



## **For Immediate Release**

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Contact: Erika Hill, Public Relations Director

Phone: (402) 471-7672 Cell: (402) 570-2283

Email: [ehill@nrdnet.org](mailto:ehill@nrdnet.org)

## **Upper Elkhorn NRD Along with Nebraska's Natural Resources Districts take stand against EPA "Water Rule"**

The Nebraska Association of Resources Districts (NARD) submitted formal comments today on behalf of the 23 Natural Resources Districts across the state in opposition to the proposed changes to the Waters of the United States (WOTUS) rule that would significantly expand federal regulatory authority by the EPA and US Corp of Engineers (CORP) over Nebraska citizens. At its last board meeting, the Upper Elkhorn NRD voted unanimously to oppose the EPA definition of the Waters of the U.S.

While NARD supports efforts to protect water quality and quantity in Nebraska, and has a proven track record of cooperation with local residents and other agencies to do so, we believe the Proposed Rule to have the federal government more involved in the daily lives of Nebraskans will not result in improved water quality. Rather, it will only result in significant cost increases and delays in economic and management activities for landowners, homeowners, agencies and businesses.

"Based upon the NRDs' experience, permit requirements under the current rule already take about 18 months to process and it is not uncommon for them to cost up to \$100,000," said Terry Martin, NARD President. "We believe expanding the CORP permitting authority will only add to the existing delays and increase the cost to more individuals and businesses. Further, under the Proposed Rule there is no guarantee that after incurring the additional time delays and financial cost that individuals or businesses would be granted a federal permit to enhance and use their property," Martin said.

Under the current federal law and existing rule, the federal agencies carry the burden of proving a person needs a federal permit. Federal agencies do this by evaluating projects on a case-by-case, site-specific determination. The Proposed Rule essentially eliminates this vital step and shifts the burden to the landowner to prove they do not need a federal permit.

The Proposed Rule gives power to the federal agencies to regulate all water including groundwater. The federal agencies are proposing to use migration patterns of plants and animals to establish the need for more federal regulation. Although federal officials have claimed that the Proposed Rule is not intended to expand regulation to groundwater, the definitions used do not provide that assurance.



“The federal laws are clear that land use and water regulation is reserved to the states to protect and regulate. This policy has been upheld several times by the federal courts. However, the Proposed Rule ignores these long-standing policies and extends the heavy-hand of the federal government into the daily lives of Nebraska citizens,” said Martin.

Nebraska has a successful system in place through the local Natural Resources Districts (NRDs) to allow local citizens to help craft resource management plans that have a proven track record of protecting water and land resources for current and future uses.

“If the federal agencies desire to assure citizens of their intention, they should drop the rule and use clear language that follows federal laws and federal court cases that clearly protect states’ rights on water regulation,” said Martin.

The NARD encourages the public to stand up with the Natural Resources Districts and voice their opposition against the EPA Water Rule. Go to [www.nrdnet.org](http://www.nrdnet.org) for the link to the EPA to sound off on the EPA Water Rule. The NARD official comments on the Proposed Rule can also be found on the NARD website.

The NARD is a member of Common Sense Nebraska, which is a coalition of organizations and entities that have come together in response to EPA’s WOTUS rule: a regulatory proposal that would harm both rural and urban Nebraskans through expansion of EPA’s powers and authorities under the federal Clean Water Act. The coalition’s purpose is to build awareness and understanding of the EPA proposal and the adverse impacts it would have on Nebraskans.

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The Nebraska Association of Resources Districts (NARD), the trade association for Nebraska's 23 natural resources districts, works with individual NRDs to protect lives, protect property, and protect the future of Nebraska’s natural resources. These districts are unique to Nebraska. NRD’s are local government entities with broad responsibilities to protect our natural resources. Major Nebraska river basins form the boundaries of the 23 NRDs, enabling districts to respond best to local conservation and resource management needs. To learn more about Nebraska’s NRDs visit [www.nrdnet.org](http://www.nrdnet.org). Or you can head to the Natural Resources Districts’ Facebook page at [www.facebook.com](http://www.facebook.com) or follow NARD’s Twitter page at [@nebnrd](http://www.twitter.com). NARD is located at 601 S. 12<sup>th</sup> St. Suite 201, Lincoln, Nebraska 68508. Email NARD at [nard@nrdnet.org](mailto:nard@nrdnet.org) or call NARD at (402) 471-7670.