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Natural Resources Committee
February 18, 2016

[LB711 LB712]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 18, 2016, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB712 and LB711. Senators present: Ken Schilz, Chairperson; Curt Friesen, Vice Chairperson; Dan Hughes; Jerry Johnson; Rick Kolowski; Brett Lindstrom; John McCollister; and David Schnoor. Senators absent: None.

SENATOR FRIESEN: Okay, everyone, I think we'll get started. I think Chairman Schilz will be here shortly and so we'll just get through some of the formalities before he gets here. I'm Senator Curt Friesen, District 34, the Vice Chair, and we'll just start at my left and everybody can go around and introduce themselves.

SENATOR KOLOWSKI: Senator Rick Kolowski, District 31, in southwest Omaha. Thank you.

SENATOR MCCOLLISTER: John McCollister, District 20, central Omaha.

SENATOR SCHNOOR: Senator Dave Schnoor, District 15, which is Dodge County.

SENATOR LINDSTROM: Brett Lindstrom, District 18, northwest Omaha.

SENATOR JOHNSON: Senator Jerry Johnson, District 23, Saunders, Butler, and Colfax County.

SENATOR HUGHES: Dan Hughes, District 44, in reverse alphabetical order, Red Willow, Perkins, Hitchcock, Hayes, Harlan, Gosper, Furnas, Frontier, Dundy, and Chase Counties.

SENATOR FRIESEN: Thank you very much. And then we have Barb Koehlmoos, the committee clerk, and Laurie Lage is the legal counsel over on my left. If you're planning on testifying today, please pick up a green sheet. It's on the table at the back of the room. If you do not wish to testify but would like your name entered in the official record as being present at the hearing, there's a form on the table that you can also sign. This will be a part of the official hearing record. And fill out the sign-in sheet before you testify. Please print and fill out the form and give it to the committee clerk when you come up-front. If you choose...if you do not choose to testify, you may submit comments in writing and have them read into the official record. If you have handouts, make sure you have 12 copies. When you testify, speak clearly into the microphone, spell your first name and last name even if it's an easy name. Please turn off your cell phones, pages, and anything else that beeps or makes noise. And please keep conversations to a minimum or take them out in the hallway. There will be no displays of support or opposition

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to a bill or vocal or otherwise is allowed at the public hearing. And I'll let the chairman decide if we're going to use a light system today or not. So typically we have a five-minute period with the light. When it turns yellow, that's the four-minute mark and you have one more minute to wrap up before the red light comes on. I think that's about it. Mr. Chair.

SENATOR SCHILZ: Very good. Thank you, Mr. Vice Chair. So if that's where we're at, what are the bills we have today? Senator Hughes. Welcome to open on LB712.

SENATOR HUGHES: Thank you very much. Thank you, Chairman Schilz. Good afternoon, members of the Natural Resources Committee. For the record, my name is Dan Hughes, that's D-a-n H-u-g-h-e-s, and I represent the 44th Legislative District. I'm here today to introduce LB712. Currently, the State Fire Marshal agency has a system for the registration of all permanently located underground storage tanks used for the storage or dispensing of hazardous substances. The original purpose was to allow emergency responders and community members to know where these types of tanks were located. However, current federal regulations require citizens to provide information about the location, size, and contents of aboveground hazardous substance storage tanks to the state authority administering SARA Title III, which is the Emergency Planning and Community Right-to-Know Act. In Nebraska that means the citizens must report to the Department of Environmental Quality. As such, the requirements for the State Fire Marshal agency to have registration program and to charge a fee is redundant and unnecessary. The agency would also like to amend Nebraska Statute 81-1577.01. This statute allows the agency to have a permitting process for aboveground motor fuel tanks. The agency would like to eliminate Section 1, then amend Section 2 to remove the size limitation of the cities and the provision that the installation is to replace an underground tank. The agency is currently permitting the installation of these tanks in cities of all sizes and is allowed under state statute, 81-502 to adopt fire code requirements. The permitting allows the agency to ensure that tanks are being installed in accordance with applicable fire code requirements. The State Fire Marshal will testify after me and I'm sure he can answer any of your questions. Thank you. [LB712]

SENATOR SCHILZ: Thank you, Senator Hughes. Any questions for Senator Hughes? Seeing none, at this point we'll take proponents for LB712. [LB712]

JIM HEINE: (Exhibit 1) Good afternoon. Chairman Schilz and members of the Natural Resources Committee, for the record, my name is Jim Heine, J-i-m H-e-i-n-e, and I am the State Fire Marshal. I want to thank Senator Hughes for introducing LB712. I appear before you to testify in favor of LB712. LB712 would repeal Nebraska Revised Statute 81-1575 to 81-1577. This set of statutes was introduced and passed as a way to make sure responders and community members were aware of hazardous substances that were being stored in aboveground tanks in their communities. As stated, when these statutes were passed, the agency promulgated

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regulations to administer the program, which included registration process and establishment of a registration fee. However, federal regulations contained with SARA Title III Emergency Planning and Community Right-to-Know Act, which is part of the EPA's Superfund, requires facilities to provide information about the location, size, and contents of aboveground hazardous storage tanks to the state authority for administration of SARA Title III. In Nebraska, this is the Department of Environmental Quality. The DEQ maintains, publishes a database which allows responders and community members to have access to this information. Further, this information is also given to the local fire chief and the local emergency planning committee. Given that this information is already being gathered and published, it is redundant for the agency to maintain this program. If the statutes are eliminated, the agency will then eliminate Nebraska Administrative Code, Title 158, the regulations that were promulgated for this program. This would have a negative fiscal impact to the agency as each one-time registration has a \$10 fee. However, as stated in the fiscal note that this is a very minimal amount and the agency is prepared to have the program terminated. The other portion of LB712 deals with aboveground motor vehicle fuel storage tanks. In the 1960s there were requirements that all motor vehicle fuel storage tanks had to be moved underground. The agency agreed to allow all aboveground tanks in use on May 29, 1959, to remain in service. Subsequent changes to the fire code now allows for these types of tanks to be aboveground no matter when they were put into service. Further, the statute requiring the tanks to be underground, state statute 66-324, was repealed over 20 years ago. As such, the agency is asking that the May 29, 1959, date be deleted. Further, the agency is asking that the statute be amended to allow the agency to have a permitting process for the installation of aboveground motor vehicle fuel tanks, regardless of the size of the cities, or the need for the tank to be a replacement for an underground tank. This agency already has a permitting process for the installation of these tanks and the general public will see no changes in services or requirements. However, amending the statute 81-1577.01 will bring harmony between the statute and the statute 81-502 and the adopted fire code requirements. Thank you for your time and consideration of these matters, and I'll be happy to answer any questions. [LB712]

SENATOR SCHILZ: Thank you, Mr. Heine. Any questions? Senator McCollister. [LB712]

SENATOR MCCOLLISTER: Yeah, thank you, Mr. Chairman and thank you for your testimony. If I'm understanding you correctly, you want to eliminate one part of the statutes to eliminate some duplication, is that correct? [LB712]

JIM HEINE: Yes, correct. [LB712]

SENATOR MCCOLLISTER: And the duplication or at least the functionality that will remain will be...whose responsibility is that? [LB712]

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JIM HEINE: It will be the Department of Environmental Quality's responsibility. They already have this in place where they have a database and give the information to the local fire chiefs and the local planning committee, same information. [LB712]

SENATOR McCOLLISTER: I see. So, you know, that entire function will be eliminated from your department, is that correct? [LB712]

JIM HEINE: Correct. The DEQ will continue on, but like you said, it's a redundant. There was two co-agencies basically doing the same thing, so turn it over to the one. Because of the federal requirements, that's why DEQ was doing it also. [LB712]

SENATOR McCOLLISTER: I understand. Thank you very much. Thank you, Mr. Chairman. [LB712]

SENATOR SCHILZ: Thank you, Senator McCollister. Senator Johnson. [LB712]

SENATOR JOHNSON: Thank you, Senator Schilz. Thank you, Chief. On the second page of your testimony you talked about the agency, asking for statute to be amended to allow the agency to have a permitting process. So do you have already the standards and what needs to be put in and do you monitor to that, or is it a permit so you know where they are? [LB712]

JIM HEINE: It's a permit so that we know where the new tanks are going in so that we can make sure that they're being installed in accordance with the fire code. [LB712]

SENATOR JOHNSON: Okay. So you follow up to make sure they're in compliance also. [LB712]

JIM HEINE: Correct. [LB712]

SENATOR JOHNSON: Thank you. [LB712]

SENATOR SCHILZ: Thank you, Senator Johnson. Senator Kolowski. [LB712]

SENATOR KOLOWSKI: Thank you, Mr. Chair. Sir, just kind of the end of the questioning. Where do old tanks go to die? (Laugh) What do you do with them when they're no longer functional and how are they disposed of? [LB712]

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JIM HEINE: There's numerous things that are done with them. The majority of the time they're just cut up and then reused, melted down, started over. There's been some instances where they've used them for...some farmers have used them for drainage, you know, tubes. But some of these tanks are so large and they're so old that they're basically just scrapped. [LB712]

SENATOR KOLOWSKI: Okay. Thank you. [LB712]

SENATOR SCHILZ: Thank you, Senator Kolowski. Senator McCollister. [LB712]

SENATOR McCOLLISTER: Do you have a grading system on the age of tanks or the quality of the tanks? Is there an ISO rating or anything else that you judge? [LB712]

JIM HEINE: No, there's not on these tanks. You may be thinking about pressurized tanks where there's a difference. There's a grading of some on them. These tanks...there's a standard they're built to. There's an underwriter laboratory standard that aboveground tanks are built to. I think it's 58, but I'm not...don't quote me on that, but that's the only way that they're rated. And it's just based on the thickness of the metal, how many gallons, you know, are they capable of holding, and the venting capabilities of the tanks. That's the difference. [LB712]

SENATOR McCOLLISTER: Does the Department of Environmental Quality share with you any of the funding or any of the fees that they levy in order to help you administrate your program? [LB712]

JIM HEINE: Not on this program, no. [LB712]

SENATOR McCOLLISTER: So it would be a nominal kind of expense from your department. I understand. Thank you. Thank you, Mr. Chairman. [LB712]

SENATOR SCHILZ: Thank you, Senator McCollister. Seeing no other questions, thank you for your testimony. [LB712]

JIM HEINE: Thank you very much. [LB712]

SENATOR SCHILZ: Further proponents for LB712? Proponents? Seeing none, any opponents to LB712? Once again, seeing none, any neutral testimony? Seeing no neutral testimony, Senator Hughes. And Senator Hughes waives. And now we'll move on to LB711. Senator Hughes, once again, you're welcome to open. [LB712]

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SENATOR HUGHES: Thank you, Chairman Schilz. Good afternoon, members of the Natural Resources Committee. For the record, my name is Dan Hughes, that is D-a-n H-u-g-h-e-s. I represent the 44th Legislative District. I am here today to introduce LB711. In 2007, the Legislature appropriated funds to help control invasive vegetation in Nebraska's riparian corridors. The funding was instrumental in starting the work needed to increase flow conveyance, wildlife habitat, and water availability for human uses by reducing consumption from invasive vegetation. The initial \$4 million appropriation in fiscal year '07-08 and fiscal year '08 and '09 was leveraged into over \$18 million spent on riparian invasive species management between 2007 and 2014. LB711 would reinstate the Riparian Vegetation Management Task Force which helped develop the management plan. The Task Force was charged with the following duties: developing and prioritizing vegetation management goals and objectives; analyzing the cost effectiveness of available vegetation treatment; developing plans and policies to achieve goals and objectives; and making recommendations for legislation. The original task force was successful in helping to manage riparian vegetation in fully and overappropriated river basins in Nebraska. There is a lot of support for continuing the work of the Task Force. An amendment was drafted a few days ago, but after discussion with several stakeholders, I believe that a more effective amendment can be offered later utilizing the same language, but with adjustments to address some concerns which have arisen since then. Among other things, I would like to strike the language that refers to the Nebraska Environmental Trust on page 4. I plan on continuing to work with the interested parties to ensure that the major concerns have been addressed. Thank you very much for your time and I will try to answer some questions.
[LB711]

SENATOR SCHILZ: Thank you, Senator Hughes. Any questions? Senator Schnoor. [LB711]

SENATOR SCHNOOR: Senator Hughes, what are...can you give me some examples of invasive species that are causing the problems? [LB711]

SENATOR HUGHES: I probably could try, but I think there will be people coming behind me that would have a more up-to-date list. [LB711]

SENATOR SCHNOOR: Okay. Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Schnoor. Any other questions? Senator Johnson.
[LB711]

SENATOR JOHNSON: The fiscal note, is this...are we having to catch up on some of this or is this basically its annual cost for continuing the program? [LB711]

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SENATOR HUGHES: The program ran out of money in 2014, so we're trying to resurrect that program. We're asking for \$2 million plus the administrative costs to the Department of Ag. [LB711]

SENATOR JOHNSON: So it's a little bit of catch-up, but mostly ongoing. [LB711]

SENATOR HUGHES: Yeah, it is an ongoing problem. You know, invasive species don't ever take a year off because they don't have money. With the flooding that came down on the Platte River last year, it's a good thing that we had done the work that was accomplished before, otherwise there would be a lot of invasive species. Seed had flowed down the river and spread out, you know, throughout the total basin. So it is an ongoing problem and it needs to be addressed. You know, a little money upfront can save from spending a lot of money, you know, in the future to control the problem. [LB711]

SENATOR JOHNSON: Thank you. That's all. [LB711]

SENATOR SCHILZ: Thank you, Senator Johnson. Senator Kolowski. [LB711]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Hughes, this was a very successful program. It had tremendous results across the state and saved us countless, millions of gallons of water because of the success of the program. Have the...what are the main delivery systems? I know we've seen helicopter spraying and other sorts of things that have been done. In most cases, how is it usually delivered as far as the materials? [LB711]

SENATOR HUGHES: I'll have to defer to somebody behind me. I...unfortunately, on none of my land do I have the river, you know, with that problem, but I would imagine, you know, the cheapest possible means of application would be the first option. [LB711]

SENATOR KOLOWSKI: We had...my eight years on the NRD board were filled with this discussion and we had tremendous results wherever we saw the spraying take place and it really aided our water retention. Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Kolowski. Senator McCollister. [LB711]

SENATOR MCCOLLISTER: Thank you, Mr. Chairman and Senator Hughes. In the legislation it creates a new task force. How did the committee operate before? [LB711]

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SENATOR HUGHES: It recreates the task force that was established in 2007, so I think we add a couple more members. [LB711]

SENATOR McCOLLISTER: I see. [LB711]

SENATOR HUGHES: A couple of additional members. [LB711]

SENATOR McCOLLISTER: And so the primary function of this task force is to select the grants? [LB711]

SENATOR HUGHES: It...to apply for the grants and then to help determine the priority of which river basin and which area gets sprayed first. I mean, where the greatest need is, the committee would come together and make that determination. [LB711]

SENATOR McCOLLISTER: So they make recommendation; who finally selects, or do they select? [LB711]

SENATOR HUGHES: I would imagine they probably...people come to them with their problems. I will defer to those behind me who were involved previously with this to give you the actual nuts and bolts of how it worked. [LB711]

SENATOR McCOLLISTER: Is there a report on how the group functioned in the past that we could look to? [LB711]

SENATOR HUGHES: Not that I'm aware of, but former Senator Carlson may be able to answer that. I do believe he is going to testify today. [LB711]

SENATOR McCOLLISTER: Thank you, Senator Hughes. [LB711]

SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Seeing none, thank you for your opening. At this point we'll take proponent testimony. Good afternoon. [LB711]

BRENT MEYER: (Exhibits 1 and 2) Good afternoon, Senator Schilz and members of the Natural Resources Committee. My name is Brent Meyer, B-r-e-n-t M-e-y-e-r, and I serve as the noxious weed superintendent for Lancaster County. And I know there's going to be some folks coming behind me to answer some of your questions for you today. I do have some Nebraska Weed Control Association people with me here today and I would like for them just to...you

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don't have to stand up, just wave your hands so they know all...these people are not going to testify, so I would ask for maybe just a couple more minutes on my testimony. We are the organization that got together with NACO and with Senator Hughes's office to draft this very important legislation. So, what I'm going to do today is just go through a little bit of this with you. You're going to get two handouts. The first is a lot of my testimony, and the second would probably stand alone on its own because it's the photos of before and after pictures of the work that's been done on the Platte River system. So I think that will help everyone understand the good work that's been done out there. So I'm here today on behalf of the Nebraska Weed Control Association and also on behalf of NACO to testify in support of LB711. Thank you, Senator Hughes, for introducing this legislation. I also want to thank the Nebraska legislative body in 2007 which had the foresight to pass legislation that has been a huge success for all citizens of Nebraska. My reasoning for mentioning the 2007 legislation is because LB711's relationship to that legislation, reestablishing the Task Force and funding to maintain water conveyance in Nebraska, continuing the work that has already been started. What I would like to do today is tell you about a news article that has not been written. This article should read: Nebraska Legislature saves Nebraskan's millions of dollars with innovative legislation. The article would begin by talking about the success of the 2007 legislation and the foresight that body had to prevent devastation in Nebraska. How the Legislature recognized the need to protect our most valuable asset, our water. It would talk about how the removal of aggressive, nonnative invasives has allowed the rivers to flow freely, allowing potential flood waters to pass through our state. Going on to boast how Nebraska was able to reduce the \$72 million lawsuit Kansas filed against Nebraska to \$5 million because the water in the Republican River is now being delivered to Kansas. It would mention that because of the Republican River being clogged, prior to the clean-up, less than 300 cubic feet per second, was all the water the river could handle before it went out of its banks, and to go on to say that today the same Republican River easily handles 1,100 cubic feet per second because of the success of the program. It would acknowledge the work of the Weed Management Areas and the partnerships created, partnerships with Game and Parks, U.S. Fish and Wildlife, Natural Resources Districts, The Nature Conservancy, Public Power Districts, Audubon, Ducks Unlimited, just to name a few of the various groups as well as landowners. How it brought all these groups together and individuals together to pool resources and work together for one common goal. It would go on to describe in more detail the landowners involvement and the support of the work being done, and that without the landowner involvement, the project would have not been successful. The article would talk about the efforts of the Nebraska Weed Control Association, the noxious weed superintendents, and how they took the leadership of these projects, not because they had anything to gain financially, but because it needed to be done and it was the right thing to do. The weed superintendents recognized how this new breed of invasives would totally clog river systems and streams, and how they impede water flows. It would describe water conveyance, wildlife habitat, and the water available for human use that has been recognized or protected. With Nebraska having 81,573 miles of rivers and streams, more than any other state, the article confirms the importance

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of maintaining these waterways. LB701, passed in 2007, implemented one of the most successful water conveyance improvement projects not only in Nebraska, but is also recognized across the nation as the most innovative project of its kind across the country. It would mention the creation of the Task Force and how they provided accountability for the money and how it was able to track the success, going on to recognize how the original \$4 million has turned into over--and my number differs than Senator Hughes--over \$26 million dollars, but my number includes all river systems in the state, and not just those in the fully appropriated and overappropriated at that time. It would state that at the time the original legislation was introduced and passed, no one knew how it was going to work, or could have imagined the positive impacts it's had on the state. The article would point out that in 2007, 25,000 acres of phragmites was reported across the state, and because of this effort, just over 12,500 acres are reported in 2014. It also states that 13,731 acres of saltcedar being reported in 2006, and in 2014 only 3,376 acres were reported statewide. The reduction in these invasives has been credited to the 2007 legislation. The article would go on to credit the Nebraska Department of Agriculture for their role in managing the grant process that allowed 95 percent of the funding to be used on opening the channels, with less than 5 percent used in coordinating. Also mentioning that the NDA's program is still in place and has a proven track record to continue the successful program today. The article closes by mentioning that as a human race, we by nature want to fix problems. We want to wait for a disaster to occur, and then we spend whatever is needed to make sure it doesn't happen again. In this case, the Nebraska Legislature recognized the potential danger and because of their foresight, this natural disaster never happened. This article hasn't been written and most Nebraskan's have gone about their lives never knowing the disaster the Legislature avoided. Let me finish with these thoughts. What would have happened if all the recent flood waters in Nebraska rivers would not have been able to make it downstream because they were clogged with nonnative vegetation? What if the tributaries that supply much of the water to the major rivers remain clogged with high water using vegetation? These tributaries are main seed sources that keep reinfesting the rivers. What would we be paying Kansas? The original \$72 million, would we be paying them back? How much more would we have to pay? What happens when we can't deliver water down the Republican River that is required by the three-state compact, or maintain the 1997 streamflow requirement on the Platte River? How many dollars in infrastructure would we be rebuilding? In the May 2015 floods, the numbers that I got from Lancaster County Engineering, Lancaster County alone sustained \$3 million in flood damages in just the floods from last spring. How many lives and homes would be lost or changed forever? What happens when the flyways for migrating birds are lost because there are no more open sandbars? And how much would our farmers and ranchers have lost from farms being flooded and livestock being lost? I know we all understand the threats to our riparian areas and we all need to work together to make sure we never allow our rivers and streams to become so overgrown that water cannot flow freely. The battle is not over. In fact, we are just beginning to realize the impacts invasive vegetation can have on our river systems. In 2007, we didn't really know what the outcome of LB701 would be. Today, we know we can be successful by

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continuing the programs that were put in place by that legislation. We have the opportunity with LB711 to write the future of Nebraska waters. Working together, we can continue the success story. It begins with this legislation providing long-term funding for managing the waters of the state, all the way down to the folks with the boots on the ground making sure the work gets done. Understanding there is fiscal responsibility with this legislation, realizing the importance of maintaining the water conveyance in Nebraska, the Nebraska Weed Control Association respectfully asks the Natural Resources Committee to consider LB711 as a priority bill. The Nebraska Weed Control Association supports LB711, realizing the importance to open free-flowing creeks, streams, and rivers and the benefits to all Nebraskans. Thank you for the opportunity to testify in support of LB711 and I would be happy to answer any questions you might have. [LB711]

SENATOR SCHILZ: Thank you. Is there any questions? Senator McCollister. [LB711]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. Thank you, Mr. Meyer. How many people serve on the Task Force? I tried to calculate that number and it looks like between 15 and 20. [LB711]

BRENT MEYER: I'm going to go with 20 and I know in the legislation it spells that out. Do you know, Senator Carlson, on that? [LB711]

TOM CARLSON: I think it's 19. [LB711]

BRENT MEYER: Nineteen. We do have the previous member of chair of that Task Force coming up in a little bit so I bet he can answer that. [LB711]

SENATOR McCOLLISTER: Defer to him. That's a good idea. [LB711]

SENATOR SCHILZ: Unless he's one of those that raised their hand. [LB711]

BRENT MEYER: Well, he might have raised his hand a little bit. (Laughter) [LB711]

SENATOR McCOLLISTER: How was the functionality of this large group, because if...has it worked in the past? [LB711]

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BRENT MEYER: Yes, with the Task Force or with the programs? I'm going to defer that. Well, Charles, did you raise your hand? Well, Charles was the chair of the Task Force at that time.
[LB711]

SENATOR McCOLLISTER: I'll ask my questions later. [LB711]

SENATOR SCHILZ: Sir, if you don't know the answer, just say you'll have to defer...because we can't go back and forth to people in the audience. [LB711]

BRENT MEYER: No, okay. He's going to be coming up in a little bit and it's been successful.
[LB711]

SENATOR McCOLLISTER: Thank you, Mr. Meyer. Thank you, Mr Chairman. [LB711]

SENATOR SCHILZ: Senator Schnoor. [LB711]

SENATOR SCHNOOR: The pictures you handed out, oh, for, oh, like, you know, the Cozad bridge, Willow Island bridge, you know, I guess I look at it and I see noxious weeds. Would that...what is considered invasive species as far as this bill is concerned? [LB711]

BRENT MEYER: So, there's...and there's a difference between noxious weeds and invasive species, so noxious weed, according to the Nebraska Weed Control Association Act, are plants that the Director of Agriculture has deemed so bad that they're required by landowners to control. We consider invasive species...can be this...same, but different I guess. Invasive species are the ones that just invade our natural areas. So in this case, a lot of what you see here is a noxious weed called phragmites and it is a noxious weed in the state. But it invades our water system and impedes the water flow so bad that it...as you can see in the pictures, will actually close off a river system. So, in our river systems we have noxious weeds that are invading that prevent water flow, but we also have invasive species such as Russian olive. Yellow flag iris is one out west that's taken over some of the river systems. So there's both...we work with both species off the noxious weed and then just some of the trees that grow in the river systems. You know, our state tree...and a cottonwood in the base of a river system, once the rivers grow dry and it's allowed to take over, will actually impede water flow, so. [LB711]

SENATOR SCHNOOR: Okay. Thank you. And then my next question, Senator Kolowski talked about how much water this saves. Do you have any idea, you know, using these pictures as an example, we all know vegetation takes water, but how much water...any idea or any studies been

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done how much water when...in this case, these noxious weeds have taken over, how much water does that take from our water supply in the state? [LB711]

BRENT MEYER: I'm going to defer that question to Senator Carlson and then also the Task Force because there have been studies been done on that. I don't have that answer, but I think they will. [LB711]

SENATOR SCHNOOR: Okay. Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Schnoor. Senator Friesen. [LB711]

SENATOR FRIESEN: Thank you, Chairman Schilz. In the legislation it talks about focusing first on either fully or overappropriated basin systems. Do you have any estimate of how long it would take to clear up those to where you'd move on to other areas? [LB711]

BRENT MEYER: No. And those are the ones that have been primarily worked on now and the good news is a lot of those have been cleared, you can see in the after pictures. But unfortunately, the invasive plants don't just go away. They reinvoke and once the money ran out and we weren't able to get the funding like we had been getting over the years, then those plants are starting to encroach back into those river systems again, so. [LB711]

SENATOR FRIESEN: So do you have an estimate of how long maybe it would take now to go back and clean that up, I mean, or...? What kind of backlog did we create by stopping the program, I guess? [LB711]

BRENT MEYER: Yeah. Well, we're not too far behind yet. You know, we really only downsized our programs for the last two years. So, we've gone more into a maintenance mode than the aggressive control mode, so we're not a long ways behind. Does that answer your question? So we're not a tremendous amount of ways behind, but one of the amendments that's been talked about will help take this statewide and not just the fully appropriated and overappropriated systems. [LB711]

SENATOR FRIESEN: In those areas where we have cleaned up the river and I know it's been a really good program, I'm very supportive of it, but is there some responsibility of the landowner to do some maintenance over and above what he maybe was doing before? I mean, it was so overwhelming when he first started, but now what's the requirement after you've gone in and cleaned up the system? [LB711]

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BRENT MEYER: Well, and every part of the state handles that a little bit different. I come from the Lower Platte end of the state which goes from Columbus to the Missouri River. We do on our end require 25 percent cost share from the landowner right up-front so they do have that buy-in to start with. The Central Platte group, because of the massive...call it destruction, devastation out there, chose to go 100 percent with landowner follow-up. And the landowners have been doing some follow-up on their own now with being provided chemical and then they're responsible for the control cost. This legislation deals with the banks of the river and only 100 feet outside that. So even though noxious weeds are required by landowners to be controlled, we feel that it would be impossible to get these projects done because these are waters of the state on a consistent basis from one landowner to the next landowner to the next landowner, just like one landowner isn't controlling musk thistle but the next one does, that doesn't affect water conveyance like what these plants will do. You can't have one of them not do it, so it needs 100 percent landowner participation. [LB711]

SENATOR FRIESEN: Okay. Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Friesen. Any further questions? Senator McCollister. [LB711]

SENATOR McCOLLISTER: Yeah, thank you again, Mr. Chairman. The fiscal note indicates about \$2 million. Two million dollars in this kind of effort isn't a lot of money, wouldn't you agree? [LB711]

BRENT MEYER: I do agree. In fact, if you take from 2007 to 2015, over that eight-year period, we've spent \$26 million. So that's, you know, three to four million, three and a half million dollars a year. So what I envision, this \$2 million is the money that can keep us going. That \$26 million didn't all come from the Legislature; \$4 million did. So that started funding. The partnerships are great, you know, between the Game and Parks and Fish and Wildlife and Audubon Society. You know, those people have money, a lot of federal dollars have come into the state on these projects because we had the seed money that they could match to. So \$2 million doesn't get it done, but it creates that ongoing sustainability that we can use to match other money. [LB711]

SENATOR McCOLLISTER: Do you have a list that shows that leveraging effect that we could see and how the \$2 million that's appropriated by the Legislature is leveraged? Do you have any documents that show that information? [LB711]

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BRENT MEYER: We can get those. The Lower...or the Platte Valley Weed Management Area group has put all those numbers together and that's where I drew my information from. So, we can make sure that the committee gets that information. [LB711]

SENATOR McCOLLISTER: Would it help if the legislation also included a...some kind of cost sharing arrangement with the landowner, if that was actually prescribed in the legislation? [LB711]

BRENT MEYER: And we've talked about that. I guess, I'm not familiar with if that needs to come into the legislation end of it, or if it's in when any...the Nebraska Department of Agriculture does the grant programs. So basically, this money can go to the NDA and then they would take grant applications. To my knowledge, that's where they could say, you know, priorities would be given if there's cost share from landowners to this project or this project. [LB711]

SENATOR McCOLLISTER: Has that occurred in the past where priorities established giving those areas or those rivers that have some kind of matching program get priority? [LB711]

BRENT MEYER: That I would not be able to answer. I mean the Department of Agriculture has operated that program, so. [LB711]

SENATOR McCOLLISTER: Well, we often in this place talk about skin in the game and I would think this would be a good place to do that. [LB711]

BRENT MEYER: Well, if it was in the...if it's in the legislation, I think it would be great. But, you know, I think the priority given to those areas...and it's different across the state because on our end of the state where I'm from, from Columbus to Omaha, we're kind of ahead of the game yet. Our problem isn't huge like what it is in Kearney, Lexington, Grand Island, and that part of the state. So maybe they need a higher priority or less restrictions on them to make sure that gets opened up down there. Something to be discussed. I don't have your answer. [LB711]

SENATOR McCOLLISTER: But you've been a part of the Task Force, have you not? [LB711]

BRENT MEYER: I've not been on the Task Force. [LB711]

SENATOR McCOLLISTER: Okay. Okay. Thank you, Mr. Meyer. Thank you, Mr. Chairman. [LB711]

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SENATOR SCHILZ: Thank you, Senator McCollister. Senator Kolowski. [LB711]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Would you speak to the partnerships with the NRDs, 23 of them across the state, and how they've cost shared and helped with you? [LB711]

BRENT MEYER: Yeah, I can talk to the one that I belong to with the Lower Platte Weed Management Area because we have the Papio-Missouri NRD, Lower Platte South, and Lower Platte North, and those three NRDs in our area are our base funding source. They each put in \$20,000 a year and that's basically what we use to maintain from Columbus to the Missouri River. I know we do have testimony from the NARDs coming up here in a little bit, but they're great partners and a lot of them, I know the Central Platte NRD for a lot of years in the beginning would fund \$200,000 per year along with that original \$2 million. So a lot of the NRDs have been really great partners in this. [LB711]

SENATOR KOLOWSKI: Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Kolowski. Any other questions? Seeing none, thank you for your testimony. [LB711]

BRENT MEYER: Thank you. [LB711]

SENATOR SCHILZ: Next proponent. Senator Carlson, welcome back to the Natural Resources Committee. [LB711]

TOM CARLSON: Thank you, Senator Schilz and members of the Natural Resources Committee. I am Tom Carlson, T-o-m C-a-r-l-s-o-n from Holdrege, and served as state senator of District 38 from 2007 through 2014. And I was chair of this committee prior to Senator Schilz. I want to thank Senator Hughes for bringing this bill, LB711, to revive the Riparian Vegetation Management Task Force and to renew the effort to eliminate the invasive vegetation that takes water away from other positive uses in the state of Nebraska. The original bill in 2007 was my first year in the Legislature, and I didn't realize at that time how fortunate I was to propose a bill to try and get rid of vegetation that we had never done before and that it was going to be a good result. I do remember that in presenting the bill to the floor, I walked off the legislative floor and as I recall it's about a ninth of an acre. And nine saltcedar, sewer saltcedar trees that take 150 gallons of water a day apiece, would consume one acre-foot of water in a year. That's a lot of water. And so we were able to start and we had \$2 million a year for two years and listening to the people that have already testified, the results have been just terrific. Now I was interested in

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saving water for agriculture and for livestock production, but what happened was it was a help to streamflow. It improved the carrying capacity of the river and it was mentioned that on the Republican, ten miles downstream from Harlan County Dam, it increased the carrying capacity from 300 cubic feet per second where it flooded to 1,100 cubic feet per second and now we can deliver water to Kansas and we want to do that, but we wanted...we don't want to deliver one more gallon than what they have coming. (Laughter) And we couldn't deliver it before so it put us in a really bad spot. But this has been a good thing for flood control, for fishing and hunting, for rafting and canoeing. And I recall we had a group go to the Republican River, Senator Price, if any of you knew him, and Senator Schilz, and I demanded those two get in the same canoe and we went three miles down the Republican and they came in first. And so it was enough water to handle that...handle it easily. (Laughter) It's been good for wildlife. It's been good for wildlife viewing and there was wildlife on the canoe that day. It's been good for camping. It's been good for hiking. It's been good for swimming and wading. It's been good for water savings and I could verify and justify, if we had enough time, over this period of time in the Platte and in the Republican we have saved hundreds of thousands of acre-feet of water as a result of what we've done. This helps us toward the goal of water sustainability which in my mind means we want to get there as a state and that will be a point at which we use no more water than what our supply gives us year by year on average. When we accomplish that, agriculture in Nebraska will be in the best position of any state in the United States. Municipalities that have water for life will have water. And it's a goal that we just have to accomplish, which means we need to get to a point that we are either using less or we're increasing our supply and there's a way of doing both. First two years we used \$2 million a year and on the third year I asked the Governor for another \$4 million to continue it. He said no, and then we had a special session and we had to reduce our budget by 5 percent. So that's one of the reasons it didn't go on. We used chemical and we also used mechanical removal of trees that were clogging the river and both of those were very, very effective. We had to ask for an extension of the Task Force because part of responsibility was to decide what is a maintenance program. The guarantee on the chemical that was used was five years. After two years, we didn't have any reason for maintenance. Even after five years, it's gone longer than five years, so now we're at 2016, it's nine years ago, we had the first application. It's starting to show up. So we're not in bad shape, but we've got to make sure that we do it the right way. And so, I appreciate Senator McCollister's question about how much is \$2 million? It's well worth it. Water is life in Nebraska and we've got to do those things that keep our water supply where it needs to be. So thank you for listening to me, and with that, I'll try to answer any questions you might have. [LB711]

SENATOR SCHILZ: Thank you, Senator Carlson. Any questions? Senator...and somebody had asked earlier about any reports or anything like that. I do think the Task Force had reports and I think it's up on the Web site somewhere, isn't it? If I remember right. [LB711]

TOM CARLSON: You mean, as a result of the work of the Task Force? [LB711]

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SENATOR SCHILZ: Yeah, what they've done. [LB711]

TOM CARLSON: Yeah, there had to be a report back to the Legislature, but we just couldn't...we couldn't get that maintenance plan because we didn't know what it was. [LB711]

SENATOR SCHILZ: Right. [LB711]

TOM CARLSON: And so we renewed the effort for a couple more years and...but still, we were in pretty good shape. And that's wonderful, that's a wonderful thing. So, when we're on top of it, we'd better stay there, but it's not free. And it takes...it takes a commitment on the part of the state to keep good things going. [LB711]

SENATOR SCHILZ: There you go. And you know the only last thing is talking about our little canoe ride down the Republican there, it was the only time I've ever ridden in a canoe and I couldn't reach...really couldn't reach the paddle in the water because I was sitting so high up because Senator Price is a pretty big guy. (Laughter) So anyway, I appreciate you bringing that up. Any other questions for...Senator Kolowski. [LB711]

SENATOR KOLOWSKI: Senator, would you elaborate on the mechanical removal of obstacles and trees in the river. We talked about the spraying and chemicals used, but that was also extremely impressive how that worked. [LB711]

TOM CARLSON: Well, it's really important and every year, especially with high water, there are trees along the bank that fall into the river and they need to be removed or they just become something that slows the water down. It doesn't help in flood control and eventually there's an island and more vegetation. So, it wasn't only the chemical. There was a lot of physical removal and took the trees out and piled them up along...above the banks and so that was just an important part of the whole process. So there was some of that money that was spent in that regard. [LB711]

SENATOR KOLOWSKI: Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Kolowski. Senator McCollister. [LB711]

SENATOR MCCOLLISTER: Yeah, thank you, Mr. Chairman. Good to see you, Senator. It would seem, you know, based on the photographs that we've received, the need to create wetlands works at cross purposes as the desire to increase streamflow. Can you speak to that? Is there a conflict there or am I misunderstanding what...? [LB711]

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TOM CARLSON: Creating wetlands? [LB711]

SENATOR McCOLLISTER: Wetlands. [LB711]

TOM CARLSON: Yeah, creating it? [LB711]

SENATOR McCOLLISTER: Creating or maintaining wetlands that where you try to pool the water in some way that it gives habitat for various animals. [LB711]

TOM CARLSON: That isn't something specifically that the Task Force really dealt with, but common sense will tell you that as we have good flow in the rivers, we've got more recharge in the aquifer and when we have more recharge in the aquifer we have groundwater levels that are rising and so wetlands are easier to come by and they will occur. When you don't have that, you've got declining groundwater levels and that's a problem for everybody. So this doesn't really delve into creating more wetlands because we've got the Rainwater Basin and we've got Fish and Wildlife. We've got other entities that deal with that, but it all works together. [LB711]

SENATOR McCOLLISTER: Great explanation. Thank you, Senator. Thank you, Mr. Chairman. [LB711]

SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Seeing none, thank you very much for your testimony. Good to see you again. [LB711]

TOM CARLSON: Thank you. [LB711]

SENATOR SCHILZ: Further proponents? Good afternoon. [LB711]

CHARLES BROOKS: (Exhibit 3) Good afternoon, Senators. Chairman Schilz and members of the Natural Resources Committee, good afternoon. My name is Charles Brooks, C-h-a-r-l-e-s B-r-o-o-k-s, and I'm president of the Platte Valley Weed Management Area and I also served as chairman for the previous Riparian Vegetation Management Task Force. The Platte Valley Weed Management Area supports Senator Hughes's bill, LB711. The Platte Valley Weed Management Area and the West Central Weed Management Area work together with a common coordinator and expense amounts are spread over the 315 river miles in our project area. Our objectives are to increase flow conveyance, increase wildlife habitat, reduce water usage by invasive plants, and ensure long-term sustainable control. Using \$1,416,000 from LB701 in 2007 and 2008, we leveraged an additional \$2,557,000 from the Nebraska Environmental Trust, the Platte River Recovery Program, and other partners concerned with invasive plants on the Platte River. We

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have used almost \$4 million so far to treat over 30,000 acres of invasive vegetation. Utilizing a helicopter, air boats, and observations from the many bridges crossing the Platte River, we are noticing reoccurrences of invasive plants. This shows us the need for additional control efforts while plant populations are still small. Unfortunately, granting entities tire of continued support for long-term programs and the 2016 Platte Valley Weed Management Area, Nebraska Environmental Trust grant proposal was scored too low to be funded. Several other weed management areas' grants were reduced in scope. I ask you to support Senator Hughes's LB711 so our weed management areas in the state can continue to protect our valuable water resources and riparian habitat. Thank you for your consideration and I would answer any questions.

[LB711]

SENATOR SCHILZ: Thank you, Chuck. Any questions? I guess one question that I'd have, we're talking about the grants that have, for a lack of a better term, basically dried up. Can you explain what you think the reasons for that is or why some of those groups seem to be moving in a direction that's different than before? [LB711]

CHARLES BROOKS: Well, you know, and the first thing you have to look at is maybe our grant wasn't properly written, but I have studied the reviews of our grant after it was scored, and I find that all the grants from the Environmental Trust go to different entities or people to be reviewed. And what I've seen on some of these reviews is just not people that have what I consider enough knowledge to know what the grant proposal is about and score it accordingly. So maybe it's because we wrote a poor grant, but I just think that, you know, if granting entities, they like to put the money in and have things happen and then go to the next place that needs funding and, you know, we've been since 2007 we've been asking for grants and we've been well-supplied with grants from Environmental Trust. I have nothing against the organization. In fact they have...give us \$999,000 in this time period. For some reason our grants are just scoring low now for...and maybe it's a change of personnel at the Trust, you know, the emphasis, not as strong to them as it was in the earlier days, so. [LB711]

SENATOR SCHILZ: Okay. Thank you. Any other questions? Seeing none, thank you for your testimony. Further proponents? Good afternoon. [LB711]

MIKE CLEMENTS: (Exhibit 4) Good afternoon, Senator Schilz and members of the committee. My name is Mike Clements, M-i-k-e C-l-e-m-e-n-t-s. I'm the general manager of the Lower Republican Natural Resources District and essentially, I'm here today on behalf of our board of directors to testify in support of LB711. And I would personally like to thank Senator Hughes for bringing this bill forward. I was part of the original task force back in 2007 for Senator Carlson. And it got us off to a wonderful start and I would just like to speak for just a few minutes in particular about what we did in the Republican Basin because that's where all of our work was

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performed in our district. And back in 2007, and I'm really glad that you have some pictures there and I hope that there's some of the Republican because it was totally, not partially, totally engulfed in phragmites. A stream bed that would normally be about 100 feet wide, in many cases was 3 feet. And as was mentioned before, the conveyance just wasn't there. When 300 CFS was released from Harlan it caused flooding. Today, after all the work that we've done down there, it will handle 1,100 CFS without any lowland flooding. So you had to see the phragmites back in '07 to appreciate how it looks today. And we started off by, first of all, spraying. And probably 95 percent of the spraying was with helicopters. There were some areas that we had to go in with ground rigs and do it that way, but the majority was helicopter. So that was number one. We went in, we sprayed it. We killed the phrag. Then you've got this huge root mass. I mean you might...the plant itself was dead on top and the roots are dead, but they're still in the sand. And so, we had to go in and essentially disk the entire main stem of the Republican from Cambridge all the way down to Superior. Quite a process, I might add. But to break up that root mass, so when you get...did get a high flow event after that, it was scour. It would scour these smaller islands. Obviously, we couldn't get in to big islands that...we didn't treat any big islands that had huge trees growing on them. I mean, we sprayed the phrag, but we didn't do anything with those. After the disking, again we went all the way down from Cambridge to Superior and cleaned out all the logjams. And when you drive across a lot of the rivers in this state if...one place that they like to gather is around bridges. And we cleaned them out, each and every one of them. Also at the head of all of the islands. And after about, I don't know how long it really took to get all that work done, I'd say probably four years, from that point, it's just been...well, we moved into the tributaries in our district and have cleared a lot of them, cleaned them out. And as far as the Republican itself, it's maintenance. It's maintenance on the main stem and that is ongoing every year. You can spray it and think that you've got all of it killed, and I guarantee you when the guys go out in the fall of the year to recheck it, and they drive the entire thing with four-wheelers, it's unbelievable the amount of new upcroppings that we see each and every year. This is something that will have to continue forever. But it needs to because all the hard work and the successes that we have had to this point, if that would go untreated for a couple of years, we'd be right back where we were. And so, I appreciate Senator Hughes bringing the bill forward. I really hope that the committee can advance this thing. And I'd be glad to answer any questions if I could.

[LB711]

SENATOR SCHILZ: Thank you, sir. Any questions? Senator McCollister. [LB711]

SENATOR McCOLLISTER: Yeah, thank you, Mr. Chairman. Thank you, Mr. Clements.
[LB711]

MIKE CLEMENTS: You're welcome. [LB711]

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SENATOR McCOLLISTER: What kind of machine do you use to break up root mass? [LB711]

MIKE CLEMENTS: We started out with a Caterpillar and huge disks behind it. I don't know if you've seen any of the disking that they've done on the Platte. And, quite frankly, in the Republican, that wasn't very successful. [LB711]

SENATOR McCOLLISTER: Uh-huh. [LB711]

MIKE CLEMENTS: So the contractor that we hired is very creative and he took and built a disk that he could mount on the front end of a...I don't know what you call them, but it's like they've got an arm that they can reach out with, and actually he'd reach out with that and put down pressure on that disk... [LB711]

SENATOR McCOLLISTER: And move downstream. [LB711]

MIKE CLEMENTS: Yeah, it worked very well. [LB711]

SENATOR McCOLLISTER: Fascinating. Thank you, Mr. Clements. Thank you, Mr. Chairman. [LB711]

SENATOR SCHILZ: Thank you. Senator Kolowski. [LB711]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Mike, good to see you again. Thank you for your comments and the last couple of speakers, the commonality among all of you is, you've got to continue this. It doesn't...it's not a one shot kind of delivery. You kill it and you walk away and see what happens in ten years. We need a stream...we need a funding stream, something that would be either through the NRDs, or through the state, or something from us or both, or a combination thereof, that would be able to treat this issue from all the angles that you're treating it. You attacked it from many different venues and that's really important. So, from a water sustainability fund, it's certainly one of those things that would be eligible when you think about it, how much water would be...I mean, you can't even believe, it's like 1,000 straws is all sucking up water at the same time, or a huge sponge, and what it does to the rivers and how much is depleted. But we may need to think beyond just the water sustainability projects and funds and make this a systematize every year kind of venture because it's made that kind of difference in the Republican flowing into Kansas and the potentials we had there for court cases that would have come back and haunt us. And we have this all across our state. So, thank you for your recognition, your description. I've seen those in action. It's unbelievable what that machine does as far as rooting up those...those roots are as bound and tight as anything I've ever seen and

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that's...phragmites really are a powerful plant. You've got to spray them and root them like you did. Thank you. [LB711]

MIKE CLEMENTS: You're right. And I appreciate your comments. And just in closing, I would like to say that, you know, yeah, we in the Lower Republican has our own very, very personal interest in this story and that is to make sure that we can deliver each and every drop of compact water to Kansas and to make sure that it gets there and that it's not consumed by phragmites or flood water, so. [LB711]

SENATOR SCHILZ: Any other questions? Senator McCollister. [LB711]

SENATOR McCOLLISTER: Yeah, thank you, Mr. Chairman. Mr. Clements, we talked about the cost sharing arrangement that is possible. Is there any direct benefit to the landowners with this program? [LB711]

MIKE CLEMENTS: Oh, absolutely, there is. I mean, number one, the flooding issues that we had drowning out crops. [LB711]

SENATOR McCOLLISTER: Okay. [LB711]

MIKE CLEMENTS: That's probably the main issue that we had. [LB711]

SENATOR McCOLLISTER: So a cost sharing arrangement would be justified and in his best interest or her best interest. [LB711]

MIKE CLEMENTS: I think so, possibly. You know, we've got a...we've got a lot of partners and we've got a lot of people that contribute, including our district. And what we've tried to do in the Lower Republican is, I've got to say, the Twin Valley Weed Management Area down there has been very successful in getting Environmental Trust grants, but there again, that's, uh, you don't know from one year to the next year if you're going to get that and not all the districts across the state have had that success. So what our district has done is, we'll go in and pay for things that aren't covered by the grant, whether it's office rent, maintenance on the four-wheelers or whatever it is, we pick up the tab. And it's worked out very good. [LB711]

SENATOR McCOLLISTER: Thank you, Mr. Clements. Thank you, Mr. Chairman. [LB711]

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SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Seeing none, thank you for your testimony. Appreciate it. [LB711]

MIKE CLEMENTS: Thanks. Good seeing you guys. [LB711]

SENATOR SCHILZ: Further proponents? Good afternoon. [LB711]

TERRY JULESGARD: (Exhibit 5) Good afternoon, Senators. Senator Schilz and members of the Natural Resources Committee, my name is Terry Julesgard, T-e-r-r-y J-u-l-e-s-g-a-r-d. I'm general manager of the Lower Niobrara Natural Resources District up in Butte, Nebraska, and I'm also a member of the...been appointed on the Nebraska Invasive Species Council. And I'm here in support of LB711 that recreates the Riparian Vegetation Management Task Force. We have all seen the good work that was accomplished by LB701 and we've heard about that here today that has been completed on the Platte River and the Republican Basins, and the benefit it has provided to returning these rivers to effective water conveyance systems. The work completed on these rivers has had the added benefit of reducing damage during high water events. This good work needs to continue in these basins, but we also need to be able to have this available for the remainder of the basins out there. So I'd like to see a mechanism for this to be effective and this is where I see it happening. Noxious and invasive species as well as other vegetation that reduces or inhibits flows are no respecter of river basins. Phragmites, purple loosestrife, or other species that invade all rivers and cause reductions in flows, cause channelization, and other conveyance problems. As the Niobrara Basin, as well as the other basins work, strive towards conjunctive management of our water resources, I see having a Riparian Vegetation Management Task Force to be an asset...assist the basin in vegetation management issues to be a great asset, whether it is to meet the streamflow for compact compliance or to meet instream flow needs for fish, wildlife and recreation. Our goal on the Niobrara is to identify problems before they start or as soon as we can and having this task force in place I see as another tool in our toolbox to meet this goal. I want to thank you for your time and I'd be happy to answer any questions. [LB711]

SENATOR SCHILZ: Thank you, Mr. Julesgard. Any questions? Seeing none, thank you for your testimony. [LB711]

TERRY JULESGARD: Thank you. [LB711]

SENATOR SCHILZ: Further proponents? Good afternoon. [LB711]

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JOHN HANSEN: Good afternoon, Mr. Chairman, members of the committee. For the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n. I'm the president of Nebraska Farmers Union. We were an original supporter of LB701 and Senator Carlson's efforts to figure out a way forward to deal with a variety of issues that were at the time confounding everyone. And we gave him a lot of credit then, as we do now, for this kind of out-of-the box--we hadn't tried this before--approach, but it seemed like to us to be practical and on point relative to helping us figure out how to do a better job of being able to deliver the water that we do get downstream and expand the capacity of our rivers. But these invasive plants are just choking our rivers down to the point where we're creating a whole series of problems, not only from the Republican River Compact, but flooding, capacity, all those things. And so, this has been, in our view, a very successful program. It has worked and as anybody who has committed their life to trying to control weeds, which is one of the first obligations you take on if you're a farmer or rancher, you know that your work is never done. And no matter how many weeds you kill off this year, there will certainly be some there next year waiting for you, and I think that from a timing standpoint it would be particularly appropriate for this bill and the funding with it before we allow ourselves to slide back into the situation that we were in before where we grow the population, the problems that it creates becomes so overwhelming that you can't ignore them anymore. This is a case of where an ounce of prevention is worth a pound of cure, in our view. This is money well-spent and we would strongly support the bill and also urge consideration for a priority designation. And with that, I would end my remarks and answer any questions if I could.

[LB711]

SENATOR SCHILZ: Very good. Thank you, Mr. Hansen. Any questions? Seeing none, thank you for your testimony. Appreciate it. [LB711]

JOHN HANSEN: Thank you. [LB711]

SENATOR SCHILZ: Further proponents? Good afternoon. [LB711]

LYNDON VOGT: (Exhibit 6) Good afternoon, Senator Schilz and members of the committee. I have a written testimony that they're going to hand out that I won't read to you. My name is Lyndon Vogt, that's L-y-n-d-o-n V-o-g-t. I'm the manager of the Central Platte NRD, and I'm testifying today on behalf of the Nebraska Association of Resources Districts. I certainly want to thank Senator Hughes for bringing this issue before the Legislature. It's time we have this conversation and we certainly don't want to go back to where we were in 2007. We've heard about the flooding issues that most likely have been abated the last couple of years because of the previous work that's been done and that's certainly true on the Central Platte. You heard another speaker talk about the Central Platte NRD and our involvement. We have been involved in about a decade, mostly with phragmites removals in the river. Since 2008, we've spent

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\$551,000 just in our NRD in the Platte from McConaughy to Columbus with partners. And the majority of that money, the last few years we've put in about \$25,000 a year in conjunction with the Platte Valley Weed Management Area, but prior to them years when there was money available that we could match, we were putting in \$120,000 to \$130,000 a year because we could leverage them dollars into more dollars. So, I do think that you will see a large source of outside dollars come in if you can make some matching dollars available to them. We've also done some burning in some of our riparian areas of phragmites and we've had some fairly good success with burning. Believe it or not, cattle love them early in the spring when they're nice and green and just starting to grow. Then if we can come in and spray them after that, we've had pretty good success...done that in some areas too. We do have our own burn crews, Central Platte, that does them burns. And we've partnered with several regional entities, including, I believe, three other NRDs, state agencies, federal agencies, Platte River program. And for the last two years we've submitted Environmental Trust grants to do this exact thing on the Central Platte portion of the river from McConaughy to Columbus. We've just been unsuccessful in getting them grants. And just to give you a quick overview of the numbers, we actually applied for \$2.3 million. We figured it was just going to take in that stretch of the river over three years. So we figured it was going to cost us about \$750,000 a year from McConaughy to Columbus. Our NET ask was \$1.2 million and our total ask was \$2.3, so you can see, we were matching them dollars almost 50 percent from local partners to do them projects. Our riparian vegetation problems are not going away and the good efforts of the previous Riparian Vegetation Management Task Force are in jeopardy right now of being lost. I guess just on behalf of the NRDs, I'd urge you to advance LB711 and I'd be happy to answer any questions. [LB711]

SENATOR SCHILZ: Thank you, sir. Any questions? Senator Johnson. [LB711]

SENATOR JOHNSON: I had to step out for a little bit. Maybe, I don't know if this was addressed or not, but when you start doing a cleanup and you clean up a section of it and...do you have to go to another point where it's really clean? Otherwise, you're just causing a bottleneck and a flood where you haven't cleaned out. So you have to start at a point and... [LB711]

LYNDON VOGT: Sure. It's certainly best if you can start in the lower reaches and work your way up so you're not causing flooding problems as you're doing it, but sometimes getting landowners on board...early in the process, I think getting landowners on board was a little bit of a problem. I think as they saw how things proceeded, it became easier to get...you know, for them to allow us to work on their property. [LB711]

SENATOR JOHNSON: Yeah, I mean you commented, McConaughy to Columbus which is downhill. [LB711]

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LYNDON VOGT: Right. [LB711]

SENATOR JOHNSON: I was just curious how that worked, but okay. [LB711]

LYNDON VOGT: Yeah. [LB711]

SENATOR JOHNSON: Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Johnson. Any other questions? Seeing none, thank you for your testimony. [LB711]

LYNDON VOGT: Thank you. [LB711]

SENATOR SCHILZ: Further proponents? [LB711]

JEFF BUETTNER: Good afternoon, Mr. Chairman and members of the committee. My name is Jeff Buettner, J-e-f-f- B-u-e-t-t-n-e-r, and I am the public relations coordinator for the Central Nebraska Public Power and Irrigation District. We're the owners and operators of Kingsley Dam and Lake McConaughy, and I'll address how that fits into this legislation a little bit. But if you'll remember, and I think it might have been Senator Schilz or maybe it was Senator Carlson or somebody, that gave advice about giving present...or information at a hearing that if it has been said before you can say, ditto. Well, ditto. (Laughter) I support everything that has been presented ahead of time, but, however, I don't think that makes very good testimony. But I will try after going through my notes, I'll try to pick out the stuff that has not been said before. Central had a member on the original task force and through his membership I was able to gain some insight into the impacts of these invasive species on Central's operations, the operation of Lake McConaughy, Jeffrey Island Wildlife Habitat Area, between Elm Creek and Lexington. And this might be anecdotal evidence, but at one point we were able to go out there and this was in the early stages of that drought that started in about 2002 and lasted for seven or eight years. And I recall going out to a site near Jeffrey Island and they had several other members of this weed management authority out there, and our guy had taken a spade and cut into that root mass that Mike Clements just mentioned. And this was a full-blown area that had been taken over by these phragmites. And he cut into this root mass and I could not believe how thick it was. It creates a monoculture where habitat that was previously occupied by all manner of fish and bugs and wildlife and birds and etcetera, was now no longer suitable for anything other than that phragmites patch. And he pointed out a tiller or a rhizome that ran out across the sand. And this is how they spread and he had put a flag in the sand 24 hours before at the end of that tiller. And 24 hours later, it had grown a foot or more. So it spreads very rapidly; it's very difficult to

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control, but through the efforts of that task force, through the investment that the Legislature made in controlling this riverine invasive species, we were able to eradicate those phragmites from that stretch. And you can see by the pictures were taken in a nearby area, the difference is incredible. Similarly up at Lake McConaughy at the west end during that drought period, we had a literal saltcedar or tamarix forest that had grown up and it was...there was nothing else out there except for saltcedar because it takes over that habitat. And again through the efforts of the original task force and some investments by Central as well, we were able to employ a method called Surround and Drown. We contained them until the drought ended, the water came back up, inundated those saltcedars, and removed them. So that's another case where the effects of the contributions of that fund were very evident. My last point would be at a choke point near the city of North Platte where the North Platte River comes in to join up with the South Platte River. And it's not all phragmites, but it played a very prominent role in constricting flows through that point where the water we were normally getting through here without causing any lowland flooding whatsoever was all of a sudden spilling over into people's front yards and nearby pastures and what have you. And again, the eradication of those phragmites in that area restored the flow of water through that stretch and relieved the problem. So, those are some particular incidence where the efforts in the past have been very effective. And as you all know, if you have yards that you're trying to keep weeds out of, or the cornfields that you're trying to keep weeds out of, one shot just doesn't it. You've got to keep coming back and doing it again and again and take care of your business. So with that, I'll stop. [LB711]

SENATOR SCHILZ: Thank you, Mr. Buettner. Any questions? I guess the nice thing today is that at Lake McConaughy you won't have to spray any of those for a while. [LB711]

JEFF BUETTNER: Not this year. And hopefully not anytime soon. [LB711]

SENATOR SCHILZ: It's a good thing, yeah. [LB711]

JEFF BUETTNER: Thank you very much. [LB711]

SENATOR SCHILZ: (Exhibits 7-10) Yeah. Further proponents? Proponents? We do have some letters of support: Mace Hack from the Nature Conservancy; Amy Prenda representing the Nebraska Water Resources Association; the Douglas County Board of Commissioners; and Patrick O'Brien from the Upper Niobrara White NRD. Any opponents? Any opponents? Seeing none. Any neutral testimony? [LB711]

GREG IBACH: (Exhibit 11) Senator Schilz and members of the Natural Resources Committee, I have copies of the Task Force report that many of you have been asking questions about. They're attached to my written testimony, so you'll be able to look at that while I give my testimony.

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Again, Senator Schilz and members of the Natural Resources Committee, my name is Greg Ibach, G-r-e-g I-b-a-c-h, and I am the director of the Nebraska Department of Agriculture. I am here today to testify in a neutral capacity on LB711. The report that is being handed out is the report of the Riparian Vegetation Management Task Force, which was statutorily created by the Unicameral in 2007, as we have learned, and terminated in June of '15. The group was administratively housed within the Department of Agriculture, and attached to my written testimony. As you can see that in the final report, the group's last meeting actually occurred in April of 2012. During the years of the Task Force existence, it held 13 meetings and five field tours. The group addressed many of the concerns and questions that I believe are the impetus of LB711. And page 3 of the Task Force final report outlines four key recommendations of the body or the Task Force. The first one of those was continued acknowledgment by the Governor and Legislature that noxious and invasive plants pose a serious threat to Nebraska's natural resources. The second one, to create a long-term funding source to allow each weed management area to continue to improve and manage riparian areas. The third one was that legislation is needed to provide a clear understanding of permanent boundaries between landowners in streambeds. And four, aggressive awareness campaign to inform landowners and managers of the serious threats that noxious weeds and invasive plants pose to the economy. The background work the Task Force did to arrive at these recommendations can be found by reviewing the 2007 and 2008 interim reports of the group, which are a part of the final report. Those reports that have detailed descriptions of the control measures and the others...the application systems that were used and funded by the Task Force. LB711, as introduced, would continue the granting of state dollars to appropriate weed organizations to address vegetation growth within the nearby area of the state-designated, fully and overappropriated streams. It also requires our department to seek funding for this purpose from the Environmental Trust, as well as the federal Natural Resources Conservation Service. Securing general funds will be challenging in the current financial environment, and it is not unreasonable to seek funding for such purposes from other sources as outlined in the legislation. In closing, I want to point out that the Department is currently developing an outreach plan, which is described in number 4...in bullet number 4 that will take our Noxious Weed Program staff before each and every county weed control authority in the state to remind them of their responsibility to work with landowners to manage noxious weeds. I believe this outreach is important for a couple of reasons. As a landowner and farmer and rancher myself, I understand the negative economic consequences of unchecked noxious weed growth. It is important to our agricultural economy as a whole to manage noxious weeds as outlined in the statute. As the Department director, I don't want to see backsliding of the gains the state made since 2007 when the Riparian Vegetation Management Task Force legislation authorized \$4 million over two years to address streambed vegetation. Thank you, and I would be happy to take any questions you might have. [LB711]

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SENATOR SCHILZ: Thank you, Director Ibach. Any questions for the director? Seeing none, thank you very much for your testimony and information. We appreciate it. Further neutral testimony? Good afternoon, Mr. Brohman. [LB711]

MARK BROHMAN: Mr. Chairman and members of the Natural Resources Committee, my name is Mark Brohman. It's M-a-r-k B-r-o-h-m-a-n. I'm the executive director of the Nebraska Environmental Trust and I'm here today representing the board and we're here in a neutral capacity. We do support the goals of LB711 and we appreciate Senator Hughes's staff, NACO, and the other members making some last minute additions or changes with taking the Trust out of the verbiage of the language. Originally it said that the Director of Ag "shall" apply to the Environmental Trust every year. So that was a mandate and so they changed it to "may" and now they're willing to take it out completely. We think the Director should apply for all grants, not just to the Environmental Trust and, of course, to NRCS that was mentioned, the feds. So we appreciate those changes. We also would encourage this task force to work very closely with the Invasive Species Council. There's...it was not mentioned in the original bill of the Invasive Species Council and it has been amended in a little bit, but I think we need to make sure that this group works very closely even though there will be members on this task force as well as on the Invasive Species Council. So I think it's very important those two groups work together closely. That group was created in 2012 by this Legislature and has a whole list of mandates and things that they do dealing with invasive species. Over the last 20 years we've put \$16 million towards invasive species from the Nebraska Environmental Trust through grants. You've heard other people before me speak about the grants that have come to them and the grants that they failed in the last years, but we have funded \$16 million in the last 20 years and there was about \$30 million requested over that 20 years. And this past year that we're currently in now that we're getting ready to award in April, we had \$58 million in requests and that \$18 million to give away to all projects. And, of course, invasive species is just one small portion of what we do. And so every project is scored on its merit, the partnerships it brings to the table, the match monies and things like that. So with that, I'd be happy to answer any questions you might have, but I'm glad that they've made the amendments that they've suggested. Thank you. [LB711]

SENATOR SCHILZ: Thank you, Mr. Brohman. Any questions? Seeing none, thank you for your testimony. [LB711]

MARK BROHMAN: Thank you. [LB711]

SENATOR SCHILZ: Further neutral testimony? Any more neutral testimony? Seeing none, Senator Hughes, you're welcome to close. [LB711]

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SENATOR HUGHES: Thank you, Chairman Schilz and members of the committee. I'll be brief. I think we've heard specifically from several of the NRDs, the Lower Republican, the Lower Niobrara, and the Central Platte, just how important this program is to them of keeping invasive species out. I certainly am dedicated to working with committee staff to make sure that we get the amendment to get this bill cleaned up so that it is ready to hopefully move forward from the committee. I'll try to answer any questions. Thank you. [LB711]

SENATOR SCHILZ: Thank you, Senator Hughes. Any questions? Seeing that there aren't any others, do you have a path for this, a plan to...? [LB711]

SENATOR HUGHES: I have submitted this as a Speaker priority... [LB711]

SENATOR SCHILZ: Okay. [LB711]

SENATOR HUGHES: ...if the committee would so choose. We won't know that until Monday and if that does not come to pass, if we can get the amendment language correct, possibly, you know, would maybe look at the committee to roll it into something then of theirs as a committee amendment...priority, committee priority. [LB711]

SENATOR SCHILZ: Okay. Very good. Any other questions? Seeing none, thank you, sir. [LB711]

SENATOR HUGHES: Thank you. [LB711]

SENATOR SCHILZ: And that will close our hearing today...all of our hearings today on LB711 and whatever the other one is, LB712. So with that, do I have a motion to go into Exec? So moved. [LB711]