



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: January 28 NARD UPDATE

NARD Annual Legislative Conference – The NARD Legislative Conference at the Embassy Suites in Lincoln continues to grow with 287 registered attendees and over 360 at the Tuesday evening reception. The commitment to attend shows the dedication of those involved in local natural resource protection and enhancement.

Delegates discussed 53 legislative proposals dealing with natural resources issues on Tuesday. These issues included LB 508 - Change in Water Well Decommissioning Fund Allocation Procedure; LB 32- Increase the annual Per Diem Payments to Board Members; LB 31 --Water Well Permits for Dewatering Wells; LB 553-- Change and provide qualifications for certain personnel of the Department of Natural Resources; LB 102-- Storm Water Management; and LB 425-- DNR and NRD Funding. All of these bills were supported by the delegates.

The delegates and attendees discussed some controversial issues, such as LB 553, which would change the sub-district ratios from no more than 3-1 to 1.5 to 1. The bill also eliminates the ability to have more than one director per sub-district. Finally, after the 2010 census the bill would require all sub-districts to be close to 1-1, with a 5 percent variance. After lengthy discussion, the delegates took a position to support the bill with the caveat that the ratio stay at 1.5 to 1 after the 2010 census and allow more than one director per sub-district.

The members reiterated support for protection for municipalities, cities and villages of domestic water supplies and continue to ask for their willingness to work with the NRDs to protect such. However, the delegates opposed LB 708 which would exempt any new or existing wells that serve one or more domestic purposes from any regulation, permits, management plans or well drilling moratoriums. Under the bill as drafted, it could be interpreted that as long as one individual consumed water from the well, it would meet the criteria and not be regulated. Also, since these wells would be exempt from any regulation, it appears that spacing requirements might not apply. Thus, an individual may be able to drill wells next to other domestic or municipal well fields with out a permit and pump as much water as they want and use it for whatever purposes as long as there is at least one domestic purpose. Again, the districts in the Platte and Republican River Basins are pleading the communities in their districts to work together to identify how much water the community needs and how best to protect it in a management plan for quantity and quality rather than creating an exempt well category that could be abused and create more problems in the basin.

The delegates also supported creation of the Safety of Dams Act, proposed under LB 619. The bill would create a process for approval of dams, related regulations, operating procedures, and inspections. However, the bill does not address development below dams and how to prevent or limit building below the dam. A low-hazard dam can change to a significant hazard dam later if development occurs just

below the dam. When the hazard class changes, new construction design standards could be applied to the dams creating an after-the-fact requirement. NARD has a group of NRD Managers working with the Department of Natural Resources on refining the bill and the development issue.

State of the State Address – Governor Dave Heineman presented the State of the State Address on Wednesday. In the address, the Governor stressed that the economy offers reasons for both optimism and caution. Specifically he pointed out that fiscal year 2004 ended with more than \$100 million ahead of projections and revenues continue to exceed projections this fiscal year. However, he noted that we still have a projected \$233 million budget gap, the low-level waste obligation, and other significant financial obligations. He noted that you can expect to find four priorities - education, economic vitality, efficiency in government and the protection of families - woven into his decisions as Governor.

Hearings Summary this Week - The Natural Resources Committee held hearings on several NARD Legislative Bills. A sincere thank you goes out to Senator Schrock, Chairman of the Natural Resources Committee, and Senator Bob Kremer, Chairman of the Agriculture Committee, for sponsoring and or co-sponsoring the NARD Bills.

Ron Bishop, Central Platte NRD Manager, testified in support of LB 359 on behalf of NARD. The bill would eliminate the requirement that the director be an engineer. As proposed the bill would require that the director, assistant director, or the hydrologist be an engineer. Several irrigation districts testified against the bill. No action has been taken on the bill.

John Thorburn, Tri-Basin NRD Manager, testified on behalf of NARD in support of LB 508 and 140. The first bill, LB 508 would change the allocation of the water well decommissioning fund from 1 to a three-year average. It would also allow local districts to establish cost share programs based on the size and diameter of the well to assure at least 60 percent cost share. The bill was advanced to General File by the Natural Resources Committee.

The second bill, LB 140, would add a natural resources district representative to the Water Well License and Standards Board. The bill was opposed by the Well Drillers Association because it would weaken the control of the industry over the board, according to the testimony they provided. No action was taken on the bill.

John Miyoshi, Lower Platte North NRD Manager, testified on behalf of NARD in support of LB 31, which allows NRDs to require a permit on decommissioning or dewatering wells if they are going to be used for more than 30 days. Current law exempts these wells if they are used 90 days or less. No action was taken on the bill.

John Maser, North Platte NRD Director, testified on behalf of NARD in support of LB 32, which increases the maximum per diem for NRD Directors from \$2,800 to \$3,600 annually. The bill leaves the single day per diem at \$70. The Natural Resources Committee advanced the bill to General File after the hearing.

Hearings Next Week

FRIDAY - Natural Resources, Room 1525 - 1:30 p.m.

LB 619 (*Schrock*) Adopt the Safety of Dams and Reservoirs Act

LB 342 (*Baker*) Eliminate an advisory committee relating to a soil and water resources data bank

FRIDAY – Revenue, Room 1524 - 1:30 p.m.

LB 386 (*Kremer, Aguilar*) Change the definition of allowable growth for political subdivisions

LB 356 (*Janssen*) Change tax levy provisions for cities, villages, and counties