

Agenda Item: 6.

Memo to the Personnel, Legislative and Public Affairs Subcommittee

Subject: Nebraska Association of Resources Districts 2012 Resolutions

Date: September 4, 2012

From: John Winkler

The resolutions to be voted on at the Nebraska Association of Resources District's 2012 Meeting are as follows:

2012-1 EROSION AND SEDIMENT CONTROL ACT AMENDMENTS – Sponsored by Little Blue NRD. The Nebraska Association of Resource Districts seeks amendments to the Erosion and Sediment Control Act which strengthen the natural resources districts ability to regulate the development of highly erodible lands, mandate compliance measures and provide greater protection of our soil resources while protecting downstream landowners.

Recommendation: Oppose

2012-2 NRD CONSERVATION COMPLIANCE AUTHORITY – Sponsored by Little Blue NRD. The Nebraska Association of Resource Districts seeks legislation which gives the natural resources districts authority to regulate the development of highly erodible and sensitive lands and provides means to mandate compliance for the long-term productivity of the resources and water quality protection.

Recommendation: Oppose

2012-3 NRD OVERSIGHT OF WEED MANAGEMENT AREAS – Sponsored by Tri-Basin NRD. That the Nebraska Unicameral designate Natural Resources Districts (NRDs) as the local political subdivisions responsible for oversight of Weed Management Areas; authorizing the NRDs to develop and approve budgets, by-laws, plans, contracts and operational policies, to appoint membership of oversight committees, and to manage and audit finances of weed management areas; that the Unicameral create a special levy of one cent per \$100 of valuation that NRDs can levy to support riparian invasive plant and animal management activities; and that NRDs should draft and ratify Interlocal cooperative agreements that will enable NRDs to cooperatively and jointly oversee and provide funding and other resources to weed management areas whose boundaries encompass more than one NRD.

Recommendation: Support with amendments

2012-4 INCREASE IN FEES COLLECTED FOR CHEMIGATION PERMITS – Sponsored by Upper Niobrara White NRD. The Nebraska Association of Resource

Districts seeks legislation that will establish a chemigation permit fee structure such that the program is financially self-sustaining.

Recommendation: Support

- **It is recommended that the Subcommittee recommend to the Board that the NARD Voting Delegate and/or Alternate be authorized to vote to oppose Resolutions 2012-1 and 2012-2; vote to support with amendments Resolution 2012-3; and vote to support Resolution 2012-4.**



Nebraska's Natural Resources Districts

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Protecting Lives • Protecting Property • Protecting the Future

August 24, 2012

TO: NARD Board and NARD Delegates

FROM: Dean E. Edson, Executive Director

RE: 2012 ANNUAL CONFERENCE RESOLUTIONS

Attached are four resolutions that have been submitted to NARD as of August 21, 2012. One resolution was submitted late and will need 2/3rds vote of the delegates to be considered at the annual meeting.

The 2011 voting delegate list is on page 2. Please review and make sure to submit your 2012 delegates to Jeanne Dryburgh at the NARD Office by September 7, 2012 via mail, fax (402.471.7677), or email jdryburgh@nrdnet.org. The 2012 version will be listed in the final packet provided at the conference.

I have also included the voting procedures (Page 3) to be used at the conference. Finally, the NARD Legislative Committee is not recommending any changes to the policy book this year.

Resolutions submitted by the August 17, 2012 deadline

1. **NARD Resolution 2012-1 -- EROSION AND SEDIMENT CONTROL ACT AMENDMENTS. Sponsored by Little Blue NRD**
2. **NARD Resolution 2012-2 -- NRD CONSERVATION COMPLIANCE AUTHORITY. Sponsored by Little Blue NRD**
3. **NARD Resolution 2012-3 -- NRD OVERSIGHT OF WEED MANAGEMENT AREAS. Sponsored by Tri-Basin NRD**

Resolution submitted after the August 17, 2012 deadline (2/3rds Vote Required)

4. **NARD Resolution 2012-4 - INCREASE IN FEES COLLECTED FOR CHEMIGATION PERMITS. Sponsored by Upper Niobrara White NRD**

As of August 24, 2012

**Voting Delegate and Alternate
For
2011 Annual Conference**

Please review and make sure to submit your 2012 delegates to Jeanne Dryburgh at the NARD Office by September 7, 2012 via mail, fax (402.471.7677), or email jdryburgh@nrdnet.org. The 2012 version will be listed in the final packet provided at the conference.

Central Platte NRD	Jim Bendfeldt	Bill Vasey
Lewis & Clark NRD	Marcel Kramer	Mary Ann Wortmann
Little Blue NRD	Lyle Heinrichs	Chuck Rainforth
Lower Big Blue NRD	Doug Stokebrand	Norman Stokebrand
Lower Elkhorn NRD	Ken Peitzmeier	Bob Huntley
Lower Loup NRD	Dean Rasmussen	Virgil Gellermann
Lower Niobrara NRD	Curt Morrow	Sterling Schultz
Lower Platte North NRD	Don Kavan	Ralph Pieke
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	Blaine Stinson	Joe Anderjaska
Nemaha NRD	Don Siske	Duane Sugden
North Platte NRD	Jerry Dillman	Gary Darnall
Papio-Missouri River NRD	Rich Tesar	Tim Fowler
South Platte NRD	Jim Johnson	Larry Rutt
Tri-Basin NRD	Dave Nelson	Dave Raffety
Twin Platte NRD	Robert L. Petersen	James Meismer
Upper Big Blue NRD	Larry Moore	Yvonne Austin
Upper Elkhorn NRD	Tim Knuth	Jerry Childers
Upper Loup NRD	Judy Ridenour	Wynn Wiens
Upper Niobrara White NRD	Curtis Roth	Dale Berndt
Upper Republican NRD	Tom Gaschler	Terry Martin

As of August 24, 2012

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.

As of August 24, 2012

NARD Resolution 2012-1

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,

NOW THEREFORE BE IT RESOLVED, the Nebraska Association of Resource Districts seeks amendments to the Erosion and Sediment Control Act which strengthen the natural resources districts ability to regulate the development of highly erodible lands, mandate compliance measures and provide greater protection of our soil resources while protecting downstream landowners.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

As of August 24, 2012

NARD Resolution 2012-2

NRD CONSERVATION COMPLIANCE AUTHORITY
Sponsored by Little Blue NRD

WHEREAS, the development of marginal and highly erodible lands has occurred at an alarming rate in recent years as lands in conservation reserve programs (CRP), pastures and rangeland, and riparian lands, and erodible dry cropland has been converted in many cases to irrigated cropland, and

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, the original natural resources districts legislative purposes did not provide any land use control authority which would have further facilitated conservation compliance, and;

WHEREAS, the natural resources districts have become keenly aware that although they possess responsibilities under the law as stated above for soil conservation, sediment control and pollution control, they have little authority to enforce or limit the development of such marginal lands, and;

WHEREAS, the uncontrolled and unregulated development of highly erodible lands continues to create erosion and sediment problems and surface water degradation which will continue to cost the public in the form of lost and damaged resources far into the future;

NOW THEREFORE BE IT RESOLVED, the Nebraska Association of Resource Districts seeks legislation which gives the natural resources districts authority to regulate the development of highly erodible and sensitive lands and provides means to mandate compliance for the long-term productivity of the resources and water quality protection.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

~~As of August 24, 2012~~

NARD Resolution 2012-3

NRD OVERSIGHT OF WEED MANAGEMENT AUTHORITIES

Sponsored by Tri-Basin NRD

Whereas controlling riparian invasive plants helps increase river channel capacity, reduces flood magnitudes, water consumption and riparian fish and wildlife habitat,

Whereas Natural Resources Districts' statutory purposes (NE RRS 2-3229) include flood prevention and control, and development and management of fish and wildlife habitat,

Whereas the need for riparian invasive plant management continues and it may also become necessary in the near future to take action to control invasive organisms like zebra mussels,

Whereas Weed Management Areas have operated in Nebraska focused on this task for more than a decade,

Whereas Natural Resources Districts have been active partners in these organizations since their inception, and

Whereas sustained operation of Weed Management Areas will require that these organizations should be overseen by and be accountable to elected representatives of the people of Nebraska, and

Whereas sustained operation of Weed Management Areas will require that these organizations have a dedicated funding source,

NOW THEREFORE BE IT RESOLVED that the Nebraska Unicameral designate Natural Resources Districts (NRDs) as the local political subdivisions responsible for oversight of Weed Management Areas, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Unicameral grant NRDs authority to develop and approve budgets, by-laws, plans, contracts and operational policies, to appoint membership of oversight committees, and to manage and audit finances of weed management areas, and

NOW THEREFORE BE IT FURTHER RESOLVED that the Unicameral create a special levy of one cent per \$100 of valuation that NRDs can levy to support riparian invasive plant and animal management activities, and

NOW THEREFORE BE IT FURTHER RESOLVED that NRDs should draft and ratify interlocal cooperative agreements that will enable NRDs to cooperatively and jointly oversee and provide funding and other resources to weed management areas whose boundaries encompass more than one NRD.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

As of August 24, 2012

NARD Resolution 2012-4

(LATE RESOLUTION – 2/3rds vote required for consideration)

**INCREASE IN FEES COLLECTED FOR CHEMIGATION PERMITS
Sponsored by Upper Niobrara White NRD**

Whereas the Nebraska Legislature deemed it necessary to provide the natural resources districts and the Department of Environmental Quality with the authority to document, monitor, regulate, and enforce chemigation practices in Nebraska (Neb. Rev. Stat. 46-1102)

Whereas Natural Resources Districts are required to issue and re-issue chemigation permits,

Whereas Natural Resources District are required to inspect all sites where new permit application have been filed,

Whereas Natural Resources Districts are required to maintain and carry out a routine inspection program of all chemigation sites,

Whereas the intent of the chemigation permit fee structure is to sustain the program without supplementation from other funding sources,

Whereas the chemigation permit fees have not been increased or adjusted since the Chemigation Act was created in 1986,

NOW THEREFORE BE IT RESOLVED that the Nebraska Association of Resources Districts seeks legislation that will establish a chemigation permit fee structure such that the program is financially self-sustaining.

Monday Business Session:

2/3rds vote requirement _____

Other action _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

NOTE: The following is current NARD policy on page 8 of the policy book.

2000-15 Increase Chemigation Fees – We support legislation which would raise the Chemigation fee for an initial application for a permit or special permit up to \$60 payable to the district. Up to \$55 of the fee shall be retained by the district and five dollars paid by the district to NDEQ.

We support legislation which would raise the Chemigation fee for a renewal application for a permit or special permit up to \$25 payable to the district. Two dollars of the annual fee shall be paid by the district to the NDEQ.