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Natural Resources Committee
February 21, 2008

[LB1059 LB1162 LB1164]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 21, 2008, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1059, LB1162 and LB1164 and gubernatorial appointments. Senators present: Carol Hudkins, Vice Chairperson; Tom Carlson; Mark Christensen; Annette Dubas; Deb Fischer; Gail Kopplin; and Norman Wallman. Senators absent: LeRoy Loudon. []

SENATOR HUDKINS: Good afternoon, ladies and gentlemen. In case you didn't know, you are attending the public hearing of the Natural Resources Committee. That's kind of like when you get on a plane and they say, if you're not going to Chicago, this would be a good time to get off the plane. For your assistance today and for listening to your bills, we have to my far right, Senator Norm Wallman, who is from Cortland; Senator Annette Dubas, she is from Fullerton; Senator Tom Carlson is from Holdrege; Senator Gail Kopplin is from Gretna; on my right is the committee counsel, Jody Gittins; and to my left is the committee clerk, Barb Koehlmoos; and Senator Mark Christensen from Imperial. I am Senator Carol Hudkins from Malcolm. I am the vice chair of the committee and today I will be chairing as Senator Loudon could not be here. So, thank you for being here. A few rules, shut off your cell phones and if you wish to testify, come to the front of the room and hopefully you will already have filled out one of the green sheets at either door. If you wish to make your feelings known but don't wish to testify, there is a form back there that you may fill out and that form will be an official part of this hearing. This year we are using a computerized transcription program so it is very important that you fill out the green sign-in sheets. If the transcribers have a question on something that you said, this is used to contact you to see what, in fact, you did say. Also if you are testifying on more than one bill, you need to fill out a sheet for each one. When you come up to testify, you may give the green sheet to either the committee clerk or put it in the box but don't turn in the form until you do actually come up to testify. Make sure that we can read your form and as you begin your testimony, please state your name and spell it for the record, even if it's as simple as Bob Jones. Please spell it; it will help our transcribers. Try not to repeat something that has already been said. We know that everyone of your testimonies is the most important thing that we're going to hear today but if we hear it more than four or five times, you start to lose us. So try to bring out new information. If you have hand out material, give it to the page and our page today is Kristen Erthum. She's from Ainsworth and she's a sophomore at Doane College. If you don't wish to testify but you have brought handwritten material, you may submit that and it too will be read into the record. We do not allow booing, hissing or applauding and if you need a drink of water or anything else, ask the page. We'll be more than happy to, hopefully, help you feel as comfortable as is possible. So the first thing on today's agenda is the confirmation hearing for Dr. Lon Keim. He has been appointed to the Environmental Quality Council and Dr. Keim, if you'd like to come up at this time. Please tell us a little about yourself. Of course, your name and spell it, what

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you did in your former life, what you're doing now, why you're being considered for the Environmental Quality Council, what you hope to accomplish and anything else that you would like us to know. [CONFIRMATION]

LON KEIM: (Exhibit 1) Well, good afternoon everyone. I'm Lon Keim, I'm a pulmonary and critical care physician in Omaha and my folks are both Nebraskans. My dad grew up in Davenport, my mom grew up in Lincoln but I came along during the war in '43 and so I spent most of my formative years in Virginia. That's where I got my pharmacy training and then medical school training and did my pulmonary and critical care training at the University of Iowa. I joined Lou Burgher in Internal Medicine and Associates at Clarkson Hospital in 1976 and I've been there since that time. I'm, as stated, a pulmonary and critical care guy and we're supposed to be oxygen experts and in 1986 I started the state's first hyperbaric oxygen facility in Omaha. And in that context have become, such as that it is, one of the experts on carbon monoxide intoxication and worked with the Poison Control Board. I also have rural interests. Our family farms are down around Davenport and I always kind of say, when it comes to smarts, when everybody else was buying Berkshire Hathaway in Omaha, I bought sand in Holt County, (laugh) so I have a piece of ranch property up there and, but have been very interested in the rural interests as well. And as part of my experiences as a physician, I see patients from rural communities, from Auburn, Fremont, Norfolk, O'Neill, Valentine and, but because of these interests in both agriculture and as well as in critical care and pulmonary, I think that's why the Nebraska Medical Association forwarded my name as a nominee. [CONFIRMATION]

SENATOR HUDKINS: All right. Are there questions for Dr. Keim? Senator Carlson. [CONFIRMATION]

SENATOR CARLSON: Senator Hudkins. Dr. Keim, you list a farm in Nuckolls County? [CONFIRMATION]

LON KEIM: Yes, sir. [CONFIRMATION]

SENATOR CARLSON: Tell us a little bit about that, what's there, what...about the operation. [CONFIRMATION]

LON KEIM: Well, it's part of a family operation and my cousin, Larry, farms the farms. They're three separate properties that my dad inherited from his mother and then we bought some additional property right next to them. There is nothing on them but pivots at this particular point in time and so they're row crop farming. Larry, at one point in time, had some feedlot operations but he has evolved more into just grain and grain production at this time. [CONFIRMATION]

SENATOR CARLSON: Where's that located in? [CONFIRMATION]

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LON KEIM: Davenport's in the very, very northwest corner of Thayer County and it's a half a mile to the county line and the farms are all in Nuckolls County so its...Davenport's the mailing address but the farms are all in the northeast corner of...Little Blue River kind of flows from northwest to southeast and there's irrigation capabilities above the Little Blue, and then for the rest of Nuckolls County it, there's not the availability of water, tends to be a little bit less but we're fortunately above the Little Blue River. [CONFIRMATION]

SENATOR CARLSON: Okay. Thank you. [CONFIRMATION]

SENATOR HUDKINS: Other questions? All right, Dr. Keim, thank you very much for being here. [CONFIRMATION]

LON KEIM: Thank you. [CONFIRMATION]

SENATOR HUDKINS: And I'd ask now if there is anyone that would speak in support of this nomination? Is there anyone that would be opposed? Is there anyone that would like to speak neutrally? You're off the hook. Thank you for being here today. [CONFIRMATION]

LON KEIM: Thank you so much. Have a great day everybody. [CONFIRMATION]

SENATOR HUDKINS: We are now ready for our normal hearing schedule and Senator Lautenbaugh is here for LB1059. [LB1059]

SENATOR LAUTENBAUGH: Madam Chair, fellow senators, my name is Scott Lautenbaugh, L-a-u-t-e-n-b-a-u-g-h, and I introduced LB1059. The bill basically provides for a dollar increase to all hunting, deer hunting permits and the use of the funds created would create a deer donation program in Nebraska. This donation program would serve multiple purposes. It would allow for better control of an excessive deer population by allowing hunters to shoot an increased number of deer per permit and donate the additional deer to the state. Secondly, the additional deer will be given to the state for processing and distribution to local food banks providing high quality nourishment for the poor and underprivileged of Nebraska. Third, the donating deer will be processed by recognized meat processors at no real cost to the donor, reducing personal cost to hunters and farmers hunting more deer and providing more deer population control. LB1059 also details the extent to which donations and participation by processors and distributors must be documented so as to ensure the quality of the product being distributed. It's a well documented fact that the deer population across Nebraska has grown. And I believe it's reaching, I would say, a critical problem phase in, particularly the eastern part of the state. This bill addresses the need we face to get the population under control for the good of our communities as well as the need for

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local food banks be provided with a source of high quality protein for needy families of Nebraska. This bill is modeled on a program from Iowa. I have had some conversations with Game and Parks on this. I don't want to describe them as supportive, because they have not said they would be here in support of the bill but they have been helpful, and they understand the goal that we have and I think we all have the same goal, and that is for both safety reasons, but even more so for economic reasons, reducing the surplus population of deer. It's at least possible that because Iowa has a higher number of farmers, that one dollar per permit may not do the trick. We may need to consider two dollars per permit to set up a program that would fund itself or adequately cash flow, if you will. I have several witnesses. I don't think the ink was dry on my appointment before I was contacted by some of my constituents saying, you have to come meet with us. You have to get up to speed on this deer problem. And I believe representatives of the Farm Bureau are here as well to testify and provide additional information on this but at this time I'd be happy to take any questions you might have. [LB1059]

SENATOR HUDKINS: Are there questions? Senator Christensen. [LB1059]

SENATOR CHRISTENSEN: Thank you, Chairman. Thank you, Scott. If I read this right, it says personal consumption and then donate the following. I know a number of people that would like to just hunt and donate. That's not prohibited is it, the way it's written? [LB1059]

SENATOR LAUTENBAUGH: I don't believe so, no. That wasn't our intent. [LB1059]

SENATOR CHRISTENSEN: Okay. [LB1059]

SENATOR HUDKINS: Other questions? Senator Lautenbaugh, I've got two questions. I was reading through here and one place it says, the deer hunting permit will be, the price will be increased by one dollar and this gives you the authority to hunt one for your own use and four others? [LB1059]

SENATOR LAUTENBAUGH: For donation, yes. [LB1059]

SENATOR HUDKINS: For donation. And then somewhere else in here there's something about a depredation permit of \$25. Is that over and above your deer permit? [LB1059]

SENATOR LAUTENBAUGH: Yes, that would be separate, yes. [LB1059]

SENATOR HUDKINS: Okay. So you would have to have the depredation permit before you could do the four for donation. [LB1059]

SENATOR LAUTENBAUGH: Yes. [LB1059]

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SENATOR HUDKINS: All right, thank you. And then the other question, in Section 7 talks about that the commission would set a fair price for the donation of deer. Can you explain that a little more? [LB1059]

SENATOR LAUTENBAUGH: Well, and honestly what we're referring to there as far as setting the price for donation, we referenced the market price here and tell the commission to consider what is paid by retail customers in Nebraska and nearby states to establish an annual per deer processing payment to the meat processors. [LB1059]

SENATOR HUDKINS: Okay. That leads me to my next question. You said that there is no cost to the hunter for the deer processing. Who pays for the processing? [LB1059]

SENATOR LAUTENBAUGH: That's the fund would pay for that. The dollar or two per permit cost would go to set up that fund to pay for the processing costs. [LB1059]

SENATOR HUDKINS: All right. But it's going to cost considerably more than, and like you said, you might have to raise that fee but it's going to cost considerably more than, what does it cost to process a deer? I don't know \$50, \$100? [LB1059]

SENATOR LAUTENBAUGH: Certainly in that range, yeah. Well, and no...it wouldn't be that this one dollar or two dollar per permit would necessarily account for the processing for one deer. Not every deer would be processed under each permit in this way. So we're talking one dollar, two dollar for all of the permits but deer processed under this program would be a much smaller number. So that increase would apply to all permits but it would not apply...you wouldn't be paying for the processing of every single deer taken under every single permit. That's where the difference comes in. This would be a much smaller program than the whole universe of deer hunted and taken. [LB1059]

SENATOR HUDKINS: Okay. All right. Senator Christensen. [LB1059]

SENATOR CHRISTENSEN: Thank you, Chairman. Would there be oversight of Game and Parks on where these...you can take excess deer? Because there may be areas, I don't know of any, but may be areas that don't have surplus. So is there still oversight with Game and Parks aware of that or is it, each permit can take up to four more and not regulate it? [LB1059]

SENATOR LAUTENBAUGH: I believe it would be the latter as we've drafted it. [LB1059]

SENATOR CHRISTENSEN: Okay. I wonder about that, not that...and then how about if the excess was does? If you want to control your population, get rid of the does because if you look at the game, the hunters, a lot of them want sport of the big buck, you could protect those and control the population by the does, would that be a good

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suggestion on, for this or... [LB1059]

SENATOR LAUTENBAUGH: Absolutely. We've...and there actually are more bills to come which underlines the point that we considered a lot of options here and a lot of different ways to address the same goal which is reducing the population. But you are definitely on to something, taking does has a greater impact on reducing the overall population than otherwise. [LB1059]

SENATOR CHRISTENSEN: Okay. [LB1059]

SENATOR HUDKINS: Senator Dubas. [LB1059]

SENATOR DUBAS: Thank you, Senator Hudkins. Senator Lautenbaugh, did you visit with any processors in your area or anywhere else across the state? I know in our particular neck of the woods, quite often a processor has to shut down its beef and pork processing while they do deer and it does put a strain...just regular deer season puts a strain on what they're able to do and if we're looking at increasing the number of animals that can brought in, so I'm just wondering if you talked to any processors on their ability to handle the extra work. [LB1059]

SENATOR LAUTENBAUGH: Not specifically, but I do know that there is that concern because some places there's a very limited number of processors and considering what has to be done to shift back and forth of the processing, there are some areas where this would not be available probably just because of a limited number of processors, and that, you know, what they would have to do to do the processing. But there really wasn't much we could do about that. We couldn't afford to set up additional processors so...but that is certainly a concern, that in some areas it would be limited to the point where it might not work as we would hope just because there would not be processors willing to do it, and this doesn't include anything that would force them to do that. [LB1059]

SENATOR DUBAS: Thank you. And then I know that if you are processing beef or pork to be sold to the public, your facility has to be USDA inspected. Would that same requirement apply to deer that would be in essence given to the public? [LB1059]

SENATOR LAUTENBAUGH: Honestly, I'm not a hundred percent sure. [LB1059]

SENATOR DUBAS: Okay. All right. Thank you. [LB1059]

SENATOR HUDKINS: Any other questions? Okay. Senator, I have one more. Are you a deer hunter? [LB1059]

SENATOR LAUTENBAUGH: Personally, I think everyone who drives a car is a deer

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hunter, (Laughter) but no. [LB1059]

SENATOR HUDKINS: Well true. Okay. I was just curious, (laugh) I've hit my share too. How many pounds of ground deer meat can we expect to get from an animal? [LB1059]

SENATOR LAUTENBAUGH: That I don't know. I have a feeling that some of the witnesses coming are going to have a lot more expertise and experience in that regard. [LB1059]

SENATOR HUDKINS: Well, I think this is a fine idea and you're trying to help contribute protein to those who might not otherwise get what they need. Not everybody likes deer meat. [LB1059]

SENATOR LAUTENBAUGH: That's really true. [LB1059]

SENATOR HUDKINS: And what happens if we suddenly fine 4,000 pounds of deer meat at a food bank and nobody wants it? [LB1059]

SENATOR LAUTENBAUGH: I would assume barring any other uses for it, for nonhuman consumption, it may very well in the end go to waste. [LB1059]

SENATOR HUDKINS: All right. We'll listen to the rest of the testimony. Thank you, very much. [LB1059]

SENATOR LAUTENBAUGH: Thank you. [LB1059]

SENATOR HUDKINS: The first supporter for this bill, please come forward. [LB1059]

JESSICA KOLTERMAN: Thank you, Senator Hudkins, and members of the committee. My name is Jessica Kolterman, K-o-l-t-e-r-m-a-n, and I'm here today on behalf of Nebraska Farm Bureau in support of LB1059, legislation that would build upon Nebraska Game and Parks Commission's current mechanism to control the excessive deer population. We would like to thank Senator Lautenbaugh for bringing this bill as we believe it will help with the problem that some of our farmers and ranchers have been experiencing across the state. Nebraska Farm Bureau's member adopted policy supports reduction in the deer population when such population becomes excessive to the point of resulting in substantial damage to private property, including agricultural land and crops. Because farmers and ranchers provide the vast majority of habitat for wildlife, our members directly feel the financial pain of excessive wildlife populations which is why we support concepts such as these proposed. LB1059 would establish a win-win situation for controlling excessive deer populations by developing a mechanism for hunters to expand their taking of deer during special seasons and utilize the surcharge on these permits to convert the additional takings into food for designated

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food banks. While we recognize there are some logistical issues to consider, as an organization that represents food producers, we think that this concept has merit and as it would help alleviate the growing concern for private property owners, and create positive situations for those in need. We appreciate your consideration and encourage you to advance this bill. I'm happy to answer any questions. [LB1059]

SENATOR HUDKINS: Thank you, Jessica. Questions? Senator Christensen. [LB1059]

SENATOR CHRISTENSEN: Thank you. Do you believe there should be some oversight here with Game and Parks of areas due to...you know, I don't care if you go after all deer or if you go after does, if too many people in one area go after, you could almost be detrimental. Shouldn't this have some type of regulation or... [LB1059]

JESSICA KOLTERMAN: I understand your concerns and I think that's a valid point. I think we're open to looking at any way the committee would feel making this bill... [LB1059]

SENATOR CHRISTENSEN: You're just good with the concept and... [LB1059]

JESSICA KOLTERMAN: Yes. [LB1059]

SENATOR CHRISTENSEN: ...and maybe some tweaking. [LB1059]

JESSICA KOLTERMAN: Yes. Absolutely. [LB1059]

SENATOR CHRISTENSEN: Okay. Thank you. [LB1059]

SENATOR HUDKINS: Other questions? Thank you, very much. [LB1059]

JESSICA KOLTERMAN: Okay. Thank you. [LB1059]

SENATOR HUDKINS: Are there other supporters of the bill? [LB1059]

JEFF SHANER: Hi. My name is Jeff Shaner, S-h-a-n-e-r, and I'm from Ft. Calhoun, Nebraska, and I'm a farmer. I'm here in support of this legislative process in this bill in particular, and to my knowledge, has come about as some efforts that we've had in our area. There is an overpopulation of deer by anybody's account, Game and Parks, Fish and Wildlife, farmers, homeowners, automobile drivers, and this is one thing that can be done to help alleviate that problem. In the process of getting this bill introduced, we've had a series of what you would call town meetings, where we've had a group of producers, farm producers, get together with Senator Lautenbaugh, Game and Parks and U.S. Fish and Wildlife. And the things that keep recurring in those meetings are that from Game and Parks and Fish and Wildlife is, you guys don't know what a problem

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about deer is yet, you should look at what's happening in Michigan and Wisconsin and Ohio and quite frankly, I don't want to have that same experience. And we need to learn from their detriment that we need to take steps to alleviate the problem now before it gets out of control, if it isn't already out of control. This bill will not be the answer to that, but it will be a step in the direction. The other thing that has come to light in those meetings, is that there's no regulatory committee that's going to solve the problem. It's going to be something that's most likely going to be solved from the landowner's point of view, and from actions that the landowners take and this is one step that will help the landowner alleviate those problems. And I would say that, I don't know if it matters, but I would make mostly the same comments to the next two bills that will be introduced by Senator Lautenbaugh as well. [LB1059]

SENATOR HUDKINS: All right. So we will hear your testimony on the next two or do you... [LB1059]

JEFF SHANER: I didn't think you wanted me to repeat myself. (Laughter) [LB1059]

SENATOR HUDKINS: So you will be speaking...you want us to consider you're speaking in support of all three bills this afternoon. [LB1059]

JEFF SHANER: Yes. [LB1059]

SENATOR HUDKINS: Thank you. Are there questions? Senator Christensen. [LB1059]

SENATOR CHRISTENSEN: Thank you, Chairman, and thank you for coming. Would you say, what kind of damage are you seeing? For a crop, it's total crop damage and certain percent or where would you... [LB1059]

JEFF SHANER: Sorry, I didn't mean to interrupt you. [LB1059]

SENATOR CHRISTENSEN: No, go ahead. [LB1059]

JEFF SHANER: I did some very quick and dirty studies of that this morning before we came and my rough analysis shows loss anywhere from 9 to 15 percent of a field and not talking, you know, and my fields are fairly large in comparison to neighboring places. You know, in an 80 acre field I was showing in 2006 there was 7.5 percent damage and in 2007, I think there was 12 percent damage, you know, and using percentages and thousands of dollars of loss and typically, it's a border effect. [LB1059]

SENATOR CHRISTENSEN: Yeah, I agree with you totally. I just kind of wondered in your area. My area southwest there we got places that were figuring 20 percent of the crop is zero and I've got some areas that we don't even pick, the point of the pivot up there. [LB1059]

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JEFF SHANER: Right, Well, when I say 7 percent, 7 to 12 percent damage, that's 7 to 12 percent that there's zero. I'm not, I can't, there would be no way for me to say from any given year...you know, it's easy to pick out where there's zero. It's hard to pick out where you walk by and say, oh, that one looks good, I'm going to take a bite out of it and that's damaged and have no way of analyzing that. [LB1059]

SENATOR CHRISTENSEN: I guess part of my problem in our particular place is, we happen to own the farm ground, we don't own the trees and it's leased trees so we run the problem that nobody gets to hunt there but couple trophies every year and its...that's a situation that's beyond Game and Parks control in a way and I don't know that I want to take the personal property right of saying that the state has to be totally open but I don't know how to address it either. [LB1059]

JEFF SHANER: Well, I think when I spoke to it, it's the landowners are really going to be the ones to solve the problem is it's going to be a landowner, you know, you as a landowner, neighboring another landowner that's got trees and only allow...doesn't do a adequate job to your way of thinking or my way of thinking of controlling the population, to go to your neighbor. Imagine that, talking to your neighbor about the benefits of controlling that population, not only for you, but also the fact that there will be more trophy deer if there's a smaller doe population, deer population because there's more habitat for the trophies to grow. [LB1059]

SENATOR CHRISTENSEN: I guess that's...the reason I asked the part on does was for the reason if we done it detri...late season to get rid of the excess, since I can't speak the word, I can see it benefit get the does out because a number of these people have hunting reserves would let us go take does and I even got us permission for some people that trophy hunt that will let me take people in on their land after they get their trophy to hunt doe only. And that's why I ask these questions because I think it's going to be tough to get on these hunting reserves to take deer general but if it was doe only, we might be able to start hitting our problem. [LB1059]

JEFF SHANER: I don't begin to understand the way that the bills are written and be able to read entirely through a bill and comprehend it all. My understanding, in speaking with Game and Parks, and when this bill, the conception of it was that the four extra tags that came along with when you paid the extra dollar would be a doe only. It may not be written like that. It may not read like that but that was the thought process behind it. [LB1059]

SENATOR CHRISTENSEN: Thank you. [LB1059]

SENATOR HUDKINS: Other questions? Senator Dubas. [LB1059]

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SENATOR DUBAS: Thank you, Senator Hudkins. Thank you, Jeff. I'm aware that, you know, if you're having problems with deer you can get the depredation permit. Is that something that the farmers or the hunters in your area have done? [LB1059]

JEFF SHANER: Absolutely. [LB1059]

SENATOR DUBAS: And it's still not enough? [LB1059]

JEFF SHANER: Correct. There's a wide range of, you know, it's like the perfect storm, type of the thing. There's more habitat than there has ever been. There's less predators. There's less hunting because there's, in our area especially, there's, as the population grows there becomes less safe area to hunt and more of the reserve mentality, I don't want hunting on my property. [LB1059]

SENATOR DUBAS: Okay. Thank you, very much. [LB1059]

SENATOR HUDKINS: Other questions? All right, Jeff, thank you very much for being here. [LB1059]

JEFF SHANER: Thank you. [LB1059]

SENATOR HUDKINS: Is there anyone else that would wish to speak in support of this bill? Is there anyone in opposition? [LB1059]

JOE HERROD: I sat there and decided that instead of testifying neutral, I'd like to...if I testify neutral, I'm going to say things that you're going to say, well, you're not really testifying neutral. [LB1059]

SENATOR HUDKINS: Give us your name, Joe, please. [LB1059]

JOE HERROD: Oh, I'm sorry. Joe Herrod, H-e-r-r-o-d, testifying for the Nebraska Sportsmens Club and if I'd testified neutral, I'd probably be criticized because I would say some of the things about this bill that are troublesome that I'm so positive about the fact that we're getting even more publicity. The newspaper article yesterday in the Omaha World-Herald was good. One of the things it said that some of us don't realize is, this land up there is right across from a federal refuge and there's no hunting that goes on in that refuge. And so the federal government needs to take some responsibility for what's happening here also just like, you know, your landowners down there that lease it out. They have some responsibility and the responsibility shouldn't really fall totally, and the cost fall totally, on the hunter as far as the food. Because this is a social situation of feeding the hungry and I really support all of this but I'd also like you know that there's been a lot of efforts been going on privately. Safari Club International, Whitetails Unlimited, and Ted Nugent's Feed Food for the Hungry have been going on

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for several years and they're all hunter driven and they're in existence. There's Web sites, there's telephones, there's also the Game and Parks has had for quite some time, it's like deer central, or something like that, where you can register to get hunters to come to your ground to take excess ground. So this isn't something that's not been in the sights of sportsmen for many years and we've been working on it and it's not something that hasn't been done by Game and Parks. The troublesome aspect is, that I don't think that we're ready to put into legislation yet what something that goes on over in Iowa because I've researched the Iowa situation. They have 400,000 hunters so at a dollar a piece they get \$400,000 and I believe that...and also in Iowa, you know, it's a denser population and there's so much more deer hunting go on that there's a lot more places set up to do deer than there are in Nebraska. And they do have, I think, they pay a negotiated thing. Anybody that signs up for this program, and Jim Douglas, probably you'll know this, I think they pay about \$65 a deer which means that they do about 6,000 deer. Well, 6,000 deer is not the solution. That's hardly anything and a lot of those 6,000 deer aren't necessarily extra deer. They're just deer that somebody shot that says, hey, I had fun hunting, now I can take it some place and I don't have to do anything more with it, so it's not 6,000 deer extra or killed because of this. They also, the thing is, is that we've done some research. We have looked in Lincoln for places to take deer and I don't know whether it's changed because we did this a few years ago to see what we could do with some of these programs. But unless things have changed, the Lincoln Food Bank does not want deer donated, the Matt Talbot Kitchen does not and Cedars Home for Children does not. They really don't want to deal with it because you look at how people have deer processed, they spend a lot of money, sausage, and jerky, and everything else. You take straight ground deer meat, it's kind of, it's kind of...it's not the most palatable stuff in the world totally so. (Laughter) And I'm a landowner and I have deer and I know all of these about coming out of the trees, I own the trees. And now this is just a little aside but, I...the most deer I ever counted before it got too dark one time, was out on my alfalfa field and there was 138 deer out there and 18 of them were pretty mature bucks. And then we started to put the pencil to irrigating the alfalfa and replanting it as it deteriorated and everything else, and so we decided to, we went from irrigated just regular pasture to just let it be subirrigated pasture and we don't have the deer now. But my neighbor northwest of me has ten pivots of irrigated pasture up in the Sandhills, and now all the deer go by my house and kind of wave and say, you know, we used to enjoy it down here, Joe, but (laugh) you know, we're going up there now so. The trees, yeah, it's such a complex thing that rather than get a law going that something was done over in Iowa and jump right into that right away, put..to my idea would be, to put the money on the license and build a fund, maybe. And then figure out what, you know, we're building up some fund to use for deer depredation, deer control, food, but let's get our hands on what really works in Nebraska, what we really want to do, and get some interested sportsmen and landowners and senators together. And lastly, I'll say, that the sportsmen have never objected to increased fees on licenses. It's, it's...we've voted for higher fees on the Nebraska duck stamp. We voted for higher fees on the aquatic habitat stamp than were actually put in by the Legislature. I'm a little

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hesitant, though, about saying to put a fee directly on the deer license that everybody pays for somebody else that isn't taking the responsibility of taking care of the deer that they shot. So that's a little worrisome, so I think we've got a long ways to go on this but I'm positive that with the good publicity that Senator Lautenbaugh's brought to the subject that, you know, we can maybe get something going. I just, I just...I'd like to step back from it and not throw it out there right away this year. So I'll change my thing from neutral to proponent and that way I can... [LB1059]

SENATOR HUDKINS: Opponent, I think you mean. [LB1059]

JOE HERROD: We're very, yeah, well, no, no, no, no, no. (Laughter) Let me think. I don't want to get into any trouble today, you know. I knew I was in trouble yesterday because when I was a little kid and I was in trouble, the nuns at Blessed Sacrament School didn't call me Joe, they called me Mr. Herrod. (Laughter) And yesterday when Senator Fischer started calling me Mr. Herrod, I knew I was in trouble (laughter) so I'm going to try to stay out of trouble today. But we are very supportive of the minimum fee. We did, that's a no-brainer. I mean, that's just, that's just a minimum fee. And we're going to be kind of neutral on the depredation thing because that's an enormous expense and where's the money going to come from and it's not fair to put that on deer hunters. It's fair to put it on the landowner that's got the trees that he doesn't let anybody hunt. It's fair to put it on the federal government that has a refuge that they don't control. So, you know, that's, that's, I'll just put me neutral on that and then I'll sit down and shut up for the day. [LB1059]

SENATOR HUDKINS: Senator Carlson. [LB1059]

SENATOR CARLSON: Senator Hudkins. [LB1059]

SENATOR HUDKINS: Okay. Excuse me, Senator Carlson. So are you neutral of opposed to this bill? [LB1059]

JOE HERROD: I'm a proponent. (Laughter) [LB1059]

SENATOR HUDKINS: You went from neutral to opposed to proponent. (Laughter) [LB1059]

JOE HERROD: I know, if I testify neutral, and I'm against the bill, I'm an opponent. If I...I'm in so much in favor of the concept that I'm a proponent of doing anything to get rid of deer. (Laughter) You know, help the population. [LB1059]

SENATOR HUDKINS: How about just reservation? [LB1059]

JOE HERROD: You can put me down as neutral then. I know I've been way out of line

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but there's just us guys here, you know, and it's down to the last few. (Laughter)
[LB1059]

SENATOR HUDKINS: I think we're all thoroughly confused, thank you for your testimony. [LB1059]

JOE HERROD: Well, which way am I supposed to mark this now then, what did you decide I am? [LB1059]

JODY GITTINS: A proponent with reservations. [LB1059]

JOE HERROD: Pardon me. [LB1059]

JODY GITTINS: A proponent with reservations? [LB1059]

JOE HERROD: Okay. (Laughter) That's exactly true, yeah, it's a great idea so. Is that a hand up for a question. Okay. [LB1059]

SENATOR HUDKINS: Senator Fischer [LB1059]

SENATOR FISCHER: Thank you, Chairwoman Hudkins. Welcome, Mr. Herrod. (Laughter) I just wanted to clarify that I tend to be very formal at these hearings and I always address fellow senators as Senator or Chairwoman or Chairman, and I try to address all the people coming forward to testify as Mr., Mrs., Senator, whoever comes forward, so I hope you didn't take offense yesterday when I called you Mr. Herrod because that's what I tend to do. [LB1059]

JOE HERROD: Well, actually Mr. Herrod's my dad and he died 20 years ago. (Laughter) I'm Joe, I'm Joe. [LB1059]

SENATOR FISCHER: Okay. Thank you, Mr. Herrod. [LB1059]

SENATOR HUDKINS: Senator Carlson. [LB1059]

SENATOR CARLSON: Okay, Senator Hudkins. Now, probably the next time you come up I'm either going to call you three gear Herrod or shifty, one of the two. (Laughter) I'd like to ask you something about this because it was brought up and it crosses my mind as well. Processing. Now, and Senator Dubas brought up that if you're not USDA approved as a processor, you can't sell that to anybody. If you're not approved, you can process it for an individual for their own use and the package is marked that way. And so then we had an experience and this was a positive thing during my campaign. My wife got a raffle ticket in Edgar. She didn't even know what it was for and we got a call the next week she'd won a half a beef. And so we had it processed and went to pick it

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up. We wanted to give half of it to the nursing home in Edgar and that would be the same thing here that could be a...and you need to utilize all the processors that you could. But the processors that aren't USDA approved could not be processing that meat. So that would be a problem that I think needs to be addressed before you get too many carcasses and don't know what to do with them. [LB1059]

JOE HERROD: Yep. I agree. If there...the state of Kansas donates buffalo from their herd to charitable organizations, the Boy Scouts and everything, and then they can offer off a hunt to go buffalo hunting. And I went along with a friend on this and he had a car dealership and he wanted to serve the buffalo meat and he looked into everything. And so what he had to do, he had to have a USDA inspector there for the kill, do the bleeding, and stay with the animal all the way to get it inspected. And yeah, so that's again, I guess, I'm a proponent of the idea but again with reservations, you know. And the thing, if we're going to spend all of this money and it ends up as dog food or going to the zoo or something, that's not a great deal anyway. So it...all of these ideas are good. We're all going to do something and Jim Douglas is going to tell you lots of great things that the Gaming Commission's been working on for years but again like I say, we're out there, Whitetails Unlimited, Safari Club and everything. We've been doing this. We're doing it and so... [LB1059]

SENATOR HUDKINS: Senator Kopplin. [LB1059]

SENATOR KOPPLIN: Thank you, Senator Hudkins. Joe. (Laughter [LB1059])

JOE HERROD: It's all right, Gail. [LB1059]

SENATOR KOPPLIN: I've been just thinking through things on this. I don't know whether there would be a problem or even if there's a question but I know in the bill it says, the hunter gets to keep the horns, the head, the cape and all that. So if I'm a trophy hunter, I see a pretty good buck, I take it but I don't have to shoot another one until I see an even better buck, would that be correct, the way this bill is written? [LB1059]

JOE HERROD: Well, I don't think it would ever, I don't think anything would ever come out that it wouldn't be doe only. The problem that we have right now is, we have in the state of Nebraska, we sell all of these rifle permits and of the permits that are either sex, 85 percent of them are bucks. Now what kind of a mentality is that. It's something that we've got to get passed because, you know, on my place unless you shoot a trophy buck, you're going to catch heck. You just don't shoot those young bucks, you shoot the does if you want meat. But there's so many guys that go out and boy, if it's got horns on it at all, they've got to get their buck and I don't know how we're ever going to get that. It just...I guess it comes, it's just like shooting hen pheasants. I mean you wouldn't shoot a hen pheasant because you know she's the one that has the chicks but with deer, it's no

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longer that case. We've got to start shooting the hens, so to speak, of the deer population so. [LB1059]

SENATOR KOPPLIN: I had another question and it's been partially answered already. I'm a little bit concerned about the processing because you are giving meat to people in need and they're accepting it at face value, this is great meat. But we don't have enough inspectors to do that, do we? [LB1059]

JOE HERROD: Enough... [LB1059]

SENATOR KOPPLIN: Inspectors to really say these deer... [LB1059]

JOE HERROD: Oh, absolutely not because deer processors, in my experience, deer processors are either a processor that takes in a lot of live animals and takes care of them. We take ours down to Elsie, Nebraska, and he doesn't do deer. He isn't going to shut down his operation and do deer and then clean the whole thing up and if he is, it would only be for the week of rifle season. We're talking about shooting these deer all through muzzleloader season for another month and where is going to be a processor that's going to shut an inspected operation? They're going to be few and far between. And to me, it's a tremendous bureaucratic burden to put on the Game Commission to try and figure all of this out. It's got a tremendous cost to it and it's kind of like more government. Yeah, it's going to take care of a few deer and it's going to take care of maybe a few hungry people but, you know, we've got to decide we're doing one of two things. We're either trying to reduce the deer population or either we're trying to feed the hungry, you know. And I think right now, the big thing is to figure out how to reduce the deer population and we let us private guys figure out where to take deer through our groups to feed the hungry because we're doing an awful lot of it. In fact, we might be at the saturation point of those people that want it, I don't know. [LB1059]

SENATOR HUDKINS: Other questions? Okay. One further question, Joe, if you were king for a day, how would you address the overpopulation of deer? [LB1059]

JOE HERROD: If I was king for the day, the first thing that I'd do was wish you happy birthday because I forgot. (Laughter) This is the third time I've been in this hearing room that it's been her birthday, so thanks. But now, if I was king for the day besides your birthday? [LB1059]

SENATOR HUDKINS: Yeah. How would you get...and knowing there are Game and Parks people behind you, (laughter) what would be the most realistic, reliable method? My opinion is, okay, everybody who gets a deer permit, you shoot a doe first and then you can do your buck. What do you think? [LB1059]

JOE HERROD: Well, I think that you have to look carefully at that. I'd like to see where

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they've done it first and see what it is. Because to me, there might be guys that might have an opposite affect. They might just say, well, if I've got to go out and shoot a doe before I can shoot a buck, I'm just not even going to buy the license and that's going to drive down the revenue and it's going to be making less deer kill. So I think you have to look, you have to get, let somebody else try that first, that would be my thing. I will tell you that a landowner could sure put that...if you guys that have the trees and the guys that come out and hunt trophy bucks down in Senator Christensen's area, if that guy would just say, guys, my neighbors have got a problem. I know you're trophy hunting and everything else but one of the rules is from now on, to keep this lease, you've got to shoot four does. (laugh) I don't know, maybe...I don't know, it's a tough deal. Landowners could get it done. I don't think...I'd hate to see it a regulation before it was studied a little bit more. [LB1059]

SENATOR HUDKINS: All right, thank you. Senator Christensen. [LB1059]

SENATOR CHRISTENSEN: Thank you. When you're saying landowners can get it done, now you're just saying if we got the property and we're letting only restricted people in, we're going to force the does, hunting it that way? [LB1059]

JOE HERROD: Well, they could, I guess, some landowners could. But you and I both know that the leased up ground is producing tons of deer and only a couple of them are coming off. In fact, I've got an example where a bunch of wealthy people from Colorado bought two miles of the river about five miles west of me and there used to be the Gifford family and the Gifford family used to take 30 deer off of that thing every year. Now they're out, and these guys buy about one outstate license, and the Game Commission has been up there checking to make sure that they have out-of-state permits, etcetera, but they kill about one big buck a year and they don't kill anything else, and so those 30 deer that used to go to the Giffords now are 60 deer the year after that, and are 120 deer the year after that, and they're all over that road down there. You go 15 miles an hour down past that place now so, or you're going to have a problem so. [LB1059]

SENATOR HUDKINS: Other questions? All right, thank you. Okay, are we still on support testimony, I...(Laughter) Okay. [LB1059]

WES SHEETS: I think so, Senator. I hope so. Good afternoon, Senator Hudkins and members of Natural Resources Committee, my name is Wes Sheets, S-h-e-e-t-s. I'm appearing before you on behalf of the Nebraska Division of the Izaak Walton League and myself as a long-time hunter and hope to continue to do that. And thank you, Madam Counsel, for giving me an opportunity to switch my mission to become a proponent with reservations and that's how I'd like to couch these remarks, of course. The concept is extremely good and we see tremendous merits in that and we like it. The devil is always in the details and I think the details as spelled out in the bill are

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particularly troublesome and I'll mention a couple of them. But before I do that, I would just tell you that, and many of you know some of my past history. I may be a part of this whole problem, and I point this out as just a bit of information additional that 10 to 15 years ago, I don't remember when it started, as my role in the Game and Parks Commission, we worked with the Department of Agriculture and developed a cooperative program with them that would assist private landowners in hooking up with hunters and then in return then, they were, they would be able to receive access fees or those sorts of things. We tried to find ways to start working on those problems many years ago, of course, and increase that hunting pressure on a herd. Well, it didn't really work, as was pointed by Joe and other testifiers that, you know, the high dollar hunts, the opportunity for a landowner to receive significant compensation for allowing a hunter to come in on his ranch, meant that he probably had to have this trophy critter that somebody from Chicago or somewhere may pay big bucks to come out and attempt to harvest. So while it was a good idea and it was, I think, well received, you know, at Senator Fischer's left, but there were several ranchers in the Sandhills I know took quite a good advantage of that. But to create that trophy deer hunting, their local management required they limit the harvest of everything to get...so they could get the big bucks. So I'll admit to being somewhat of a party to creating the problem but I think the real issue is, that this specie, as a biologist, this specie has found extremely favorable habitat. Some of the factors beyond our control, you know, our predator populations have been...have went to heck with the mange situation. We have very few coyotes in most of Nebraska now and those sorts of things. Crops are good, you know, forage supplies are excellent and I think it was perhaps Jeff that testified that, you know, the landscape's changing. We're getting fewer or fewer and fewer large tracks of land and more and more, particularly in his area in eastern Nebraska, little small communes of urbanization that complicates the issue of hunting and once again, the number of hunters is declining each year, so we don't have the hunter base out there working on the overall situation. All those...it's a huge, it's a huge issue and I think it's a very complicated issue that I would be reserved at suggesting that the...all the criteria that are put in the bill was one buck, and one deer, and four for donation is certainly an issue that shouldn't be legislation but would rather be left to the Game and Parks Commission to try to accomplish with rules and regulations. As you know, biologies, populations are very dynamic and they can grow and decline in a rather rapid period of time so you need to have the flexibility to respond to those occurrences real fast. And as an example, one of the really wrinkles in here that sort of comes to play with the processing, we're to establish, I don't know what the exact language was, but to establish a dollar amount per deer per processor or per distributor or something and as, I think, Senator Dubas was getting to, one deer, a seven-year-old deer may produce 12, 10 or 12 pounds of ground hamburger out of it depending on if it was a nice clean kill or not for example. On the opposite side, maybe a 3-year-old big buck would be 40 or 50 pounds or 60 pounds of ground hamburger, so it becomes very pricey for a processor to spend \$100 to get eight or ten pounds of ground hamburger out of a deer. So just one of the little technical aspects that needs to be certainly removed from the bill. I think that

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probably...I just want to throw out these things as to identify that the problem is huge and hunters or sportsmen, I would tell you that, yes, I as a hunter would be quite happy to spend an extra dollar or two dollars or three dollars on my hunting permit and I had several of those last year. I was unable to fill all those tags. You know, there is an issue in that respect. I would suggest, though, that this problem may be large enough that we ought to go back to the Department of Ag and other state departments and look at it as a huge issue, partially funded by General Fund dollars through the Department of Ag, get their help to make the whole thing work as they're working with their landowners. I would personally hate to see the Game and Parks Commission be tacked with the total bill it takes to process a whole lot of deer and then try and find places to give them because, as been mentioned before, there's not a lot of people that are going to accept those contributions. With that I will conclude my testimony and I appreciate the opportunity to be here, of course. I hope I have added one or two items to the mix. [LB1059]

SENATOR HUDKINS: Are there questions? Senator Dubas. [LB1059]

SENATOR DUBAS: Thank you, Senator Hudkins. Thank you, Mr. Sheets. I asked this question earlier about the depredation permit. Do you feel that this problem is bigger than what that, the depredation permits allows us to address? [LB1059]

WES SHEETS: Well, I think that the existing statutes dealing with depredation permits are quite adequate to be a part of the solution. I'm not going to tell you that that and existing rules and regulations are on track to take care of the issue of the huge population that seems to be growing out there. I would be very hopeful and anticipate that, you know, Mr. Douglas is here from Game and Parks, and I suggest that they probably have some ideas now of things to try and ways to go to begin to alleviate that. The issue of a depredation season, is that in this bill? Yeah, that's in this bill, creating, doing something to the depredation season is nothing that we don't have already. There's the opportunity for the department to create depredation seasons but it's a most unsavory aspect in the eyes of a lot of people and that needs to be one of the last resorts certainly in the eyes of hunters and many citizens, so. And I don't know if I've answered your question, Senator, or not, but it's...depredation permits can be used and can be successful and, but they need to be judiciously monitored and watched, of course. [LB1059]

SENATOR DUBAS: Thank you. You did answer my question. [LB1059]

SENATOR HUDKINS: Other questions? Thank you very much. [LB1059]

WES SHEETS: Okay, thank you, Senator. [LB1059]

SENATOR HUDKINS: Now, I'll ask one more time, is there anyone else wishing to

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Speak in support? This is your last chance. Anyone in opposition? Anyone neutral?
[LB1059]

JIM DOUGLAS: Madam Chair, Senators, my name is Jim Douglas, J-i-m D-o-u-g-l-a-s. I serve as the wildlife division administrator for the Nebraska Game and Parks Commission. I'm headquartered in Lincoln, Nebraska. I'm here to represent the Nebraska Game and Parks Commission in testimony on this bill. I offer testimony in a neutral capacity and primarily hope that since the Nebraska Game and Parks Commission has investigated this concept over the last year and a half especially, that I might be able, we might be able to add important discussion to the contemplation of legislation concerning this. As I've sat and listened to a lot of the questions that you've asked, I think I could provide some additional answers to some of those and I'm trying to decide how much, you know, where to start and I don't want to start with the beginning of time on how we approached deer management in Nebraska. But I did hear a couple of things that I probably should provide information on to correct, perhaps, some misperceptions. The first is, that we have a "deer problem" perhaps over the whole state and we actually have a quite diverse situation. I don't mean to minimize those places where we have problems. We have a diverse situation with deer in the state of Nebraska. First, because we have both whitetail deer and mule deer, which have different growth rates, and have to manage somewhat differently, like when taking into consideration anything we do on any kind of a statewide basis. Secondly, because the difference in habitat across the state causes us to find ourselves in a situation where we have all the way from one deer per square mile on average, to sometimes in the wintertime, population density approaching 200 deer per square mile along the Missouri River. So we have those diverse situations to deal with. And because we have that diversity of situations, in the general sense, we approach deer management through a series of units that we've described across the state where we have different prescriptions for take and different kinds of permits that are allowed, in addition to statewide permits. We're talking about the problems mostly, I think, today that are associated with whitetail deer populations, especially in eastern Nebraska. And I might say, especially along river courses including the Missouri River, certainly including Washington County, the people have referred to today. You have already heard some of the reasons why we may have more of a problem in some of those places today than we might have had at some time in the recent past. Part of that has been talked about with the fact that there's places where people aren't hunting deer where they should be hunting deer or they're not killing antlerless deer where they should be. It's also true that the urbanization aspect is starting to be more and more of a factor. In Washington County there's a lot of valleys and so on where houses are being built. These defacto refuges, in addition to like the federal refuges that were referred to, are a problem for us as we move forward. So we can have a strategy to affect deer management, deer population levels on the larger scale through the kinds of permits that we offer, the number of permits that we offer and so on and so forth, but at some point we do have to address access to, for the killing of deer. And the hunters in Nebraska essentially are

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the control of the deer population for the most part. Our deer population is actually the lowest of any of our neighboring states, about 325,000 deer in total. We have 48 firearm units across the state and we do all kinds of permitting scenarios but we killed 68,000 deer in Nebraska last year approximately. And it was a record number of deer that we harvested, 22,000 of those were antlerless whitetail deer. We would like to see an additional 10,000 antlerless whitetail deer killed in Nebraska next year and so we've developed some strategies for that. So in the overall sense, what we're going to do is, we're going to offer a lot more antlerless opportunities for people next year and many of those are going to be essentially free opportunities. We will do that by what we commonly refer to as bonus tags that can only be used to take an antlerless deer, that in effect increase the bag limit on a permit. All of the units in the eastern one-third of the state, plus some units that are in a river courses elsewhere in the state, will have a bonus tag on them next year that allow the taking of an antlerless deer. In addition to that, four of the statewide permits that we offer, including landowner permits, will have that bonus tag on it. But there's about 11,000 landowner tags that are given at half price to landowners each year and those unfortunately, you know, their take of deer is very similar to the general hunting population. When they have...those are either sex tags, but 85 percent of those are filled with a buck rather than a doe. So with this antlerless bonus tag, that, whatever that activity is can continue but there will be an antlerless bonus tag and theoretically at least, landowners could take 11,000 antlerless deer next year on their tags. But in addition to that, there's going to be 87,000 antlerless deer tags issued as bonus tags in...now, I'm have to back up and say this is our recommendation to our board of commissioners at its upcoming March meeting so that hasn't been finalized yet. But that's our recommendation for...and that's \$2.5 million worth of deer tags if we were putting a price on those deer tags. So we intend to be serious about approaching the problem where we do have a problem in eastern Nebraska and offering that opportunity. No matter what we do on the larger scale, however, because of these situations that exist where you cannot always have access everywhere, you ought to have access or somebody's not killing the deer on their particular property that they ought to kill, we're going to have individual case by case situations where we're going to have to do more for an individual rancher or farmer where they have a problem. And we have been doing that. We have an abatement program where we provide cost-share or in sometimes 100 percent depending of the cost of fencing, especially in western Nebraska fencing out stockyards, and so on and so forth. In eastern Nebraska we provide some cost-share for electric fencing and so on. But when that doesn't do what we need to have done, we use authority that we have under statute to issue what we colloquially call kill permits for landowners. Now persons referred to those today as depredation permits and that's actually a different kind of a permit under statute 37-488. That's a different section. We seldom, we seldom actually have what is termed a depredation season under that part of statute. We instead use a different statutory authority that we have under 37-560 where we can take any means necessary to take deer or other wildlife that are causing damage for landowners. So the landowners that we've worked with in Washington County and elsewhere, we issue what are called kill

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permits and those don't cost anything. Those can be used by the landowner or by people that they designate to use those that are approved by the Game and Parks Commission. We authorized about 1,000 deer to be taken last year under those permits and that's been increasing each year. Ten years ago, we didn't issue any of those permits under that authority and statute. I bring that up because LB1059, for example, actually sort of ties itself back to 37-488 where it talks about depredation seasons and permits under depredation seasons, and it probably should not. Getting to where the focus is right now on LB1059 with the hunters, sort of the hunters feeding the hungry program, it would be the Game and Parks Commission's contention that we wouldn't necessarily want to tie that donation opportunity back only to that section of law. The way that we, for example, these bonus tags, antlerless tags that I referred to earlier, many of those are going on what are called season choice permits where the person can use them in any season until they fill them throughout the year. Those season choice permits are directed in a smaller unit basis than regular large unit permits and they focus on these rivers, and so on. So we may want people to take a deer out that take one, using one of those permits or even taking, you know, using a bonus tag off a regular November firearm deer permit to be able to donate that deer if we had a donate the deer program. So there is, I think, the commission thinks there's some work to be done on LB1059 if we were going to use it in the most efficient way. Additionally, we've looked at what has happened in some other states concerning deer donation programs and some states recognizing that if every deer hunter pays for such a program, they wouldn't all have the same opportunity necessarily to use it. In other words, there may be a deer hunter in western Nebraska that doesn't fit well into a distribution network, doesn't find the kind of facility to process the deer that he needs to be able to donate the deer, etcetera. He's still going to pay perhaps under this bill, you know, one dollar, perhaps more but he has no opportunity to actually use it. Or we have a lot of deer hunters that do just shoot one deer, they want to consume that deer, they don't want to donate it, they're paying extra for their deer permit but they're not really taking advantage of the program from their perspective. So some states have gone with a voluntary program. For example, I'd say, Kansas is that way, Wyoming is that way, Colorado is that way. South Dakota has a combination and when I say donation, for example, if you buy your permit off the Web site like many do today on deer permits, you'd have a checkoff box where you could say, yes, I want to donate some money to this feed the hungry program. So many states have taken the approach of donation so that the people that really want to participate in this, are spending the money to do so. Also, the reason that we're testifying in a neutral capacity to this bill, besides the fact that there's probably some details that would need to be worked out to make it most efficient, is that there's...we don't want people to have expectations that wouldn't be realized from the bill. The way the bill is currently written, and it's been brought up, it would bring in about \$130,000. There's going to be at least \$50,000 of that \$130,000 that would go to administration of this program which would leave \$70,000 perhaps for paying for processing which is 1,000 deer. And as someone pointed out, only a proportionate of that 1,000 deer would be new deer, so to speak, additional deer that

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were to be shot if you didn't have the program. So it would not go a long way as written towards increasing the kill of deer. It certainly wouldn't go anywhere near the way that we're talking about trying to accomplishing 10,000 more deer being killed in eastern Nebraska. So certainly it could be said that anything would be better than nothing but people shouldn't have unrealistic expectations of what this bill would do as written. If you would have a specific charge for every deer hunter to administer a program in Nebraska, you would need to do \$2 or \$3 per permit to have a program that could make a difference perhaps in additional deer being killed. So because it's hard for the commission to decide whether the best thing to do would be to start out with a donate, you know, with a program of donations as a sort of a pilot and work out some of those details, or whether if you're going to go into it full blown, you'd actually want to go into it three times as large as what's being contemplated, we have reservations at this point and would prefer that we work on those details that more attention is given to what other states are doing and we try to fashion whatever would be best for Nebraska. As someone pointed out, this is based on Iowa's law. As a matter of fact, it's based on Iowa's regulations. It's based on their law but most of the bill language in this bill was taken from their regulations. So it has an awful lot of detail in it, like the commission will provide two pound plastic bags and, you know, and it's...that level of detail usually left to regulation. We might want three pound bags or ten pound bags. I don't mean to be trite but there's a really lot of detail in this statute and a lot of it would probably be best left to regulation. With that, I would answer any questions you might have. [LB1059]

SENATOR HUDKINS: Questions? Senator Wallman, first. [LB1059]

SENATOR WALLMAN: Thank you, Senator Hudkins. Thank you, Mr. Douglas. I agree there's...one of my best friends lost their son to a deer accident, motorcycle, two miles from my place and we got Wilderness Park, you know, right outside of town. You can't hunt in there so we have tremendous issues there. So is the Game Commission letting any...of course, in my area they claim there's some mountain lions, you know, in the Nemaha River bottom and the Blue, which I represent. So is there anything about that big game coming down you think, being released? I know you can't say that but that's one way. [LB1059]

JIM DOUGLAS: Senator, is your question, has the commission participated in any mountain release programs? [LB1059]

SENATOR WALLMAN: Yeah, yeah. [LB1059]

JIM DOUGLAS: The answer is unequivocally, no. [LB1059]

SENATOR WALLMAN: I know Marshall County, Kansas, I know some cattle producers and he's actually shot one and so it was Mark, evidently Kansas Game Commission, and that did cut down the deer population but it also cut down on baby calves.

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(Laughter) So that's not the answer, I mean, we've got to shoot more as hunters, I feel. [LB1059]

JIM DOUGLAS: Senator, if I might comment. We do have mountain lions in the state of Nebraska. Nebraska Game and Parks Commission didn't release mountain lions but we do have mountain lions. In some parts of northwest Nebraska it's a growing population of mountain lions. We're looking at what South Dakota and North Dakota has done recently with mountain lion seasons and at some point we'll need to address mountain lions in some fashion differently than we are right now. [LB1059]

SENATOR WALLMAN: Thank you. [LB1059]

SENATOR HUDKINS: Senator Christensen. [LB1059]

SENATOR CHRISTENSEN: Thank you, Senator Hudkins. Thank you, Mr. Douglas. Either get me some information on this abatement program or if you think it's pertinent to this bill right now, explain the fencing program or abatement program. I don't care which, I'd like to have more information on it sometime. [LB1059]

JIM DOUGLAS: Senator, I'd be happy to do both. I can give you a little more information now and provide you more complete information in writing or however you would like to take it. The commission spends about \$80,000 to \$100,000 a year in providing materials for abatement, fencing materials primarily. And that doesn't count Nebraska Game and Parks Commission time in abatement. As I mentioned earlier, a lot of that is fencing material in the west to protect forage crops that, you know, are harvested and stored in the field. However, we have cost-shared, we have a \$800 per person per year limit at the present time that we've established to try to spread these dollars out but we have cost-shared on high tensile electric fence north of the river in that Mahoney Park region for people that were...had said they've finally decided they want New Zealand type fence around their whole corn field and we participated on more than one year on that to help them get that done. [LB1059]

SENATOR CHRISTENSEN: Thank you. [LB1059]

SENATOR HUDKINS: Any other questions? My question too, goes to the electric fence. What kind of electric fence are you envisioning to keep the deer out? [LB1059]

JIM DOUGLAS: Well, there's all kinds of electric fence that's tried. The only really effective electric fence, and it's not totally effective, is multi wire high tensile, what's commonly referred to New Zealand type fence, very expensive fence. On small isolated situations, you know, we have provided tape, electric tape that people use but I don't think that it's a good solution to the problem. Our fencing primarily, if it's electric, it needs to be something substantial. Otherwise, we're talking about excluding deer or

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antelope or other wildlife from forage crops. [LB1059]

SENATOR HUDKINS: Thank you. Any other questions? Thank you for your help. Is there any other neutral testimony? Senator Lautenbaugh, would you like to close? [LB1059]

SENATOR LAUTENBAUGH: Thank you, Madam Chairman, fellow senators. Briefly, as I tried to indicate at the beginning, there is not a lot of pride in authorship in this bill, of course. I indicated it was taken from Iowa. There are programs in Wisconsin, New Jersey, and elsewhere. We recognize there are issues we need to work out regarding whether or not the additional charge per permit would bring in the money we need to actually make the program successful. Additionally, I was advised that we can probably count on 20 to 35 pounds from a doe and maybe 25 to 45 pounds from a buck or two shelves worth in the freezer if you wanted to nominate it in that way. So, I hope that answers your question, Senator Hudkins, that you asked earlier. As far as limiting it to does, that's entirely reasonable and we had discussed that as well. Again, we're willing to work with Game and Parks, we're willing to do what we need to do. This is one attempt to hopefully address a portion of the problem. We want a multifaceted approach because I think that's the only thing that will be successful and that's why there's a couple more bills coming, obviously. [LB1059]

SENATOR HUDKINS: Questions for Senator Lautenbaugh? All right, thank you very much. [LB1059]

SENATOR LAUTENBAUGH: Thank you. [LB1059]

SENATOR HUDKINS: That will close the hearing on LB1059 and if you would like to open next, Senator Lautenbaugh, on LB1162. [LB1059]

SENATOR LAUTENBAUGH: Thank you, Madam Chair, members of the committee. My name is Scott Lautenbaugh, L-a-u-t-e-n-b-a-u-g-h. LB1162 looks like a lot more than it is. This was sort of a drafting thing, if you will. The goal of this bill, and the reason that we brought it forth, was simply to lower, remove, I should say, the floor on regular deer permits and depredation permits. It was suggested to us that the easiest way to do that might be to remove all floors and then amend it back to just the two permits I just mentioned. So there is an amendment that we've offered that just makes it focus on removing the floor for the regular deer permits and the depredation permits and quite simply, that's all we're after in the first place and the goal of doing that is the same as the goal in the prior bill, which is to, hopefully, do what we can, whatever we can, to address the excess deer population. I'd be happy to take any questions. [LB1162]

SENATOR HUDKINS: Questions? Seeing none, thank you. And the first person in support, please come forward. Are there others going to be speaking in support? All

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right, good. [LB1162]

WES SHEETS: I'm going to be very brief, Senator Hudkins, and members of committee. My name is Wes Sheets again, S-h-e-e-t-s. I want you to know that the Sportsmen and men and women of the Izaak Walton League support this issue and we see it as a uncomplicating issue for Game and Parks administration. Simply gives them a little bit more latitude in providing low cost hunting permits that will work on a program. But we wanted to be on record as supporting this bill and bills similar to that, that might lend a little issue, little help. So thank you very much. [LB1162]

SENATOR HUDKINS: Are there questions? Seeing none, thank you. [LB1162]

JOE HERROD: My name is Joe Herrod, H-e-r-r-o-d, here representing Nebraska Council of Sportsmens Clubs. We want to be on the record as supporting this concept and any, you know, it might need a little tweaking, but whatever the concept is, it's kind of, why didn't we do it before, so. [LB1162]

SENATOR HUDKINS: Questions? Thank you, very much. Next person. [LB1162]

JIM DOUGLAS: Madam Chair, Senators, again for the record, my name is Jim Douglas, J-i-m D-o-u-g-l-a-s. I serve as the wildlife division administrator for the Nebraska Game and Parks Commission and on the behalf of the Game and Parks Commission, we'd like to offer our support for LB1162. We actually could support this bill whether it was amended or not. It takes the lower limit off of essentially all of our permits but that would give the commission a lot of latitude to do, take full advantage of LB299 that was passed last year or the session before, which allows us to put multiple permits together. For example, we may want to have a deer-turkey permit. But we may want to offer that at a reduced cost that would be less than what either, any of the two together added up to be. And specifically, when LB299 was passed, it already took the lower limit off deer permits and some other permits but it did not take the lower limit off of the depredation permits that were referred to in earlier testimony. And if we use that section of law to have a depredation season, we may want to charge nothing or literally nothing for those permits for persons. So we support this bill. [LB1162]

SENATOR HUDKINS: Thank you. are there questions? Seeing none, thank you for your testimony. Next person, please. [LB1162]

AAGE JENSEN: Hello. I am Aage Jensen, A-a-g-e J-e-n-s-e-n. I'm a producer in the Washington County area, neighboring Jeff Shaner who spoke earlier, and we have another fellow, Dick Teets, back there. He may not come up to speak today. He might, we don't know yet. We're basically here just to shine light on the issue. We have a situation obviously, and we're doing anything within legal bounds that we can do to get, take care of the situation. If...unfortunately, what's probably going to happen that the

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population may get so large that eventually the animals will become diseased, I imagine, and it may take care of itself in that way. But we're hoping just to increase the hunts. Myself in the last...I have just a little, well, it's a little place considered anymore, it's like 300 acre farm, and I'll have anywhere from 200 to 300 head of deer grazing it and I harvest in the last three years averaging about 30 to 40 head each year and the numbers are still increasing. We are getting cooperation from the local Boyer Chute and Game and Parks, Fish and Wildlife. They're more than happy to help us it seems like and that's basically our situation down there. I'm bordered myself, I have the border refuge is on my north and south line and then I have timber on my west line and I have the Missouri River on my east line so I'm basically...out of 200 acres of corn I lost 40 acres of it last year and I'm losing on the beans, I had 20 acres I lost out of 160, so it's 15 to 20 percent zero production on. So I appreciate your letting me speak and I'm just to the point and that's about all I have to say on the issue. If you have any questions for me. [LB1162]

SENATOR HUDKINS: Questions? Just a curiosity question. Can you take any of that loss against crop insurance? [LB1162]

AAGE JENSEN: Yes. Yeah, they do so far, they are paying for wildlife damage but like I was saying on our drive up here today with my friends, that probably we will have a, I imagine, a rider some day or they may not pay for it, I don't know. So far, they've cooperated. [LB1162]

SENATOR HUDKINS: Senator Christensen. [LB1162]

SENATOR CHRISTENSEN: Thank you, Senator Hudkins and thank you. But you can't take any of that off your crop insurance unless you have a loss on the whole field, correct? [LB1162]

AAGE JENSEN: Yeah, yes. It has to be heavy enough damages. [LB1162]

SENATOR CHRISTENSEN: And so generally in good yield times, you just take the loss of 20 percent of your ground for nothing. [LB1162]

AAGE JENSEN: Yes. True, yeah. [LB1162]

SENATOR CHRISTENSEN: Thank you. [LB1162]

SENATOR HUDKINS: Other questions? Thank you very much for being here today. [LB1162]

AAGE JENSEN: Thank you. [LB1162]

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SENATOR HUDKINS: Other testifiers in support. Anyone in opposition? Neutral?
Senator Lautenbaugh to close. [LB1162]

SENATOR LAUTENBAUGH: Thank you, Madam Chair and senators. I would have
waived closing but I had to come up here again anyway so. [LB1162]

SENATOR HUDKINS: Absolutely. That will close the hearing then on LB1162 and we're
now ready for LB1164. Senator Lautenbaugh again. [LB1162]

SENATOR LAUTENBAUGH: Thank you, Madam Chair, fellow senators. My name is
Scott Lautenbaugh, L-a-u-t-e-n-b-a-u-g-h. LB1164 would allow counties in the state
through the Game and Parks Commission to establish a wildlife damage abatement
program. The goal of this program would be to encourage farmers facing excessive
crop damage from deer and other wildlife to be proactive in attempting to circumvent
such damages. The Game and Parks Commission under this would be authorized to
create rules and procedures to, including I should say, the establishment of authorized
wildlife damage abatement measures and methods for implementing and paying for the
abatement measures, forms and procedures of payment and processing of statements
of claims and application for abatement assistance, procedures and standards for
determining the amount of wildlife damage, a methodology for proration of wildlife
damage claim payments and procedures for record keeping audits and inspections. We
would like to request a minor technical amendment on page 8, line 7. We changed the
word "commission" to "county." This is because the administration of the program will
fall to the counties operating under the rules set forth by the commission. [LB1164]

SENATOR HUDKINS: Okay, tell us again where that is. [LB1164]

SENATOR LAUTENBAUGH: It is page 8, line 7, I believe. [LB1164]

SENATOR HUDKINS: Okay. Which commission do you want to change? There's two
commissions in that line. [LB1164]

SENATOR LAUTENBAUGH: The first commission. [LB1164]

SENATOR HUDKINS: All right. Other questions? Okay, seeing none, thank you, very
much. [LB1164]

SENATOR LAUTENBAUGH: Thank you. [LB1164]

SENATOR HUDKINS: Is there someone in support that would like to come forward?
Are there others wishing to speak for this bill? All right, Jessica. [LB1164]

JESSICA KOLTERMAN: Thank you. Thank you, Senator Hudkins and members of the

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committee. For the record, my name is Jessica Kolterman, K-o-l-t-e-r-m-a-n, and I'm here today on behalf of Nebraska Farm Bureau in support of LB1164, legislation that would establish programs to help alleviate damage caused to private land and property by wildlife. Nebraska Farm Bureau's member adopted policy supports the establishment of wildlife damage claims program in Nebraska to compensate agricultural producers for damage to agricultural land, crops and livestock caused by wildlife. Furthermore, our policy supports reduction in deer, elk, antelope and turkey populations in sufficient numbers to minimize the damage growing populations of these species due to private property. Because farmers and ranchers provide the vast majority of habitat for wildlife, our members directly feel the financial pain of excessive wildlife populations. Having both the program for damage abatement and one for reimbursement provides options for both the counties and individuals. We recognize that participation in the program, as outlined by the bill, does place some parameters and responsibilities on landowners to ensure they are working to mitigate and minimize damages if they are to be compensated for losses, including obligations to open up their private lands for hunting. As an organization that values property rights, our members are very sensitive to allowing broad access to their private land. We recognize the need to ensure steps are taken to stop this problem, but we would encourage the committee to tighten up the parameters and give landowners more control over determining who can access their property rather than a broad open hunting policy. We believe there are ways to address these concerns and we'd be happy to work with the committee on that issue. Lastly, there is a concern that the program may or may not be statewide in nature, based on whether an individual county chooses to participate in this program it is important to note that wildlife that caused damage do not recognize county or state lines. We'd encourage the committee to explore the possibility of ensuring that this program would be provided statewide to ensure all agricultural landowners have opportunities to take advantage of the program. In closing, we're supportive of LB1164 as a means to move forward in addressing this issue which is important to agriculture and other private landowners, and we encourage the committee to advance the bill. I'd be happy to answer any questions. [LB1164]

SENATOR HUDKINS: Thank you. Are there questions? Senator Fischer. [LB1164]

SENATOR FISCHER: Thank you, Senator Hudkins. Thank you, Miss Kolterman, for being here today. Farm Bureau didn't testify on the last bill, is that correct? [LB1164]

JESSICA KOLTERMAN: Yes. [LB1164]

SENATOR FISCHER: On LB1162. Would you...you didn't testify but I'm asking if you would support LB1162? [LB1164]

JESSICA KOLTERMAN: I think we also support that bill, open to that as well. [LB1164]

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SENATOR FISCHER: Okay. I have some concerns looking at the fiscal note on this bill, LB1164, and that may be an obstacle to advancing this bill and I just wanted to know how you were on the last one. [LB1164]

JESSICA KOLTERMAN: Yes. I think there's a lot of...all these bills have concepts that are important to this issue and we're happy to work with the committee on whatever you feel would be best to move forward in addressing these issues. [LB1164]

SENATOR FISCHER: Okay. Thank you, very much. [LB1164]

SENATOR HUDKINS: Senator Christensen. [LB1164]

SENATOR CHRISTENSEN: Senator Hudkins, thank you. Thank you, Jessica. Would a better approach maybe be, I see the fiscal note and get scared myself, upon say maybe 5 percent damage to a field that Game and Parks has to issue that landowner unlimited hunting for destroying? And then the following year you're going to be able to evaluate it again. That would be a very cost effective program. [LB1164]

JESSICA KOLTERMAN: That's a possibility as well. I think...our policy is actually just very specific to decreasing that population as to mitigate the damage done to the farms and agricultural land so we'd be willing to work with the committee on any option. [LB1164]

SENATOR CHRISTENSEN: Because I think there's a better way and that is, just removing a bunch of them without spending huge amount of dollars. [LB1164]

JESSICA KOLTERMAN: We, I will note again that in our policy, we do want to protect the property rights of people that own the farms and would like the committee to consider that as they move forward with this as well. [LB1164]

SENATOR CHRISTENSEN: Thank you. [LB1164]

SENATOR HUDKINS: Questions on this side? Seeing none, thank you. [LB1164]

JESSICA KOLTERMAN: Thank you. [LB1164]

SENATOR HUDKINS: Are there others that would speak in support? Anyone in opposition? [LB1164]

WES SHEETS: Good afternoon again, Senator Hudkins, and members of the committee. My name is Wes Sheets, S-h-e-e-t-s, and once again, thank your legal counsel for giving me a way out. Certainly the sportmens of the Izaak Walton League supports all the issues that we've identified and the problems with deer depredations on

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private landowners and we are most heartfelt. I have to tell you that our principle opposition comes on page 3, in line 15, and that's the funding mechanism where it says the commission will provide funding, but how is that to be done? I, myself as a hunter and representing hunters that unfortunately are declining in numbers, all I can see that meaning is that the price of a permit is going to \$100 or \$200 because the price tag is extremely high on this thing. Thank you, Senator Fischer, for sponsoring and the body for passing LB690, but we need to continue to work long and hard to maintain hunters numbers to even have a chance at doing part of the work that needs to be done on this bill. So we would, we would certainly support and appreciate the needs of landowners and crop growers and all those people out there but once again to recognize that this is a very significant statewide problem. And I would just refer to an idea that I threw out in the first testimony and that is that perhaps the state of Nebraska should become involved with solving this issue. And I don't necessarily want to draw this analogy but the only thing I could think of is that the body saw fit recently to deal with noxious weeds, purple loosestrife and...what's the big tall grass that grows? [LB1164]

NORM WALLMAN: Phragmites. [LB1164]

WES SHEETS: ...phragmites and also worked on the issues of encroaching vegetation in river channels. I would like to view this as somewhat of a similar situation. You know, deer I would not want to call them a weed, but they're certainly noxious when they're out of their appropriate place and just as we've helped counties control noxious weeds and those sorts of things, maybe it's time to think about that. And at the chance of saying the wrong thing, I would...I think we've mentioned this in testimony and in conversations in previous times, but there is a way to help fund the Game and Parks Commission do some of these projects. And I would refer you to the state of Missouri that for over 30 years has financed wildlife management in general with collection of one-eighth of 1 percent of their state's sales tax and that goes to that department to treat many of these issues that are not necessarily hunters issues but they are, they treat the issue of wildlife population dynamics and problems and good things that happen as well. In behalf of the state of Nebraska, you know, I think this state does believe that our natural resources belong to all the state of, all the people of the state of Nebraska and this is just one small part of it. So I would just throw that out as a potential suggestion and an idea that one might explore down the road. But from a hunter's point of view, and my personal point of view, the commission providing funding as it's not defined in the bill would be a very troublesome thing because the only way that the commission funds the wildlife program is through the collection of fees from hunters and fishermen, and the assistance of the federal government through the excise tax that's prorated back that is collected at the wholesale level, and that runs the total wildlife program. I would, as a sportsman, I would, in paying those fees, that would be a little hard for me to swallow paying for this huge depredation, even though I'm totally sympathetic to the need to assist landowners and definitely support trying to find a way to take care of it. So with that, I would close. [LB1164]

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SENATOR HUDKINS: Are there questions for Mr. Sheets? Senator Wallman. [LB1164]

SENATOR WALLMAN: Thank you, Senator Hudkins. Yes, Wes, I appreciate your comments on decreasing hunters. How do you think we, as a state, can help that out? Are we charging too much for license, you know, for duck stamps, and pheasant stamps? [LB1164]

WES SHEETS: I think, no, I don't think we're charging too much for them. I'm not sure that we can charge a lot more. That may be one of the problems of declining numbers of hunters but I had the opportunity to, and maybe some of you did as well, attend a lecture by Dr. Richard Louv. Richard Louv wrote a recent book called Last Child in the Woods, and I think he's pretty much right on track that our culture today has removed nature from young people. Young people are not being recruited to the arena of hunters and fishermen, they're not being recruited to being environmentalists, they're simply being attracted to sitting on the couch playing video games at a computer and I really believe what he said is true that if...and I suspect that many of you would have to agree with this that when you were younger and you went out of the house and interacted with nature, whether it be on the farm or the ranch or the woods behind your suburban house, that you developed a very appreciation for nature and that stayed in your heart and you remember that. But I would contend, I have two grandchildren right now that, one of them I can't get the kid out fishing. He's the oldest one of two boys, he's 13 and all he does is want to play on the computer and he's very smart, he's very intelligent that way. Fortunately, the younger, I've got one out of two that likes to go fishing, (laughter) and so I've got half of my battle won so I don't know if I answered that at all. [LB1164]

SENATOR WALLMAN: Well, that's a good analogy, yeah. I think we have to try to change that culture around because you know, wildlife has to be harvested and I think we got into that mode, you know, little Bambi should be alive and all this, and I don't know how to change it around but you're Izaak Walton Leagues in all these things, I appreciate what they try to do. [LB1164]

WES SHEETS: We must not being successful, though, we've got more work to do. [LB1164]

SENATOR WALLMAN: Thank you. [LB1164]

WES SHEETS: Thank you very much. [LB1164]

SENATOR HUDKINS: Other questions? Thank you. [LB1164]

JOE HERROD: My name is Joe Herrod, H-e-r-r-o-d, appearing for the Nebraska Council of Sportsmens Clubs. We also appear in opposition to the bill because of the

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funding. Wildlife belong in the United States to all of the people in the United States. We all have a responsibility for them. We can't just say that those deer belong to the Game Commission or the hunters or something like this. We have to find a way to spread these costs out to everybody because a reduction in deer is a reduction in collisions with cars, etcetera, so it's just something that needs to be spread out and... [LB1164]

SENATOR HUDKINS: Questions? Thank you for being here today. Is there anyone else in opposition? [LB1164]

JIM DOUGLAS: Madam Chair, Senators, again my name is Jim Douglas, J-i-m D-o-u-g-l-a-s. I serve as the wildlife division administrator for the Nebraska Game and Parks Commission. The Commission has decided to provide testimony in opposition to this bill. We always like to be neutral if we can and hopefully offer solutions or recommendations to make legislation even more effective or better. This question of whether to pay wildlife damages though is a very heavy question and so there's not any solutions or amendments potentially to this bill that I can...that I could describe to you readily that would make this something that we can support at the present time. If you look at what other states around us are doing, I'm sure they've had many occasions to also, as Nebraska has, to ask themselves whether we should be paying damages or not. In most cases that collective wisdom in those states has been, no, as well with a couple of exceptions. North Dakota does not pay wildlife damage claims. South Dakota does not, Minnesota does not, Iowa does not, Kansas does not, Missouri does not. Wisconsin does, which is the model for the legislation that's before your consideration. Colorado and Wyoming do. Much of Colorado and Wyoming's payments are actually for livestock losses. They have a combination program where they pay for livestock losses and crops. The common denominator in the states that are paying damages essentially is a healthy coffer of dollars. And some of the western states that pay damages essentially are collecting multiple times more revenue than a state like Midwestern states or Nebraska, near western states, due to a lot of nonresident big game hunting that costs lots and lots of money. So there are some states that have had the coffers that have decided to do that. But then you look at Missouri and Mr. Sheets brought up the fact that Missouri gets one-eighth of 1 percent sales tax. They're one of the most admired fish and game agencies or maybe that, that creates jealousy in a lot of other Midwestern states because of the amount of money that they have but yet they've chosen not to pay damages. I don't know if that's the right decision but my point is only that this is a pretty wavy decision and so we're not ready to say that it's probably the right decision for Nebraska. We certainly do not have the amounts of money that it would take to, I think, fulfill the responsibilities under this bill. I'm not certain that if we did it, that we would want to use exactly the Wisconsin model. There's a lot of differences between Nebraska and Wisconsin. For example, antelope are left out of this bill because it's based on Wisconsin and we have damages by antelope in Nebraska. Bear is actually one of the things that causes some of the greatest damage in Wisconsin. Geese are mentioned in this bill. They don't have snow goose migrations in

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Wisconsin like we have in Nebraska and one of the hardest things to assess and to prove damages on is geese. So there could be a lot of time spent trying to determine whether there was actual damage on winter wheat caused by snow geese. They certainly graze on it. To the extent that they affect the yield, you know, some many months later, it's the kind of thing logistically in the devil and the details on some of these wildlife damage programs that cause a lot of problems in trying to implement it. I'd like to say that on behalf of the Game and Parks Commission, you know, that we are certainly empathetic to the losses that are incurred by landowners in this state due to wildlife damages. And we understand the responsibility that you've placed in the Game and Parks Commission to do our best to try to bring populations into levels that are acceptable for social considerations like deer-vehicles accidents, certainly for landowner losses. And I personally believe that in many cases, we're going to have to bring deer populations down to levels that strike a balance, that even sportsmen are not going to like. I think if we don't have that balance and in some cases, that balance needs to tip farther in the direction of lower deer populations than some people would like. If we don't do that then we will...the Game and Parks Commission won't be able to move forward in an effective way with an overall balance to deer management. I think we're going to have to change that balance. We're dedicated to try to do that. We have demonstrated that we have been able to do that in cases. In the mid '90s we had a real surge in whitetail deer populations in southeast Nebraska particularly, what we call the Blue Unit, about five counties in southeast Nebraska, where we told ourselves we're facing a situation at that time similar to what we are in some other places along the Missouri River in Nebraska. We said we need to reduce this deer population 25 percent and to do that we're going to have to kill near 10,000 does in just those four counties in the next two, each of the next two years. And we came real close to doing that with real aggressive permitting and we're ready and prepared to do that in other parts in eastern Nebraska right now. We've got some epizootic hemorrhagic disease losses in that herd then subsequent to that and we backed off somewhat on some of those permitting strategies and we need to get back on top of that now. Sometimes we have to back off in a particular case and a particular region for a short time because of disease, but it makes our life complicated in deciding what our next set of permit recommendations should be. But we're dedicated to doing what it takes and we appreciate all of your time, are willing to work with this committee on any issues concerning big game management and deer management. [LB1164]

SENATOR HUDKINS: Thank you. Senator Christensen has a question. [LB1164]

SENATOR CHRISTENSEN: Thank you, Chairman Hudkins. Thank you for testifying. I threw the idea out earlier just off the cuff comment but because of the cost of this, I don't want to see damages have to be taken that way but yet I can name ten fields where we would had excess of 5 percent damage. On a 150 acre field at 20 percent damage is \$24,000 on one field. And would it not be better to go out and examine and see where there are bad spots and allow slaughter, for a better word, excessive hunting? If you

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can find the people to hunt it, fine. That's the best but just flat give that landowner a permit to kill x many or 30 days of free shooting or whatever to bring it down. Because naturally they're going to run off when you start hunting which is going to limit the number you get but isn't that a lot more effective way than huge payments that nobody wants to see? [LB1164]

JIM DOUGLAS: We believe it is a more effective way and we have, we have the ability to do that under current statute and we've been doing that in an increasing fashion and I think, as I mentioned, we need to do more of that. We do have still some logistical problems as I'm sure you're well aware of sometimes and that a lot of times when the damage is actually being done, it's during a growing season and that's not an easy time to kill deer. So often we wait to issue the so-called kill permits until later in the year. They may or may not be on the particular individual's property at that time. They may be on someone else's property and so we're going to have to also have cooperation between neighboring landowners, sort of a cooperative, if you will, to make sure that we get that job done. [LB1164]

SENATOR CHRISTENSEN: Because I guess the way I would see it, I still would limit it to does and, you know, then if a farmer had the right to go in and kill so many, he could get with you guy's permission to go to neighboring fields also and I would think would be a very effective tool that's very reasonable. [LB1164]

JIM DOUGLAS: One thing that just came to my mind, and sometimes that dangerous if you haven't given it a lot of fault but you know in our elk management scheme, we have what's called a zone concept where landowner permits are good not only on personal property, but within a zone of elk management that's smaller than the unit but it represents the greatest concentration of elk. Some concept like that may be something that we could look at where you have a zone concept so that those kill permits would be good within that zone. [LB1164]

SENATOR CHRISTENSEN: One more here. Would it not be good, because I think there's some very good potential ideas here that probably need some work, look at a interim study and to look at kill zones, look at damage act, look at the hunting provisions and donations. Wouldn't it be good to get a study and really try to get interested people from different areas in and definitely look at it? [LB1164]

JIM DOUGLAS: We'd support an interim study. [LB1164]

SENATOR HUDKINS: Other questions? Mr. Douglas, let's say you're a landowner and you have alfalfa field or a corn field, doesn't matter, and you've counted on various occasions 30, 40, 50 head of deer out there, so you do have an excess of deer. What would be the procedure for that particular landowner to come to you to get a depredation permit or whatever would be necessary? [LB1164]

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JIM DOUGLAS: The, you would be trying to reach what's commonly called our district manager. So you would call the Game and Parks Commission, of course, not knowing necessarily who that is, and they would direct you to that person. And that district manager or one of the biologists that's in the field closer to where you live, would ask you to, under our current regulations, write a letter or note that says you want your area assessed for potential abatement and then we would come out and look at it, and we would ask you if you were hunting, allowing hunting, we would try to determine what might work for you and when. And if it involves kill permits, then we would issue...that biologist would issue kill permits. If it...also you could benefit from fencing, then we'd discuss that with you also. [LB1164]

SENATOR HUDKINS: All right. Thank you. Other questions? Thank you, very much. Is there other opposition? Is there neutral testimony? Welcome. [LB1164]

ELAINE MENZEL: Hi. Senator Hudkins, members of the Natural Resources Committee, my name is Elaine Menzel, M-e-n-z-el. I'm here on behalf of Nebraska Association of County Officials and we just have a few comments related to this bill. First, and this is very technical, but I...assuming that it refers to county boards taking action to be a part of the and perhaps that's inferred but just for clarification, that might be incorporated in the bill if this passes. Let's see. We like the fact that it is permissive and that counties are able to take advantage of this program if they choose to do so. However, we do have concerns about the fiscal note and that they're only reimbursed 75 percent versus a full 100 percent of the administrative costs. If this is a program that they want as an enticement for counties to participate, that probably will not do. And lastly, in past programs where reimbursement to counties for costs, for the costs that have been encountered by a counties to be reimbursed by the state, it hasn't necessarily received full reimbursement when it's been gone through the appropriation process. So that would be another concern of ours and if I can respond to any questions, I will try to. [LB1164]

SENATOR HUDKINS: Are there questions? I don't see any. You did a good job. [LB1164]

ELAINE MENZEL: Oh, thank you. [LB1164]

SENATOR HUDKINS: Is there other neutral testimony? Senator Lautenbaugh to close. [LB1164]

SENATOR LAUTENBAUGH: Thank you, Madam Chair, and Senators. You did not hear me gasp in surprise when Senator Fischer brought up her concerns regarding the fiscal note on this. (laughter) We're very realistic about this in this environment. What it does underline though, if the fiscal note is huge, that's because of the problem and the

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damage is similarly large. And we'd be happy to work with the committee in any way possible but we do...these are now three different ways of addressing the very same, very serious problem. I do applaud Game and Parks. They have been doing things and it sounds like they're willing to do more things and every little bit helps. This is one of those cases where less is more if we're talking about deer so. (laughter) I thank you all and I'd be happy to take any questions. [LB1164]

SENATOR HUDKINS: Questions? I see none. Thank you. [LB1164]

SENATOR LAUTENBAUGH: Thank you all. [LB1164]

SENATOR HUDKINS: You've had a busy afternoon here. That will conclude the hearing on LB1164 and the hearings for today. Thank you all for your attendance. [LB1164]

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Disposition of Bills:

LB1059 - Indefinitely postponed.
LB1162 - Advanced to General File.
LB1164 - Indefinitely postponed.

Chairperson

Committee Clerk