



Legislation Text

File #: REP 13-857, **Version:** 1

Receive report from EAA staff regarding potential changes to the Notice of Intent to Finish a Crop process associated with the EAA Critical Period Management Plan.

STAFF RECOMMENDED MOTION:

None. This item is for informational purposes only.

SUMMARY:

The purpose of this agenda item is for the Permits/Enforcement Committee to receive a report from EAA staff on proposed improvements to the current Notice of Intent to Finish Out a Crop (NIFC) process. In the past, EAA staff has received criticism regarding the complexities of the Critical Period Management Program as it relates to irrigation and the NIFC process.

Under the EAA Act and EAA rules, "notwithstanding the existence of any stage of ... critical period ... a person authorized to withdraw groundwater from the aquifer for irrigation purposes shall, without regard to the withdrawal reductions prescribed for that stage, be allowed to finish a crop already planted in the calendar year during which the critical period is in effect." Under this provision, an irrigator is allowed to irrigate under less restrictive reductions until a planted crop is harvested (at which time full reductions are applied to his or her permit). As EAA staff administered this process through multi-year droughts, it became apparent that the calculations and paperwork required to properly account for irrigation practices were both burdensome and complicated for the irrigator and staff alike. Consequently, the irrigator has come to rely upon staff to walk them through the process at almost every stage of implementation.

As early as the 2013 EAA Director Work Session, EAA staff began to have discussions with the board about the intricacies of Critical Period Management and about attempting to simplify the process, while maintaining the intent behind the language of the EAA Act and EAA Rules. However, because of drought conditions and continued implementation of the Critical Period Management Plan since that time, the process of simplification has been slow.

EAA staff now feels that the time is right to discuss potential changes to the NIFC process and will provide the Committee with an explanation of the current process and a proposed new process, which is intended to be less complicated on all parties. Staff will also give an update as to potential timing of changes that will require a formal rulemaking.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal within the Strategic Plan, but supports the general

EAA mission.

FISCAL IMPACT:

None.