

State entities working on first-of-its-kind water sustainability plan

Historic agreement to ensure lasting uses of Niobrara River for Nebraskans

LINCOLN, NEB. – A historic agreement has been negotiated to preserve the future of the Niobrara River Basin between the Niobrara basin's Natural Resource Districts (NRDs), the Nebraska Game and Parks Commission (Commission) and the Nebraska Public Power District (NPPD). Formal action on a memorandum of understanding will be taken by each of the parties at their respective meetings today.

Under the memorandum of understanding, the Commission and NRDs will work with NPPD to take steps towards transfer of assets, including NPPD's water appropriations on the Niobrara River, Spencer Hydro dam, and the lands and easements associated with the dam. The parties will seek legislative authority to convert NPPD's water rights to a multi-use water right, part of which will be conserved for recreation and fish and wildlife needs, and part of which will be conserved for integrated water management in the Niobrara River basin.

The NRDs, the Commission and NPPD reaffirmed why water management in Nebraska stands apart from other states.

"This is a Nebraska plan for conserving a Nebraska jewel," said Jim Douglas, director of the Nebraska Game and Parks Commission. "The Commission, the NRDs and NPPD want to ensure that the future of the Niobrara River will be decided by Nebraskans, with the best interests of Nebraskans in mind. All parties involved are pleased with this outcome and proud to work together to achieve a diverse set of goals for a valuable Nebraska resource."

The five Natural Resources Districts located in the Niobrara basin created the Niobrara River Basin Alliance to help protect the river with agreements like the one announced today. These in the Alliance include the Upper Niobrara White NRD, Middle Niobrara NRD, Lower Niobrara NRD, Upper Elkhorn NRD and Upper Loup NRD, who are working together to ensure the long-term sustainability of sufficient water in the Niobrara River basin to safeguard future economic activity, agriculture, other water users, fish and wildlife, and recreation activities along the Niobrara for generations to come.

In addition to accepting the transfer of NPPD's assets, the Commission and the NRDs plan to seek an instream flow for the 39-mile stretch of the river below the dam to the confluence of the Niobrara and Missouri rivers. This stretch of river is used by several endangered species, including pallid sturgeon, interior least tern, piping plover and whooping crane.

"Nebraska Public Power District is pleased that the water which has been benefitting Nebraskans with renewable electricity since 1927 while maintaining flows in the river for a variety of uses, will be preserved through this agreement," said Brian Barels, NPPD's Water Resources Manager. "NPPD is extremely proud to be a party to this agreement, which will provide for water sustainability in this great Niobrara River Valley and to enable Nebraskans to continue to enjoy the river for fish, wildlife, recreation and other uses into the future."

NPPD established the value of the Spencer facility and water rights at \$12 million. The Commission and the NRDs will secure \$9 million to purchase the assets, and NPPD will provide an in-kind contribution of \$3 million. The Commission and NRDs plan to seek funding from the Water Sustainability Fund, the Nebraska Environmental Trust and other sources.

The next steps for the group include securing funding and seeking legislative authority to convert NPPD's water rights to multi-use water rights. NPPD will continue to own and operate the facility to generate power until it is able to transfer assets to the Natural Resources Districts and Commission. The transfer is expected to take two years to complete.

"While the NRDs support local solutions, it was important to work with all interested parties," said Marty Graff, Middle Niobrara Natural Resources District Board Member and secretary of the Niobrara River Basin Alliance. "Because instream flow rights can only be held by NRDs and the Commission, an invitation was made and together we reached out to NPPD. In the end, all parties were responsible for creating a sustainable water management plan that will protect the Niobrara River and basin for years to come."

The Niobrara River extends across northern Nebraska from its narrow beginnings 50 miles inside eastern Wyoming. It empties into the Missouri River 486 miles later between the village of Niobrara and Niobrara State Park. The main sources of inflow are tributaries and Sandhills groundwater. In 1991, a 76-mile stretch of the Niobrara was designated a National Scenic River to preserve unique biological features. Eastern, western and northern species of trees and wildlife all can be found intermixed on slopes along the river. The Niobrara is also extremely popular for canoeing, kayaking and floating trips.