



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E. 12TH STREET
KANSAS CITY MISSOURI 64106-2824

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REPLY TO
ATTENTION OF

JAN 21 2014

Hydrologic Engineering Branch

Mr. Gary Campbell
Deputy Regional Director, Great Plains Region
Bureau of Reclamation
United States Department of Interior
2021 4th Avenue North
Billings, Montana 59101

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JAN 27 2014

DEPARTMENT OF
NATURAL RESOURCES

Dear Mr. Campbell:

As a result of a request from the Bureau of Reclamation (Reclamation), the U. S. Army Corps of Engineers (Corps) recently completed releasing approximately 12,000 acre feet of water from Harlan County Lake, Nebraska for the benefit of irrigation outside the normal irrigation season. This water was part of a Warren Act Contract between Reclamation and the Kansas Bostwick Irrigation District. The Corps has concluded that the release, fully diverted into Lovewell Reservoir in Kansas for future use, benefits the federal irrigation purpose.

The operation of Harlan County Lake in 2013 required several case-by-case determinations on whether water control actions served the Project's Congressionally authorized purposes. Continuation of this ad hoc framework cannot be expected to continue to function in future years. The Corps operates Harlan County Lake, in cooperation with Reclamation, in accordance with the guidance provided by the Republican River Basin Lake Regulation Manual, Harlan County Lake, Nebraska (water control manual) and in furtherance of Congressionally authorized operating purposes. Ad hoc releases outside the traditional irrigation season for various purposes may not fall within the operating procedures of Harlan County Lake's water control manual. Such releases cannot be relied on in future years without a specific plan that has been determined to serve the Congressionally authorized purposes as part of a water control manual.

The authorized beneficial purposes for Harlan County Lake are: flood control, irrigation, recreation, water quality, and fish & wildlife. Releases from the Harlan County Lake conservation storage zone are only made to support the irrigation or water quality purposes. Releases for any other purposes have not been contemplated by the water control manual. Even releases that serve the authorized purposes, but constitute operations that are not part of the current water control manual, may require National Environmental Policy Act (NEPA) evaluation and assessment as potential modifications to the water control manual.

Operational procedures that serve the authorized purposes of a Corps lake project are contained in the water control manual. The Corps is bound by its water control manuals. Temporary deviations from the water control manual, as was granted for Harlan County Lake in April 2013, are only possible after considerable evaluation of impacts and benefits to all authorized project purposes. Deviations, when granted, are scrutinized to ensure that the actions taken are consistent with the project's Congressionally authorized purposes. Deviations are generally valid only for the year in which they are granted and cannot be granted on a continuing basis, in part due to requirements of NEPA. Recurring actions typically require environmental analysis through the NEPA process, as well as documentation in a revised water control manual.

If Reclamation and the states anticipate that out-of-season releases or deviations from the water control manual will become a recurring need, those potential operations will have to be addressed by re-visiting the water control manual to determine whether a change can be accommodated within the project's Congressionally authorized purposes. The process for revising the water control manual requires evaluating all foreseeable beneficial operations changes, evaluating the impacts to all authorized operating purposes, and identifying a preferred alternative for public comment and discussion prior to ultimate decision and implementation. This process satisfies NEPA requirements as well as the Corps' water control operation requirements.

The Corps understands that the states of Nebraska and Kansas have held discussions to carry water in Harlan County Lake across years for release when the most benefit could be derived, while accounting for that water in accordance with the Republican River Compact. Coordination of these releases would better serve all the Congressionally authorized purposes of Harlan County Lake. The states are encouraged to continue negotiations towards that goal. Such an agreement should negate the need for out-of-season irrigation releases in the future and avoid the issues described above.

It is important that the Reclamation and the states understand that without a set plan in place in 2014 and subsequent years, out-of-season releases must be evaluated on a case-by-case basis to ensure that Harlan County Lake's authorized purposes are maintained. Further, operations outside of the water control manual will typically require assessment as potential modifications to the water control manual, and concurrent NEPA assessment. These processes can be lengthy and, therefore, day-to-day or month-to-month accommodations may not be possible.

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A copy of this letter is being furnished to Mr. Brian Dunnigan, Director of Nebraska Department of Natural Resources, and to Mr. David Barfield, Chief Engineer for the Division of Water Resources, Kansas Department of Agriculture. If you have any questions regarding the Water Control Manual please contact Mr. Christopher Purzer, Chief, Water Management Section at 816-389-3156. If you have questions regarding the NEPA issues or requirements, please contact Ms. Jennifer Switzer, Chief, Planning Branch at 816-389-3062.

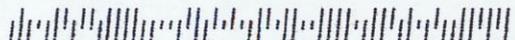
Sincerely,



Andrew D. Sexton
Colonel, Corps of Engineers
District Commander



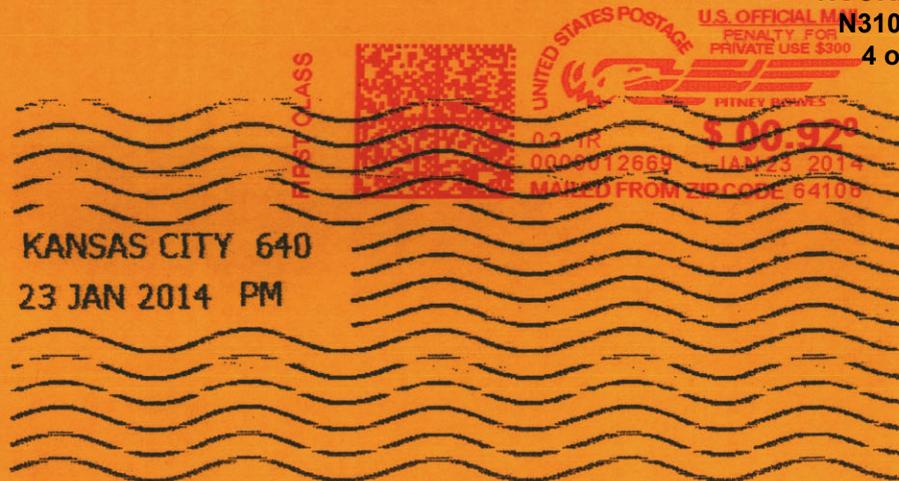
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 Kansas City, Missouri 64106



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