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(Neb.)-Upper Niobrara White NRD Board Hears From Public Regarding Proposed Regulations

By: Chris Fankhauser Posted at: 03/03/2014 05:33 PM

(Chadron)-Members of the Board of Directors of the Upper Niobrara White Natural Resources District held a public hearing this afternoon (Monday) regarding proposed changes to regulations on groundwater use. The hearing was held in the Country Kitchen conference room in Chadron, and citizens from all over the four-county coverage area attended and gave testimony.

Most of those testifying felt the same way, that the proposed regulations were too strict and would cause serious repercussions on not only agricultural operations in the affected areas, but would also have a domino effect and impact the communities as well. One concern voiced repeatedly was what was called a "one size fits all" approach to the proposed regulations, which would not only cut the allocation of groundwater for use by producers but also cut carryover of allocated water.

Those testifying against the proposal stated there have been no triggers to warrant the change in water allocation, and there has been no scientific data to back up the proposal. Some even suggested that the Board was being bullied by the State, and this was just another example of the Government trying to step into a situation where they should have no say-so.

Examples of how the increased restrictions would impact producers included smaller or fewer crops leading to reduced manpower which would then impact the economy, and possibly even schools. One producer from Sioux County suggested that the monitoring of wells in the Western portion of the district could be adversely effected by producers in Wyoming because they do not have the same restrictions as those in Nebraska.

One testimony was in support of the proposed restrictions, stating that the NRD had provided many opportunities for producers in the area to maximize their yield while best utilizing the resources, and that those who were opposed to the restrictions did not take advantage of those opportunities, and were not using the resources wisely.

A group of producers from Sioux County hired attorney Dan Skavdahl to represent their interests, and he urged the Board to consider possible legal ramifications for approving the proposed restrictions. He said the Board has a responsibility to enact rules and regulations that are in the best interests of the public, and from the testimony he heard, that would not be the case. He also told the Board they have to base their decision on data and science, and as of this time, that information is very sparse. Skavdahl pointed out that the District has to prove it is in the best interest of those in the area to allocate groundwater usage, and only two of the six areas in the district would fall under that guideline.

The Board will be taking testimony from members of the public until 5 pm on Monday, March 10. The written testimony will then be considered with the spoken testimony received today and a decision will be made on the proposal at a later date.

(Questions? Comments? Email news@chadrad.com)

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