

SBA Economic Injury Disaster Loans Available To Nebraska Small Businesses

SACRAMENTO, Calif. — Small, nonfarm businesses in all Nebraska counties except Richardson County and neighboring counties in Colorado, Iowa, Kansas, Missouri, South Dakota and Wyoming are now eligible to apply for low-interest federal disaster loans from the U. S. Small Business Administration (SBA).
 “These loans offset economic losses because of reduced revenues caused by the drought that began April 2, 2013, in the following counties,” announced Alfred E. Judd, Director of SBA’s Disaster Field Operations Center/West.
 Neighboring South Dakota counties include Bennett, Bon Homme, Charles Mix, Clay, Fall River, Gregory, Shannon, Todd, Tripp, Union and Yankton.
 “SBA eligibility covers both the economic impacts on businesses dependent on farmers and ranchers that have suffered agricultural production losses caused by the disaster and businesses directly impacted by the disaster,” Judd said.

Small, nonfarm businesses, small agricultural cooperatives, small businesses engaged in aquaculture and most private, non-profit organizations of any size may qualify for Economic Injury Disaster Loans (EIDLs) of up to \$2 million to help meet financial obligations and operating expenses which could have been met had the disaster not occurred.
 “Eligibility for these loans is based on the financial impact of the disaster only and not on any actual property damage. These loans have an interest rate of 4 percent for businesses and 2.875 percent for private, nonprofit organizations, a maximum term of 30 years, and are available to small businesses and most private, non-profits without the financial ability to offset the adverse impact without hardship,” Judd said.
 By law, SBA makes EIDLs available when the U. S. Secretary of Agriculture designates an agricultural disaster. Secretary

Tom Vilsack declared this disaster on April 10, 2013.
 Businesses primarily engaged in farming or ranching are not eligible for SBA disaster assistance. Agricultural enterprises should contact the Farm Service Agency (FSA) about the U. S. Department of Agriculture (USDA) assistance made available by the Secretary’s declaration. However, in drought disaster nurseries are eligible for SBA disaster assistance.
 Applicants may apply online using the Electronic Loan Application (ELA) via SBA’s secure Web site at <http://tinyurl.com/3k7deq6>.
 Information and application forms are also available from SBA’s Customer Service Center by calling (800) 659-2955, emailing disastercustomerservice@sba.gov, or visiting SBA’s web site at www.sba.gov/services/disasterassistance. Individuals who are deaf or hard-of-hearing may call (800) 877-8339. The deadline to apply for these loans is Dec. 10, 2013.

River

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or historical precedent for doing this,” Thune said. “It’s very unfair to the people of South Dakota, who have sacrificed all of that prime bottom land so the dams could be built many years ago.”
 Thune sees Wednesday’s passage in the Senate “as a victory for water users in South Dakota,” whether those users are municipalities, water districts or tribes.
 The Corps’ new proposed fees for surplus water usage infringe on the agreement the Corps made with residents along the Missouri River, Thune said. The agreement allows them access to water that is legally and historically theirs, he said.
 The argument could be made that states should charge the Corps for water usage, he added.
 “The Corps’ water fee proposal is an unprecedented power grab,” he said. “When the Corps flooded land along the river in order to build the dams on the Missouri River, they did so under the agreement that residents would have access to water from the Missouri River for various purposes.”
 Johnson agreed, noting the Corps proposal would prove detrimental to South Dakota.
 “The tribes and communities in South Dakota that depend on Missouri River water for safe, reliable drinking water should not face additional charges for the water coming from the reservoirs,” he said.
 “The steps by the Corps of Engineers to establish surplus water fees are ill-suited to the upper Missouri River reservoirs and run counter to the historical precedent of these projects. This amendment provides a good resolution to the legitimate concerns raised by our states and tribes.”
 Corps spokeswoman Monique Farmer of the Omaha District said Wednesday that the Corps can’t comment on pending legislation.
 However, Corps project manager Larry Janis defended the surplus water fees last August during a public meeting in Sioux City. He noted other Corps districts already charge such fees.
 “We (in Omaha) are the only one of the Corps districts that doesn’t charge for water storage,” he said.
 Janis cited the Corps’ authority under Section 6 of the Flood Control Act of 1944.
 Under the act, the Secretary of the Army is authorized to make agreements with states, municipalities, private concerns or individuals for surplus water that may be available at any reservoir under the department’s control.
 Terms of the agreements are normally for five years, with an option for a five-year extension subject to recalculation of the fee.

“The states (and tribes) do have water rights, and we do have storage rights,” Janis said. “The states and tribes — we respect their water rights or allocation. The Corps has the ability to offer water storage, temporary or permanent.”
 The idea of “natural flows” has been raised by North Dakota and South Dakota, Janis said. The Corps holds authorization that doesn’t differentiate natural flow from impounded water, he added.
 “When you have natural flow into reservoirs, it’s considered impounded water,” Janis said. “If it’s behind a reservoir or impounded, it’s considered stored.”
 Since 2010, the Corps has restricted access to the Missouri River reservoirs, Thune told the *Press & Dakotan*. The Corps has talked in the past about charging a fee for “surplus” water, but the current proposal represents an unprecedented move, he said.
 In a joint press release, the five senators — Johnson, Thune, Heitkamp, Hoeven and Baucus — noted their states’ rights. Upper basin states relinquished prime lands to create dams and reservoirs from Fort Peck in Montana, through Garrison Dam in North Dakota, to Gavins Point in South Dakota, they said.
 “The states never ceded the right to use Missouri River water for municipal and industrial water supplies, and the Corps has not charged a fee in more than 60 years,” they said in the release.

The States’ Water Rights Act — the measure that passed the Senate on Wednesday — changes statute to prevent the Corps from charging fees for “surplus water.”
 “The Corps actions would have been in direct violation of a state’s right to the waters that naturally flow through its boundaries as recognized by the federal government,” the release said.
 “Further, charging fees would have reversed decades of Corps policy on surplus water and violated provisions of the 1944 Flood Control Act, which provides protection for water resources in Western states. The affected states have promised to sue the Corps if fees are charged.”
 Thune told the *Press & Dakotan* that he believes the three states’ governors, legislatures and attorneys general stand on solid legal ground. A series of laws and precedents allow states to control the rights to water passing through their jurisdiction, he said.
 “If (the Corps) did move forward, there would be a lawsuit filed, and this would be litigation that we would win,” he said. “But this would be costly litigation for both the states and the federal government.”
 Thune wants to see a solution worked out to avoid any lawsuits.
 “Hopefully, we can avoid the unnecessary route of litigation and all the money associated with it,” he said.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf

Planning

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actors, props and other enhancements.
 The exercise played out within the confines of the Yankton County EOC located near Eighth Street and Douglas Avenue. Information was relayed to the EOC from the South Dakota Office of Emergency Management.
 Among the “injects” put into the scenario by Clark County officials was a plane that had gone missing over Yankton County and a car that had been driven into Marindahl Lake with a motorist inside.
 “The things we’re doing here are things that could actually happen,” said Paul Scherschligt, the Yankton County emergency management director. “We’ll need to set up an EOC and make sure we can get the resources out to the responders that need them. The EOC is a resource. That’s all we do. We provide resources to the folks in the field.”
 “We learn more and more each day,” he added. “This is another way to make sure our toolbox has the right tools in it to get the job done.”
 He said Yankton County got a crash course in EOC management during the Missouri River flood of 2011. Responders have been building on the knowledge gleaned from that event to strengthen the EOC and their

ability to deal with emergencies.
 Since the flood, Scherschligt said the EOC has been expanded, and phone and Internet lines, as well as computers, have been added.
 Exercises like the one held Wednesday help staff get to know one another and understand the various roles in the EOC.
 It also familiarizes responders with the paperwork that goes along with emergencies.
 “The state has different ways of doing the forms,” Scherschligt said. “If we can get it locally, we can just order it up locally. If we need state snow plows, we have to send a form to Pierre. Understanding how all of that works is important, because it is time sensitive.”
 Although many management-level responders were present Wednesday, training is also being done of personnel who wouldn’t be called out to the field in the case of an emergency.

“When the big one happens, we’re not going to have those (fire chiefs, police chiefs, etc.) here,” Scherschligt said. “We’re getting more people trained.”
 In addition to being evaluated by Clark County officials, participants in the exercise will fill out questionnaires.
 What three things went well? What didn’t go so well? Do you need more equipment? Those are among the things they will be asked, according to Scherschligt.
 The responses will be compiled and the participants will gather in coming weeks to discuss the exercise.
 “We’ll look at what needs to be done and the next steps we need to take to move forward,” Scherschligt stated.

You can follow Nathan Johnson on Twitter at twitter.com/AnInlandVoyage

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