



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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February 16, 2007

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 16 NARD UPDATE

Republican River Basin Plans Moving Forward – Representatives of the NRDs, Irrigation Districts, DNR, Attorney General's Office and other interested parties met in Cambridge on Thursday to discuss plans to keep Nebraska in compliance with the Republican River Compact. The group continues to make progress and appears to be on track toward finding a solution on the issue. The following are some conceptual changes that were discussed:

- **Dry year leasing of surface water supplies** – Three surface water irrigation districts would consider leasing their water rather than diverting it from the Republican River. Leasing surface water provides a quicker stream flow improvement than through reductions in groundwater irrigation.
- **Model Calculations** – The DNR staff will review the calculation of the credit Nebraska receives for mound water that seeps from the Platte to the Republican. This may be underestimated and could add about 8,000 acre-feet annually toward compact compliance.
- **Additional Groundwater Use Reductions** -- Additional reductions could be imposed, depending on the remaining shortage after the surface water leasing and other model corrections are calculated. The DNR will provide an estimate of additional reductions that may be necessary. In addition, methods would have to be developed to assure the gains from groundwater reductions will not be used by surface water users.
- **Local Funding** -- Other issues addressed were how to fund the local portion of any compliance activities in addition to the economic sacrifice already made by the local economies through reduced irrigation in the basin. The NRD representatives discussed both per acre fees and property taxes, but did not settle on one particular funding source.

Nebraska Unicameral Action

Approved by the Governor – The following bills received final approval from the Nebraska Legislature and have been approved by the Governor.

- **LB79 – Nebraska Litter Reduction and Recycling Act, Natural Resources Committee.** The purpose of this bill is to eliminate obsolete language in the Nebraska Litter Reduction and Recycling Act that pertain to transfer of funds that have already occurred. The bill also eliminates duplicative reporting requirements concerning grant activities.
- **LB 80 – Safe Drinking Water Act Projects, Natural Resources Committee.** Extends and defines the ability of NDEQ to use the Administrative Cash Fund of the Safe Drinking Water Revolving Fund for drinking water projects involving public water systems operated by political subdivisions up to and including 10,000 residents.

Sent to Final Reading

- **LB 313 – Engineering Requirements under the Livestock Waste Management Act, Natural Resources Committee.** State senators sent LB 313 to Final Reading this week. 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.

Passed over on Select File

- **LB 291 – Change membership on the Nebraska Environmental Trust Board** – Senators decided to pass over a bill that would change the membership on the Nebraska Environmental Trust Board. The measure would eliminate the representation by congressional district and set districts similar to the boundaries of the Nebraska Game and Parks Commission. Two pending amendments resulted in the action by the bills sponsor, Senator Tom Hansen from North Platte, to pass over the bill rather than drag out debate. One amendment offered would make the agency directors that sit on the trust board ex officio, nonvoting members. The second amendment would strike the enacting clause. State senators and interested parties will try to work out the concerns with the amendments before the bill comes up for Select File debate again.

Committee Action

Recreational Liability Issues -- Glenn Johnson, Manager of the Lower Platte South NRD, testified on behalf of NARD in support of LB 564 & 566, which adds political subdivisions to those who receive recreational liability protection if they do not charge the public for access. The bills are response to a Nebraska Supreme Court decision striking down recreational liability protection for political subdivisions and were supported by communities and recreation interest across the state. The attorney that prevailed in the Supreme Court case and a representative of the Nebraska Trial Attorneys Association testified against the bills.

Members of the Judiciary Committee raised several concerns about providing blanket liability protection and not inspecting property and equipment on a timely basis. An amendment is being discussed to add some protection for recreational property against claims for injuries, death, or property damages from the inherent risk of recreational activities. These activities would be hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, waterskiing, winter sports, use of playground equipment, biking, roller blading, skate boarding, golfing, athletic contests, visiting, viewing, or enjoying historical, archaeological, scenic or scientific sites and similar leisure activities. No action has been taken by the committee.

LB 20 – NRD Projects and Public Access. Marlin Peterman, Papio-Missouri River NRD Assistant Manager, testified on behalf of NARD in opposition to LB 20, which increases public access to private property when NRD cost share is used. The bill changes the threshold from 20% public funds to 5% of the total cost of a project. Former Senator Curt Bromm testified in support of the bill on behalf of the Papio Valley Preservation Association, a group that opposes flood control projects.

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

LB272 – NRD Bonding Authority. This bill adds a three cent levy per one-hundred dollars of taxable valuation which is then appropriated by the NRD Board of Directors to issue bonds to pay for flood and reservoir structures
Hearing 2/22 Revenue Committee, 1:30, Room 1524

LB322 - Establishment of Water Resources Cash Fund and Other Funds. This bill creates a fund designed to aid natural resource districts that are deemed over-appropriated. **Hearing 2/20, Appropriations Committee, 1:30, Room 1524**

LB362 – Interlocal Agreements. Removes from budget limit allowable exemptions, restricted funds budgeted under an interlocal cooperative agreement. Makes interlocal agreements subject to tax limits. **Hearing 2/22, Revenue Committee, Room 1524**

LB503 – Change NRD Board Vacancy Appointments. The bill eliminates the provision that appointments for vacancies of NRD directors fill the unexpired term. **Hearing 2/22, Natural Resources Committee, Room 1525**