

By Carolyn Lee

The Imperial Republican

As of Nov. 30, when Holt County was added to the list of Livestock Friendly counties, there are 21 such designated counties in Nebraska. Chase County is not one of them.

Those counties designated Livestock Friendly had applied to the Nebraska Department of Agriculture (NDA) to become so. The idea of the program is to encourage development of the livestock industry in the county.

According to the NDA, "Applying for and being designated as a Livestock Friendly County will help non-agriculture residents understand the economic importance of livestock in the county."

Chase County Commissioner Don Weiss Jr. said the county considered applying for the designation about eight years ago, but decided against it. "We didn't want to follow their rules," he said. "We're going to keep our power to ourselves."

He said being accepted for the designation gives zoning power to the state.

The NDA said applying for or receiving a Livestock Friendly County (LFC) designation under the Department program does not in any way affect a county's ability to zone.

"The only authority the Department has under the program is to evaluate how the county has used its zoning powers in terms of treatment of the livestock industry and to make a determination as to whether or not the county is consistent in its approaches with livestock and whether the county and its actions related to the livestock industry warrant an LFC designation," according to the NDA.

Weiss said the commissioners felt there was no reason to apply for the designation because "We're livestock friendly anyway."

Counties approved for the designation include: Adams, Banner, Box Butte, Cuming, Dawes, Deuel, Gage, Garden, Grant Hitchcock, Holt, Jefferson, Kimball, Keith, Lincoln, Morrill, Saline, Scotts Bluff, Sheridan, Wayne and Webster.

Frequently asked questions

Does a county give up zoning authority and local control by participating in the Nebraska Department of Agriculture's Livestock Friendly County program?

No. Applying for or receiving a Livestock Friendly County (LFC) designation under the Department program does not in any way affect a county's ability to zone. There is nothing in the statute that created the LFC program or in the regulations that govern the Department's administration of the program that allows for the state to take over the county's responsibility for zoning. Zoning is a function given to the county by the Nebraska Legislature in Neb. Rev. Stat. §23-114 and following. The LFC program, created by the Legislature as a promotional program, was codified to §§54-2801 and 54-2802. Neither the statute nor the regulations speak about the State, or any of its agencies, controlling zoning.

The only authority the Department has under the program is to evaluate how the county has used its zoning powers in terms of treatment of the livestock industry and to make a determination as to whether or not the county is consistent in its approaches with livestock and whether the county and its actions related to the livestock industry warrant an LFC designation. Can my county be designated as a Livestock Friendly County if it has setbacks that are different than those outlined in the Department's regulations?

Yes. The regulations governing the Department's LFC program were carefully crafted recognizing the unique differences in landscape and needs in the individual counties across

Nebraska. The regulations include a series of criteria in which individual counties will be evaluated by the Director of Agriculture. The setback distances identified in the regulations, like most of the other evaluation criteria, are not definitive, but rather are guidance for the Director in evaluating county applications. The regulations clearly provide opportunities for counties to have practices different than those identified in the guidance (like the setbacks).

The Livestock Friendly County program will cost too much to comply with in both dollars and personnel time.

There is no better way to address the concern of too much financial and personnel cost than to refer to the application form. The county need only originate a resolution and a narrative to apply. The balance of the application requirements are that the county attach copies of documents that already exist. The regulations require an annual report from program participants. The annual report is a simple update of changes to any of the county's filed documents and a description of activities taken by the county to nurture and support livestock during the preceding year.

The Livestock Friendly County program is nothing more than a way to force big livestock operations into my county.

The type of economic activity that is allowed in any county is controlled by that county. A county designated a LFC county, through its own zoning regulations, would retain control of zoning for any livestock operation, just as it does now. Whether a county has been designated an LFC county does not influence in any way the activities that are allowed in that county.

Why should our county seek a Department Livestock Friendly County designation when our county can self declare without going through the Department's certification process?

Working with the Department to secure an LFC designation brings with it recognition and credibility that cannot be achieved simply through self-declaration.

Like any third-party appraisal, the purpose of the Department LFC program is to give the applying county an unbiased evaluation of how the county's zoning regulations and other requirements on livestock production are affecting the future development and growth of the industry in the county. A self-declaration does not provide the same unbiased appraisal as is provided by going through the Department LFC certification program.

Applying for the Department designation sends a strong message of commitment to local farmers and businesses that rely on livestock production. It recognizes their importance to the local community and economy and demonstrates a willingness to have county regulations and actions evaluated to ensure the county is doing all that it can to foster a good environment for growth of those businesses and operations.

The program doesn't do anything there is no incentive to becoming designated a Livestock Friendly County.

While the LFC program itself does not bring with it a direct financial incentive to the county, the incentive to the county for participating in the program is clear - the promotion and growth of the livestock industry within a county, in general, carries both substantial direct and indirect benefits to the county's local economy. Local livestock production generates jobs, an additional marketing outlet for local crop producers, increased tax dollars, and markets for ethanol co-products and other benefits too numerous to list. The Legislature intended this program for economic development in all counties that participate.

Although a specified financial incentive is not currently attached to the LFC program, it is not out of the realm of possibility in the future. The idea of having a direct financial incentive to counties that obtain Department LFC designations was discussed by lawmakers at the time of the

program's creation but did not come to fruition due in part to the State's financial difficulties at the time.

My county doesn't get anything for participating in the program except a logo to use on promotional materials and on our county letterhead.

Department staff participate in trade missions and trade promotion throughout the year. The Department is continually promoting the agricultural products of this state, and promoting Nebraska as a positive place to conduct agricultural business. Counties designated as LFC counties will be promoted as such during these trade missions and promotions. It's important to note that Nebraska commodity boards and agricultural associations also travel extensively in support of the agriculture industry. They, too, would have the option of promoting LFC counties in their numerous contacts. Essentially, a county receives free advertising to a state, national, and international audience advertising that is designed to help the county grow its economy. Without a formal designation, counties will be missing out on numerous exposure opportunities for future economic development.