



Nebraska's Natural Resources Districts

www.nrdnet.org

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

nard@nrdnet.org
(402) 471-7670

Protecting Lives • Protecting Property • Protecting the Future

January 27, 2012

TO: NARD Board, NRD Managers and Conservation Partners
FROM: Dean E. Edson, NARD Executive Director
RE: January 27 NARD Update

LR 314 – Water Funding Interim Study Briefing. The Natural Resources Committee held a briefing on LR 314 on January 27th. The interim study is a two-year study on water funding needs. The briefing reviewed the reports filed by all six working groups covering the following: 1) where our water comes from, 2) existing resources, 3) current uses and costs, 4) future needs and costs, 5) available research and data, and 6) the dynamic between the Department of Natural Resources and the NRDs.

The briefing provided direction for the next steps of the study to focus on creating a list of priorities based on what is known about the current obligations and impending needs. The LR 314 participants will be asked to help identify additional/missing priorities and then start developing a priority ranking system for projects to be funded. As an example, participants will be reviewing legal obligations, availability of funding, affected parties, consequences of not acting, and in general the overall highest benefit to the state as a whole to create ranking criteria.

Also discussed were bills that are before the legislature to add funding to the Water Resources Cash Fund. These included:

- **LB 950 - Change crediting provisions relating to reimbursement of certain assistance to natural resources districts as prescribed. Christensen.** The bill proposes to redirect any payments from the Republican Basin NRDs to the Water Resources Cash Fund rather than the Water Contingency Cash Fund after the bill would become law. As a side note, the loan was made in 2008 for water leased by the Republican Basin NRDs while the law authorizing the occupation tax was under challenge. The Nebraska Supreme Court ruled in the summer of 2011 that the tax was constitutional. Under existing law, the repayment of the funds started after the court decision and a formal repayment schedule had been finalized with the Department of Natural Resources. The three Republican Basin NRDs are now making installment payments on the \$8.8 million loan, with over \$1 million paid as of January 13, 2012. The loan is scheduled to be paid off by June 30, 2013.
- **LB 595 – Create Water Resources Revolving Loan Fund Act. Carlson.** The bill would create the Water Resources Revolving Loan Fund to provide low interest loans to natural resources districts or any joint entity with a joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of its member natural resources districts for the purposes of developing and protecting water resources in the state. The Natural Resources Commission would have oversight over the program and an administrative fee would be allowed to pay for operational cost of the program. Funding for the loan program would come from the loan repayment by the three Republican River Basin NRDs.

To get a copy of all documents related to LR 314, go to the Nebraska Unicameral website at:

http://www.nebraskalegislature.gov/pdf/reports/committee/natural/lr314_report.pdf. The final report is not due until December of 2012. There will be more meetings before the report is completed. The group leaders will be meeting with Senator Langemeier in March to frame the next stages of the study work.

LB 473 -- Adopt the Black-Tailed Prairie Dog Management Act. Louden. A carry-over bill from 2011, LB 473 was advanced to Select File this week with adoption of **AM 782**. The bill creates the Black-Tailed Prairie Dog Management Act which allows a county to adopt and carry out a coordinated program for the management of black-tailed prairie dogs on property within the county. The bill also authorizes any person to manage prairie dogs on their own property and to prevent the expansion of colonies to adjacent property.

If a landowner allows prairie dog colonies to expand to adjacent landowners, the bill provides the adjacent landowner to ask the county for corrective action including management and fines to be imposed on the landowner where the prairie dog colony originated.

The committee amendment (**AM 782**) inserts a new subsection that requires elements of the management plan to include a finding of necessity, a listing of methods of management, and to specify that such management plan shall not conflict with any state plan for the management of prairie dogs or the Non-Game and Endangered Species Act, or state or federal recovery plan for the endangered or threatened species. The amendment also asks counties to cooperate and coordinate with state and federal wildlife and land management entities.

Hearing Summary this Week

LB 743 - Provide for a fee relating to consideration of a variance under the Nebraska Ground Water Management and Protection Act. Rod Horn, the General Manager with the South Platte Natural Resources District, presented testimony in support of the bill on behalf of the South Platte NRD and the Nebraska Association of Resources Districts. The bill allows a natural resources district to assess a fee against a person requesting a variance to water use regulations to cover the administrative cost of the variance request, including, but not limited to, costs of copying records, legal expenses, and the cost of publishing a notice in a legal newspaper of general circulation in the county or counties of the district, radio announcements, or other means of communication deemed necessary in the area where the property is located.

Since the interests of adjacent water user(s) may be affected by granting a request for a variance, districts provide a wide variety of public notice methods to give adjacent water user(s) notice of a variance so that they may have an opportunity to participate in the variance hearing if they desire. Unless otherwise provided by law the NRDs may grant a variance from their rules and regulations based upon a showing of good cause.

There was no opposition to the bill, which is sponsored by Senator Ken Schilz. The Natural Resources Committee has not reported action on the bill.

2012 NARD Legislative Conference

The annual Nebraska Association of Resources Districts (NARD) Legislative Conference was held at the Embassy Suites Hotel in Lincoln, January 24th-26th and focused on protecting the future of Nebraska's natural resources. Each year more than 320 natural resources district managers, staff and board members from across the state get together to discuss introduced legislation and to learn more about protecting Nebraska's natural resources.

Conference keynote speakers included Nebraska Lieutenant Governor Rick Sheehy, State Senator Ken Schilz, and State Senator Lavon Heidemann. During the general session participants heard from Central Platte NRD (CPNRD) manager Ron Bishop on the progress of current projects the CPNRD is doing to return water to the river for the Platte River Recovery Program and designation of the river as fully and over-appropriated (LB 962). These projects include partnerships with surface water irrigation canal companies. Partnerships include a buyout of the Six Mile Canal, a lease of the Cozad Canal, a management lease of the Southside (Orchard Alfalfa) Canal, and joint ownership of the 30 Mile Canal. These projects have presented opportunities that have resulted in positives for all parties involved. Other conference highlights included an overview of introduced legislation and an opportunity for attendees to meet with their state senators.

Participants had a variety of educational break-out sessions to choose from during the event. Session topics included a legislative update, NRD director responsibilities, Open Meeting Act laws and several presentations on water quality and quantity management. NARD Board President Mary Ann Wortmann was recognized for her years of service and commitment to Nebraska's natural resources during her term as president.

Committee Hearings Next Week – The following is one bill of interest regarding natural resources issues. For a complete list of hearings visit: <http://nebraskalegislature.gov/FloorDocs/Current/PDF/Hearings/hearings.pdf>.

Monday, January 30, 2012

Business and Labor - Room 2102 - 1:30 p.m.

LB 909 - Provide an employer defense under the Nebraska Workers' Compensation Act. (Lautenbaugh)