

HYPERACTIVE STATE DNR SUFFOCATING LOCAL CONTROL

Now is the time for Nebraska's twenty-three natural resources districts to wake up and to start actively defending their integrity and the legacy entrusted to them three decades ago by the state legislature.

Back in the early 1970s, state senators specifically gave control of groundwater to newly created natural resources districts which were developed roughly along basin lines and constituted to be managed by locally elected directors. The state very wisely was excluded from the management and regulation of groundwater. However, since then with the passage of LB 108 (1995) and LB 962 (2004), as well as the creation and operation of the Water Policy Task Force, a once smooth running, simple to understand management law has mutated into a complicated, convoluted, intrusive and oppressive state controlled regulatory system.

This hyperactive and heavy-handed bureaucracy borne from the Water Policy Task Force and LB 962 is not in any way, shape or form what the state senators in the 1970's who established the NRD system ever hoped for. They cherished the ideal of local control and did not want the state messing with it.

So now is the time for our NRDs to stand up and

defend their legally assigned domain before it is completely taken away. We are encouraged by the commitment and action of a number of NRD boards which have shown some positive signs in not buckling under to every DNR demand. LB 962 does not mandate that NRDs acquiesce to the preferred regulatory plans of the DNR. NRDs can develop groundwater management plans as they see fit, and if the DNR does not approve, the whole matter goes to arbitration, and finally, to a final review panel outside of state government called the Interrelated Water Review Board.

We believe NRDs can compete in this arena, but no one knows for sure. To date, disagreements between the DNR and NRDs have not escalated to that level. But in the not too distant future, a strong-willed, independent NRD will carry their cause to that final review process. This needs to happen so we all can learn what LB 962 really means.

If NRDs do not take control of their destiny now, they will become mere administrative arms of the state and be forced to manage their groundwater resources in accordance with state DNR directives.

LOOKING AHEAD TO 2006

✓ We are at a crossroads. Many changes are now churning away that will affect our rights and freedoms. We must remain vigilant and actively involved in all that is going on.

✓ In accordance with LB 962, by January 1, 2006, the DNR must issue a report identifying which basins in its opinion are "fully appropriated".

✓ Affected NRDs will then be forced to enter into a convoluted process of developing integrated management plans (IMPs).

✓ The governor will have to find and appoint a new Director of DNR. This selection is a critical one. The DNR desperately needs some new blood that views irrigation as a good thing, rather than a menace.

✓ We continue to get more, good pro-irrigation representatives on NRD boards. This is a high priority of Nebraskans First and we are succeeding and gaining ground.

✓ In 2007, there will be 20 new state senators. A number of senators who have caused us headaches over the years will be gone. We are working to find some good replacements. This legislative housecleaning is a good thing.

✓ In 2007, the Natural Resources Committee of the legislature will be changed, and for sure there will be a new chairman. A fresh start with new independent thinking lawmakers should help.