



**One Hundred First Legislature - First Session - 2009**  
**Introducer's Statement of Intent**  
**LB 666**

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**Chairperson:** Chris Langemeier  
**Committee:** Natural Resources  
**Date of Hearing:** February 25, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 666 would change and clarify the powers and duties of the Niobrara Council under the Niobrara Scenic River Act relative to the local management of the Niobrara River as a federally designated Wild and Scenic River. The bill states it is the mission of the Council to provide local representation to the National Park Service and report to the county boards of Brown, Cherry, Keya Paha, and Rock Counties due to their location within the Niobrara scenic river corridor.

Public Law 102-50, the Niobrara Scenic River Designation Act of 1991, amended the Wild and Scenic Rivers Act to designate portions of the Niobrara River as units of the national Wild and Scenic Rivers System. The purpose of the Wild and Scenic Rivers Act is to protect selected American rivers for the benefit and enjoyment of all.

The Wild and Scenic Rivers Act directs the administering agency to prepare a management plan and establish final boundaries for protection of the river. The National Park Service completed a general management plan and environmental impact statement. An option noted in the plan was for the formation of a local management council that would work in partnership with the National Park Service to manage the river. The four affected county commissions, Brown, Cherry, Keya Paha, and Rock, formed the Niobrara Council. The Council and National Park Service entered into a cooperative agreement and the Council was delegated certain management duties.

In March 1998, a lawsuit was filed against the National Park Service for “allowing the Niobrara National Scenic River to be managed by a local council consisting of local landowners, business owners, and politicians.” In 1999, a federal court ruled that the National Park Service had unlawfully delegated its management responsibility on the Niobrara and was prohibited from cooperative efforts with the Council to assist with river resource management.

In response, the Legislature authorized the Council’s creation, forming it to be acceptable to the Park Service, to maintain management of the river, and to authorize zoning powers.

**Principal Introducer:** \_\_\_\_\_  
**Senator Chris Langemeier**