, as has been said many times in the Ag Committee, water issues connect all Nebraskans. In summary, I have enclosed some attachments for your viewing to help explain what has been going on in my WMA. As a county official and a volunteer participant in a WMA, LB98 is an investment in Nebraska's environmental future, not just another spending bill. I thank you for this opportunity, and I'm willing to attempt to answer any questions. Thank you. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Kincaid. Questions? Senator Price. [LB98]

SENATOR PRICE: Senator Dubas, thank you. Sir, thank you. At least I see some attempt to address the speed. I'm concerned when I hear, if we don't complete this in an orderly time frame which is not really delineated, that the result and the failure. Now, then later on we talk about when you quit working on a weed issue for a year, it would take two years to regain what you have. So that would lead one to want to say that, while we haven't talked about the growth rate of phragmites, okay? I'm not going to go there because I think I already know the answer. No one knows. But with salt cedar and with Russian olive, you're saying in two years, the species can be back to where they were and doing what they did. [LB98]

DICK KINCAID: Experience has taught me on the salt cedar in competition with other vegetation that if you don't stay on top of the situation, its seed production it will cover the ground close. So when you cut down, remove salt cedar, you must treat the stump, or if you're using over-the-top foliage applied herbicides, you probably have control. But you still have some seed source there. Right now, university studies won't tell us exactly what the staying power is of seed in the soil. Most imply that it's the growing season, it has to germinate in moist soil. So when we're treating these things, we have discovered a few things by personal observation. Phragmites in my county is crowding out salt cedar, because everything needs space, moisture, and sunlight to grow. The phragmites is becoming a very dominant stand, up to 14 foot tall, number of plants per square yard can out compete anything. So it's the major player. Salt cedar is not a major player. During the course of the last couple of years, we have started to pay

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attention to Russian olive. Probably every bridge section that we go west in my county, you'll probably see a 5 to 10 percent increase in the density of salt cedar. So as you get farther west in Nebraska, it's a major issue. We need to have a timely program that addresses issues. As we learn something, we have to put it to practice. We can't patiently wait for somebody else to tell us, we've got a major issue. You have to use your eyes; you have to use common sense. Deal with the issues as you find them. [LB98]

SENATOR PRICE: All right, thank you. [LB98]

SENATOR DUBAS: Other questions? Senator Dierks. [LB98]

SENATOR DIERKS: Dick, maybe someone else can answer this. Maybe you can. Have you got any experience with biological controls for any of these plants? [LB98]

DICK KINCAID: There has been attempts with biological control on salt cedar. I believe USDA, APHIS, PPQ, out of Lincoln made releases. One was at McConaughy; one was at Harlan County. Harlan County had a little influx of water rapidly, and I believe the site was probably lost. The one in McConaughy I'm not familiar if it is successful or not, but on most bio-control sites, only about one-third of them will take, and it's usually a two- to three-year span to see if it's going to be successful. They have a lot of catching up to do during that couple of years. But as far as phragmites, I know of no bio-control, that's approved to be released in Nebraska. [LB98]

SENATOR DIERKS: Thanks, Dick. [LB98]

SENATOR DUBAS: Other questions? Senator Carlson. [LB98]

SENATOR CARLSON: Senator Dubas. Would you explain this a little bit for us? [LB98]

DICK KINCAID: Okay. What we have, in the top two pictures as we're looking in stretches of river in Dawson County, these were taken, aerial views from a helicopter, I believe. This gives an indication, everything that you see in between the over story trees there, that is phragmites surrounding that little ribbon of water. That tells you what our density is in Dawson and Buffalo County where the bad boys are phragmites in central Nebraska, but we're working on it. And if we stop, you can safely assume that this density just keeps creeping downstream. The seed source would just keep going. The other day, I was on the river doing a project, a research project, four hours of tramping through phragmites with a piece of equipment--five hours to clean the seed out of the equipment. So there is a terrific seed source there, and if we don't control it, we spread the wealth. [LB98]

SENATOR DUBAS: Other questions. Seeing none, thank you very much, Mr. Kincaid,

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for your testimony. Next testifier. Ready when you are. [LB98]

MIKE CLEMENTS: (Exhibits 9 and 10) Okay, thank you, Senator Dubas and members of the Agriculture Committee. My name is Mike Clements. That's M-i-k-e C-l-e-m-e-n-t-s. And I'm the general manager of the Lower Republican Natural Resources District out in Alma, Nebraska, and I'm here basically, to testify on behalf of our board and also for our state association, the Nebraska Association of Resource Districts. And really, I have a written testimony that I would like to have entered into the record. I probably don't have a whole lot new to offer other than what has been said here earlier today other than the fact that, I guess, I would really like to emphasize that in our district, and basically, our district...my district goes from Cambridge to Hardy, Nebraska, at the state line. It's about 132 miles. We're probably only about 50 percent done, complete with our initial phase. We started, as a lot of the other lead management areas have done across the state, we've used a combination of a number of different things; started out with the spraying, the debris removal, we've done some experimental disking, and then we're also working at partnering with Game and Parks right now on a pilot project where we're using the LB701 funds for the first 100 feet of some vegetation removal, and then using our local NRD funds and Game and Parks funds to go further out. In this particular case that we're looking at, it's probably 500 to 600 feet out, and selectively removing some of the vegetation to open it up for grazing. And there hasn't been a whole lot mentioned about that, but we had a number of grazing contracts in the first two years of our program down there. So we've concentrated, like I said, our efforts on our end of the basin anyway has been strictly on the river channel itself. The Republican is a very different river from the western end of the state down to the eastern portion where we're located, and it was treated differently. But that's basically what I wanted to say. Like I said, I didn't want to be repetitive of what some of the other folks had said in their testimony, so I just wanted to bring up a few new things as far as my perspective. I am also a member of the vegetation task force too. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Clements. Questions? Senator Wallman. [LB98]

SENATOR WALLMAN: Thank you, Senator Dubas. Thank you for being here, Mike. Good to see you. [LB98]

MIKE CLEMENTS: Oh, you're welcome. [LB98]

SENATOR WALLMAN: Well, this grazing thing was interesting you brought up. I was in Texas a couple of years ago, and they had this problem with this one kind of scrub brush, and so they deal with a lot of these goats. And they pretty well cleaned up a lot of rangeland. Does that work for phragmites too? [LB98]

MIKE CLEMENTS: You know, I really don't have...I don't think that I'm qualified to

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answer that. I really don't know how the goats and the phragmites work, but I would assume that they would like it (laugh). We have not experimented with any goat grazing on the eastern end of the Republican. It's...what we did was worked with producers on fencing out part of the riparian area just for primarily for cattle, and to get them access to the river...make access points to the river. [LB98]

SENATOR WALLMAN: Thank you. Thank you, Senator. [LB98]

SENATOR DUBAS: Other questions? Senator Price. [LB98]

SENATOR PRICE: Oh, actually, I just have a little statement to make. I hope you'll (inaudible), but I did have someone run down...that salt cedar is considered a very fast growing plant at a rate of about 24 inches in a season, that from the University of Georgia. And I also have that from the University of Nebraska-Lincoln, so that we can also talk to that we have them here. The university says 200 gallons a day for a large tree, so that we have some numbers for Senator Schilz. We have a proclamation by professionals that say it is a very fast growing plant. Thank you. That's all I really wanted to add. [LB98]

MIKE CLEMENTS: And I would like to add too, on the phragmites, on the pictures that I had, if you would just imagine that in reverse. I mean, roughly what's on the bottom here is what that Republican looked like five years ago, so it is extremely fast growing, and it basically pretty much can overtake a river system in a very short amount of time. [LB98]

SENATOR DUBAS: Other questions? Senator Schilz. [LB98]

SENATOR SCHILZ: Thank you, Senator Dubas. Mike, thanks for coming in. As you're talking about, you say you're around 50 percent completed with phase one which would be spraying of certain areas, correct? [LB98]

MIKE CLEMENTS: Right. [LB98]

SENATOR SCHILZ: And when did that occur? [LB98]

MIKE CLEMENTS: Well, we sprayed...we did the majority of the spraying in 2007. In 2008, we did some more spot spraying, and then we have...did quite a bit of debris removal in 2008. We still have some debris removal left to do, and we basically have the entire...our entire district left to disk which hasn't been... [LB98]

SENATOR SCHILZ: Sure. And if I understand it correctly, the herbicides that are being used also have some guarantees along with them? [LB98]

MIKE CLEMENTS: Yes, we were fortunate to get a five-year warranty on the habitat for

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our particular project. [LB98]

SENATOR SCHILZ: Okay. And then, I guess the next question is, considering the numbers that Senator Price has brought up, have you started any of the maintenance projects to make sure that we're maintaining behind where you've done that on phase one, so that we don't get into the problem again of keep trudging forward and doing the new stuff, but not taking care of where we've been in the past. [LB98]

MIKE CLEMENTS: Right. And that's an excellent question, because that's been probably one of the biggest concerns that I've had from day one is, okay, once we get where we want to be, how are we going to keep it that way? We have a very good working relationship with our county weed superintendents, and as members of the Twin Valley Weed Management Association, we work closely with the counties as far as following up on any areas that need to be retreated or that were missed initially. I think to answer your question, once we get it where we want it, what are we going to do to maintain it? That's still a concern that I've got, I'll be honest with you. You know, I think there's going to have to be some partnerships that are going to have to kind of step up to the plate and have some more local funding if we need to, hopefully, in conjunction with some state assistance to do the maintenance. [LB98]

SENATOR SCHILZ: I think it's extremely important that we identify those programs and processes so that we don't end up throwing money...good money after bad if we move forward. [LB98]

MIKE CLEMENTS: And I agree with you a hundred percent. The other major concern that I've got personally is the tributaries. Obviously, LB701 and LB98 does not address that. It's a major concern. [LB98]

SENATOR SCHILZ: Is that a maintenance issue or is that a phase one issue? [LB98]

MIKE CLEMENTS: That's a phase one issue (laugh). [LB98]

SENATOR SCHILZ: It's both actually. [LB98]

MIKE CLEMENTS: It's both, it's both. [LB98]

SENATOR SCHILZ: Yeah, okay, thank you. [LB98]

SENATOR DUBAS: Thank you. Senator Dierks. [LB98]

SENATOR DIERKS: Mike, would you explain to the committee briefly the relationship between a weed management area, county weed districts, NRDs, and who all does what? [LB98]

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MIKE CLEMENTS: Okay. Basically, as far as applying for the grant for the LB701 funding and that's through the Nebraska Department of Agriculture, the Twin Valley Weed Management Association, and I think probably most of the other projects across the state were applied for the funds through the weed management areas. And our NRD is a member of our Twin Valley. We have a number of different partners that are members...the RCND, Corps of Engineers, the list goes on and on and on. But primarily, and Mr. Illian, who gave testimony here earlier, is our project coordinator for the projects through the Twin Valley Weed Management Association. [LB98]

SENATOR DIERKS: Thank you. [LB98]

SENATOR DUBAS: Other questions? Senator Schilz. [LB98]

SENATOR SCHILZ: I guess, as I was sitting here and thinking about this, as we look along the Republican Basin, both in Colorado, Kansas...or all three...Colorado, Kansas, and Nebraska, and this gets back to my question. Are we trying to find some way to show upon that river system how these invasive species are affecting flows, and then when we get our work done, will we be able to go upstream to those other folks and tell them, hey, you know, this is a problem? We've documented what the usage is and what we've done to protect this. Now what are you going to...are we looking at that to be able to defend ourselves and use that offensively to go forward and... [LB98]

MIKE CLEMENTS: And I want to thank Senator Carlson personally for his efforts in that arena, because he has taken the bull by the horns and didn't pull numbers out of the sky, did a lot of research, spent a lot of his time on this. And because, as several of the other testifiers before me, the numbers are all over the board. You can talk to ten different people, and you're going to get ten different answers. Senator Carlson tried to use some, in my estimation, very conservative figures to document some of the water savings. And for anybody who hasn't seen his power point (laugh), I'm sure that he would be glad to present it to them, because it's very impressive. [LB98]

SENATOR SCHILZ: Sure. [LB98]

MIKE CLEMENTS: And what I tell people is, you know, the numbers are what they are. If we can document it, I think it's great. Bottom line as far as we're concerned and the Republican is...obviously one of the main issues is flood control, but we have a compact that we have to be in compliance with Kansas. And if the water, regardless of whether you want to say it's five-acre feet or 500-acre feet, if that water is making it to Kansas and getting counted every year, then I'm a happy camper. [LB98]

SENATOR SCHILZ: Absolutely, and I guess where I'm trying to go from there is if Kansas can throw up numbers like \$72 million that we owe them, can we not throw up

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the fact that we're sitting here, trying to fix their problem as it comes with invasive species coming down the stream? And I just want to make sure that we're...when we talk about damages and talk about where we're at and where we're going, I think that could be a big part of what...because like you said, part of that maintenance is then making sure that upstream, that we don't get reseeding from upstream. [LB98]

MIKE CLEMENTS: Yeah. Yep. Right, right. [LB98]

SENATOR SCHILZ: Thank you. [LB98]

SENATOR DUBAS: Other questions? Thank you, Mr. Clements. [LB98]

MIKE CLEMENTS: Okay, thank you. [LB98]

SENATOR DUBAS: Next proponent. [LB98]

SCOTT JOSIAH: (Exhibit 11) Good afternoon, Senator Dubas, Senator Carlson, and members of the Agricultural Committee. Thank you for the opportunity to testify today on the need for continued support of invasive species management... [LB98]

SENATOR DUBAS: Excuse me. Can we get you to state your name and spell it, please? [LB98]

SCOTT JOSIAH: Sorry. My name is Dr. Scott Josiah, S-c-o-t-t J-o-s-i-a-h. [LB98]

SENATOR DUBAS: Thank you. [LB98]

SCOTT JOSIAH: I'm the state forester and director of the Nebraska Forest Service, which is part of the University of Nebraska. I'm speaking today as director of the Nebraska Forest Service, and I'm not representing the position of the university. The Nebraska Forest Service has long been an advocate for using our forest resources, including riparian forests, in an environmentally sustainable manner in order to stimulate rural economic development, while at the same time, improve the health of our forests. I've been a member of the Riparian Vegetation Management Task Force since its inception. It's been a very positive experience. The task force brings together a variety of natural resource managers, public leaders, and private citizens to develop sound policies in managing our riparian areas. Several years ago, our river systems were in rough shape, as you've all heard, with a population explosion of several invasive species that restricted water flow and devastated natural riparian ecosystems. Since that time, state funds appropriated with the passage of LB701 have been used to successfully control highly aggressive, invasive species along large stretches of the river corridor in both the Platte and Republican Rivers. In treated areas, water is again flowing without hindrance from these invasive species, and the river's natural systems

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are being restored. It is really quite a success story. It's kind of remarkable, frankly, to have this large an impact on a large-scale problem like this. However, the work is not done. Large swaths of the rivers, as you've heard from many people testifying today still need to be treated for large populations of aggressive invasives, particularly phragmites and salt cedar. Areas already treated will need to receive additional spraying to manage the remnant populations of those exotic and destructive species. Entire river systems need to be treated. It makes no sense to treat one area and not another, since the untreated area simply serves as a source of plant material for reinvasion of the treated areas. While treating river systems for exotic species is expensive, abandoning the project now would negate any positive gains in the fairly short period of time, and essentially wastes the money spent over the last two years. My service on the task force has also been a good opportunity to discuss with the other members the value and importance of the more than 600,000 acres of highly productive riparian forests that grow along these and other rivers. These forests are natural systems that provide essential ecosystem services such as clean water, wildlife habitat, carbon sequestration, and flood control as well as serve as potential engines for rural economic development. Despite the very recent declines in the cost of fossil fuels, rising energy costs will continue to negatively impact Nebraska's rural communities, many of which are facing serious economic declines, and drive up the costs of heating and cooling of some of our state's public institutions. These riparian forests can provide large amounts of renewable woody biomass for both heating and cooling as well as industrial applications, electricity generation, cellulosic ethanol production, creating skilled jobs and new sources of income in rural areas. They are a valuable sustainable resource to be managed for multiple purposes. So it's critically important economically and ecologically to restore Nebraska's riparian corridors to a more natural state, to improve the flow of clean water within these rivers, and to manage the forests which grow along these riparian areas for multiple products and ecosystem services. Better management of these riparian resources will clearly contribute to the rural economic development in the state. LB98 provides the resources to address these needs in a tangible, practical, and effective manner. Thanks for your consideration, and I'll be pleased to answer any questions. [LB98]

SENATOR DUBAS: Thank you, Dr. Josiah. Questions? Senator Price. [LB98]

SENATOR PRICE: Senator Dubas, thank you. Sir, thank you for being here. [LB98]

SCOTT JOSIAH: You're welcome. [LB98]

SENATOR PRICE: I wish I could have waited maybe another ten minutes so we would have had answers. But was that a good characterization of the plant growth? [LB98]

SCOTT JOSIAH: You know, I know phragmites grows extraordinarily fast. Saltcedar is a fast-growing species as well, and I think you mentioned Russian olive as well, and that

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is a fast-growing species if it has enough water. It's a fairly moderate to slow-growing species in the uplands where it's much drier. You also asked earlier about seed, and how it's distributed, and Russian olive is largely distributed by birds eating the seed and then distributing the seed wherever they fly. [LB98]

SENATOR PRICE: Great, thank you. [LB98]

SCOTT JOSIAH: Sure. [LB98]

SENATOR DUBAS: Additional questions. None. Thank you very much, Dr. Josiah. Next proponent? [LB98]

TIM SMITH: My name is Tim Smith. It's T-i-m S-m-i-t-h. I'm sure that'll be the toughest one all day. (Laughter) I am the project coordinator for the Southwest Weed Management Area of the western Republican River riparian improvement project. Our area runs from the Colorado border, the Kansas border, to the diversion dam at Cambridge. We handle probably a little over 130 miles of river, and then all the accompanying bends and twists in there. In that space, that river goes from a headwater situation to kind of a broad alluvial, meandering channel river. We deal with a lot of different habitats. When we started this process, we realized that in the western end of the Republican River, we were dealing mostly with a population of more mature, invasive species. And in many, many miles, they had completely occluded the river channel. You could not see the river from the air. So we knew we had to go in there and remove those species from the river, physically remove them. Spraying and things like that weren't an option. At present time, in our area, phragmites isn't a big issue, and we hopped on that immediately, the small spots we saw, to try and nip that in the bud before that became an issue, because it grows so fast. As we started to remove these more mature, invasive species from the western end of the river, I'll be quite honest. I was a bit of a skeptic. We started at the Colorado border. One of the things that kind of...really wanted to get us to move along was Colorado was talking about pumping 15,000 acre-feet of water into the Republican River to satisfy their compact requirements. We thought maybe that water would be in the river. We didn't have a channel basically for it. Invasive species had carpeted our river channel clear across, so we knew we needed to get that channel clean to Swanson Lake which is by Trenton, Nebraska. As we started to remove those invasive species, literally within two days, in the low spots I could see water standing there. Southwest Nebraska is very dry. We've gone through an extended drought. Last summer was extremely dry. In the entire upper basin, the south fork of the Republican, the Arikaree River coming out of Kansas, very dry weather. I'm going to just talk a little bit about a site at Doane. These are the pictures that Senator Carlson showed you. At Doane, this was a 60-acre patch. Within that 60 acres, we had a population of mature Russian olives of over 400 an acre. Over 90 percent canopy. Within that patch of the 60 acres, we figured there was over 25,000 trees. We got crews in there, and it was a mess, but we got them out of there. Within

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days, as we were working, that thing got...just got muddier and muddier and muddier, and by the time the guys finished, I wasn't popular with them. And I was chapping them pretty hard to get done, but it was quite a mudhole. And as you saw in that picture last October, that's more water than I've seen in the river at Doane in at least ten years. That was last October. What I'm seeing this January and February is astounding. I have the local landowners that are stopping me, saying, you know, we didn't believe you, but seeing is believing. And it's...I think we are ridiculously underestimating what we think that these invasive species use. In this particular spot, we figured 25,000 trees, a figure that has been bandied about is 100 gallons a day on Russian olive that are allowed to grow in a wet environment. That's 2.5 million gallons a day. That's about seven- or eight-acre feet a day in this one 60-acre plot. Over 120-day growing season, that's about 840 acre-feet, and that's at 80 gallons a day. You take those acre-feet, and a lot of people, again, numbers are all over the board, but they...some estimates as to the value of water that is retained within the watershed can be up to \$1,000 an acre. That one patch had the potential economic benefit of \$1.68 million. We expended \$1.55 million removing these species in the western Republican. This one patch had the potential economic benefit to pay for that. In the total basin, we removed 1,931 acres of these invasives, up to...in the western end. That's about 60 percent of what we have to cover on the Republican River there. But again, the flows we are seeing this year, especially in the western Republican, in western Dundee County...trust me, it was very dry. These are flows we haven't seen in over a decade. And I think seeing is believing, and the proof is in the pudding. And what is happening here cannot be explained by the flows that are coming in from the tributaries and across the border from Kansas and Colorado. This water is coming from somewhere. And I just would like to thank especially Senator Carlson and members of this committee for having the foresight to see that this is a problem, and it's something that can really snowball if it's allowed to continue. I would be glad to answer any questions. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Smith. Questions? You did a good job. Thank you. [LB98]

TIM SMITH: Thank you. [LB98]

SENATOR DUBAS: Oh, we do have a question. [LB98]

SENATOR CARLSON: Let's not let him get away too quickly. Talking about that water ends up in Swanson... [LB98]

TIM SMITH: Yes, sir. [LB98]

SENATOR CARLSON: ...Reservoir. And east of Swanson Reservoir is an area that's not been dealt with, has it? [LB98]

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TIM SMITH: East of Swanson Reservoir, we've actually done extensive work east of Swanson Reservoir. The problem with that area is very limited river flows for the last ten years. There have been no water releases from Swanson, so the channel has actually overgrown completely across. But we've worked that channel, but at present time there's no water flow right below the dam to scour those channels and clean those things up. [LB98]

SENATOR CARLSON: But hopefully, with what's happening, there will be a time we can release water out of Swanson. [LB98]

TIM SMITH: We would like to think...but I wish I had a crystal ball. [LB98]

SENATOR CARLSON: Thank you. [LB98]

TIM SMITH: Thank you, Madam Chairman, members of the committee. [LB98]

SENATOR DUBAS: Thank you. Next proponent? [LB98]

TED TIETJEN: (Exhibits 11 and 12) Greetings from southwest Nebraska and citizens living in the Republican River Basin in Colorado, Kansas, and Nebraska. Thank you for giving me the opportunity to visit with you today, and, of course, we're a proponent for LB98. [LB98]

SENATOR DUBAS: Could I have you state and spell your name, please? [LB98]

TED TIETJEN: I am. [LB98]

SENATOR DUBAS: Okay, thank you. [LB98]

TED TIETJEN: My name is Ted Tietjen, and that is spelled T-i-e-t-j-e-n, and I'm representing the Republican River Riparian and Restoration Partnerships. It was formed in 2002, and its goal was to encourage the three states to work together to restore it to the way we'd like to see it. One of the goals that we've identified here recently is to encourage the...to identify and quantify the invasive species and undesirable trees that are located in the three-state area. Colorado has been active in identifying its invasive species in the basin, and is moving forward on them. Kansas has started to address the concerns with their Watershed Restoration and Protection Strategies and commonly known in Kansas as the WRAPS program. Nebraska, through LB701 has improved the flow of water in the Republican River Basin, and from the Colorado line to Kansas. LB701 has met and has exceeded its original plans, and one of the things that's happened is land ownership and participation has grown with the results of what they have seen and is bringing more on board, and, hopefully, some of those that have been resisting will come on board in the next year or two without using other methods to get

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participation. One thing that came out of LB701 is that the interest it has created in Kansas and Colorado to become more involved in resolving some of the compact issues that are facing us, particularly the people that are living in the basin. Three weeks ago, I was in Lamar, Colorado, which is along the Arkansas River. When I crossed the bridge, I was just astounded with the amount of salt cedar that I seen. When I got back to Grant, why I took time to contact the people on the Arkansas River watershed invasive plant plan administrator, Jean Van Pelt. They have a Web site that she had directed me to, and, Senator Price, I think it would be of interest to you to go to that Web site, because they have an interesting discussion about salt cedar and other invasive species and how they grow, and how much water they use. What the home page on that Web site shows is that in the Purgatory and the Arkansas River, there were 67,000 acres of salt cedar. It's estimated that it was using 76,000 acre-feet of water per year. And if nothing is done, will go to 198,000 per year which is a substantial amount of water; 2003 estimate of cost of removal for those, just the Purgatory and the Arkansas was \$70 million. That fact alone is reason enough for us to continue our restoration work because if we don't do anything, we can see the problem develop. And they were only talking about salt cedar. We weren't talking about Russian olive or phragmites at that point. I have several suggestions after working with the people in Colorado and Kansas, and also in this state. We're preparing for LB98. I would like to see the plan extended to a ten-year project with a look-in provision since the Legislature reviews its financial position every two years, it would be wise to have a look-in provision where you could see what the performance is like. But if you had a ten-year plan, you could at least build a strategy of what you want to accomplish. Several points I wanted to make: The invasive species and undesirable trees that are removed within a two-year time frame, it still may take another two years for the natural vegetation to reestablish itself. In some cases, the natural vegetation does not reestablish, so you've already expended the two years and not sure what you have, and then we'd have to replace those with some kind of desirable plant species. Second, I'd like to see us expand the zone from 100 feet from the center of the river to include the whole riparian area or flood plain. I know it's more expensive, but in the end, we're going to have to address the flood plain as well. We also should include maintenance strategies in the bill to make sure the river system doesn't revert back to where it was before. Someone mentioned goats. I've observed goats. Southwest Nebraska did a demonstration project two years ago, using goats and believe it or not, goat meat is a preferential food for most of the people in the world. The United States is an exception rather than the rule. So using goats as maintenance certainly has a fit plus the opportunity of a new business opportunity for the people that want to become involved. You asked Senator Wallman before about goats, using them for phragmites. Goats by their nature, don't like to go into water, so that may be a problem that has to be addressed. But with salt cedar, red cedar, and some of the other invasive species like Canada thistle, they just do a phenomenal job, and they certainly are a good fit into the restoration plan. Finally, healthy river systems will pay back big dividends to the state, communities, for recreation, environmental, and other interests. There's no doubt that Twin Valley Weed

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Management and Southwest Weed Management districts have done an excellent job, and as a representative of the Republican Riparian Restoration Partnership, we encourage the enactment of LB98. Thank you for your attention. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Tietjen. Are there questions? Can you wait and see if there's any questions, please? Any questions for Mr. Tietjen? Seeing none, thank you. [LB98]

BRAD EDGERTON: (Exhibit 14) My name is Brad Edgerton, B-r-a-d E-d-g-e-r-t-o-n. I'm the manager of Frenchman Cambridge Irrigation District located in Cambridge, Nebraska. Prior to my employment with Frenchman Cambridge, I was employed by the Department of Natural Resources, and I worked in the Republican River Basin. One of my duties as an employee of the department was to stream gauge the streams in the Republican River Basin. I've been doing that for...started doing that in 1983. I have watched these streams gradually grow with vegetation and choke themselves down to the point where when you did have minor flood events or minor runoff events, you did have lowland flooding. I'd like to go over my handout a little bit, if you would. This is a map of the Republican River Basin and all the main tributaries in the Republican River Compact. There's 12 sub-basins and then also the main stem is treated as a sub-basin when you do the accounting. The next page shows where Nebraska's allocation originates from, how much water we get out of each one of these sub-basins. Above Swanson Reservoir, there are five sub-basins located above this reservoir. And the next page is a table. On this table, I've listed the five sub-basins located above Swanson Reservoir, and the numbers that were reported in the compact since 1995. As you can see, there's a lot of water that originates above Swanson Reservoir. During the 14-year period, if you go over to the third column from the right, this is the percent of water that made it to the gauge above Swanson Reservoir. And during this 14-year period, about 74 percent of the flow has actually made it to the gauge. During the last six years, when we've had this dry period, only about 49 percent of the flow, on average, has made it to the gauge above Swanson Reservoir. Today I'd like to point out an extra benefit of vegetation management above Swanson Reservoir. It appears to me in analyzing this data that every gallon of water we free up in the river, it allows two gallons to reach Swanson Reservoir. Not having this water available downstream makes it difficult in dry periods to comply with the compact. Swanson Reservoir last made releases downstream in 2002. Since then, it's been sitting there accumulating enough water to make releases. This year we're going to release some water for irrigation. To kind of dive into the compact accounting a little bit, these sub-basin gauges, when water flows past these sub-basin gauges located above Swanson Reservoir, it's subtracted off of the main-stem supply, so it reduces our main-stem supply. That water then flows downstream and is then stored in Swanson Reservoir, and it's been six years in there, and when it's stored in a reservoir, it doesn't count towards Nebraska's allocation until the year it's released from the reservoir. So it'd be a huge benefit to the compact, in my opinion, if we could make releases from Swanson Reservoir every year. So my

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testimony is basically anything we can do above Swanson Reservoir to free up this water is a huge benefit to the state of Nebraska. I thank you for the opportunity to testify, and I'll answer any questions. [LB98]

SENATOR DUBAS: Thank you, Mr. Edgerton. Questions? Senator Carlson. [LB98]

SENATOR CARLSON: Senator Dubas. Brad, would you go over a little bit more if you free up one gallon above Swanson, it's worth two gallons? [LB98]

BRAD EDGERTON: If you go to the last page, you can kind of see a plot there that I did of...and this is basically...shows the percentage of water arriving at the gauge above Swanson versus the thousands of acre-feet that actually show up at the gauge. And it appears to me that, you know, when we have times of low flow, not very much of the water is actually going to get there. And what I'm hoping is when Colorado becomes in compliance with the compact, this extra water will help shepherd the water coming out of these sub-basins. That's just an example. And vegetation management will also do the same sort of thing on a smaller scale. [LB98]

SENATOR CARLSON: Thank you. [LB98]

SENATOR DUBAS: Additional questions? Senator Wallman. [LB98]

SENATOR WALLMAN: Thank you, Senator Dubas. Yes, in the context of these extreme flows, has the aquifer risen or went down? [LB98]

BRAD EDGERTON: Well, yeah, the gauge at Swanson, above Swanson Reservoir, the river goes there practically every year. I think in the number of years I worked at the department, there was only about three years that it didn't go completely dry, so but yet we still have flow coming out of these sub-basins upstream. They flow year 'round, so once it gets to the main stem, it tends to just basically vanish. [LB98]

SENATOR WALLMAN: Thank you. [LB98]

SENATOR DUBAS: Additional questions? Seeing none, thank you. [LB98]

BRAD EDGERTON: Thank you. [LB98]

MIKE INGRAM: (Exhibit 15) Good afternoon, Madam Chairman, Senator Carlson, and members of the Ag Committee. My name is Mike Ingram, I-n-g-r-a-m. I come to you today as a Franklin County supervisor. I'm from Franklin, in support of LB98, but I also have other reasons for supporting the passage of this bill. I'm also a landowner in Franklin County, and although I don't own land that abuts the Republican River itself, I do co-own land within a mile of it. Some of this land is irrigated via the Bostwick

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Irrigation Canal which is fed by water from the Harlan County Reservoir. Other land I farm is irrigated by an electric well, which is the quick response well which is any well within 2.5 miles of the river. I also operate a custom haying business that covers an area approximately 20 miles east to west. Much of that land is bordering the river. Being able to send water down the river to Kansas and meet Nebraska's obligations to the 1943 compact has been greatly enhanced, I feel, by the work that has been accomplished in the past two years with funds from LB701. I'm certain that none of this work could have been accomplished without the funds. I think we all realize that the main reason, at least in my area, for...the main reason for improving the water flow is to fulfill our obligation to Kansas, but I also feel there are other important benefits that could be accomplished. Franklin County has thousands of acres of land which are currently irrigated and taxed as such. I realize that the chance of losing our entire right to irrigate in the county within the quick response area is remote, or I certainly hope it is, but should this happen, the affected land would revert to dryland status in our tax roles. That is my concern as a commissioner or a supervisor. This would be devastating to our schools and our county government, the cities, and anywhere where we spend our tax dollars. Our board of supervisors has passed a resolution in support of the proposed bill that provides funds for the next two years, and would help finish this immense job that remains. The islands with dead vegetation that remain in the river channel below Harlan Reservoir still slow the flow of water downstream. Disking these areas will allow water to wash this soil and sand in the same manner as it did in the days when the flows were larger. Money is also needed to clear the channel above Harlan, so the water is more likely to reach the lake and, in turn, be available to send to Kansas and to irrigate with when needed. The land that I own that is normally watered by the Bostwick irrigation had no water available for four years because of the drought and the low levels that were in Harlan to feed the canal. Still, landowners had to pay reconstruction and maintenance costs for this canal, even though there was no water delivered. There were also many landowners who were not allowed to irrigate from the river flows, because the water had to be allowed to reach Kansas. In the past 10 to 15 years, much of the farmland along the river was flooded each year whenever the river was up for irrigation or during heavy rainfalls. I have literally baled hay that was floating on top of floodwater that was caused by flooding from the lowland areas, and it also kills plants that are in that area, you know, if it sits underwater, and that makes that piece of ground very unproductive. In the past summer, I believe the Corps of Engineers turned out as much as 700 cubic feet per second down the river in areas, and it used to be 250 cubic feet per second would flood lower levels of the fields. I saw or heard of very little, if any, flooding that occurred this last year in these high flows. This was a remarkable improvement and without doubt, more water reached Kansas for their use for irrigation and recreation. As a county supervisor and landowner and a business operator, I ask you for your support in LB98, and the funding it would provide to bring back the lifeblood of water to both Kansas and Nebraska farmers that are affected, as well as the citizens who depend on the agricultural economy and recreation business in our area. Thank you for your time. I'll be glad to answer any questions. [LB98]

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SENATOR DUBAS: Thank you very much, Mr. Ingram. Questions? Seeing none, thank you very much for your time today. [LB98]

MIKE INGRAM: Thank you. [LB98]

JAMES DIETZ: Senator Dubas and Senator Carlson and the Agricultural Committee, I'd like to thank you for letting me testify today. My name is James Dietz. That's J-a-m-e-s D-i-e-t-z. I'm the general manager of the Twin Valleys Public Power District headquartered in Cambridge. I'm not an invasive species expert like some of the folks that you've had here already, but I did want to speak to you today and encourage you to vote LB98 out of committee. Common sense shows that it's done a lot of good in our area. Twin Valleys Public Power District, the entire service area is in the Republican Valley. We have over 900 electric irrigation customers who are hoping that we can keep in compliance with Kansas, so that they can keep the irrigation water flowing. Many irrigators have converted to electric from diesel recently especially with the high prices last summer, and they all have signed ten-year contracts in the hope that we will be able to keep the water pumping in our area, so it's very important as the last speaker mentioned, that we would have a complete meltdown of our economy if we lost our irrigated agriculture in our area. And then the recreation value of Harlan County Reservoir, is events on a three-day weekend. They will have about 50,000 to 60,000 people in the area of the Harlan County Reservoir during the summer. That's a very large impact for a county that only has a little bit over 3,000 people. So thank you for the opportunity to testify today. Be happy to answer any questions. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Dietz. Questions? Seeing none, thank you. [LB98]

JAMES DIETZ: Thank you. [LB98]

SENATOR DUBAS: Next proponent. [LB98]

JAY REMPE: Senator Dubas, members of the Ag Committee, Senator Carlson, my name is Jay Rempe, J-a-y R-e-m-p-e. I am vice president of governmental relations for Nebraska Farm Bureau Federation, here today on behalf of Nebraska Farm Bureau in support of LB98. I'll keep this...given the lateness of the day, I'll keep this very short, sweet, and simple. We supported LB701. Nothing that has happened over the last two years has changed our mind on the "necessariness" of this proposal, and we strongly supported. Our board met two weeks ago and talked about this, and they are very supportive of this effort, and we stand ready to help the committee and the Legislature see something pass this year. With that, I'll be happy to answer any questions. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Rempe. Questions? Seeing none, thank

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you. [LB98]

TOM SCHWARZ: Members of the committee, I'm Tom Schwarz, that's T-o-m S-c-h-w-a-r-z, here as a proponent, representing myself. I think everything has pretty well been covered, so I'm not going to get into this very much either. I'm going to talk about only one thing, and that's the money side of it, the budgetary need for it. As you've been told, these species are moving east, and they're not moving east slowly. They're moving east very quickly. The explosion I've seen in our area, phragmites, is just unbelievable. And if we wait long enough, you know, the well fields at Lincoln and Omaha are going to be clogged with phragmites. There's no question in my mind about that. I've seen this progression over the last ten years, and that's where we're headed. I think the money...it's wise, I think, to spend the money now rather than later. I had an experience myself just a few years ago. I needed to add a tractor in my operation, and looking at my budget, I decided perhaps I should look at a used tractor rather than a new one, and so I purchased this tractor, and I had a breakdown. And then we had another breakdown, and then we had a major breakdown. And, you know, \$15,000 here and \$20,000 there, pretty soon you were talking real money. When I got done, I had the world's most expensive John Deere 4440, and, in short, I bought a new tractor. Was that a wise move on my part in terms of my budget? Well, it didn't really turn out to be that way, and I guess I look at this situation somewhat the same. I think we're better to spend money early and get after these things quickly rather than wait and suffer the consequences down the line. With that, I'll wrap up my comments. [LB98]

SENATOR DUBAS: Thank you, Mr. Schwarz. Questions? Thank you. [LB98]

LARRY DIX: Senator Dubas, members of the committee, for the record, my name is Larry Dix spelled D-i-x. I'm executive director of the Nebraska Association of County Officials, appear today in front of you in support of LB98. Certainly, our weed superintendent has covered it very, very well from the weed perspective. One of the things I would point out, and I think one of the things that makes us work very, very well is there's a great partnership here. If you notice, we had a number of people from weed management areas. We had a number of highway weed superintendents here. We had a number of people that were here from the NRDs, and that's what really makes us work, and from a county's perspective, a program like this...we have to have something like this to make it work because certainly counties just really do not have the equipment or the wherewithal to cover the type of terrain and ground in these river areas that unless you would form something like this and fund this, it just simply wouldn't...we just wouldn't be able to do it. So we think it's a good program. We supported LB701. We were there throughout that whole process, understand it very, very well. We think this program should continue to complete the job that we started. Thank you. [LB98]

SENATOR DUBAS: Thank you, Mr. Dix. Questions? Thank you. [LB98]

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LARRY DIX: Thank you. [LB98]

DUANE GANGWISH: Good afternoon, Senator Dubas, members of the committee, my name is Duane Gangwish. That's D-u-a-n-e G-a-n-g-w-i-s-h, and we'll save the fast ones for last. We also are very supportive of the programs involved and supported by LB98 and LB701. You have heard a myriad of testifiers with far more knowledge than I. I was encouraged by Mr. Clements's comments of using grazing, intensive grazing, as a valuable tool in this process, and we're happy to do our part. I'm not sure too many of our members will be going out and buying goats, but in any case, it has been a valuable tool in various places, and the Nature Conservancy has approached us about some cooperative efforts in trying to find landowners that would be interested in grazing programs. Our only concern, and I think it's been voiced by others already is, if we don't continue this valuable program and the burden falls back on the landowners, it could be very arduous or onerous in terms of both the mechanical and using herbicides for private landowners where this cooperative effort and ability to leverage money with other programs and other sources of monies are very valuable. So we've continued our support of LB701 through LB98, and we'd ask you to advance it. Thank you. [LB98]

SENATOR DUBAS: Thank you, Mr. Gangwish. Questions? Thank you. [LB98]

GLORIA ERICKSON: Good afternoon. My name is Gloria Erickson. I am...and my address is 315 18th Avenue in Holdrege, Nebraska. I am... [LB98]

SENATOR DUBAS: Gloria, could we have you spell your name, please? [LB98]

GLORIA ERICKSON: Sorry. E-r-i-ck-s-o-n. [LB98]

SENATOR DUBAS: Thank you. [LB98]

GLORIA ERICKSON: I am a private citizen, although I have worked for many years on a number of conservation entities around the state including, I am a member of the Riparian Vegetative Management Task Force. I am a member of the Water Policy Task Force. I am a trustee with the Nebraska Environmental Trust, presently. I also was a former member of the Game and Parks Commission. And I also serve on the management board for the Rainwater Basin Joint Venture, and its their job...or mission, excuse me, to restore wetlands. And so we have done a great deal of that in the rainwater basin in south central Nebraska. But this is a project where we're actually restoring a river, so that it conveys some water which will, in fact, help adjoining wetlands in the Republican River area. I will tell you that when Senator Carlson was successful in the passage of LB701, he was a bit like a man possessed, and everybody knew that he wanted something done and soon, because it was always when I go back in 2009, I want to be able to show them how successful this is. And you know, for many

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years, as I drive over the Platte River, you know, I look at just that massive phragmites just growing every year, every year, and everybody always said, you know, we really need to do something with the choking of the rivers. And...but that's as far as it got, because it takes some financial resources to get that done, to bring in the heavy equipment. And I might say that on the Nine Mile Creek, the first gentleman that visited with you, the trees that they took out, they, in fact, did chip them, and I think most of them actually went to Wyoming, because there was a person there that took them then and sold them for mulch. So...and the same can be done on the Republican, and they're, you know, they're doing some invasive species management on the central Platte also. The other thing is that I...my family...our family has been in the agricultural production and livestock production business for about 125 years. We've been living in, and ancestors have been living in our area, and we've seen a lot of changes. And it's interesting, and I was thinking about it as I was sitting back here that I should have brought a picture of my husband's parents sitting on the bank of the Platte River, and the date was 1921, and there's not a piece of vegetation to be seen, because they're looking north across the river. And it's very interesting how fast these things...vegetation begins to grow. I think that you have asked a lot of good questions from the people that have talked to you today. They've given you a great deal of information, and it's always good for me to hear that too, because it just reinforces that what we're doing is really important for the state. And the other thing is about the Republican River system and Swanson Reservoir, there's lots of Colorado people use the southwest reservoirs including Harlan, and that's brand new money that comes into the state of Nebraska. It's not just recirculated; it's brand new. So this is a...these are monies that will be very well spent and very efficiently spent, because we do have the landowners' cooperation with this. So I thank you for listening to me, and... [LB98]

SENATOR DUBAS: Thank you, Mrs. Erickson. Do we have any questions? Thank you very much. [LB98]

GLORIA ERICKSON: Okay, very good. One thing I might like to say to any of you, you know, this is a great time in the rainwater basin, a beautiful time when with all the...you know, there's millions of geese, and it's a great spectacle to see, and if any of you are interested in personally seeing the effects of this management on the Republican River, and some of the things they're doing in the central Platte, I would be very happy to host any of you. [LB98]

SENATOR DUBAS: Thank you. Next proponent? [LB98]

STEVE DONOVAN: (Exhibit 16) Thank you, Senator Dubas, Senator Carlson,, and members of the Agriculture Committee. My name is Steve Donovan, S-t-e-v-e D-o-n-o-v-a-n. I'm from St. Paul, Nebraska, and today I'm representing Ducks Unlimited and the Nebraska League of Conservation Voters. We have heard plenty of testimony regarding some of the benefits to water. I want to restrict my comments today to some

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of the direct benefits to wildlife habitat, and particularly on the Platte River. I am most familiar with the work being done on the Platte; much less familiar with the work being done on the Republican, so I will specifically talk about the Platte. And I also want to address some of the long-term management and maintenance questions that have come up today. The Platte River...what's very, very important about the Platte from a wildlife perspective are the benefits to migratory birds. The early settlers that were traveling the Oregon Trail talked about the river being a mile wide and an inch deep, and as we just heard, it was very, very open, and that is how migratory bird use on the Platte River evolved. There were not a lot of trees. There was not a lot of vegetation. The annual flooding on the river, extensive grazing by large herds of buffalo, and the fact that the river is very much a sandy river, that annual flooding would shift the sandbars continuously, and perennial plants like trees had a very tough time getting established, and they would continuously be washed away with the annual flooding. And so the river was very open, and when we look at wildlife use today, that's what we see--the sandhill cranes, the 500,000 sandhill cranes, 80 percent of the world's population that stops on the stretch of river between Grand Island and Kearney. They use the river as a...primarily as a roosting site. They need those very wide and very open sandbars and shallow channels to roost in at night. They feel secure in those wide-open spaces, and without that, we would simply not have the cranes on that stretch of the river. The least terns and piping plovers that are federally protected, they use the sandbars as nesting sites during the summer, and when sandbars become choked with vegetation, you lose the nesting habitat for plovers and terns, and likewise, with the millions of geese and ducks that come through Nebraska, particularly in the spring, they use the river as foraging areas, roosting areas, loafing areas during spring migration and, again, they depend on that river being wide open, very, very open, no vegetation, open sandbars and shallow, open water. LB701 was a tremendous piece of legislation. It has significantly...significantly addressed the problems that we have seen on the Platte River with the extensive encroachment of invasive species. And as the river becomes choked, we know it uses water. We're not sure exactly how much water, but we know that vegetation uses a lot of water, but it also has had devastating impacts on wildlife habitat, particularly for migratory birds. So LB701 has accomplished a lot of wonderful work on the Platte, and we want to see that work continued. Now, with regards to some leveraging and management issues, right now Ducks Unlimited is preparing a grant to the U.S. Fish and Wildlife Service, and we are using LB701 funds that have already been spent as the required nonfederal match to get the federal dollars through this grant. That would allow us to continue to do a bunch of work on the river, on the Platte River. And so it's important to recognize that those state dollars are precious because they are nonfederal in nature, and we can use them as the required match to secure federal dollars. And with regards to some management issues, it's interesting to note some of the things we will be doing with the federal dollars are buying fence, so that we can encourage grazing by cattle, not necessarily goats...by cattle, on the river. The Fish and Wildlife Service has been doing this on some stretches between Grand Island and Kearney, and what they are finding...I mean, typically,

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conservationists like myself have been telling landowners for decades to fence off the river, because we don't want livestock in the river. And on most rivers, arguably, there's some truth to that. The Platte is not one of those rivers, because we don't want that extensive so-called riparian vegetation, particularly the noxious and invasive species. So having impact from livestock on the Platte is very constructive, not destructive. And so, we've been trying to remove some of the fences that have been built over the years along the river and get cattle back onto the riverbank. And what they have found, the Fish and Wildlife Service biologists who are looking at this, first, they have gone into these areas that have been choked with phragmites and chemically treated the phragmites, and then worked with the landowner to encourage grazing to keep the phragmites from coming back, and they are very, very encouraged with the results. And I point to that because there have been some very good questions raised about long-term maintenance costs and how are we going to keep these species from coming back in and the use of cattle can be a very...and grazing can be a very, very good tool to address some of the long-term maintenance costs, so that we can keep those benefits there. I do want to mention, we are very supportive, obviously, of LB98. There has been some talk about possibly using Nebraska Environmental Trust dollars to pay for this. I hope we don't go there. Certainly, removing invasive species with NET dollars is a very worthwhile cause. NET has spent millions of dollars on these very same projects, but it is that competitive grant process that NET has that we very much would like to protect. And we're concerned about opening the door to legislatively mandated expenditures of NET funds at the expense of that competitive grant process. So I encourage LB98 to be passed. It's a wonderful piece of legislation. The job is partially done. We need to finish the job, and we are very supportive of it. Thank you. [LB98]

SENATOR DUBAS: (Exhibits 17, 18, 19, and 20) Thank you, Mr. Donovan. Questions? Seeing none, thank you. Any other proponents? Some letters of support to read into the record from Mr. John Winkler, general manager of the Papio Missouri River Natural Resources District; David A. Walton, chairman of the Franklin County Board of Supervisors; Senator Mark Christensen, District 44; and Mr. Robert Hallstrom with the Nebraska Bankers Association, all in support. Is there any opposition? Any neutral? [LB98]

CHRIS SHUBERT: (Exhibit 21) Good afternoon, Senator Dubas and members of the Agriculture Committee. My name is Chris Shubert. Let me spell that for the record, C-h-r-i-s, Shubert is S-h-u-b-e-r-t. I'm the legislative liaison for the Nebraska Department of Agriculture, and I'm here to testify in a neutral capacity on LB98. The Department of Agriculture was given two main roles when LB701 was signed into law in 2007. We were charged with providing administrative support for the Riparian Vegetation Management Task Force, and given the authority to receive grant applications and award the funding for the Riparian Vegetation Management Grant Program. I just provided you with a booklet which is the interim report from December 15, 2008, and I want to provide you with an overview of the activities accomplished thus far by the task

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force and through the grant program. This report will help frame those activities. The task force was appointed by Governor Heineman in June, 2007. For the authorizing legislation, the group is charged with three main tasks. One, develop and prioritize vegetation management goals and objectives. Two, analyze the cost effectiveness of available vegetation treatment. And three, develop plans and policies to achieve such goals and objectives. In working toward meeting those requirements, members have met nine times, and have had five field tours in association with the meetings. You'll see that list in the interim report. Seven work groups within the task force also have been created to address specific issues critical to meeting the goals and objectives. These groups have been able to gather information from and including discussions, experts who are not task force members. This approach has helped the task force gain a broader understanding of the major issues associated with riparian vegetation management. The efforts of these work groups and the task force are ongoing. To give you an idea of the scope of issues, allow me to highlight a key area of discussion. The vegetation management and treatment work group has focused efforts on the importance of developing a plan to combat invasive riparian vegetation. They are considering when invasive species should be addressed first, and what are the most cost-effective and long-term methods for such treatment? Other issues such as this are being addressed by the other work groups, and are highlighted in your handout. The final report is required under the authorizing legislation and that is...which is due on June 30, 2009, of this year. For the grant program, we've included a map, and that map is this particular map that you were provided, that shows the distribution of funds by the weed management areas...the projects that focused on the herbicide treatment and mechanical removal of dense stands of phragmites and salt cedar that were growing in the streambed. Project organizers also have conducted spot treatment of isolated stands of vegetation and logjam removal within the channel. The projects have encompassed most of the Republican River and sections of the Platte River from the Wyoming border to Elm Creek. To date, 9,003 acres have been treated with aquatic herbicides. Logjam and woody debris removal is complete on 52 miles of the Republican River, and another 56 miles is scheduled for work in the near future. Tree and brush removal within 100 feet of the riverbanks have taken place on 1,913 acres over a 75-mile stretch on the western section of the Republican River. Page 1 of the addendum, which is right after page 15 in the interim report of your handout, gives you a pictorial example of some of the work that has been accomplished through the grant program. It's actually a picture that Senator Carlson provided earlier or actually two pictures. These efforts have been achieved through the coordination and communication of various local entities in each of the grant areas. I should point out, these project results also would not have been possible without landowner support. For example, the properties of 290 landowners were involved in phases one and two of the Eastern Republican Riparian Improvement Project, and all but five landowners signed the paperwork necessary to complete the work. I would again reference the report before you as it contains more detail regarding each of the five projects that have been funded through the riparian grant program. In closing, I want to applaud the task force

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members, for their diligence, and participation over the past two years. With that, I'll attempt to answer any questions you may have. [LB98]

SENATOR DUBAS: Thank you very much, Mr. Shubert. Questions? I'm going to let you off the hook. Thank you very much. [LB98]

CHRIS SHUBERT: Thank you. [LB98]

SENATOR DUBAS: Additional neutral testimony. Seeing none, Senator Carlson. [LB98]

SENATOR CARLSON: Members of the Ag Committee, we're approaching three hours in our hearing this afternoon; appreciate your attention, and certainly appreciate those that came to testify, many of them from a long distance. And I really appreciate that. I would ask for your indulgence for just a few more minutes, because it'll be hard to get together as a group again in a public setting and go through a couple of things. I'd like you to turn in the handouts that you got to the next to the last page, and it's headed Compact Water Issues. And I want to touch a little bit on the importance of what we're doing from the standpoint of being in compliance with Kansas. So if you all have that page, Nebraska was in a deficit for 2005 and 2006 with Kansas. Kansas has sued us. Their figures are \$72 million, and that process is in arbitration. And certainly, things needed to change from that point to now to make it better for Nebraska. And what we've done in vegetation removal is very, very important in this whole process. Now, if you look at 2007, the law became effective in July. The first spring was done on the pictures that you saw in September of 2007, and that's a slow kill. It's not fast. In 2007, I would conclude that as far as water savings would be concerned on this project, we had no effect, wasn't time. But in 2007, as you look at here, we were in compliance with Kansas. We were in compliance because we bought 32,000 acre-feet of water, surface water from irrigators so that they didn't use the water. And conceptually, that water then is able to stay in the stream and be delivered to Kansas. We bought 32,000 acre-feet of water at a cost of \$10 million. That's \$312 an acre-foot. Water is valuable. Rainfall in 2007 was at the 87th percentile of a 50-year average. That's pretty high. In 2007, in our compact with Kansas, we made up 30,000 acre-feet of water, but if you look at where that 30,000 acre-feet come from, it came from buying 32,000 acre-feet of surface water. If we hadn't bought that, we'd have been a little bit in deficit even in 2007. Now, 2008 is the first year that I believe that the vegetation removal could have any effect. In 2008, we didn't buy 32,000 acre-feet of surface water...we bought 1,000 acre-feet. Rainfall was at the 95th percentile in the 50-year average, so that's better rainfall than in 2007. That's an 8 percent increase. I don't know what it is in inches, but there was a little more rainfall in 2008 than 2007. But in 2008, we made up 80,000 acre-feet of water to Kansas. Now our estimate in water savings from vegetation removal based on plant counts--you've heard some things about plant counts today. Phragmites plant counts are astounding, and we had some areas where the plant count was 1.1 million plants per acre. Phragmites grows from nothing to 12 to 14 feet in one growing season. So,

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based on plant population and so much water per day as an estimate, and also using previous studies that have been conducted on phragmites and taking the results of those studies and ramping them up to the plant counts that we were getting on the Platte and the Republican which were incredible plant counts, both of them gave us an estimate of water savings in the area of 46,000 acre-feet for 2008, because of vegetation removal. We increased the carrying capacity from Harlan County Lake to Kansas considerably; 750 cubic feet per second was released in early 2008 before irrigation. At the last gauge at Guide Rock before the diversion canal takes the water down into Kansas, that reading was 1,000 cubic feet per second. We released 750...it was 1,000. Now, that's because the tributaries are contributing at that time, and we're not irrigating. The point is, the river handled the flow, and the vegetation wasn't taking any of it. And because of the super year that we had in 2008, we're now in compliance for a five-year average. That is incredibly important. Most of you are aware of the recent ruling by the Nebraska Supreme Court, that a portion of LB701 which allowed for property tax. The reason for the property tax was to raise money to buy surface water. That process so far has been declared unconstitutional. That puts a damper on that being a tool in the box that we can remain in compliance with Kansas. To me, it makes it even more important that we continue doing what we're doing, and we finish the job on the Republican for the impact and the effect it's having on our compact with Kansas. It's a whole lot better to remove vegetation and not have to buy surface water. And so, I appreciate your attention. I appreciate your listening to this, and, again, thank you to those that were here to testify, and now you're all tired. I'll answer any questions you might have. [LB98]

SENATOR DUBAS: Any questions for Senator Carlson? Senator Wallman. [LB98]

SENATOR WALLMAN: Thank you, Senator Dubas. Senator Carlson, thank you. You did a good job, and as you realize, I had, you know, an issue with the property tax myself. And...but this thing, it looks like it's been working, and, you know, it's good. So about this, how many irrigated acres have we retired? Do you know? [LB98]

SENATOR CARLSON: I don't know exactly how many have been retired, but it brings up a good point. If we don't have to retire irrigated acres, that's a bonus. That's terrific, and whatever we can do to save water so it keeps water available for the farmers in the Republican Basin and in the Platte, this is a plus for agriculture. And we've got to double our production in the next 20 years to feed the world, we're going to need water to do that. So I hope we don't have to retire any acres, but that would be a next step. [LB98]

SENATOR WALLMAN: Thank you. [LB98]

SENATOR DUBAS: Senator Dierks. [LB98]

SENATOR DIERKS: Thank you, Senator Dubas. Senator Carlson, as an old weed guy

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from years ago, (laughter) I have a great interest in biocontrol, and I think the committee would like to know some of those answers as far as some of these plants we're talking about and the biological control that's available, and maybe you can get that from some specialist that can inform the committee of that. That's not a question. That's...I'm asking you, can you do that? [LB98]

SENATOR CARLSON: Well, I hope that we can, and this is not a light answer. But that's one of the reasons we need to keep you on the task force, and we need to keep the task force intact and working, because we've gone two years, and really, we've only had a year and a half of performance, because we couldn't get started until about a year and a half ago. We need about six years on the task force to see what the five-year guarantees really do on chemical. We need to have some time to develop and look at and study the possibility of biologicals, and we need the six years to then develop a maintenance plan so we know what the costs are going forward. In the original argument for LB701, I said that the rivers are a liquid highway. The farmers did not cause the vegetation in the rivers. We caused that when we started building dams for flood control, irrigation, and recreation--good reasons to build dams, but we stopped the natural scouring in the river. The rivers belong to all the people in the state. The state needs to fix the rivers the first time through, and then we develop a maintenance plan that will make it affordable for landowners to continue. We need to finish the work on the Republican. I think we can do that in the next two years. We need to continue work on the Platte, and as long as I breathe and am in the Legislature, we won't stop until we get to the Wyoming border on the Platte and move east until we reach the Missouri River. And that will be beneficial for everyone. [LB98]

SENATOR DUBAS Any other questions? Senator Dierks. [LB98]

SENATOR DIERKS: Thank you, Senator Dubas. I, too, want to thank you, Senator Carlson, for your fantastic work with this committee and with the task force and your continued interest in supporting it. [LB98]

SENATOR CARLSON: Well, I appreciate that, and this would never have happened except that the Legislature saw that it was a wise thing to do two years ago, and I owe a lot to the senators that supported this, and the people that have been on the task force have just been wonderful, so thank everyone. [LB98]

SENATOR DUBAS: Thank you, Senator Carlson. With that, that closes our hearing on LB98 today. Thank you for your attendance. [LB98]

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Disposition of Bills:

LB98 - Placed on General File with amendments.

Chairperson

Committee Clerk