



NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS

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August 21, 2007

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: RESOLUTIONS & Inactive Status Policies

Attached are seven resolutions that were submitted to NARD by the August 17th deadline. Resolutions submitted after the deadline will need 2/3rds vote for further consideration.

The Legislative Committee reviews the book every year to make recommendations, if any, for delegate action at the annual meeting. Placing policies in the inactive status only removes them from the annual policy book and does not rescind them unless specifically noted and passed by the delegates. The committee is not recommending any policies for inactive status this year.

Resolutions Submitted by the Deadline

2007-1 – State Prescribed Burning. Submitted by Central Platte NRD (page 2)

2007-2 – Reaffirm Qualifications of Director of the Department of Natural Resources. Submitted by Upper Republican NRD (page 3)

2007-3 -- Interrelated Water Review Board Structure. Submitted by Upper Republican NRD (page 4)

2007-4 -- Support for Conservation and Survey Division. Submitted by Upper Republican NRD (page 5)

2007-5 -- Supplemental wells. Submitted by Upper Republican NRD (page 6)

2007-6 -- Accounting for purchased or leased water using River Flow Enhancement Bonds or river flows resulting from programs that reduce groundwater pumping to enhance streamflow. Submitted by Upper Republican NRD (page 7)

2007-7 -- Relationship between an Integrated Management Plan and the District's Ground Water Management Area Rules and Regulations. Submitted by Upper Republican NRD (page 8)

NARD Resolution 2007-01

Prescribed Burning Submitted by Central Platte NRD

WHEREAS many areas of the state have seen a steady encroachment of trees and brush species which has caused a buildup of hazardous fuel which will contribute to wildfires and

WHEREAS the encroachment of Eastern red cedar trees and other species has been shown to destroy the grazing value of grasslands by overpopulation, and

WHEREAS wildfires are a serious threat to the safety and economic livelihood of many across the state and

WHEREAS prescribed burning, during periods of lower fire danger, is universally accepted by federal and state land management agencies, as a tool to reduce hazardous fuels, lessening the danger from subsequent wildfires to life and property, and

WHEREAS prescribed burning is vital to the biological preservation, and maintenance of native Nebraska grassland and forest communities, especially the remnants of the tall-grass prairie,

NOW THEREFORE BE IT RESOLVED the Natural Resources Districts of Nebraska support the ability of land managers, both public and private, to use prescribed burning on their own lands, for the betterment of the grasslands and forests of Nebraska, as a necessary land management tool, and request the Nebraska Legislature to adopt such resolution.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2007-02

**Qualifications of Director of the Department of Natural Resources
Submitted by Upper Republican NRD**

Qualifications of Director of the Department of Natural Resources *Reaffirm the NARD policy # 2003-3.*

NARD Policy #2003-3 Nebraska Department of Natural Resources Director

We support legislation to amend statutes dealing with the qualifications of the Director of Natural Resources to require that the Director be qualified by training and business experience to manage and supervise the Department of Natural Resources and have at least five years experience in a position of responsibility in the field of soil and water conservation, development or use, and that the Director, the Assistant Director, or the Director of Water Administration shall be a professional engineer as provided in the Engineers and Architects Regulation Act and have had at least five years experience in a position of responsibility in irrigation work.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2007-03

Interrelated Water Review Board Structure Submitted by Upper Republican NRD

Whereas, NRRS 46-719 creates, identifies the process for selecting members, defines the powers and duties of the Interrelated Water Review Board and,

Whereas, the procedures say that the parties present their plans to the board and shall be given adequate opportunity to comment on the proposals made by other parties and,

Whereas, No structure is provided that would determine how these proposals are to be made and what procedures the Board is allowed to follow and,

Whereas, it is unknown whether these proceedings are open, whether presentations are made by briefs, whether cross examination or depositions are allowed,

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts will work with the Unicameral, the Governor's office, the Attorney General and the Nebraska Department of Natural Resources to define the administrative procedures to be followed by the Interrelated Water Review Board.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2007-04

**Support for Conservation and Survey Division
Submitted by Upper Republican NRD**

Whereas financial support for the UN-L Conservation and Survey Division from the University of Nebraska has declined and,

Whereas staff vacancies have gone unfilled and,

Whereas it is important to have an independent entity to review plans of other agencies and,

Whereas the Conservation and Survey Division serves as the geological survey for the State of Nebraska,

Whereas systematic collection, archiving and analysis of geologic data, particularly as it relates to improving understanding of the hydrologic characteristics of Nebraska's aquifers, provides information that is needed in order for boards of directors of natural resources districts to make informed decisions about groundwater management,

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts will work with the Legislature and the University of Nebraska to revitalize and fully fund the Conservation and Survey Division and give it independent status as an agency of state government.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2007-05

Supplemental wells Submitted by Upper Republican NRD

Whereas LB 701 requires that after April 1, 2008 if a natural resources district uses a bond or the state uses funds for the acquisition by purchase or lease of water rights that the district shall restrict the use of ground water on land certified for both ground water and surface water use and,

Whereas this language seems to apply to all acres that are certified as having both uses regardless of their location or if they are impacted by the purchase or lease and,

Whereas there is also no qualification on the quantity of water purchased or leased and that a small purchase could effect all users in an irrigation district and,

Whereas under this statute the water use purchased or leased could be ground water and it does not make sense to restrict supplemental wells if it is a ground water lease,

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts work with the Legislature and the Nebraska Department of Natural Resources to develop legislation that will clearly state the intent of previous legislation dealing with irrigated acres that can be supplied with both surface water and ground water when river flow enhancement bonds are used.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2007-06

Accounting for purchased or leased water using River Flow Enhancement Bonds or river flows resulting from programs that reduce groundwater pumping to enhance streamflow.

Submitted by Upper Republican NRD

Whereas LB 701 allows the State or the NRDs to purchase or lease ground water or surface water rights and,

Whereas this process has not been provided for in the past and,

Whereas it is important to adequately address the benefits from ground or surface water leases and many of the other opportunities provided for in LB 701 and,

Whereas requirements of the Bureau of Reclamation and other federal agencies may have impacts on this accounting also,

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts will work with the Legislature, the Attorney General, the US Bureau of Reclamation and the Nebraska Department of Natural Resources to develop a methodology for accounting for the purchased, leased, or otherwise produced streamflows.

BE IT FURTHER RESOLVED that this method provide for the maximum amount of benefit to be used when purchased or leased water is used to support the state of Nebraska with regard to compact compliance.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

**Relationship between an Integrated Management Plan and the District's Ground Water Management Area Rules and Regulations.
Submitted by Upper Republican NRD**

Whereas, 46-712 provides for establishment of a management area for prevention or resolution of conflicts between uses of ground water and surface water and,

Whereas 46-715 directs the Department of Natural Resources and the NRD to jointly develop an integrated management plan when a designation of over or fully appropriated has been made by the Department and,

Whereas, 46-718 directs that if the Department and the NRD agree to implement the plan and adopt the controls the district does so by designating a ground water management area or designate an integrated subarea within their existing rules and,

Whereas 46-743 states the requirements for the hearing related to the designation of a management area, adoption or amendment of an integrated management plan and,

Whereas 46-743 requires the testimony of a representative of the Department and,

Whereas 46-715 refers to amendment of an Integrated management Plan in the title, it is silent on the procedures to be used to amend an IMP and,

Whereas 46-719 contains procedures for the interrelated water review board with regard to implementation or amendments to an integrated management plan

Whereas rules and regulations of the district in a Ground Water Management Area do not require the concurrence of the Department and,

Whereas the Department could delay or block the adoption or revision of a Ground Water Management Area by using the procedures of 46-719 with regard to the implementation or amendment of an IMP with no regard to the District and,

Whereas the NRD must have the ability to function within its statutory authorities,

NOWHEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts will work with the Legislature, the Attorney General and the Nebraska Department of Natural Resources to clarify the purpose of an Integrated Management Plan and the implementation or revision of that plan and to clearly separate NRD Rules and Regulations for Ground Water Management from the plans that they implement.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____