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Subseries: Cabinet Agencies Files

OA/ID Number: 29188
Folder ID Number: 29188-015

Folder Title:
Lujan (Interior) [1991] [2]

Stack:	Row:	Section:	Shelf:	Position:
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TO: JOHN SUNUNU, WHITE HOUSE CHIEF OF STAFF
FROM: REP. BILL BARRETT
DATE: MAY 21, 1991
RE: S. 248, NIOBRARA SCENIC RIVER DESIGNATION ACT OF 1991

ARGUMENTS AGAINST S. 248:

** An immediate scenic designation for the Niobrara River as proposed in S. 248 would be unprecedented. According a June 1990 letter from the Department of the Interior, which has repeatedly testified against this legislation, "Out of the 108 rivers designated by Congress since 1968 as components of the National Wild and Scenic Rivers System, none has been designated without some form of study by the National Park Service, Forest Service, Bureau of Land Management, or other agency. The Niobrara has had no formal study whatsoever."

** Interior Secretary Lujan and OMB have repeatedly stated their opposition to immediate designation as proposed in S. 248 and have repeatedly recommended that the bill in its present form be vetoed.

** The bill is open ended as to budgeting and appropriating. Acquisition of land along the 70 miles of the river proposed for scenic designation alone could run into the millions of dollars, at a time when the Park Service does not have the resources to manage the land presently under its control.

** The entire 70-mile segment of the Niobrara River, which is the focus of the controversy in this bill, flows through the heart of my district, and I and my constituents oppose S. 248. Fully 78% of Nebraskans polled in June 1990 by the Wirthlin Group (President Reagan's pollster) oppose federal involvement in the management of the Niobrara River, preferring state or local management instead.

** The Niobrara River is not presently threatened and is protected by a cooperative local protection plan adopted by the four counties through which the 70-mile segment of the river flows. The State of Nebraska is also in the process of establishing its own scenic river protection program. (Legislation is pending in the state legislature.)

** S. 248 would set a precedent that would threaten private landowners' rights across the country--Section 4(b) of the bill gives the Secretary of the Interior the power to waive any limits on the forcible taking of private land along the river.

** This same legislation was defeated on the last recorded vote in the House in the 101st Congress. (Then numbered S. 280 was defeated under suspension of the rules, 157-95).

** At least 100 national, state, and local groups are on record in opposition to immediate designation for the Niobrara River. National groups include the National Cattlemen, American Farm Bureau, and National Water Resources Association. State groups include the Nebraska Natural Resources Commission, the Nebraska Cattlemen, the

Nebraska Farm Bureau; nearly every county and local official, city council, and natural resource district opposes S. 248 and immediate designation. In addition, the Nebraska Republican Party, at its July 1990 convention, adopted a resolution in opposition to immediate scenic designation and recommending that President Bush veto any such legislation.

CONCLUSION: PRESIDENT BUSH SHOULD VETO S. 248 AND IN HIS VETO MESSAGE STATE THAT IF THE BILL IS RETURNED TO HIM WITH PROVISIONS PROVIDING FOR THE REQUIRED STUDY THAT HE WILL SIGN IT:

** A 3-year study (as proposed in my bill, HR 1548, and by the substitute I offered on the House floor, which failed 109-293) conforms with current law (Wild and Scenic Rivers Act of 1968).

** A study is consistent with the the positions of Interior Secretary Lujan and OMB.

** The real pro-environment position is that supporting a proper, in-depth study to determine which sections of the 253 miles of the Niobrara in the Park Service inventory need protected and to what degree. (S 248 arbitrarily selects a 70-mile segment.) Perhaps some segments of the river deserve to be designated as "wild" and should receive greater protection than under a "scenic" designation.

S. 248, a bill to designate as a scenic river a portion of the Niobrara River in Nebraska should be vetoed for some very sound reasons to wit:

(1) There has not been a government conducted study of this proposal as required. The National Park Service and the Secretary of the Interior have consistently opposed this legislation because a study has not been conducted.

(2) The bill is open ended as to budgeting and appropriating, which is an unwise course at any time. This is especially true at this time of the budget crisis and when we have many unmet needs in our existing parks and scenic areas.

(3) The State of Nebraska, in cooperation with the counties which have a joint management plan, is in the process of enacting its own scenic river protection program.

(4) It is suggested that the President should state in his veto message that if the bill is sent back to him with the provisions providing for the required study that he will sign it.

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 There are hereby authorized to be appropriated such
10 sums as may be necessary to carry out the provisions of
11 this Act.

Passed the Senate April 17 (legislative day, April 9),
1991.

Attest:

ORGANIZATIONS OPPOSING THE NIOBRARA WILD AND SCENIC RIVER BILLS

NATIONAL

American Farm Bureau Federation
Department of Interior-Manuel Luhjan, Jr.
National Cattlemens Association
National Park Service
National Riflemans Association
National Society of Range Management, Denver, Colorado
National Water Resources Association

STATE ORGANIZATIONS

Nebraska Cattlemens Association
Nebraska Cattlewomen
Nebraska Irrigation Association
Nebraska Farm Bureau Federation
Nebraska Land Owners and Sportsman Association
Nebraska Natural Resource Commission
Nebraska Republican Party
Nebraska Water Resource Association
Trout Unlimited, Lincoln, Nebraska
Waterfowl Politics, Lincoln, Nebraska

NEBRASKA COUNTY COMMISSIONERS

Brown County Commissioners
Cherry County Commissioners
Holt County Commissioners
Keya Paha County Commissioners
Rock County Commissioners
Sheridan County Commissioners

CITIES AND VILLAGES

City of Ainsworth
City of Atkinson
City of Long Pine
City of O'Neill
Village of Springview
City of Valentine

NEBRASKA NATURAL RESOURCE DISTRICTS

Lower Loup Natural Resource District, Ord, Nebraska
Lower Niobrara Natural Resource District
Middle Niobrara Natural District
North Platte Natural Resource District
Twin Platte Natural Resource District
Upper Elkhorn Natural Resource District
Upper Loup Natural Resource District
Upper Republican Natural Resource District

NEBRASKA CHAMBERS OF COMMERCE

Ainsworth Chamber of Commerce
Broken Bow Chamber of Commerce
Valentine Chamber of Commerce

NEBRASKA FARM BUREAUS

Brown County Farm Bureau
Cherry County Farm Bureau
Garden County Farm Bureau
Holt County Farm Bureau
Johnson County Farm Bureau
Keya Paha County Farm Bureau
Rock County Farm Bureau
Thayer County Farm Bureau

REGIONAL

Ainsworth American Legion Auxiliary
Ainsworth American Legion Post #79
Ainsworth VFW Post
Area 2 Cattlewomen
Arnold American Legion Post # 130
Atkinson VFW Post
Blaine County American Legion Post #323
Board of Regents of Keya Paha County, Springview, Nebraska
Brown County Republican Party
Brown County Retired Teachers Association, Ainsworth, Nebraska
Chappell American Legion Post #117
Citizens for Preservation of Platte River (Hall, Buffalo, and
Dawson Counties)
Consolidated Sandhills Farmers\ Ranchers Co-op, Cody, Nebraska
Cody-Kilgore Board of Education
Education Service Unit #17 (consisting of Cherry, Keya Paha, Brown
and Rock Counties)
Holdrege VFW Post #10651
Holt County Republican Party
Long Pine American Legion #260
Long Pine VFW #5128
Niobrara River Basin Development Association
Niobrara River Basin Environment Improvement Commission
Niobrara Basin Preservation Association
North Central Nebraska Resource Conservation and Development
Council
North Platte Valley Water Coalition (a group representing
irrigation districts, banks, natural resource districts and
agri-busnissmen of Scottsbluff-Gering Nebraska area)
Tilden American Legion Post
Tri-County Corngrowers of Pierce, Nebraska

ELECTED REPRESENTATIVES AND CANDIDATES FOR OFFICE 1990

Robert Crosby, Former Governor of Nebraska
Carl Curtis, Former U.S. Senator of Nebraska
CHARLEY HOWE, FORMER GOVERNOR OF NEBR.
RAY ORR, FORMER GOVERNOR OF NEBR.
HAL DAUB, FORMER U.S. HOUSE OF REPRESENTATIVES
VIRGINIA SMITH, FORMER U.S. HOUSE OF REPRESENTATIVES
BILL BARRETT, HOUSE OF REPRESENTATIVES

NEBRASKA IRRIGATION DISTRICTS

Ainsworth Irrigation District- Ainsworth, Nebraska
Bostwick Irrigation District- Red Cloud, Nebraska
Catherland Reclamation District- Blue Hill, Nebraska
Central Irrigation District- Gering, Nebraska
Central Ne. Public Power and Irrigation District- Holdrege, Nebraska
Enterprise Irrigation District- Scottsbluff, Nebraska
Farmers Irrigation District- Scottsbluff, Nebraska
Farwell Irrigation District- Farwell, Nebraska
Frenchman-Cambridge Irrigation District- Cambridge, Nebraska
Frenchman Valley Irrigation District- Culbertson, Nebraska
Frenchman Valley and H & RW Irrigation
Gering Irrigation District- Gering, Nebraska
Gering-Ft. Laramie Irrigation District- Gering, Nebraska
H & RW Irrigation- Culbertson, Nebraska
Loup Basin Reclamation District- Farwell, Nebraska
Middle Loup Public Power and Irrigation District- Arcadia, Nebraska
Mirage Flats Irrigation District- Hay Springs, Nebraska
Mitchell Irrigation District- Mitchell, Nebraska
Niobrara Basin Irrigation District- O'Neill, Nebraska
North Central Nebraska Reclamation District- O'Neill, Nebraska
Pathfinder Irrigation District- Mitchell, Nebraska
North Loup River Public Power and Irrigation District- Ord, Nebraska
Sargent Irrigation District- Sargent, Nebraska
Thirty Mile Canal Company- Gothenburg, Nebraska
Twin Loups Irrigation District- Scotia, Nebraska
Twin Loups Reclamation District- Scotia, Nebraska

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National Cattlemens Association
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Thirty Mile Canal Company- Gothenburg, Nebraska
Twin Loups Irrigation District- Scotia, Nebraska
Twin Loups Reclamation District- Scotia, Nebraska

RESOLUTION

WHEREAS, the City of Ainsworth, Nebraska is the county seat and principal city within Brown County, Nebraska; and,

WHEREAS, a proposal has been introduced by Senator J. James Exon and Representative Peter Hoagland in the Congress of the United States for designation of a 76 mile segment of the Niobrara River adjoining Brown County, Nebraska as a "Scenic River" under the Wild and Scenic Rivers Act (hereinafter "the Act"); and,

WHEREAS, a proposal has been introduced by Representative Douglas Bereuter in the Congress of the United States for the establishment of a National Park in a portion of Brown County and other adjoining counties, and including the designation of a segment of said Niobrara River as a "Scenic River" and for the study of additional river segments, including Long Pine Creek and the Snake River, for designation under the Act; and,

WHEREAS, the Act defines "river" to include any "tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes"; and,

WHEREAS, the economy of Brown County, Nebraska, and the City of Ainsworth, is totally and absolutely dependent upon the existing developed use of the lands and tributaries of the Niobrara river, and underground water which contributes to the flow of such river and its tributaries, for production agriculture of feed grains and the related feeding of such products to cattle and other livestock; and,

WHEREAS, the Act would prohibit "any department or agency of the United States" from assisting "by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established", including any development on "any stream tributary thereto which [will] invade the area or unreasonably diminish the scenic, recreational, and fish wildlife values present in the area"; and,

WHEREAS, the Act further reserves the waters of such river, including tributaries, for the purposes specified in the Act, and in the quantities necessary to accomplish those purposes; and,

WHEREAS, the provisions of both pieces of proposed legislation fail to include any provisions which would prevent the implementation of said provisions of the Act; and,

WHEREAS, the implementation of the Act following designation of the Niobrara river as a "Scenic River" would significantly impair existing agricultural uses in Brown County, Nebraska being wholly reliant upon irrigation water for production agriculture, and would entirely prevent further agricultural development in the entire Niobrara basin adjoining the designated stretch, including all of Brown County;

BE IT THEREFORE RESOLVED, by the Mayor and Council of the City of Ainsworth, that the Niobrara River and its tributaries are considered valuable resources of vital importance to the citizens of the City of Ainsworth and Brown County; that such resources should be protected from commercial development which would adversely affect the scenic and recreational values of the area; and that the concept of protection is consistent with the protection of agricultural and environmental practices and development within Brown County, Nebraska;

BE IT FURTHER RESOLVED that designation under the Wild and Scenic Rivers Act, without substantial provisions for the protection of existing agricultural uses and potential future development along the tributaries of said river, would be harmful to the mutual goals of protection of the Niobrara River valley and preservation of agricultural use and development of the tributaries of said river;

BE IT FURTHER RESOLVED that, unless specific provisions to the proposed legislation are added to achieve the mutually consistent goal of protecting existing agricultural uses, water rights, and future agricultural uses and water development on the tributaries of the Niobrara, the Mayor and Council of the City of Ainsworth do hereby express their opposition to the respective legislation proposed by Senator Exon and Representatives Hoagland and Bereuter, and do hereby request the members of the Nebraska Congressional delegation to oppose such legislation in their present forms;

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Resolution to each member of the Nebraska Congressional delegation, to the Governor of the State of

Nebraska, to the State Senator representing Brown County, and to interested members of the press.

Passed and approved this 8th day of January, 1990.

CITY OF AINSWORTH, NEBRASKA,

By Leo Beckley
Mayor

ATTEST:

Krist Andrews
Asst City Clerk

RESOLUTION NO. 89-2

OF THE
CITY OF ATKINSON, NEBRASKA

WHEREAS, consideration is being given to designation of a portion of the Niobrara River as a "Scenic River", and

WHEREAS, such designation would be detrimental to the local community, Counties, State and Nation,

NOW, THEREFORE be it resolved by the City Council of Atkinson, Nebraska, that:

1. Designation of the Niobrara River or any portion thereof as a Scenic River or any similar designation is not in the best interest of local community, County or State. The Niobrara River is a valuable resource of water which may be needed in future years for domestic water use or production of energy and a designation as a Scenic River would forever prohibit this needed use. The local landowners, residents and communities do not want the Niobrara river to have a Scenic River designation.

2. The City of Atkinson, Nebraska, hereby opposes any Scenic River or similar designation for the Niobrara River or any portion thereof.

PASSED AND APPROVED this 6th day of February, 1989.

W. B. Blum
MAYOR

ATTEST:

Nancy Kopitzke
CITY CLERK

(S. E. A. L.)



RESOLUTION # 89-3

OF THE

CITY OF O'NEILL, NEBRASKA

WHEREAS, the Niobrara River is one of the natural resources crucial to the farming and ranching economy of Nebraska; and

WHEREAS, a free-flowing Niobrara River, unregulated by the federal government, is a symbol of the proud and caring heritage of the people of Nebraska; and

WHEREAS, The farmers and ranchers who live along the Niobrara River have successfully managed and improved this natural resource for many years and are capable of continuing to do that without help from the federal government; and

WHEREAS, A majority of the landowners living along or near the Niobrara River have said the favor continued local control and management of the Niobrara River;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF O'NEILL, NEBRASKA, that:

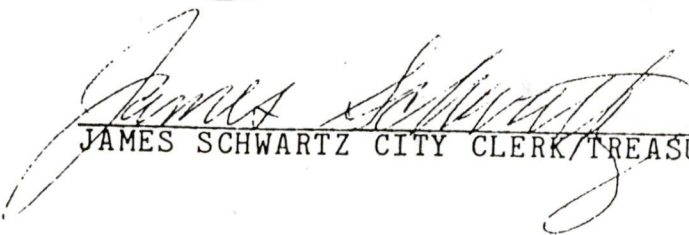
Sec. 1. The O'Neill City Council joins with other municipalities and counties through which the Niobrara River courses free and in its natural state in opposing a proposed Wild and Scenic Rivers designation for any stretch of the Niobrara River; and

Sec. 2. Support continued local management of this natural resources without any federal hindrance caused by said proposed designation.

PASSED AND APPROVED THIS 7 DAY OF March, 1989.




LOIS SCHAFFER, MAYOR


JAMES SCHWARTZ CITY CLERK/TREASURER

RESOLUTION

WHEREAS, a proposal has been introduced by Senator J. James Exon and Representative Peter Hoagland in the Congress of the United States for designation of a 76 mile segment of the Niobrara River adjoining Brown County, Nebraska as a "Scenic River" under the Wild and Scenic Rivers Act (hereinafter "the Act"); and,

WHEREAS, a proposal has been introduced by Representative Douglas Bereuter in the Congress of the United States for the establishment of a National Park in a portion of Brown County and other adjoining counties, and including the designation of a segment of said Niobrara River as a "Scenic River" and for the study of additional river segments, including Long Pine Creek and the Snake River, for designation under the Act; and,

WHEREAS, the Act defines "river" to include any "tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes"; and,

WHEREAS, the economy of Brown County, Nebraska, and the City of Long Pine, is dependent upon the existing developed use of the lands and tributaries of the Niobrara river, and underground water which contributes to the flow of such river and its tributaries, for production agriculture of feed grains and the related feeding of such products to cattle and other livestock; and,

WHEREAS, the Act would prohibit "any department or agency of the United States" from assisting "by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established", including any development on "any stream tributary thereto which [will] invade the area or unreasonably diminish the scenic, recreational, and fish wildlife values present in the area"; and,

WHEREAS, the Act further reserves the waters of such river, including tributaries, for the purposes specified in the Act, and in the quantities necessary to accomplish those purposes; and,

WHEREAS, the provisions of both pieces of proposed legislation fail to include any provisions which would prevent the implementation of said provisions of the Act; and,

WHEREAS, the implementation of the Act following designation of the Niobrara river as a "Scenic River" would significantly impair existing agricultural uses in Brown County, Nebraska being

wholly reliant upon irrigation water for production agriculture, and would entirely prevent further agricultural development in the entire Niobrara basin adjoining the designated stretch, including all of Brown County; and,

WHEREAS, the proposal by Representative Bereuter would provide for study of Long Pine Creek for possible additional scenic river designation;

BE IT THEREFORE RESOLVED, by the Mayor and Council of the City of Long Pine, that the Niobrara River and its tributaries are considered valuable resources of vital importance to the citizens of the City of Long Pine and Brown County; that such resources should be protected from commercial development which would adversely affect the scenic and recreational values of the area; and that the concept of protection is consistent with the protection of agricultural and environmental practices and development within Brown County, Nebraska;

BE IT FURTHER RESOLVED that designation under the Wild and Scenic Rivers Act, without substantial provisions for the protection of existing agricultural uses and potential future development along the tributaries of said river, would be harmful to the mutual goals of protection of the Niobrara River valley and preservation of agricultural use and development of the tributaries of said river;

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Long Pine do hereby express their disagreement with those individuals who suggest that protection of current and future agricultural uses are inconsistent with protection of scenic and recreational values;

BE IT FURTHER RESOLVED that, unless specific provisions to the proposed legislation are added to achieve the mutually consistent goal of protecting existing agricultural uses, water rights, and future agricultural uses and water development on the tributaries of the Niobrara, the Mayor and Council of the City of Long Pine do hereby express their opposition to the respective legislation proposed by Senator Exon and Representatives Hoagland and Bereuter, and do hereby request the members of the Nebraska

Congressional delegation to oppose such legislation in their present forms;

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Resolution to each member of the Nebraska Congressional delegation, to the Governor of the State of Nebraska, to the State Senator representing Brown County, and to interested members of the press.

Passed and approved this 6th day of February, 1990.

CITY OF LONG PINE, NEBRASKA,

By Russell M. Dobb
Mayor

ATTEST:

Beverly C Newport
City Clerk

City of Valentine
Regular Council Meeting
Public Library Meeting Room
February 20, 1989
7:30 P.M.

Agenda Item #2

PURSUANT TO ADVERTISEMENT IN THE VALENTINE NEWSPAPER, A PUBLIC HEARING WILL BE HELD ON THE SCENIC RIVER DESIGNATION-COMMENTS AND COUNCIL ACTION (7:30 P.M.)

Pursuant to the advertisement in the Valentine Newspaper, Mayor Petersen opened the Public Hearing at 7:30 P.M. regarding the proposed Scenic River Designation. The citizens were asked to stand and state their name and place of residence.

Bill Quigley-Valentine, Nebraska. Mr. Quigley felt that the Scenic River Designation would be good for economic development and would be the best thing for tourism and recreation. He said that it would promote the area and that free publicity of the area would be achieved in the form of brochures, pamphlets etc... He stated that with the additional tourism and government support, money would be spent in our area for this activity.

Frank Egelhoff. He is in favor of the Scenic River Designation and that he has talked to other land owners who are also in favor of it. He said that the NRD was to build a campground site and have not done it yet.

Bill Ward-Valentine, Nebraska. Mr. Ward stated that the Cherry County Commissioners opposed the act and that it needs to belong to the people and not the government.

Lou Christensen-Sparks, Nebraska. Mr. Christensen is in favor of the act. His livelihood is on the river. He said that a change of owners along the river front could hurt his business if the new owner did not maintain the river. He said that with the government in control of the river area the area would be protected.

Bob Gass-Valentine, Nebraska. Mr. Gass stated that the act should include the Niobrara River Basin. A study should be done before a designation is made. His question was "What impact will it have on the environment?".

Don Zwiebel-Ainsworth, Nebraska. Mr. Zwiebel stated that the act needs to look at the entire basin. He said that the water should be of concern and that the Scenic River Designation would hurt.

Al Conner-Sparks, Nebraska. Mr. Conner is against the Scenic River Designation for the fact that we do not need government intervention.

Hugh Potter-Valentine, Nebraska. Mr. Potter was against the Scenic River Designation. He felt that the land owner would not be treated fairly. His concern was if the area qualified as a scenic river and how the easements and payments to the land owners would be conducted.

Harlan Welch-Ainsworth, Nebraska. Mr. Welch was against the act. He said that Senator Exon's bill was not a good picture of what it is to be. Is it a scenic river designation or a recreational designation?. If it is a scenic river, there will be restrictions on what the land owner can do. The beauty of the river has been maintained by the current level of use of the river, would it stay that way?

Sally Conner-Valentine, Nebraska. Ms Conner was opposed to the Scenic River Designation. She wanted to know if the government would provide the necessary clean up and maintain the roads. She said that the area is scenic because of the current control by the landowners.

Wayne Olmsted-Valentine, Nebraska. Mr. Olmsted was against the bill and said that we would be protected out of our rights. The river area around Fort Niobrara is well protected and the appearance has not depreciated.

Lou Christensen-Sparks, Nebraska. With the scenic river legislation since 1962, land values have increased. The act would guarantee that what is there now would stay there.

Rick Bennett-Valentine, Nebraska. Mr. Bennett is against the Scenic River Act and has helped to circulate a petition against the act. He feels that we do not need government control.

Don Zwiebel-Ainsworth, Nebraska. Agrees that land values have gone up and that we should leave things the way they are.

Bill Quigley-Valentine, Nebraska. Stated that it sounds like people are against federal control and wanted to know how the people felt about a new sewer treatment plant being 90 per cent federally funded.

Roy Breuklander-Sparks, Nebraska. Mr. Breuklander was undecided on the issue. He wanted to know if the act was passed if there would be more outfitters on the river. The people along the river are doing a good job of taking care of the river.

Steve Breuklander-Sparks, Nebraska. He was in favor of the Scenic River Act and there would be a lot of changes with or without the designation.

Frank Egelhoff. Stated that there would be no charges to get out at drop points along the river and that restrooms would also be built.

Roy Breuklander-Sparks, Nebraska. Not everyone charges canoers to get out of the river.

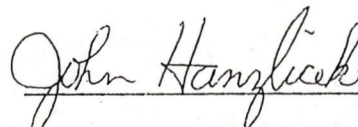
The Public Hearing was closed at 8:16 P.M.

Councilman Petersen stated that he had caught part of the introduction of the bill on television and that the visual displays of the presentation showed government control going up beyond the river basin. His concern was that they would not be stopping with the act as written.

Councilman Petersen made the motion that the Valentine City Council will go on record being against the Scenic River Act. Second by Councilman Porath. Roll call vote: Aye-Petersen, Balliet, Holmes, Linster, Porath. Nay-none. Motion carried.

SEAL

I hereby swear and affirm that the above and foregoing is a true and accurate recording of the proceedings of the Valentine City Council meeting held February 20, 1989.



John Hanzlicek
City Clerk

COPY

Discussion held relative to the matter of the proposed legislation to designate a portion of the Niobrara River as a Scenic River.

Lyle Mundorf introduced the following resolution and moved for its adoption.

RESOLUTION

WHEREAS, proposals have been introduced in Congress to designate a 76 mile segment of the Niobrara River as a Scenic River under the Wild and Scenic Rivers Act, and

WHEREAS, the act defines river to include all tributaries thereof, and

WHEREAS, such designation as a Scenic River would effectively eliminate forever any further development of any kind upon such river, and

WHEREAS, to the best of our knowledge and belief no economic impact or environmental impact studies have been made concerning such designation, and

WHEREAS, No provisions appear in said act to protect any governmental subdivision from loss of any tax base or for reimbursement for any additional costs that might be incurred for road maintenance, fire protection, police protection, etc., and

WHEREAS, the Niobrara River and its tributaries have for more than 100 years been well protected by the local land owners and residents of the area.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Springview does oppose the enactment of any and all proposals pertaining to the designation of that portion of the Niobrara River as a Scenic River until such time as a complete study can be made of the effects, both economically and environmentally, of such proposal upon the area affected thereby, and

BE IT FURTHER RESOLVED by the Village Board of Springview that they respectfully request that all such proposals in their present form be opposed by Governor Orr and by all members of the Nebraska Congressional Delegation.

The motion was seconded by Glen Hallock. Voting in favor Titus, Hallock, Mundorf, Swan and Lewis. Opposed None. The motion was declared carried.

VILLAGE OF SPRINGVIEW
SPRINGVIEW, NEBRASKA

COPY

CERTIFICATE

I, D.C.Evans, Village Clerk in and for the Village of Springview, Nebraska do hereby certify that the attached is a true and complete copy of a resolution passed by the Village Board of Springview at their regular meeting held on Thursday, January 11, 1990.

Dated at Springview, Nebraska this 15th day of January 1990.

D.C.
D. C. Evans
Village Clerk

R E S O L U T I O N

WHEREAS, the Brown County Board of Commissioners are concerned with the effects of a Scenic River designation for the Niobrara River in North Central Nebraska;

WHEREAS, the Brown County Board of Commissioners have not been informed of the effect a Scenic River designation will have on the upkeep of roads;

WHEREAS, the Brown County Board of Commissioners have not been informed of the effect a Scenic River designation will have on the tributaries to the Niobrara River;

WHEREAS, the Brown County Board of Commissioners feel that Federal Controls would not benefit the General population of North Central Nebraska.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Commissioners that the County Board opposes the Scenic River designation for the Niobrara River in North Central Nebraska pending receipt of information regarding the effects of a Scenic River designation and assurances local concerns shall be considered and implemented.

Dated this 7th day of February, 1989.

ATTEST:

Marilyn A. Calver William Budget
County Clerk

W. D. Smith
[Signature]
Brown County Board of
Commissioners

FILED

FEB 7 1989

MARILYN A. CALVER
COUNTY CLERK
BROWN COUNTY, NEBR.

R E S O L U T I O N

WHEREAS, it is necessary and in the best interest of the people of Brown County, Nebraska, to avail itself of the zoning laws under Section 23-114 through 23-114.05, including, but not limited to, the appointment of a county planning commission, adoption of a county comprehensive development plan and zoning regulations;

NOW, THEREFORE, LET IT BE RESOLVED by the County Commissioners of Brown County, Nebraska, sitting in regular session this 20 day of Oct., 1987, since it is deemed to be necessary and in the best interest of the people of Brown County, Nebraska, that a county planning commission comprised of five members is hereby created with the following members serving the following terms from this date:

Larry Duden and Dan Clapper for one year;

Art Nomann and Francis Westcott for two years; and

Duane Daniels for three years.

That all rights and duties conferred upon the County Planning Commission as set out by the Nebraska Statutes is hereby conferred upon this Planning Commission.

Dated this 20 day of Oct, 1987.

ATTEST:

Marilyn A. Calver
County Clerk

William Budget
Board of Brown County Commissioners

FILED

OCT 21 1987

MARILYN A. CALVER
COUNTY CLERK
BROWN COUNTY, NEBR.

RESOLUTION

WHEREAS, the Brown County Board of Commissioners, are concerned with the possible Scenic River designation for the Niobrara River in north central Nebraska.

WHEREAS, the Brown County Board of Commissioners have not been informed of the effect a Scenic River designation will have on the upkeep of roads.

WHEREAS, the Brown County Board of Commissioners have not been informed of the effect a Scenic River designation will have on the tributaries to the Niobrara River.

WHEREAS, the Brown County Board of Commissioners can protect the area with zoning regulations and control if such controls are necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Commissioners that the County Board opposes the Scenic River designation for the Niobrara River in north central Nebraska.

Dated this 3 day of June, 1986.

ATTEST:

Marilyn A. Calver
County Clerk

William Gudge
Jeffrey L. L...
J. D. John
Brown County Board of Commissioners

FILED

JUN 3 1986

MARILYN A. CALVER
COUNTY CLERK
BROWN COUNTY, NEBR.

RESOLUTION

WHEREAS, the County Board of Rock County, Nebraska, is aware of a current proposal by Senator J.J. Exon to designate as a wild and scenic river a 76 mile stretch of the Niobrara River, a portion of which is the northern boundary of Rock County, Nebraska, and

WHEREAS, the County Board of Rock County, Nebraska, is informed that there have not been completed field studies by the appropriate federal agencies to determine if such a designation of the Niobrara River is an appropriate designation, and

WHEREAS, a reading by the County Board of Rock County, Nebraska, of the Wild and Scenic Rivers Act indicates that such studies are required before such a designation may be made, and

WHEREAS, the County Board of Rock County, Nebraska, believes that it is improper and unwise to make such a designation until the legally required studies have been completed, and an appropriate determination can be made as to the appropriateness of such a designation.

NOW THEREFORE, be it hereby resolved by the County Board of Rock County, Nebraska, that the County Board of Rock County, Nebraska, does hereby go on record as being opposed to a designation of any portion of the Niobrara River as a wild and scenic river until such time as there has been completed the appropriate field studies and evaluations by the appropriate federal agencies, and a proper determination has been made by such agencies as to the benefits of such a classification or designation.

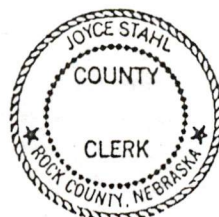
Dated: February 6, 1990

COUNTY BOARD OF COMMISSIONERS
OF ROCK COUNTY, NEBRASKA

BY John E. Armon
D.L. Garrison
Merle Nelson

ATTEST:

Joyce Stahl
County Clerk



COMMISSIONERS RECORD K

CHERRY COUNTY, NEBRASKA

Jan. 31, 1989

The Board of Cherry County Commissioners met on this date January 31, 1989 as per notice in the Valentine Newspaper and in the office of the County Clerk; the agenda being on file in the office of the County Commissioners. Present at this meeting were County Commissioners Lila Churchill, William Ward, and Zale Quible. Also present were County Clerk Tom Elliott and County Surveyor Lloyd Smith.

The meeting was called to order at 10:00 A.M. The minutes of the last meeting were read. The Chairman of the Board asked for any corrections or additions; there being none, the Chairman declared the minutes approved as read.

Gloria Davis reported to the Board that an insurance inspector had checked the County buildings and that a written report would be prepared and submitted by the company.

Brent Peterson met with the Board to arrange a meeting for February 28.

Bill Dill discussed some tax foreclosure properties and was advised to proceed.

Commissioner Ward made a motion to appoint Lloyd Smith as Cherry County Highway Superintendent for 1989. Commissioner Churchill seconded the motion. Roll call vote was taken. All were in favor and the motion carried.

Commissioner Ward moved that the current Board of Commissioners re-affirm their support of a Resolution dated June 10, 1986 stating the Board's opposition to the concept of the Niobrara River being designated a Scenic River. The motion was seconded by Commissioner Churchill. Roll call vote was taken. All were in favor and the motion carried.

The motion to approve all claims was made by Commissioner Churchill. The second was made by Commissioner Ward. Roll call vote was taken. All were in favor and the motion carried.

R E S O L U T I O N

WHEREAS, the United States Government has proposed that a part of the Niobrara River in North central Nebraska be designated as a Scenic River, and,

WHEREAS, the County Board of Cherry County, Nebraska, has determined that additional Federal Government regulations and control of the Niobrara River and adjacent land is unnecessary, unworkable and interferes with operation of the County by the County Commissioners and further interferes with operation useability and enjoyment of the river and related real property by residents of and citizens of Cherry County, Nebraska and the State of Nebraska, generally.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF CHERRY COUNTY, NEBRASKA, that the County Board goes on record as being in opposition to designation of the Niobrara River in North central Nebraska as a Scenic River by the Government of the United States of America. Be it further resolved that the County Board of Cherry County, Nebraska, is in support of regulation or control of the Niobrara River area, when and where necessary by the local County Board and Local Natural Resource District.

DATED this 10th day of June, 1986.

COUNTY BOARD OF CHERRY COUNTY
COMMISSIONERS,



BY: Gale Quible
Chairman

ATTEST: Darlene Burge
County Clerk

Keya Paha County Commissioners

State of Nebraska

Box 349

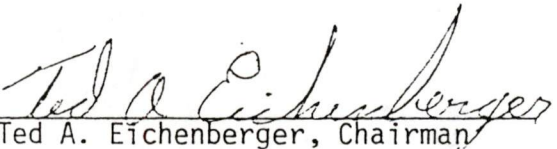
Springview, Nebraska 68778

December 27, 1988

R E S O L U T I O N

The Keya Paha County Board of Commissioners by this resolution convey our opposition to any attempt to force the Scenic River Designation on the local people.

The Scenic River proposal is not in Keya Paha County's best interest.


Ted A. Eichenberger, Chairman


Larry Shepperd

RESOLUTION #89-1

OF THE

HOLT COUNTY BOARD OF SUPERVISORS

WHEREAS: Man has been ordained as the guardian of our nation's natural resources;
and

WHEREAS: Concerned farmers and ranchers living along the Niobrara River have long
been wise stewards of this natural resource for the people of Nebraska; and

WHEREAS: Continued wise use of the Niobrara River is in the best interests of the

12

people of Nebraska and the United States; and

WHEREAS: The Niobrara River has provided irrigation and livestock water for the
people living along this river; and

WHEREAS: The people of North Central Nebraska have confidence in the continued
wise use of this natural resource by the people who live along the Niobrara River; and

WHEREAS: Proposed efforts in Washington, D.C. to have part of the Niobrara River
added to the National Wild and Scenic Rivers system, against the wishes of a majority
of the people living along that river; and

WHEREAS: The proposed Wild and Scenic Rivers designation is merely a ploy to take
away the future irrigation potential of this natural resource for future Nebraska
generations; and

WHEREAS: Local control rather than federal mandates has long been regarded as a
hallmark of a free American people;

THEREFORE, BE IT RESOLVED, that the Holt County Board of Supervisors opposes
any attempt to enter any portion of the Niobrara River into the Wild and Scenic Rivers
system; and

The Holt County Board of Supervisors will continue to oppose such moves by groups
which do not live near nor have vested interests in the continued well-being of the
Niobrara River and the people who live along that river.

The foregoing resolution was introduced by Supervisor Reynoldson, who moved its
adoption. The motion was seconded by Supervisor Funk. Voting Aye: Young, Reynoldson,
Melcher, Schaaf, Funk, Davis and Krugman. Voting Nay: None. Motion carried. Absent:
None.



MIDDLE NIOBRARA NATURAL RESOURCES DISTRICT

RESOLUTION

OPPOSITION TO THE PROPOSED WILD AND SCENIC RIVER DESIGNATION

WHEREAS, Nebraska Senator Exon has decided to reintroduce legislation that would designate a 76 mile stretch of the Niobrara River as being Wild and Scenic; and

WHEREAS, Much of that proposed stretch of the Niobrara River lies within the Middle Niobrara Natural Resources District; and

WHEREAS, The Middle Niobrara Natural Resources District has joined with several other organizations in supporting an economic plan for the development of the land and water resources of the Niobrara River Basin.

NOW THEREFORE BE IT RESOLVED, That the Board of Directors of the Middle Niobrara Natural Resources District oppose the proposed scenic river designation until such a time that a an economic water and land use plan for the Niobrara River Basin is funded and developed.

ADOPTED ON THE NINTH DAY OF FEBRUARY NINETEEN HUNDRED EIGHTY-NINE

ROBERT GASS
BOARD CHAIRMAN

UPPER ELKHORN NATURAL RESOURCES DISTRICT
Board of Directors Meeting
December 20, 1989

CALL TO ORDER:

The December meeting of the Upper Elkhorn Natural Resources District was held at the Courthouse Annex Meeting Room in O'Neill, NE at 1:30 P.M. The meeting was called to order by Chairman Jim LaRue at 1:35 P.M.

DIRECTORS PRESENT:

Elmer Olberding, Reginald Green, John Dvorak, Jim LaRue, Walter Fick, Rich Uhrenholdt, Bud Knuth, Jim Keller, Roy Stewart, and Cliff Sobotka.

DIRECTORS ABSENT:

Ted Hughes, Bob Chilvers, Merland Clark, Alfred Straka and Ralph Garwood.

GUESTS PRESENT:

Clinton VonSeggern - Scribner, NE

Steve Grube - SCS - Neligh

Robert Lowe - SCS - O'Neill

STAFF PRESENT:

Paul A. Mann - General Manager

Dennis Schueth - Assistant Manager

Doris Price - District Secretary

MINUTES:

The minutes of the November Meeting were reviewed by the Directors. It was moved by Jim Keller and seconded by Rich Uhrenholdt to approve the minutes. AYE: Olberding, Dvorak, Fick, Uhrenholdt, Knuth, Keller, & Sobotka. NAY: None. ABSTAIN: Green. MOTION CARRIED.

TREASURERS REPORT:

It was moved by Rich Uhrenholdt and seconded by Elmer Olberding to approve the November Treasurers Report. AYE: Olberding, Green, Dvorak, Fick, Uhrenholdt, Knuth, Keller, & Stewart. NAY: None. MOTION CARRIED.

AGENCY REPORTS:

SCS Report: Bob Lowe presented 9 FSA Plans for signature. He reported that they had an auditor from the Office of the Inspector General auditing the FSA Plans.

Steve Grube reported that they have built 20 thousand feet of terraces and the FSA planning is 99% finished.

RC&D:

Marion Gertsch is retiring and there is a reception for him at the RC&D Office on December 28, 1989.

NARD Report:

Walt noted that the minutes are all in the folders. The legislature will convene in January and the Legislative conference will be January 29 and 30

at the Cornhusker Hotel in Lincoln.

NRC Report:

Clinton VonSeggern explained the formula to be used for distributing NSWCP money will be brought up at the January Meeting. Clinton stated that the biggest demand for this money is from the Nemaha and Little Blue NRD's.

EXCUSED ABSENCES:

It was moved by John Dvorak and seconded by Claus Knuth to approve the absences of Alfred Straka, Ralph Garwood, Merland Clark, Ted Hughes and Bob Chilvers. AYE: Olberding, Green, Dvorak, Fick, Uhrenholdt, Knuth, Keller, Stewart & Sobotka. NAY: None. MOTION CARRIED.

VOTING DELEGATE TO LEGISLATIVE CONFERENCE:

Jim LaRue was elected delegate and Elmer Olberding was elected as alternate to the Conference. Jim LaRue will also attend the meetings for Walt as Association Delegate.

ASSISTANT MANAGERS REPORT:

Dennis reported he has been working on getting the Chemigation data in the computer and getting ready to do reports. He had a report for each director in their folders. 143 permits were not renewed this year and we will send a letter to these people to see why not.

LEGISLATIVE CONFERENCE:

The Legislative Conference in January 29 & 30 and we will be taking our Senators and wives out to dinner on Monday night. We will be able to send in registrations from the office if any one wants us to.

WATER QUALITY COMMITTEE REPORT:

The New Water Quality Committee elected Rich Uhrenholdt as chairman of their Committee. He reported that the Committee met on December 11 in the morning with Committee Members and Dave Gosselin present. In the afternoon the Committee met with Keith Drury of the Lower Niobrara NRD and two of their Directors. They would like to repeat the 1976 study which was done and we will cooperate with them on this. The Committee will meet before the January Board Meeting in the morning. The Committee felt that the Groundwater Management Plan needs to be reviewed as it has been five years since it was done. They feel that we have collected enough data to define our problem areas and probably something will have to be done about these areas soon.

The Committee also discussed water quantity.

RECOMMENDATIONS AND/OR ACTION CONCERNING NIOBRARA NATIONAL PARK AND NIOBRARA RIVER SCENIC RIVER DESIGNATION:

It was moved by Elmer Olberding and seconded by Bud Knuth to have the Upper Elkhorn NRD go on record as being opposed to the Bereuter and Exon plan for a Wildlife and Scenic Area and a National Park designation. Discussion was held. It was moved by Rich Uhrenholdt and seconded by Reg Green to table this motion. AYE: Uhrenholdt, and Green. NAY: Sobotka, Knuth, Fick, Olberding, Dvorak, Stewart & Keller. MOTION DEFEATED.
Vote on original motion: AYE; Keller, Stewart, Dvorak, Olberding, Fick, Knuth. NAY: Green, Uhrenholdt. MOTION CARRIED.

It was moved by Roy Stewart and seconded by Walt Fick to have the Upper Elkhorn NRD go on record in support of the Niobrara Basin Environmental Improvement Commission and to support this Commission with some funds. Discussion. It was moved by Rich Uhrenholdt and seconded by Reg Green to table this until the January meeting. AYE: Keller, Stewart, Dvorak, Olberding, Fick, Uhrenholdt, Sobotka & Green. NAY: None. MOTION TO TABLE CARRIED. We will have a member of this Committee at our next meeting to explain their program to us.

ADMINISTRATIVE REPORT:

Paul reported attending a meeting in Plainview for Fertilizer dealers, Extension, SCS And NRD personnel. The purpose of this was to get the dealers together and discuss some of the water quality issues. We will try to have a meeting similar to this in O'Neill soon.

Paul attended the Sioux City Conservation Banquet and reported a good turnout from our winners. Other items mentioned by Paul were: Bazile Triangle group meeting in Norfolk, Erosion problems in Rock County which he and Roy Stewart looked into and the Atkinson State Lake which is still in the Budget and it is pretty much up to the Governor now. There are some new sources of funds which will help. \$50,000.00 is available from the Land and Water Funds and \$60,000.00 is available from the Fish and Wildlife Dept. There is still a \$360,000.00 price tag on this.

There being no further business to come before the Board, the meeting was adjourned at 3:45 P.

RESOLUTION

By the reports given and the press releases we feel the Natural Resources Commission Staff; Dayle Williamson and Jim Cook, had made their minds made up before contact with local organizations.

WHEREAS, the local landowners in the Niobrara Basin are concerned about the designation of 76 miles of the Niobrara River as a Scenic River.

WHEREAS, the Director and Legal Council of the Nebraska Natural Resources Commission did not meet with the local landowners that had done an excellent job of taking care of the Niobrara for generations.

WHEREAS, the designation of the river is now causing delay of erosion control structures to prevent the sediment and degrading of the tributaries stream beds by having to get a Permit to design the structures from the Army Corps of Engineers and the Department of Environmental Control. Federal Legislation 33-USC Sec.403 paragraph 320 to 330.

WHEREAS, the landowners have contacted the Lower Niobrara Natural Resources District for help asking for a study. An appropriate study would give the local landowners some answers and input on their concerns.

BE IT FURTHER RESOLVED, the Honorable Governor Orr be requested to meet and tour the area with these landowners.

Adopted by the Lower Niobrara Natural Resources District on this Fifth day of February, 1990.

SRM

SOCIETY FOR RANGE MANAGEMENT

OFFICE OF THE EXECUTIVE VICE PRESIDENT
1839 YORK STREET
DENVER, COLORADO 80206

March 22, 1990

(303) 355-7070

Don Zwiebel, President
Niobrara River Basin Preservation Association
310 N. Main
Ainsworth, NE 69210

Dear Mr. Zwiebel:

We are enclosing a copy of the correspondence sent to the U.S. Senate Committee on Energy and Natural Resources, the House Committee on Interior and Insular Affairs, Congressmen Peter Hoagland and Doug Bereuter, and Senator Gordon J. Humphrey. This correspondence was developed at our Annual Meeting by the SRM Public Affairs Committee, and subsequently approved by our Board of Directors, to address the issue of proposed Wild and Scenic River legislation.

While this correspondence was written to address Wild and Scenic River designations in general, it was precipitated by concerned members of our Society who may be directly affected by the Niobrara River designation.

I hope this is of some help to your organization and if we can answer any other questions you may have, please feel free to contact us.

Sincerely,



Peter V. Jackson
Executive Vice President

PVJ/jf

Enclosure

cc w/enclosure: Ann Applet, Office Manager, Niobrara River Basin Preservation Assn.
C. Rex Cleary, President, Society for Range Management



The logo consists of the letters "SRM" in a bold, serif font, enclosed within a rectangular border.

SOCIETY FOR RANGE MANAGEMENT

C. Rex Cleary
2398 Centennial Drive
P.O. Box 16
Genoa, NV 89411

March 1, 1990

The Honorable Peter Hoagland
United States House of Representatives
Longworth House Office Building
Room 1415
Washington, DC 20515

Dear Representative Hoagland:

The Society for Range Management is a professional organization dedicated to sound management of rangeland resources. Since 1948 our membership of more than 5,000 professionals has made many significant contributions in the development of ecologically sound management principles and strategies for rangeland resources in the United States and other countries.

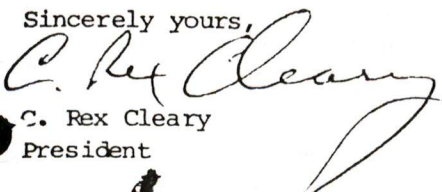
Proposed Wild and Scenic River legislation (HR 761, S280, HR 3823) for the Niobrara River in Nebraska would directly and indirectly affect management of a substantial amount of rangeland and associated resources. Scenic river designation is but one method available for the maintenance of current resource values. The Society strongly encourages a preliminary study be conducted prior to enacting specific legislation. We endorse rational evaluation and development of management objectives, practices and policies. The importance of this process is clearly recognized in the National Environmental Policy Act of 1969. Once the proposed objectives are clearly stated, an array of alternatives must be considered.

Should scenic river designation be determined to be the most appropriate alternative, procedures for assessment of "normal" or "acceptable" activities need to be clearly presented in the final legislation. The composition of the advisory council should be interdisciplinary and include the necessary expertise to address all natural resource uses within the designated area. The proposed advisory council should include one or more individuals with academic training and field experience in range management.

The Society also considers the provision for surface activities necessary for the exploration and development of natural gas and petroleum resources to the exclusion of all other additional uses to be inappropriate.

We appreciate your consideration of our concerns. The Society membership consists of individuals and groups with an array of range resource expertise and we stand ready to provide you with further assistance.

Sincerely yours,


C. Rex Cleary
President



cc: Jack Maddux, President, Nebraska Section, SRM
Irene Graves
SRM Board of Directors
SRM Public Affairs Committee

SENT TO:

Congressman Peter Hoagland

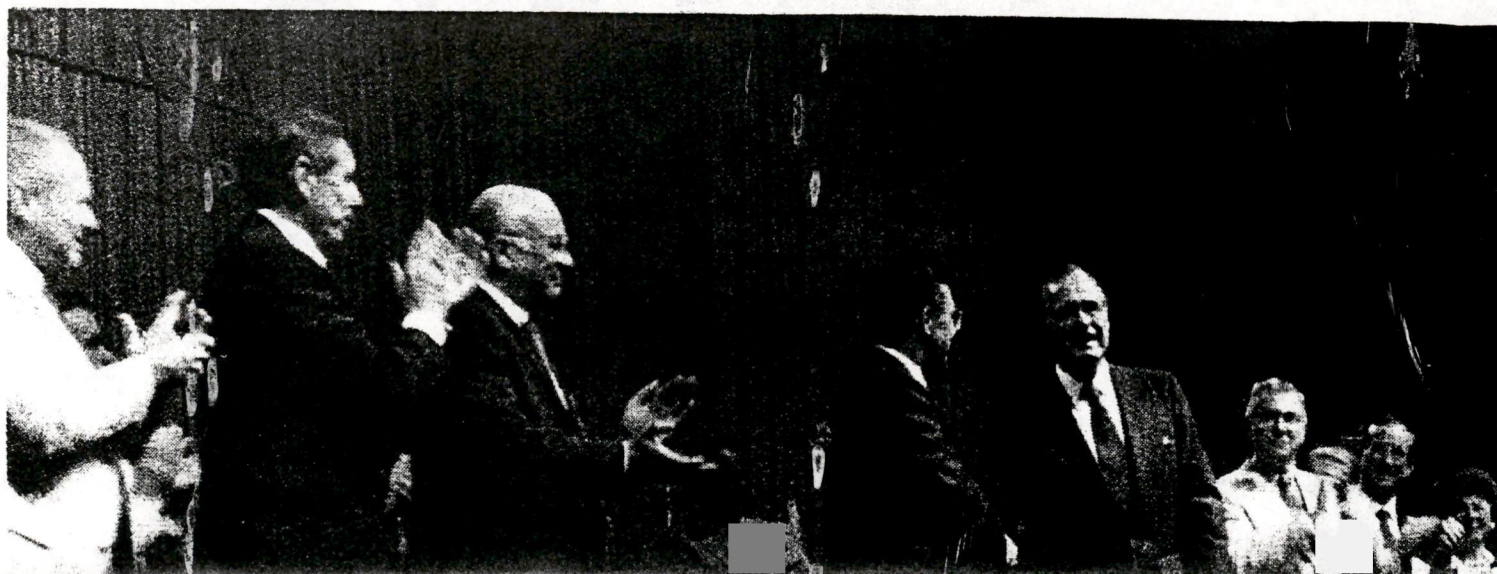
Congressman Doug Bereuter

Senator Gordon J. Humphrey

Senate Committee on Energy and Natural Resources

House Committee on Interior and Insular Affairs

The 1990 Policies of the American Farm Bureau Federation



We support promotion and use of degradable containers made from agricultural products.

U.S. Army Corps of Engineers' authority

131

We support legislation to amend Section 404 of the Clean Water Act to restrict the U.S. Army Corps of Engineers' authority to waterways used for the transportation of interstate and foreign commerce, or which can be made navigable for these purposes with reasonable effort. We urge that legislation be enacted to clarify the Corps of Engineers' responsibilities and to restrict these responsibilities to those which it exercised prior to 1972.

We are opposed to dredge-and-fill regulations being applied to agricultural land.

We support legislation to enable farmers and ranchers to protect their property from streambank erosion without undue delay or domination by the Corps of Engineers.

Landowners experiencing flood losses in excess of their lease compensation should be reimbursed for their damages.

The Corps of Engineers should make payment of damages to farmers for lands lost to erosion or flooding on rivers resulting from new navigation locks and dams.

The release of water from Corps of Engineers' lakes should be handled in a manner to prevent flooding of low lying downstream lands. Removal of log jams and the impediments caused by them should be a part of routine maintenance programs on these outlet streams.

International water agreements

132

The United States should seek reasonable agreements and cost participation with Mexico and Canada on mutual water management and quality concerns.

Coal slurry pipelines

133

Federal legislation dealing with coal slurry pipelines should:

- (1) Respect state water laws and protect such laws from threats of nationalization under the Interstate Commerce Clause of the U.S. Constitution;

- (2) Respect state laws concerning property rights and eminent domain procedures;

- (3) Require payments to owners for damages to their prop-

erty to create federal reserved water rights when it provided for the designation of wilderness areas. We believe any water rights claimed for any public lands should be subject to acquisition only under state water rights law and subject to doctrine of unexercised rights, which would give those lands priority below those water rights which have been exercised by previous use.

We endorse the concept of requiring state approval for wilderness designation.

Any future wilderness proposals should not include buffer zones, and should be subject to environmental, social and economic impact analysis in addition to heavily weighted consideration of the views and land use plans of the residents in the affected locality and state. We oppose the Environmental Protection Agency (EPA) becoming involved in any wilderness studies.

We recommend that any designated wilderness area (including roads and trails) which has been closed be reopened to the public and to multiple use on the petition of a majority of local citizens and/or any local, county or state government.

We support legislation to immediately:

- (1) Release non-wilderness area for multiple uses;

- (2) Require the U.S. Forest Service and Bureau of Land Management to manage non-wilderness lands for multiple uses;

- (3) Require Congress to make final wilderness designations within time limits;

- (4) Require control of fire, noxious weeds, insects and diseases where they pose a threat to adjacent multiple-use areas and private property, or the wilderness area itself;

- (5) Protect the deteriorating quality of alpine wilderness streams from infectious contamination resulting from high concentrations of humans without benefit of sanitary facilities. This goal would be achieved by:

- (a) limiting the number of persons granted access to wilderness areas; and

- (b) require the installation of adequate sanitation accommodations in critical areas adjacent to stream beds in order to protect human health; and

- (6) Request USDA and the U.S. Department of Interior to redefine their interpretation of "roads" as any roads which are maintained for vehicular traffic rather than the definition

lands and to require a program of wildlife disease control within the park system.

We oppose removing the National Park Service from the Department of Interior.

Wildlife management

137

In most states wildlife utilizes private lands for habitat and landowners should be compensated for damage. We favor quantification of game animals as an essential step in determining the contribution private landowners are making to the public recreation. In addition, there is an increased need to safeguard farmers and ranchers from crop and livestock damage caused by game animals, migratory fowl, certain species of birds and predatory animals. The spread of noxious weeds from game preserves is a problem in some areas.

Many species of wildlife and migratory birds forage on private property with no recourse available to the property owner. We question the legality of this exemption from the normal legal process which represents a taking of private property rights without due process. We favor a court challenge to this concept and reimbursement to the farmer for losses. We also urge that the order requiring openings in net wire fences for game animal access be rescinded. Farmers should have the right to protect their crops from destruction by wildlife and migratory birds. When wildlife and migratory birds enter private land to graze, consume or transverse crops, the landowner should neither be held liable nor restricted from applying approved pesticides.

We favor the retention of wild game ownership by the various states. However, the present policy of allowing wildlife to graze, without charge, on federal lands threatens state ownership and control of wildlife herds. This federal policy of not assessing a grazing fee is discriminatory to other grazing users who pay for forage on an animal-unit-month basis. As an effort to ensure equity in the use of our federal lands, we favor a policy which would treat wildlife on an equal basis with other grazing privileges.

We oppose any legislation to ban the use of the steel-jawed, leg-hold traps.

We recommend the hunting season be adjusted in certain areas to help control damage caused by wildlife and migratory birds. USDA should assume control of the Animal Damage Control

(3) Require payments to owners for damages to their property; and

(4) Provide that a state which has a water compact with another state shall receive credit for the amount of water that is transported to the other state in a coal slurry pipeline and ensure:

(a) that the use and appropriation of water for all interstate coal slurry pipelines, not just those that use the right of federal eminent domain, be made pursuant to the law of the state where the diversion takes place;

(b) that if a state denies a water permit or exercises conditions on such a permit or authorization, up to and including termination, this exercise will not be prohibited as an unreasonable burden on interstate commerce;

(c) that federal reserved water can only be used in a coal slurry pipeline if state law is fully complied with; and

(d) that nothing in the law shall alter in any way any provision of state law or interstate compact.

We oppose legislation which grants the right of federal eminent domain to any additional entity except in crossing property controlled by another carrier which already has federal eminent domain authority.

Wilderness areas

134

We assert that areas designated as wilderness cannot properly be classified as a component of multiple use because these areas receive no management. Experience has shown that the "no management" concept applied to certain areas under the Wilderness Act of 1964 has resulted in the serious degradation of the resource. A preponderance of evidence has demonstrated that the removal of all man-made facilities has resulted in sanitation and health problems that threaten the values the act was designed to preserve. Established wilderness criteria further threaten such areas by prohibiting the employment of power tools and vehicles in watershed management, trail maintenance, soil treatment, noxious weed control, waste management and fire protection.

We oppose expansion of wilderness areas. We oppose either an express or implied reservation of water or water rights for wilderness or special management areas. We urge re-evaluation of all existing wilderness areas. However, if wilderness legislation becomes imminent, we should work to protect private property rights and the traditional multiple-use practices on public land. A state Farm Bureau has the option to support federal legislation to minimize wilderness designations within that state.

We support the position of the Department of Interior solicitor general opinions of July 28, 1988, and the concurrence of the attorney general, stating Congress did not intend

are maintained for vehicular traffic rather than the definition which considered only constructed, regularly maintained roads as legal roads in determining roadless areas.

Graziers operating within designated wilderness areas should be allowed to care for their livestock, range improvement and fences, and control predators in the traditional manner.

We urge Congress to open the Alaska Arctic National Wildlife Refuge Coastal Plain to environmentally responsible oil and gas exploration, development and production.

Timber damaged by natural causes should be salvaged.

Wild and scenic rivers

135

We are opposed to proposals which would prevent the economic development of a stretch of river which has potential resource value, necessitate the taking of scenic easements or fee title to privately owned land by eminent domain; or unnecessarily involve federal responsibility for a river which is being adequately managed by a state. We oppose adding more rivers and adjoining land to the National Wild and Scenic Rivers System and urge re-evaluation of all existing wild and scenic rivers. We believe that land acquired by the federal government to preserve scenic riverways should be returned to the original owners subject to a scenic easement to be retained by the government.

Any land designated for wild rivers should be subject to local zoning ordinances.

National parks

136

We are opposed to the taking of privately owned land for the development of national parks or park "buffer zones." We further oppose the development of a comprehensive plan for the management and use of non-federally owned lands and waters by any federally created commission or agency. Acquisition of land in any state by the federal government, or any agency thereof, should be subject to the approval of the legislature of the state involved.

We oppose addition of any land to our national park system.

The National Park Service should cease efforts to condemn and acquire privately owned farmland and ranchland within the boundaries of national parks.

We support legislation to allow agricultural activities to be conducted within national parks when there is an historical basis for such a use. We oppose the designation of national parks as wilderness areas.

We favor improved access roads through national parks to allow motorized access to these natural resource areas.

We support regulations that would cause the National Park Service to control the wandering of their wildlife onto private

USDA should assume control of the Animal Damage Control Program for migratory waterfowl as prescribed by Congress.

We recommend that the hunting season for all migratory birds begin on a Saturday or other first holiday morning and end on a Sunday or other last holiday evening.

We request that the U.S. Fish and Wildlife Service be required to plant acreage in all national wildlife refuges to crops suitable for feed for wildlife and pay damages to landowners in adjacent areas.

Where deer damage occurs, state and federal agencies should approve and encourage, through inspection of meat and other methods, the sale and/or donation of venison.

Endangered species

138

The National Endangered Species Act should be amended to provide that:

(1) Listing a species as endangered shall be upon that basis alone and not on the basis of "rarity;"

(2) The law shall not encroach upon economic agricultural or silvicultural practices;

(3) Proof of a species being endangered shall be on the petitioner or the Department of the Interior and not on the general public;

(4) A person proposing an animal or plant be designated as an endangered species be required to post a bond for damages incurred if the species are subsequently not found to be endangered;

(5) The federal government is strictly liable for any and all injuries or damages to persons or property caused by or in any way arising out of the relocation or re-establishment of endangered species, especially Carnivora such as wolves and bears;

(6) Scientific data supporting the inclusion of a species shall receive wide dissemination to landowners and private organizations representing the rights of these landowners;

(7) The grizzly bear and wolf be removed from the Federal Endangered Species list and that management of the grizzly bear and wolf be under the supervision of the state where it exists;

(8) Where there is a conflict, human need for food and energy shall have priority over the protection of endangered species;

(9) Endangered species may be taken or removed from private lands if causing damage to private property or if payment of compensation by the federal government is not allowed;

(10) If endangered species are transplanted into other areas by the Department of the Interior, that the act does not pro-

STATE POLICY RESOLUTIONS APPROVED FOR 1989

- 1) Request Secretary of State to list escheated lands held by his Department.
- 2) Call for comprehensive study of state and local taxing authority.
- 3) Require Game Commission to submit a range management plan to help prevent such as the Fort Robinson fire.

NATIONAL POLICY RESOLUTIONS APPROVED FOR 1989

- 1) Call for AFBF to sue organizations and entities that spread false or unproven claims about the safety of products in the food chain, i.e. the Alar scare made by the National Resources Defense Council.
- 2) Examine abuses of the sodbuster swampbuster sections of the Farm Bill - address the problems of interpretation of these sections.
- 3) Oppose the designation of the Niobrara River as a wilderness area. If such a designation is made then the Federal government shall reimburse the county for lost revenue including real estate taxes and land use. That a specific fire control policy be established for that area - that the government be liable for all damage caused by fire or by the introduction of predators not now native to the area.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

June 13, 1990

Congresswoman Virginia Smith
2202 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Smith:

Tomorrow, S. 280, the bill to designate a segment of the Niobrara River in Nebraska as a component of the National Wild and Scenic Rivers System will be considered on the floor of the U.S. House of Representatives.

The National Rifle Association is particularly concerned with the section of the bill directing the Secretary of the Interior to conduct a study to examine the feasibility and suitability of establishing a national park. Our concern centers around the fact that land currently designated to allow hunting may become a national park - thus precluding traditional activities such as hunting.

According to an official with the Nebraska State Game and Parks Department, hunting is a valued activity in the area under discussion. Deer, turkey, grouse, pheasant, squirrels, rabbit, and coyote are the primary game found in this area. Approximately 350 deer hunters account for an estimated 1,200 hunter days. An additional 570 turkey hunters account for an estimated 1,450 hunter days (including both fall and spring seasons.) The remaining species provide an additional 400 hunter days. Clearly, this is not an area devoid of wildlife - and hunting is an important aspect in the management of that wildlife.

The urbanization of America, coupled with the trend toward designating prime hunting land as wilderness has limited the hunters' ability to pursue his activity. The designation of even more prime hunting land as a national park - when other, less restrictive designations would be as effective - is not taking into consideration the multiple use value of the land.

As we cannot support this section of the bill, an amendment to remove the park-study language from S. 280 would be supported by the National Rifle Association.

Thank you for your consideration of our position on this legislation, and for your consideration of the true American conservationist - the hunter.

Sincerely,

James J. Baker
Director
Federal Affairs

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 280, A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT BY DESIGNATING A SEGMENT OF THE NIOBRARA RIVER IN NEBRASKA AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

APRIL 5, 1989

Mr. Chairman, I appreciate the opportunity to provide your Committee with the views of the Department of the Interior on S. 280. This bill would designate 76 miles of the Niobrara River in Nebraska as a component of the National Wild and Scenic Rivers System.

We recommend that Congress follow the practice established under the Wild and Scenic Rivers Act and provide for a study of the river to determine its suitability for addition to the National Wild and Scenic Rivers System. If it is amended to provide for such a study under section 5(a) of the Wild and Scenic Rivers Act, we would recommend the enactment of S. 280. However, we cannot support the bill in its present form.

The Niobrara River is an outstanding river resource, and a segment of the river was considered for immediate designation as early as 1965 when the Wild and Scenic River legislation was being formulated and debated in Congress. At that time the segment being considered extended from Nebraska Highway 87 south of Hay Springs to U.S. Highway 83 at Valentine. This is a segment of river immediately upstream of the segment currently under consideration.

The Niobrara is one of the 7 "Heartland" Rivers featured in the National Geographic Society's book America's Wild and Scenic Rivers. In the Nationwide Rivers Inventory published by the National Park Service in 1982, a segment from Antelope Creek near Highway 87 downstream to the confluence with the Keya Paha, was identified as having outstanding scenic, recreational, geologic, fish, wildlife, and cultural values. It encompasses all of the 76 miles in S.280.

However, whereas the river upstream of Valentine was investigated in depth in the mid-1960's, the segment in this bill was given more cursory investigation during the Nationwide Rivers Inventory, and we have not developed a conceptual plan for administering the river. Ordinarily this occurs during a formal study process conducted pursuant to section 5(a) of the Wild and Scenic Rivers Act.

Determination of the designated river segment, its classification, the river corridor boundaries, and the managing agency without a prior detailed study may result in the failure to consider desirable management or boundary options as well as the inclusion of provisions that are inappropriate or unnecessary. A section 5 study could identify and evaluate alternatives in the following areas:

1. Management Options - The study would identify several options for managing the Niobrara, including Federal or State management as a component of the Wild and Scenic Rivers System. Local management options would also be fully considered.

2. Eligibility - The study would establish the eligibility of the Niobrara River within limits set by a study bill. The 1982 Nationwide Rivers Inventory identifies 253 miles of the Niobrara River as having the potential for inclusion in the National Wild and Scenic Rivers System. The rationale for selection of the 76 miles covered in S. 280 is not known. A study could assess the eligibility of all or parts of the 253 miles listed in the inventory.

3. Boundary Options - The study would also recommend general boundaries related to the nationally significant resources or viewshed. As written, the bill sets a boundary about one-half mile from the stream bank. When this boundary is combined with the restrictions on development in section 2(e), it may be unduly restrictive of landowners outside of the viewshed of the river.

4. Classification Options - The study would evaluate the suitability of various river segments for designation as wild, scenic, and/or recreational components of the National Wild and Scenic River System.

A study could also provide public information benefits for which there is no opportunity with immediate designation. Providing the opportunity to better explain to the public what the National Wild and Scenic River System is might improve the acceptance of Federal or State management in the future.

S.280 also includes a variety of specific provisions which we would prefer to see developed through the management planning process required by section 3(d)(1) of the Wild and Scenic Rivers Act. These include:

1. Location of public access sites - The bill legislates the location of public access sites, all of which are at bridge crossings. We would prefer to identify necessary access sites through a planning process which would consider visitor safety, resource factors (e.g., soil suitability for development, presence of rare plants and animals, etc.), the existing road system, the needs of canoe livery operators and recreational users, and similar considerations.
2. Existing land use practices - The bill allows continued agricultural, livestock, timber management, and commercial camping "land use practices," without regard to their effect on the resources. The resource qualities requiring protection would be spelled out in a management plan. The plan would also identify the best means to provide for

continuation of these activities so as to avoid or minimize adverse resource impacts.

3. Oil and gas exploration and extraction - These activities are specifically allowed in the designated corridor. Again, the management plan would set out how to eliminate or lessen unwanted impacts to resources while still permitting oil and gas activities.

4. Land acquisition - Land acquisition is limited to purchase of easements from willing sellers, except that easements may be acquired by condemnation, totaling no more than five percent of the designated corridor, when activities are occurring or threatened to occur which pose a substantial threat to the integrity of the river and the values for which it was designated. We note that these limits are more stringent than the limitation on Federal acquisition of fee title--already enacted in the Wild and Scenic Rivers Act--of no more than 100 acres per mile of river. We are not convinced of the need for a more stringent limitation in this instance, but would review the matter as part of a suitability study under Section 5(a) of the Act.

Section 2(b) of the proposed legislation calls for preparation of a management plan with 1 year from the date of enactment and after consultation with the "Niobrara Scenic River Advisory

Council" to be appointed by the Secretary. Based upon experience with similar requirements in other park-related legislation, it frequently takes a year or more to appoint an advisory council. It would thus be difficult to coordinate the management plan with the council within the required time. Also based on earlier experience, it would take more than 1 year to complete the study, the environmental reviews, and obtain central office approvals. Therefore, the 1 year planning time-frame is unreasonable and should be lengthened to 2 complete fiscal years after the appointment of the council. Scheduling the study by fiscal years is necessary to assure availability of funds for the entire study period.

In summary, Mr. Chairman, the Niobrara is valuable river resource worthy of being considered as a potential component of the National Wild and Scenic Rivers System. We recommend that the normal suitability study process set forth in the Wild and Scenic Rivers Act be followed.

Under that process a river segment is designated for study and a report is prepared by the Secretary and submitted to the President, usually within 2 or 3 complete fiscal years. The President then makes his recommendation to Congress with respect to designation of the river as a component of the National Wild and Scenic Rivers System. Such a study would cost approximately \$200,000.



Morning World Herald
Omaha, NE.
Cir. D 233,231

MAR 10 1990

UNIVERSAL Press Clipping Bureau

Cattlemen See Danger in Scenic-River Status

By Paul Goodsell

WORLD-HERALD BUREAU

Washington — Scenic-river status for Nebraska's Niobrara River would be a mistake and would set a precedent for future scenic-river designations involving privately owned land, the head of the National Cattlemen's Association said Friday.

"I can tell you, we're extremely concerned whenever a river is declared wild and scenic," said John Lacey, the association's president.

Lacey commented at a press conference held to discuss the association's position on various issues.

J. Burton Eller Jr., senior vice president of the cattlemen's group, said the Niobrara proposal is unique because the 76-mile stretch scheduled for designation runs almost exclusively through private land.

"It's unlike any other wild and scenic river that's ever been proposed," he said. "It's a private-property issue."

Sen. J.J. Exon, D-Neb., said his scenic-river bill would not take property away from landowners. The most that the National Park Service could do would be to acquire a scenic easement from a landowner, which would block development along the river but would not take the land away from the individual owner, Exon said.

Most such easements would be purchased only from a willing seller, he said. But up to 5 percent of the land along the river could be subject to forced easements, at fair-market value, in order to block a threat to the river's scenic nature, he said.

Exon said the cattlemen's group is

misinformed if it believes that the scenic river designation would take land away from property owners. He said his bill would not affect grazing along the river.

Lacey said his organization does not oppose attempts to preserve rivers. However, it wants to stop increased acquisition of private property by the federal government.

"We need to be very careful that we don't overdo it," he said.

The cattlemen also are concerned about restrictions on grazing on federal-

ly owned land.

In other matters, Lacey said the beef industry is enjoying "the most favorable conditions we've seen in 50 years."

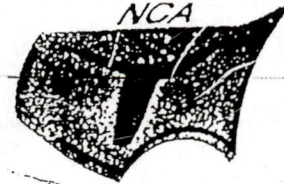
Cow-calf producers should do particularly well, he said, while feeders and meat packers should expect some "up-and-down" times the next few years.

The cattlemen's association will battle efforts by the dairy industry to put a dairy herd buyout in the 1990 farm bill, Lacey said. A dairy buyout by the federal government several years ago hurt cattle prices, he said.

CATTLEMEN'S ASSOCIATION

Washington, D.C. 20004 • (202) 347-0223

NCA



P.O. Box 3469 • Englewood, CO 80155 • (303) 694-0305

March 20, 1990

The Honorable Peter Hoagland
U.S. House of Representatives
1415 Longworth House Office Building
Washington, D.C. 20515-2702

Dear Mr. Hoagland:

You have grossly misrepresented the National Cattlemen's Association (NCA) on the Niobrara Scenic River designation proposal!

I was appalled to hear you disputed Bob Sears and the Nebraska Cattlemen on NCA's position at the local hearings last Friday. You attributed your hearsay information to me. I was also amazed to read in the March 17, Omaha World Herald that you said the NCA "did not have concerns over the proposed designation". This is just not so! I've never discussed this matter with you or your staff.

My only Hill discussions have been with Greg Pallas, Chief of Staff to Senator Exon. Our discussions revolved around the Senator's bill, S.280, and its exemption of private land acquisition by the federal government in the Niobrara case.

This prohibition of land acquisitions does satisfy one of the main concerns NCA has with any federal lands, water or conservation legislation.

However, I explained to Greg that there were several other private property rights concerns with the Niobrara designation which need to be addressed and cleared up. They are:

- * Does Niobrara bill language supercede all potentially harmful statutes of the original Wild and Scenic Rivers Act? We don't think so since only specific sections of the underlying act are exempted in the Niobrara proposal.
- * S.280 generally restricts easements to those transactions between willing sellers and buyers. However, the Secretary is still empowered to acquire easements on up to 5% of the privately owned land within the corridor. This 5% could go a long way toward totally controlling the river and its banks even if you only condemn the stream banks and several feet beyond. Aren't there hundreds of thousands of acres within the "corridors"? How do the Niobrara proposals define "corridors"? Couldn't it be the watershed as has been interpreted on some previous designations?
- * River frontage is extremely valuable property on a ranch or farm; without full use of river frontage the property may lose considerable equity and productive value.
- * Several public access easements are specifically referenced in the Niobrara bill; what about future access at other locations across private land that are not specified?

.0, 1990
England

The Secretary is authorized to do conservation and streambank practices on private land; is this all along the designated river? By whose permission? With or without purchasing an easement? Whether or not it restricts the economic needs of the landowner? Who agrees or has veto power on those practices (the landowner?)?

How does the underlying Wild and Scenic Rivers Act statute affect the requirements of the Niobrara to protect the pastoral landscape and established farming and ranching lifestyles? What if the very economic survival of the ranch someday depends upon changes not allowed for in the Secretary's comprehensive management plan that is required?

- * Can existing state water rights be preempted by the wild and scenic status? Although the intent of the underlying legislation was to preserve the existing rights, it is not at all clear. What about control of in-stream flow?
- * The generic law of 1968 (16 U.S.C. 1274) defines Wild & Scenic values as aesthetic, scenic, recreational, historical, archaeological values. It mandates that those environmental values on designated segments (whether for the purpose of public recreation or protection/enhancement of natural resources) outweigh agricultural use of private land. It does not appear that the original 1968 law anticipated inclusion of the vast amounts of private land that is now proposed around the country.
- * Conservation easements in some cases can be more of a problem than outright acquisitions. Easements can be structured so that they are "tantamount" to outright acquisition, yet the owner is not fully compensated. A full explanation of the intent and the authority of easement in the Niobrara legislation should be fully explained to the public.
- * Proponents of wild and scenic designation argue that the flexibility of the law would prevent infringement of the property rights of landowners along the river corridor. Yet, this same flexibility, i.e. specific management plans for each segment, could lead to different and more restrictive interpretations of wild and scenic status. How does the Niobrara bill assure that affected landowners will effectively participate in development and implementation of management plans?

Yes, Congressman, the NCA still has questions about the Niobrara.

Sincerely,

J. Burton Eller, Jr.
Senior Vice President,
Government Affairs

JBE/te



THE SECRETARY OF THE INTERIOR
WASHINGTON

March 29, 1990

Honorable Virginia Smith
House of Representatives
Washington, D.C. 20515

Dear Virginia:

This is in response to your request for the Department's views on the bills pending before Congress dealing with the Niobrara River as well as other rivers and tributaries in the State of Nebraska.

We recommend the enactment of your bill, H.R. 1673.

H.R. 1673 would designate the entire Niobrara River from the Wyoming-Nebraska State line to its confluence with the Missouri River, including unnamed major tributaries, as a study river under the authority of section 5(a) of the Wild and Scenic Rivers Act. It directs the preparation of an analysis of alternative methods of protecting the values and natural resources of the river within one complete fiscal year after Congress makes the funds available for this purpose.

H.R. 761, H.R. 3823, and S. 280 would each make designations of segments of the Niobrara River as components of the National Wild and Scenic Rivers System. H.R. 3823 also calls for establishment of a Niobrara-Buffalo Prairie National Park. We have not conducted studies which might lead to a recommendation either for or against such a park.

Under the Wild and Scenic Rivers Act, any component of the National Wild and Scenic Rivers System administered by the Secretary of the Interior through the National Park Service shall become a part of the National Park System. The President has stated his firm belief that, to protect the integrity and viability of the park system, a new area study should be a prerequisite for the establishment of any new unit of the National Park System.

We therefore strongly recommend that Congress follow the practice established under the Wild and Scenic Rivers Act and provide for studies of the rivers to determine their suitability for addition to the National Wild and Scenic Rivers System. Your bill, H.R. 1673, would provide for such studies.

We strongly oppose enactment of H.R. 761, H.R. 3823, or S. 280. If any of these three bills were presented to the president for his signature in their current form, I would recommend that the President veto the bill.

The Office of Management and Budget has advised that enactment of H.R. 761, H.R. 3823, or S. 280 would not be in accord with the program of the President.

Your interest in the Niobrara River and the programs of the Department of the Interior is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Manuel".

RESOLUTION NO. _____

WHEREAS, the National Republican Party and the Republican Party of Nebraska have long stood for the principle of individual rights and that the Government should not do that which the people can adequately accomplish; and

WHEREAS, the Republican Party of Nebraska recognizes that the farmers and ranchers along the Niobrara River in the State of Nebraska have taken excellent care of the River and protected it for generations; and

WHEREAS, the Federal Government is now proposing Federal controls and regulations of the Niobrara River contrary to the wishes of the majority of the people in Nebraska and a majority of the people living and owning land along the Niobrara River; and

WHEREAS, it is well recognized that the Scenic River Designation by the Federal Government, along with the accompanying rules, regulations and red tape, will cost the American taxpayers additional money to fund and regulate the same at a time when the Federal Government is already deeply in debt; and

WHEREAS, the Federal regulation of the Niobrara River is unnecessary because the local Counties have already formed a management control board and enacted temporary regulations for the protection of said River; and

WHEREAS, such designation is contrary to Republican ideals of the Government not doing for the people what the people can do for themselves.

NOW, THEREFORE, it is therefore resolved that the Republican Party of the State of Nebraska does hereby go on record as opposing the Scenic River Designation, along with the accompanying restrictive rules and regulations, of the Niobrara River, and further requests President Bush, if such legislation becomes finally enacted by both Houses of Congress, to veto the same.



Testimony on behalf of the
NEBRASKA CATTLEMEN ASSOCIATION

before the

U.S. House of Representatives
Subcommittee on National Parks and Public Lands

on

S. 280, H.R. 761, H.R. 1673 and H.R. 3823

presented by

Mr. Bob Sears
Director

March 16, 1990

The Nebraska Cattlemen association is the spokesman for Nebraska's beef cattle industry, which is the largest industry in the state of Nebraska. NC represents nearly 5,000 breeders, cow/calf producers, stockers and feeders, including 52 local county and area associations.

Mr. Chairman, I am Bob Sears, from Ainsworth, Nebraska, cattlefeeder and lifetime resident and landowner in the Niobrara Basin. I am also a Board member of the Nebraska Cattlemen association and am here today on their behalf. I am also here on behalf of all farmers and ranchers in the State of Nebraska, because we feel that this is landmark legislation in our State's history.

Our association is the spokesman for Nebraska's beef cattle industry, which is the largest industry in the state of Nebraska. The Nebraska Cattlemen association represents nearly 5,000 breeders, cow/calf producers, stockers and feeders, including 52 local county and area associations.

First, I would like to thank the subcommittee for holding a field hearing here in Ainsworth. While a public hearing is planned later in the Capitol, it is very difficult for most farmers and ranchers to travel to Washington. Nonetheless, the Nebraska Cattlemen feel strongly that Congress should hear from the people directly affected by these bills, and we have made several requests for a local hearing. We think this is an essential first step in considering legislation such as this, and we urge you to take into account our concerns.

We Nebraskans take our water seriously. It is our lifeblood--both personally and professionally. Without water, we could not raise our crops and our livestock. Indeed, we could not even live here. And we do recognize the beauty of the Niobrara River. In fact, many of our members use this area for recreational purposes, so we share many of the same values with the sponsors of these bills.

However, we also value our personal property rights, and we believe strongly in local control of our limited water resources. So when the Federal government proposes to come in and condemn our land or regulate the use of our rivers, it causes us great concern.

State and local governments, local residents and property owners should decide how the resources of a river area should be utilized, not outsiders unfamiliar with our state. Here in Nebraska, we have established locally controlled Natural Resource Districts to regulate water and other natural resources. This system has worked so well that we believe other states may wish to use them as a model to emulate. And it has worked so well that we believe Natural Resource Districts, in cooperation with local county boards and landowners, are a more appropriate way to regulate these resources than via Federal legislation.

Privately-owned river frontage property is extremely important acreage on a ranch, often essential to the economic viability of the entire acreage. Scenic River designation could interfere with private landowners' full use of their land and established water rights and most certainly, national park designation would. Based on the experience of property owners in other states, the land will be devalued due to the government's condemnation authority and restrictive regulations. These encumbrances will surely reduce the asset value of the land, affecting the ability of local residents to obtain refinancing or even resell their land.

And we still do not know how these bills would affect the owners of property along the tributaries of the Niobrara. Will these people also lose their property rights and experience devaluation, just as those along the Niobrara? Since no study of the impact of this legislation has been conducted, as is customarily done when Wild and Scenic River designation is proposed, we can only speculate.

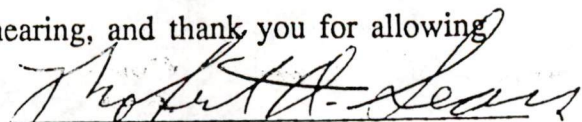
There are peripheral issues at stake, as well. As land is condemned or purchased by the Federal government, it is taken off the property tax rolls. Since property taxes provide most of the funding for Nebraska's public schools, other property owners will have to shoulder the additional tax burden and cover the shortfall.

These bills also establish a precedent. In previous Wild and Scenic River designation bills, a substantial portion of the land affected is already publicly-owned land. This is not the case here along the Niobrara.

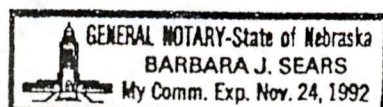
Mr. Chairman, the Nebraska Cattlemen association respects the right of local residents and landowners to determine their future, including whether they want the Niobrara designated a Wild and Scenic River. Our members who would be affected have expressed strong opposition. In addition, we cannot support any legislation which would allow the government to take away personal property rights by condemning land or restricting the use of land by its owners. It is for these reasons that we stand opposed to S. 280, H.R. 761 and H.R. 3823.

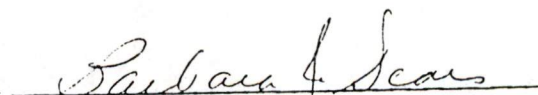
Again, thank you for holding this field hearing, and thank you for allowing me to address this group.

STATE OF NEBRASKA *
* ss
COUNTY OF BROWN *


Robert A. Sears

The foregoing was acknowledged before me by Robert A. Sears on the 16th day of March, 1990.




Notary Public



1990 STATE POLICIES

*Nebraska
Farm Bureau
Federation*



5225 South 16th St., P.O. Box 80299
Lincoln, Nebraska 68501
Telephone: (402) 421-4400

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

We also support continuing the study of water marketing and transfer proposals.

1990 - INCIDENTAL UNDERGROUND STORAGE. We support the appropriation of surface water for intentional and incidental storage in groundwater aquifers. We also support the payment of damages caused by incidental recharge.

1990 - DRAINAGE DISTRICTS. We believe elections and control of drainage districts should be kept as local as possible and that each precinct or sub-districts should elect its own directors within their given district. The number of precincts should not be limited by legislation.

1990 - WATER RECLAMATION. We encourage the State of Nebraska to proceed with any action or development that would store up and retain any waters of high flow season thereby lessening flooding and yet reserving water for later flow or dry season. We advocate better usage and discourage waste of this greatest of resources.

1990 - IN-STREAM FLOW. In granting in-stream flow rights we support establishing the following minimum standards:

1. No in-stream flow rights should be granted until there has been a comprehensive study and plan approved by the Department of Water Resources;
2. In-stream flow rights for the use of wildlife and recreation should be lower in priority than domestic, agricultural and manufacturing uses; and
3. If an application is denied by the Department of Water Resources no reapplication for in-stream flow should be allowed within a time period of less than five (5) years.

1990 - SCENIC RIVERS. Farm Bureau opposes the establishment of a system of wild or scenic rivers or wilderness areas in Nebraska. We support the filing of a long range development plan for any river considered to be designated as a wild or scenic river, national park or wilderness area.

If a wild or scenic river, national park or wilderness area is designated, we request that the federal government (1) reimburse the county for lost revenue including real estate taxes and land use, (2) establish a specific fire control policy for the area, and (3) be liable for all damage caused by fire or by the introduction of wildlife and vegetation not now native to the area or overpopulation of wildlife to the area.

1989 - DRAINAGE OF FARMLAND. Laws making it illegal

to allow drainage of farmland onto adjoining landowner's property should have a penalty section. We favor amending state law to prohibit the drainage of water from wet lands and tile drainage from wet meadows onto privately owned lands and the enactment of appropriate penalties.

1989 - GROUNDWATER RIGHTS. We believe statutory law should provide that every landowner located over a common groundwater aquifer should have the right to reasonable use of the groundwater, but that in time of short groundwater supply, water should be allocated according to reasonable needs — all users should be required to reduce withdrawal accordingly.

Preference in the use of groundwater should be, (1) domestic, (2) agricultural, (3) manufacturing, (4) wildlife and (5) recreation; however, legislation should be enacted requiring the deepening of domestic wells to the depth of the irrigation wells in question, before shortage of water for domestic use is determined and before the filing of damage suits against owners of nearby irrigation wells.

1989 - FINANCING WATER PROJECTS. We will support cost-effective water projects that are funded by state revenue bonds and user fees paid by those individuals who are direct benefactors of water development projects.

1989 - WATER RESOURCES FUNDING. We favor state funding of the Nebraska Resources Development Fund.

1987 - INTERBASIN TRANSFER OF WATER. In order to more fully utilize the water which would otherwise flow out of the state, we favor provision for mutually negotiated agreements between affected water surplus and water deficient Natural Resource Districts, providing for diversion of surplus surface water not only for the development of irrigation in dryland areas, but also for groundwater recharge. Such agreements should assure uninhibited development and use of irrigation in the sending (water surplus) Natural Resource Districts and that water would be diverted only in the off season or when the surplus (flood water) exists. Inherent in such agreement should be the maximum efficiency in management of water resources in the receiving water deficient area.

1986 - RECLAMATION PROJECTS. We believe reservoir river flow water previously allocated to irrigation districts by the Bureau of Reclamation shall not be reallocated to new reclamation projects (i.e. Deer Creek Reservoir at Casper, Wyoming).

State
Resolution

Whereas the issue of whether 76 miles of the Niobrara River should be designated as a Scenic River under Federal Legislation currently being proposed is also a fundamental state issue on which state AND LOCAL government entities should properly and fairly have input, and,

Whereas, resolution of controversy over such designation properly involves obtaining clear cut answers to fundamental questions as to what effect and impacts the proposed legislation will or will not have upon such things as water rights, existing practices and laws on canoeing, fishing, hunting and camping, grazing for livestock, and other property rights, and

Whereas, the goals of Federal Scenic River Legislation can probably be accomplished by a system of local controls and protection and regulations as has been evidenced in places like Minnesota with respect to the Mississippi river, and,

Whereas, Senator J. James Exon has publicly stated and promised that, "I believe this is a worthy idea, but I also want to develop a consensus on the best way to achieve this goal and enhance the entire area....I would not be part of any proposition which is not supported by a majority of those living along the river." , (Norfolk Daily News, 17 September 1985, copy attached), and,

Whereas, a public hearing by the Natural Resources Committee of the Nebraska Legislature would afford citizens of Nebraska their first real opportunity to voice their opinion on the issue of the Scenic Rivers designation; would afford all citizens, whether currently in favor of or opposed to the Scenic Rivers proposal, the opportunity to have questions answered in depth on the specific issues of the proposed legislation's effects on Water Rights, Existing practices and laws on canoeing, fishing, hunting and camping, grazing for livestock, and other property rights, and would afford the opportunity to determine whether a "...majority of those living along the river..." do in fact support or oppose the Scenic Rivers Designation,

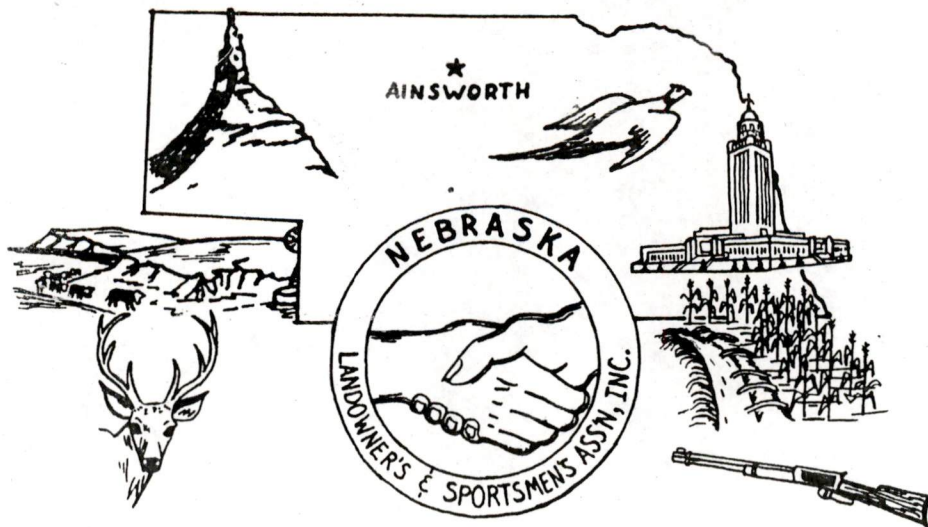
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Legislature's Natural Resources Committee designate a time and place where such a hearing can be held to seek input from all sides to this controversy and then hold said hearing;
2. That the Legislature's Natural Resources Committee take appropriate measures to contact all interested parties to this issue to insure that the specific questions and issues identified above can be specifically addressed and answered by qualified and competent witnesses;
3. That the Legislature's Natural Resources Committee take such measures as are reasonably necessary to obtain information as to whether the Scenic Rivers proposition is or is not supported by a majority of those living along the river;
4. And that the Legislature's Natural Resources Committee report back to the Legislature on the findings of the Committee and the outcome of the hearing.



Nebraska Water Resources Association

Lincoln Mall Building, 1320 Lincoln Mall • Lincoln, Nebraska 68508 • Telephone (402) 474-3242



P. O. Box 433

Ainsworth, Nebraska 69210

January 25, 1990

RESOLUTION

WHEREAS, at the regular monthly board meeting of the Nebraska Landowner's and Sportsmen's Association, Inc., held on January 25, 1990, and

WHEREAS, the Nebraska Landowner's and Sportsmen's Association, Inc., reviewed Senator Exon's Bill, S-280 and other Scenic River Designation proposals by Congressman Hoagland and Congressman Bereuter, and

WHEREAS, it is the feelings of the board of directors of the Nebraska Landowner's and Sportsmen's Association, Inc., the Federal Designation, is not in the best interest of the landowners and sportsmen in North-Central Nebraska or the State of Nebraska, and

WHEREAS, landowners have expressed their concerns over this designation and have asked the board to institute a land closing proposal to all landowners in the Niobrara Basin, in retaliation to all three Scenic River Designation proposals.

NOW, THEREFORE BE IT RESOLVED, by the board of directors of the Nebraska Landowner's and Sportsmen's Association, Inc., that they go on record against any Scenic River Designation on the Niobrara River and that they institute a land closing proposal to landowners in the Niobrara Basin.

NOW, THEREFORE BE IT FURTHER RESOLVED, that a copy of this Resolution, become a part of the minutes and that a copy of this Resolution be submitted to Congressman Bruce Vento and all of his sub-committee.

STATE OF NEBRASKA,
County of Brewer ss.

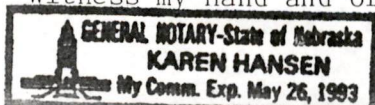
Richard O. Buckley
Richard O. Buckley - Chairman

Harlin D. Welch
Harlin D. Welch - President

Before me, the undersigned Notary

Public in and for said county, personally appeared RICHARD O. BUCKLEY
and HARLIN D. WELCH

Witness my hand and official seal this 13th day of March, 1990.



Notary Public Karen Hansen
My commission expires 5-26 1993.

The North Central Nebraska RC&D Council met in regular session Thursday, November 30, 1989, at the King Kone Restaurant in Bassett with the following present:

Larry Shepperd, Chairman, Mills
Roy Stewart, Vice Chairman, Newport
Dave Jones, Sec. Treas., Ainsworth
Jim Cook, Lower Niobrara NRD, Mills
Lynn Schlueter, Game & Parks Commission, Bassett
Andy Glidden, Game & Parks Commission, Bassett
Ben Rutten, Game & Parks Commission, Bassett
Bob Hilske, Manager, Middle Niobrara NRD, Valentine
Jim Keller, Upper Elkhorn NRD, Newport
Bob Courtney, Lower Niobrara NRD, Lynch
Dennis Jilg, Chairman, Leafy Spurge Task Force, Newport
Dean Gilg, Bassett
Bill Gudgel, Brown County Commissioner, Ainsworth
Jan Joseph, District Conservationist, SCS, Valentine
Barb Cooksley, District Conservationist, SCS, Mullen
Gayle Siefken, District Conservationist, SCS, Ainsworth
Gene Lehnert, Range Conservationist, RC&D, Bassett
Gene DeBolt, Program Coordinator, RC&D, Bassett
Donna Wright, Clerk/Typist, RC&D, Bassett

Jones moved, seconded by Keller, to approve minutes of the last meeting as circulated. Motion carried.

Jones read the treasurer's report with a balance on hand 9/28/89 of \$2,608.51. Receipts totaled \$4,318.72, with the total expenditures at \$2,938.68. Balance on hand 11/30/89 totaled \$3,988.55. Jones moved, seconded by Cook to approve treasurer's report. Motion carried.

RC&D MEASURE UPDATE - DeBolt informed the group on information received on a feasibility study dealing with a local beef cannery. Interested parties are working with the Nebraska Business Development Center at this time. Funding was received for the Fireboss Training Workshop held in O'Neill, Bassett and Valentine the first week in October. DeBolt stated the workshops were very well attended by area volunteer fireman, ranchers and agency people. A video was made of the workshops and is available for loan from the RC&D office. The Shultz and Widfelt Roadside Critical Area Treatments (CATs) in Holt County have been funded along with the National Grazingland Weed Conference to be held in Omaha in 1990. The measure plan for the Short Pine Creek CAT is in the State Office for review. Cleveland Church Camp Roadside CAT is the next project to be concentrated on and in all probability will be the last critical area treatment for the RC&D office due to lack of funds. Letters will be sent out in the next week seeking interest in a ranch expo to be held in Bassett in 1990.

NEW MEASURE - Bassett Country Club Water System was brought before the council for adoption. Technical assistance would be provided along with studies for grants. Cook moved, seconded by Gudgel to accept the new measure. Motion carried.

COMMITTEE REPORTS - Weed Committee - Jilg reported on the activities of the Nebraska Leafy Spurge Task Force. He stated he had been in contact with Governor Orr in reference to the National Grazingland Weed Conference. She will be contacting him at a later date to confirm her availability to participate in the conference. He stated he would be attending the Farm Bureau State Convention December 3 and would be taking the leafy spurge booth with him. Shepperd stated he would like a fact sheet on leafy spurge to take to the Western RC&D Association meeting in January to acquaint

other states with the activities of the task force. Discussion continued on bills in the Legislature concerning noxious weeds. Courtney moved, seconded by Keller to send a letter in support of legislation that notification be made to prospective landowners of noxious weeds on the premises. Motion carried.
(Find enclosed minutes from the Nebraska Leafy Spurge Task Force quarterly meeting.)

Aquaculture Committee - DeBolt informed the group that there would be a meeting December 27th, at 1:30 p.m., at the Range Cafe in Bassett to discuss ideas and survey interest in establishing an association, coop, etc., for the purpose of marketing, buying feed, etc., for local fish producers. Anyone interested is encouraged to attend. Discussion followed on an article in Tomorrow's Harvest, a publication of the Rural Development Center, on fish farming in Iowa.

R/E/L Committee - Lehnert informed the group that a meeting was scheduled for December 12th & 13th, in Lincoln to finalize the agenda for the National Grazingland Weed Conference. He went on to inform the Council that a Pocket Gopher & Prairie Dog Workshop was being planned. He distributed a grass cattle check list to the Council that he is planning to send out to area producers.

Discussion followed on public radio.

The 1990 South Dakota/Nebraska RC&D Association meeting will be hosted by Nebraska. Following a discussion on location and date Courtney moved, seconded by Jones, to have the meeting at Hidden Paradise at the end of August. Motion carried. The RC&D office will follow-up by contacting Hidden Paradise on dates available and lodging facilities.

The Western RC&D Association meeting will be held in Spokane, Washington, January 23-26, 1990. The final agenda is out and will be attached to minutes of this meeting along with the registration form and ladies program. Cook moved, seconded by Jones, to pay Larry Shepperd's expenses to this meeting as representative of the RC&D Council. Motion carried.

NEW BUSINESS - Livestock water dugouts were discussed, with SCS policy being the main focus. Hilske explained a proposed project on Minnechaduza Lake that had been brought to his attention. Discussion followed with input from the Game and Parks Commission on feasibility of the project. Hilske also discussed the future status of local landfills. He suggested that the RC&D Council, with cooperation from the NRD's, put on education programs, with individuals from the state knowledgeable in landfill regulations, to prepare cities and villages on what might be coming about within the next four or five years.

OLD BUSINESS - The Scenic River Proposal was discussed at length with Cook making a motion that the RC&D Council go on record opposing national park and scenic river proposals until a study is made to see how it will affect local entities of government. Jones seconded the motion. Motion carried.

With no further business the meeting was adjourned at 4:30 p.m.

Respectfully submitted,
DAVE JONES, Secretary Treasurer

The news article below
was sent to all newspapers
in six county area: Norfolk.

12/14/89

RC&D to adopt water proposal

The North Central Nebraska RC&D Council voted to adopt Bassett Country club water system proposal at their meeting Nov. 30. Technical assistance will be provided along with grant searches.

Gene DeBolt informed the group that there would be a meeting of the aquaculture committee Dec. 27, 1:30 p.m., at the Range cafe in Bassett. Purpose of the meeting will be to discuss ideas and survey interest in establishing an association, co-op, etc., for the purpose of marketing, buying feed, etc., for local fish pro-

ducers. Anyone interested was encouraged to attend.

The council discussed at length bills in the legislature concerning noxious weeds. They voted to send a letter to Nebraska legislatures in support of legislation that notification be made to prospective land purchasers of noxious weeds on the premises.

The scenic river proposal was brought before the council for discussion. The council voted to go on record opposing national park and scenic river proposals until a study is made to see how it will affect local entities of government.

RESOLUTION

WHEREAS, the Board of Directors of the Ainsworth Irrigation District, at a regular board meeting on January 16, 1990, passed and adopted this Resolution.

WHEREAS, the Board of Directors reviewed the Scenic River Bill S-280, H.R.-761 and H.R.-3823, introduced by Senator Exon and Representatives Peter Hoagland and Douglas Bereuter, and

WHEREAS, it is the opinion of the board that any Scenic River Designation, in North-Central Nebraska, is not in the best interest of the people and land use in North-Central Nebraska and the State of Nebraska, and

WHEREAS, this Scenic River Proposal, has been proposed in the past and the area people and local governments have stated time after time that they do not want a Scenic River Designation and Senator Exon and other representatives, do not want to listen, and

WHEREAS, it appears that if our representatives will no longer listen to local government and local people in North-Central Nebraska, then maybe other action will have to be taken to the courts or to the polls, and

NOW, THEREFORE BE IT RESOLVED, that the Ainsworth Irrigation District Board of Directors, goes on record in opposing any Scenic River Designation or any Federal Park on the Niobrara River, and

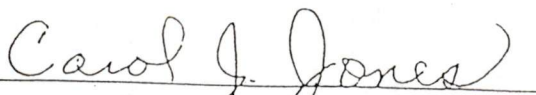
NOW, THEREFORE BE IT FURTHER RESOLVED, that a copy of this resolution, be sent to all of Nebraska's delegation and Governor Orr.

Adopted this 16th. day of January, 1990.

AINSWORTH IRRIGATION DISTRICT



Brent Johnson - President
Board of Directors


Carol Jones - Secretary-Treasurer

STATE RESOLUTIONS

1. Scenic River Designation/Niobrara River - Oppose the Scenic River Designation for the Niobrara River Basin for all streams and rivers therein until a comprehensive use plan can be devised for the Niobrara Basin.

2. Instream Flow Law - Repeal this law because the same is not properly defined nor is it able to be administered after enactment. Reason: The Natural Resource Districts already have authority over waters as well as the State Department of Water Resources and these agencies can act in conjunction to regulate our instream flows.

NOTE: If don't pass repeal law, then these issues are important:

1. Instream Flow - No instream flow rights should be granted until there has been a comprehensive study and plan made of the Niobrara River Basin.

2. Storage Instream Flow - Any instream flow uses should use new storage for peak flows for those uses.

3. Priority - Instream Flow - The Legislature should define the priority of instream uses in relationship to all other uses.

4. Instream flow reapplications - No reapplication for instream flow should be allowed within a time period of less than fifteen (15) years.

5. Local control - In any application for instream flow or scenic river designation where a significant number (at least 20%) of the local populace is against said flow right or designation, the local populace should be provided counsel free of charge the same as the governmental proponents. Reason: They can use your tax money against you.

Submitted by the Brown County Farm Bureau.

Stephen W. Bost Secretary - Treasurer

These are the resolutions passed by the Brown County Farm Bureau at their annual meeting held in October, 1989

RESOLUTION
OF THE
NORTH CENTRAL NEBRASKA RECLAMATION DISTRICT

WHEREAS, consideration is being given to designation of a portion of the Niobrara River as a "Scenic River", and

WHEREAS, such designation would be detrimental to the local community, Counties, State and Nation,

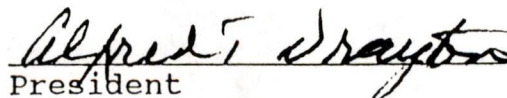
NOW, THEREFORE be it resolved by the North Central Nebraska Reclamation District, that:

1. Designation of the Niobrara River or any portion thereof as a Scenic River or any similar designation would cause landowners the loss of full rights to use their property as they desire, and prevent future needed development of the river for the public's benefit and welfare. Water is the single most important asset to a nation and the Scenic River designation would prohibit future use of the Niobrara River at a time when it would be needed for power, domestic use or other needs.

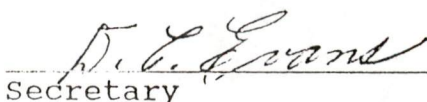
The Niobrara River is too valuable of a resource for the Nation to be burdened and restricted by a Scenic River or similar designation.

2. The North Central Nebraska Reclamation District hereby opposes any Scenic River or similar designation for the Niobrara River or any portion thereof.

PASSED AND APPROVED this 23rd day of January, 1989.



President



Secretary

NORTH CENTRAL NEBREASKA RECLAMATION DISTRICT

President, Alfred Drayton
V.P. and Secy. D.C. Evans

Directors:

C.W. ripley
Paul Frerichs
Harold Frickel
George Janousek
Dennis Kliment
Louis Kliment
Steve Rentschler
Mike Zakrzewski

RESOLUTION

Whereas, U.S. Senator J. James Exon has on July 19, 1985 announced his intention to introduce legislation designating a 76 mile stretch of the Niobrara River as a National Scenic River under the Wild and Scenic River Act of 1969; and

Whereas, the Niobrara River Basin Development Association has existed for more than 35 years and consists approximately of 150 members from the Wyoming border to the mouth of the River; and

Whereas, many landowners do not support the proposal and no field hearings have been held to gather their input; and

Whereas, the Niobrara River, its use and development, are of equal interest and importance to our cities and towns of this general area providing a supply for human consumption, domestic purposes and agriculture; and

Whereas, the Niobrara River watershed does not meet the definition required for Scenic River designation by being free of impoundments, still largely primitive and largely undeveloped but is an area of long established farms, ranches and numerous commercial developments; and

Whereas, it appears that the proposed legislation may be the result of political influence by, so called, environmental organizations who are opposed to development of water resources; and

Whereas, Senator Exon's proposed legislation includes an authorization of \$3,500,000.00 for acquisition of interests and \$1,000,000.00 for development which we believe to be without justification and wasteful expenditure of public funds in this time of distressed agricultural economics; and

Whereas, the opinion of the local people to be affected has not been taken into consideration and needs to be; and

Therefore be it resolved, that the Niobrara River Basin Development Association Board of Directors, at their regular Board Meeting at Ainsworth, Nebraska on July 26, 1985, object to the proposed legislation on the basis that it is unnecessary, it would be harmful to the economy of this agricultural area, and any benefits that might accrue would be to the canoe outfitters and a few landowners along the river and further that public hearings need to be held to gather input from the local people.

The January meeting of the Keya Paha County Farm Bureau board was held at the Highland homes Community Room January 31, 1989, 8 P.M. Meeting was hosted by Jim Carr and Meredith and Enid Worth.

Meeting called to order at 8P.M. by President Gary Ludemann and meeting started with flag salute. Minutes of last meeting were read and approved as read. Treasurer reported a balance as of January 12, 1989, of \$992.15. Three outstanding checks paid out in the amount of \$390.70, plus one new membership for \$40.00, making a total to date of \$641.45. Jim Carr moved to accept Treasurers report and Ron Heerten seconded motion. Motion carried.

Vicki Ferguson stated that we have picked up two new members. Dewey Peterson and Rick Carr, making a total of 46 members now. There are 5 previous members who have not paid yet. One has moved out of State and various persons in Farm Bureau will contact the other four to see if they wish to renew.

Gary asked for discussion on the membership.

Joan Thiede and Betty Palmer attended State Farm Bureau convention in North Platte November 5, 6 and 7th. They gave very interesting and informative reports of the convention. Betty Palmer was nominated to the State Legislative Policy Development Committee for a 2-year term. She will take over that position starting June 1989.

Betty and Joanne reported that Governor Kay Orr spoke at the BANquet and other topics of discussion were Leafy Spurge and Scenic River Disignation. Nebraska Farm Bureau goes on record opposing a system of Scenic Rivers in Nebraska.

Betty and Joanne also reported that Farm Bureau is the strongest Agricultural Lobbyist in Legislature.

Gary Ludemann asked Neil Clopton, State Affairs Chairman, for his report. Neil called our attention to LB 183, which allows a student to choose a school other than the one in his or designated district. Tuition and other costs to be paid as set forth in LB 183.

President Ludemann called our attention to the Leadership conference February 13-14-15, at the Cornhusker Hotel, Lincoln, Ne. He also stated there will be a marketing outlook meeting, Norfolk, Ne., Febr. 22nd, Norfolk Country Inn.

Glenn Kienke, Safemark Chairman says new supplier will be sending out material.

President Ludemann told us that Irvin Stouffer is no longer our Insurance Agent. Neil Swanson from O'Neill, Ne. will take over all of Keya Paha County. Mr. Swanson was a guest of Keya Paha Farm Bureau and spoke briefly. Mr. Swansons address is 229 W. Douglas, O'Neill, Ne. 68763. Business Ph. 402-336-3635, residence PH. 583-0046., Bristow, Ne.

Neil Clopton stated that Keya Paha County Farm Bureau should decide whether or not they want to oppose or approve Scenic River Designation for Niobrara River. Ron Heerten moved that Keya Paha County Farm Bureau go on record

opposing the scenic River Designation for the Niobrara River. Jim Carr seconded motion. Motion carried. Letters were drafted and sent to Senator Howard Lamb, Congressman Hoagland and Bereuter, Congresswoman Virginia Smith and Senator J. James Exon.

Discussion was had as to whether or not we should buy some Farm Bureau folders with information about Farm Bureau and Jim Carr suggested we leave this up to the discession of the membership chairman. Dennis Palmer seconded motion.

Next meeting will be hosted by Mr. & Mrs. Neil Clopton, Febr. 28, 1989, 8 P.M.

Motion to adjourn made by Jim Carr. Glen Kienke seconded motion. Meeting adjourned.

February 6, 1990

WHEREAS, many of our members have land in the Niobrara river watershed,

WHEREAS, our lifestyle and livelihood are directly derived from this land,

WHEREAS, we are uncertain of the effect the scenic river designation will have on this life and land,

BE IT RESOLVED: Area 2 CattleWomen are opposed to designating 76 miles of the Niobrara river as a scenic river.

J. Lowe
Area II Chair

208 EAST SIXTH



PHONE (402) 387-2740

MARCH 14, 1990

HONORABLE BRUCE VENTO
CHAIRMAN OF THE SUBCOMMITTEE
ON NATIONAL PARKS AND PUBLIC LANDS

DEAR MR VENTO:

THE AINSWORTH CHAMBER OF COMMERCE BOARD OF DIRECTORS PASSED A RESOLUTION STATING THAT DUE TO THE MAGNITUDE OF THIS SCENIC RIVER DESIGNATION AND IN CONSIDERATION OF SHORT AND LONG TERM EFFECTS OF THIS ISSUE, THE CHAMBER BOARD SUPPORTS A DELAY IN THE DECISION OF THIS DESIGNATION FOR FURTHER STUDY AND EDUCATION.

WE ASK FOR YOUR COOPERATION IN THIS MATTER.

SINCERELY,

DAROLD LAMMERS, PRESIDENT

PROCLAMATION

STATE OF NEBRASKA)
COUNTY OF BROWN) ss.
CITY OF AINSWORTH)

WHEREAS, the Subcommittee on National Parks and Public Lands of the United States House of Representatives has scheduled a field hearing to be held at Ainsworth, Nebraska on March 16, 1990, regarding various legislative proposals for designation of portions of the Niobrara River adjoining Brown County, Nebraska under the Wild and Scenic Rivers Act; and,

WHEREAS, the citizens of Ainsworth, Nebraska, are proud to host the members of the United States House of Representatives and other interested persons attending said hearing; and,

WHEREAS, the issue of designation of the Niobrara River as a scenic river under the National Wild and Scenic Rivers Act is a matter of intense local interest and concern;

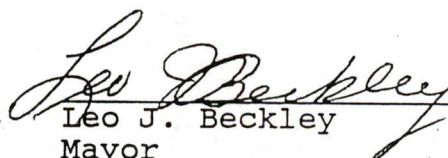
NOW, THEREFORE, I, LEO J. BECKLEY, MAYOR OF THE CITY OF AINSWORTH, NEBRASKA, DO HEREBY PROCLAIM the sincere appreciation of the citizens of Ainsworth, Nebraska, for the opportunity to present their views of this important issue to the members of the Subcommittee on National Parks and Public Lands of the United States House of Representatives;

I DO FURTHER PROCLAIM that all interested citizens be encouraged to attend said hearing, together with other informational meetings and hearings associated therewith, and to express their views on this important issue;

I DO FURTHER PROCLAIM that the members of the Ainsworth Chamber of Commerce and all other local businessmen and merchants be encouraged and requested to allow any interested employees to attend said hearing and to close their business places during the hours of 9:00 A.M. to 11:00 A.M. on Friday, March 16, 1990 for such purpose; and,

I DO FURTHER PROCLAIM that the citizens of Ainsworth, Nebraska extend to the subcommittee members, representatives of the National Park Service and other federal agencies, and all other visitors to Ainsworth for said proceedings, the warmest hospitality and welcome to our community.

EXECUTED this 14th day of March, 1990, at Ainsworth, Nebraska.


Leo J. Beckley
Mayor
City of Ainsworth, Nebraska



RESOLUTION OF THE
NIOBRARA BASIN ENVIRONMENTAL IMPROVEMENT COMMISSION

WHEREAS, the Niobrara River is of utmost importance to the people of Nebraska; and

WHEREAS, the Niobrara River is presently free flowing, is virtually unregulated by government, including federal government, and has been well cared for by the private individuals living along said river; and

WHEREAS, the basic propositions of the Niobrara Basin Environmental Improvement Commission stand for a long range study of the entire Niobrara Basin and the effect upon the degradation of the stream beds and headcutting on the tributaries to the Niobrara River, deep into the sandhills; and

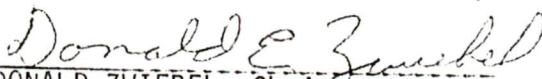
WHEREAS, the above headcutting and degradation of the stream beds are slowing causing the Ogallala Aquifer to be drained; and

WHEREAS, the Nebraska Congressional delegation presently has presented to Congress, Senator Exon's Bill S-280, Congressman Hoagland's Bill HR-761, Congressman Bereuter's Bill HR-3823, and Congresswoman Smith's Bill HR-1673 requesting Scenic River designation of the Niobrara River, and virtually none of these call for a complete comprehensive, indepth study of the social, economic and environmental impacts that such legislation will have upon Nebraska; and

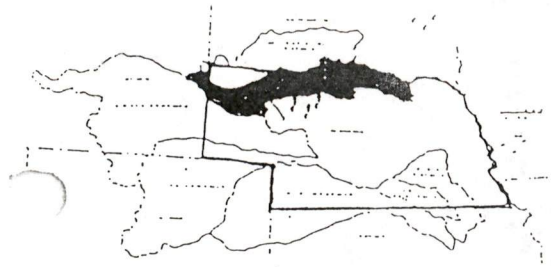
WHEREAS, such legislation without careful forethought and study should not be undertaken;

THEREFORE, IT IS RESOLVED by the Niobrara Basin Environmental Improvement Commission that no legislation affecting the Niobrara River or the Niobrara Basin should be enacted without a thorough and comprehensive study of the social, environmental and economic impact of such legislation upon the State of Nebraska; and

FURTHER, this organization is against all of the aforesaid Bills because of the adverse effect such legislation will have upon the State of Nebraska.


DONALD ZWIEBEL, Chairman

Dated this 9 day of March, 1990.



NIOBRARA BASIN PRESERVATION ASSN.
310 NORTH MAIN
AINSWORTH, NE. 69210
402-387-0378

February 28, 1990

Consolidated Sand Hill Farmer & Rancher
Rancher Co-op
Cody, Ne. 69211

Attn: Garth Barnes

Dear Sir:

Would you please send us a copy of the resolution you
have passed concerning the Scenic River Bill S-280,
sponsored by Senator Exon.

Sincerely yours,

Ann Appelt
Ann Appelt, Office Mgr.

WE MOVED AS AN ORGANIZATION TO GO ON RECORD
AS ~~OPPOSED~~ OPPOSING THE NIOBRARA RIVER SCENIC
AND WILD RIVER AND NATIONAL PARK DESIGNATION

Garth.

P.S IT CARRIED UNANIMOUSLY.

All retired teachers present
went on record as being
opposed to the Scenic
River designation for the
Niobrara River.

We are to write our
Congressman and let him
know of our opposition
Sey. Geo. Lem
Opal Irwin

North Platte Valley Water Coalition

P.O. Box 1350
Scottsbluff, NE
308-632-2133

Jim Merrigan
President

John Maser
Vice President

Wes Sell
Secretary/Treasurer

George Hall

Ray Russell

Dar Heggem

Gary Kelley

January 30, 1990

Congresswoman Virginia Smith
2202 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Smith:

Attached to this cover letter is a letter from Bob Gifford outlining his concerns about the Niobrara River scenic designation. As you know, Bob is one of your most knowledgeable and dedicated constituents in the area of natural resources. He is a valuable member of the North Platte Valley Water Coalition.

The North Platte Valley Water Coalition is a group of irrigators, agri-businessmen, lenders, and natural resource district representatives who have come together to more effectively address the complexity of today's water issues. Quality individuals have been identified for the Coalition's Board of Directors, and have been charged with the responsibility of monitoring water issues, educating themselves and others on water issues, and preparing to responsibly address water situations.

We believe that by combining our knowledge and focusing our energies we can more effectively respond to the threats and the opportunities which flow from the lifeblood of our communities -- water!. We hope that you will welcome our input and we thank you for your continuing hard work on our behalf.

Sincerely,


H. James Merrigan
President

HJM/ss

enclosure

North Platte Valley Water Coalition

P.O. Box 1350
Scottsbluff, NE
308-632-2133

Jim Merrigan
President

John Maser
Vice President

Wes Sell
Secretary/Treasurer

George Hall

Ray Russell

Dar Heggem

Gary Kelley

January 23, 1990

Congresswoman Virginia Smith
2202 Rayburn House Office Building
Washington, D.C. 20515

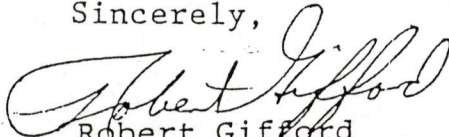
Dear Congresswoman Smith:

The North Platte Valley Water Coalition recently took a position of opposition to the designation of the Niobrara River as a scenic river. The Coalition does, however, support your bill, Congresswoman Smith, HR1673, to have the National Park Service study the entire river to determine if a scenic designation is necessary.

The stewardship and recreational facilities provided by the local owners is as good, if not better, than those provided by the National Park Service. Our natural resources should be maintained in the hands of local control, especially when they are as well cared for as the Niobrara River.

We appreciate your interest in this matter.

Sincerely,



Robert Gifford
Member
Board of Directors

RESOLUTION

WHEREAS, a proposal has been introduced by Senator J. James Exon and Representative Peter Hoagland (hereinafter "the Exon/Hoagland proposal") in the Congress of the United States for designation of a 76 mile segment of the Niobrara River in north central Nebraska as a "Scenic River" under the Wild and Scenic Rivers Act (hereinafter "the Act"); and,

WHEREAS, a proposal has been introduced by Representative Douglas Bereuter (hereinafter "the Bereuter proposal") in the Congress of the United States for the establishment of a National Park in a portion of several counties in north central Nebraska, and including the designation of a segment of said Niobrara River as a "Scenic River" and for the study of additional river segments, including Long Pine Creek and the Snake River, for designation under the Act; and,

WHEREAS, the Act prohibits "any department or agency of the United States" from assisting "by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established", including any development on "any stream tributary thereto which [will] invade the area or unreasonably diminish the scenic, recreational, and fish wildlife values present in the area"; and,

WHEREAS, the Act reserves the waters of the river, including tributaries, for the purposes specified in the Act, and in the quantities necessary to accomplish those purposes; and,

WHEREAS, the effect of the Act upon existing uses and potential future uses of the affected area has been disputed; and,

WHEREAS, there exist numerous unanswered questions concerning the effect of designation and the methods of implementation of any such designation; and,

WHEREAS, no scientific study of the compatibility of such designation with the area has been performed; and,

WHEREAS, the implementation of the Act following designation of the Niobrara river as a "Scenic River" could significantly impair existing agricultural uses in Brown County, Nebraska, and would entirely prevent further agricultural development in the entire Niobrara basin adjoining the designated stretch; and,

WHEREAS, both the Exon/Hoagland proposal and the Bereuter proposal fail to include any provisions which would prevent the implementation of said provisions of the Act; and,

WHEREAS, no field hearings were conducted in the area on either proposal prior to introduction; and,

WHEREAS, both proposals were developed without substantial consultation with family farm and ranch landowners or other residents of the area; and,

WHEREAS, the Boards of County Commissioners of all of the Counties affected by the Exon/Hoagland proposal, namely Brown, Cherry, Keya Paha, Holt, and Rock Counties, have adopted resolutions opposing the designation of the proposed segment of the Niobrara River as a "Scenic River"; and,

WHEREAS, the City Councils of the Cities of O'Neill, Atkinson, Springview, Long Pine, Ainsworth, and Valentine have all adopted resolutions opposing the designation of the proposed segment of the Niobrara River as a "Scenic River", demonstrating the general public opinion in the affected area opposing such designation; and,

WHEREAS, the Boards of Directors of the Middle Niobrara Natural Resources District, the Lower Niobrara Natural Resources District, and the Upper Elkhorn Natural Resources District have all noted their opposition to such designation without a previous study of the effects and suitability of such designation; and,

WHEREAS, the members of the Nebraska Congressional delegation other than Representative Virginia Smith have failed to demonstrate any understanding or responsiveness to the concerns of any residents and landowners;

BE IT THEREFORE RESOLVED, by LARRY STARK WFW POST
NO 10651 HOLD REGE NE that the methods and tactics of the sponsors and supporters of the Exon/Hoagland proposal and the Bereuter proposal are hereby condemned and criticized for:

1. their failure to conduct studies to determine the effects and compatibility of designation under the Wild and Scenic Rivers Act with existing agricultural uses and potential future development along the tributaries of said river;

2. their failure to consult with local governing boards and elected officials concerning the needs of the area and the effect of such designation on local residents and on family farms and ranches;

3. their failure to answer and explain the full effects of such designation upon water rights and the uses of surface and ground water in the area; and,

4. their failure to consider the opinions of area residents and area family farmers and ranchers concerning the advisability of such designation.

BE IT FURTHER RESOLVED that LARRY STARK VFW POST 10651 HOLDREGE NE does hereby request all members of the Nebraska Congressional delegation to withdraw support of any legislation designating any segment of the Niobrara River as a "Scenic River" until:

1. a study is performed to determine the effects of such determination and the needs of the entire Niobrara River basin prior to such designation; and,

2. the concerns of area residents, and area family farmers and ranchers, have been considered and resolved.

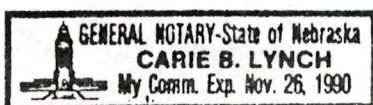
BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to each member of the Nebraska Congressional delegation, to the Chairman of the Subcommittee on National Parks and Public Lands of the United States House of Representatives, and to the Governor of the State of Nebraska, and shall be made available to interested members of the news media.

BY UNANIMOUS VOTE

Ronald L Murray Commander

Ronald E. Gould O Master

Sworn & subscribed before me this 13th day of March, 1990.



*Carie B. Lynch
Notary Public*

RESOLUTION OF THE
NIOBRARA BASIN PRESERVATION ASSOCIATION

WHEREAS, there is presently pending before the Legislature S-280, HR-3823, HR-1673 and HR-761, all of which are attempts to designate the Niobrara River as a scenic river under the Wild and Scenic Rivers Act; and

WHEREAS, after thorough examination of other areas where scenic rivers have been designated in the United States; and

WHEREAS, after discussions with people from those areas and the effect said scenic river designations have had upon the people, their society, the environment, and the economic structure of the communities; and

WHEREAS, the adverse effect of such designation is unnecessary in the Niobrara Basin; and

WHEREAS, the local people have taken good care of said river and preserved it well; and

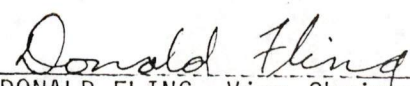
WHEREAS, the vast majority of the land within the Niobrara Basin is agricultural land under private ownership, not governmental ownership; and

WHEREAS, the vast majority of the people within the 76 mile stretch designated by the legislation, and within one-half mile of the river, do not want such legislation, according to a recent poll dated March 5, 1990, wherein 87% of the people who took a position, either for or against such proposition, were against such designation; and

WHEREAS, the economic, social, and environmental impact of such legislation upon the State of Nebraska would be devastating to the local area;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Niobrara Basin Preservation Association that they are firmly against all forms of federal regulation and governmental intervention, including S-280, HR-761, HR-1673, and HR-3823, and urge all Nebraska congressional representatives to stop this legislation immediately.

Dated this 8th day of March, 1990.


DONALD FLING, Vice Chairman

Valentine, Neb.
Mar. 6, 1990

Niobrara Basin Preservation Ass'n.
310 North Main
Ainsworth, Neb.

Dear Sirs:

At the Feb. 1 meeting of the Cherry County Farm Bureau we adopted the following resolution:
"The Cherry County Farm Bureau concurs with the present policy of the Nebraska Farm Bureau and the American Farm Bureau regarding Wild and Scenic Rivers." If you will check these policies you will find that both oppose the establishment of any rivers in Nebraska to the Wild and Scenic Rivers system.

Sincerely,

Wayne J. Rodgers
President

VIRGINIA SMITH
R. 1, NEBRASKA

MADE FROM THE ORIGINAL
(202) 225-0207

COMMITTEE
APPROPRIATIONS

SUBCOMMITTEES:
AGRICULTURE
ENERGY AND
WATER DEVELOPMENT

Congress of the United States

House of Representatives

Washington, D.C. 20515

November 8, 1989

The Honorable Bruce Vento
Chairman
Subcommittee on National Parks and Public Lands
House Committee on Interior and Insular Affairs
A812 HOB Annex 1
Washington, DC 20515

Dear Mr. Chairman:

I want to take this opportunity to make you aware of my strong opposition to a bill that could be brought up on the Senate floor, and subsequently referred to your subcommittee, at any time. The bill, S 280, reported out of the Senate Energy and Natural Resources Committee in early October, is very similar to HR 761, a bill currently pending in your subcommittee.

Both bills would add a 76-mile stretch of Nebraska's Niobrara River to the National Wild and Scenic Rivers System with no chance for review by the National Park Service and no chance for local residents to comment on this action.

S 280, introduced by Senator Exon, and HR 761, introduced by Congressman Hoagland, provide the wrong approach to this situation. Please note that this legislation:

- o is opposed by Governor Kay Orr.
- o is not supported by the National Park Service.
- o does not provide for field hearings to receive local input.
- o is opposed by local landowners and residents.

The Niobrara is indeed a beautiful river, a treasure to behold; however, most residents who live and work in this area feel they can continue to effectively manage the land around the river, as they have for generations, without interference from the Federal Government. These valid concerns deserve to be heard and taken into consideration.

In testimony before the Senate Public Lands, National Parks and Forests Subcommittee on April 5 of this year, I pointed out that not one field hearing has been held on the issue to determine how local residents feel about a scenic designation.

To address this glaring inequity, I introduced legislation, HR 1673, currently pending in your subcommittee, that would require the National Park Service to study the entire 450-mile-long Niobrara River as a potential addition to the National Wild and Scenic Rivers System, instead of simply adding it to the system piecemeal with no review as S 280 and HR 761 propose.

The Honorable Bruce Vento

Page 2

November 8, 1989

My bill, HR 1673, would allow local landowners and residents the opportunity, for the first time since this issue arose, to help in shaping a protection and management plan for the river.

I have attached a copy of a letter sent to me by Governor Kay Orr to express her complete agreement with my legislation. She agrees that farmers and ranchers who make their living from the land along the Niobrara must have a voice in the development of any plan to alter the current management of the river.

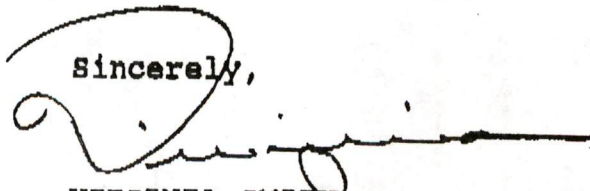
The National Park Service testified during the April 5 hearing that it supports a study rather than S 280. In fact, it is extremely unusual for the National Park Service to add a river to the scenic system without first performing a study.

I did not introduce my legislation as a stalling tactic. If a study is performed, the National Park Service can come up with a strategy--based on the study and input from local residents--that includes a protection and management plan everyone can live with. It may well be that the study will recommend designation as proposed in HR 761 and S 280, but we should not mandate that conclusion without having all the necessary information and following proper, normal procedure.

I hope you will permit me to testify before your subcommittee if any hearings are held on HR 1673, HR 761, or S 280. I appreciate any further assistance you can provide and, if you have any questions or comments, please contact me or Michele Dishong of my staff at 5-6435.

With best wishes, I am

Sincerely,



VIRGINIA SMITH
Member of Congress

VS/md*

The Honorable Virginia Smith
 2202 Rayburn House Building
 Washington, D.C. 20515

Dear Congresswoman Smith:

The opportunity you have extended to support your initiative for a study of the Nebraska scenic river designation is greatly appreciated. My conditional support for the designation has been previously announced. However, given the complexities associated with the designation and given the local concerns expressed, your efforts to perform a study have my full support.

It is still my sincere belief that there are many benefits associated with the designation provided that local interests are preserved. A study of the issue may allay many of the fears of local citizens and provide for diverse interests of Nebraskans. In my opinion, any delay due to the study is little sacrifice in return for certainty that the correct solution to management of the Nebraska is being fully applied.

Once again, your proposal has my full support.

Sincerely,
[Signature]
 KAY M. ORR
 Governor

KAO:bc

March 31, 1989

KAY A. ORR, GOVERNOR

Nebraska State Legislature

SENATOR SANDRA K. SCOFIELD

District No. 49
Box 527
Chadron, Nebraska 69337
(308) 432-5864

Legislative Address:
State Capitol
Lincoln, Nebraska 68509
(402) 471-2725



COMMITTEES

Appropriations
Building Maintenance
Committee on Committees
Performance Review and Audit
Legislative Council

June 8, 1990

Ninety-First Legislature

Rodney Palmer
Niobrara Basin Preservation Association
Box 127
353 North Main
Ainsworth, NE 69210

Dear Rodney:

I am writing you to formally indicate my interest and support for a local plan to protect the Niobrara River. While national legislation is being considered I believe, because the land under consideration is largely privately owned, that a local plan is more appropriate.

The Niobrara River is a unique and beautiful river and deserves protection. However, I have not supported the federal legislation given my preference for local control and because I share concerns about easements, water rights, and the future management of any land that might fall under federal designation.

Obviously if a local plan is to be developed it must address some of the same difficult issues that the federal legislation has raised. I believe we can accomplish these same goals if the various interested parties work together. I stand ready to assist you in the process.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sandy'.

Sandra K. Scofield
Senator, 49th Legislative District

**Fred
Lockwood**
Congress
3rd District

Fred Lockwood For Congress
P.O.Box 45, Scottsbluff, NE 69363

FOR IMMEDIATE RELEASE
January 19, 1990

Contact: Tom Berriman
(308) 635-7708

LOCKWOOD ENDORSES STUDY OF NIOBRARA FOR SCENIC RIVER STATUS

LEXINGTON- Republican congressional candidate Fred Lockwood, Chairman of the Nebraska Economic Forecasting Board and former Scotts Bluff County Commissioner, today endorsed a plan for a one year study of the Niobrara River for designation as a national wild and scenic river. Lockwood presented his views on the northern Nebraska river in meetings yesterday with county officials and residents.

"The Niobrara is certainly one of the most beautiful rivers in our state and deserves consideration for inclusion in the national River system," Lockwood said. "I just completed a three day trip in the northern tier and I listened to the concerns and opinions of the residents that could be effected by this designation. With so much disagreement among the community, as well as the posturing we're seeing from some officials in Washington, a study will represent real progress towards a final resolution."

"I support Congresswoman Smith's call for a study and hope the upcoming meeting she has called to discuss the various proposals will yield some consensus."

Lockwood said he supports a study because the history of scenic river legislation is full of instances where designation has had an adverse impact on the residents of the areas and local economies. "No one is harmed by a study and it will provide vital information that is needed for a thoughtful decision. There is no immediate threat to the river, and it would be in everyone's interest to support a study." Lockwood said that many of the residents effected are opposed to the designation and that many proponents of wild and scenic status reside outside the 3rd District.

Lockwood promised to stay in touch with local communities on this matter. Fred Lockwood is campaigning to succeed retiring Rep. Virginia Smith.



NEWS

For release:
Upon Receipt
March 27, 1990

Contact: Ralph C. Wunder
Press Secretary
(402) 573-8900

DAUB OUTLINES NEW POSITION ON NIOBRARA AS VIRGINIA SMITH, U.S. INTERIOR SECRETARY OFFER CAMPAIGN SUPPORT

Grand Island--U.S. Senate candidate Hal Daub this weekend received the endorsements of Third District Congresswoman Virginia Smith and U.S. Secretary of the Interior Manuel Lujan at a Grand Island campaign rally held to outline Daub's position on the Niobrara River.

"While the Niobrara may well belong to the American people," declared Daub, "It belongs first to the people of Nebraska! All of us who are elected owe it our best effort to try to facilitate a solution at a local level rather than turn the management of our land and water over to nameless, faceless bureaucrats sitting behind desks in Washington. Does Washington know what's better for Nebraska than Nebraskans? I think not.

"Therefore, I would like to announce my support today for Rep. Virginia Smith's bill, H.R. 1673, which calls for a one-year study of the Niobrara River," emphasized Daub. "The scenic river designation should not be allowed passage without exploring other alternatives.

"Let the people of Nebraska decide the fate of Nebraska land and water," said Daub encouraging Rep. Bruce Vento's Committee to "slow down" and "see if a consensus can be reached locally on a common solution." As an alternative to immediate federal designation as a wild and scenic river, Daub offered that a one-tiered, local scenic corridor ordinance jointly formulated by the four affected counties could provide a better solution than unnecessary federal intervention.

In a news conference following their respective remarks, Third District Congresswoman Virginia Smith today announced her support for both Daub's proposal as well as support for his senate campaign.

from
Hal Daub

dan **Govier** Congress

Republican Candidate for Nebraska's Third District
P.O. Box 1462
Grand Island, NE 68802
308/381-7881



Govier against Niobrara designation

Dan Govier, a Republican candidate for Congress, says he opposes the proposed federal "scenic river" designation for Nebraska's Niobrara River.

"My campaign is founded on the idea that the federal government should get out of our lives as much as possible," Govier said in a press release. "To have the feds involved in a scenic river designation is an intrusion we simply don't need."

Govier praised the landowners along the Niobrara. "The landowners have been good stewards of the river," he said. "I simply do not see how the federal government could do a better job of protecting the Niobrara."

Govier said he canoed the Niobrara several times during the 1970s and visited the area during a campaign stop in February.

"In my experience, the Niobrara is a beautiful area that has fared well without the involvement of the federal government. I see no reason to change now."

If a Candidate won't say it to the
press, maybe they don't mean it. I am
with you.

Dan Govier