

STATE EROSION AND SEDIMENT
CONTROL PROGRAM

APPROVED BY
THE NEBRASKA NATURAL RESOURCES COMMISSION
AND
THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES

IN ACCORDANCE WITH
THE EROSION AND SEDIMENT CONTROL ACT
SECTIONS 2-4601 TO 2-4613, R.R.S., 1943, AS AMENDED

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APPROVED BY: Gordon W. Fassett, Director

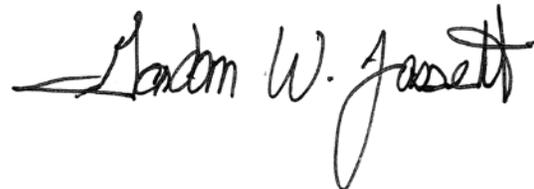
A handwritten signature in black ink, reading "Gordon W. Fassett". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

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STATE EROSION AND SEDIMENT CONTROL PROGRAM

I. Introduction

Background and Purpose of Report

This report has been prepared by the Director of Natural Resources and approved by the Nebraska Natural Resources Commission in accordance with section 2-4604, R.R.S., 1943, as amended, a portion of the Erosion and Sediment Control Act of 1986 (LB 474). It sets forth the comprehensive state erosion and sediment control program designed to reduce soil erosion in this state to tolerable levels.

Before approving this report on October 23, 1986, the Director and the Commission conducted nine public meetings to receive information and input from all interested persons in the state. Those meetings were held on the following dates and at the following locations:

Meeting #1: October 2, 1986, Tecumseh, NE

Meeting #2: October 6, 1986, Lexington, NE

Meeting #3: October 7, 1986, Bridgeport, NE

Meeting #4: October 8, 1986, Thedford, NE

Meeting #5: October 8, 1986, Ainsworth, NE

Meeting #6: October 9, 1986, Wayne, NE

Meeting #7: October 13, 1986, Omaha, NE

Meeting #8: October 16, 1986, Albion, NE

Meeting #9: October 22, 1986, Lincoln, NE

Summaries of the meetings are found in Appendix E in the back of this report.

The state erosion and sediment control program contained within this report may be revised by the Director and the Commission by utilizing the same procedures required for its original approval. Reassessment of the program will occur on an annual basis.

Purposes of the Erosion and Sediment Control Act

Adopted by the 1986 Nebraska Legislature the Erosion and Sediment Control Act (LB 474) represents a commitment by the State of Nebraska to reduce erosion on Nebraska lands and to reduce sedimentation and other problems that result from that erosion. A copy of the Act

as it now appears in Nebraska Statutes (Sections 2-4601 to 2-4613, R.R.S., 1943, as amended) is found in Appendix A of this report.

Approximately 40 percent of the lands of this state presently need additional conservation treatment. All of the crop lands needing treatment and some of the range, pasture and forest lands needing treatment are eroding at a rate in excess of the maximum annual rate that could occur without causing a decline in long-term productivity. The purpose of the Erosion and Sediment Control Act is to strengthen the already existing erosion and sediment control efforts of individual landowners and of the federal, state and local governments. These efforts are designed to reduce damage from wind erosion and storm water runoff, to retard nonpoint pollution from sediment and related pollutants, and to conserve and protect land, air, and other resources of the state.

Specifically, these objectives are promoted in the Act in two major ways. First, much of the act is devoted to the establishment of a system for the filing and processing of complaints concerning land where erosion is exceeding the soil loss tolerance level established in accordance with the act. Complaints may be filed by any owner or operator being damaged by sediment, by any state agency or political subdivision whose roads or other public facilities are being damaged by sediment, by any state agency or political subdivision with responsibility for water quality maintenance, or by a natural resources district representative. If it is found that damage is occurring as the result of identifiable excessive erosion, an administrative order may eventually be issued and the offending landowner(s) may be required to adopt management practices and/or install conservation practices to reduce erosion to tolerable levels.

The complaint portion of the Erosion and Sediment Control Act is designed to be a very important contributor to the overall conservation effort, but its effect, if measured only in terms of conservation resulting directly from complaints filed and processed, may be relatively minor. Likely to emerge as more important overall is the portion of the Act which requires the state and its natural resources districts to develop comprehensive and coordinated erosion and sediment control programs. The complaint process will serve as an integral part of these comprehensive, coordinated programs, but the other positive efforts that are generated by the programs will also be necessary to meet the objectives of the Act and the goals established herein.

Purposes of the State Program and Relationship to Local Programs

The state comprehensive, coordinated erosion and sediment erosion control program is intended to guide the actions of the state agencies and the state's political subdivisions in different ways. With regard to the Natural Resources Commission and the other state agencies that have participated in the preparation of this program, the program will serve as a plan for the state agency actions necessary to reduce soil erosion and sedimentation problems and achieve the goals that are later established in this program. The program is a natural follow-up to the Nebraska Soil and Water Conservation Strategy recently completed by the Natural Resources Commission with assistance from the Natural Resources Conservation Service and other agencies. In fact, the planned state agency actions identified in this program come directly from an updated version of the Action Plan established to implement that recently completed strategy. It is through those actions that the state will carry out its part of the comprehensive coordinated

program. The Action Plan is discussed in more detail in Part III of this report and is attached as Appendix B.

This state program will generally guide, rather than dictate the programs of the natural resources districts, cities, and counties. The guidance is more direct for natural resources districts than it is for other political subdivisions. For each NRD, a local program that is in conformance with the state program contained in this document must be adopted by July 1, 1987. That local program must include the following: soil loss tolerance level at least as restrictive as those adopted herein; recommended erosion and sediment control practices and soil and water conservation practices; and programs, procedures, and methods the district will use to implement the state program.

The Director of Natural Resources, with the advice and recommendation of the Commission, will review each NRD's program when it is submitted and will approve it if it is found to be reasonable, attainable, and in conformance with the state erosion and sediment control program. Further explanation and description of what is required in each local program and of what will be assessed by the Director is contained in part VI of this report.

For cities and counties, the relationship between this program and their efforts to prevent and control erosion and sedimentation is less direct. Neither cities nor counties are required to take action of any type because of the Erosion and Sediment Control Act or because of this document, but both cities and counties are strongly encouraged to contribute to the realization of the objectives of the Act. Their greatest contribution could be made in controlling erosion and sedimentation from non-agricultural land disturbing activities, such as construction activities. Many of these non-agricultural activities are not subject to the mandatory aspects of the Act. However, cities and counties have the authority to exercise control over those activities if they so desire. If a city or county does enact and enforce regulations in substantial conformance with this state program, the city or county can assume exclusive control over the activities addressed in its jurisdictional area. When this occurs, complaints will not be accepted by natural resources districts for covered activities within such areas. Potential city and county actions in accord with the objectives of the Act are covered in the Action Plan discussed in part III of this report.

Relationship to Federal Regulatory Programs

The purpose of this program is to augment many existing erosion and sediment control efforts, including those of federal, state, and local governments. Interrelated in a regulatory sense are the Sodbuster and Cross Compliance portions of the Food Security Act of 1985, P.L. 99-198. Those provisions impose sanctions on agricultural users who cultivate what is called highly erodible land. Sanctions consist of withholding participation in many federal farm programs unless adequate conservation practices are applied to prevent excessive soil erosion. For lands not cropped at any time in 1981 to 1985, the sanctions will be imposed in each year in which cropping occurs. For lands that were used for production of any annual crops during such years, landowners must have acceptable conservation plans developed and installation begun in a substantive manner by January 1, 1990 with installation completed by January 1, 1995.

The objectives of these federal programs and the state program encompassed in this document are identical, to eliminate excessive soil erosion and the problems that erosion can cause. While the basic approaches utilized to accomplish the objectives are different for the federal and state programs, an attempt has been made in developing the state program to maximize compatibility and minimize inconsistencies between the programs. Also, NRCS field office technical guides have been adopted by NRDs as their own technical standards and they will serve as criteria for determining "acceptable treatment" under both the state and federal programs. Therefore what a landowner might have to do to prevent excessive erosion will normally be identical for both state and federal programs. When the erosion control requirements would take effect might however be different. For example, complaints could be filed immediately after July 1, 1987 under the state program. In that event a landowner may be required to complete necessary conservation practices within one year after the complaint has been fully processed. In contrast, unless the land is newly cultivated, the federal program may not require installation of all the conservation practices until January of 1995. Conversely, by requiring that all highly erodible, cultivated lands be adequately treated by January of 1995, the federal program sanctions may, for some landowners, precede sanctions imposed under the state complaint program. A landowner could be in compliance with the State Act after 1995 as long as a conservation system was being installed in accordance with a conservation plan and on schedule.

These differences are not considered critical for the successful operation of either state or federal programs. To the extent that these differences can be eliminated or minimized during field implementation of the two programs, such action is encouraged.

II. Soil Loss Tolerance Level for the Various Types of Soils in the State

Soil Loss Tolerance Level

The soil loss tolerance level for each soil in the state is listed in the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Except as provided below, the then current T value for each soil listed in the NRCS FOTG is hereby established as the soil loss tolerance level for that soil. The soil loss tolerance level for particular lands may exceed T, but not 2T if the appropriate natural resources district determines that a soil loss tolerance level of T cannot reasonably be applied to such land. Such determination may be made if the district concludes, through the application of the reasonable judgement of local professional soil conservationists and after consideration of the economic consequences in establishing requirements for measures to be included in conservation plans, that reduction of soil loss on such land to a lower level is impracticable.

Determining Soil Losses

Compliance with the soil loss tolerance level is not to be determined by measuring actual erosion from a given storm or wind event, but by calculating the average annual erosion for the lands in question. Such calculations shall be made by utilizing the applicable portions of the NRCS FOTG. Soil losses will normally be calculated on a soil survey mapping unit basis. If it is found that excessive soil loss is occurring in one or more mapping units, they may not be averaged with other nonviolating units for the purpose of determining soil loss. For purposes of assigning the "C" factor (cropping and management practices) in calculating sheet and rill erosion, a cropping history of up to five years may be used in planning for purposes of future compliance with the soil loss tolerance levels.

Soil loss may be impacted by water erosion which may include (a) sheet and rill erosion which includes relatively uniform soil loss across the entire field slope which may leave small channels located at regular intervals across the slope and (b) ephemeral gully erosion which occurs in well-defined depressions or natural drainageways where concentrated overland flow results in the convergence of rills forming deeper and wider channels.

At the option of the natural resources district, the soil losses calculated by using the NRCS FOTG may be increased by adding anticipated average annual losses from ephemeral, gully, or other types of erosion if scientifically acceptable methods for determining such erosion are available. However, studies have not yet been able to accurately determine what part of the stream sediment load is attributable to stream bank erosion and what comes from non-point sources of erosion. While conservation measures and practices to minimize stream bank erosion are encouraged, more research needs to be done before the feasibility of and responsibility for controlling stream bank erosion can be determined.

Soil Loss Tolerance Level Established by Natural Resources Districts

As provided by section 2-4605 of the Act, each natural resource district also is to adopt, by rule and regulation, soil loss tolerance level. Those limits may not be less stringent than those

adopted in this report, but can be more stringent as long as the limits are implemented in a way that they can reasonably be applied to the lands involved.

Limits Being Exceeded By Erosion from Nonagricultural Land Disturbing Activities

While the primary focus of the Erosion and Sediment Control Act is on erosion and sedimentation from agricultural lands, the Act also allows complaints on some nonagricultural land disturbing activities. Such activities are generally described as any tilling, clearing, grading, excavating, transporting, or filling of land which may result in soil erosion and the movement of sediment and sediment related pollutants. However, some non-agricultural activities that would fall under this general definition are specifically excluded from the mandatory requirements of the Act. Granted statutory exclusions are: (1) installation of above ground public utility lines and connections, fence posts, sign posts, telephone poles, and other kinds of posts or poles; (2) emergency work to protect life or property; (3) activities related to the construction of housing, industrial, and commercial developments on sites under two acres in size, and (4) Activities related to the operation, construction, or maintenance of industrial or commercial public power district or public power and irrigation district facilities or sites when such activity is conducted pursuant to state or federal law or is part of the operational plan for such facility or site.

For those non-agricultural land disturbing activities that remain subject to the law, an option to strict enforcement of the soil loss tolerance level is available. The district or responsible city or county may allow the adopted soil loss tolerance level to be exceeded if, and only if, the sediment resulting from that excessive erosion is controlled and prevented from leaving the site on which the activity is occurring.

III. State Goals and the State Strategy for Reducing Soil Losses

State Goals

Treatment goals for the major land uses were developed as part of the recently completed soil and water conservation strategy. In summary, the state goal is to complete 80 percent of the remaining treatment needs by the year 2010 while maintaining the existing land treatment that has previously been established. As the strategy points out, achieving this goal would raise the total amount of adequately protected land to 92 percent. Specific goals for different agricultural land uses are also established and are shown in the following table.

Table 1 YEAR 2010 TREATMENT GOALS FOR THE MAJOR LAND USES				
Land Use	Strategy Goal	Area Needing Treatment	Total Treatment Goal	Eroding Area in Treatment Goal
	(Percent)		(Millions of Acres)	
Cropland	80	8.5	6.8	6.8
Rangeland	80	8.3	6.6	1.1
Pasture	80	1.4	1.1	0.2

The Soil and Water Conservation Strategy recognizes that achieving adequate land treatment for all of the remaining eight percent of the land in Nebraska will be very difficult and that 100 percent treatment at any one time is not possible. However, the Erosion and Sediment Control Act requires that state goals be established for reducing soil losses on all land in the state. In addition, if a goal for achieving 100 percent treatment is not established, the state will likely fall even shorter of that figure than if a goal is established. The year 2025 is therefore established as the goal for reducing soil losses on all lands to the applicable soil loss tolerance level. It shall be the further goal of the state to thereafter maintain adequate treatment on all lands not undergoing temporary land use changes and at least adequate sediment control for all lands that are undergoing such changes.

State Strategy

The initial strategy for reducing soil losses on all lands in the state to an amount no more than the applicable soil loss tolerance level has been derived primarily from the recently-completed Soil and Water Conservation Strategy. An Action Plan identifying and describing specific tasks, the agencies responsible, and a timetable for completing the tasks has been developed and has been updated for this report and incorporated herein as Appendix B. The present status of the action items is also summarized in the table on the next three pages.

The Action Plan is hereby adopted by reference as the state strategy for soil loss reduction. It is not static, but will be revised and updated periodically as implementation occurs. The updated Action Plan will be kept in loose leaf form at the offices of the Commission and will be published in its then current status at least once annually.

SUMMARY
ACTION PLAN

SOIL AND WATER CONSERVATION STRATEGY

Action Code

Adm. = Administration
Fdg. = Funding
E.A. = Executive Advocacy
E.O. = Executive Order
LFB = Legislative Funding Bill
LAB = Legislative Authority Bill

Agency Acronyms

NRD – Natural Resources Districts
NRCS – Natural Resources Conservation Service
S&WCS – Soil & Water Conservation Society
NRC – Natural Resources Commission
CES – Cooperative Extension Service
NACD – National Association of Conservation Districts
ARS – Agricultural Research Service
DEQ – Department of Environmental Quality
IANR – University of Nebraska-Institute of Agriculture and Natural Resources
ARD – Agricultural Research Division, IANR
BELF – Board of Educational Lands and Funds

Alternative Actions	Lead Agency	Lead Agency Action	Executive Action	Legislative Action	Cooperating Agencies
<u>A. Strengthen Public Information</u>					
1. Strengthen Public Information Activities of Natural Resources Commission	NRC	Adm.	E.A.		NRDs, NRCS
2. Expand CES Targeted Energy Program	CES	Adm.- Fdg.	E.A.		NRDs, NRCS
3. CES Develop Public Conservation Program	CES	Adm.- Fdg.	E.A.		NRDs, NRCS
4. Develop Computer Technology on Crop Budgets vs. E.C.	CES, ARD	Adm.	E.A.		NRCS
5. Assemble and Maintain a Speakers Bureau	NRC	Adm.			NRCSA
<u>B. Strengthen Conservation Instruction in Schools</u>					
1. Provide for a Conservation Coordinator in Department of Education	Dept. Ed.	Adm.	E.A.		NRC, CES, NRDs, NRCS
2. Provide for Teacher Training Workshops	Dept. Ed.	Adm.- Fdg.	E.A.		NRC, CES, NRDs, NRCS
3. Develop Conservation Class for Vo-Ag & High School Students	Dept. Ed.	Adm.	E.A.		NRC, CES, NRDs, NRCS
4. Promote Outdoor Classrooms & Trip Farms	NARD	Adm.- Fdg.			NRDs, NRCS
5. Provide for Teacher Scholarships	NRDs	Adm.- Fdg.			Dept. Ed.
6. Require Conservation Training for Teacher Certificate	Dept. Ed.	Adm.	E.A.		Colleges & Univ.

Alternative Actions	Lead Agency	Lead Agency Action	Executive Action	Legislative Action	Cooperating Agencies
<u>C. Promote Soil Stewardship</u>					
1. Recognize Soil Stewards	NRC	Adm.	E.A.		NRDs
2. Provide Resource Information to Schools of Divinity	NARD	Adm.			NACD
3. Develop Course of Study for Youth Religious Classes	NARD	Adm.			NRDs
4. NRDs Provide Stewardship Materials	NARD	Adm.			NRDs, NRCS
5. Provide Resource Information to Publishers of Religious Publications					
<u>D. Target Research Activities</u>					
1. Review Research on Ag Chemical Leaching and Increase if Necessary	DEC	Adm.	E.A.		CES, ARD, ARS, NRCS
2. Provide Field Trials on Topsoil Thickness vs. Production by NRCS and ARS	ARS	Adm.-Fdg.			NRCS, NRDs
3. Cooperative Research Seminar	NRD	Adm.	E.A.		ARS, CES, NRCS, ARS
4. Encourage NRCS-NTC to Step Up Evaluation of Research for Tech Guides and Users	NRCS, NTC	Adm.			
<u>E. Provide for Additional Incentives for Conservation</u>					
1. Increase NSWCP Funding Level	NRC		E.A.	LFB	NARD
2. Add Provisions in NSWCP to Provide for Targeting, Set-aside Programs and Long Term Agreements	NRC	Adm.	E.A.		NRDs, NRCS
3. Enhance NRD Taxing Authority for Cost-share	NARD		E.A.	LAB	NRDs
4. Encourage NRDs Promotion of Conservation Tillage	NARD	Adm.			NRDs, NRCS
5. Remove Property Tax Inequities for Conservation	Tax Comm.	Adm.	E.A.		Tax Commission
6. Expand Purposes of NSWCP to Allow Funding of Conservation Practices That Are More Directly Related to Pollution Control	NRC			LAB	NARD, NRDs, DEC
¹ 7. Encourage NRD Targeting for Cost-Share and Complaints	NRC	Adm.			NRDs, NARD, NRCS
<u>F. Enact Regulatory Authority</u>					
** 1. Enact Sediment & Erosion Control Law	NARD		E.A.	LAB	NRDs
2. Require Treatment Above State Funded Reservoirs	NRC	Adm.			NRDs

¹ Added since March 1986 draft.

** Completed action.

	Alternative Actions	Lead Agency	Lead Agency Action	Executive Action	Legislative Action	Cooperating Agencies
	3. NRDs Restrict Blowout of Fragile Land	NARD		E.A.	LAB	NRDs
**	4. Include Strategy in NRD Master Plan	NRC	Adm.			NRDs
	5. Mandate County Roadside Erosion Control	NRC		E.A.	LAB	
	6. Enact Legislation for State to Fund Conservation Technicians	NARD		E.A.	LAB, LFB	NRDs, NRCS
**	7. Strengthen State and Local Authorities for Management of Groundwater and Quality	DEC	Adm.	E.A.	LAB	NARD, NRDs
¹	8. Aid Implementation of LB 474	NRC	Adm.			NRDs, NARD, NRCS
²	9. Encourage City and County Non-Ag Erosion Control	NRC	Adm.			NRDs
<u>G. Management of State Owned Land</u>						
	1. Conservation Policy by Each Managing Agency	NRC	Adm.	E.O.		Dept. Ed., BELF, Game & Parks, IANR
	2. Multi-Year Conservation Plan by BELF	BELF	Adm.	E.A.		NRDs, NRCS
*	3. Variable Lease Periods as Incentive for Excellent Management	BELF	Adm.	E.A.		
	4. Revise Memorandum of Understanding	NRC	Adm.			BELF, NRCS
	5. NRCS-BELF Reciprocate Training Sessions	NRCS	Adm.			BELF, NRDs
	6. Use Conservation Easements to Protect Existing Conservation on Land	NRC	Adm.			NRDs, BELF, UNL, Game & Parks
<u>H. Inter-Agency Coordination</u>						
	1. Assign Responsibility for Implementing the Strategy to Natural Resources Commission	NRC		E.A.		All Res. Agencies
	2. Provide for the Task Force on Conservation Tillage to Coordinate Publicity Among Agencies	CES				NRC, NRDs, NRCS

¹ Added since March 1986 draft.

² Added since March 1986 draft.

* Dropped.

** Completed action.

IV. Guidelines for Establishing Priorities

Introduction

The Erosion and Sediment Control Act does not require the establishment of priorities for implementation of the state and local erosion and sediment control programs, but does require that guidelines to aid in setting those priorities be established. The implication is clear. The Legislature expects the state, NRDs, and other local entities to establish priorities to best ensure use of available resources. As a result, this program includes not only the required guidelines for priority setting, but also NRC's initial priorities for implementation of the Action Plan and a recommended time table for development and reassessment of NRD program priorities.

Guidelines for Establishing Priorities

A number of factors concerning the effectiveness of soil and water conservation programs should be considered when priorities are established. For purposes of this State Sediment and Erosion Control program the following factors are adopted:

- (1) The extent to which the actions anticipated provide public rather than private benefits.
- (2) Cost effectiveness, including analysis of:
 - (a) The extent to which the total of adequately treated acres will be increased;
 - (b) The extent to which total soil loss will be reduced; and
 - (c) The extent to which adequate treatment can be realized most effectively through recognition of Land Use Classifications limitations factors and through conversion of land to less intensive use rather than treatment to prevent erosion occurring with present land use.
- (3) The extent to which the actions will cause or encourage spinoff conservation activity.
- (4) The extent to which the actions will promote interagency cooperation and federal, state, and local program compatibility and consistency; e.g. where the actions would complement watershed protection, flood control, targeted areas, water quality projects, etc.

For programs administered by the Natural Resources Commission, the factors listed above will be considered in order of importance in the order listed. Because local needs vary so greatly across the state, the order of importance of the factors should be established by each natural resources district when it develops its local program.

Initial NRC Priorities

The Action Plan adopted earlier by reference contains benchmark dates for implementation of each activity identified. The lead agency responsibility for many of those tasks is assigned to NRC and dates are established for different levels of implementation. Given

the anticipated personnel and funding levels, neither the Director nor NRC presently anticipates the need to change any of those bench marks or the order in which the tasks are to be begun or completed. However, if personnel or financial resources prove to be inadequate for completion of all of the tasks identified within the established time schedules, priority will be placed on accomplishing the following portions of the state program first:

Aid natural resources districts, cities, and counties in the implementation of the Erosion and Sediment Control Act.

Increase the funding level for the Nebraska Soil and Water Conservation Fund.

Use conservation easements to protect conservation installed on land purchased with NRC financial assistance and later sold.

Provide interagency coordination for implementation of the Soil and Water Conservation Strategy and this program.

Strengthen public information activities of the Natural Resources Commission.

Recommended Time Table for NRD Priority Development

To provide for the most effective local erosion and sediment control programs, NRDs are also encouraged to set priorities for program implementation as part of the local program. An example of internal priorities would be deciding where to designate initial critical areas for cost-share assistance or development of a specific demonstration/educational project. All program priorities should be reassessed by NRC and by each district at least once every two years.

V. Assistance Provided by the State

The Erosion and Sediment Control Act requires the state to identify the types of assistance it will provide to NRDs, cities, and counties in the implementation of the state and local erosion and sediment control program. The purpose of this section is to specify and describe those types of assistance. Not listed here to avoid excessive repetition are some of the activities included in the Action Plan adopted earlier by reference although some are duplicated here.

Administer the Soil and Water Conservation Fund

Subject to available appropriations, the state will continue to provide cost-share money for soil and water conservation practices installed by individual landowners through NSWCP. The additional funds necessary to achieve the goals established in this program will be sought aggressively.

Expanding the practices which can be cost-shared through the NSWCP will be considered each year.

Interagency Coordination

The Natural Resources Commission and the Director of Natural Resources will accept responsibility for coordinating local, state, and federal programs. A staff member will be assigned that responsibility and will serve as a contact person for all other agencies. A yearly status report on the activities of all agencies involved will be developed and provided to the Governor and to the effective agencies.

Department of Environmental Quality Assistance in Assessing Water Quality Impacts

The Department of Environmental Quality, working with other state and federal agencies, is presently developing a mechanism to identify watersheds or portions of watersheds where significant water quality problems result from non-point pollution sources. Priority areas will then be established for the purpose of focusing state activities. DEQ will work with NRDs and local NRCS offices in identifying these areas and in developing plans for reducing non-point pollution in them. Under some circumstances additional water quality sampling may need to be carried out in implementing this process.

VI. Contents, Submission, and Review of NRD Programs

Original Time Table for Preparation of NRD Programs

The Erosion and Sediment Control Act required each district to adopt a district program for implementation of this State Erosion and Sediment Control program by July 1, 1987. The act also required review by the Natural Resources Commission and approval by the Director of Natural Resources. All Districts now have approved programs.

Contents of NRD Programs

The Act specifies certain things that must be included in each district's program. Included are: (1) soil loss tolerance level in rule and regulation form; (2) recommended erosion or sediment control practices and soil and water conservation practices; and (3) programs, procedures, and methods the district plans to adopt and employ to implement the State Erosion and Sediment Control program. What is needed to satisfy the required soil loss tolerance level and recommended practices portions of the local program is clear. With respect to the identification of district programs, procedures and methods, the district has more flexibility. What the district is being asked to describe is what it intends to do to implement the state program, including the goals established earlier.

Other than the specific requirements in the Act to receive and process complaints, the optional ways available to a district to achieve conservation goals are many and varied. The only requirement imposed at the state level is that those plans and programs be reasonable, attainable, and in conformance with the State Erosion and Sediment Control program. The district will need to include in its program enough information for the Director of Natural Resources to be able to determine that the local program is in fact in conformance with the state program. The minimum requirements are as follows for each district plan:

1. A description of any district cost-share program and no less than a five year projection for district financing of that program;
2. Any district plans to identify critical erosion areas or to otherwise target district sediment and erosion control activities, and a description of how conservation will be promoted in those areas;
3. A description of proposed educational and information programs;
4. Plans and procedures for preparation of "farm unit conservation plans" and for developing and entering into "conservation agreements";
5. Regulations for receipt, processing, and enforcement of complaints filed under the Act; and
6. Estimated personnel and financial requirements for no less than five years for implementation of the local programs planned and described.

While not required, it is also recommended that each district establish specific goals for achieving conservation levels. Goals could be based upon target dates, land use categories, or a combination thereof.

Also required as part of the local program is identification of any relevant city, village, or county regulatory programs. Any programs that the district feels are in substantial conformance with the State Erosion and Sediment Control program should be described and copies of the ordinances or other regulations in effect should be transmitted with the district's program.

Review of NRD Programs

Subsection (2) of Section 2-4605 requires the Director of Natural Resources with the advice and recommendation of the Commission to review each district's program and all amendments thereto. The Director is to approve the program or amendments if the Director determines that the district's program is reasonable, attainable, and in conformance with the state erosion and sediment control program. The purpose of this section of this report is to set forth in more detail what the Director and the Commission will consider in reviewing the programs. The following criteria are established for such purposes.

1. The local programs submitted must contain all elements required by the Act and all required elements described in the preceding section of this report.
2. The local program must be reasonable. In evaluating the program's reasonableness, the Director will determine whether: (a) the soil loss tolerance level are reasonable and whether adequate provision has been made for dealing with lands upon which the assigned soil loss tolerance level (T value) cannot reasonably be applied; (b) the programs, methods, and procedures adopted by the district are reasonably related to state and local program objectives and are likely to result in at least the district's program objectives being realized; (c) the procedural regulations for processing of complaints include adequate due process requirements; and (d) the provisions relating to farm unit conservation plans and conservation agreements reasonably balance the need to immediately eliminate erosion and sediment problems against the financial and other abilities of the landowners required to install or adopt land use practices.
3. The local program will be considered attainable if the district can reasonably project the availability of personnel and financial resources (excluding state and federal cost-share funds) which are needed to accomplish the local program and meet any goals established by the district.
4. The program will be considered in conformance with the State Erosion and Sediment Control program if the Director determines that: (a) the soil loss tolerance level are not less stringent than those adopted by the Director; (b) the program is supportive of the state goals; and (c) the program is compatible with and supportive of the individual components of the state Action Plan.

VII. Future Legislative Actions Needed

Other Legislative Actions Needed to Achieve Established Goals

In completing the Soil and Water Conservation Strategy, the Natural Resources Commission made nine legislative recommendations. Two of those recommendations have been implemented already with the passage in 1986 of LB 474 and LB 894 (nonpoint groundwater quality protection). The remaining seven recommendations have not yet received action by the Legislature. Those recommendations are relisted here and are reaffirmed by the Director of Natural Resources and the Commission. The recommendations, which are described in more detail in the Soil and Water Conservation Strategy can be summarized as follows:

1. The Legislature should increase appropriations to the Nebraska Soil and Water Conservation Fund for cost-sharing with landowners to 6.9 million dollars per year. It is further recommended that this appropriation level be achieved during fiscal year 1988, with appropriations reaching the four million dollar level in fiscal year 1987.
2. The Legislature should amend the statutory authorities in the Soil and Water Conservation Program to allow funds to be used for certain practices that have water conservation and water quality benefits, as well as soil conservation benefits.
3. The Legislature should enact legislation authorizing NRDs to increase their maximum tax levy necessary to provide additional funds for cost-sharing.
4. The Legislature should authorize the expenditure of, and appropriate funds for, hiring temporary part-time employees to help the NRCS provide technical assistance during peak workload periods. This action should be taken when total federal, state, and local cost-sharing funds reach about fifteen million dollars per year.
5. The Legislature should enact a law restricting the plowing of grasslands or forested lands with highly erodible soils without approval of a conservation plan by the NRD.
6. The Legislature should enact a law to provide the means to restore vegetation on eroding, abandoned land. Such legislation may need to allow NRD entry on such land so that the NRD may apply the necessary conservation practices. A lien could be taken by the NRD to increase its chances of recovering at a later date at least some of the funds expended.
7. The Legislature should enact legislation requiring that state agencies and political subdivisions control erosion on roadsides and other publicly-owned land. Agencies should be designated to establish standards, monitor compliance, and enforce regulations.

APPENDIX A

THE EROSION AND SEDIMENT CONTROL ACT
SECTIONS 2-4601 TO 2-4613, R.R.S., 1943, AS AMENDED

APPENDIX A

STATE EROSION AND SEDIMENT CONTROL ACT
(LB 474, 1986 Nebraska Legislature)

Section.

- 2-4601. Act, how cited.
- 2-4602. Legislative findings.
- 2-4603. Terms, defined.
- 2-4604. State erosion and sediment control program; director; duties; program contents; approval; revision.
- 2-4605. District program; contents; review.
- 2-4606. Municipal or county rules and regulations; authorized; conformance with state program.
- 2-4607. District; adoption or revision of rules and regulations; procedure; availability.
- 2-4608. Excessive soil erosion; complaint; inspection; remedial action; failure to comply.
- 2-4609. Filing of complaint; effect.
- 2-4610. Conformance with farm unit conservation plan or soil-loss limit; effect; lack of cost-sharing assistance; effect.
- 2-4611. Administrative order; appeal.
- 2-4612. Order for immediate compliance; when authorized.
- 2-4613. District court action; procedures; order; appeal; failure to comply with order; effect.

2-4601. Act, how cited.

Sections 2-4601 to 2-4613 shall be known and may be cited as the Erosion and Sediment Control Act.

Source: Laws 1986, LB 474, § 1.

2-4602. Legislative findings.

The Legislature recognizes that erosion and sedimentation are serious problems throughout the state. Changes in farm and ranch enterprises, operations, and ownership, demands made upon farm and ranch enterprises which do not encourage sound resource utilization, rapid shifts in land use from agricultural and rural to nonagricultural and urban uses, construction of streets, highways, pipelines, recreation areas, schools and universities, public utilities and facilities, conversion of grasslands to croplands, and other land-disturbing activities have caused excessive wind erosion and water runoff and accelerated the process of soil erosion and sediment deposition. This has resulted in the pollution of the waters of the state and damage to domestic, agricultural, industrial, recreational, fish and wildlife, and other resources. It is declared to be the policy of the state to strengthen and extend the present erosion and sediment control activities and programs of the state for both rural and urban lands, to improve water quality, and to establish and implement, through the Director of Natural Resources and the Nebraska Natural Resources Commission, a statewide, comprehensive, and coordinated erosion and sediment control program to reduce damage from

wind erosion and storm water runoff, to retard nonpoint pollution from sediment and related pollutants, and to conserve and protect land, air, and other resources of the state. This program shall be carried out by the natural resources districts in cooperation with the counties, municipalities, and other local governments and political subdivisions of the state and other public and private entities.

Source: Laws 1986, LB 474, § 2.

2-4603. Terms, defined.

For purposes of the Erosion and Sediment Control Act, unless the context otherwise requires:

(1) Commission means the Nebraska Natural Resources Commission;

(2) Conservation agreement means an agreement between the owner or operator of a farm unit and the district in which the owner or operator agrees to implement a farm unit conservation plan or, with the approval of the district within which the farm unit is located, a portion of a farm unit conservation plan. The agreement shall include a schedule for implementation and may be conditioned on the district or other public entity furnishing technical, planning, or financial assistance in the establishment of the soil and water conservation practices necessary to implement the plan or a portion of the plan;

(3) Director means the Director of Natural Resources;

(4) District means a natural resources district;

(5) Erosion or sediment control practice means:

(a) The construction or installation and maintenance of permanent structures or devices necessary to carry, to a suitable outlet away from any building site, any commercial or industrial development, or any publicly or privately owned recreational or service facility not served by a central storm sewer system, any water which would otherwise cause erosion in excess of the applicable soil-loss tolerance level and which does not carry or constitute sewage or industrial or other waste;

(b) The employment of temporary devices or structures, temporary seeding, fiber mats, plastic, straw, diversions, silt fences, sediment traps, or other measures adequate either to prevent erosion in excess of the applicable soil-loss tolerance level or to prevent excessive downstream sedimentation from land which is the site of or is directly affected by any nonagricultural land-disturbing activity; or

(c) The establishment and maintenance of vegetation upon the right-of-way of any completed portion of any public street, road, or highway or the construction or installation thereon of permanent structures or devices or other measures adequate to prevent erosion of the right-of-way in excess of the applicable soil-loss tolerance level;

(6) Excess erosion means the occurrence of erosion in excess of the applicable soil-loss tolerance level which causes or contributes to an accumulation of sediment upon the lands of any other person to the detriment or damage of such other person;

(7) Farm unit conservation plan means a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the district within which the farm unit is located based upon the determined conservation needs for the farm unit and identifying the soil and water conservation practices which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil-loss tolerance level. The plan may also, if practicable, identify alternative practices by which such objective may be attained;

(8) Nonagricultural land-disturbing activity means a land change, including, but not limited to, tilling, clearing, grading, excavating, transporting, or filling land, which may result in soil erosion from wind or water and the movement of sediment and sediment-related pollutants into the waters of the state or onto lands in the state but does not include the following:

(a) Activities related directly to the production of agricultural, horticultural, or silvicultural crops, including, but not limited to, tilling, planting, or harvesting of such crops;

(b) Installation of aboveground public utility lines and connections, fenceposts, sign posts, telephone poles, electric poles, and other kinds of posts or poles;

(c) Emergency work to protect life or property;

(d) Activities related to the construction of housing, industrial, and commercial developments on sites under two acres in size; and

(e) Activities related to the operation, construction, or maintenance of industrial or commercial public power district or public power and irrigation district facilities or sites when such activity is conducted pursuant to state or federal law or is part of the operational plan for such facility or site;

(9) Person means any individual, partnership, limited liability company, firm, association, joint venture, public or private corporation, trust, estate, commission, board, institution, utility, cooperative, municipality or other political subdivision of this state, interstate body, or other legal entity;

(10) Soil and water conservation practice means a practice which serves to prevent erosion of soil by wind or water in excess of the applicable soil-loss tolerance level from land used only for agricultural, horticultural, or silvicultural purposes. Soil and water conservation practice includes, but is not limited to:

(a) Permanent soil and water conservation practice, including the planting of perennial grasses, legumes, shrubs, or trees, the establishment of grassed waterways, the construction of terraces, and other permanent soil and water practices approved by the district; and

(b) Temporary soil and water conservation practice, including the planting of annual or biennial crops, use of strip-cropping, contour planting, minimum or mulch tillage, and other cultural practices approved by the district; and

(11) Soil-loss tolerance level means the maximum amount of soil loss due to erosion by wind or water, expressed in terms of tons per acre per year, which is determined to be acceptable in accordance with the Erosion and Sediment Control Act. Soil loss may be impacted by water erosion which may include (a) sheet and rill erosion which includes relatively uniform soil loss across the entire field slope which may leave small channels located at regular intervals across the slope and (b) ephemeral gully erosion which occurs in well-defined depressions or natural

drainageways where concentrated overland flow results in the convergence of rills forming deeper and wider channels.

Source: Laws 1986, LB 474, § 3; Laws 1988, LB 594, § 1; Laws 1993, LB 121, § 80; Laws 1994, LB 480, § 22; Laws 2015, LB 206, § 1.
Effective Date: August 30, 2015.

2-4604. State program; director; duties; program contents; revisions; hearings.

(1) The director shall, in cooperation with the commission, the Department of Environmental Quality, the Natural Resources Conservation Service of the United States Department of Agriculture, and other appropriate state and federal agencies, develop and coordinate a comprehensive state erosion and sediment control program designed to reduce soil erosion in this state to tolerable levels. The program, which shall be reasonable and attainable, shall include:

- (a) The soil-loss tolerance level for the various types of soils in the state;
- (b) State goals and a state strategy for reducing soil losses on all lands in the state to an amount no more than the applicable soil-loss tolerance level;
- (c) Guidelines for establishing priorities for implementation of the program at the state and local levels;
- (d) Types of assistance to be provided by the state to districts, cities, and counties in the implementation of the state and local erosion and sediment control programs; and
- (e) Such other elements as the director deems appropriate in accordance with the objectives of the Erosion and Sediment Control Act, including any recommendations for further legislative or administrative action.

(2) The state erosion and sediment control program may be revised by the director and the commission at any time. Before approving any such changes, the director and the commission shall conduct at least four public hearings or meetings to receive information from interested persons in different parts of the state.

Source: Laws 1986, LB 474, § 4; Laws 1993, LB 3, § 5; Laws 2015, LB 206, § 2.
Effective Date: August 30, 2015.

2-4605. District program; contents; review.

(1) Each district shall, with the approval of the director, adopt a district program for implementation of the state erosion and sediment control program. Each district's program shall include the:

- (a) Soil-loss tolerance levels for the various types of soils in the district. The soil-loss tolerance levels shall be adopted and promulgated as rules and regulations and may be more but not less stringent than those adopted by the director. It is the intent of the Legislature that no land within the state be assigned a soil-loss tolerance level that cannot reasonably be applied to such land;
- (b) Recommended erosion or sediment control practices and soil and water conservation practices which are suitable for controlling erosion and sedimentation within the district; and

(c) Programs, procedures, and methods the district plans to adopt and employ to implement the state erosion and sediment control program. Each district may subsequently amend or modify the program as necessary, subject to the approval of the director.

(2) The director with the advice and recommendation of the commission shall review each district's program and all amendments thereto and shall approve the program or amendments if the director determines that the district's program is reasonable, attainable, and in conformance with the state erosion and sediment control program.

Source: Laws 1986, LB 474, § 5; Laws 1988, LB 594, § 2; Laws 2015, LB 206, § 3.
Effective Date: August 30, 2015.

2-4606. Municipal or county rules and regulations; authorized; conformance with state program; enforcement; failure to conform, effect.

Any municipality or county may adopt and promulgate rules and regulations governing erosion and sediment control within their respective jurisdictions. Any such municipal or county rules and regulations shall be in substantial conformance with the state erosion and sediment control program. If a municipality or county adopts and promulgates rules and regulations, it shall enforce such rules and regulations within the regulatory jurisdiction of such municipality or county. Whenever the rules and regulations of any municipality or county are deemed by the director not to be in substantial conformance with the state erosion and sediment control program, the municipality or county may either amend such rules and regulations to conform, adopt rules and regulations which are in conformance, or defer responsibility to adopt, administer, and enforce such rules and regulations to the appropriate district.

Source: Laws 1986, LB 474, § 6.

2-4607. District; adoption or revision of rules and regulations; procedure; availability.

Before adopting or revising its rules and regulations, each district shall, after publishing notice once each week for three consecutive weeks in a newspaper or newspapers having general circulation within the district, conduct a public hearing on the proposed rules and regulations or changes. The rules and regulations of the district shall be made available for public inspection at the principal office of the district.

Source: Laws 1986, LB 474, § 7.

2-4608. Excess soil erosion; complaint; inspection; remedial action; failure to comply; cease and desist order.

(1) Except to the extent jurisdiction has been assumed by a municipality or county in accordance with section 2-4606, the district may inspect or cause to be inspected any land within the district upon receipt of a written and signed complaint which alleges that soil erosion is occurring in excess of the applicable soil-loss tolerance level. Complaints shall be filed on a form provided by the director. Complaints may be filed by any owner or operator of land being damaged

by sediment, by any state agency or political subdivision whose roads or other public facilities are being damaged by sediment, by any state agency or political subdivision with responsibility for water quality maintenance if it is alleged that the soil erosion complained of is adversely affecting water quality, or by a staff member or other agent of the district authorized by the board of directors to file such complaints. Inspections following receipt of a written and signed complaint may be made only after notice to the owner and, if appropriate, the operator of the land involved, and such person shall be given an opportunity to accompany the inspector.

(2) The owner, the operator if appropriate, and the district may agree to a plan and schedule for eliminating excess erosion on and sedimentation from the land involved. Any such agreement may be enforced in district court in the same manner as an administrative order issued pursuant to the Erosion and Sediment Control Act. If no agreement is reached, the findings of the inspection shall be presented to the district board of directors and the owner and, if appropriate, the operator of the land shall be given a reasonable opportunity to be heard at a meeting of the board or, if requested, at a public hearing. If the district finds that the alleged sediment damage is occurring and that excess erosion is occurring on the land inspected, it shall issue an administrative order to the owner of record and, if appropriate, to the operator describing the land and stating as nearly as possible the extent to which the soil erosion exceeds the applicable soil-loss tolerance level. When the complained-of erosion is the result of agricultural, horticultural, or silvicultural activities, the district shall direct the owner and, if appropriate, the operator to bring the land into conformance with the applicable soil-loss tolerance level. When the complained-of erosion is the result of a nonagricultural land-disturbing activity, the district may authorize the owner and, if appropriate, the operator to either bring such land into conformance with the soil-loss tolerance level or to prevent sediment resulting from excess erosion from leaving such land.

(3) The district may specify, as applicable, alternative soil and water conservation practices or erosion or sediment control practices which the owner and, if appropriate, the operator may use to comply with the administrative order. A copy of the administrative order shall be delivered by either personal service or certified or registered mail to each person to whom it is directed and shall:

(a) In the case of erosion occurring on the site of any nonagricultural land-disturbing activity, state a reasonable time after service or mailing of the order when the work necessary to establish or maintain erosion or sediment control practices shall be commenced and the time, not more than forty-five days after service or mailing of the order, when the work shall be satisfactorily completed;

(b) In all other cases, state the time, not more than six months after service or mailing of the order, the work needed to establish or maintain the necessary soil and water conservation practices or permanent erosion control practices shall be commenced and the time, not more than one year after the service or mailing of the order, the work shall be satisfactorily completed, unless the requirements of the order are superseded by section 2-4610; and

(c) State any reasonable requirements regarding the operation, utilization, and maintenance of the practices to be installed, constructed, or applied.

(4) Following refusal of a landowner to discontinue an activity causing erosion described in this section and to establish a plan and schedule for eliminating excess erosion pursuant to subsection (2) of this section, and if the immediate discontinuance of such activity is necessary to

reduce or eliminate damage to neighboring property, the district may petition the district court for an order to the owner and, if appropriate, the operator, to immediately cease and desist such activity until excess erosion can be brought into conformance with the soil-loss tolerance level or sediment resulting from excess erosion is prevented from leaving the property.

(5) Upon failure to comply with the order, the owner or, if appropriate, the operator shall be deemed in violation of the Erosion and Sediment Control Act and subject to further actions as provided by such act.

Source: Laws 1986, LB 474, § 8; Laws 1988, LB 594, § 3; Laws 1994, LB 480, § 23; Laws 2015, LB 206, § 4.
Effective Date: August 30, 2015.

A landowner, who was required to implement conservation measures on his land, did not have standing to sue a city in an inverse condemnation action where the city filed a complaint under this

section but the natural resources district was responsible for prosecuting the complaint. *Strom v. City of Oakland*, 255 Neb. 210, 583 N.W.2d 311 (1998).

2-4609. Filing of complaint; effect.

The filing of a complaint shall not preclude the complainant from pursuing any other remedy available to the complainant under the Erosion and Sediment Control Act, other law, or equity.

Source: Laws 1986, LB 474, § 9.

2-4610. Conformance with farm unit conservation plan or soil-loss tolerance level; effect; cost-sharing assistance; availability; lack of cost-sharing assistance; effect.

(1) Any person owning or operating private agricultural, horticultural, or silvicultural lands who has a farm unit conservation plan approved by the district and is implementing and maintaining the plan in strict compliance with a conservation agreement or any person whose normal agricultural, horticultural, and silvicultural practices are in conformance with the applicable soil-loss tolerance level shall, for purposes of such land, be deemed to be in compliance with the requirements of the Erosion and Sediment Control Act and any approved erosion and sediment control program.

(2) To prevent excess erosion and sediment from leaving the land due to any agricultural or nonagricultural land-disturbing activity, cost-sharing assistance may be available from any district. Such assistance may be used for any erosion or sediment control practice. The lack of available cost-sharing assistance does not offset the requirement that the owner and, if appropriate, the operator of such land comply with the terms of an approved plan of compliance or an administrative order.

Source: Laws 1986, LB 474, § 10; Laws 1988, LB 594, § 4; Laws 1994, LB 480, § 24; Laws 2015, LB 206, § 5.
Effective Date: August 30, 2015.

2-4611. Administrative order; appeal.

Any owner or operator served with an administrative order of a district may, within thirty days after service of the administrative order, appeal to the district court in the county in which a majority of the land is located. The appeal shall be de novo and shall be conducted in accordance with section 2-4613.

Source: Laws 1986, LB 474, § 11.

2-4612. Order for immediate compliance; when authorized.

The district shall petition the district court for a court order requiring immediate compliance with an administrative order previously issued by the district if:

(1) The work necessary to comply with the administrative order is not commenced on or before the date specified in such order or in any supplementary orders subsequently issued unless, in the judgment of the district, the failure to commence or complete the work as required by the administrative order is due to factors beyond the control of the person to whom such order is directed and the person can be relied upon to commence and complete the necessary work at the earliest possible time;

(2) The work is not being performed with due diligence or is not satisfactorily completed by the date specified in the administrative order or the practices are not being operated, utilized, or maintained as required;

(3) The work is not of a type or quality specified by the district and, when completed, it will not or does not reduce soil erosion from such land below the soil-loss tolerance level or, to the extent excess erosion is permitted by the district for a nonagricultural land-disturbing activity, will not or does not prevent sediment resulting from such excess erosion from leaving the land involved; or

(4) The person to whom the administrative order is directed advises the district that he or she does not intend to commence or complete such work.

Source: Laws 1986, LB 474, § 12; Laws 1988, LB 594, § 5; Laws 2015, LB 206, § 6.
Effective Date: August 30, 2015.

2-4613. District court action; procedures; order; appeal; failure to comply with order; effect.

In the district court action, the burden of proof shall be upon the district to show that soil erosion is occurring in excess of the applicable soil-loss tolerance level and that the landowner or operator has not established or maintained soil and water conservation practices or erosion or sediment control practices in compliance with the district's erosion and sediment control program. Upon receiving satisfactory proof, the court shall issue an order directing the owner or operator to comply with the administrative order previously issued by the district. The court may modify the administrative order if deemed necessary. Notice of the court order shall be given by either personal service or certified or registered mail to each person to whom the order is directed, who may, within thirty days from the date of the court order, appeal to the Court of Appeals. Any person who fails to comply with the court order issued within the time specified in such order, unless the

order has been stayed pending an appeal, shall be deemed in contempt of court and punished accordingly.

Source: Laws 1986, LB 474, § 13; Laws 1991, LB 732, § 10; Laws 2015, LB 206, § 7.
Effective Date: August 30, 2015.

APPENDIX B

ACTION PLAN

FOR THE

NEBRASKA

SOIL AND WATER CONSERVATION STRATEGY

OCTOBER 1986

ACTION PLAN FOR IMPLEMENTATION OF THE STATE SOIL AND WATER CONSERVATION STRATEGY

This publication is one of a set of publications on the State Soil and Water Conservation Strategy. The set includes:

- A. Report on the State Soil and Water Conservation Strategy--1986;
- B. Summary of the State Soil and Water Conservation Strategy; and
- C. Action Plan for Implementation of the State Soil and Water Conservation Strategy.

GOALS OF THE SOIL AND WATER CONSERVATION STRATEGY

The Strategy is aimed at sustaining the ability of the soil and water resources to support a high quality of life for present and succeeding generations. To do this, it must motivate land managers to accelerate the use of conservation practices that (1) reduce erosion to an acceptable level within each land use, (2) make maximum use of precipitation, reducing runoff and minimizing groundwater pumpage, (3) use the most efficient systems of irrigation, fertilizer, and pesticide management that also conserve water and protect water quality, and (4) maintain rangeland, pasture, and forest resources in a condition in which the key species can be maintained.

DEFINITION OF THE STRATEGY

The Soil and Water Conservation Strategy has been developed to accelerate the rate at which additional conservation land treatment, range management systems, and water use efficiency practices are applied in total resource management systems. The Strategy identifies problems and remedies; presents potential actions and alternatives; and makes recommendations for action by the Governor, Legislature, various state and federal agencies, and landowners.

IMPLEMENTATION

Recommended actions for achieving the Goals of the Strategy fall in three general levels. Policy level, which can only be implemented by legislative action; those which can be carried out by the Governor's authority; and, actions which can be taken within existing authority. Forty individual action items are suggested for implementation within these three levels. They are in the areas of: public information, education in schools, research, soil stewardship, management of publicly-owned land, interagency coordination, incentives, and regulations.

ACTION ITEMS

Each of the 40 action items, while contributing to overall Goals, represents a separate activity. An individual from the NRC staff has been in many instances, other agencies, organizations, and individuals are identified for involvement in implementation. Some of these have not been specifically contacted at this time, but will be as the schedule provides. "Action" described, is that thought necessary to achieve the Objective of the action item. It should be

recognized that the flexibility exists within the action plan to revise the “process” as implementation proceeds toward achieving the stated Objective.

FOLLOW-UP

Through the development of the Strategy, oversight was given by an “Executive Committee” with representation from local, state, and federal natural resources agencies. That same committee will be asked to provide oversight in implementation (1986).

STATUS REPORT - October, 1986

The first draft (and working copy) of this Action Plan was distributed for comment in March, 1986. Significant progress has been made on many of the items. Legislative action since the first draft resulted in three Objectives being achieved, i.e. “Enact Sediment and Erosion Control Law (F.1.)”; “Include Strategy in NRD Master Plan (F.4.)”; and “Strengthen State and Local Authorities for Management of Groundwater Quantity and Quality (F.7.)”. Three Objectives have been added: “Encourage NRD Targeting for Cost-Share and Complaints (E.7.)”; “Aid Implementation of LB 474 (F.B.)”; and “Encourage City and County Non-Ag Erosion Control (E.9.)”. One item (G.3.) under Management of State-Owned Land has been dropped. These changes have resulted in a revision of some page numbers and addition and deletion of some text. Items already adopted or dropped are no longer described in the text. Text has been added for new items.

June, 1995 Revised

- Commercial development sites 2 acres or larger are no longer exempt from the Erosion and Sediment Control Act.
- USLE → RUSLE
- NRDs must be in conformance with the State Erosion and Sediment Control Program.
- Soil loss shall be determined by using the applicable portion of the then current version of the United States Department of Agriculture, Natural Resources Conservation Service Field Office Technical Guide to estimate the average annual sheet and rill erosion or average annual wind erosion.
- Agency references updated.

June, 2016 Revised

- Soil loss limit → soil loss tolerance level
- Sheet and rill erosion defined
- Ephemeral gully erosion added and defined
- Added construction, operation and maintenance of public power; and public power and irrigation districts, to the list of statutory exclusions
- Removed 90% cost share availability requirement

SUMMARY
ACTION PLAN (1986)

SOIL AND WATER CONSERVATION STRATEGY

<u>Action Code</u>	<u>Agency Acronyms</u>
Adm. = Administration	NRD – Natural Resources Districts
Fdg. = Funding	NRCS – Natural Resources Conservation Service
E.A. = Executive Advocacy	NRCSA – Soil Conservation Society of America
E.O. = Executive Order	NRC – Natural Resources Commission
LFB = Legislative Funding Bill	CES – Cooperative Extension Service
LAB = Legislative Authority Bill	NACD – National Association of Conservation Districts
	ARS – Agricultural Research Service
	DEC – Department of Environmental Quality
	IANR – University of Nebraska-Institute of Agriculture and Natural Resources
	ARD – Agricultural Research Division, IANR
	BELF – Board of Educational Lands and Funds

Alternative Actions	Lead Agency	Lead Agency Action	Executive Action	Legislative Action	Cooperating Agencies
<u>A. Strengthen Public Information</u>					
1. Strengthen Public Information Activities of Natural Resources Commission	NRC	Adm.	E.A.		NRDs, NRCS
2. Expand CES Targeted Energy Program	CES	Adm.- Fdg.	E.A.		NRDs, NRCS
3. CES Develop Public Conservation Program	CES	Adm.- Fdg.	E.A.		NRDs, NRCS
4. Develop Computer Technology on Crop Budgets vs. E.C.	CES, ARD	Adm.	E.A.		NRCS
5. Assemble and Maintain a Speakers Bureau	NRC	Adm.			NRCSA
<u>B. Strengthen Conservation Instruction in Schools</u>					
1. Provide for a Conservation Coordinator in Department of Education	Dept. Ed.	Adm.	E.A.		NRC, CES, NRDs, NRCS
2. Provide for Teacher Training Workshops	Dept. Ed.	Adm.- Fdg.	E.A.		NRC, CES, NRDs, NRCS
3. Develop Conservation Class for Vo-Ag & High School Students	Dept. Ed.	Adm.	E.A.		NRC, CES, NRDs, NRCS
4. Promote Outdoor Classrooms & Trip Farms	NARD	Adm.- Fdg.			NRDs, NRCS
5. Provide for Teacher Scholarships	NRDs	Adm.- Fdg.			Dept. Ed.
6. Require Conservation Training for Teacher Certificate	Dept. Ed.	Adm.	E.A.		Colleges & Univ.

Alternative Actions	Lead Agency	Lead Agency Action	Executive Action	Legislative Action	Cooperating Agencies
<u>C. Promote Soil Stewardship</u>					
1. Recognize Soil Stewards	NRC	Adm.	E.A.		NRDs
2. Provide Resource Information to Schools of Divinity	NARD	Adm.			NACD
3. Develop Course of Study for Youth Religious Classes	NARD	Adm.			NRDs
4. NRDs Provide Stewardship Materials	NARD	Adm.			NRDs, NRCS
5. Provide Resource Information to Publishers of Religious Publications					
<u>D. Target Research Activities</u>					
1. Review Research on Ag Chemical Leaching and Increase if Necessary	DEC	Adm.	E.A.		CES, ARD, ARS, NRCS
2. Provide Field Trials on Topsoil Thickness vs. Production by NRCS and ARS	ARS	Adm.-Fdg.			NRCS, NRDs
3. Cooperative Research Seminar	NRD	Adm.	E.A.		ARS, CES, NRCS, ARS
4. Encourage NRCS-NTC to Step Up Evaluation of Research for Tech Guides and Users	NRCS, NTC	Adm.			
<u>E. Provide for Additional Incentives for Conservation</u>					
1. Increase NSWCP Funding Level	NRC		E.A.	LFB	NARD
2. Add Provisions in NSWCP to Provide for Targeting, Set-aside Programs and Long Term Agreements	NRC	Adm.	E.A.		NRDs, NRCS
3. Enhance NRD Taxing Authority for Cost-share	NARD		E.A.	LAB	NRDs
4. Encourage NRDs Promotion of Conservation Tillage	NARD	Adm.			NRDs, NRCS
5. Remove Property Tax Inequities for Conservation	Tax Comm.	Adm.	E.A.		Tax Commission
6. Expand Purposes of NSWCP to Allow Funding of Conservation Practices That Are More Directly Related to Pollution Control	NRC			LAB	NARD, NRDs, DEC
¹ 7. Encourage NRD Targeting for Cost-Share and Complaints	NRC	Adm.			NRDs, NARD, NRCS
<u>F. Enact Regulatory Authority</u>					
** 1. Enact Sediment & Erosion Control Law	NARD		E.A.	LAB	NRDs

¹ Added since March 1986 draft.

** Completed action.

Alternative Actions	Lead Agency	Lead Agency Action	Executive Action	Legislative Action	Cooperating Agencies
2. Require Treatment Above State Funded Reservoirs	NRC	Adm.			NRDs
3. NRDs Restrict Plowout of Fragile Land	NARD		E.A.	LAB	NRDs
** 4. Include Strategy in NRD Master Plan	NRC	Adm.			NRDs
5. Mandate County Roadside Erosion Control	NRC		E.A.	LAB	
6. Enact Legislation for State to Fund Conservation Technicians	NARD		E.A.	LAB, LFB	NRDs, NRCS
** 7. Strengthen State and Local Authorities for Management of Groundwater and Quality	DEC	Adm.	E.A.	LAB	NARD, NRDs
¹ 8. Aid Implementation of LB 474	NRC	Adm.			NRDs, NARD, NRCS
² 9. Encourage City and County Non-Ag Erosion Control	NRC	Adm.			NRDs
<u>G. Management of State Owned Land</u>					
1. Conservation Policy by Each Managing Agency	NRC	Adm.	E.O.		Dept. Ed., BELF, Game & Parks, IANR
2. Multi-Year Conservation Plan by BELF	BELF	Adm.	E.A.		NRDs, NRCS
* 3. Variable Lease Periods as Incentive for Excellent Management	BELF	Adm.	E.A.		
4. Revise Memorandum of Understanding	NRC	Adm.			BELF, NRCS
5. NRCS-BELF Reciprocate Training Sessions	NRCS	Adm.			BELF, NRDs
6. Use Conservation Easements to Protect Existing Conservation on Land	NRC	Adm.			NRDs, BELF, UNL, Game & Parks
<u>H. Inter-Agency Coordination</u>					
1. Assign Responsibility for Implementing the Strategy to Natural Resources Commission	NRC		E.A.		All Res. Agencies
2. Provide for the Task Force on Conservation Tillage to Coordinate Publicity Among Agencies	CES				NRC, NRDs, NRCS

¹ Added since March 1986 draft.

² Added since March 1986 draft.

* Dropped.

** Completed action.

A.1.

Goal: TO STRENGTHEN PUBLIC INFORMATION ON THE NEED FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Strengthen the public information activities of the Nebraska Natural Resources Commission.

Description of Activities:

The Director of Natural Resources will align his staff to direct more activity towards dissemination of more public information on basic conservation. The staff should devote the equivalent of a full time or at least a one-half time person to this type of activity.

The duties of this person could be quite varied and would range from producing and making public information available to the media and users to negotiating with other agencies to do the same. He or she could begin by assisting with the implementation of this Soil Conservation Strategy.

This important person could work closely with the public affairs specialist of the Natural Resources Conservation Service and the Cooperative Extension Service to ensure that the Objectives of the Strategy are enhanced by their public information efforts. An example would be assembling data and targeting to users and technicians who work with the land users to accelerate conservation of soil and water resources. Areas needing this type of targeting include areas of irrigation where water quality and quantity is being reduced, rangeland areas and areas where conservation tillage could make a significant impact on soil loss.

This public affairs person could catalog materials and information as it is developed and store it as appropriate in a library or in the Natural Resources Commission Data Bank.

This person would also use his or her skills to provide information on soil and water resources needs to raise the perception level of the Governor and the State Legislature and more closely align the NRC with the basic conservation of these resources.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1987	Minimum of one-half of full time equivalent assigned.	

A.2.

Goal: TO STRENGTHEN PUBLIC INFORMATION ON THE NEED FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Provide for expanding the Cooperative Extension Service (CES) targeted energy program on conservation tillage, irrigation water management, and eco fallow.

Description of Activities:

The Cooperative Extension Service has had over two years activity on the promotion of this project which began with the signing of an agreement on December 9, 1983. The results of these efforts should begin to be obvious by planting time of 1986 for conservation tillage and eco fallow and by the end of the 1986 irrigation season for irrigation water management.

The project should be fully evaluated in 1986 and the successful actions should be duplicated to include other counties. A level of funding equal to the need of the targeted counties will not be available. However, existing funding and existing personnel of the CES, the NRCS, and the NRDs could be used to push a campaign to the maximum.

Materials used in meetings should be duplicated and made available in other counties. Designs and concepts on demonstration plots could be repeated.

Procedures for getting data to the landusers should be judiciously evaluated and the successful methods repeated in new counties.

The evaluation should weigh the use of additional incentives against just offering adequate technical assistance.

Minimum funding needs should be budgeted by NRDs and the legislature through the NSWCP fund. The number of counties involved in the targeted areas should be doubled for the 1987 effort and doubled again in 1988 and involve all 93 counties by 1989. Making this activity a high priority in each NRD, CES county office, and NRCS field office will be necessary to accomplish this.

An official challenge by the Governor and the legislature could help set the stage for the agencies and for the land users.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Dr. Leo Lucas, Director, Cooperative Extension Service
Sherman Lewis, State Conservationist, Natural Resources Conservation Service
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
December, 1986	Counties for 1987 effort selected.	
January, 1987	Design of efforts completed.	
February, 1987	NRDs and county commissioners solicited for support both personal and financial.	
March, 1987	Public meetings held.	
December, 1987	Process repeated for 1988 efforts.	

A.3.

Goal: TO STRENGTHEN PUBLIC INFORMATION ON THE NEED FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Provide for the development of educational materials on soil and water resources for the general public and ag-related business.

Description of Activities:

The basics of the importance and the management of soil, water, and rangeland resources should be common knowledge if a public ethic for these resources is to be realized. This basic understanding should also be held by the owners and employees of all ag-related business since they do impact the use of these resources.

Being the educational arm of the USDA, the Cooperative Extension Service should seek funding to develop an educational package to support these needs. The material should consist of films, video tapes, slide tapes, and printed material that would be suitable for educational television and for use at meetings and training sessions of ag-related businesses. The material should contain factual data, but also be made appealing and interesting to watch.

Once developed, the material should be promoted to TV stations, extension clubs, meetings of sub-divisions of government, and businesses.

These programs could also be part of the educational packets for high school students. There should be several packets addressing the various land uses including dry cropland, irrigated cropland, range and pasture management and forestland. The subjects should also relate to the different areas of the state.

Individual Responsible: Verlon K. "Tony" Vrana, Nebraska Natural Resources Commission

Agency Contacts: Dr. Leo Lucas, Director, Cooperative Extension Service
Russell Schultz, Natural Resources Conservation Service
Dennis Grams, Department of Environmental Quality
Vince Dreeszen, Conservation & Survey Division

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Programs on irrigation water management completed.	
July, 1988	Programs on range and pasture management completed.	
July, 1989	Programs on water erosion and wind erosion completed.	

A.4.

Goal: TO STRENGTHEN PUBLIC INFORMATION ON THE NEED FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Accelerate the development of computer technology on crop budgets vs. erosion control, water management, and range condition.

Description of Activities:

The Cooperative Extension Service (CES) and the Natural Resources Conservation Service (NRCS) have existing software on crop budgets for use with land users. The NRCS-is adapting computer analysis of crop budgets to show the effort on the soil and water resources.

This Objective proposes that sustaining the soil and water resources is important enough that all crop budget programs that are provided to land users should relate the effect on the soil, water, and rangeland resources.

The program should solve for profit from the individual budgets in addition to soil loss, water usage, nutrients and water percolating below the root zone and runoff. A rangeland program could solve for profit from various management schemes and for trends in range condition.

These programs could even be developed to be adapted to the home computers which many land users now own so that those people can perfect them at home.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: William Hance, Resource Conservationist, Soil Conservation Service

Dr. Leo Lucas, Director, Cooperative Extension Service

Dr. Ervin T. Omtvedt, Director, Ag Research Division

Dr. Donald Rundquist, Conservation & Survey Division

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Resource analysis with computer analysis of crop budgets in use by land users.	
July, 1988	Computers in NRCS offices.	

A.5.

Goal: TO STRENGTHEN PUBLIC INFORMATION ON THE NEED FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Assemble and maintain a speakers bureau of individuals willing to provide programs on conservation of soil and water related resources and make it available to potential users.

Description of Activities:

The Director of Natural Resources should assemble a list of names of individuals who are willing to speak to groups on the conservation of the soil, water, and related resources. It could include lay people and professionals.

Organizations with these types of speakers could include, but should not be limited to, the Nebraska Natural Resources Commission, the Natural Resources Conservation Service, the Cooperative Extension Service, the Ag Research Division of the University of Nebraska, the natural resources districts, the Department of Environmental Quality, the Department of Water Resources, the Conservation and Survey Division of the University of Nebraska, the Agricultural Research Service, the Soil Conservation Society of America, the Society of Professional Soil Scientists, and others.

Speakers will be solicited and listed by name, address, phone, profession, other affiliations, and topic of program. The information will be maintained in the Natural Resources Commission.

Complete brochures will be sent to libraries, farm groups, schools, and others who may have a need for this type of speaker and will be available upon request from the Nebraska Natural Resources Commission.

The list will be updated once each year.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
September, 1986	Update completed.	

B.1.

Goal: STRENGTHEN CONSERVATION INSTRUCTION IN SCHOOLS

Objective: Provide for a conservation coordinator in the Department of Education to coordinate the development of curriculum and other teaching materials on soil, water, and rangeland resources management and to assist schools in improving conservation education.

Description of Activity:

A conservation coordinator could be provided by the Department of Education and funded by the Department. The coordinator should solicit assistance from the resources agencies such as the NRDs, the NRCS, the CES, and the NRC to develop curriculum and other teaching materials and to identify resource people. He/she could utilize other groups such as Soil Conservation Society of America, the Society of Soil Scientists, and qualified retired individuals. Materials would show the need and basics of how to manage soil and water resources for sustained production under the major land uses such as dryland, cropland, irrigated cropland, grassland, forestland, and wildlife land. The materials would also recognize the differences in conservation problems from east to west and north to south. The development of materials should be coordinated with the Nebraska Department of Agriculture work in Ag in the Classroom, and the current efforts of several of the natural resources districts.

As materials are developed, the coordinator should promote its use to school administrators and school boards. Using the same resource people, provisions should be made to train teachers to use the materials.

Responsible Individual: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Dr. Larry Vontz, Deputy Commissioner, Department of Education
Russell Schultz, Natural Resources Conservation Service
Gordon Kissel, Nebraska Association of Resources Districts
Dr. Leo Lucas, Cooperative Extension Service
Vince Dreeszen, Conservation and Survey Division-UNL

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July 1, 1986	Conservation Coordinator assigned in Department of Education.	Ted Ward
November 15, 1986	Workable draft of K-4 materials.	
December 15, 1986	Workable draft of 5-6 materials.	
January 1, 1987	Provide outline of conservation education materials to school administrators.	
January-April, 1987	Classroom test materials K-6.	
May & June, 1987	Prepare Final Draft and reproduce materials.	
August, 1987	Begin teacher group training.	

B.2.

Goal: STRENGTHEN CONSERVATION INSTRUCTION IN SCHOOLS

Objective: Provide for teacher training workshops to utilize the materials being developed on the teaching of soil, water, and rangeland resource management.

Description of Activity:

The conservation coordinator should make plans to set up teacher training workshops for post school season attendance. He could utilize the existing training sessions operated by the Upper Big Blue, Lower Big Blue, and Little Blue NRDs as an example and duplicate it at least three more times throughout the state. This could allow for climatic, land use, and resources management differences from east to west and north to south in Nebraska.

One training session could be added per year throughout the state for three years to reach a total of four. Possible sites would include Kearney State, Wayne State, and Chadron State Colleges, McCook Community College, and the research stations.

The training sessions should be for college credit and should be considered as applying toward science and social studies majors. In addition, the coordinator should develop a training procedure to take statewide during the school year to the school systems to reach teachers either during the school day or at evening classes. These classes should also be directed toward teaching teachers to use the conservation curriculum and materials.

A Goal should be set to reach 90 percent of the science, social studies and Vo-Ag instructors in ten years. This should be considered an ongoing program with continuous follow-up.

Responsible Individual: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission
Agency Contacts: Dr. Ted Ward, Deputy Commissioner, Department of Education
Russell Schultz, Natural Resources Conservation Service
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Dr. Leo Lucas, Cooperative Extension Service

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Camp Jefferson and one more similar training session.	
September, 1987	Training sessions taken to school systems.	
October, 1987	Training program presented at state teachers convention.	
August, 1988	Three two-week training sessions in place.	
August, 1989	Four two-week training sessions in place.	

B.3.

Goal: STRENGTHEN CONSERVATION INSTRUCTION IN SCHOOLS

Objective: Develop a course of study for Vo-Ag departments and a course of study for general high school use.

Description of Activities:

The conservation coordinator should conduct a study to determine best options for introducing materials on conservation of resources into present Vo-Ag courses of study. He should develop materials allowing for two or three options for use. Example--a structured one, two, three, or four week course with other materials to be incorporated into other Vo-Ag classes.

Materials should cover all of major land uses so the instructor could adapt it to the major land uses in their area. These would include dry cropland, irrigated cropland, pastureland, rangeland, and forestland. It would also include the variance in management and conservation practices across the state.

For schools with no Vo-Ag programs, a class could be developed for general high school study that would raise the perception level of high school students to a level that would permit them to be good stewards of these resources. The course, as with the Vo-Ag course of study, should project a thorough understanding of the soil and more specifically the top soil and its relationship to sustained agricultural production. It should vividly explain the problems and solutions of the various production systems. It should cover the problems and solutions of maintaining a supply of high quality water and sustaining the soil, rangeland, and wildlife resources.

Responsible Individual: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Dr. Ted Ward, Curriculum Division, Department of Education
Russell Schultz, Natural Resources Conservation Service
Dr. Leo Lucas, Cooperative Extension Service
Gordon Kissel, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
September, 1987	Course and materials offered to Vo-Ag department.	
September, 1988	Course and materials offered to high schools.	
September, 1989	Seventy percent of Vo-Ag departments using materials. Twenty-five percent of schools using the general resources class.	
September, 1990	Ninety percent of Vo-Ag departments teaching resource conservation. Forty percent schools using general natural resources class.	

B.4.

Goal: STRENGTHEN CONSERVATION INSTRUCTION IN SCHOOLS

Objective: Assist school systems to develop outdoor classrooms and arrange for field trip farms for 5th and 6th grades.

Description of Activity:

The Nebraska Natural Resources Commission (NRC) with assistance from the Nebraska Association of Resources Districts (NARD) should encourage natural resources districts (NRDs) to promote outdoor classroom and field trip farms in each of their districts. The NRC could assemble existing data for teaching from outdoor classrooms. Much is available from the Cooperative Extension Service and from textbooks. It should be arranged in a packet and made available to NRDs. The NARD would assist in the promotion activities.

NRDs could encourage and assist the schools in their district to set up outdoor classrooms and teach the biology of the soils. The instruction should emphasize the value of maintaining the soil. Resource people could be from the Natural Resources Conservation Service, the Cooperative Extension Service, or retired people who are knowledgeable of soil biology.

The NRD could also arrange for landowners to offer their farms, or part thereof, to be used as a field trip farm to extend the soils instruction. The owner should be a good soil steward and might even speak to groups on his operation. This instruction should show the relationship of soil biology and crop and livestock production. It should stress the dangers of misusing soil and water resources and demonstrate that the resources can be sustained with proper management.

Responsible Individual: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
William Caldwell, Director of 4-H, IANR.

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
May, 1986	Materials and instructions on outdoor classrooms released.	
September, 1987	<u>Goal:</u> 2 outdoor classrooms with a field trip farm in each NRD.	
September, 1988	<u>Goal:</u> 4 outdoor classrooms with field trip farms in each NRD.	
September, 1989	<u>Goal:</u> 8 outdoor classrooms with field trip farms in each NRD.	

B.5.

Goal: STRENGTHEN CONSERVATION INSTRUCTION IN SCHOOLS

Objective: Provide for teacher scholarships for attending conservation workshops and classes.

Description of Activities:

There is past evidence that some incentive is needed to encourage teachers to attend workshops and classes to learn how to use conservation curriculum and materials. A scholarship to attend a class at which they could receive college credit could make a difference.

Some NRDs currently offer scholarships, however, to increase the numbers of teachers trained, this must be accelerated as the number of teacher training workshops are increased. NRDs could increase the funding to these scholarships and through school administrations, actively promote the use of them. Promotion by the conservation coordinator will increase the use and need for scholarships.

As good conservation materials are provided to schools, teacher interests and needs could increase. NRDs could also solicit funds from private industries to help satisfy those needs.

Responsible Individual: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Conservation Coordinator, Department of Education

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
June, 1987	50 percent of NRDs budget this item.	
June, 1988	75 percent of NRDs budget this item. Actively promote to school administrators and teachers.	
June, 1989	100 percent of NRDs budget this item. All workshops fully utilized.	

B.6.

Goal: STRENGTHEN CONSERVATION INSTRUCTION IN SCHOOLS

Objective: Require a conservation education course for teacher certification for elementary and secondary majors in science and social studies.

Description of Activities:

The long term survival of mankind is so closely related to sustaining the use of the soil and water resources that all youth should grow up realizing the implications of the misuse of these resources. To facilitate this level of knowledge, certain teacher requirements could be changed to include an education class on teaching soil and water conservation. It should apply to majors in science and social studies for both elementary and secondary education.

The conservation coordinator should have excellent curriculum and teacher materials available by September of 1988. A requirement of one 3 hour class on conservation should be mandated in 1988 for those teachers graduating in 1992. Such a requirement should not impose a hardship.

Responsible Individual: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Dr. Joseph Lutjeharms, Commissioner, Department of Education

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1988	Write course outline and assemble books and materials.	
September, 1988	Introduce course to University of Nebraska and state colleges.	
September, 1988	Adapt policy requiring the course for those graduating after May 1, 1992.	

C.I.

Goal: PROMOTE SOIL STEWARDSHIP

Objective: Maintain a program to recognize good soil stewards throughout the state.

Description of Activities:

The Natural Resources Commission has taken the initiative to develop a recognition program for individuals who "stand out" as good stewards of the soil and water resources. It is used to recognize not only those who properly manage the land, but also those who contribute much to assist land users.

A token of this recognition is a lapel pin and a certificate signed by the Governor. The names of those honored should be displayed in an important place such as the state capitol or the state conservation farm.

Nominees for this honor are made throughout the state through the Natural Resources Districts (NRDs) and on the state level by the Natural Resources Commission. Anyone can make a nomination to the NRD by forwarding the name and a brief explanation of accomplishment to the NRC. Qualifying criteria are based upon past accomplishments and/or a demonstrated commitment.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Natural Resources Commission

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Ray Hartung, Chairman, Natural Resources Districts Managers Committee

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
September, 1986	Those honored to date listed.	

C. 2.

Goal: PROMOTE SOIL STEWARDSHIP

Objective: Provide resource information to schools of divinity. Action: The Nebraska Association of Resource Districts should send a resolution to the National Association of Conservation Districts (NACD) to provide information on the condition of soil and water resources to schools of divinity.

Description of Activities:

It has been suggested that if religious leaders had more of a background in natural resources, they would be more apt to promote soil and water stewardship in their day-to-day ministries. To develop this background, they need a source of up-to-date information on the condition of the soil, water, and related resources.

The NACD could provide this information to them by assembling a package of basic data for each school of divinity and by including all schools on a mailing list for updated information and newsletters.

The Natural Resources Commission or the Natural Resources Conservation Service of each state could provide more detailed information on individual states. They could also forward pertinent data to the state council offices of each denomination within Nebraska.

Religious schools could use the data as they saw fit. There is a good chance that it would be used to discuss the moral issues involved in rationally using these resources.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Begin forwarding data.	
July, 1987	Specific Nebraska information package developed.	

C.3.

Goal: PROMOTE SOIL STEWARDSHIP

Objective: Arrange for a group of the clergy to develop a four section course of study on the value of conserving the soil, water, and rangeland resources for religious classes for youth.

Description of Activities:

The NACD provides a course of study for one session with the stewardship packet. This action item proposes that materials be developed for at least three more sessions for religious classes of children whose ages are nine through twelve.

The Nebraska Association of Resource Districts could assemble a group of ministers and resource people who could develop the course of study and materials. Committee membership could contain representation from several denominations. Materials generated should be nondenominational so they could be used in any study group.

The different courses should allow for the differences in land use across the state and the differences in problems.

Inter-Church Ministeries of Nebraska could give assistance and help to publicize the completed materials.

When completed, the NRDs could offer the course of study along with other stewardship materials. The NRD stewardship chairman, committee, or chaplin could promote the use of the material through their contact with the clergy.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Natural Resources Commission

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Mel Leuchens, Chairman, Inter-Church Ministeries

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
February, 1987	Course for religious classes provided.	
February, 1988	Major promotion of use of all materials accomplished.	
May, 1988	Materials used by many churches in state.	

C.4.

Goal: PROMOTE SOIL STEWARDSHIP

Objective: Encourage NRDs to renew efforts to provide resource information and stewardship materials to local clergy.

Description of Activities:

Many Natural Resources Districts (NRDs) are currently including the clergy of their districts in informational meetings and tours and are providing soil stewardship materials for use on Stewardship Sunday.

This action item proposes that this is very beneficial and recommends accelerating this activity.

All NRDs should make this a high priority item and move to accelerate the activity. They could assign a stewardship committee to deal with it or a stewardship chairman, or even a chaplain. This committee or person could invite the clergy to appropriate informational functions, direct certain literature and news items to them, hold meetings of the clergy to evaluate their needs, and promote soil stewardship on Stewardship Sunday and all year long. They could publish a newsletter specifically for the clergy for mailing monthly or quarterly.

The Nebraska Association of Resource Districts and the Chairman of the NRD Managers Association could promote this among the 24 NRDs.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Ray Hartung, Chairman, NRD Managers Committee

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
March, 1987	Soil Stewardship Week promoted.	
March, 1987	18 of 24 NRDs showing significant increase of stewardship activities.	
March, 1988	22 of 24 NRDs showing complete stewardship program.	
March, 1989	24 NRDs with complete stewardship program.	

C.5.

Goal: PROMOTE SOIL STEWARDSHIP

Objective: Provide selected information on soil and water resources to publishers of religious magazines.

Description of Activities:

There is a moral connotation to the management of soil and water resources relative to the needs of the people. Therefore, editors of religious magazines could have a need for articles and information on these resources to provide an insight to their readers. The Nebraska Association of Resources Districts could prepare a resolution to the National Association of Conservation Districts proposing that they regularly provide informational data and news articles to the editors and publishers of religious publications.

In addition, the proposed public affairs specialist of the Natural Resources Commission should select resource data and news items that would be of interest and mail them to those editors. The data could alert this group of readers on resource needs and pending problems that could be dealt with by the ministry.

Names and addresses to which the publication could be mailed should be assembled by the Inter-Church Ministeries of Nebraska.

The information provided on a routine basis should be general with an offer to provide more specific resource data on request. A periodic follow-up letter could be sent to inquire as to uses of information and the recipients desire to remain on the mailing list.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Pat McGrane, Public Affairs Specialist, Natural Resources Conservation Service
Mel Leuchens, Inter-Church Ministeries of Nebraska

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
February, 1987	Soil Stewardship Week announced.	
March, 1987	Basic information mailed to complete list of publishers.	

D.1.

Goal: EXTEND RESEARCH ACTIVITIES

Objective: Evaluate existing research that monitors the movement of agricultural chemicals through the soil, to determine if it is adequate for the State of Nebraska and provide for increasing if necessary.

Description of Activities:

The movement of ag chemicals through the soil profile is presently being monitored in certain conditions by the Ag Research Division of the IANR, the Department of Health, the Agricultural Research Service, and the U.S. Geological Service. In addition, some NRDs are monitoring the buildup of nitrates in wells.

The Department of Environmental Quality should assess the situation throughout the state to determine where the potential dangers from deep percolation of agricultural chemicals are. They should evaluate the ongoing monitoring of agricultural chemical movement and the existing data. A research needs committee consisting of representatives from the ARD-IANR, the ARS, and the DEC could then apply the existing data and the ongoing research to those needs to determine if this was adequate.

If existing and ongoing projects were adequate, the DEC and the research needs committee could review periodically and report to involved agencies to keep projects on track.

If existing data and ongoing projects are inadequate, DEC could make plans to begin additional monitoring either through DEC or through a cooperating agency.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Dennis Grams, Chief, Department of Environmental Quality
Dr. James F. Power, Director, Soil & Water Research
Leader, Agricultural Research Service
Dr. Irvin T. Omtvedt, Ag Research Division, IANR
Dr. Gregg F. Wright, M.D., Director, Department of Health
Dr. Roy Spalding, Director, Conservation & Survey Division,
UNL

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
March, 1987	Analysis of critical situations completed.	
June, 1987	Data reviewed with other monitoring agencies.	
October, 1987	Plan to add sites to be monitored completed.	
January, 1988	Legislation for funding introduced to legislature.	

D. 2.

Goal: EXTEND RESEARCH ACTIVITIES

Objective: Provide for the Agricultural Research Service (ARS) and the Natural Resources Conservation Service (NRCS) to use field trials and demonstration plots to collect data on yields from soils with topsoil versus eroded soils with no topsoil and to demonstrate the topsoil value to land users.

Description of Activities:

The NRCS field offices staff should search for eroded and non-eroded sites on benchmark soils where yield comparisons could be made to demonstrate the value of protecting topsoil. The sites should be close together on the same slope grade, the same slope direction, the same aspect, and using the same management practices.

If natural sites cannot be found on the benchmark soils, plots could be prepared by starting with an eroded site and top dressing the "topsoil plots" with topsoil from the base of the slopes. The equipment used to prepare the plots should be farm-type equipment to keep compaction to a minimum.

The ARS should design the plot layout, collect dry matter and yield data, and analyze so the results are acceptable as research data. The NRCS could physically lay out the plots, monitor rainfall, and assist in the data collection. Yields of dry matter and grain produced should be collected for a minimum of five years or until results are conclusive. Results should be summarized and placed in a simple table form in the hands of all NRCS and NRD technicians who do conservation planning with land users.

The Natural Resources Districts (NRDs) where the plots are located should be involved to coordinate activities and provide needed funding. It is anticipated that funding needs will be minimal. The NRDs and NRCS could arrange for tours to provide the data to land users.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission
Agency Contacts: Dr. James F. Power, Director, Agricultural Research Service, Nebraska
William Hance, State Resource Conservationist, Soil Conservation Service
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Sites selected.	
October, 1987	Plots prepared.	
Spring, 1988	Study begins.	
January, 1989, 1990, 1991, 1992	Results available to NRCS field offices staff.	

D.3.

Goal: EXTEND RESEARCH ACTIVITIES

Objective: To provide for an inter-agency Cooperative Research Seminar among state and federal agencies for the purpose of (1) reviewing Nebraska research needs, (2) comparing priorities, (3) eliminating duplication, (4) presenting a unified effort in the search for funding, and (5) to improve technology transfer to users.

Description of Activities:

The Ag Research Division of the Institute of Agriculture and Natural Resources should take the leadership to arrange for a seminar once each year to include all agencies that conduct research on soil and water protection and conservation and the primary user agencies of such research data. The seminar would provide a forum for research agencies to present their priorities on projects that are for the protection and conservation of the soil and water resources.

User agencies could present their research needs with research agencies responding to how those needs were being addressed or how they might be addressed.

A major objective of this seminar would be to compare research needs as determined by the various agencies, arrive at a consensus on the high priority needs and present a unified effort to Washington in funding requests. Another objective of this seminar could be to provide for a working procedure with assigned responsibilities for analyzing research data and getting the data to both the news media and the managers of soil and water resources.

The ARD, ARS, and NRCS who send a priority listing to Washington to be considered for funding would then present a united front.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Dr. Irvin T. Omtvedt, Director, Ag Research Division, IANR
Thomas Schiflet, Head, Natural Technical Center, NRCS
Dr. Leo Lucas, Director, CES
Dr. James F. Power, Soil & Water Research Leader, ARS
Sherman Lewis, State Conservationist, NRCS
Dennis Grams, Director, DEC
Gordon Kissel, Executive Director, NARD
Bill Powers, Water Resources Center, UNL

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
October, 1986	First seminar held.	
April, 1987	Follow-up review of assignments.	
September, 1987	Second seminar completed.	
April, 1988	Follow-up review of assignments.	

D.4.

Goal: TARGET RESEARCH ACTIVITIES

Objective: Encourage the Natural Resources Conservation Service National Technical Center to step up efforts to evaluate research on soil, water, and related resources to facilitate its inclusion in tech guides and conversion to user form.

Description of Activities:

The National Technical Center of (NTC) of the Natural Resources Conservation Service should evaluate the research on the relationship of erosion to productivity and make the present and future costs of erosion known. This data could be compared and analyzed with a current project by the Ag Research Division of UNL, the Agricultural Research Service, and ongoing field trials conducted by the Natural Resources Conservation Service.

Another project should be to analyze all the existing data on conservation tillage and present the materials adjusted to specific soil types.

Still other studies needing evaluation are in the area of irrigation water management. This effort should be targeted to the areas in Nebraska where agricultural chemicals are reducing the purity of the underground water.

The main thrust of this action item is to get good research data in the hands of users in a form that can be utilized as soon as possible.

Individual Responsible: Dayle Williamson, Director of Natural Resources
Thomas Schiflet, Director, Natural Resources Conservation
Service

Agency Contacts: National Technical Institute
Irwin T. Omtvedt, Director of Ag Research Division of IANR
James Power, Director, Soil and Water Research, Agricultural
Research Service
Sherman Lewis, State Conservationist, Natural Resources
Conservation Service

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1987	Analysis of erosion-productivity research updated.	
September, 1987	Analysis of irrigation water management research updated.	

E.1.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Increase the level of funding to the Nebraska Soil and Water Conservation Program (NSWCP) to a level that will complete 80 percent of the remaining needs in 25 years.

Description of Activities:

It has been decided that to achieve adequate land treatment on 80 percent of the land still needing erosion control, water management, and range management in 25 years would be a reasonable, reachable goal. The most limiting factor to accomplish this is cost-share funding.

To reach this goal in 25 years, it would take approximately \$6.9 million per year. The legislature should increase the NSWCP fund to \$4.0 million in FY 1988 and to \$6.9 million in FY 1989. An alternative would be to designate a specific tax on a product or designate a portion of sales or income tax and increase the fund to the \$6.9 million level.

The funds would be used to provide a minimum of 90 percent cost-share where control of erosion and sediment was mandated under a sediment and erosion law. For a voluntary program, it would provide for a level of cost-share on practices as provided by the Nebraska Natural Resources Commission and the directors of the 24 Natural Resources Districts. The NRC determines the eligible practices and the maximum rate of cost-share and the NRDs can adjust priorities of practices and cost-share levels within the Commission guidelines.

Funds should be allocated to the NRDs based on the extent of needs according to NRC priorities.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Sherman Lewis, State Conservationist, Natural Resources Conservation Service

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	NSWCP at \$4,000,000.	
July, 1988	NSWCP at \$6,900,000.	

E.2.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Add provisions to the Nebraska Soil and Water Conservation Program (NSWCP) that would provide for (1) targeting toward critical areas, (2) establishing a set-aside program to extend the construction season on cropland, and (3) implementing long term agreements.

Description of Activities:

The Natural Resources Commission should take action to improve the use of the NSWCP to accelerate the treatment and protection of the soil and water resources by making changes in these three areas to adapt the program to problem areas.

Target to Critical Areas

Past experience has shown that conservation treatment in special project areas can be accelerated by targeting technical assistance and funding. Toward this end, the Commission should develop rules and criteria for designating special project areas. When the NSWCP fund reached \$4,000,000 annually, the Commission could designate a minimum of 15 percent to special project areas for basic land treatment. The NRDs could write a plan for specific areas to be considered for funding by the Commission. Targeted areas could be for the purpose of erosion control, water conservation, or grassland management.

Set-aside Program

In some areas of the state where there is much cropland, the construction season is very short, usually in the spring and fall when there are no crops to contend with. A minimum payment to make it worthwhile for a land user to make cropland available for construction in the summertime would improve this situation. It would spread the workload of both technicians and contractors.

The Commission should develop rules to make a payment from the NSWCP fund for setting aside cropland for construction during the summer months. This would only apply to acres that were not in other set-aside programs. The result would be a longer construction season and more land adequately treated. The expenditures could be limited to a percent of the sum of the districts NSWCP allotment plus the NRD cost-share funds.

Long-Term Agreements

Some operators are more inclined to do conservation work when they can see that funds will be available to do a complete unit or a complete farm. This may be especially true in targeted special project areas.

The Commission should approve the use of "Long Term Agreements" (LTA) to obligate funds to do complete conservation plan over several years when the NSWCP fund reaches \$4,000,000 per year. The LTA would be a binding contract between the Natural Resources Commission and the landowner with provisions for repayment for violations of the contract. All rules governing the present use of the NSWCP funds would apply.

Individual Responsible: Gayle Starr, Administrative Officer, Nebraska Natural Resources Commission
Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Sherman Lewis, State Conservationist, Natural Resources Conservation Service

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Set-aside program initiated.	
July 1988	Targeting critical areas and use of long-term agreements initiated.	

E.3.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Enhance NRD taxing authority to provide more cost-share funds.

Description of Activities:

During fiscal year 1986, sixteen Natural Resources Districts budgeted cost-share funds to assist landowners in applying conservation practices. In several of these NRDs, the demand for funds exceeded the available funds, and many are at or very near the maximum levy of \$.035 per \$100 valuation with no way to increase cost-share funds.

The Nebraska Association of Resource Districts should sponsor a legislative bill raising the NRD taxing limit to at least \$.04 per \$100 valuation. This would permit an average NRD with a valuation of one billion dollars to bring in an additional \$50,000 for cost-share.

Individuals Responsible: Gayle Starr, Administrative Officer, Nebraska Natural Resources Commission

Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Agency Contact: Ray Hartung, Chairman, NRD Managers Committee

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1987	Legislative bill submitted.	

E.4.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Provide for Natural Resources Districts (NRDs) to actively promote the use of conservation tillage to rapidly reduce soil losses on cropland.

Description of Activities:

The 24 NRDs should offer incentives to encourage farmers to try conservation tillage or eco-fallow systems. They could lease or buy equipment and make it available to farmers on a trial basis. Land users could have free use as an incentive; or the equipment could be leased at a reasonable rate. After one or two years, it could be sold at a reduced rate.

NRDs could make a per acre cost-share payment on plots 10 acres to 40 acres in size for one to three years for a predetermined level of cover. This would permit farmers to master the systems on a small scale before trying it on the whole farm. It would permit them to adapt their own equipment to the system rather than purchasing new.

The NRDs should sponsor workshops, where experts are brought in to discuss different conservation tillage systems. They should encourage and assist the Cooperative Extension Service to expand the "Targeted Energy Program" on Conservation Tillage and Eco Fallow.

The Natural Resources Conservation Service personnel at the state, area, and field office levels should assist at all levels of this promotion.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission

Agency Contacts: Sherman Lewis, State Conservationist, Natural Resources Conservation Service
Elbert Dickey, Extension Conservationist, Cooperative Extension Service
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
March, 1987	Major promotion by 75 percent of NRDs.	
March, 1988	Major promotion by all NRDs.	
July, 1989	Increase conservation tillage over 1985 level by 30 percent.	
July, 1990	Increase conservation tillage over 1985 level by 50 percent.	

E.5.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Remove property tax inequities to conservation farming.

Description of Activities:

The tax commissioner should study the system for taxing farmland to eliminate procedures that would tend to discourage conservation farming.

New procedures could reduce land valuations on land taken out of production by conservation practices. This could include terrace backslopes, diversions, filter strips, turn rows, small areas planted to trees, and irrigation reuse pits.

The policy should be adjusted so that land is never put in a higher production class and subsequently a higher tax class because conservation practices have been applied. Land should not be placed in a lower production class and subsequently a lower tax class because someone permitted erosion.

The landowners should be responsible for furnishing the proof of qualification on land to be devalued because of conservation practices.

Individual Responsible: James Cook, Legal Counsel, Nebraska Natural Resources Commission

Agency Contacts: Dayle Williamson, Director of Natural Resources

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1988	Evaluation of tax laws completed.	
January, 1989	Implementation of conservation rules begun.	

E.6.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Expand the Nebraska Soil and Water Conservation Program to fund practices more directly related to protecting the quality and quantity of surface and groundwater.

Description of Activities:

Many of the projects and practices presently authorized for cost-share assistance from the Soil and Water Conservation fund (NSWCP) have water conservation and water quality benefits. For example, any practice that holds sediment and associated ag chemicals on the land rather than permitting it to reach streams has surface water pollution benefits as well as conservation benefits.

There are other practices that could be applied that are not funded by NSWCP which could have direct water quality and water conservation benefits. Included are nitrate management, irrigation scheduling, feedlot waste control systems, and buffer strips. The present NSWCP legislation would need to be modified to authorize these additional purposes and to recognize a practice with a life of less than ten years.

This modification should be in line with the efforts of the Department of Environmental Quality to establish a funding mechanism to clean up and protect designated streams and groundwater problems areas.

The implementation of this item should only be with additional funding so that the soil and water conservation provisions are not diluted.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Dennis Grams, Director, Department of Environmental Quality

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Through a legislative bill by DEC provide additional funding for pollution control practices.	
September, 1987	Complete guidelines on use of practices and designate qualifying areas.	

E.7.

Goal: PROVIDE ADDITIONAL INCENTIVES FOR CONSERVING SOIL AND WATER RESOURCES

Objective: Encourage NRD targeting of specific land areas or specific types of erosion problems for purposes of cost-sharing and NRD initiation of complaints.

Description of Activities:

Adequate treatment of all remaining lands cannot be accomplished overnight either on a state-wide or district-wide basis. All complaints received by NRDs from other individuals and entities pursuant to LB 474 must be processed in an equal and fair manner, but each NRD will have opportunities to set priorities for other aspects of its conservation program. Included is the ability of the NRD to set priorities on the types of complaints it will initiate itself and on the utilization of available cost-share funds. For both purposes, a natural resource district could select either specific land areas or specific types of erosion problems for more concentrated NRD activity. For example, targeting could ensure a more intensive effort in the worst erosion areas or in areas where protection of public facilities was particularly important, such as above a flood control or recreation reservoir. Targeting for cost-share purposes could be done either in conjunction with a targeting reserve established for the Nebraska Soil and Water Conservation Program (see Action Item E.2.) or by the district for its own cost-share program or for its regular share of the Nebraska Soil and Water Conservation Program funds. State encouragement for targeting can be given through providing and interpreting basic resources information and by providing educational and technical assistance in designing and implementing targeting programs.

Individual Responsible: _____, Project Assistance
Director, Nebraska Natural Resources Commission
Agency Contacts: Dennis Grams, Director, Department of Environmental Quality
Gordon Kissel, Executive Director, Nebraska Association of
Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
February, 1987	Provide basic resource information useful for targeting.	
July, 1987	Demonstrate alternative targeting techniques.	

F.2.

Goal: CONSERVE SOIL AND WATER RESOURCES WITH THE USE OF REGULATORY AUTHORITY

Objective: Require that a certain percentage of land above reservoir sites be adequately treated before state funds could assist in the construction of those reservoirs, excepting structures valued at over \$10,000,000.

Action: The federal government currently requires that 50 percent of the land above watershed structures designed by the Natural Resources Conservation Service for the purpose of storing water be adequately treated before the federal assistance is given. No similar requirements exist for the Soil and Water Conservation Fund, Resources Development Fund, the Water Management Fund, or the Small Watersheds Flood Control Fund. Such requirements should be imposed by the Natural Resources Commission for the Nebraska Soil and Water Conservation Fund, Resources Development Fund, and the Small Watersheds Flood Control Fund. Structures costing over \$10,000,000 and funded by the Water Management Board for the Water Management Fund would be exempt from this ruling.
The level of treatment could vary from 50 percent to 75 percent of land adequately treated and could affect only those submitted for assistance after approval of rules change.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contact: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Rules on required land treatment completed.	

F.3.

Goal: CONSERVE SOIL AND WATER RESOURCES WITH THE USE OF REGULATORY AUTHORITY.

Objective: Provide by state law the authority for Natural Resources Districts to restrict the plow-out of grassland or tree covered land on fragile soils unless a plan to control erosion is first approved by the district and provide for NRD authority to restore vegetation on eroding abandoned land.

Description of Activities:

Legislation should be enacted to give the 24 Natural Resources Districts of Nebraska the authority to enact their own sodbuster legislation. This is needed because of the amounts of fragile lands being plowed and cropped only to find that it is either not economically feasible to crop or that expensive erosion control practices are needed. In these cases either the federal, state, or local government is then asked for financial assistance to solve the erosion problem.

This should be solved in part by restricting the plow-out of the fragile soils. From the soil map, it is possible to apply the universal soil loss formula to the soil, using the various management systems and predict the average annual soil loss from which management plans could be made.

NRDs, with assistance from the NRCS, could decide which soils under grass or tree covered lands have the capability for other land uses and which ones would be a costly nuisance to the state. A permit would be denied in cases where erosion could not feasibly be controlled.

On borderline soils, such as very sandy land, a bond should be required in the amount that it would take to restore grass to the land in case the venture failed.
Restore Grass on Eroding Abandoned Land

A section of the same legislative bill should make provisions for restoring vegetative cover on eroding abandoned land.

Provisions should be made for NRDs acting on behalf of the state to use state funds to restore natural vegetation on land that has been abandoned and is eroding where there is no apparent owner or where there is an owner who cannot or will not take adequate action. The state could take a lien on the property in the amount of the revegetation practices.

In cases where no owner comes forth to manage the land, the NRD should manage it for wildlife land.

Individual Responsible: James Cook, Legal Counsel, Nebraska Natural Resources Commission
Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Dayle Williamson, Director of Natural Resources

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1988	Legislative bill to legislature completed.	
January, 1990	Implementation begun.	

F.5.

Goal: CONSERVE SOIL AND WATER RESOURCES WITH THE USE OF REGULATORY AUTHORITY.

Objective: Pursue enactment of legislation to mandate erosion control on all roadsides and give an agency the authority to monitor and enforce such requirements.

Description of Activities:

If the state is to expect a significant reduction in erosion on privately owned lands, it and its government subdivisions must set a good example. Some present requirements exist for development and implementation of conservation plans on state-owned lands, but no agency has the authority or responsibility to monitor compliance of those requirements with regard to state highways and county roads or to enforce them when needed. This alternative would grant that authority.

Where construction of state and county roads use federal and state funds, the plans do include erosion control. Maintaining erosion control, however, may be lax. In the case of counties doing construction work on county roads with county funds, there is no overview.

The State Department of Roads should have the authority to review all road construction with the authority to withhold state and federal funds if counties fail to provide for controlling erosion.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contact: Ray Hogrefe, Director, Department of Roads

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
September, 1987	Legislative bill drafted.	
January-April, 1988	Legislative approval.	
July, 1988	Implementation.	

F.6.

Goal: CONSERVE SOIL AND WATER RESOURCES WITH THE USE OF REGULATORY AUTHORITY.

Objective: Pursue state funding for conservation technicians.

Description of Activities:

With the ongoing efforts to cut federal spending, it is unlikely that there can be an increase in federal spending for Natural Resources Conservation Service technicians and there could be a reduction of the present level. A plan to accelerate the application of practices must look to other sources of funding.

The state could alleviate the shortage of technicians by providing state employees to work on the application of conservation practices. These employees could be assigned to work with and under the supervision of the District Conservationist of the NRCS in the local field offices.

Another option would be for the state to provide legislation that would authorize the transfer of state funds to the Natural Resources Conservation Service, and the NRCS could hire the technicians similar to the transfer of ACP funds by the Agricultural Stabilization and Conservation Service. This could be a transfer of a portion of the NSWCP funds.

Still another option would be to provide additional state funds to NRDs who would hire additional technicians where needed.

The Natural Resources Commission should review these options, select one and submit a legislative bill to the legislature.

Individual Responsible: James Cook, Legal Counsel, Nebraska Natural Resources Commission
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
September, 1987	Bill for legislature prepared.	
January-April, 1988	Legislative action.	
July, 1988	Implement bill along with reaching \$4 million in the NSWCP fund.	

F.8.

Goal: CONSERVE SOIL AND WATER RESOURCES WITH THE USE OF REGULATORY AUTHORITY.

Objective: Aid natural resources districts in implementation of the State Erosion and Sediment Control Act.

Description of Activities:

The 1986 Nebraska Legislature adopted LB 474, the State Erosion and Sediment Control Act. That Act authorizes the filing of complaints whenever sediment damage is caused by erosion. Installation and use of conservation practices can be required if excessive erosion is found to be occurring.

Passage of the Erosion and Sediment Control Act is viewed as a major accomplishment in achieving the objectives of the State Soil and Water Conservation Strategy. However, many tasks remain before the Act is fully implemented. The State Erosion and Sediment Control Program must be completed by January 1, 1987, with periodic updating and revision to occur. Each natural resources district must develop and implement its own erosion and sediment control program by July 1, 1987.

State assistance is needed and will be given to the districts in local program development and implementation. A model local program will be developed, including draft rules and regulations for enforcement of the complaint provisions. A slide tape show to aid districts in explaining of the provisions of LB 474 will be made available to each district. All state-possessed information that would be of assistance to the districts will also be made available. Finally, the Natural Resources Commission will help coordinate activities necessary to the development and implementation of the local programs.

Individual Responsible: James Cook, Legal Counsel, Nebraska Natural Resources Commission
_____, Project Assistance Director, Nebraska Natural Resources Commission
Agency Contacts: Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Ray Hartung, Chairman, NARD Managers Committee

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
November, 1986	Complete and forward State Erosion and Sediment Control Program.	
December, 1986	Complete and forward model local program.	
December, 1986	Duplicate and provide slide-tape shows.	
June, 1987	Complete review of NRD programs.	

F.9.

Goal: CONSERVE SOIL AND WATER RESOURCES WITH THE USE OF REGULATORY AUTHORITY.

Objective: Encourage increased municipal and county control of erosion from non-agricultural land disturbing activities.

Description of Activities:

An amendment to LB 474 excluded many but not all non-agricultural land disturbing activities from the mandatory provisions of the Erosion and Sediment Control Act. Not required to be controlled is erosion and sediment from activities relating to the construction of housing, industrial, and commercial developments. Non-agricultural land disturbing activities that remain subject to the Act include construction of highways, pipelines, recreation areas, and schools and universities. In addition, cities and counties retain the authority to regulate, at their option, erosion and sediment from all land disturbing activities, including those exempted from the mandatory aspects of LB 474.

Cities and counties that have zoning are in the best position to control non-agricultural land disturbing activities. Building permits are issued for other purposes and inclusion of sediment control regulations would be compatible with most permit programs. Because of the generally short-term nature of non-agricultural erosion problems, long-term productivity is not the primary reason to control sediment from such activities. Short term sediment damage is of greater concern and it can be best prevented through preparation and implementation of site development plans rather than by attempting to correct problems after they appear.

The NRC and the NRDs should encourage cities and counties to adopt ordinances providing for the control of erosion caused by non-agricultural land disturbing activities. Such encouragement should be provided in the form of education on the problems created by sediment and on the means of preventing such problems. Model ordinances should be prepared and provided to cities and counties and assistance in implementation of the ordinances could be provided by natural resources districts.

Individual Responsible: James Cook, Legal Counsel, Nebraska Natural Resources Commission

Agency Contacts: _____, Project Assistance Director,
Nebraska Natural Resources Commission
David Chambers, League of Nebraska Municipalities
Jack Mills, Nebraska Association of County Officials

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
March, 1987	Prepare model city and county ordinances.	
July, 1987	Complete inventory of existing city ordinances.	
September, 1987	Develop educational material for distribution to cities and counties.	

G.1.

Goal: ENHANCE THE MANAGEMENT OF STATE-OWNED LAND

Objective: Provide that each agency that manages state-owned land formulate a policy statement that explains how those lands will be managed for long term sustained productivity by controlling erosion and managing water properly.

Description of Activities:

Each state agency that owns or controls land should formulate a policy statement to explain the uses of the land and a systematic procedure for controlling erosion and maintaining the resource for the long-term benefits of present and future generations. The policy on land used for transportation should include a statement on erosion control during construction, follow-up after construction, and maintenance.

A policy on land used for wildlife habitat should include a listing of types of cover used and how that cover will maintain the resource base. It should explain the use of row crops for diversity and food plots and the erosion control policy on those acres in row crops. It should explain erosion control policy on newly acquired land.

The Institute of Agriculture and Natural Resources should have a policy on the use of the land for crop production or for crop or soil research and a statement on predicted erosion. A policy statement on erosion control should be included for all of the possible land uses.

Land being leased to individuals or corporations for agricultural uses should be analyzed for present condition and conservation needs. A policy statement could then show the intention for dealing with those conservation needs and the time frame anticipated for solving resource problems.

The Natural Resources Commission should take the leadership for this action item.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Dr. Roy Arnold, Vice-Chancellor, IANR
Richard LeBlanc, Executive Secretary, Board of Educational Lands and Funds
Eugene Mahoney, Director, Nebraska Games and Parks Commission
Ray Hogrefe, Director, Department of Roads

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January, 1987	General policies complete.	

G.2.

Goal1: ENHANCE MANAGEMENT OF STATE-OWNED LAND

Objective: Provide that the Board of Educational Lands and Funds develop a multi-year conservation plan and set a goal to complete a high percentage of the remaining conservation work to be done on BELF land in a reasonable period of time.

Description of Activities:

The BELF should make an inventory of the remaining conservation work to be done to be used in setting priorities. Since the Natural Resources Conservation Service will be doing the technical work they should be included in the planning and goal setting.

A schedule should be organized to develop a conservation plan on each parcel of cropland needing conservation work outlining practices and scheduling application that will keep soil losses at an acceptable level in line with the state strategy.

Another schedule should be drawn up for developing rangeland conservation plans and applying the necessary practices on the 1.2 million acres of BELF rangeland. A policy could be written to manage the grassland resources for a minimum of "good" condition according to the NRCS technical guide whenever possible.

The BELF should do the conservation work in line with the needs and goal and with the ability of the NRCS to do the technical work.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Richard R. LeBlanc, Executive Secretary, Board of Educational Lands and Funds
William Hance, State Resources Conservationist, Soil Conservation Service

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	Multi-year plan completed.	
July, 2010	Eighty percent remaining conservation needs completed.	

G.4.

Goal: ENHANCE THE MANAGEMENT OF STATE-OWNED LAND

Objective: Establish a coordinating committee to revise and annually review the Joint Memorandum among the Board of Educational Lands and Funds, the Natural Resources Commission, and the Natural Resources Conservation Service to incorporate changes since it was signed in 1971 and changes brought about by the Nebraska Soil and Water Conservation Strategy.

Description of Activities:

A coordinating committee representing the Board of Educational Lands, and Funds, the Natural Resources Conservation Service, the Nebraska Natural Resources Commission, and the Nebraska Association of Resources Districts could revise the Joint Memorandum to bring it up to date.

The elements to be covered in the revision should include (1) a policy statement, (2) an assessment of treatment needs and goals, (3) a procedure for prioritizing requests for technical assistance, (4) provisions for coordination of information and education for agency personnel and lessees, and (5) other agency responsibility as necessary.

The agreement could be reviewed by the coordinating committee once each year to test the adherence to policies and to recommend improvements.

Agencies involved in this alternative include NRC, BELF, and NRCS, and could include the NARD. The Natural Resources Commission should take the leadership.

Individual Responsible: Dayle Williamson, Director, Nebraska Natural Resources Commission

Agency Contacts: Richard LeBlanc, Executive Secretary, Board of Educational Lands and Funds
Sherman Lewis, State Conservationist, Natural Resources Conservation Service
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts

Benchmarks

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
April, 1987	Agency heads agree on provisions.	
June, 1987	Memorandum of Understanding signed and distributed to local offices and managers.	
June, 1988	First annual review completed.	

G.5.

Goal: ENHANCE THE MANAGEMENT OF STATE-OWNED LAND

Objective: Provide for Board of Educational Land and Funds managers to attend NRCS training sessions on farm and ranch planning and application and for one NRCS liaison person to attend selected BELF managers meetings to solidify working relations between BELF, NRCS, and NRDs.

Description of Activities:

Due to the close relationship of BELF and NRCS in the application of conservation to BELF land, a better understanding of the others operation by both organizations is needed. The BELF managers could do more toward implementing conservation activity if more training were available. This could be arranged by the NRCS inviting the BELF managers to all training meetings on the planning and application of practices. In addition to benefiting from the training, it would seem to put NRCS and BELF on the same team in terms of applying practices.

In order to work effectively with BELF, the NRCS needs an insight on BELF working policies, goals, and problems. This could be gained by having an NRCS conservationist serve as liaison representative at selected BELF managers meetings when they discuss policy, leasing procedures, setting rental rates, conservation application, and other related subjects. The NRCS liaison could report to the other field offices and to the Natural Resources District boards.

Agencies involved include BELF, NRCS, and to a limited extent, the NRDs. The NRCS should take the leadership by selecting training sessions that are scheduled during the year at which the managers could benefit and sending a schedule and invitations. A reminder could also be sent as the training date approaches.

The BELF could respond with a list of meetings at which an NRCS liaison representative could attend where policies, goals, and conservation treatment would be discussed.

Individual Responsible: Verlon K. "Tony" Vrana, Chief, Planning Division, Nebraska Natural Resources Commission
Sherman Lewis, State Conservationist, Natural Resources Conservation Service

Agency Contacts: Richard LeBlanc, Executive Secretary, Board of Educational Lands and Funds

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
March, 1987	Agency heads determine types of meetings to attend.	
April, 1987	Send first schedule with invitation.	

G.6.

Goal: ENHANCE THE MANAGEMENT OF STATE-OWNED LAND

Objective: Require the use of conservation easements and/or deed covenants to provide for sustaining the soil and water resources on land that is being transferred to the private sector by a state or local government agency.

Description of Activities:

Present state statutes require that conservation plans be prepared and implemented on publicly-owned lands. However, there are currently no provisions to require that the conservation practices installed in accordance with such plans be maintained if those lands are later sold to the private sector. The state and local agencies responsible for specifying the terms for such sales could require that such practices be maintained by the new owners. Covenants to that effect could be inserted in the deeds transferring the land.

The covenant could limit the land use to perennial crops such as grass or trees in the case of fragile soils or it could specify practice maintenance and/or soil loss limits on arable land. Authority and responsibility for enforcement of that covenant could rest with the transferring agency.

In most cases, implementation of this alternative could be accomplished by individual agencies without additional statutory authority. For example, the Natural Resources Commission has the authority to specify the terms of sale for lands purchased in whole or in part with funds from the Small Watersheds Flood Control Fund. As part of those terms, the Commission should require the type of covenant identified here. Rule and regulation changes would be advisable. This objective would apply to BELF only to the extent of not adversely affecting sale prices. Most other agencies could also implement the recommendation without further legislative authority. Additional legislation would be needed to make this mandatory.

Individual Responsible: James Cook, Legal Counsel, Nebraska Natural Resources Commission

Agency Contacts: Richard LeBlanc, Executive Secretary, Board of Educational Lands and Funds
Eugene Mahoney, Director, Nebraska Games and Parks Commission
Ray Hogrefe, Director, Department of Roads
Roy G. Arnold, Vice Chancellor, Institute of Agriculture and Natural Resources

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
July, 1987	All agencies approve policy.	

H.I.

Goal: IMPROVE INTER-AGENCY COORDINATION

Objective: Arrange for the Cooperative Extension Service Ad Hoc Committee on conservation tillage to coordinate all information on conservation tillage with other resource agencies to present a yearly state-wide campaign.

Description of Activities:

In spite of all of the proven benefits from conservation tillage, there are areas in the state where it is not widely accepted. This could be remedied with a campaign by all resource agencies becoming involved.

The Cooperative Extension Service heads the task force which includes representation from the Agricultural Research Service, the Natural Resources Conservation Service, and the natural resources districts. This task force could be expanded to include the Natural Resources Commission and the Department of Environmental Quality.

The task force should coordinate the information activities of the collective agencies into a single effort that could be more effective than each agency conducting their own conservation tillage information program.

This committee should review the activities that have taken place in the past, by areas of the state, and prescribe a campaign based on the needs. It should recognize that land managers are in various stages of acceptance of conservation tillage and provide information for each of those stages.

The results and testimonials should be widely publicized and the task force could consider publishing a conservation tillage newsletter similar to the one from the Conservation Tillage Informational Center of the NACD.

While promotion of conservation tillage would be the main objective, this task force could always recognize the need for using this practice with complete resource management systems.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Dr. Leo Lucas, Director, Cooperative Extension Service
Sherman Lewis, State Conservationist, Natural Resources Conservation Service
James Power, Director, Agricultural Research Service

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January 1, 1987	First status report completed.	
December 1, 1987	Update on Irrigation Water Management completed.	
January 1, 1988	Second state report completed.	

H.2.

Goal: IMPROVE INTER-AGENCY COORDINATION

Objective: Provide for implementation of the Soil and Water Conservation Strategy by the director of Natural Resources assuming responsibility for the leadership role.

Description of Activities:

With the Governor's approval, the director of Natural Resources should assume the responsibility for implementation of the Strategy. This responsibility will include assembling the cooperation of all agencies involved in the action items and using it to accelerate the conservation of the soil and water resources. Coordinating the activities of the agencies to produce timely implementation will be of utmost importance.

This charge to the director could include a schedule for updating the plan as time goes on and providing a yearly status report to the Governor and to the associated agencies.

The director could enlist the aid and guidance of the Natural Resources Commission in coordinating activities between the federal and state agencies and the natural resources districts. He should also enlist the aid of the Strategy executive committee which includes a representative from each of the resource agencies for overview, as a source of ideas, and for maintaining cooperation. A yearly follow-up report on progress should be made to the Governor, the resource agencies involved, and to the public.

Individual Responsible: Dayle Williamson, Director of Natural Resources

Agency Contacts: Sherman Lewis, Natural Resources Conservation Service
Gordon Kissel, Executive Director, Nebraska Association of Resources Districts
Dr. Leo Lucas, Director, Cooperative Extension Service
Dennis Grams, Director, Department of Environmental Quality
Rod Armstrong, Director, Policy Research Office
Chuck Schroeder, Director, Department of Agriculture

Benchmarks:

<u>Date</u>	<u>Function</u>	<u>Follow-up Remarks</u>
January 1, 1987	First status report completed.	
December 1, 1987	Update on Irrigation Water Management completed.	
January 1, 1988	Second state report completed.	

APPENDIX C

SOIL LOSS LIMITS
FOR THE
SOILS OF THE STATE

This section was removed June 15, 1995.

APPENDIX D

INFORMATION SOURCES AVAILABLE

This section was removed June 27, 2016.

APPENDIX E

SUMMARY OF PUBLIC MEETINGS

APPENDIX E

SUMMARY OF PUBLIC INFORMATION MEETINGS CONCERNING THE STATE EROSION AND SEDIMENT CONTROL PROGRAM

Introduction

Preparation of Draft Program: The draft state erosion and sediment control program was initially prepared in outline form and mailed to NRDs and other interested persons in mid-July, 1986. The comments received were utilized to prepare a first draft of the full program. This draft was provided to NRD managers at a meeting on Sept. 2 and to NRC members before the Sept. 11 NRC meeting. The revised draft prepared after that meeting served as the basis for the nine public meetings held in early and mid-October.

Notice of Meetings: Approximately 450 copies of the draft state program were mailed on September 22 to the following: NRD offices, Natural Resources Conservation Service Field offices, ANRCS county offices, County Extension agents, agricultural and environmental organizations and interested individuals. Notice of the meetings was included. On the same day press releases were mailed to every newspaper, radio station and TV station in the state.

Conduct of Meetings: All meetings were conducted in generally the same manner. An overview of the state draft program was given and then a more detailed analysis of how the complaint portion of LB 474 would be implemented was provided. An explanation of the conservation aspects of the federal farm program was also given by a representative from NRCS. The meetings were kept as informal as possible with questions and comments encouraged at any time.

Each of the nine meetings conducted is summarized below.

Summary of Public Meetings

Tecumseh Meeting, October 2, 1986

Attendance: The meeting was attended by approximately 25 individuals, most of whom were staff or directors of the Nemaha and Lower Big Blue NRDs. Also in attendance were several NRCS field office personnel.

Comments received: Those attending were quite supportive of conservation programs, including LB 474. Numerous questions were asked about the complaint portion of the Erosion and Sediment Control Act, particularly how it will be applied in particular situations. Concern was expressed about the difficulty in reducing erosion on some lands to "T", but the group was nevertheless supportive of setting the initial soil loss limits at the T values rather than at some higher amount. Numerous comments were received expressing concern over the required 90% cost-share rate, and it was suggested that the rate be reduced to the rates used for voluntary application of practices.

With regard to the conservation aspects of the federal farm program, general support was again expressed with most questions involving the way in which lands planted to alfalfa are being handled under the conservation reserve and sodbuster provisions.

Lexington Meeting, October 6, 1986

Attendance: Approximately fifteen people attended with about one-third being NRD staff and most of the remainder being farmers and ranchers from the Lexington area.

Comments received: Not much comment was received concerning the soil loss limits, but those that did comment supported setting the limits at the T values. Several examples were discussed where it was deemed virtually impossible to reduce erosion to T or perhaps even 2T without planting the lands involved to grass. Concern was expressed about the shortage of cost-share funds to accomplish all the conservation needed and about the inconsistency in cost-share rates depending upon whether conservation was being applied voluntarily or mandatorily. Those commenting felt a consistent rate was more important than the percentage level at which that rate was set. Therefore, they would rather see all rates at 90% than the voluntary rate at 75% and the mandatory rate at 90%.

An additional comment concerned the overlap in responsibility between long-range implementation plans and the local comprehensive erosion and sediment control programs. It was suggested that NRDs no longer be required to prepare long-range implementation plans.

Bridgeport Meeting, October 7, 1986

Attendance: The meeting was attended by approximately 20 people; most were board members and staff from the North Platte NRD. Also in attendance as a representative from the South Platte NRD and Natural Resources Conservation Service personnel. One farmer not connected directly to a governmental entity attended.

Comments Received: Much of the discussion concerned application of LB 474 to North Platte irrigated lands where actual erosion is sometimes considerably in excess of T values. It was noted that a strict application of USLE to these lands may not show a violation as most of the erosion results from irrigation rather than from rainfall. No method for modifying USLE to reflect this additional erosion has been developed but actual erosion can be measured.

Also discussed was what constitutes "damage." Time was suggested as a relevant factor in determining whether actual damage had really occurred. Other issues generating questions concerned who is responsible in landlord/tenant situations and what happens when land changes hands and a cropping rotation system is part of the conservation plan.

Receiving considerable attention were the conservation aspects of the federal farm program, especially how alfalfa production fits into that program and whether interseeding of wheat into alfalfa constitutes production of an agricultural commodity.

Theford Meeting, October 8, 1986

Attendance: Eight people attended the meeting. All but one was associated with the Lower Loup NRD, NRCS, or ANRCS. One individual attending represented a trout farming operation that had experienced considerable sediment damage to trout ponds.

Comments received: It was recommended that every effort be made to insure that the conservation plans developed for satisfying federal conservation requirements can be used to satisfy LB 474 requirements for farm unit conservation plans and conservation agreements. Also discussed was the application of LB 474 to prevent future damage to trout ponds. It was agreed that the bill would apply if the damage was being caused by inadequate conservation treatment of upstream land.

Ainsworth Meeting, October 8, 1986

Attendance: Fifteen to 20 people attended and were divided almost evenly among NRD representatives, NRCS representatives, and interested landowners.

Comments received: Many of the questions and comments concerned application of LB 474 to streambank and gully erosion, particularly as it occurs in the Long Pine watershed. It was noted that the only remedy available under LB 474 is to require that adequate conservation practices be applied to lands subject to excessive erosion, and that such a remedy could not be easily applied to the streambank erosion problems in the watershed.

The 90% cost share rate was discussed and criticized by those commenting.

Wayne Meeting, October 9, 1986

Attendance: Approximately 40 people attended and they appeared to be divided rather evenly among individual farmers, NRD representatives, NRCS and ANRCS representatives, and county extension office representatives.

Comments Received: Inquiry was made as to whether LB 474 could be used to solve water problems caused by tile drainage of upper lands. It was noted that it could not be used to solve water problems of that type unless sediment damage also somehow resulted. Questions were also asked about the availability of cost-share dollars and whether NRDs themselves are required to provide the dollars for 90% cost-share for required practices; they are not. Also discussed was how the act would be applied when only a small part of a field was eroding excessively. It was felt that application and/or utilization of conservation practices could be required for that small portion if a connection could be made between the damage being experienced and that particular tract of land.

Omaha Meeting, October 13, 1986

Attendance: In excess of 50 people attended including several farmers/land-owners. The meeting was also attended by representatives of the Papio, Middle Missouri Tribes, and Lower Platte South NRDs, NRCS, ANRCS, and county extension offices.

Comments Received: Questions were asked about the availability of cost-share funds and how the additional funds needed could be generated. Also of interest was the applicability of the act to erosion related water quality degradation. The application of the act to non-agricultural land disturbing activities was discussed and it was noted that the present exemption for “activities relating to the construction of housing, industrial and commercial development” prevented action under LB 474 on the most common sediment causing non-ag activities. Eliminating the exemption was recommended. Adoption of city ordinances to control non-ag activities was also suggested.

Some questions were asked about the procedure for processing complaints, including how long it would take, who could file, etc. How the conservation aspects of the federal farm program would be implemented also received considerable discussion and questions were asked about how plowing of alfalfa was treated under those programs.

Albion Meeting, October 16, 1986

Attendance: Attendance was poor because of ideal harvest conditions; a total of six individuals attended: two from the Lower Loup NRD, two from NRCS, and two landowners.

Comments Received: Concern was expressed about the rather extensive land areas in the Albion areas that would be very difficult to treat to T or even 2T. For much of that land, compliance with the soil loss limits may only be possible by reverting to grass, and that would have substantial economic impacts on the area. However, no one suggested that the soil loss limits be set at higher than the T values. One of the landowners present also questioned how he and others would be able to pay their share of the conservation costs.

Lincoln Meeting, October 22, 1986

Attendance: This final meeting was attended by approximately 30 people. Represented were: NRCS, NRDs, and UNL faculty and students. Also in attendance were several NRC members.

Comments received: As was expressed at several meetings, the difficulty in getting some lands treated to T, at least in an economically sound manner, was discussed at this meeting. Several questions were asked about implementation of the complaint portion. Concern was expressed that the 90% cost-share rate would encourage collusion between landowners wanting to obtain the higher rate. Some in attendance indicated support for amending the state act to gain more control over non-ag activities.

Proposed Changes to the State's Erosion & Sediment Control Program Summary of Public Comments

1st Public Meeting, January 27, 2016 – Lincoln

Held in conjunction with NRC meeting, see minutes for attendance roster.

- Mike Onnen manager of the Little Blue NRD reviewed a draft template which was created by a working group of the NRD managers as a way to get preliminary review and approval by the Commission and Director of DNR prior to each NRD updating its own program. The template would be used as general guidance as each NRD updates its program to meet its own needs.
- Keith Rexroth stated that he did not approve of the violator receiving a higher percentage of cost share, than someone in compliance, to remedy the problem. It was noted by Onnen that the 90% cost share requirement to be available to the violator was removed in the 2015 statute changes (LB 206).
- Karen Amen complemented Glenn Johnson for his hard work compiling the process flow chart. Amen also noted the benefit of erosion.

2nd Public Meeting February 9, 2016 – Sidney

Held in conjunction with SPNRD board meeting, see minutes for attendance roster.

- Tracy Zayac, NPNRD asked to submit written comments. Zayac and any other interested party were given until the April 19th, 2016 NRC meeting to submit comments. Zayac submitted written comments via email on March 8, 2016 (attached) and also asked for clarification on the procedures for NRC/DNR approval for individual NRD program updates.
- Rod Horn, SPNRD asked for clarification as to how the process works for each individual NRD. A discussion took place describing the differences between a program change using formal rules versus a District program that was not part of Formal Rules. Specifically, the Commission and Director of DNR are approving changes to the program in either and not approving the NRD's rules. If the program is part of formal rules the NRD first goes through the local process including public hearing prior to submitting the proposed changes to the Commission and Director.
- Keith Rexroth, SPNRD stated he has seen frustration at the local level as to getting an operator to do what needs to be done because the rules are light in penalties. It was noted that one of the changes was removal of the requirement that 90% cost share be available to require an operator to come into compliance.
- Horn also noted that rill and ephemeral gully erosion are a problem in SPNRD and that the statute changes now include these types of erosion.
- Horn described efforts his staff is making towards retyping various forms created by Jim Cook which are related to the Erosion and Sediment Control Program and which will be

shared electronically with other NRDs and may be made available on the Commission web site.

3rd Public Meeting February 11, 2016 – Tecumseh

Held in conjunction with SPNRD board meeting, see minutes for attendance roster.

- Bob Hilske manager of the Nemaha NRD described some of the changes enacted by the passage of LB 206 in 2015.
- Don Jorn described a situation on his property whereby the neighbor installed drain tile and it has caused erosion on his property. He was instructed to talk to the Assistant Manager regarding the situation. He will see if it fits within the limits of the program.
- Duane Sugden questioned whether there has to be a certain amount of loss before someone can file a complaint. Hilske stated that during the field investigation they look for economic loss caused by sediment deposit; and whether or not the sediment loss is in compliance with the t-value established for that soil and location. If the loss exceeds t-value the owner/operator must reduce the loss to t-value.
- Dwight Elliot questioned what a t-value is? The answer is the erodible tolerable level for a specific soil at a specific sight. In this area many soils are 5 tons per acre per year.

Tracy Zayac, Policy Advisor for the North Platte Natural Resources District, emailed comments on March 8th, 2016

Some of Zayac's general comments on the state's erosion and sediment control plan were incorporated, others will be implemented at a later date.

- Discussed state goals and target dates.
- Recommended updating statutory terms to reflect "soil loss tolerance level".
- Recommended "Update Priority Development" section.
- Recommended updating SWCF section.
- Recommended updating "Time Table" section.
- Recommended updating Appendix B, "Status Report and Goals" sections.
- Recommended updating Appendix B, to reflect changes to statute regarding non-ag land activities.
- Recommended updating Appendix D: sources and types of information.

- Appendix E: Do not replace “soil loss limit” with “soil loss tolerance level” as that’s what it was called in 1986, in other instances denote with a footnote “1986”.

4th Public Meeting April 19th, 2016 – Kearney

Held in conjunction with NRC meeting, see minutes for attendance roster.

- No comments were offered.

APPENDIX F

OCTOBER 1986

DESCRIPTION OF
UNIVERSAL SOIL LOSS EQUATION
AND WIND EROSION EQUATION

This section was removed June 27, 2016.