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Date: February 28, 2011

To: Governance Committee of the Platte River Recovery Implementation Program

From: Jim Schneider, Nebraska's GC Representative, Nebraska Department of Natural Resources

Subject: Overview of the Nebraska New Depletion Plan Implementation Process

The Nebraska New Depletion Plan (NNDP) contains three (3) related yet distinct parts outlining annual reporting and calculations of depletions and mitigation. The first part addresses new uses between 1997 and 2005. The second part is the annual reporting of permit activity by the NRDs and NDNR. The third part is an overarching analysis of the sufficiency of all mitigation measures for new depletions (post-1997). This third part is completed once every five (5) years.

**Part 1**

The majority of the new or expanded uses from Part 1 (1997-2005) of the NNDP were described in a December 2008 memo to the GC from Jennifer J. Schellpeper. Table 4 of that memo described baseflow depletions from 2009 to 2019 by river reaches (defined by NRD boundaries) due to estimated changes in groundwater irrigated acres between 1997 and 2005 (Luckey, 2008). Tables 2 and 3 described consumptive use changes due to changes in people and cattle populations by these same river reaches. Industrial uses were not described in the 2008 memo as limited data was available at the time. The NRDs and NDNR have been and continue to work on collecting the industrial use data and plan to incorporate that data into the next five-year review. The NDNR plans to incorporate all of the above mentioned information on new or expanded uses between 1997 and 2005, as well as new or expanded uses from 2006 to 2010, into its next five-year review (scheduled for completion by December 31, 2011). The details of this analysis will be further described in Part 3.

**Part 2**

Part 2 of the NNDP discusses the annual reporting of permits issued for new or expanded uses by NRDs or NDNR. Currently, all calculated depletions resulting from new or expanded uses require mitigation in time and location before a permit is issued. Because all calculated depletions require mitigation, no distinction is made between depletions to state protected flows, target flows or total river flows; therefore, no additional measures are being implemented by the state to satisfy depletions to target flows.

In the recently provided annual report of permit activities, the permits cover a range of dates (typically 2006-2009) that are prior to the completion of the integrated management plans (IMPs). The IMPs establish consistent methodologies for reporting and tracking of

these permit activities between the NRDs and NDNR. Therefore, this first report was based upon the information and data that were available given the permitting processes that were in place prior to the IMPs being implemented. With the adoption of the IMPs in September of 2009, the NRDs and NDNR have begun to implement a uniform system of tracking for permitting activities. As such, beginning with the 2010 annual report, we plan to report calculations of the collective stream depletions and mitigation on an annual basis from the current year through the first increment (2019) by stream reach. These annual estimates will be superseded by a more robust evaluation that will take place every five years, as outlined in Part 3.

### **Part 3**

Part 3 will serve as the overarching monitoring process and will serve to review estimates derived in Parts 1 and 2. In addition, Part 3 will incorporate the cumulative impacts of other items that NDNR and the NRDs have no regulatory authority over, such as gravel pits, reservoirs smaller than 15 acre-feet in size, changes to populations of people, and changes to livestock populations. This assessment will combine all changes in uses since 1997 and will generate seasonal estimates of stream flow depletions and/or accretions by stream reach from 2011 to 2019. The first of these evaluations is scheduled to be completed by December 31, 2011.