



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

601 S. 12th St. Suite 201
Lincoln, NE 68508

nard@nrdnet.org
(402) 471-7670

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TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: February 24 NARD UPDATE

Lower Loup NRD Board Approves Well Drilling Suspension -- The Lower Loup Natural Resources District Board of Directors has given unanimous approval to three new ground water management rules following a public hearing in Ord on February 23rd. Among the new rules is a temporary closure in the issuance of permits to construct new wells that will halt well drilling in the NRD for two years.

The rule on well permits has an effective date of March 1st, 2006 and applies only to wells that pump 50 gallons or more per minute. It would not apply to most domestic or livestock wells. The rule says wells may only be constructed if the well permit was applied for on or before February 23rd and that permit application has approval from NRD officials. Permit applications received prior to March 1st with a postmark of February 23rd will still be considered.

The other two new rules deal with the certification of irrigated acres and the granting of variances from rules in the NRD's ground water management plan. The certification of irrigated acres in the District will require documentation from the County Assessor. Requests for variances from the rules will go to a Variance Committee that will then make a recommendation to the full NRD Board.

Lower Loup officials sought the two year suspension on well permits to allow a study of the Loup and Elkhorn river basins to be completed. That study will provide data needed to determine where ground water development has reached a maximum level and where development can still be considered. The study is a cooperative project of the Lower Loup, Upper Loup, Upper Elkhorn, and Lower Elkhorn NRDs, Nebraska Department of Natural Resources, USGS, UNL Conservation and Survey, and other agencies.

District officials also made the move to proactively avoid "fully appropriated" determination from the Nebraska Department of Natural Resources. The Department must assess each of the state's river basins annually to determine if all the available ground and surface water is being utilized or is "fully appropriated." Such a determination would bring an immediate stay on well drilling and freeze the expansion of irrigated acres in the basin.

Natural Resources Committee Advances DNR Director Changes – On a 6-0-1-1 vote, the Natural Resources Committee Advanced LB 359 from committee this week. The bill eliminates the engineering requirement of the director of Natural Resources. The bill eliminates the requirement that the director be a professional engineer, but requires that the director, deputy director or director of the water administration division be a professional engineer and requires that either the director, deputy director or director of the water administration division have at least five years' experience in a position of responsibility in irrigation work. The committee added language that mirrors the responsibilities of the Department of Road-State Engineer, who does not have to be an engineer, for the Director of Natural Resources as follows: 1) Have charge of the records of the department; 2) Cause accurate and complete books of

account to be kept; 3) Supervise the signing of vouchers and orders for supplies, materials, and any other expenditure; 4) Contract for consulting services; 5) Employ all engineers, assistants, clerks, agents, advisors, technicians, and other employees required for the proper transaction of the business of the department and fix their titles, determine their duties and compensation, and discharge time in the discretion of the director; 6) Sign and execute or supervise the signing and executing of all documents and papers; and 7) Work with the Nebraska Natural Resources Commission to develop and implement the policies and programs of the commission.

Please thank the following Senators for advancing the bill: Senators Hudkins, Kopplin, Kremer, Loudon, Schrock and Stuhr. Senator Smith was present and not voting and Senator McDonald was absent.

Revenue Committee Advances NRD Levy Authority – On a 7-0-0-1 vote, the Revenue Committee advances LB 971, which allows additional levy authority to Natural Resources Districts located in river basins, sub-basins or reaches that are fully appropriated or over appropriated as determined or designated by the Department of Natural Resources. The Committee amendments would change the additional levy amount from three cents per \$100 of taxable value indefinitely to three cents for fiscal year 2006-07 and two cents for fiscal years 2007-08 and 2008-09. There would be no additional levy authority after that time. The amendments would also change the base year for calculating the extra levy and budget authority from 2004-05 to 2005-06. The bill carries the emergency clause and would be operative for the 2006-07 budget year.

Please thank the following Senators for advancing the bill: Senators Baker, Connealy, Cornett, Janssen, Landis, Preister and Raikes. Senator Redfield was absent.

NRD Bond Bill Indefinitely Postponed -- The Natural Resources Committee voted 8-0 to indefinitely postpone LB 552, a bill that would have allowed a natural resources district containing a city of the metropolitan class to issue negotiable bonds, entitled flood control project bonds. The bonds were to be paid by a levy not to exceed three cents on each one hundred dollars of evaluation. The proceeds of these bonds would have been used to pay for rights-of-way acquisition and construction costs for flood control dam and reservoir projects within the district.

ENDANGERED SPECIES: Key Senator Vows ESA Rewrite – This week, Sen. James Inhofe (R-Okla.), the chairman of the Senate Environment and Public Works Committee, promised to forge ahead with legislation to rewrite the Endangered Species Act after an advisory group failed to reach consensus on a key habitat provision. Senator Inhofe issued his statement after the nonprofit Keystone Center reported it had been unable to reach a consensus on the law's "critical habitat" provisions. The Colorado-based center had been commissioned by Senate Wildlife Subcommittee Chairman Lincoln Chafee (R-R.I.) to bring a group of diverse ESA stakeholders together in a bid to recommend changes to ESA.

Current law requires federal officials to designate critical habitat whenever a species is listed. The Fish and Wildlife Service rarely does this, which has brought on a slew of lawsuits. Some environmental groups hold up critical habitat as crucial for species survival, but FWS officials from the current and past administrations have said it is one of the most expensive and least useful parts of the act. The bill that House Resources Committee Chairman Richard Pombo (R-Calif.) brokered through the House floor last fall threw out the act's critical habitat requirements in favor of voluntary recovery plans. Environmentalists and Democrats blasted the provision, saying some sort of mandatory habitat requirements are needed to ensure species survival.

Hearings Next Week – The hearings have concluded on bills NARD is currently tracking.