

Comment or Objection Form

J-2 Regulating Reservoirs Project – Public Hearings

November 5-6, 2014

Please write your comment or objection below, print your name, sign and date the first sheet, and deposit your form in the box provided. If additional space is needed, please attach another form and staple together.

I WOULD LIKE TO SEE MORE EFFORT AND TIME SPENT ON DEVELOPING A PLAN TO UTILIZE "JEFFREY ISLAND" AS A PROJECT SITE. EVERYONE I HAVE TALKED TO JUST SAYS "NOT FISEABLE" OR "ENGINEERING NIGHTMARE". LETS GET THE FACTS, DO THE STUDYS AND COMPARE "APPLES TO APPLES." PUT CURRENT LAND PURCHASES ON "HOLD" UNTIL STUDY IS DONE!

THIS WHOLE PROJECT SEEMS LIKE A FEW ACTIVISTS ARE PUSHING THROUGH A PROJECT THAT DOESN'T REALLY MAKE MUCH COMMON SENSE. THE TAIL IS WAGGING THE DOG!

Submitted by: DONALD J. BURKS
(Print Name)

Page 1 of 1

Signature: Donald J. Burks

Date: 11/6/11

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Without A proven method to determine the future
flow, the method to have the most flow in
the river is the current method of discharge
Ponding the water in a storage reservoir will
only allow some of the water water to
evaporate and some to seep into
the grounds
The goal of the Platte River Recovery Program
is to maintain or increase flows in the river.
this project appears to decrease flow into
the river.

Submitted by: Robert Dahlgren Page 1 of 1
(Print Name)

Signature: Robert Dahlgren Date: 11/6/2014

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1. I have environmental concerns regarding the water that will be left behind when the J2 Reservoirs will are drained. This will be a prime habitat for mosquitos. Please see attached. West Nile Virus is already prevalent. Dengue Fever is the next possibility for central Nebraska.
2. The director of Platte River Recovery Implementation Program, Dr. Kenny, should have attended the meeting to hear the comments and concerns of landowners first-hand.

Submitted by: Amy Hill
(Print Name)

Page 1 of 1

Signature: Amy Hill

Date: 11/5/14 ^{SO far}

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

March 6, 2014 | Live from CCC - Grand Island

Dr. Ring - *Nebraska on the Edge: How Climate Change Threatens Public Health*

In this notable presentation, CCC & MCC welcome Dr. Wendy Ring, a family physician and educator in human health and climate change. In the first part of the presentation Dr. Ring will present case studies, maps, and straightforward explanations of research findings to illustrate the many ways that climate change affects human health in the United States. She will also discuss what this means for Nebraska, present and future. The second segment explores win-win solutions which lower greenhouse gas emissions and improve public health. Dr. Ring has presented this presentation across the country, including at UNL and UNK, as well as Chadron State College. Please join us to welcome Dr. Ring back to Nebraska, and to learn together about this important issue.



Dr. Ring's bio: [Click here.](#)

VIDEO OF DR. RING'S PRESENTATION ON MARCH 6, 2014

Central Community College Sustainability Lectures: <http://www.cccneb.edu/sustain/SLPS>

Link to Dr. Ring's presentation:

<http://www.cccneb.edu/programs/web/sustainability/sustainabilityleadership/sustainabilityLeadership03062014.html>

** 47 minutes into presentation is discussion about Dengue Fever and this mosquito

.....



Aedes albopictus in Kansas

Aedes albopictus (*Stegomyia albopicta*), from the mosquito (Culicidae) family, also known as (**Asian**) **tiger mosquito** or 'forest mosquito', is a mosquito native to the tropical and subtropical areas of Southeast Asia; however, in the past couple of decades this species has invaded many countries throughout the world through the transport of goods and increasing international travel.^[1] It is characterized by its black and white striped legs, and small black and white striped body. This mosquito has become a significant pest in many communities because it closely associates with humans (rather than living in wetlands), and typically flies and feeds in the daytime in addition to at dusk and dawn. The insect is called a tiger mosquito because its striped appearance is similar to that of a tiger. *Aedes albopictus* is an epidemiologically important vector for the transmission of many viral pathogens, including the Yellow fever virus, dengue fever and Chikungunya fever,^[2] as well as several filarial nematodes such as *Dirofilaria immitis*.^[3]

Attachment to Amy Hill
11/5/14 Pub. Hrg. Comment

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1. I have a very important question I want answered - if you purchase most but not all the land for your project and you find that you can move your project to the land you will own in 2016 = Jeffrey Island and pastures; What are you going to do with the land you purchased that you no longer will need ??
2. Also I want the legal document copy of your right to have + use eminent domain for acquisition!
3. Will you be leaving any trees along canal N. of Amy Hill and my home for wind and habitat protection? There are a few wonderful Cottonwoods and a few other really nice trees that your Environmental concerns for Birds should be saved + plum Bushes also. Don't forget - humans (we) are part of your environment!

Submitted by: Dianne Jeffrey Page ____ of ____
(Print Name)

Signature: Dianne Jeffrey Date: 11-5-14

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1 of 7 total

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1. Keep off our land and
move your "dike" of your
reservoir just E of current
Plum Creek To The EAST
=====
+ shore up your dike with all
your concrete + rocks etc. etc.
to keep flooding away!
* Best of all, use your land
you will own in 2016 + put
your project on it!!

Submitted by: Dianne Jeffrey Page ____ of ____
(Print Name)

Signature: Dianne Jeffrey Date: Nov 5 2014

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1. Mr. Kraus : Which department is going to take care of the mosquito population and spray since the new virus that is worse than West Nile is coming our way ?? Because you will have and already do have seepage W. of Amy Hills (our daughter) home from Elwood Reservoir which never was there before Elwood ^{lake} was put in — the new reservoirs will be partially mud holes most of the time according to your plans

2. Mr. Kraus : Who will be in charge of dust control as you are working on the Canal Banks just N. of Joe's + my house and also just N. of Amy Hills house ? You definitely need to address this issue !! Also E. of house for canal and creek digging + road changes for Dust + health concerns

Submitted by: Dianne Jeffrey Page _____ of _____
(Print Name)

Signature: Dianne Jeffrey Date: 11-6-14

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1.

This is directed to Manager and Board members :

Since you "all" are considering the Jeffrey Island and your adjoining pasture that is right up against the canal just E. of Canada Bay & Back To NW → until the final site is settled on, the land you want to purchase should be only leased instead of purchased.

**

Postpone your purchase of any more of the current land you are showing on your maps at this point in time, that allows us all as "farmers" to use the beautiful cornfields and continue to make a living as this land for all is our jobs - just as you all have paying jobs

*

Submitted by: Dianne Jeffrey Page ____ of ____
(Print Name)

Signature: Dianne Jeffrey Date: 11-6-14

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Who are the people reading these sheets and will we be informed of the answers?

X How many and of what level will handle these questions & comments. Will Platte River Rec. & Amp. people see these and be involved and also higher up such as Chad Smith's group and FERC?

There will be no negotiations on Robb Ranch's land until all our questions are answered from all our forms

Submitted by:

Dianne Jeffrey
(Print Name)

Page ____ of ____

Signature:

Dianne Jeffrey

Date: 11-6-14

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5 of 7 total

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1. Mr. Kraus =
Are you going to notify us
as progress on Engineering plans
go forward re-looking at the
Jeffrey Island & pasture areas?

2. Unacceptable format of your Public
Hearings, cannot interact with your
Top people in open discussion, besides
having your information stations.
Where are the top officers who
& managers including Jeremy Kenny
and Chad Smith.!

Submitted by: Dianne Jeffrey Page ____ of ____
(Print Name)

Signature: Dianne Jeffrey Date: 11-6-14

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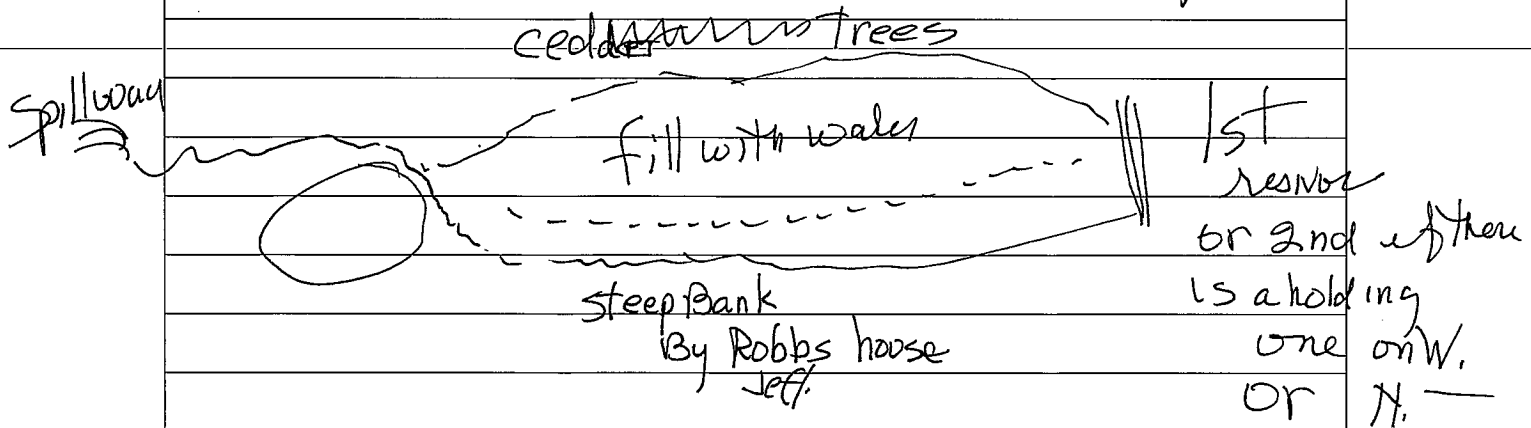
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1. look at moving your W. Reservoir edge to the E. leaving any of Jeffrey property alone – make the engineers work on a ~~proper~~ dike there

2. Another idea to Re-look at is putting your reservoir into the S. channel where pivot of ours is – into the River – all that area + place a dam on E end you can still put your water into the canal at head gates spillway



Submitted by: Dianne Jeffrey Page ____ of ____
(Print Name)

Signature: Dianne Jeffrey Date: 11-6-14

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I promise this is the last one for you to answer!

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1. When is CHPRID going to start repairing the damages to Robb Ranch to the satisfaction of Robb Ranch Inc. directors? We need to know this prior to any acquisitions of further Ranch land
2. Do your hired Engineers understand when Plom Creek floods the direction the water travels - please trace the route it follows to see if they understand the true nature of the flood water and inform us of their answer.
- * 3. Furnish us a list of the people that signed in at the 3 informational meetings

Submitted by: Joe Jeffrey DVM
(Print Name)

Page 1 of 1

Signature: Joe Jeffrey DVM

Date: 11-6-14

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As a land owner (part of the Robb Ranch property) & thought the appraisal we received was a little too low for the value that farm and pasture land is worth today. Plus the fact is the land is where you need it.

Secondly, if we are forced into a sale of land we don't want to sell we will be hit with a very large capital gains tax bill. We might be interested in a 3 or 4 year short term lease with a smaller "purchase" payment at the end. Much like we had done with the "Jeffrey Island" purchase from Cential.

And of course we are all worried about high underground water levels making our basements indoor pools.

Submitted by: MIKE JEFFREY Page 1 of 1
(Print Name)

Signature:  Date: 11-6-14

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~~I~~ I have a few concerns about this project from a tax
payer standpoint. ~~For~~ I object to spending an additional
80 to 100 million dollars (project cost) for water that is already
in ~~the~~ flow. i.e. no new water is being added. The benefits of this
project are being measured by 1) hydro-cycling, what is the
annual increase in revenue available by hydro-cycling. 2) stream flow
timing. ~~Due to~~ The benefits of stream flow timing will vary ~~from~~
between wet and dry years, this project was conceived in a time
of drought, there is also a large political push by ~~the~~ environmental
agendas. What will be the actual acre feet of water value in a
wet year? What will be the value in 2 years when a political
agenda changes and stream flow timing is no longer "valuable".
What is the value of the water timing in a drought. What is the
cost ~~for~~ from all supporting government agencies to continue ^{status quo} ~~as is~~.
Shut down J2 and use stream flow timing from current storage?
Is this project based on a concept of senior water rights
held by central (CNPPID)? If ~~water~~ Surface water
rights held by political subdivisions such as CNPPID, were ~~the~~ junior
would this project exist? ~~What~~

Submitted by: Daniel Keller
(Print Name)

Page 1 of 3

Signature: 

Date: 11-6-2014

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I also have concerns for my friends, neighbors, fellow Nebraskans and fellow U.S. citizens. As of this meeting I am not aware of the compensation available to them except an appraisal that might turn into 3 appraisals. I do know that commercial property can be more valuable than non-commercial. I also know property with large income potential is more valuable. With the willing buyer, willing seller idea in mind and the fact in farming community that the farm next to your house is more valuable than one 10 miles from it. I recommend reimbursements to the parties in the amount of 3 to 1 like acres. This should allow for the change in commercial use of the ground. I also believe the price to replace these acres from the surrounding neighbors would be in that ~~affinity~~ price range. In this hearing, I noticed property and lease property owners will be approached by CNPPID. What is the radius around this project, whom central will be contacting. What is the ~~port~~ potential central liability for dust to neighbors, ^{fluctuating} ~~fluctuating~~ ground water levels affecting Ph, salt, and seepage spots in surrounding fields. Will these property owners be required to litigate for damages or will they be presented compensation before the

Submitted by: Daniel J. Keller
(Print Name)

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Signature: 

Date: 11-16-2014


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Project?
Why is Nebraska and the NRD's only receiving benefit for 10,000 acre feet of water instead of the full 30,000 acre feet estimated?
How will dust be controlled in the pits?
How will dust be controlled on the roads during construction phase?
How will insects be controlled?
How will you keep animals from becoming entrapped in the pits?
Will the current assessed value on the ground be used and taxes paid by CNPPID? What if it is not increased to commercial price?
But In conclusion, it seems that the ^{costs} added benefit to tax payors and those directly impacted by this project exceed any benefit that CNPPID and all other associated entities expect to receive using unmeasurable future assumptions. I recommend if this project proceeds, paving road between 433 & Bertrand. I recommend moving it off productive farm ground. I recommend pay at least 3x the money for damages to impacted families, and do it now.
Submitted by: <u>Danboller</u> Page <u>3</u> of <u>3</u> (Print Name)
Signature: <u></u> Date: <u>11-6-2014</u>

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

J-2 Regulating Reservoirs Project – Public Hearings
November 5-6, 2014

See attached letters

Signature: Sarah L. Nelson Date: Nov. 6 2014

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October 30, 2014

To: CNPPID General Manager Don Kraus, Cory Steinke, and all members of the Central Board of Directors:

It is with a heavy heart that I write this letter today. It seems more and more certain that the J-2 Reservoir project will come to fruition and we will lose our home (my childhood home) along the south side of the river in Phelps County.

I wanted all of you to know that as soon as I heard about the project in 2012 (via the Kearney Hub and the Omaha World Herald) I started sending letters to anyone I could think of to ask for help. I have a huge file of letters saved that I wrote to State Senators, Congressman, local historical societies, the Nebraska State Historical Society, the National Trust for Historic Preservation, and even the President of the United States to try and get the project stopped. However, I received very little help in this regard. It seemed like once everyone from Platte River Recovery, the State of Nebraska Dept. of Natural Resources, Central, and several Natural Resource Districts all jumped on the bandwagon and decided this was *the* project that would go forward there didn't seem there was much that one little landowner was going to do to stop it. I did try.

I want to take this opportunity to share how much the loss of my childhood home will hurt me and my family. My own family doesn't know how many tears I have cried over this because most of it has been done in the car.

My dad, Tom Renken, first saw this house in the late 1940s when the Crantz family still lived here. He had a dream that someday the place would be his and in 1972 that dream finally came true. My parents lived here for nearly 40 years until my dad's failing health caused them to move into Lexington.

It's so hard for me to put into words how much this place means to us but I'm going to try. I know every creak of every floorboard in our house. I know you have to prop up most of the windows with wooden dowels or they will come down and smash your fingers. I know the names of every boy that I had a crush on since about 1984 are written in chalk on the east wall in the basement. I know that at any time I can walk out in front of my house and be in the river. I never have to ask anyone for permission. Our family go can for walks, swim, and have hot dog roasts at any time. I know we can see ducks, deer, turkeys, geese, eagles, cranes and other wildlife all throughout the year. I know we have plenty of grass for our horse and usually don't have to buy any hay. I know we have plenty of room to store all of our tractors, boat, and tools inside because of all the outbuildings we have, and I know we have a lot of room inside our home for our big family and to house all of our large antique furniture.

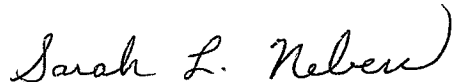
How do you put a price tag on all of these things? How will we be able to replace such a wonderful home and acreage that comes with accretion ground? How will we ever be able to find a place that is comparable to what we have? How do we put a price tag on memories? Where will we go? These are the questions that have been so agonizing for

us to deal with. Trying to deal with this and my dad's terminal illness has made these last few years very, very difficult.

The only place that we have looked at (and we have been keeping our eyes open for a very long time) that we feel is even a close comparable is Douglas Gengenbach's home on the north side of the river in Dawson County. It's only about 2 ½ to 3 miles to the northwest of us as the crow flies. It is a bigger home however, it doesn't have any outbuildings and we would need an outbuilding of some sort. It does have river frontage and altogether would have about 33 acres of ground. We have 38 on the other side. That's about as close as you could get to what we have. But it will carry a high price tag. Our current home, because of its location, would command a high price as well if the reservoir project was not looming over its head.

We ask that you please be mindful during this process that these are real families that are being affected by this, that it's not just land to be acquired. It's not just a spot on a map. For those who are farming the ground, it is different. These are our homes where we live and dream and make memories. We are the ones who will have to pack up everything we own and start over in a different place.

Thanks for your consideration,

A handwritten signature in cursive script that reads "Sarah L. Neben". The signature is written in dark ink and is positioned above the printed name.

Sarah L. Neben Dan Neben
Brian, Jordan, Sydney, Evan, and Maria

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1. Road 438 from South is a very steep grade and not very well maintained at times. The road washes gulleys on either side and during inclement weather of rain or snow it is very difficult to slow vehicles down without sliding off the road. Road would need to be improved in order for vehicles to safely stop coming from South.

2. I live next to project & want to be sure county road is still maintained to my house.

3. My home has a finished basement. We currently do not have a water problem in our basement and want to be sure we do not in the future.

Richard and Annette Renken
Submitted by: _____
(Print Name)

Page 1 of 2

Signature: _____

Annette Renken

Date: 11-6-14

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4. Curbside appeal of home which currently faces public road to East. ^{Proposed} Road will be re-routed around South and West Side of our property. What will this do to ~~our~~ property value?? Future resale property now at a dead end.

5. We raise livestock and want to be sure the large uninhabited area does not draw in predators that we currently don't have.



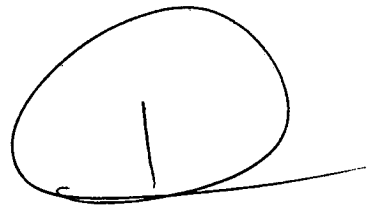
Submitted by: Annette Henken Page 2 of 2
(Print Name)

Signature: Annette Henken Date: 11-6-14

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1. Will there be water in my basement.
- Finished Basement - never had problem
- Will pond/reservoir seal.
- what happens if does?
- Who is responsible
- As of now we do not need flood insurance
- will the next owner help to purchase?
- how affects resale value?
2. Changing the 'curb appeal' of our property.
- Currently traffic flows to the east of our front door and the front of our house.
- Now the proposed road will be to the South
- How does/will this affect resale and appraised value of the property. 'If the house was located in town, curb appeal is majority of the value'
How will this affect the Penken property?
WHO pays for the decline in value?
WHO maintains the proposed drive into the property?
* We did not know this project was going to happen when purchased property - why should our values be hurt.

Submitted by: Rich Penken Page 1 of 2
(Print Name)

Signature: Rich Penken Date: 11/6/2014

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3- Who will monitor all traffic - i.e. hunters etc. going to the reservoir.

- I feel in a matter of time the ponds will turn into a rec center.

- Today no one controls the 4-wheelers running the platte when water is down!

4- The proposed road is a death trap. you cannot come down the hill respectively and expect to stop & turn. i.e. with Big trucks & semi's - I own two.

HOPE YOU TAKE OUR CONCERNS AND CAREFULLY LOOK AT THEM - This project does not have any benefit to the Renken's.

Submitted by: Rich Renken Page 2 of 2
(Print Name)

Signature: Rich Renken Date: 11/6/2014

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①

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① The idea of using scouring flows to create sandbar habitat in the Central Platte Basin is the most expensive and least efficient use of a precious resource that could be conceived. Mother Nature has provided evidence of this several times the past 30 years. The river bed and vegetation load changed little after events where as much as 15000 acre feet flows were experienced.

② Elimination of choke points in the channel is a far less expensive method of clearing restrictions to flows than ~~surging water~~ building a reregulating reservoir.

③ The location of the present proposed J-2 site takes valuable farmland out of production for food. If the ill-advised decision is made to proceed with a reregulating reservoir then the island in the middle of the river east

Submitted by: Larry Reynolds Page 1 of 2
(Print Name)

Signature: Larry Reynolds Date: 6 Nov 2014

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of the Central diversion point
(commonly called Jeffrey Island)
is a common sense location. It
allows for the capture of high flows
in the river without limitation of
supply canal capacity.

④ The Platte River Recovery agreement
signed by Nebraska, Colorado, Wyoming,
and the Department of Interior has
clauses agreed to by these entities which
provide for willing seller agreements
and land remaining on the tax rolls.
This agreement governing this entire effort
should be adhered to.

Submitted by: Larry Reynolds Page 2 of 2
(Print Name)

Signature: Larry Reynolds Date: 6 Nov 2014

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My perspective as a water user (central), land owner
and taxpayer is that this project will probably
have very little effect on the habitat of the
endangered species. This project is probably being driven
by the Platte River Recovery Act and their mission to
use the 160 million dollar appropriation and central
has been enticed to be the agent to complete
this phase of the project.
I wish there had to be a model study
done to see if this project will really make
the impact they are proposing. It would seem
to me that if central was asking to do this
project independently that Fish & Wildlife would
drag this out forever with studies of the
impact on their river and associated wildlife.

Submitted by: GARY Robison
(Print Name)

Page _____ of _____

Signature: Gary Robison

Date: 11-5-14

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

Comment or Objection Form

J-2 Regulating Reservoirs Project – Public Hearings

November 5-6, 2014

Please write your comment or objection below, print your name, sign and date the first sheet, and deposit your form in the box provided. If additional space is needed, please attach another form and staple together.

- From what I have heard this project is going to be very expensive with limited use. I don't think it is fiscally responsible to spend upwards of 76 million dollars to use these bathtubs for 3-4 months a year. Seems a little like the "buffalo" project on Highway 30 between Grand & Lexington.
- You are forcing people from homes, acquiring land that has been in families for generations. This seems very much like big govt. at its worst.
- ~~TD~~ TD go forth, who is willing to take responsibility when the reservoirs leak, water tables come up and valuable farm land not in the project becomes worthless because of the water table. I.E. land that was once very productive has soil qualities degrade, production decrease, land values decrease and re-sale potential lost?

Submitted by: Beth Rogers

(Print Name)

Page 1 of 2

Signature: Beth Rogers

Date: 11/6/14

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

Beth Rogers

Comment or Objection Form

J-2 Regulating Reservoirs Project – Public Hearings

November 5-6, 2014

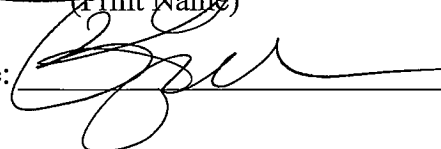
Please write your comment or objection below, print your name, sign and date the first sheet, and deposit your form in the box provided. If additional space is needed, please attach another form and staple together.

- What liability are you willing to take for these farm families & home owners. How far are you considering "your" responsibility, 1 mile, 2 miles, 5 miles or 10? IE high water table, potential ~~dam~~ dam failure,
- Why is ~~the~~ Central "renting" for another entity... IE Platte River Recovery?
- Why haven't you done a better job of studying any alternatives. If you have then you need to share them.
- And with land values at high levels are you willing to pay a comparable price and not assessed values. Are you also willing to compensate these land owners for tax liabilities they should not have to argue.

Submitted by: 

(Print Name)

Page 2 of 2

Signature: 

Date: 11/6/14

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

Comment or Objection Form

J-2 Regulating Reservoirs Project – Public Hearings

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Please write your comment or objection below, print your name, sign and date the first sheet, and deposit your form in the box provided. If additional space is needed, please attach another form and staple together.

Please see attached written testimony.
I am very disappointed Central officials
are not here to hear the testimony.

Submitted by: Cheryl Stubbendieck Page 1 of 7
(Print Name)

Signature: Cheryl Stubbendieck Date: 11-6-2014

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

Nov. 5, 2014

Good afternoon. My name is Cheryl Stubbendieck. My husband James and I live at 7651 Kennelley Drive in Lincoln, Neb. We own property located just north of the "proposed" J-2 Regulating Reservoirs. Jim is from the Bertrand area and purchased the property 35 years ago. It is located along the Platte River and while it is not part of the planned reservoirs, we are included in the project because the project proposes to remove the roads that give access to our property.

We wonder about the usefulness of the hearing today. In February I attended a meeting in Lexington for affected landowners and said the "proposed" project appeared to be a done deal. There was reluctant acknowledgement from presenters at the meeting that that was the situation. Events of the subsequent months have shown this to be so. Certainly a great deal of public money has been expended since February on a "proposed" project which is only now having its public hearing. Thus today's proceedings call the phrase, "dog and pony show," to mind. Jim and I want to know what use will be made of the testimony received today. Will the questions we ask be answered? Or will they be ignored as has occurred at meetings we have attended on this issue?

We have asked whether any consideration has been given to placing the reservoirs on Jeffrey Island, on land Central Public Power and Irrigation District already owns. This may be an ideal location because there is additional land available there for expansion, if the project proves effective in accomplishing its goals. However, it appears that Central's engineers have tunnel vision and are wedded to the idea of acquiring more land, rather than putting already owned land to good use.

We are also concerned about the lack of transparency on this project by Central. One would expect a project of this size – which affects the lives and property of so many people – to be detailed in the board's official minutes. We looked at the minutes for the past year and there is little detail there, except that the board repeatedly went into executive session to discuss this matter. This may be a violation of the Open Meetings law, which limits what may be discussed in executive session. When we have attended meetings of the Central board, we have been disappointed at the absence of discussion and even response to our concerns by the board members. We wonder why so much about this project has been kept secret.

We want to raise a number of additional points. First, the Platte River Recovery and Implementation Program which has provided funding for this project is required by federal law to only acquire land from willing sellers. However, a portion of these funds have been deposited in the Nebraska Community Foundation which will disperse them to Central Public Power and Irrigation District, which can use the power of eminent domain to condemn and acquire land. While this workaround may comply with the letter of the law, it certainly violates the spirit of the law and doesn't pass the smell test.

In our written and oral communications with Central, we have emphasized the presence of a population of the endangered plant species, *Penstemon haydenii* (blowout penstemon) on our property. We have asked to learn how this population will be actively managed in order to preserve it. Central has been silent on this matter. Because a large portion of the rationale for building the J-2 Regulating Reservoirs is to preserve habitat for endangered and threatened animal species and compliance with the federal Endangered Species Act, we believe it is paramount that there be a plan for preserving this endangered plant population when it is taken from our active management.

Stubbendieck 2 of 7

An appraiser hired by Central visited our property in March. We received the appraisal in October. For purposes of determining value, our property was compared with five building sites, some quite distant from our place, and none located along the Platte River or water of any kind. One of these homes was abandoned and has been removed from the property. Another was a double-wide trailer.

We have a storage building on our property and the appraiser valued it at less than it cost us for the concrete pad supporting the building, his rationale being that its doors are not large enough to admit tall equipment. There is no need for tall equipment on a property of this size.

We consider the appraised value to be absurdly low because it gives no consideration to the access to the river, the scenic view, hunting and fishing opportunities, and the other qualities the river provides. The reservoirs project seeks to protect and enhance the river environment – we believe that value must also be recognized in assessing riverfront property value.

We acknowledge the difficulty in finding comparable properties. At that February meeting I asked if I was hearing right, when a Midwest Right of Way Service, Inc. representative said he could find replacement riverfront property for us, as well as comparable land for affected agricultural landowners. The representative said he was confident such property was available from time to time. Everyone in the audience guffawed, knowing such land is rarely available. If such property is available, why was it not considered in the real estate comparisons? We believe our property's location on the river must be considered in any purchase offer.

We take issue with several other aspects of the appraisal but will not detail them here, except to point out that the appraisal report includes a photograph of a cast iron hand pump on a well. The appraiser has labeled the photo "Septic Access." A rural appraiser should know the difference. Such an obvious error makes us wonder how many other errors are in the report.

Because of these concerns, we have had to hire an independent appraiser who we hope will be able to determine a fair value for our property.

We think it is important to consider the possibility that the project might not be completed, after the affected land has been acquired, most likely because of cost considerations. Thus we proposed to Central's board of directors in a letter dated July 19, 2014 that Central enter into an escrow arrangement that provides for us to retain ownership of our property if, for some reason, the reservoirs project is not completed. We will willingly repay any amount that we had been paid, which funds could be held in escrow. We believe other affected landowners would also want such an arrangement.

Greater detail on these issues, and others we have not raised today, is contained in the letter I mentioned. We include it at the end of today's testimony and ask that it, along with these spoken comments, be included in the hearing record and carefully considered.

I invite your questions.

Respectfully submitted,

James and Cheryl Stubbendieck

Stubbendieck 3 of 7

7651 Kennelley Drive
Lincoln, NE 68616

July 19, 2014

Don Kraus
P.O. Box 740
Holdrege, NE 68949-0740

Dear Mr. Kraus:

We are Jim and Cheryl Stubbendieck, owners of land between the Platte River and the proposed J-2 Regulating Reservoirs, which has been targeted to be included in the reservoirs project. We write to express our dismay with how we have been treated by your organization and other agencies involved. Unusual as it seems, we have never had any formal or written contact with Central's staff regarding Central's desire to acquire our property.

We first learned of the proposed project in March 2013 through an article in the Omaha World-Herald newspaper. Not from Central, and not from any of the agencies that proposed to acquire our land. We have yet to be properly notified by Central.

After we read the newspaper article, Jim telephoned Jerry Kenney of the Platte River Recovery Implementation Program, who was quoted in the article. Jim asked why we, as affected landowners, had not been notified about the reservoirs project. Kenney responded that we were not contacted because we were not affected by the project. Its boundary would be on the south side of Road 749, and our land is on the north side. Because Road 749 would then be a dead-end road, Jim asked if it would be maintained, including snow removal. Kenney assured Jim it would be maintained as it had in the past. Jim asked a second time if Kenney was certain that the proposed reservoirs would not affect our property. Kenney said again they would not, and he promised to keep us updated and send us the information he had on the project.

Based on Kenney's assurances, we continued to invest in our property. These investments were considerable but are not likely to influence the value of the land, including dredging and deepening a fish pond, installing a new submersible pump in a well, and replacing a deck on the house. We would not have done these projects if we had been notified that our land was within the area of the project.

Kenney never did send the promised information or contact us to let us know the situation had changed. Our first official contact came in a letter dated January 16, 2014, from RJH Consultants, to "landowners whose land may need to be acquired," notifying us of a meeting on February 18 in Lexington, to... "explain the land acquisition process, provide approximate schedules for land acquisition and implementation of the overall Project,..."

Cheryl made the trip from Lincoln to attend this meeting, at which the speakers were evasive and audience members had to press for specific information. For example, the speakers talked about the "proposed reservoirs." Cheryl asked for clarification, saying it appeared the project was a done deal, rather than still being in the proposal stage. The speakers acknowledged this was so.

Both the notice of the meeting and speakers at the meeting emphasized their desire to "be focused solely on landowner issues and believe this meeting will be most informative and productive for you if we maintain this focus." However, questions related to the need for the reservoirs or concerns about their construction from adjacent landowners were not welcomed by the speakers and considered to be outside of the meeting's focus.

Stubbendieck 4 of 7

There was no printed information available at the meeting. An audience member asked to receive the PowerPoint presentation shown at the meeting electronically. After some equivocating, the speakers thought they might be able to provide an edited version, with some information omitted – because the omitted information might be misunderstood without the commentary provided at the meeting. Mostly, the meeting was political double-speak.

Also at the meeting, a Midwest Right of Way Services, Inc., representative said his company would work with affected landowners to acquire comparable property. Cheryl asked if the company would be able to provide Platte riverfront property comparable to what we now own and the representative expressed a belief that such property would be available. The audience of local landowners laughed, knowing that riverfront property is rarely available for purchase.

Speakers said they hoped to acquire the land from willing sellers but would use the power of eminent domain if necessary. We note that The Platte River Recovery Implementation Program is required by federal law to acquire land only from willing sellers, and simply shifting the funds to Central seems to be an underhanded and dishonorable way to circumvent the intent of the law.

Sometime after the Lexington meeting, we were contacted by the assigned appraisers. Cooperating fully, Jim traveled from Lincoln to the property in March to meet with the appraisers and show them the property. It has been about four months and we have heard nothing more. When will we hear about the appraisal?

We received a letter on June 20 informing us of a meeting in Kearney on the project on July 1. This was a rather late notice forcing us to change our travel plans so we could attend this meeting. The notice of the meeting emphasized that while the public was welcome to attend, this meeting was for personnel of other local, state, and federal resource agencies and questions from other persons would only be entertained at the end of the meeting, which lasted all day.

Many affected landowners did attend this meeting and were made to feel like second-class citizens at best. Responses to their questions from the individuals associated with the proposed reservoirs were condescending and arrogant. The speakers were not willing to discuss alternatives and were completely unconcerned about economic impacts on the local economy, including impacts on school funding caused by a lowered tax base. They seemed to have tunnel vision and their minds were closed.

How will residents of Phelps and Gosper counties react to the news that this land will be removed from the tax rolls? Will they be required to make up the difference, or will the schools and other tax-based agencies be expected to lower their budgets?

At the meeting, comments were invited on the draft Initial Consultation Document which is to be submitted to Federal Energy Regulatory Commission (FERC); it had been provided to us with the notice of the meeting. It appeared to be a cut-and-paste job drawn from many documents with little attempt to assemble the information into a coherent whole.

Jim is a grassland ecologist with a Ph.D. and 40 years of research experience. He found the Initial Consultation Document to be replete with omissions and errors. Some examples: It listed the presence of sand sage prairie in the project area. According to the *Flora of Nebraska* (2011, University of Nebraska), sand sage (*Artemisia filifolia*) has never been found in either Phelps or Gosper County. Most species have more than one common name. When a common name of a plant species is mentioned in a document such as this, it must be followed by a botanical or scientific name to assure clarity. Many scientific names were omitted. Additional lack of attention to detail is shown by the misspelling of other scientific names.

Stubbenbeck 507

A representative from the Kleinschmidt Group admitted that the document was flawed and appealed to the meeting attendees to send corrections and additions. Rather than our doing the work for them, we believe that more effort should have been invested to produce a better initial document. Errors and omissions in this document are representative of the slipshod approach taken to the entire project.

One thing was clear from the June 20 meeting; completion of the project is far from certain, despite the desire of the participating agencies to proceed full-speed ahead with land acquisition and their desire to close on land acquisitions by fall 2015. There are several significant steps FERC considers the application and the FERC review process could take years.

We find it especially disconcerting that we could lose our land while completion of the project is far from being assured. If there is an attempt to take our property, we plan to use whatever legal means we can to retain ownership. We will not be willing sellers. We, however, may be more inclined to cooperate in some manner if one of the following two choices is implemented by Central:

- (1) Central uses the real estate option method to acquire our land. If Central exercises the option, Central must find like kind property between Overton and Lincoln along the Platte River to trade.
- (2) The parties enter into an escrow arrangement that provides for us to retain ownership of our property if, for some reason, the reservoirs project is not completed. We will willingly repay any amount that we had been paid, which funds could be held in escrow.

Our reason for these two options is that the proposed project cost of \$75 million is probably three to four years old. We will not be surprised if the actual bids, which must be two to three years in the future, will come in at twice that amount. If the increased cost causes abandonment of the project, we want to be able to retain ownership of our property.

We are concerned about the long-term influences of this project on water flow in the Platte River. The possibility of seepage is dismissed by the proponents of the project saying the reservoirs will be lined with clay that has been found in the immediate area. Water encounters layers of clay as it percolates through the natural geologic horizons as it moves downward to the aquifer. Clay may slow water movement, but it will not prevent it. Water will be lost to seepage. No one has addressed the large amount of evaporation that can be expected from the large, shallow reservoirs. The net result will be less water in the Platte River which will become a concern of down-stream cities, such as Lincoln, that have well fields near the Platte. Have the down-stream users been notified about the potential negative impacts of the proposed project?

Jim acquired our land along the Platte River 35 years ago, with the goal of developing a place where he could spend time relaxing and fishing. We have continued to improve the property to leave to our children. We have invested a lot of time and money into reaching that goal. Jim recently retired from the University of Nebraska and wonders if his 35 years of work will be wasted. A few years ago, we were offered \$180,000 for our acreage, and we would never consider an offer of less than a multiple of that amount. While riverfront property rarely is offered for sale, many people seek to own it to obtain access to the river.

The soil on our property is extremely sandy, as is all of the land on the north side of the proposed project area. As part of his grassland ecology research with the University of Nebraska, Jim planted

Stuebendieck 6 of 7

Penstemon haydenii (blowout penstemon) on our land in the early 1980s. It can only grow and reproduce in pure, bare sand. This species is the only plant species in Nebraska classified as endangered by the federal government. Our population of blowout penstemon is healthy and continues to thrive and reproduce on our land. All populations are classified as "real" populations, independent of if they are natural or planted. What will be the mitigation plans if the population is disturbed or destroyed? What management plans will there be if our land is acquired by Central and the population remains outside of the construction area?

In addition to our property's tax dollars, for the past 35 years we have contributed to the economy of Phelps County by purchasing fuel and groceries locally. We purchased building materials and hired local carpenters, electricians and plumbers to build the house and outbuilding. Local painters have been hired to maintain these buildings. Local well drillers were hired to drill a house well and a small irrigation well to serve the pond. A local company was hired to dig the pond and to dredge it a few times. We have tried to keep the money we spend in the community as have our neighbors. While the amount we have spent is comparatively small, these dollars will no longer be available to circulate in the local economy.

We write this letter to inform you, if you do not know, that landowners in the affected area of the regulating reservoirs project did not receive timely notification of your plans. And in our case, the individual we contacted and relied on for information was not truthful or willing to follow through on promises.

The process being followed by Central favors Central's goals, but it slights the individuals who purchased the land, planned and improved the land, and have hopes of passing the property on to their children. Have you thought about the impacts of this project on the landowners and others living in the area? Do you care about the people whose lives you are devastating?

We will send the information in this letter to our U.S. Senators, Members of Congress and State of Nebraska government officials. We are considering contacting Nebraska news media for their assistance in informing the citizens of the state about a wasteful project that has the potential to become an immediate as well as a long-term source of embarrassment to the Central Nebraska Public Power and Irrigation District.

We would appreciate and expect a response to the questions we have raised.

Sincerely,

James Stubbendieck

Cheryl Stubbendieck

Copies: General Manager, CNPPID
Members of the Board of Directors, CNPPID

Stubbendieck 7of7

Comment or Objection Form

J-2 Regulating Reservoirs Project – Public Hearings

November 5-6, 2014

Please write your comment or objection below, print your name, sign and date the first sheet, and deposit your form in the box provided. If additional space is needed, please attach another form and staple together.

THE HISTORICAL IMPORTANCE OF THIS AREA
CAN EXCEED THE KNOWLEDGE NOW KNOWN
TO COVER THIS AREA AS PROPOSED.

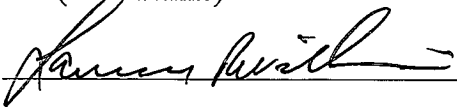
You have owned the island for a large no. of years
and still do not understand how to improve or
management that area let alone this new
Project

THE ASSUMPTION THAT PRESENT KNOWLEDGE
EXCEEDS NATURAL MAN'S ABILITY TO MANAGE
HIMSELF HAS YET TO BE PROVEN
SATISFACTORILY.

THE PROJECT NEEDS TO STOP IMMEDIATELY AND A
GREAT DEAL MORE DISCUSSION NEEDS TO BE HELD
BEFORE ANY FORWARD MOVEMENT CONTINUES.

Submitted by: LAURANCE R. WILLIAMS
(Print Name)

Page 1 of 1

Signature: 

Date: 11-07-2014

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

Comment or Objection Form

J-2 Regulating Reservoirs Project – Public Hearings

November 5-6, 2014

Please write your comment or objection below, print your name, sign and date the first sheet, and deposit your form in the box provided. If additional space is needed, please attach another form and staple together.

After reviewing your proposals, I feel that you should use Jeffrey Island and leave the rest alone. There is no good reason to go forward with the 3 stage process when it can easily be accomplished in 1. This would not require willing seller or affect take. Please seriously consider moving to Jeffrey Island.

Submitted by: Judy Zaucha
(Print Name)

Page 1 of 1

Signature: Judy Zaucha

Date: 11-6-14

If your comment exceeds one page, only sign and date the first sheet, then attach additional sheets by stapling together.

Dear Mr. Steinke;

My wife and I own the 53 acre parcel immediately north of the Phelps Canal, east of C.R. A and south of C.R 748. This acreage is very productive and may be negatively impacted by Areas 1 and 2 of the project. On the north side of C.R 748 is a drain that I know has been in operation for at least 50+ years (you probably know the origin/easement status/owner).

It is my belief that this drain was installed to provide a positive groundwater elevation control in the area immediately down gradient of the Phelps Canal; historic nearby well/irrigation deep percolation control as well. Personal experience with the maintenance and maximization of a water/soil infiltrative surface with alternate wetting and drying of the Phelps Canal has resulted in seepage flowing to the north. The existing drain intercepts that seepage and carries it east about 3 miles to the river. My experience also suggests that seepage/drainage problems with any new project may develop very soon after completion or, many years in the future.

I note in my review of the RJH Consultants February 2013 Project Report (pages 27-30) that a preliminary seepage analysis concludes that groundwater mounding south of the Area 1 Reservoir and seepage losses from the Phelps Canal are not as yet well defined. The report notes that " We assumed that the existing drainage ditch north of C.R. 748 could be disturbed to construct the groundwater drain". (Section 2, Figure 6.1).

I would strongly object to alteration/elimination/of the existing drain in any way, including substitution of a perforated pipe underdrain south of Area 1 (liner seepage loss underdrain) as an alternative for the existing drain. Seepage from the Phelps Canal is in my judgment an issue to be kept separate from the future reservoir drain. The merits of the J-2 Project I understand; however, the existing drain and any alteration to it is a significant threat to the long-term productivity/value of the 53 acre parcel.

I would appreciate you making these comments a part of the formal project record. Thank you for visiting with me personally about the project and sourcing the RJH Report for me.

John R. Burgeson