

IV. NATURAL RESOURCES

A. ENERGY

ALTERNATIVE ENERGY (2010). The state and federal governments, and the Nebraska Farm Bureau should work to develop and use alternative sources of energy, including ethanol, soy diesel, wind, hydropower, solar, methane, low pressure steam, and nuclear to supplement the present supply of petroleum. We encourage the use of renewable energy sources to supplement and replace petroleum and natural gas. We believe buying power from private sector by public power districts and coops should be encouraged.

We support making incentives available for private individuals and for rural and regional cooperatives to construct wind turbine farms and other alternative electrical generation systems. We support net billing using avoided costs to pay for electric generation. We believe the use of alternative energies should fit within a comprehensive framework tied to goals and objectives developed by the State of Nebraska. Alternative energy usage must also fit within the state's public power structure.

AIR QUALITY (2008). Dust originating from general farming practices and other agricultural activities in rural areas should not be subject to the standards established under EPA's particulate matter (dust) regulations. We oppose any effort by the state to implement or enforce EPA's particulate matter standards on Nebraska agriculture enterprises.

CARBON CREDIT MARKETS (2008). We believe the Carbon Sequestration Advisory Committee should change its role and mission since it has completed its initial responsibilities. We believe the new focus of the Committee should be one of an advisory role to enhanced and protect agriculture's role in greenhouse gas offsets programs such as the carbon credit markets.

CARBON SEQUESTRATION (2011). We support the study of carbon credits for agriculture. A standard should be set as to the value of sequestered carbon before implementation of carbon credit trading.

We encourage Nebraska Farm Bureau to investigate business arrangements where Farm Bureau members could participate in a carbon trading credit program which would pay farmers to sequester carbon through no-till or low-till practices.

DEREGULATION OF ELECTRIC COMPANIES (2009). We oppose the deregulation of retail electric services. Public power was created to provide safe, reliable and affordable electric energy to all customers and we oppose any change to public power that would endanger that ability.

We believe that the economic and social consequences must be considered so as to ensure access to reliable service at fair and reasonable prices and to protect cost-effective technologies.

Public Power Districts should be allowed to enter into businesses other than power retailing under some limited authority. We support allowing private companies to enter into lease

agreements with public power districts to provide broadband service to rural Nebraska as long as it does not hinder other means of communications.

HIGH LINE LOCATION (2010). We believe more consideration should be given by public utility companies in locating high voltage transmission lines on half mile or mile lines.

RURAL ELECTRIFICATION (2008). Farm Bureau believes adequate credit must be made available to construct generation and transmission facilities where needed.

WIND ENERGY (2010). Nebraska Farm Bureau should protect the interests of Nebraskans while supporting wind development opportunities for domestic use and export. We support wind development and the additional income opportunities it could provide for farmers and ranchers as long as the reliability and low rates of public power are preserved and landowners are made fully aware of the opportunities and risks associated with wind farm leases on their property. We support state and local oversight, but believe such regulations should not stand as a barrier to development. We believe private property rights should be protected, and private landowners should directly benefit from the development in some way. We believe wind development should contribute to the State of Nebraska's tax base through a predictable, reliable, long-term structure.

We believe landowners need more information on wind leases, costs to the landowners, income, taxes, and the basis of any taxes. We believe there needs to be a resource, which can assist landowners with concerns and provide information.

We support efforts to update and expand electricity transmission lines used to transport wind generated electricity across the state and nation.

B. ENVIRONMENTAL CONTROL

AGRICULTURE PRODUCER HARRASSMENT (2008). Agriculture producers should be able to operate and grow their operations free from harassment. Destruction of property, threats of violence, and purposeful misrepresentation of information about the operator or operation, should not be tolerated. We support criminal penalties for harassment of producers.

We believe producers have the right to know who has filed complaints against their operations, when complaints become frivolous, without having to take legal action to obtain such information.

Persons or organizations making false claims against agriculture producers to the Department of Environmental Quality regarding pollution damage should be held accountable. Persons who file more than three complaints in two years requiring DEQ to inspect possible violations more than three times in two years when no violations are found should be liable for DEQ's and the animal feeding operation's expenses. We support legislation that requires DEQ to reveal the name of the person or organization that files a complaint.

CONSERVATION PROGRAMS (2010). Nebraska producers should have a greater voice in determining how conservation programs are implemented at the local level. We encourage

Nebraska NRCS to develop a more transparent process and provide greater opportunities for farmers and ranchers to participate in local conservation program decision making. We believe the NRCS should be more vigilant regarding compliance of conservation plans.

DEPARTMENT OF ENVIRONMENTAL QUALITY (2008). We support a policy requiring all Environmental Quality Council members to actively participate in the industry, which they were originally appointed to represent. The Nebraska Legislature should carefully monitor the DEQ and insist the agency function as it was originally mandated.

We favor the current membership structure of the Environmental Quality Council that includes representation from agriculture and other regulated industries. We oppose efforts to include representatives from environmental and wildlife organizations on the EQC.

ENVIRONMENTAL REGULATIONS (2009). Environmental control laws should not be so restrictive as to prevent industrial and business development or flexibility in alteration of agricultural enterprises. Burden of proof for all regulations should be the responsibility of the agency implementing the program. This proof should include sound scientific evidence and risk/benefit analysis assessing the economic impact of the proposed regulation. Producers should be absolved from fines where effort has been made in good faith to comply with environmental protection requirements.

Indemnification should be provided where changes are required in previously approved anti-pollution devices and systems. Sudden prohibition of farm chemicals and drugs cannot be tolerated without providing reasonable and effective substitutes to protect crops and livestock in the process of production. The assessment of fines for damages for pollution violations without satisfactory solutions should be prohibited. Environmental standards of the state should not exceed those of the federal government.

We believe additional responsibilities for environmental problems should be placed in the hands of local people who are closer to and better acquainted with the problems.

All land within the boundaries of the state, shall be subject to the laws of the state. Enforcement of environmental law shall be regulated by the NDEQ and NDA with the cooperation of the US EPA.

NEBRASKA ENVIRONMENTAL TRUST (2011). We favor restructuring the Nebraska Environmental Trust Board to better reflect the make up of Nebraska's natural resources and land base.

Projects involving research to improve ground and surface water quality, water conservation, improvement of soil management, waste management and air quality should be the top priorities for Environmental Trust funds.

We oppose the use of Environmental Trust funds for land acquisition. If land acquisition is allowed, we support limiting the use of Environmental Trust funds for permanent land acquisition to non-productive agricultural land. If trust funds are used to acquire income

producing ag land then the land should be required to be sold by the grant recipient at public auction after environmental improvements are made. No grant recipient should be allowed to own the property for longer than three years. Any original NET funds given as a grant for land acquisition should be returned to the Trust upon the sale of such land. Financial gain from the sale of the property by the grant recipient should be diverted back to the Trust for redistribution to other projects.

The Nebraska Environmental Trust should establish a series of guiding principles for consideration in funding projects that involve land acquisition. Principles should include but not be limited to:

1. Is the applicant locally based in the area where land acquisition is to take place?
2. Does the applicant ensure the payment of property taxes on land acquired?
3. Is there demonstrated financial need on behalf of the applicant?
4. Are there other means by which the desired environmental improvement can be derived without purchasing the property?
5. The applicant agrees not to bid above the appraised value of the property.
6. Consideration of organizational structure, including access to leadership positions.

NEBRASKA PESTICIDE ACT (2009). We support the Nebraska Pesticide Act and believe it should be administered by the Nebraska Department of Agriculture (NDA) and are opposed to efforts to transfer this authority from NDA. Funds generated under the Pesticide Act should be maintained for purposes of implementing programs related to pesticide use.

RIGHT TO FARM (2010). Farmers and ranchers should be protected from protests and court suits relating to dust, noise, odors and other environmental factors when the farming or ranching enterprise was located in an area prior to new non-agricultural development, including nature areas, bike trails, and recreational areas. We believe citizens moving to the country should have to read, acknowledge, and sign a document outlining normal farming procedures, activities, and other realities related to country living prior to purchasing real estate or receiving any building permits from the county.

STATE JURISDICTION (2008). The Nebraska Department of Environmental Quality in cooperation with the Environmental Protection Agency should be the only controlling authority governing any rules, laws, and guidelines administered by either of these administrations.

STORM WATER MANAGEMENT (2011). We believe that municipalities, counties, and NRDs should not be given authority to levy a fee on agricultural and horticultural lands in areas where storm water management programs are needed. We oppose efforts to require agricultural landowners in storm water management areas to develop or implement on-farm storm water management plans. Storm water management for these lands should continue to be the concern of program assistance from the soil conservation offices.

Lands that are being prepared for development where current terraces, waterways, and runoff control are changed through grading, should be charged a fee to the developer by the municipality, county, or NRD, or required to practice soil and runoff control by placing controlling facilities on the projects. Fines for failure to comply should be levied accordingly.

We oppose giving NRDs additional bonding authority in order to construct flood control facilities.

WASTE DISPOSAL (2008). We support the separation of recyclable materials, with the state providing a list of items to be separated. We encourage biodegradable packaging in environmentally safe and/or recyclable containers. We encourage continued research and use of recycled tires. We believe Nebraska should pursue methods to restrict out-of-state solid waste deposits. We support incorporation of common sense in the rules on waste disposal. Proceeds from taxes on garbage and refuse should be used exclusively for disposal and clean-up cost.

We oppose legislation requiring every Nebraska resident to pay a local jurisdiction's solid waste service charge if their premise is served by an alternate solid waste collection service or a community solid waste collection drop-off location.

C. EMINENT DOMAIN/ZONING

ANNEXATION (2007). We oppose corridor annexation of property by cities in Nebraska unless approved by the residents and property owners in the annexed area.

We oppose the use of skip annexation except when used by cities of the second class or smaller when skip annexing for the purpose of locating an ag processing facility.

CONSERVATION EASEMENTS (2011). As landowners are the only ones who can place a conservation easement on his or her property, we believe the decision of entering into a conservation easement is a personal property right of the individual. Farm Bureau should provide educational information to landowners interested in entering into conservation easements to help identify the positive and negative aspects so individuals can make informed decisions. We support a study of the use of conservation easements in Nebraska to identify the potential future impacts that easements may have on the economic well being of Nebraska's rural areas.

We believe conservation easements should be limited in time and not extend into perpetuity. We are opposed to the use of public funds or tax dollars to purchase easements for conserving natural areas and habitats.

EMINENT DOMAIN (2011). The Game and Parks Commission and NRDs should not be vested with the power of eminent domain for the development of recreational areas. We oppose granting the power of eminent domain to Indian tribal councils.

Farm Bureau supports a change in the eminent domain laws of Nebraska to eliminate the liability of landowners when entities having power of eminent domain cross their land.

We oppose the highway department having the power to use eminent domain to mitigate wetland habitat for highway projects. Rather, we believe the department should work under a willing buyer/willing seller procedure.

We support limiting the use of the power of eminent domain to the acquisition of essential, non-recreational projects. Due process and impact studies should be conducted prior to state and local spending on the conversion of farmland to other uses. We support the philosophy that land purchased for non-essential recreational facilities should only be on a willing seller basis.

We support legislation to prohibit the use of eminent domain solely for economic development purposes. Use of eminent domain for community redevelopment should be limited only to areas determined to be blighted, where the blighted determination seeks to redress an existing property use or condition that constitutes a public menace, public health concerns or otherwise caused public harm. In no event shall ag land be designated as blighted.

We support a landowner notification process regarding the possible use of eminent domain that is truly effective, not perfunctory, and begins at the earliest stages of consideration, such as when preliminary studies are being done on a particular project.

We believe private companies should not hold the power of eminent domain in negotiations with landowners for easements.

SCENIC RIVERS (2010). Farm Bureau opposes the establishment of a state or federal system of wild or scenic rivers or wilderness areas in Nebraska. We demand that before a river is designated as a wild or scenic river, a comprehensive study, as mandated by law, be completed on the exact segment of river that has been proposed to be designated.

If a wild or scenic river, national park or wilderness area is designated, we request that the federal government:

1. Reimburse the county for lost revenue including real estate taxes and land use.
2. Establish a specific fire control policy for the area.
3. Be liable for all damage caused by fire or by the introduction of wildlife and vegetation not now native to the area or over population of wildlife to the area.
4. Establish ways to allow more local control of management of the river.

We also oppose the American Heritage Rivers Initiative.

We oppose legislation at the state level, which would designate streams, rivers, and tributaries in Nebraska as protected.

ZONING AND LAND USE (2008). The control of land use planning and zoning should be vested at the county level and none of it should be vested in the federal government.

While the planning and zoning laws of the state provide a generally adequate framework upon which any county can base land use planning and zoning, the law should be changed to allow for river corridor zoning. An all-out effort should be made to preserve individual property rights in

preservation corridors.

Residents within the legal zoning radius of cities and villages should have voting representation on regulations, laws, and actions affecting zoning within that radius.

We support compensation for landowners and producers from subdivisions of government that are responsible for “takings” of private property which cause monetary losses.

We encourage the Nebraska Department of Roads to work with landowners and follow property lines as near as possible when developing or planning new highways. Specifically, we oppose the diagonal bisecting of farmland.

ZONING BOARDS (2010). We support revision of state and local zoning laws to allow rural residents living within any city's zoning radius representation in the workings of that jurisdiction and more flexibility in use of their property. County zoning board members should reside in the territory of the county zoning authority. Membership on rural planning and zoning committees should reflect the constituency affected by the zoning policies.

D. PUBLIC LANDS

GRAZING (2009). We support grazing of livestock on the public lands of the state and oppose further introduction of buffalo on the state’s public lands.

LAND ACQUISITION (2011). We believe private land ownership is vital to the economic well being of our state. We oppose expansion of land ownership by state agencies. The use of habitat stamp funds for the purchase of land and development of hiking trails should be eliminated. We oppose the sale of an aquatic habitat stamp. The Game and Parks Commission should budget more money for feeding wildlife.

Tax exempt environmental organizations and other tax exempt entities receiving public funds should not be allowed to own or purchase income producing agricultural land. If ownership is allowed, we support efforts to establish a process and parameters on the acquisition of agricultural lands by nonprofit organizations when such acquisition is for the purpose of conserving natural areas and habitats. Such acquisitions should require approval of the Governor and include provisions preventing the sale or transfer of lands acquired by nonprofits from future sale or transfer to any federal agency.

E. WEED CONTROL

NOXIOUS WEEDS (2010). We believe the local weed control entity should identify and commence legal proceedings on all parties who fail to control noxious weeds before they go to seed. All properties owned by lending institutions, railroads and city, county, state and federal government lands should implement the weed control program recommended by the county weed control authority. We further believe that all sales contracts and/or listings of agricultural land should be required to report if there is a noxious weed infestation. When a seller and/or broker knowingly misrepresents infestation, they should be held liable.

We support the continuation of the state noxious weed program under the Nebraska Department of Agriculture (NDA). We encourage the NDA to look at means to create greater program efficiencies and reduce costs. We favor efforts by NDA to be proactive in facilitating and developing measures to control new invasive species before they warrant noxious weed designations. Environmental Trust Funds, general funds and federal and state grant dollars should help fund the program. We oppose an increase in pesticide registration fees for this purpose. Local and State weed control authorities should be held more accountable for failure to take necessary actions to control noxious weeds. If the county weed board will not enforce control of noxious weeds, the county should be liable for the cost of controlling the spreading of weeds onto neighboring lands.

We promote the use of biological control and chemical control for noxious weeds on state owned property. We favor greater coordination between neighboring state and local weed control agencies and the establishment of mediation mechanisms for landowners to address the spread of noxious weeds across state lines. We also encourage Game and Parks to allow the mowing of roadways, and we encourage the weed superintendents to enforce all noxious weeds laws. NRDs should discontinue sales of "Russian Olive" trees.

F. NATURAL RESOURCES DISTRICTS

COST ANALYSIS (2011). We expect NRDs to use accurate cost analysis in their feasibility studies conducted to determine if they should proceed with the construction of flood control or other water and soil conservation projects.

FLOOD CONTROL (2010). We support the allocation of NRD funds for construction of terracing and small dams on an increased cost-share basis rather than construction of large dams for flood control and/or recreation. We oppose the taking of agricultural land allegedly for flood control when the real purpose is to provide recreation areas and private development.

NRD RESPONSIBILITIES (2010). We support retaining the NRDs and the powers granted therein for local elected board members to manage and conserve the natural resources of their respective districts. We also believe that responsibility for regulation should be kept as close as possible to the affected area. We oppose merging Natural Resource Districts.

We are opposed to any blanket statutory mill levy increase for these districts without a vote of the people. However, we are not opposed to providing NRDs located in areas determined by DNR to be fully or over-appropriated with a limited, specific, targeted levy authority to implement integrated management plans in these areas. We are opposed to granting NRDs bond authority for funding of stormwater control, recreation areas, or private development projects. In the event that bond use by NRDs is approved by the Legislature, we propose that those bonds would be subject to tax, because they would enhance a private activity.

NRDs should not spend money on recreation areas, unless the project includes flood control benefits or other direct water management tools.

We oppose the transfer of predator; noxious weed and pest control program responsibilities to local NRDs because it dilutes the basic purpose of the NRDs as well as creating an additional

financial burden to these entities. Farm Bureau opposes giving NRDs authority to designate flood plain preservation corridors.

We encourage Natural Resources Districts to adopt rules to prohibit runoff from dewatering wells to prevent damages to adjoining property. If needed, legislation should be passed to provide Natural Resources Districts authorities to adopt such rules.

G. GROUNDWATER

MANAGEMENT (2010). In times of groundwater shortage, we believe statutory law should provide that every landowner located over a common ground water aquifer should have the right to reasonable use of the groundwater. If reductions are required, NRDs should allocate water use according to reasonable needs, and all users should be required to reduce withdrawal accordingly. Because of varying ground and surface water uses, different irrigation distribution systems, or varying climatic, hydrologic, geologic, or soil conditions, we support present law providing NRDs the flexibility to adopt different groundwater regulations for different users to reflect the varying ground water uses or natural conditions.

We oppose any statewide plans that would mean mandatory metering of all withdrawals of ground water for agricultural purposes.

Preference in the use of groundwater should be: domestic, agricultural, manufacturing, wildlife, and recreation; however, legislation should be enacted requiring the deepening of domestic wells to the depth of the irrigation wells in question, before shortage of water for domestic use is determined and before the filing of damage suits against owners of nearby irrigation wells.

We strongly oppose efforts to redefine agriculture uses in Nebraska's groundwater preference system. We believe domestic use of both ground and surface water within municipalities should be defined so as to only include household use.

A replacement well drilled to irrigate the same acreage, as the properly abandoned original well should be considered a legal well and retain the priority date of the abandoned well.

TRANSFERS (2007). New transfers for domestic or agricultural uses to an adjacent section, regardless of the amount of water transferred should not be required to obtain a permit or provide a regulatory assessment impact statement.

We believe all other water transfer requests should continue to be evaluated with the following statutory criteria:

1. If the use of the water is intended for beneficial purpose.
2. Whether the communities (recipients) have alternative water supplies available.
3. If the transfer negatively affects surface and groundwater users near the transfer site.
4. If there are "other factors" deemed to be important by the Director of the Department of Natural Resources to protect the interests (health and safety) of the state and its citizens.
5. We oppose transfers of water out-of-state.

If a transfer is approved, compensation should be provided to any parties who are adversely affected by the transfer. Any person, entity, or state agency that transfers and/or consumes said

water should be liable for compensating affected parties for the depletion, misuse or damage such transfers may create.

We believe the State of Nebraska should act only as the regulator of water transfers and shall not assume the responsibility of being the facilitator of such transfers or sales.

WATER WELL REGULATION FUNDING (2007). We support a notification process in order to keep well registration updated and accurate where DNR is notified when land with wells located on it is sold. We oppose a fee to fund this notification process.

WELL MORATORIUMS (2008). We oppose a statewide moratorium on new groundwater wells. We support NRD's implementation of temporary moratoriums on new wells if the NRD board deems it necessary. When an NRD initiates a well moratorium, well drilling should cease immediately upon adoption.

H. SURFACE WATER

EXEMPT DAMS (2008). We support current law exempting dams, with an impounding capacity of less than 15 acre feet, from obtaining a permit from DNR and from regulation.

INSTREAM FLOW (2011). We believe the following minimum standards should govern the granting of instream flow rights:

1. Applications for such rights should address impacts on current and future human water needs.
2. Applicants should consult with and seek the approval of NRD boards in the affected area.
3. Sources of water must remain for future beneficial uses.
4. Applicants must demonstrate the requested instream flows are historically present at least 85 percent of the time.
5. The instream flow right must not interfere with any senior surface water appropriation.
6. Instream flow rights should be lower in priority than domestic, agricultural and manufacturing uses.
7. If an application is denied by the Department of Natural Resources no reapplication for instream flow should be allowed within a time period of less than five (5) years.

When examining basins for the purposes of a fully appropriated designation under LB 962, DNR should utilize as its baseline the percent of time an instream flow was historically present when the permit was granted.

STORAGE RESERVOIRS (2008). We believe that dams were built for flood control, electrical generation and timely release of water for irrigation. Wildlife habitat and recreation are by-products of the original use and should be treated as such.

We encourage the State of Nebraska to proceed with any action or development that would store and retain waters of high flow season, thereby lessening flooding and yet reserving water for later use. We advocate better usage and discourage waste of this greatest of resources.

We believe holders of storage water use permits for irrigation and power generation must be

compensated if required to maintain a minimum pool in reservoirs for uses not provided for under their permits.

SURFACE WATER RIGHTS (2007). We support the prior appropriation system for surface water rights. We believe historical surface water rights under state law and federal contracts for irrigation purposes should be protected.

We support the continuation of the prior appropriation system for surface water and oppose the inclusion of existing groundwater use in that same or similar system.

TRANSFERS (2008). We adamantly oppose permanent transfers of surface water between preference categories or the permanent sale of surface water. We believe state law should not be changed to facilitate interbasin water transfers. We support permanent transfers of surface water within a preference category.

The land from which the water right is transferred under the lease should not be reclassified for tax purposes.

We support current state law protecting only the consumptive use portion of a surface water transfer.

Before any determination is made with regard to transfers to other uses, the impacts to the agricultural economy, social structure, tax base, community structure, and environment must be considered.

We believe Farm Bureau should actively work with other organizations representing irrigated agriculture to protect the interest of irrigated agriculture and initiate discussion among irrigators and producers to raise awareness and fully explore long-term effects of water leasing.

I. INTEGRATED WATER MANAGEMENT

BANKING (2011). Programs to aggregate water for sale or lease as offsets (water banks) could be helpful in addressing water issues and reducing conflicts in the integrated management of ground and surface water. Water banks should be restricted to NRDs and operated within the limited geographic scope of the NRDs. Withdrawals or transfers of water from a bank should be limited to those needed to offset new uses that result from economic development or provide offsets to meet state law or the requirements of an interstate compact or agreement. Water banks should only operate on a willing buyer/willing seller basis in terms of water leased or purchased. NRDs should include guidelines in their water banking programs to minimize negative impacts to local property tax bases.

INTEGRATED MANAGEMENT (2011). We recognize the need for an integrated ground water and surface water management system and support a careful balancing of the rights of both ground water and surface water appropriators and the protection of such rights in a fair and equitable manner. Farm Bureau should continue to take a proactive role in developing an integrated management system for surface and ground water that protects both users for their mutual benefit in water use. Any disagreements should be resolved through arbitration rather than the courts.

We support the process established with the passage of LB 962 in which DNR annually studies river basins to determine whether basins are fully appropriated. DNR's determinations should be based on sound science which is subject to an independent peer review. We believe DNR should work with NRDs and others to review rules and processes by which basins are designated fully appropriated to simplify the analysis, increase the transparency, and better tie the designation to the integrated management planning process. We believe the 28 percent/40-year standard to define the hydrologically-connected area when determining a basin's fully appropriated status should not be broadened to include additional geographic areas in order to minimize overlap between basins.

We further support the development of integrated management plans (IMPs) in these basins to protect existing uses and manage future development. We believe local NRDs should take the lead in developing and implementing IMPs with the assistance of DNR. Plans should be approved by both entities. We encourage consistent enforcement of regulations between NRDs in a common watershed.

We believe IMPs in fully appropriated basins should grandfather existing ground water users and surface water appropriators. If reductions in consumptive use of existing users are required in overappropriated basins, incentives or other voluntary measures should be implemented before mandatory regulatory reductions are invoked. If conservation programs are started that would pay for well and irrigated acres retirement, we believe the oldest wells should receive a higher priority when enrolling wells. Regulatory reductions should apply to both ground and surface uses and provide producers the flexibility to implement use reductions in a manner that best fits their operations to minimize economic impacts. Regulations should be implemented in an equitable manner. All users within a class should be treated similarly, except that NRDs should be provided the flexibility to adopt different regulations for different users to reflect varying groundwater uses, natural conditions or different hydrological relationships between ground and surface water.

NEW USES (2011). We believe new uses of water in fully or over-appropriated basins should be managed differently than existing uses. Permits for new uses or appropriations shall not be granted if it is determined the new use would negatively affect existing users or harm potential economic development.

We believe increased stream flows resulting from regulation, programs and activities enacted for the purpose of complying with an interstate compact, decree or agreement should be protected for their intended purpose.

STUDIES (2008). We believe research to document and understand the relationship between hydrologically-connected ground and surface water is vitally important in order to make sound management decisions. Ideally such studies should be performed before regulations permanently limiting or restricting water use as part of an IMP can be adopted.

Adequate, stable funding must be provided to NRDs, DNR and others to conduct studies and research necessary to make sound management decisions.

J. WATER RESOURCES

CONSERVATION PRACTICES (2008). Farm Bureau encourages conservation of our water supply through more efficient, practical and economic practices by both surface and ground water users. We favor increased use of best management practices for water conservation and implementation of special protection areas and zones of influence by NRDs when water supplies are reduced to critically low levels.

We support removing disincentives from state statute that inhibit the adoption of water conservation practices.

DNR DIRECTOR (2009). We support requiring DNR Director to be a professional civil engineer or licensed hydrologist. The Director should have experience in a position of responsibility in water management, policy, development, or use.

FUNDING WATER PROGRAMS (2011). We support state funding for resource development, cost-share programs, research, implementation and other program costs related to the development of integrated management plans by NRDs and DNR. Funding should come from state general funds or other broad-based sources where the general population contributes.

Nebraska Farm Bureau believes all alternatives (i.e. augmentation, vegetative control, dry-year leasing, etc.) need to be explored to address water challenges in fully and over-appropriated basins and basins subject to interstate compacts. Funding for the programs should come from a local/state mix.

We support the Water Resources Cash Fund to provide state funding to address these challenges. Because agriculture will contribute locally through the occupation tax, funding for the Water Resources Cash Fund should come from state general funds or other broad-based sources. We believe the \$2.7 million general fund contribution to the fund must continue, and if additional general funds are not possible due to legislative resistance, funding should come from the following sources in priority order: state sales tax; lottery funds, including Environmental Trust Funds; or a combination of any of the above. Funding should not come from an excise tax on the sale of agriculture commodities.

We believe it is appropriate to provide NRDs in fully or over-appropriated basins the authority to raise local dollars through means that best fit their districts to fund specific projects or programs determined by the NRD board as necessary to meet the goals of integrated management plans adopted by the board. We recognize NRDs have been provided the authority to levy an occupation tax on irrigated acres through integrated management plans. We believe agriculture's contribution towards addressing integrated management challenges will come through the occupation tax. All irrigated lands within the basin should be subject to the tax. Protections should be in place to ensure additional revenues are not used to fund general operations. NRDs within a basin should seek ways of sharing existing property tax resources to the extent possible before raising additional revenues.

IRRIGATION TAX (2011). We oppose taxation on irrigation water usage via metering and

taxation on the installation of irrigation wells.

RIPARIAN VEGETATION MANAGEMENT (2009). We strongly support research, pilot projects, and other efforts in riparian vegetation management as a means to conserve or replenish water resources. We favor use of general funds and other broad-based sources for this purpose.

STATEWIDE WATER PLANNING (2010). We support the development of a statewide water plan as a means to better understand the state's water issues, identify management alternatives, assure the wise investment of tax dollars and assure management decisions are based on science and research. An overall goal of a plan should be to optimize the use of Nebraska's water resources for the maximum benefit of its citizens. The planning process should start at the local level, be a basin by basin approach, repeated on a periodic basis to report on progress made in relation to goals, update plans and monitor outcomes, utilize sound science and research, and assure all stakeholders (i.e. NRDs, DNR, irrigation districts, municipalities, and irrigators) have the opportunity to provide input.

SUPPLY PROTECTION (2009). We oppose state law that allows cities and villages to regulate 15 miles beyond corporate limits to protect water supplies. Such authorities should be changed to correlate to science-based assessments of impacts to city and village water supplies, such as determinations of well head protection boundaries.

WATER POLICY TASK FORCE (2009). We support the continuation of the Water Policy Task Force as an ad-hoc body to meet as needed to address critical state-wide water issues.

K. INTERSTATE AGREEMENTS

MISSOURI RIVER (2009). We recommend that the Missouri River be managed in a manner that protects the property rights of private entities and protect the commerce of agricultural commodities and supplies.

MULTI-STATE LITIGATION OR AGREEMENTS (2008). Any financial requirements placed on the state resulting from court decisions or multi-state agreements concerning the use of water must be borne by the state as a whole. We believe a court decree or multi-state agreement that demands a reallocation of water resources in a river basin must be borne by all water users in that basin.

REPUBLICAN RIVER COMPACT (2010). Nebraska must vigorously defend its interests with Kansas in the Republican River Compact. We encourage the Nebraska Department of Natural Resources (DNR) and the Natural Resource Districts in the Republican Basin to work cooperatively and collaboratively on a plan to comply with the compact. Collaboration must include cooperation on the technical issues regarding the groundwater model and compact compliance as a full understanding by all parties is a must for sound management decisions. Implementation of the settlement compliance plan must be done in a manner that is equitable for both ground and surface water irrigators and distributes the burden of compliance throughout the basin. However, we are not opposed to the differential treatment of wells developed after Nebraska agreed to the settlement. We believe voluntary measures should be implemented in the integrated management plans to the extent feasible before regulatory measures are used. Both

groundwater and surface water users in the rapid response area must be compensated for any curtailment of use to ensure compact compliance in dry years.

Payment should come from the state general fund if Nebraska is found by the courts to owe Kansas monetary damages for non-compliance of the Republican River Compact.

We suspect the impacts of conservation are contributing to Nebraska's compact compliance difficulties. We strongly encourage DNR, the NRD's, University and others to study the impacts of conservation practices to determine the effects on Nebraska's compact compliance, and take the appropriate response upon gaining a better understanding of the conservation impacts. We also strongly encourage irrigators in the basin to work together to reach a sustainable level of water use in the basin.

L. WATER QUALITY

CONTAMINATION LIABILITY (2008). We oppose any legislation that would place civil or criminal liability on farmers and ranchers for following generally-accepted agricultural practices.

We recommend that compliance with state or federally approved label instructions should absolve farmers from environmental contamination liability claims. The burden of proof for non-compliance with label instructions should rest on the person or persons questioning the compliance.

We support absolving landowners of liability for petroleum products, chemical and fertilizer contamination caused by prior owners.

CREDIT TRADING (2008). We support the concept and study of water quality credit trading as an alternative to industry regulation. We believe standards should be established regarding the impact and value of agricultural practices to water quality before any credit trading is implemented.

FENCING STREAMS (2007). We oppose mandated fencing of streams and riparian areas.

PUBLIC WATER SYSTEMS (2011). The EPA and the State of Nebraska water quality regulations put undue hardship on public water systems. Acceptable contaminant levels should be rolled back to 2000 calendar levels.

WETLANDS (2007). We favor researching the concept of a voluntary wetland-banking program. We are opposed to dredge and fill regulations being applied to agricultural lands and are also opposed to the establishment of a state program to regulate wetlands on private property. Recently installed dams and sediment ponds should not be reclassified as wetlands. Financial assistance for acres lost from production for reclassification should be provided. We believe when wetlands are converted in a county, they shall not be mitigated outside a 20-mile radius. When the wetland is traded it should be on an acre-for-acre basis. Wetlands transfers should not create a net tax loss to the receiving counties.

We believe when developing wetlands for mitigation purposes the Nebraska Department of

Roads should use sound science.

M. WILDLIFE AND RECREATION

CWD CARCASS DISPOSAL (2008). Nebraska Game and Parks (NGPC) should not be allowed to do massive slaughter of wild deer and elk herds without just cause. If just cause is proven, NGPC should be required to dispose of carcasses in a timely fashion.

Private landowners should be allowed to utilize local landfills to dispose of CWD suspected carcasses.

DEER LICENSE (2007). All permits should be either sex permits only. We recommend that the Nebraska Game and Parks Commission use deer management hunts where only doe permits are issued. We believe the Nebraska Game and Parks Commission should supply landowners and tenants who apply with one free antelope and one free deer permit to hunt either sex on their own property. The property owner should be allowed to eliminate deer on their property when they become an economic problem. The season should be extended.

GAME AND PARKS COMMISSION (2010). Members of the Nebraska Game and Parks Commission (NGPC) and the NGPC Director should be appointed by the Governor. The NGPC Director should be appointed to a four-year term. We support maintaining the current NGPC Districts. We support modifying the Commission's makeup to increase agricultural and rural landowner representation and removing political party affiliation as a consideration when making appointments. We believe the Game and Parks Commission should be under the direct authority of the Governor.

The Nebraska Game and Parks Commission shall present economic impact studies annually and the results of these shall be presented at eight regional public hearings. The commission shall at these meetings gather input from landowners on the agency, programs and activities. Game and Parks officials and personnel shall not enter private land without prior permission from the landowner.

The Game and Parks Commission must be held accountable for decisions and actions affecting the general public welfare. We favor a reexamination of the Nebraska Game and Parks Commission's authorities and funding structure. The Game and Game and Parks Commission should not be given any more control over streams, rivers, lakes and ponds.

HUNTING PERMITS (2011). We support changes in the way hunting permits are issued by the Game Commission. Such changes should enhance opportunities for landowners to generate income from hunting allowed on their property.

We believe out-of-state hunters should have an opportunity to gain access to hunting permits for prime hunting areas. We encourage the state to set aside draw unit permits for out-of-state hunters. We favor eliminating permit requirements for non-resident hunters who hunt non-game species such as coyotes and prairie dogs.

We recommend the Nebraska Game and Parks reinstate bonus permits due to the high population of deer in the state. Bonus permit should be “antler less only.”

We recommend the Nebraska Game and Parks Commission supply landowners and tenants who apply, with one free permit to hunt turkey on their own property. A daily bag limit should be introduced until the turkey population gets back to a manageable level.

Landowners should not be required to hold habitat stamps, Nebraska waterfowl stamps or small game hunting licenses to hunt wild game on their own property.

HUNTING RIGHTS (2009). We believe fishing, trapping and hunting should be a privilege that is upheld in the State of Nebraska. We believe that efforts from environmental and animal rights groups should not be allowed to do away with this as it is a necessity as well as a privilege.

NATURAL RESOURCES (2008). We believe natural resources must be used for the welfare of people and not placed off limits for human use. Animals, like all species have their place, but should not be equal with humans.

PREDATOR CONTROL (2011). We support using state funds for the establishment of a coordinated animal damage control program for predator control. State funds for the program should be available for, but not limited to, basic financial assistance to USDA APHIS in coordinating with state animal damage control service, cost-share for counties that work with USDA APHIS, and the establishment of a contingency fund to be used for animal damage control emergencies.

Property owners should have the ability to protect their property and family from the encroachment of predatory animals. If protection is warranted, property owners should be allowed to take the necessary action to remove these animals without ramifications.

We believe the Nebraska Game and Parks Commission should examine alternative methods for the reduction of predators that impact game species. We encourage the Commission to develop pilot programs allowing for broader control of predators in areas where game species no longer proliferate. We support placing the raccoon on the predator list instead of the fur-bearing list. We support adding the mountain lion to the Nebraska predators list.

PRESERVATION CORRIDORS (2009). The establishment of preservation corridors needs to be monitored and every effort made to preserve individual property rights.

RECREATIONAL TRAILS (2008). Public tax monies should not be allocated for the purchase of property, support, administration or maintenance of land for bike, recreational trails and bridle paths. We recommend that a user's permit, similar to a park permit or library card, be required on all bike and recreational trails, bridle paths, and dirt bike areas.

We oppose the use of highway funds to develop bike trails.

We believe that different types of fencing should be allowed where necessary and appropriate, the total cost of which should be borne by the Game and Parks Commission, and/or the developers of recreational trails. They should also be required to maintain the fence and property, such as weed control, erosion prevention, etc., within the trail's boundaries.

We oppose expansion of the Rails-to-Trails and will work to secure the abandonment of those presently in existence or in the process of being built that are in remote, less populated areas.

Following the rules of due process, we promote the philosophy that if rights-of-way are developed for recreational purposes, lands should be purchased from willing sellers.

If recreational trails are developed, we advocate that these trails be parallel to various public highways, thereby facilitating proper law enforcement and availability of emergency and other services along trails.

Because of non-use, the Cowboy Trail should be discontinued in remote areas and the land given back to the adjoining landowners.

STATE PARKS (2008). We believe funds collected at state parks by the Game and Parks Commission should be distributed equally to all state parks and not retained by the bigger parks in the Eastern area of the state.

WEST NILE VIRUS (2008). We encourage all governmental agencies to control mosquito populations to help control West Nile Virus. We encourage blood testing and vaccination development for West Nile Virus in humans.

WILDLIFE MANAGEMENT (2007). The Nebraska Game and Parks Commission (NGPC) should be required to annually report wildlife population numbers and report damages caused by wildlife. We support the establishment of a wildlife damage claims program in Nebraska. Such a program should compensate agricultural producers for damage to agricultural land, crops and livestock caused by wildlife. We support the use of a surcharge on hunting permits other than landowner permits, as well as state wildlife grant monies to help to fund such a program.

We favor removal of elk in sufficient numbers to eliminate damage to private property and extending the elk hunting season. Removal to be done by the Game and Parks Commission in a manner to preclude the reintroduction of said elk on private and public lands in such quantities that damage will occur. We also favor further reduction in the deer and antelope population. The property owner or renter may use any method necessary to rid his property from such nuisance. We support programs and practices for the maintenance and growth of the pheasant and quail populations. Hunting of pheasant and quail should not start before 11:00 a.m.

Since most of the land that wild game uses belongs to the farmer/ranchers they should have more say in determining game laws.

Before releasing large game or predatory wildlife, NGPC should be required to have written permission from the county commissioners, county sheriff, and landowners that would be directly affected in the release area.

We believe individuals or organizations should be required to obtain permission from local county boards prior to the introduction or development of habitat for any species that poses a threat to livestock, human health, or property.

N. THREATENED AND ENDANGERED SPECIES

ENDANGERED SPECIES (2010). Nebraska Farm Bureau should prioritize a reform of the state and federal Endangered Species Acts to inject common sense in their implementation in ways that are more favorable and less restrictive to agriculture.

Nebraska Farm Bureau supports changes in the state and federal endangered species acts that require federal and state agencies implementing the act to consider the economic impacts of their actions and compare these impacts to the benefits for the species.

We believe federal and state agencies must fully account for the economic, environmental and social benefits of current policies and practices when considering modifications to those policies or practices for the benefit of a few species. The agencies must insure the changes and modifications build upon the benefits already occurring, and not tear down or harm those benefits to advantage a few species.

Before certain farm chemicals are banned, EPA should be required to hold a public hearing, prove damage to endangered species and study the economic impact on agriculture. If the restriction of pesticides is implemented on a select group of farmers that select group should receive compensation through either direct subsidies or the relaxation in cross-compliance rules.

We strongly oppose the draft biological opinion issued by the Game and Parks Commission stating that further degradation of stream flows in the Lower Platte River will jeopardize the continued existence of three endangered species. We should work with interested parties to challenge the biological opinion and to assure the opinion is based and conclusions reached are justified, by sound, reliable, peer-reviewed science and data. We will oppose efforts to declare the Lower Platte, Loup and Elkhorn Basins fully appropriated based on the biological opinion. We oppose pulse flows of water down Nebraska rivers for the benefit of endangered species.

NEBRASKA NATURAL LEGACY PROJECT (2011). We support the development of a voluntary, incentive-based, statewide wildlife species conservation plan if planning is conducted for purposes of limiting future listings of species as threatened or endangered. We believe the development of a statewide wildlife conservation plan must include substantial agricultural landowner representation. If a plan is developed, Nebraska Farm Bureau and other agriculture organizations should be a party to such planning. As part of the planning process the Commission should hold public hearings on plan development throughout the state. Any conservation planning should include consideration for addressing private landowner concerns such as protection from public distribution of information collected on private lands.

We support the establishment of an advisory council with equal representation from agricultural and environmental interests to advise the Nebraska Game and Parks Commission on the administration of state wildlife grant monies to implement conservation strategies under the Nebraska Natural Legacy Project Wildlife Conservation Strategy. Local environmental projects resulting from state wildlife grant funds should have opportunity for local ag landowner and producer oversight and involvement.

PRAIRIE DOGS (2011). We support reinstating the prairie dog as a “predator” species under state law. We are opposed to any agreements between the State of Nebraska and U.S. Fish and Wildlife Service to protect the prairie dog. We believe federal and state government should impose prairie dog control programs on the borders of all public lands where they border private lands. We oppose the establishment of a state prairie dog protection program. We support programs designed to help landowners control the spread of prairie dogs on private land.

We urge that the Nebraska Department of Agriculture issue a “Special Needs Label” for the use of Rozol Pocket Gopher Bait for the use of controlling prairie dogs.

PROPERTY RIGHTS (2008). We need to give reasonable care to protecting endangered species. Prior to restrictions on use of lands or inputs, public agencies should be required to hold a public hearing, prove damage to endangered species, and study the economic and human impact of the restriction. If the restriction is implemented, the property owners affected should receive reasonable compensation.

SPECIES INTRODUCTION (2011). We are opposed to the introduction or reintroduction of any plant, animal, fish or insect species in Nebraska when it would negatively impact agricultural producers or infringe upon the rights of private property owners.

SPECIES LISTING (2010).

1. We believe scientific proof should be required to show the Colorado Butterfly Plant is on the verge of extinction to justify its listing on the endangered or threatened list.
2. We oppose the listing of the mountain plover on the endangered or threatened species list.
3. We oppose designating the Platte, Missouri, Loup, and Niobrara Rivers as critical habitat for the piping plover and pallid sturgeon.
4. We oppose the listing of the prairie dog on the endangered or threatened species list.