

NEBRASKANS FIRST NEWSLETTER



Legislative Update and Current Events Report

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"They look at the Central Platte and see wetlands, roosting sites, nesting areas, foraging habitats and primary constituent elements. We look at the Central Platte and see the heart and soul of Nebraska irrigated agriculture. We see thriving communities which were built and now sustained by irrigated agriculture."

*Don Adams, Executive Director
Central City (11/6/03)*

WATER POLICY TASK FORCE SUCCUMBS TO POLITICS

ABANDONS LOCAL CONTROL / OK'S CHOKE HOLD ON GROUNDWATER DEVELOPMENT

After eighteen months of collegial consensus building at dozens of meetings of committees, subcommittees and working groups all across the state, the Water Policy Task Force held their final get together at the State Capitol on December 18. Each member of the task force received high praise from the governor and was awarded a memento.

Nebraskans First representatives attended every meeting of the task force and its executive committee, so our opinions that follow are based on first hand experience. The task force was led and driven by just a few key members of the 49-member troupe who we characterized as Players in our last newsletter. The Players were the Central Public Power and Irrigation District (CPPID), the state Department of Natural Resources (DNR), and the assistant attorney general (AG). These Players from DAY ONE were committed to drafting a proposal that would weaken local control of groundwater use by natural resources districts (NRDs) and strengthen the state's role in groundwater management.

In order to keep the process on the politically correct track and not allow the herd to wander, the state hired two professional facilitators from a Boulder, Colorado firm which deals in "environmental and public policy decision making." These facilitators were skilled in the art of consensus building which

involves moving a large group of people with diverse interests toward a predetermined goal, while making the group think that the outcome was their own idea. The outcome in this case basically involves putting a choke hold on new groundwater irrigation development, and then devising a program that will target current users over time. We had these concerns and expressed them at the public hearing back in January 2002 when the task force was first proposed. At that hearing we were the only ag group opposing the creation of this, unnecessary and misdirected task force.

The end product of the task force is embodied in Legislative Bill 962. The bill's sponsors and supporters have coined the term "proactive" to describe LB 962.

LB 962 is a 147-page bill. But the essence of LB 962 involves the state DNR being given the power to order "stays" on new groundwater development in basins, sub-basins or reaches which have been declared by DNR to be "over or fully appropriated." Up to now, such authority to impose stays, suspensions or moratoriums on new wells has resided solely with NRDs. This shift of power to the state DNR represents a huge shift away from local control, which has been the hallmark of groundwater regulation in Nebraska for thirty years.