



# Nebraska's Natural Resources Districts

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TO: NARD Board, NRD Managers and Conservation Partners  
FROM: Dean E. Edson, NARD Executive Director  
RE: February 3 NARD Update

## Nebraska Unicameral - Floor Action

**LB 391 - Create the Nebraska Invasive Species Council. Schilz.** State senators advanced **LB 391** to Select File this week which creates the Nebraska Invasive Species Council. Senators adopted the committee amendment, **AM 683**, which clarifies that pets are not considered invasive species and also adds a representative of the Nebraska Association of Resources Districts (NARD) as a voting member of the council.

The bill proposes to establish the Nebraska Invasive Species Council to recommend action to minimize the effects of harmful invasive species in Nebraska. Invasive species is defined to mean aquatic or terrestrial organisms not native to the region that cause economic or biological harm and are capable of spreading to new areas. The council would be governed by up to a 13-member group including: 1) The Nature Conservancy, Nebraska Office; 2) the Nebraska Game and Parks Commission; 3) the Department of Agriculture; 4) the Nebraska Forest Service; 5) the University of Nebraska-Lincoln; 6) the Nebraska Cooperative Fish and Wildlife Research Unit; 7) the Nebraska Weed Control Association; 8) the Nebraska Association of Resources Districts; and 9) up to five members at large who shall represent public interests, at least three of which shall represent agricultural land owner interests, as appointed by the Governor. A representative of NARD was added under **AM 683**.

The council would be responsible for developing and updating a statewide adaptive management plan for Nebraska citizens. The plan would address the following: 1) Statewide coordination and intergovernmental cooperation; 2) Prioritization of invasive species response and management; 3) Early detection and prevention of new invasive species through deliberate or unintentional introduction; 4) Inventory and monitoring of invasive species; 5) Identification of research and information gaps; 6) Public outreach and education; 7) Identification of funding and resources available for invasive species prevention, control, and management; and 8) Recommendations for legislation regarding invasive species issues.

The bill also includes “non-voting” members to the council including: The Midwest Region of the National Park Service; the Animal and Plant Health Inspection Service of the United States Department of Agriculture; the Natural Resources Conservation Service of the United States Department of Agriculture; and the United States Geological Survey.

Senator Schilz has filed an amendment (**AM 1804**) to change the representative of the Nature Conservancy from a voting to a non-voting member of the council. The amendment also adds “an electric generating utility” as a voting member. The amendment will be addressed when the bill comes up for Select File debate.

**LB 498 - Change water resources provisions relating to in situ uranium mining. Louden.** State senators advanced **LB 498** to Select File this week after adopting **AM 1581** and **AM 1658**. Originally

**LB 498** would have exempted in situ uranium mining in which water is subsequently re-injected into the underlying aquifer from which it was withdrawn from the Industrial Ground Water Regulatory Act and from the definition of consumptive use. The Natural Resources Committee amendment (**AM 1581**) now replaces the bill. Current law allows a permit to be amended unless it would increase daily peak withdrawal or the annual volume by more than 25 percent from the amounts allowed in the original permit. The committee amendment proposes an exception to this rule for applications requesting an increase in the maximum daily volumetric flow rate or annual volume to levels allowed under a Department of Environmental Quality-issued permit.

Senator Loudon was successful in adding **AM 1658** to the bill which clarifies that exemptions for NDEQ permits are those granted under the general authorities of NDEQ or the Environmental Quality Council.

**LB 873 -- Extend sunset of the petroleum release remedial action fund. Schilz.** Senators advanced **LB 873** to Select File this week. The bill proposes to extend the sunset date for the petroleum remedial action program and fund from June 30, 2012 to June 30, 2016.

**LR 40 CA -- Constitutional amendment to establish the right to hunt, to fish, and to harvest wildlife. Pirsch.** Senators advanced LR 40 CA to Final Reading this week. The proposed amendment to the state's Constitution would make hunting, fishing and trapping protected rights for Nebraskans subject to laws, rules and regulations. On Select File senators adopted **AM 1611**, offered by Senator Pirsch, which clarified that the proposed right to hunt and fish shall not be construed to modify any provision of law relating to water rights. The amendment was added after concern was raised that the right to fish could be used to place a higher priority on stream flow and result in regulation of water for such.

If approved by 3/5ths (30 votes) of the senators on Final Reading, the amendment to Nebraska's Constitution will be submitted to voters at the November 2012 general election.

### **Nebraska Unicameral - Committee Action**

**LB 526 - Change provisions relating to water transfers. Carlson.** The Natural Resources Committee advanced the bill to General File this week with committee amendment **AM 1784**. The bill allows for a second alternative for water transfers which would be the entire amount of a surface water irrigation right for a non-consumptive use. The bill maintains the other transfer purpose if both the current use and the proposed use are for irrigation, the number of acres to be irrigated will not increase after the transfer, and the location of the diversion from the stream will not change.

The committee amendment (**AM 1784**) addresses the concern raised at the hearing that allowing a transfer that is a change in preference of use or point of diversion could possibly harm existing surface water appropriators. The amended language would place conditions on such a transfer, including that the transfer or change in purpose will not diminish the supply of water available or otherwise adversely affect any other water appropriator, adversely affect Nebraska's ability to meet its obligations under a multistate agreement, or result in administration of the prior appropriation system by the Department of Natural Resources, which would not have otherwise occurred.

**LB 760 - Change provisions relating to meetings of the Environmental Quality Council and grants made to political subdivisions. Schilz.** The bill proposes two changes to the Environmental Quality Council. First the bill proposes to eliminate the requirement that the council have four quarterly meetings per year and replaces it with a requirement that they meet at least twice a year.

Second, current law allows that grants to political subdivisions under the control of the department be made in accordance with the priorities of the council. The bill adds language "unless otherwise required by

statute” to that requirement. The Natural Resources Committee advanced the bill to General File without amendments.

**LB 849 – Convey the Pibel Lake State Recreation Area to the Lower Loup NRD. Sullivan.** The Natural Resources Committee advanced the bill to General File this week with Committee Amendment **AM 1777**. The bill authorizes the Game and Parks Commission to convey the Pibel Lake State Recreation Area, situated in Wheeler County, to the Lower Loup Natural Resources District. The committee amendment (**AM 1777**) strikes the proposed language that would have allowed the commission to be responsible only for enforcement of the Game Law once the property is transferred.

**LB 723 – Change provisions relating to small systems under the Nebraska Safe Drinking Water Act. Bloomfield.** The bill amends the Nebraska Safe Drinking Water Act so that it is in compliance with federal law. There is no longer a reference in federal law to a water system currently defined in Nebraska law as "small system." Thus, the bill eliminates the definition of “small system” under the Nebraska Safe Drinking water Act and refers instead to "public water systems serving fewer than 10,000 persons.” The bill also maintains a lower fine for administrative violations under the act for public water systems that serve less than 10,000 individuals. The Health and Human Services Committee advanced the bill to General File without amendments.

### **Indefinitely Postponed**

**LB 877 -- Require disclosure of hydraulic fracturing treatment information. Wallman.** The Natural Resources Committee indefinitely postponed LB 877 this week. The bill would have required the owner or operator of a well on which a hydraulic fracturing treatment is performed to provide the composition of the hydraulic fracturing fluids used in such treatment to the Nebraska Oil and Gas Conservation Commission. The report to the commission was to include the total volume of water used in the hydraulic fracturing treatment and each chemical ingredient that was used. The commission would have also been required to develop a process for the reports to protect any trade secret information.

### **Other Unicameral News**

**Snow Storm Cancels Hearings --** Due to the forecast for a winter storm, all committee hearings scheduled for Friday afternoon, February 3, were cancelled and are rescheduled for Monday, February 13<sup>th</sup> at 9:30 a.m. The session will start at 9 a.m. on February 13<sup>th</sup>, and then adjourn for hearings. The change was requested by Speaker Flood and required a vote by the legislative body to suspend the rules and change the hearing dates, which was approved unanimously.

**Committee Hearings Next Week –** The following are bills of interest regarding natural resources issues. For a complete list of hearings visit:

<http://nebraskalegislature.gov/FloorDocs/Current/PDF/Hearings/hearings.pdf>.

#### **Monday, February 6, 2012**

- **General Affairs, Room 1510– 1:30 p.m.**

**LB 789 -** Change the State Electrical Act relating to electrical inspections for grain handling and irrigation equipment. (Haar)

- **Business & Labor, Room 2102 – 1:30 p.m.**

**LB 959** - Provide immunity to employers for job references (Janssen)

**LB 1058** - Change the Employment Security Law and the New Hire Reporting Act. (Carlson)

**Wednesday, February 8, 2012**

- **Natural Resources, Room 1525 - 1:30 p.m.**

**LB 732** - Provide procedures for the use of eminent domain by cities and villages for trails. (Mello)

**LB 857** - Provide for repayment of certain grants from the Nebraska Environmental Trust Fund as prescribed. (Larson)

- **Government Committee, Room 1507– 1:30 pm.**

**LB 1094** - Provide for an election in certain counties to require elections by mail. (Harms)

**NACD Annual Conference Highlights** – Nebraska’s natural resources districts (NRDs) had 14 representatives attend the National Association of Conservation Districts’ (NACD) 66<sup>th</sup> annual meeting in Las Vegas, Nevada this week. The conference themed “Conservation: We’re All In” demonstrated that we can do more for conservation when we all work together. Conference participants spent two days attending breakout sessions, hearing from conservationists, and recognizing exceptional conservation efforts of member districts and partners of NACD. Nebraska’s NRDs were recognized at Monday’s lunch for achieving 100 percent district membership participation in NACD. Following are some of the conference highlights:

- NACD President Gene Schmidt reflected on his first 12 months leading the organization, and asked attendees to deliver the conservation message to no less than twelve organizations or individuals. Locally-led conservation is the key to achieving large-scale success, he said, comparing local actions to individual pieces of a puzzle that fit together.
- Jon Radtke, water resource manager for Coca-Cola North America, provided insights about the corporation’s extensive water stewardship efforts. The company focuses on plant performance, watershed protection, sustainable communities, and global awareness and actions. Coca-Cola cooperates with local conservation districts and other partners to achieve water quality and quantity goals.
- NRCS Chief Dave White stated that conservation spending is being increasingly tied to measurable outcomes, and this requires focusing resources in a coordinated, large-scale effort. He highlighted efforts across the country to “solve issues without hurting production.”

Attendees also heard from partnering agencies and organizations such as U.S. Fish & Wildlife Service, U.S. Forest Service, and the National Association of Farm Broadcasters.

A conservation project “share fair” was held Monday morning for districts to showcase activities and accomplishments. This event allowed for attendees to network and learn more about local conservation efforts. Breakout sessions covered a variety of topics on Monday and Tuesday afternoon. Some of the topics covered were: Success of soil tillage practices, outdoor education, how to communicate the conservation message, developing partnerships to control invasive species, water management, new technology for conservation planning, voluntary stewardship programs, and the 2012 Farm Bill.