



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: March 2 NARD UPDATE

Committee Action this Week

LB458 – Integrated Management Plans and Removing Vegetation from Riparian Areas. Jasper Fanning (Upper Republican NRD Manager), Dan Smith (Middle Republican NRD Manager), Nelson Trambly (Lower Republican NRD Board member) and John Thorburn (Tri-Basin NRD Manager) testified in support of LB 458 this week. Senator Carlson, the sponsor of the bill, offered an amendment to create a Task Force to work with the Department of Agriculture and Department of Natural Resources to develop and finance vegetation removal plans for the Platte and Republican River Basins.

The NRD representatives from the Republican River Basin took the opportunity to outline the latest plans for water management in the basin. Ann Bleed, DNR Director, followed in a neutral capacity, to outline some of the plan. The following are parts of the testimony from the NRDs

- The solution to Nebraska's short- and long-term water problems will take a multi-pronged approach that involves both reducing water use as well as raising the dollars required to make the appropriate changes.
- Shutting off groundwater irrigation alone will not keep Nebraska in compliance with the Republican River settlement. However, allocations on groundwater users will keep the Nebraska in compliance for the long-term.
- The short-term portion of the plan must then allow us to deal with the drought periods and lower allocations under the compact. Thus, we must do the things that will increase our allocation or reduce our use of streamflow in an immediate time frame. Surface water leases or buyouts and vegetation management are two of those components of the plan.
- Extending the 3 cent levy authority passed last year will help raise funds locally. Additional levy authority and or fee authority will be necessary to provide additional local finance needs. The State of Nebraska needs to match these funds to share the commitment to keep Nebraska in compliance.

The committee took no action on the bill. However, the committee will be working with interested parties to develop statutory changes to address the needs of the NRDs and the State of Nebraska in the Republican River Basin.

LB701 – Creates a Basin-Wide Management Authority & Committee. Several members of Water Claim testified in support of LB 701, a bill drafted by Water Claim to address issues in the Republican Basin. The original copy of the bill would allow for transfers of water from other basins to address the situation in the Republican Basin and set up another layer of government between the State of Nebraska and the NRDs to develop management plans for the Basin. An amendment was offered to the bill to place allocations in statutes rather than allowing local NRDs to set allocations based upon compact compliance needs. The bill was opposed by several agriculture organizations and individuals. Several other interested parties expressed concerns with the bill in a neutral capacity. The committee took no action on the bill.

LB477 – Change insurance requirements. Senator John Wightman presented a bill to the Government Committee this week which would move current state employee health insurance from its current 79% employer, 21% employee contribution breakdown to 75% employer, 25% employee in one-year increments through July 1, 2011. The bill also expresses legislative intent that political subdivisions receiving state aid should contribute in a comparable amount; if not,

the subdivision could face a reduction in state aid. There were no supporters of the bill, but over a dozen opponents. The Government Committee took no action on the bill. Senator Wightman mentioned he may just do an interim study on the issue rather than trying to get the bill advanced this year.

LB 503 -- Change NRD Board Vacancy Appointments. This bill was indefinitely postponed this week by the Natural Resources Committee. The bill would have eliminated the provision that appointments for vacancies of NRD directors fill the unexpired term. The new provisions would require that if a vacancy occurs on or after August 1 in an even-numbered year, the appointee shall serve for the remainder of the unexpired term. If the vacancy were to occur at any other time, the appointee shall serve until the first Tuesday following the first Monday in January following the next regular general election and at the next regular general election a member of the board shall be elected to serve the unexpired term. Senator Mick Mines introduced the bill on behalf of the Papio Valley Preservation Association.

Nebraska Unicameral Floor Action

LB 295 – Irrigation and Water Wells, Natural Resources Committee. The legislature debated and advanced LB 295 to Select File this week. This bill makes a number of changes at the request of the Nebraska Department of Natural Resources, including:

- Adds U.S. Bureau of Reclamation on the list of entities which may have appropriations terminated for nonuse.
- Clarifies that no person shall use a water well for purposes other than its registered purpose until the water well registration has been changed to the intended new use.
- Provides an exception so that a person may use a water well registered for purposes other than its intended purpose for a de minimis use for livestock, monitoring, observation, or any other nonconsumptive use approved by the applicable natural resources district.

LB 313 – Engineering Requirements under the Livestock Waste Management Act, Natural Resources Committee. The bill clarifies that livestock operations required to obtain a National Pollutant Discharge Elimination System permit and large livestock operations as defined in federal requirements are subject to the requirements of the Engineers and Architects Regulation Act. Small and medium size operations not required to obtain a National Pollutant Discharge Elimination System permit would be exempt from the Engineers and Architects Regulation Act. This bill was passed by the legislature and presented to the governor on March 1st.

LB 333 – Private Onsite Wastewater System Contractors Certification and System Registration Act, Johnson. This bill makes a number of provisions, including clarification of the requirement of employing a certified professional for the abandonment of an onsite system and the issuance of permits and requirements necessary for operation and maintenance. This bill was passed by the legislature and presented to the governor on March 1st.

LB568 – Extend Scrap Tire Program. As amended on the floor this week, the bill extends the grant program for recycling tire under the Waste Reduction and Recycling Incentive Fund from June 30, 2007 to June 30, 2009, rather than to 2012. Pending AM210 would allow grant money to support public and private firms to conduct research to determine the amount of litter in various areas. This bill was advanced to Select File on March 1, 2007.

Nebraska Unicameral Committee Hearings Next Week – All Hearings begin at 1:30 pm.

LB493 – Change requirements of the Water Policy Task Force. This bill reduces meeting times of the Water Policy Task Force to one per year and requires the WPTF to review research provided by the University of Nebraska.
Rescheduled to 3/8/07, Natural Resources Committee, Room 1525

LB594 – Temporary Suspension of new well permits and surface water rights for irrigation. This bill restricts new issuance of surface water appropriations and water well permits for irrigation purposes. **Rescheduled to 3/8/07, Natural Resources Committee, Room 1525**

LB704 – Adopt Fishable & Swimmable Waters Act. This bill attempts to ensure that all Nebraska streams, lakes, and public reservoirs meet state and federal standards by January 1, 2027. It requires the Nebraska Department of environmental Quality to develop, publish, and put in place a plan by January 1, 2008, to meet that goal. **Hearing 3/8/07, Natural Resources Committee, Room 1525**