



**To:**                   **Honorable Members of the Natural Resources Committee**  
State Capitol  
1445 K St.  
Lincoln, NE 68508

**Re:**                   **LB 863 – Ownership of Land by the Game and Parks Commission**

**Position:**       **Oppose**

**Hearing Date:** **January 30, 2020**

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Honorable Members of the Natural Resources Committee:

On behalf of the Congressional Sportsmen's Foundation (CSF), we ask that you oppose Legislative Bill 863 (LB 863), a bill that would prohibit the Nebraska Game and Parks Commission from increasing the total amount of property owned by the Commission after an effective date of September 1, 2020. We request that this letter be included as part of the public hearing record.

Since 1989, CSF has maintained a singleness of purpose that has guided the organization to become the most respected and trusted sportsmen's organization in the political arena. CSF's mission is to work with Congress, governors, and state legislatures to protect and advance hunting, angling, recreational shooting and trapping. The unique and collective force of the Congressional Sportsmen's Caucus, the Governors Sportsmen's Caucus, and the National Assembly of Sportsmen's Caucuses, working closely with CSF, and with the support of major hunting, recreational fishing and shooting, and trapping organizations, serves as an unprecedented network of pro-sportsmen elected officials that advance the interests of America's hunters and anglers.

Hunting participation has generally declined in the United States since the 1980's. During that same time, angling participation has reached a plateau. In an attempt to increase participation in our sporting traditions, many state fish and wildlife agencies have initiated programs designed to increase hunter and angler recruitment, retention, and reactivation (collectively referred to as R3). The Nebraska Game and Parks Commission, in association with various conservation partners, currently hosts several R3 programs to increase participation and recruit future hunters and anglers. Many of these programs take place in Nebraska's state parks and wildlife management areas, lands owned and managed by the Nebraska Game and Parks Commission. Though hunters and anglers use both public and private properties in pursuit of their endeavors, the Commission's ability to host programs on public lands that are readily available for new sportsmen and women is important for the successful recruitment of hunters and anglers who wish to continue explore these activities but do not have access to tracts of private lands. This may be especially true for future potential participants that reside in urban and suburban areas, a target population for many R3 programs, that have had limited or no contact with those who own the private lands that many Nebraskans have the good fortune to recreate upon.

Addressing the declining interest in our sporting heritage is important for the continued success of conservation programs that are funded through the American System of Conservation Funding (ASCF) and limiting the amount of public land to pursue these activities can undermine this successful System. For over 80 years, this “user pays-public benefits” structure, funded through the sale of sporting licenses and excise tax revenue from the Pittman-Robertson and Dingell-Johnson Acts, has provided millions of dollars for conservation efforts throughout the United States. In 2019 alone, the Nebraska Game and Parks Commission received nearly \$37 million through this System.

In addition to the critical funding that sportsmen and women generate for state-based conservation, hunting and angling result in a tremendous contribution to Nebraska’s economy. According to reports published by the American Sportfishing Association and the National Shooting Sports Foundation, Nebraska’s 289,000 hunters and anglers spend \$780 million annually, supporting nearly 12,000 jobs while engaging in their outdoor pursuits. Though many hunters and anglers do have access to private lands, surveys conducted by Responsive Management reported that 46% of hunters cited a lack of access as taking away from their enjoyment of hunting and influencing their decision not to hunt, a decision with clear economic and sociological implications. Again, unnecessarily limiting the amount of public land to hunt and fish has the potential to diminish the strength of this economic engine and our shared hunting and fishing heritage.

In fact, states with a rich sportsmen’s heritage such as Missouri, Tennessee, Florida, Georgia, Illinois, Alabama, Louisiana and Mississippi have taken the approach of adopting “no-net-loss” statutes that create a baseline number of publicly-owned lands open to hunting. As a result, these states and others have embraced the connection between public land hunting, conservation and our outdoor heritage by ensuring that the outdoors remain open and accessible to prospective sportsmen and women as well those who already participate. By limiting the Game and Parks Commission’s ability to acquire new lands, LB 863 proposes that Nebraska proceed in the opposite direction. (See attachment)

Finally, it is also important to acknowledge that all lands purchased or acquired by the Commission are obtained from willing landowners. These landowners have made the choice to sell or donate their property to the Commission often in order to benefit wildlife conservation and public access in Nebraska. By limiting the Commission’s ability to make and accept offers on the properties, LB 863 would deny landowners the ability to provide these opportunities to those who do not have the luxury of participating in hunting or fishing on tracts of private property.

For these reasons, we urge the Committee to reject LB 863.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Keene", written in a cursive style.

Kent Keene  
Lower Midwestern States Coordinator | Congressional Sportsmen’s Foundation  
110 North Carolina Ave., SE, Washington, DC 20003

Attachment: No-Net-Less

# No-Net-Loss

## Introduction

“No-Net-Loss” of public hunting lands has become increasingly more important to ensure access to hunting lands for current and future generations of hunters. Also referred to as “Hunting Heritage Protection Acts,” these bills create a baseline number of publicly owned lands open to hunting, ensuring that future generations have the same opportunities tomorrow that currently exist today.

## History

President George H.W. Bush first addressed the subject of “No-Net-Loss” as a wetland conservation goal for his administration in 1989. After President Bush left office, all of his successors have used their position to bring awareness to the need for legislation. In 2004, at the inaugural National Assembly of Sportsmen’s Caucuses (NASC) Annual Meeting, Illinois Representative Dan Reitz continued the conversation on “No-Net-Loss”, leading it to become a NASC issue brief during the 2005 legislative session. Sportsmen’s caucuses in Missouri, Tennessee, and Virginia passed related legislation in 2007. Sportsmen’s caucuses in Arkansas, Florida, Georgia, Illinois, Louisiana, Maryland, and Mississippi had already previously addressed the issue. Additionally, in early 2010, the Alabama Legislature passed [HB 330](#) (Section 9-11 2.1), which required the Department of Conservation and Natural Resources to “find replacement acreage for hunting lands when existing hunting lands owned or managed by the department are closed to ensure there is no-net-loss of land acreage available for hunting.” In 2018, New Jersey introduced two bills: [AB 156](#)<sup>1</sup> and [SB 533](#)<sup>2</sup>, which call for a new land protection system in New Jersey.

## Points of Interest

- In Florida, many environmental and land conservation groups were concerned that “No-Net-Loss” legislation was trying to open state parks to hunting. Sponsors addressed these concerns by clarifying that State Park lands would not be used as replacement lands.
- This legislation in no way infringes on private property rights or on local governments to manage their own lands.
- Legislation can include a provision that requires state agencies to provide written justification for any closure of public hunting lands and provide annual reports to the legislature detailing the public lands closed to hunting in the preceding year and the lands opened to hunting to compensate for the closure.
- The language should also include the “No-Net-Loss” of public fishing and fishing access points.
- Any replacement lands or waters should be of equal or greater quality wildlife habitat than those it replaces and should be in as close geographical proximity to the closed lands as possible.
- Governor Booth Gardner of Washington issued Executive Order 90-04 in 1990, which commits state agencies to the “No-Net-Loss” wetland policy of avoiding or minimizing damage to wetlands.<sup>3</sup>

## Language

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<sup>1</sup> “New Jersey Assembly Bill 156,” *New Jersey Assembly Agriculture and Natural Resources* (2018). Accessed September 5th, 2019, [https://sn.lexisnexis.com/secure/pe/appwait\\_helper.cgi?wait\\_pid=24330&host=psweb1c085&query\\_id=7zJPNwg3zVDW&app=lpfs&mode=display](https://sn.lexisnexis.com/secure/pe/appwait_helper.cgi?wait_pid=24330&host=psweb1c085&query_id=7zJPNwg3zVDW&app=lpfs&mode=display)

<sup>2</sup> “New Jersey Senate Bill 533,” *New Jersey Senate Environment and Energy Committee* (2018). Accessed September 5th, 2019, [https://sn.lexisnexis.com/secure/pe/appwait\\_helper.cgi?wait\\_pid=24330&host=psweb1c085&query\\_id=7zJPNwg3zVDW&app=lpfs&mode=display](https://sn.lexisnexis.com/secure/pe/appwait_helper.cgi?wait_pid=24330&host=psweb1c085&query_id=7zJPNwg3zVDW&app=lpfs&mode=display)

<sup>3</sup> Craig Welch, and Lynda V. Mapes, “Saving Wetlands: A Broken Promise,” *The Seattle Times* (2008): doi: <http://www.seattletimes.com/seattle-news/saving-wetlands-a-broken-promise/>

The following states have passed “No-Net-Loss” legislation using the language below:

- **Connecticut** [Public Act No. 09-173](#): “The Commissioner of Environmental Protection shall not reduce the amount of state land where hunting is permitted without providing for an equal amount of such land elsewhere in the state. The amount of state land where hunting is permitted shall not be less than the percentage of state land where hunting was permitted as of July 1, 2008.”<sup>4</sup>
- **Maine** [Public Law, Chapter 564](#): “The Bureau may not reduce the total number of acres of non-reserved public lands open to hunting to less than the total number of acres available for hunting on those lands as of January 1, 2008. If non-reserved public lands are closed to hunting for any reason, the bureau must open another comparable parcel of land within the jurisdiction of the bureau for hunting.”<sup>5</sup>
- **Alabama** [Public Act 210-213](#): “Department land management decisions and actions shall not result in any net loss of habitat land acreage available for hunting opportunities on department-owned lands that exist on March 22, 2010. The department shall expeditiously find replacement acreage for hunting to compensate for closures of any existing hunting land. Replacement land, to the greatest extent possible, shall be located within the same administrative region of the department and shall be consistent with the hunting discipline that the department allowed on the closed land.”<sup>6</sup>

### **Moving Forward**

Ensuring access to our natural resources is of paramount importance to our sporting heritage, and so it is strongly recommended that states adopt no-net-loss provisions. It is the duty of each caucus leadership team to determine the best course of action in your state and modify the above language as necessary.

### **Contact**

For more information regarding this issue, please contact:

[Aoibheann Cline \(916\) 633-3664; acline@congressionalssportsmen.org](mailto:aoibheann.cline@congressionalssportsmen.org)

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<sup>4</sup> House Bill No. 5875, “Public Act NO. 09-173,” *Connecticut General Assembly* (2009): Sec.3. 1-8, doi: <https://www.cga.ct.gov/2009/act/Pa/pdf/2009PA-00173-R00HB-05875-PA.PDF>

<sup>5</sup> Public Law, Chapter 564, “Land open to Hunting,” *Maine State Legislature* (2007): 1-2, doi: [http://www.mainelegislature.org/legis/bills/bills\\_123rd/chappdfs/PUBLIC564.pdf](http://www.mainelegislature.org/legis/bills/bills_123rd/chappdfs/PUBLIC564.pdf)

<sup>6</sup> “House Bill 330,” *Alabama House of Representatives* (2010): Sec. (b). 1-6, doi: <http://arc-sos.state.al.us/PAC/SOSACPDF.001/A0007699.PDF>