

Agenda Item: 6.

Memo to the Personnel, Legislative and Public Affairs Subcommittee

Subject: Nebraska Association of Resources Districts 2013 Resolutions

Date: September 3, 2013

From: John Winkler

The resolutions to be voted on at the Nebraska Association of Resources District's 2013 Meeting are as follows:

2013-1 NEBRASKA DEPARTMENT OF ROADS TRAIL POLICY ALONG STATE HIGHWAY ROW – Sponsored by the Lower Platte South NRD. Recommendation that the NARD work with the Nebraska Department of Roads to administratively modify or withdraw this Policy and permit multiple-use trails sponsored by NRD's to be located within state highway right-of-way where it would be safe and feasible, and if unsuccessful through the administrative avenue, to seek a legislative resolution to enhance this policy.

Recommendation:

2013-2 EROSION AND SEDIMENT CONTROL ACT AMENDMENTS – Sponsored by Little Blue NRD. Recommendation that the NARD seek legislation to amend the Erosion and Sediment Control Act to include adding a definition for excessive erosion, provide for the inclusion of ephemeral and gully erosion in the calculations for soil losses, provide NRDs the authority to issue cease and desist orders upon the findings of excessive erosion occurrences, and eliminate the requirement that the NRD provide violators of the Act cost-share assistance for permanent soil and water conservation practices.

Recommendation:

2013-3 REQUESTING LEGISLATION THAT ENCOURAGES THE USE OF RENEWABLE ENERGY SOURCES – Sponsored by the Lower Elkhorn NRD. Recommendation that the Nebraska State Legislature continue to encourage the development of renewable energy sources through the passage of new laws and state policies which treat all users and generators fairly.

Recommendation:

2013-4 CERTIFIED IRRIGATED ACRE REQUIREMENTS – Sponsored by the Middle Niobrara NRD. Recommendation that the Nebraska Association of Resources Districts work with Nebraska Department of Revenue, Nebraska Association of County Officials and County Assessors to seek an administrative or legislative change to require that real estate transfers involving certified irrigated acres be part of the

Form 521 and that NRD's will be contacted to handle the transfer of irrigated acres from said seller to said buyer prior to finalization of said real estate transfer.

- **It is recommended that the Subcommittee recommend to the Board that the NARD Voting Delegate and/or Alternate be authorized to vote to Support Resolutions 2013-1, 2013-2, and to oppose as currently written Resolutions 2013-3 and 2013-4, at the 2013 NARD Annual Conference.**



Nebraska's Natural Resources Districts

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Protecting Lives • Protecting Property • Protecting the Future

August 21, 2013

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: 2013 ANNUAL CONFERENCE RESOLUTIONS - Draft

Attached are three resolutions that have been submitted to NARD for consideration at the 2013 Annual Conference as of August 16, 2013, the deadline for resolutions. Additional resolutions submitted, if any, will require 2/3rds vote of the delegates to be considered at the annual meeting.

The 2013 voting delegate list is on page 2. This is the list from last year's meeting. Please check the delegate list and provide any changes to our office September 6, 2013.

The voting procedures to be used at the conference are on page 3.

Finally, the NARD Legislative Committee is not recommending any changes to the NARD Policy Book this year.

Resolutions submitted by the August 16, 2013 deadline

- 1. NARD Resolution 2013-1 -- NDOR Trail Policy along State Highway ROWs. Sponsored by Lower Platte South NRD.**
- 2. NARD Resolution 2013-2 – Erosion and Sediment Control Act Amendments. Sponsored by Little Blue NRD.**
- 3. NARD Resolution 2013-3 – Requesting legislation that encourages the use of renewable energy sources. Sponsored by Lower Elkhorn NRD.**

***Voting Delegate and Alternate
For
2013 Annual Conference**

	DELEGATE	ALTERNATE
Central Platte NRD	Jim Bendfeldt	Bill Vasey
Lewis & Clark NRD	Mary Ann Wortmann	Marcel Kramer
Little Blue NRD	Lyle Heinrichs	Charles Rainforth
Lower Big Blue NRD	Doug Stokebrand	Norman Stokebrand
Lower Elkhorn NRD	Ken Peitzmeier	Elden Wesley
Lower Loup NRD	Dean Rasmussen	Virgil Gellermann
Lower Niobrara NRD	Diana Wendt	
Lower Platte North NRD	Don Kavan	Dave Saalfeld
Lower Platte South NRD	Ron Case	Steve Larrick
Lower Republican NRD	Roger Nelson	Nelson Trambly
Middle Niobrara NRD	Dean Jochem	Martin Graff
Middle Republican NRD	Kevin Fornoff	Joe Anderjaska
Nemaha NRD	Don Siske	Duane Sugden
North Platte NRD	Dave Ostdiek	Dave Deines
Papio-Missouri River NRD	Richard Tesar	Tim Fowler
South Platte NRD	James C. 'Jim' Johnson	Larry L. Rutt
Tri-Basin NRD	David Nelson	David Raffety
Twin Platte NRD	Robert L. Petersen	Dennis Schilz
Upper Big Blue NRD	Larry Moore	Yvonne Austin
Upper Elkhorn NRD	Ted Hughes	Roy Stewart
Upper Loup NRD	Judy Ridenour	Chris Higgins
Upper Niobrara White NRD	Curtis Roth	Tod Dorshorst
Upper Republican NRD	Terry Martin	Tom Gaschler

*PLEASE CHECK YOUR DELGATE AND PROVIDE ANY CHANGES TO THE
NARD OFFICE by September 6, 2013.

RESOLUTION & VOTING PROCEDURES

1. Each NARD member district that is in good standing shall be able to submit resolutions for consideration by the Association membership on policy issues pertinent to the mission and goals of the Association. A majority of the 23 districts shall constitute a quorum.
2. The voting delegate for the member district, or the alternate in the case of the delegate's absence, shall be the only individual to make the motion on behalf of their respective district. Any district representative may speak on the merits of a motion or issue during the discussion period once recognized by the chair.
3. We encourage more information on the issues. However, a non-voting participant may only speak on an issue and/or provide additional information at the request of a voting delegate of a district in good standing or at the request of the chair.
4. A copy of all resolutions submitted to the NARD Office prior to the Annual Meeting is included in the Resolutions Packet. Resolutions received by the deadline require a majority of the members voting for consideration. Resolutions received after the deadline must follow 5.b. below.
5. Additional resolutions may be submitted for consideration at the first Business Session at the Annual Conference for discussion provided that:
 - a) The member district is responsible for providing enough copies so members may read the resolution before discussion begins.
 - b) If 2/3 of the members voting approve the Motion to place the resolution before the body, the resolution shall be added to the agenda for consideration (example: 2/3rds of 115 = 77).
6. Resolutions shall be discussed and motions shall be made at the 1st Business Session. No final voting for approval of resolutions shall be taken on the first day. This provides discussion time at caucus before final approval.
7. Motions/resolutions shall be voted on at the 2nd Business Session.
8. Amendments may be made on either the first or second day during the Business Session. A written copy of the amendment(s) must be provided to the Chairman of the Legislative Committee.
9. Each member district shall have five votes.
10. To help avoid any distractions during the Business Session, all cell phones must be silenced during the session. Anyone whose cell phone rings during the Business Session will be fined \$5 for each occurrence and proceeds will be contributed to the NARD Foundation Account. Contributions to the NARD Foundation are tax deductible.

NDOR Trail Policy along State Highway ROWs
Sponsored by Lower Platte South NRD

WHEREAS the Nebraska Department of Roads issued Operating Instruction 60-17, TRAIL POLICY on May 7, 2010 which provides “a policy for trails not owned and operated by the NDOR along or crossing state highway right-of-way outside of municipal boundaries”; and

WHEREAS this Trail Policy essentially prohibits multiple-use trails running parallel to the highway from being located within the highway right-of-way, except in particular circumstances, short stretches may be allowed where it is not practical to be constructed outside or separated from the highway right-of-way and;

WHEREAS this Trail Policy does allow multiple-use trails to cross certain highways, depending upon their classification, through a permit process and an agreement outlining responsibilities and indemnification, with NDOR retaining the sole authority to determine location and design configuration of the crossing; and

WHEREAS previous to this May 7, 2010 Policy, NDOR has allowed trails to be located within state highway right-of-way in several locations; and

WHEREAS the concerns expressed by the NDOR leading to this policy appear to be related primarily to NDOR’s potential future liability and responsibility for a trail if the trail sponsor abandons the trail or goes out of existence; and

WHEREAS funding for most trails in Nebraska includes significant federal transportation funds administered by the NDOR, with priority on transportation of people to specific destination end points; and

WHEREAS linking transportation trails within transportation corridors such as state highways better utilizes the public’s transportation investments, as long as there is physical space for safe separation of trails and highway users.

THEREFORE BE IT RESOVED that Nebraska Association of Resources Districts work with the Nebraska Department of Roads to administratively modify or withdraw this Policy and permit multiple-use trails sponsored by NRDs to be located within state highway right-of-way where it would be safe and feasible, and if unsuccessful through the administrative avenue, to seek a legislative resolution to enhance this policy.

Monday Business Session:

Amendment No. 1: _____
Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____
Amendment No. 2: _____

NARD Resolution 2013-2

**EROSION AND SEDIMENT CONTROL ACT AMENDMENTS
Sponsored by Little Blue NRD**

WHEREAS, the Nebraska Revised Statutes 2-3229 declares that “the purposes of natural resources districts shall be to develop and execute, through the exercise of powers and authorities granted by law, plans, facilities, works and programs relating to (1) erosion prevention and control, (2) prevention of damages from flood water and sediment, (4) soil conservation, and (7) pollution control, and;

WHEREAS, in 1986 the Nebraska Legislature passed the Erosion and Sediment Control Act which granted natural resources districts the authority to address complaints regarding erosion and sedimentation damages to the lands and property of downstream property owners, and;

WHEREAS, implementation of the Erosion and Sediment Control Act has proven only limited ability for the natural resources districts to satisfactorily address erosion and sediment problems which cause damages to downstream landowners, and;

WHEREAS, with the increasing conversion and development of marginal and highly erodible lands from conservation reserve programs (CRP) lands, pastures and rangeland, and riparian lands to cropland, the potential exists for increased erosion and sedimentation problems and greater frustration for landowners whose lands are damaged by storm runoff and sedimentation from such marginal lands,

WHEREAS, the NRD Managers, with the guidance of the Manager’s Watershed and Soil Conservation Committee, have evaluated and discussed the Erosion and Sediment Control Act and changes which, if implemented, would improve the effectiveness and administration of the Act;

NOW THEREFORE BE IT RESOLVED, the Nebraska Association of Resources Districts seeks legislation to amend the Erosion and Sediment Control Act to include the following changes:

- 1) adds a definition for excessive erosion,
- 2) provides for the inclusion of ephemeral and gully erosion in the calculations for soil losses,
- 3) provides that NRDs have authority to issue cease and desist orders upon the findings of excessive erosions occurrences; and
- 4) eliminates the requirement that the NRD provide violators of the Act cost-share assistance for permanent soil and water conservation practices.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NARD Resolution 2013-3

**REQUESTING LEGISLATION THAT ENCOURAGES THE
USE OF RENEWABLE ENERGY SOURCES.**

Sponsored by Lower Elkhorn NRD.

WHEREAS, the Nebraska Legislature gave Natural Resources Districts responsibilities in pollution control and water supply for any beneficial uses; and

WHEREAS, electric generation systems consume large amounts of water depending upon the system and nationally, thermo-electric power was estimated by the United States Geological Survey to be responsible for 41% of all freshwater withdrawals in 2005; and

WHEREAS, fossil fuel electric generation systems impact air quality with emissions of air pollutants; and

WHEREAS, electric production with renewable energy sources achieves NRD purposes and should be encouraged by making it economically feasible for entrepreneurs and small businesses, which are often the catalyst for innovation and economic development within our state; and

NOW, THEREFORE, BE IT RESOLVED by NARD that we request the Nebraska State Legislature to continue to encourage the development of renewable energy sources through the passage of new laws and state policies which treat all users and generators fairly.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

DRAFT #2

NARD Resolution 2013-4

Certified Irrigated Acre Requirements
Submitted by Middle Niobrara NRD
2013

Whereas, if a Natural Resources District of the state of Nebraska requires certification of irrigated acres, the district will maintain an up to date database of landownership, and work to help landowners stay in compliance with NRD's rules and regulations, and;

Whereas, the county assessors of each county maintain a database of current landowners and ownership and work with each respective NRD to help each other in identifying ownership of irrigated acres, and;

Whereas, licensed realtors and other sellers advertise irrigated acres for sale, both the current landowner and the new landowner must realize that there are NRD certified irrigated acres with the property when they transfer the property, and;

Whereas, the new landowner is out of compliance with said NRD's regulations until the irrigated acres are certified in the new landowners name with said NRD.

Therefore Be It Resolved that the Nebraska Association of Resources Districts work with Nebraska Department of Revenue, Nebraska Association of County Officials and County Assessors to seek an administrative or legislative change to require that real estate transfers involving certified irrigated acres be part of the Form 521 and that NRD's will be contacted to handle the transfer of irrigated acres from said seller to said buyer prior to finalization of said real estate transfer.

Insert to Form 521 (?#21):

Option 1: In accordance with the rules of the natural resources district where irrigated acres are required to be certified, are there certified irrigated acres with this property? ___ Yes ___ No. If so , how many acres? ____ Attach Local NRD certification form.

Option 2: Are there NRD Certified irrigated acres? ___ Yes ___ NO. # of acres _____. Attatch Local NRD irrigation certification form.