

Nebraska Sierran

Publication of the Nebraska Sierra Club

Fall 2015

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Explore, Enjoy, and Protect the Planet

Challenges Continue to Face Changing Rivers

By George Cunningham
Conservation Issues

The Missouri River is still a beast of a management issue for all parties involved with trying to establish a Missouri River Restoration Program for the largest river in the U.S. The ongoing work with the Missouri River Recovery Implementation Program (MRRIC) is slow going and at times the negotiations have been fierce for the many members of the committee. Tom Ball with the Missouri Chapter of the Sierra Club represents the Sierra Club's Missouri River Working Group on MRRIC and has had some success working with the various Tribal members on reaching consensus with certain river management priorities

within MRRIC. As a remainder, MRRIC was set up by Congress to offer the US Army Corps of Engineers (Corps) advice and guidance on Missouri River management planning. Unfortunately, the ardent supporters of the status quo i.e. navigation, flood control, industrial commodity production, and the state of Missouri, continue to stymie efforts to bring ecosystem management to the forefront of Missouri River management. Moreover, the inherent uncertainty of scientific inquiry is being used as a tactic to spread doubt about the science of habitat restoration and environmental flow needs for the River. Additionally, the Corps is showing less interest in meeting its obligations under the Missouri River Bank Stabilization and Navigation Mitigation Program authorized by Congress in 1986, a key method of restoring habitat from Sioux City, Iowa, to the confluence of the Mississippi River. Every since the 2011 flood, the Corps has gotten less money from Congress to carry out restoration activities. The Sierra Club Working Group has been working hard with other conservation groups and user interests within the Missouri River Basin to pressure the Corps to ask for more funds. Hopefully by the end of this year the first draft of a planning document will be released so the public can have a chance to call for greater environmental restoration within the Missouri River Basin.

Niobrara River

Exciting developments have taken place over the last month regarding instream flow protection for the Niobrara River. Early last month, sever-

Sierra Club Program

Making Sure We Leave No Trace

Leave No Trace is a set of outdoor ethics and principles that promotes conservation in the out-of-doors. The philosophy is simple: people should leave places as good or better than they found them, by minimizing their impacts on nature.

The Leave No Trace organization is international in scope and teaches people of all ages how to enjoy the outdoors responsibly. It is the most widely accepted outdoor ethics program used on public lands.

Speaker Rich Hawes is the state advocate for Leave No Trace in Nebraska, and serves as a Leave No Trace master educator. He will be sharing the seven principles of Leave No Trace, and teaching how outdoor ethics apply to our activities and our environment.

Rich is a long time Scout volunteer, having served as a unit leader at all levels of Scouting, camp staff, and leader training staff, and he specializes in high adventure training and programming. Please join us for this fun evening of learning more about Leave No Trace. Sierra Club programs are free and open to the public.

**Sierra Club
October Program:
"Leave No Trace"**
with Rich Hawes
7 p.m. Thursday,
Oct. 22
First United
Methodist Church,
7020 Cass St., Omaha
(Enter north door
Education Wing)

Speaker John Farrell

John Farrell will be delivering the keynote address at the Nebraska Sierra Club's annual event at 1 p.m., Nov. 21 at UNO's Milo Bail Student Center. Farrell is the Director of Democratic Energy at the Institute for Local Self-Reliance. He is widely known for distributed energy.

He is known for his illustrations of the economic and environmental benefits of local ownership of decentralized renewable energy. He was recently named by Midwest Energy News as one of the top 40-Under-40 emerging leaders throughout the region for his work to accelerate a transition to a clean energy economy.

Some of the topics that Mr. Farrell is noted for are: Ever Greater Share of New Power from Distributed Solar, 100% Renewable Energy: Fact or Fantasy?, Clean Power Plan: 50 Ways to Get More Clean, Local Energy

Don't Forget to Vote

The ballot for the Chapter Executive Committee and the Missouri Valley Group Executive Committee appears on Page 5. Please mark your ballot, place it in an envelope, and mail to Nebraska Sierra Club, P.O. Box 4664, Omaha, NE 68104-0664. Ballots must be received by Friday, Nov. 20, 2015.

See Rivers, page 2

Chapter Meeting Nov. 21st

Chapter Leaders Meet Saturday, November 21st
All members are invited to attend!

The Chapter business meeting will be held on Saturday, Nov. 21st, beginning at 9:30 am. All members and supporters are invited to attend and see our Chapter leaders discussing local and state conservation issues, setting priorities, and approving the 2016 Chapter Budget. Contact Clyde Anderson for the meeting location ClydeLAnderson@cox.net or call (402) 740-5556.

Calling All Volunteers!

Saturday, Nov. 14, 10 a.m.-2 p.m.

Be a helper at this year's Green Home Tour! We are looking for volunteers to assist for a few hours on Nov. 14. For more information and to sign up, email Lindsay Neemann at lneemann@greenomahacoalition.org.

Tour four Omaha homes in the midtown area featuring solar electric and thermal systems, earth-sheltering, and a remodel using sustainable materials.

Continued from page 1

Rivers Continue to Change; Flow Plan Changes Under Consideration

al conservation organizations were notified by the Nebraska Game and Park Commission that they (NGPC) and the association of Natural Resources Districts within the Niobrara River Basin (the Niobrara River Basin Alliance, NRBA) had entered into a memorandum of understanding (MOU) to purchase Spencer Dam and its associated water rights from the Nebraska Public Power District (NPPD). Essentially the NGPC and the NRBA would jointly own Spencer Dam and would share the water rights currently granted to NPPD.

This agreement would allow the NGPC to control some stream flows to Spencer Dam, persevering environmental flows for the river. A key part of this MOU is the application of an instream flow right below Spencer Dam to protect instream flows of the Niobrara River to the confluence with the Missouri River. However, before any of this can happen, legislative language with a corresponding bill must pass the Nebraska Legislature that allows for the transfer of an industrial use water right to another kind of water right, currently such allowance is not part of state law. Secondly, the NGPC and the NRBA have to apply and be granted an instream flow

water right for the lower portion of the Niobrara River.

As of now, language for a bill in the upcoming legislature is being worked on behind the scenes and hopefully soon the conservation community will be privy to the draft language. In addition, a public hearing for the instream flow application was held October 1st and the Sierra Club provided testimony in favor of the concept of a joint application of the parties for instream flows but requested additional flows be asked for given the already depleted nature of the river due to irrigation activities over the last 50 years, the effects of which have yet to be realized in terms of lost flows to the river. The Sierra Club and other conservation organizations are meeting regularly with the NGPC to remain informed of the MOU process and to ensure that maximum effort is being used to protect the Niobrara River.

Climate Change Adaptation

Recently, the Nebraska Chapter of the Sierra Club participated in a day long planning session on climate change adaptation and mitigation for wildlife and ecosystems sponsored by the University of Nebraska-Lincoln and the NGPC. This

Changing Hats

Lobbyist Moves to New Role

By Ken Winston

Many people know me by the hats I wear. Speaking of hats, as of Oct. 16, I am no longer the Nebraska Sierra Club policy advocate, instead wearing the hat of legislative aide for Sen. Ken Haar. It was not an easy decision, but Sen. Haar's aide left suddenly, he needed someone who knew his issues and I filled the bill.

Even though I will not be representing the Sierra Club, I will always work to protect the planet. I will also continue to support the work of the Sierra Club. I intend to communicate with the Chapter legislative committee and lobbyist about what is happening at the Legislature. By the



Ken Winston fighting the Keystone Pipeline.

same token, it is vital that the Nebraska Sierra Club continue to be the leading voice on public policy issues related to the environment in the state of Nebraska. I look forward to a continued positive relationship with the Nebraska Sierra Club.

idea is an out growth of UNL's climate science report issued late last year as well as recent meetings of the Conservation Roundtable set up by the NGPC. The Sierra Club is a participant in the Conservation Roundtable, it is an opportunity for conservation organization and the NGPC to discuss ecosystem planning needs and priority across the Nebraska. As you are aware, the conversion of native natural areas continues to be problem for Nebraska thanks to heavily subsidized guaranteed revenue crop insurance and the biofuels mandate set by Congress. Add to these impacts the changes projected to occur as a result of climate change and the native plant and animals and their associated ecosystems face daunting challenges. The Conservation Roundtable and the climate adaptation and mitigation process are planning mechanisms to develop a science based process of addressing critical goals and objectives to stem the loss of natural systems and develop a statewide management strategy that promotes ecosystem resiliency in the face of so many threats. The Sierra Club looks forward to participating in such a process and helping develop appropriate methods to conserve Nebraska's natural heritage.

Unicameral: Clean, Solar, Energy, Waste, Water

By Ken Winston
Sierra Club Lobbyist

The main focus of this year's legislative interim has been in three areas: supporting clean energy efforts, examining the Nebraska Oil and Gas Commission and examining climate change policies. I will provide a brief description of all three. I will also provide a forecast for action in the next legislative session.

Renewable energy legislation generally falls into two categories: removing barriers and providing incentives. LB 407, introduced by Senator Ken Haar, is intended to remove statutory barriers to developing wind energy to sell on the open market. It remains in committee, due in large part to opposition by the public power districts. He has convened a group of people interested in the issue who have met several times to discuss the issues involved. I have supported creating siting guidelines to protect wildlife, wildlife habitat and native grasslands in this process. Senator Haar may introduce a new bill to address this issue, which would mean another public hearing next session.

LB 423 would provide a production tax credit for community based energy development (C-BED) projects. C-BED projects are renewable energy projects which provide additional incentives for investment in Nebraska resources and require support from the local county board. C-BED projects lead to increased economic benefits to local communities. LB 423 advanced to Select File, the second stage of debate, but failed to advance after a filibuster by opponents of renew-

able energy. The incentives in LB 423 would be particularly beneficial for community solar projects. LB 423 remains on Select File, but Senator Nordquist, the introducer of the bill, resigned to take a job with Representative Ashford, and someone else will need to prioritize the bill if it is to be considered in the 2016 session.

The Nebraska Oil and Gas Conservation Commission (NOGCC) came into public focus this year when an out of state company called Terex applied to dump fracking waste from other states in an abandoned well in Sioux County. I spent a lot of time and energy helping focus the efforts of people in Western Nebraska who were fighting this plan, helping increase public awareness of the issue and supporting legislative activities. I drove out to Scottsbluff to make a public presentation in March, later attended the public hearing by the NOGCC on the issue, researched open meetings issues and filed an open meetings law complaint and helped increase awareness among legislators interested in the issue. I also was responsible for raising the funds and commissioning a poll regarding the fracking waste issue. Not surprisingly, overwhelming majorities of Nebraskans think that taking fracking waste from another state is a terrible idea, that our standards should be at least as stringent as those of other states and that the public should be entitled to know all of the contents of fracking waste.

Several controversies about the NOGCC and fracking waste led to two interim studies, LR 154 by Senator Stinner and LR 247 by Senator Haar.

LR 154 is a general study of the powers and duties of the NOGCC and LR 247 examines whether its functions would be better carried out by other agencies. Particular matters of concern are the weakness of its standards related to groundwater protection, lack of procedures for public input and lack of financial protections from the cost of damage that fracking and fracking waste can cause.

An interim study hearing was held by the Natural Resources Committee on September 22nd in Sidney. I was very concerned that this was an attempt to provide a home court venue for the NOGCC and their supporters and made an effort to have the hearing located closer to the proposed injection well. My concerns were well-founded, since lots of supporters of the NOGCC showed up at the hearing.

I helped Senator Haar with information for his presentation to the Committee and made sure that Western Nebraskans concerned about this issue were kept informed about what was happening. I decided not to testify at the hearing, because time was limited and I wanted to present a more thorough response to testimony by the NOGCC and its supporters. Instead, I submitted a three-page letter to the committee with a list of 16 concerns about the NOGCC which could have been much longer since there is substantial documentation supporting these concerns. There will be another hearing in December in Lincoln and I encourage everyone concerned about these issues to come and let the committee know their concerns.

There are currently two bills related to the NOGCC and fracking waste disposal that will carry over to the 2016 legislative session, LB 512, introduced by Senator Stinner, and LB 664, introduced by Senator Chambers. LB 512 provides fees for fracking wastewater, but Senator Stinner has indicated an interest in amending it to deal with other issues in this area. LB 664 requires disclosure of all the contents of fracking wastewater. There may be additional legislation developed as a result of the interim studies.

There is an ongoing process of examining the effects of climate change on Nebraska with the idea of creating a state climate response plan. There have been a series of roundtables from interested groups who have discussed likely impacts of climate change and suggested actions in response. After all of the roundtables have met, their leaders will meet and provide suggestions for a climate action plan. At least 20 states have developed plans in this area. Senator Haar has indicated an intention of introducing legislation to put the climate action plan in place.

There are several other areas where legislation is likely. Several people have indicated an interest in legislation that would both authorize and provide incentives for community solar projects. These would be smaller projects that might not justify the investment in legal and accounting resources necessary to create a C-BED project, such as a project for a small rural community, group of neighbors or a nonprofit such as a church. There is also interest in updating net meter-

Continued from page 3

Unicameral: Keystone XL, Mountain Lions, Livestock, Prairie Dogs

ing legislation to increase the size eligible for net metering and provide additional incentives for individuals to invest in their own renewable energy projects.

Senator Mello has indicated an interest in introducing Property Assessed Clean Energy (PACE) legislation. Funding is often a barrier to people who want to invest in efficiency or residential solar projects. PACE programs provide an avenue for financing such projects by establishing an assessment against the value of the property.

Mello introduced PACE legislation once before but it was stopped by concerns from the bankers. President Obama recently announced federal support for PACE programs, so hopefully that will increase the likelihood the bankers will go along with idea.

Recent developments related to the Keystone XL pipeline are likely to lead to

legislation. TransCanada recently announced it is abandoning attempts to exercise eminent domain through LB 1161, which is constitutionally suspect and is being challenged in court. TransCanada also announced they were going to use the Public Service Commission process to try to get their route approved.

I am proud to say that I was the first person to publicly state that LB 1161 was unconstitutional and played a major role in the Special Session of the Legislature and passage of the Public Service Commission process. Expect to see legislation introduced dealing with eminent domain and attempting to clarify the PSC's role in this process.

In other areas of interest, Senator Chambers' bill on eliminating the mountain lion hunting season, LB 127, remains in committee. LB 128, which would eliminate the prairie dog management act,

advanced as far as final reading before it was stopped by a procedural maneuver. LB 176, which would eliminate the ban on packing companies owning livestock, is on Select File and Senator Schilz has indicated he intends to bring it up again next session. It is likely there will be legislation dealing with the Niobrara Council attempting to work out years of disputes. It is also likely there will be attempts to take more money from the Nebraska Environmental Trust and limit its ability to fund certain types of projects.

The most important aspect of all of this is involvement. The Sierra Club is the only organization that has engaged in advocacy on a wide range of environmental issues on a consistent basis. It has used its lobbyist, engaged its members and worked with other organizations to have a major impact on legislation. It is vital that it continue to carry out this role.

Nebraska Wind and Solar Conference

Consumer Energy Showcase: Tuesday, Nov. 3rd, 5:30-8:30 p.m., Hilton Omaha, Exhibition Hall (1001 Cass St.)

Conference & Exhibition: Nov. 4-5th, Hilton Omaha (1001 Cass St.)

More than 500 participants will converge in Omaha for the eighth-annual Nebraska Wind and Solar Conference. Nebraska Gov. Pete Ricketts has been invited to make opening remarks and this year's conference will again feature two very popular sessions: NPPD, LES, and OPPD CEO's presentations and Nebraska State Senators Renewable Energy Panel.

Attendees will hear from a variety of speakers on many topics including climate change impacts, battery storage, an update on Nebraska wind projects, community solar, the Clean Power Plan, solar for rural public power districts and cooperatives, integrating wind with wildlife,

and is solar right for your farm?

New this Year: In connection with the conference, a Consumer Energy Showcase will be held on Tuesday, November 3rd and is focused on renewable sources and energy efficiency ideas for homeowners and renters. Some of the presentations will highlight home energy saving tips, solar for residential, and Demand Side Management programs offered by the utilities. Attendees will also be able to visit with vendors of energy efficient home products and appliances, and information about renewable energy resources for residential.

Early standard registration is \$160 until Oct. 25th, and \$200 until Nov. 3rd. Student registration is \$65. Standard and student registration includes the Consumer Energy Showcase.

For information about the conference visit: www.nebraskawindandsolarconference.com

Conservation Summit Dec. 7

Attend the 2015 Nebraska Conservation Summit

The Nebraska League of Conservation Voters and Nebraska Conservation Education Fund are pleased to announce that the date for the 2015 Nebraska Conservation Summit will be Dec. 7, 2015, starting at 1 p.m., at the Scott Conference Center in Omaha. This year's Summit is centered on the theme of "water," and we will explore how we can ensure water sustainability for future generations while encouraging a strong, vibrant economy. Attendees will learn about some of the greatest threats to Nebraska's water supply, what is being done to address them, and the role that all of us can play in protecting this essential resource.

Water affects us all. We need it to survive and yet most of us don't know where it comes from, how it's used, or how it's managed. But these questions are critical to address for the sustainability of business, communities, and life, and they are what the 2015 Nebraska Conservation Summit will explore. Attendees at this event will be policymakers, business leaders, young people, farmers, ranchers, moms, dads, and grandparents. Our goal is to provide this audience with an event that informs and inspires. We would love for you to be part of it.

The Summit will begin at 1 PM with panel discussions featuring some of Nebraska's leading experts on water issues affecting our state, with Dr. Peter Gleick joining us as the Summit's keynote presenter. Gleick is a leading expert, innovator, and communicator on water and climate issues. Co-founder and leader of the Pacific Institute based in Oakland, California.

2015 NEBRASKA CHAPTER - SIERRA CLUB BALLOT

Ballots must be received by Friday, November 20, 2015

All Members Please Vote for Two

Member #1 Member #2 (For Joint Memberships)

Tyler Mainquist

I have been a member of the Sierra Club for more than 20 years, was active for a while with the Bluestem Group back then, and am a multi-term member of the Ex Com. I have been concentrating my environmental outreach efforts on business-focused organizations, including WasteCap Nebraska (current board member). More recently I have been highlighting the intersection of faith and the environment, including Nebraska Interfaith Power & Light (current board member), and my recent completion of the GreenFaith Fellowship program. I also participate in many activities associated with the Lincoln Chamber of Commerce, and previously did the same with Omaha's Chamber.

As a continuing member of the Ex Com, one of my primary goals will be to continue to build relationships with Nebraska businesses and community leaders -- to help them realize the numerous benefits of operating in a sustainable manner. As a leading environmental organization with statewide reach, the Nebraska Sierra Club is in a unique position to have significant influence. We need to congratulate and support those businesses who are already doing things well, encourage them to share their success stories with those willing to listen, and help educate the remainder on the urgent need to begin corrective actions.

Member #1 Member #2 (For Joint Memberships)

David Corbin

I am an emeritus professor of health education & public health at the University of Nebraska Omaha. I currently serve on the Nebraska Sierra Club and Missouri Valley Group Sierra Club executive committees. I am on the board of Nebraskans for Solar, the Public Health Association of Nebraska, Live Well Omaha and Project Extra Mile. I am also active with 350.org Nebraska, Clean Energy Omaha and the Citizens Climate Lobby. I started the first Nebraska bike share program at UNO which has now grown into Omaha's B-cycle bike share program. I have been a public health and environmental activist for over thirty years. If elected I hope to continue to advocate for stronger environmental policies and laws in Nebraska. I am currently working with Omaha Parks & Recreation and the National Park Service on a hiking route along the Missouri River using QR codes or text messages to help hikers or bikers to learn more about the plants, animals and the built environment along the river.

2015 MISSOURI VALLEY GROUP - SIERRA CLUB BALLOT

Ballots must be received by Friday, November 20, 2015

Don't know if you live in the Missouri Valley Group? Look at your mailing label on the reverse side. Missouri Valley Group members have the Group Code #4504 on their mailing labels.

MVG Members Please Vote for Three (See page 4 for MVG candidate statements)

Member #1 Member #2 (For Joint Memberships)

Scott Kemper _____
Ken Deffenbacher _____
Michael McClellan _____

When completed, please place this ballot in an envelope and mail to:

Nebraska Sierra Club, P.O. Box 4664, Omaha NE 68104

Ballots must be received by Friday, Nov 20, 2015

Three Candidates for Missouri Valley Group Executive Committee

Candidate Statements

(The ballot is at the bottom of page 5)

Scott Kemper

Scott Kemper has been a member of the Sierra Club, Missouri Valley group, for about a decade. He edits and assembles newsletters for the MoVal group and the Nebraska chapter. He contributes to causes such as the Keystone Pipeline prevention, cleanliness of the air and water in Nebraska, and education about all things environmental.

Ken Deffenbacher

Ken Deffenbacher has been a member of the Sierra Club for about eight years, a member of the MVG ExCom for four years, and the MVG Delegate to the NE Chapter ExCom. He believes that the monthly educational forums are very important as well as the support that the Sierra Club can bring to bear on environmental justice issues, with its support of efforts to stop the Keystone XL Pipeline being perhaps the most important recent example.

Michael McClellan

Mike McClellan has been the Political Chair since 2005 and a member of the MVG ExCom since 2006. Mike also serves as Environmental Justice Issues Chair. He's a practicing attorney in Omaha with a strong interest in vital neighborhoods, local government, and conservation.

Nebraska Sierra Club
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Bear in mind the consequences.

The Yellowstone grizzly bear is an irreplaceable part of America's natural heritage, a symbol of the independence that defines the American character and an icon of all that is wild and free. The Bush administration set forth a proposal that would remove federal protection for the Yellowstone grizzly bear. Since it was first listed as "threatened" under the Endangered Species Act in 1975, the grizzly bear has made a strong recover, but there is still more work to be done. Help Sierra Club protect our forest friends; they prefer the woods than being on display.

Get grizzly and JOIN Sierra Club.

Name _____
Address _____
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Email _____

Check enclosed. Please make payable to Sierra Club.
Please charge my: Visa Mastercard AMEX

Cardholder Name _____
Card Number _____ Exp. Date ____/____

Membership Categories	Individual	Joint
Special Offer	<input type="checkbox"/> \$15	
Standard	<input type="checkbox"/> \$39	<input type="checkbox"/> \$49
Supporting	<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
Contributing	<input type="checkbox"/> \$150	<input type="checkbox"/> \$175
Life	<input type="checkbox"/> \$1000	<input type="checkbox"/> \$1250
Senior	<input type="checkbox"/> \$25	<input type="checkbox"/> \$35
Student/Limited Income	<input type="checkbox"/> \$25	<input type="checkbox"/> \$35

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or visit our website www.sierraclub.org