

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF RULEMAKING HEARINGS



NOTICE IS HEREBY GIVEN THAT THE State of Nebraska, Department of Natural Resources, will hold public rule-making hearings pursuant to *Neb. Rev. Stat. § 84-907*. The hearings will be held hourly beginning at 9:00 a.m. on Wednesday, December 11, 2019, in Room C on the lower level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

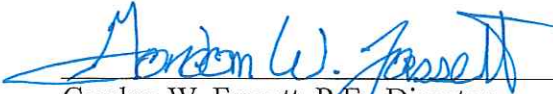
The purpose of the hearings is to take public comments concerning adoption of the Department's amendments to these rules: *Neb. Admin. Code Title 454* entitled "Rules of Practice and Procedure," *Title 456* entitled "Ground Water Rules," *Title 457* entitled "Surface Water Rules," *Title 460* entitled "Rules Governing the Water Resources Trust Fund," and *Title 461* entitled "Rules Governing the Water Resources Cash Fund." The proposed amendments to the rules and their hearing times are:

- 9:00 a.m. - Title 454, repeal Chapters 8, 12, and 14
- 10:00 a.m. - Title 456, repeal Chapters 3, 7, 8, 9, and 10
- 11:00 a.m. - Title 457, repeal Chapter 20
- 1:00 p.m. - Title 460, repeal in entirety
- 2:00 p.m. - Title 461, Chapters 1, 2 and 3 amended

The proposed rules as amended are available at the offices of the Secretary of State, Regulations/Licensing Division, Room 1305, State Capitol, Lincoln, Nebraska 68509, and on the Department's website at <http://dnr.nebraska.gov/rules>. The description of the fiscal and other impacts may be inspected and obtained at the Department of Natural Resources, 4th Floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. There will be no fiscal impact from the changes.

All interested persons are invited to attend and make oral or written comments at the hearings. Interested persons may also submit written comments prior to the hearings which will be made part of the hearing record at the time of hearing if received by the Department of Natural Resources on or before Tuesday, December 10, 2019. If auxiliary aids or reasonable accommodations are needed to participate in the hearing or if hearing impaired, please call Ron Theis at (402) 471-1113 by Tuesday, December 6, 2019.

Date: October 31, 2019


Gordon W. Fassett, P.E., Director
Department of Natural Resources

FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 454	Prepared by: Susan France
Chapter: 8	Date prepared: May 26, 2019
Subject: Rules of Practice and Procedure – Reclamation Districts	Telephone: (402) 471-1684

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political

Subdivision: None

Regulated

Public: None

If indeterminable, explain why:

FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 454	Prepared by: Susan France
Chapter: 12	Date prepared: May 26, 2019
Subject: Rules of Practice and Procedure – Irrigation Districts	Telephone: (402) 471-1684

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political
Subdivision: None

Regulated
Public: None

If indeterminable, explain why:

FISCAL IMPACT STATEMENT

Agency: Department of Natural Resources	
Title: 454	Prepared by: Susan France
Chapter: 14	Date prepared: May 26, 2019
Subject: Rules of Practice and Procedure – Public Records Availability	Telephone: (402) 471-1684

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: None

Political
Subdivision: None

Regulated
Public: None

If indeterminable, explain why:

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES
~~RULES OF PRACTICE AND PROCEDURE~~

CHAPTER 8 - ~~RECLAMATION DISTRICTS(Repealed)~~

~~001. NOTICE OF HEARING.~~ The Director or Director's designee shall prepare a notice setting forth the time and place of the hearing. As a minimum standard the notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in the counties having territory within the proposed district. The last notice shall be published no later than ten days prior to the hearing.

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

CHAPTER 8 - (Repealed)

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

~~RULES OF PRACTICE AND PROCEDURE~~

CHAPTER 12 – ~~IRRIGATION DISTRICTS~~(Repealed)

~~001. MAPS.~~ Irrigation Districts shall provide maps to the Department showing district boundaries as follows:

~~001.01.~~ When filing a petition for formation of an irrigation district, the map shall be submitted as described in Neb. Rev. Stat. § 46-104. The map shall be made with black ink on mylar or tracing cloth; shall be neat, legible; and the map dimensions shall not exceed 22 inches by 27 inches. The name of the proposed district shall be printed on the front page of the map. Each page of the map shall be numbered consecutively showing the total number of pages (Page 1 of ____, Page 2 of ____). Sections shall be divided into 40-acre government subdivisions.

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

CHAPTER 12 – (Repealed)

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

~~RULES OF PRACTICE AND PROCEDURE~~

CHAPTER 14 – ~~PUBLIC RECORDS AVAILABILITY~~(~~Repealed~~)

~~001. Any person may examine public records maintained by the Department during the Department's business hours, make memoranda or abstracts from such records, or copies of such records, upon written request to the records manager of the Department for an appointment to view such records at its Lincoln office.~~

~~—001.01. The request letter and its envelope should be marked "Records Request" and include the name, mailing address, and day-time telephone number in the event the Department needs to contact the person.~~

~~—001.02. The request should reasonably describe the records being sought and, whenever possible, include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. The Department does not conduct research to determine what records to provide.~~

~~—001.03. If the request does not sufficiently describe the records to allow the Department to locate them, the Department may require additional information be provided.~~

~~001.04. A written request for copies of records shall be considered an agreement that the person requesting the copies will pay all applicable fees up to fifty dollars (\$50). Copies, the cost of which are anticipated to exceed fifty dollars, are subject to 003.02.~~

~~—001.05. Records shall not be removed from the Department premises.~~

~~001.06. The Department will not provide copies of materials that are subject to copyright law.~~

~~002. Upon receipt of a written request for access to or copies of a public record, the Department will provide the requested record(s) for examination or copies as soon as practicable but no later than four business days after the written request is received except as provided in 002.01.~~

~~002.01. If the entire request cannot reasonably be fulfilled within four business days due to the significant difficulty or extensiveness of the request, the Department will notify the requestor in writing of the reasons for the delay, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requestor to modify or prioritize the items within the request.~~

NEBRASKA ADMINISTRATIVE CODE

TITLE 454 – DEPARTMENT OF NATURAL RESOURCES

CHAPTER 14 – (Repealed)