DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
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REPLY TO
ATTENTION OF

Hydrologic Engineering Branch

Mr. Brian Dunnigan, P.E.
Director, Nebraska Department of Natural Resources
P.O. Box 94676
Lincoln, NE 68509-4676

Dear Mr. Dunnigan:

The Kansas City District, U.S. Army Corps of Engineers (Corps) recently learned of Nebraska's proposed Integrated Management Plans (IMPs) for the Middle and Upper Republican Natural Resources Districts. The plans apparently are an attempt by the State of Nebraska to obtain compliance with the Republican River Compact and the Final Settlement Stipulations (FSS) approved by the Supreme Court on May 19, 2003.

The Corps shares the concerns expressed by the Bureau of Reclamation (Reclamation) in statements during public meetings and by letter dated July 27, 2010. The Corps also has specific concerns regarding how the proposed IMPs could affect the operation and benefits provided by Harlan County Lake. The Corps owns and operates Harlan County Lake on the Republican River near Republican City, Nebraska. Harlan County Lake is a critical resource for the Bostwick irrigation units, and provides significant flood reduction benefits, fish and wildlife habitat enhancement, and recreational opportunities for the nation.

Harlan County Lake was authorized by the Flood Control Act of 1941, Public Law (P.L.) 228, 77th Congress, as a part of the Missouri River Basin Comprehensive Plan. The Comprehensive Plan included projects for flood control, irrigation, and other purposes. The Flood Control Act of 1944, authorized project purposes of flood control, irrigation (to be operated by the Bureau of Reclamation), fish and wildlife, and recreation. The irrigation purpose was adopted for Harlan County Lake pursuant to the 1944 Act. The project became operational on December 1, 1951.

The beneficial purposes of Harlan County Lake have been threatened by declining average annual inflow provided by the Republican River basin upstream. As a component of Reclamation's contract negotiation with the irrigation districts, the Corps and Reclamation reached agreement for a Harlan County Lake operation method to balance the beneficial purposes and maximize those benefits for the nation. The Consensus Operating Plan for Harlan County Lake that we crafted with Reclamation preserves the multipurpose character of Harlan County Lake for the broad range of public uses it serves.

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A critical component of the consensus plan is a method of calculating the appropriate amount of irrigation support that can be provided in any specific year, while still maintaining recreation, fish and wildlife benefits. The calculations involve the inflow conditions into the project, evaporation and carryover storage from the previous year. The proposed IMPs could change the implementation of the consensus plan in unforeseen ways. The Corps is concerned that the proposed IMPs will affect the calculations and invalidate the result. The consensus plan calculations were incorporated into the FSS as Appendix K and provide the determining factor for water short years.

The Corps appreciates the need for Nebraska to alter the consumptive water use in the Republican Basin to comply with the FSS. However, the Corps also recognizes the need to balance the federally authorized purposes of Harlan County Lake and insure that the federal interest is protected. Any State action that would affect Harlan County Lake operation and overall benefit must be fully evaluated and understood by all parties prior to implementation.

Specifically, the Corps requests the following information: The IMP states in VIII, Paragraph F: "...A 'Compact Call' will result in DNR issuing closing notices on all natural flow and storage permits in the basin until such time as DNR, in consultation with the URNRD and other basin NRDs, determines that yearly administration is no longer needed to ensure Compact compliance, pursuant to Section IX." What specific actions does the state intend to take regarding water stored in Harlan County Lake during "Compact Call" years?

The Corps supports the goals expressed in the IMPs, however, it is not clear how the actions required in the IMPs will ultimately obtain these long term goals. The Corps would welcome the opportunity to work with Nebraska to obtain compliance with the FSS, and protect the federal government's investment in Republican River basin water resource development.

I am furnishing copies of this letter to Mr. Dan Smith, Middle Republican Natural Resource

District, and Mr. Jasper Fanning, Upper Republican Natural Resource District. If you have any questions, please feel free to contact Mr. Edward Parker at (816) 389-3145 or Edward.E.Parker@usace.army.mil.

Sincerely,

James Pennaz

James Pennaz
Chief, Hydrologic Engineering Branch

cc:

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