

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB54

Hearing Date: Wednesday January 28, 2009
Committee On: Natural Resources
Introducer: Fischer
One Liner: Change integrated management plan provisions under the Nebraska Ground Water Management and Protection Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Carlson, Cook, Dubas, Fischer, Haar, Langemeier, McCoy, Schilz

Nay:

Absent:

Present Not Voting:

Proponents:

Senator Deb Fischer
Don Batie
Ron Bishop
Tom Knutson

Representing:

Introducer
Nebraska Farm Bureau Federation
Nebraska Association of Resources Districts
Nebraska State Irrigation Association, Nebraska Water Coalition

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 54 provides a process to be followed by natural resources districts for developing an integrated management plan to address streamflow depletions.

Section 1 amends Section 46-714, relating to the Nebraska Ground Water Management and Protection Act, by adding reference to the bill's new language.

Section 2 amends Section 46-715, relating to integrated management plans under the Act, by adding new language that requires an integrated management plan for a fully or over appropriated basin, subbasin or reach to include clear and transparent procedures to track streamflow depletions and gains due to changes in use. Subsections (a) through (g) state the required components of these procedures. Also states that new language is not to affect existing integrated management plans.

The procedures must:

- (a) use generally accepted methodologies based on the best available information;
 - (b) provide a methodology to estimate streamflow depletions and gains and provide information on gains as offsets to new uses;
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- (c) provide a procedure so new uses will not significantly adversely affect surface and groundwater users;
- (d) provide a procedure for sharing information between the Department of Natural Resources and the NRDs;
- (e) identify water that could mitigate new uses; and
- (f) provide a plan, after consulting with the interested parties, for making water available for offset for economic development purposes.

Section 3 amends Section 46-719, relating to the Interrelated Water Review Board, by adding reference to the bill's new language.

Section 4 repeals the original sections.

Explanation of amendments:

The committee amendment restates what the procedures must do in Section 2 of the bill, subsections (3)(c) and (3)(f).

(3)(c) requires the identification of means to be utilized so new uses will not have more than a de minimis effect on existing surface water or groundwater users.

(3)(f) adds the requirement that the plan be made after the parties have had an opportunity to provide input.

Chris Langemeier, Chairperson