



**To: Nebraska Legislature Judiciary Committee**

**Re: LB 953 – Change provisions relating to open burning permits and provide limitations on liability and nuisance relating to land-management burning**

**Position: Support**

**Date: January 21, 2021**

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Honorable Members of the Judiciary Committee:

On behalf of the Congressional Sportsmen’s Foundation (CSF), I write to express support for LB 953, a bill to define liability standards for landowners seeking to utilize prescribed burning as a land management practice on private property.

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.

Prescribed burning is an important land management practice that serves a variety of purposes in Nebraska’s diverse, and often fire-adapted, ecosystems. Prescribed burning reduces ground-level fuel loading by consuming dead plant material associated with many native grass species and other fuels that, when accumulated at large levels, could help carry dangerous and damaging wildfires across the landscape. Additionally, when applied properly, prescribed fire is one of the most cost-effective and efficient tools for improving wildlife habitat quality for several species, including important game species like ring-necked pheasant, northern bobwhite, wild turkey, and white-tailed deer, that rely on plant communities best maintained by fire.

While prescribed burning was once common in Nebraska, many landowners have declined to use fire as a land management tool for fear of facing liability lawsuits associated with the inherent risks that the use of prescribed fire does carry. However, extensive research and decades of on-the-ground experience allows today’s professionals to predict fire behavior with a great degree accuracy, largely mitigating many of these risks when prescribed burns are conducted responsibly.

Since the majority of land in Nebraska is privately owned, it is important for Nebraska's wildlife, and, in turn, Nebraska's sportsmen and women, that private landowners can confidently execute habitat management practices like prescribed fire.

Fortunately, LB 953 would address the current legal ambiguity by defining Nebraska's prescribed burn liability standards in a manner that limits the liability risks for landowners who conduct their burns within a reasonable standard of care. By defining gross negligence standards, LB 953 affords landowners the confidence to employ this beneficial land management technique while encouraging them to do so with proper planning and care to mitigate the potential risks associated with its use.

In conclusion, I appreciate the opportunity to express CSF's support for LB 953 as it seeks to define liability standards and facilitate the responsible use of prescribed fire to improve wildlife habitat and, in turn, support Nebraska's hunting heritage. Thank you again for your time and consideration on this matter.

Sincerely,

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

Kent Keene  
Senior Coordinator, Lower Midwestern States and Agriculture Policy  
Congressional Sportsmen's Foundation  
[kkeene@congressionalsportsmen.org](mailto:kkeene@congressionalsportsmen.org) | 816-280-8967