

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

[CONFIRMATION]

The Committee on Natural Resources met at 8:00 a.m. on Tuesday, April 5, 2016, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on confirmations for the Nebraska Game and Parks Commission and the Nebraska Natural Resources Commission. Senators present: Ken Schilz, Chairperson; Curt Friesen, Vice Chairperson; Jerry Johnson; John McCollister; and David Schnoor. Senators absent: Dan Hughes; Rick Kolowski; Brett Lindstrom.

SENATOR SCHILZ: We'll go ahead and get started now, we've got a few folks on the agenda. My name is Ken Schilz, I represent District 47, from Ogallala. We've got a number of senators here. I know Senator Kolowski has another hearing that he had to go to this morning, but all the other senators are either here or should be here before too long. So we'll start here to my right and let folks introduce themselves, starting with Senator McCollister.

SENATOR MCCOLLISTER: Good morning, John McCollister, District 20: central Omaha.

SENATOR SCHNOOR: Dave Schnoor, District 15...excuse me: Dodge County.

SENATOR FRIESEN: Curt Friesen, District 34: Hamilton, Merrick, Nance, and part of Hall County.

SENATOR JOHNSON: Me? Jerry Johnson, District 23: Saunders, Butler, and most of Colfax County.

SENATOR SCHILZ: Thank you very much. And then this morning we also have our committee clerk.

LAURIE VOLLERTSEN: Laurie Vollertsen.

SENATOR SCHILZ: Laurie, thank you very much. And she's filling in for Barb Koehlmoos, who is out of the office today. And with that, this morning we have one appointee for the Game and Parks Commission, and then a number of folks here for the Natural Resources Commission. So with that, we will open the hearing on Patrick Berggren for the Game and Parks Commission. Mr. Berggren, if you are here this morning, we would ask you to come forward. You want to go ahead and have a seat if you would. And before we get started here, we would ask you to say and spell both your first and last names and then give us a little bit of your history and a little bit of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

the reason why you want to serve on the Game and Parks Commission and what you would like to accomplish there. Thank you. [CONFIRMATION]

PATRICK BERGGREN: (Exhibit 1) Sure. My name is Patrick Berggren, P-a-t-r-i-c-k B-e-r-g-g-r-e-n. I was born and raised in Broken Bow, Nebraska, a third- or fourth-generation contractor there. I moved back in 2003 to go into business with my parents. I've been married for 15 years to Tristan, who is a nurse in a small clinic in Broken Bow, and we have two children: Caitlin and Caleb. I'm a 2000 graduate of Creighton University, a degree in finance. And in about 2008, we moved back to Broken Bow, just to get closer to family, enjoy small town. We'd spent some time in Omaha and Kearney, running around and enjoying life as young adults. And currently, I am in business with my mom, running Berggren Home Builders, you know, taking over for dad, who we lost about six weeks ago. And he was passionate about his work and his second job with the commission. He really looked forward to all of those meetings, he met a lot of great people through the whole deal. It took him off my job sites, so it opened things up for me to, you know, do what I wanted to do, run things how I see fit. And there's a couple of different things that I'd like to get done with the commission. The Open Fields and Waters program is a really program, it's just not...there's not a lot of public opportunities on private ground in my district. There's some great public ground, like Pressey, Sherman, Davis Creek, that are really, really good. But there's a definite opportunity to improve on those areas. I'm pretty excited about the mega plan for pheasants. It's a big expenditure for the Game and Parks, but I think that they're ahead of the curve, as far as other states go, with some things they're doing to try and bring back pheasants. I've been a past chairman for the Nebraska One Box Pheasant Hunt in Broken Bow and currently serve as the chairman of our 501(c)(3) branch. I've helped raise about \$280,000 to build a convention center in Broken Bow that is basically our home. I've run our gun club for the last two years, which I successfully turned over to a young man in January to run and operate. So I've done a lot of stuff for being young. I've had a lot of stuff thrown at me lately, but this is something that we had talked about previously, about me doing maybe in 20 years, but I feel the time is right now for me to go ahead and step up and do this. So I was very grateful to the Governor for appointing me, and I'm looking forward to what we can accomplish, you know, for the rest of this year and maybe farther out. [CONFIRMATION]

SENATOR SCHILZ: Great, thank you. Well, first off, I would like to commend you on your wanting to take over on your dad's position. And I wish you...sorry for your loss. As you look at it, you don't see that very often, where somebody will take over for their father or anyone else on these boards like this. So it's something that's a little bit unique. Do you have time to do this, with family? [CONFIRMATION]

PATRICK BERGGREN: Yeah, I've got a really, really good secretary, my mom, and a very understanding wife. And you know, we're a small business, we have seven employees, and they're wonderful. They're great, they understand, they do know there is a time commitment. But

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

I have backed off some of my commitments around Broken Bow, volunteer duties, to take this on. And just like any small town, somebody else has already picked those up and run with them. So I'm looking forward to a new challenge. [CONFIRMATION]

SENATOR SCHILZ: Very good. Now will your employees say well, shoot, now that he is out of here, we can run things the way they need to be run? [CONFIRMATION]

PATRICK BERGGREN: Our main guy has been with us for 22 years. You know, I think it is a testament to how my parents treated people. You know, our youngest tenured employee is two-and-a-half years, so we don't have a whole lot of turnover. You know, we think we do things right. [CONFIRMATION]

SENATOR SCHILZ: Small town, small business. [CONFIRMATION]

PATRICK BERGGREN: Yeah. It's...some people don't know how good we have it out there and I kind of hope they stay in the big city. [CONFIRMATION]

SENATOR SCHILZ: That's right. Any other questions for Mr. Berggren? Seeing none, thank you very much for coming in. [CONFIRMATION]

PATRICK BERGGREN: I sure appreciate your time. Thank you. [CONFIRMATION]

SENATOR SCHILZ: Very good. At this point, we will take proponents. Are there any proponents for Mr. Berggren? Seeing none, any opponents? Seeing none, any neutral testimony? Okay, and with that, that will close the hearing on Mr. Berggren. Thank you for coming in this morning. And now we will move to the Natural Resources Commission appointments. And we will start out with Mr. Brian Barels. Brian, come on up. Good morning. [CONFIRMATION]

BRIAN BARELS: (Exhibit 2) Good morning, Chairman Schilz, members of the Natural Resources Committee. My name is Brian, B-r-i-a-n, Barels, B-a-r-e-l-s. I live in Columbus, Nebraska, I've been there about 39 years now. I grew up in northwest Iowa, in a farming family, and they had black dirt and rain. And I moved to Nebraska in 1976 and started a job with NPPD and became acquainted with the water resources of NPPD and the irrigation aspect of Nebraska's water and the value of water. Water is so important to the state of Nebraska in many, many different fronts that it has more or less become a passion. Had the opportunity to serve on a number of water task force over the years, with Senator Friesen and Senator Schilz on the Water Policy Task Force, Water Funding Task Force. Been involved in a number of different issues on the river systems and associated with groundwater as well. Had the opportunity to serve on the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

Natural Resources Commission for the past two years. I appreciate the Governor's appointment and this committee's previous confirmation. I know we have a number of these to do today, so I won't take any additional time, but I would be glad to answer any questions you might have.
[CONFIRMATION]

SENATOR SCHILZ: Thank you, Mr. Barels. Any questions? [CONFIRMATION]

SENATOR JOHNSON: I've been an observer to it since I been on the Commission of Water Sustainability, and I'm impressed with your approach to things. So thank you for continuing to offer to serve. [CONFIRMATION]

BRIAN BARELS: Thank you very much, Senator. [CONFIRMATION]

SENATOR SCHILZ: Any other questions? Senator McCollister. [CONFIRMATION]

SENATOR McCOLLISTER: One quick question. You've been on the commission since 2004?
[CONFIRMATION]

BRIAN BARELS: No, I'm sorry. Been on the commission for the previous two years.
[CONFIRMATION]

SENATOR McCOLLISTER: Two years, okay. I misheard that. [CONFIRMATION]

BRIAN BARELS: Yes, I was added when the commission was expanded. [CONFIRMATION]

SENATOR McCOLLISTER: And what's the length of the term of service? [CONFIRMATION]

BRIAN BARELS: When the expansion occurred, there was a combination of two-year and four-year terms, and I was one of the two-year term appointees. [CONFIRMATION]

SENATOR McCOLLISTER: So now the current term would be four years? [CONFIRMATION]

BRIAN BARELS: Now the current term would be four years. That's correct, Senator.
[CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

SENATOR McCOLLISTER: Thanks, Brian. Thanks for your willingness to serve.
[CONFIRMATION]

BRIAN BARELS: Thank you. [CONFIRMATION]

SENATOR SCHILZ: (Exhibit 3, 4) Thank you, Senator McCollister. Any other questions? Seeing none, thank you. Are there any proponents? Seeing none, any opponents? Seeing none, any neutral testimony? That will end the hearing on Mr. Barels, thank you very much. We will move now...Joel Christensen, he is not able to be here this morning, but each one of you received a letter that he sent. We won't read it into the record...but we will put it into the record. We just won't read it out loud here this morning. And we will move on to Mr. Stan Clouse. Good morning. [CONFIRMATION]

STAN CLOUSE: (Exhibit 5) Good morning, Senators. Stan Clouse, S-t-a-n...well, S-t-a-n-l-e-y...you can call me Stan, C-l-o-u-s-e. And a little history, since that's the protocol, I grew up in Brady, right on the Platte River. And as a young kid, I lived in the river system of Brady because our home was about 100 yards off the river. And my father worked for Central Nebraska Public Power and Irrigation District for a number of years and I have literally been in the bowels of every hydro plant across the state, with the exception of maybe the Spencer hydro turbine. Then I've been with Nebraska Public Power District going on 38 years, out at the Gentleman Station--I helped build the plant. And as I said, being in that part of the area, my father worked on the Morning Glory in Lake McConaughy, my wife was part of the construction team that built the hydro at Lake McConaughy, and so I'm pretty familiar with the water system along the Platte River. And then presently, the mayor of the city of Kearney. Even though I work for Nebraska Public Power District, I also wear the mayor's hat, so I'm very familiar with the water needs of municipalities. And I've been wearing that hat for going on ten years, I've been a city councilman in Kearney since 2003. I was appointed by Governor Heineman to the Natural Resources Commission prior to the Water Funding Task Force. And my role in the Natural Resources Commission was to represent municipal water users. And then I was on the Water Funding Task Force, when we spent a lot of time with Senator Schilz and others as we tried to determine the future for sustainability for water and our resources within the state. And then when we completed that and we expanded it, we added Lincoln and Omaha as municipal representatives, but then we also left a representative to represent Class I cities and villages and Class II cities and villages. So I'm here, I was another one of those on the two-year cycle, as we're trying to get things caught up, and so I submitted my request to continue. And we have some exciting times right now, and I do appreciate the Legislature approving the funding for the levee project because that really helps us have some funds available that we can allocate to the over 40-some projects that some of my colleagues on the commission have been presently scoring. But we have a lot of projects and a lot of great projects across the state that the Water Sustainability Fund will be

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

invaluable as we move forward with the projects. So with that, I will entertain any questions.
[CONFIRMATION]

SENATOR SCHILZ: Thank you, Mr. Clouse. Any questions? [CONFIRMATION]

SENATOR JOHNSON: Same comment that I had before. I appreciate you representing municipalities. [CONFIRMATION]

STAN CLOUSE: Thank you. [CONFIRMATION]

SENATOR SCHILZ: Thank you, Senator Johnson. Any others? Seeing none, thank you very much for coming in this morning. Appreciate it. [CONFIRMATION]

STAN CLOUSE: Okay, thank you. [CONFIRMATION]

SENATOR SCHILZ: Okay, we will move on to Mr. Brad Dunbar. Morning, sir, and welcome.
[CONFIRMATION]

BRAD DUNBAR: (Exhibit 6) Good morning, Senators. My name is Brad Dunbar, Brad, B-r-a-d, Dunbar, D-u-n-b-a-r. My wife, Courtney, and myself live in Omaha, Nebraska. We've lived there here for the past 16 years. We have a daughter, Addison, 13. We have a deep passion for agriculture and also economic development within the state of Nebraska. My wife has been adamantly involved with economic development throughout the state here since she was in college, actually. I grew up on a diversified farming operation in Frontier County, near Eustis, Nebraska. At that point, I was instilled very early in my youth with the importance of stewardship of land and water. We practiced a lot of different activities on our farm that were very much on the conservation effort, including irrigation practices, rotational grazing, shelter belt implementation, and also strip tillage. For the last nine years, I've worked for Lindsay Corporation and I've had the opportunity to travel throughout the state and really get the better understanding on the needs that we have in the state of Nebraska for water resources. I've worked with ag producers, irrigation dealers, also with NRDs, universities, and also with different conservation interests that have been changing throughout the state. Here, something that again my passion relates back to agriculture, but also on economic development. I really believe that the base industry we have in the state is agriculture and that really supports the rest of the activities that go on in the state of Nebraska. Here about seven years ago, I was fortunate enough to be involved with Nebraska Water Leaders Academy, I was in the inaugural class. Through that program that taught us a lot about different leadership styles throughout the state, different interests, each one of us that was on the academy had definitely an interest that slanted

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

one way or the other. And that was a really neat opportunity to understand other points of views throughout the state and getting a better understanding of the challenges that we face with managing water and some of the opportunities that we need to get put in play here. So here last month I was appointed by the Governor to take the position on industry...representing industry on the Natural Resource Commission. And this will be a four-year appointment.
[CONFIRMATION]

SENATOR SCHILZ: Very good. Thank you, Mr. Dunbar. Any questions? Seeing none, thank you very much for coming in today. Appreciate it. I was remiss on Mr. Clause's, so if there would be anyone that would like to be a proponent for either one of those two, any proponents? Seeing none, any opponents? Seeing none, any neutral testimony? Seeing none, thank you, Senator Schnoor, for pointing out that. Just missed that. [CONFIRMATION]

SENATOR SCHNOOR: Just in case. [CONFIRMATION]

SENATOR SCHILZ: There you go, yeah. Just in case, that's right. Okay, with that we will move on to Mr. Thomas Knutson. Welcome. [CONFIRMATION]

TOM KNUTSON: (Exhibit 7) Yes, good morning, Mr. Chairman and members of the committee. I'm Tom Knutson, T-o-m K-n-u-t-s-o-n, I live in St. Paul, Nebraska. I came from the state of Minnesota a number of years ago, spent 33 years now in the state. I managed the Loup Basin, Farwell and Sargent Irrigation Districts for nearly 30 years, retired from the job just a couple years ago. And I'm doing some consulting now, throughout the western states, in regard to ag and water issues. I've served on the commission for the past six years. And in any event, I appreciate the opportunity to serve again. I've been involved with the task forces, if you will, on funding, involved with a lot of legislative matters down here for a number of years. I've always enjoyed the opportunity to serve Nebraska as a public servant and always enjoyed working with everybody that I've worked with through the years. I respect the opportunity again to serve, and I think it is just wonderful that we have a state that has all of this water, from the standpoint of the ground and surface water. I'm a proponent of making sure that those people work together, surface and groundwater people. It's very important. I come from the "Land of 10,000 Lakes." Up there we didn't have to worry about it. I grew up on a farm, our neighbors worked with each other all the time, helping just like neighbors should. And in any event, I'll probably stop there and just say that I'm willing to serve again, and I appreciate the opportunity for being considered.
[CONFIRMATION]

SENATOR SCHILZ: Very good. Thank you, Mr. Knutson. Any questions for Mr. Knutson? Seeing none, I was just going to ask you any projects...you know, being the only federal project that anyone...or the first project that anyone was ever to fully buy out there on the Loup system.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

Is that part of what you're doing as you go around the country, just trying to help other people figure out? [CONFIRMATION]

TOM KNUTSON: Yes. I'm working with about three districts, one in Oklahoma, one in Colorado, and one in Oregon. I spent eight years of my life in Washington, D.C., lobbying to buy the Sherman Reservoir, all the facilities for the Farwell and Sargent projects. There is nothing better than being free of the federal government and I would encourage every irrigation district that has the ability to get out to get out. [CONFIRMATION]

SENATOR SCHILZ: Very good, thank you. Any other questions? Seeing none, thank you very much, sir. Any proponents? Any opponents? Neutral testimony? With that, we'll close the hearing on Mr. Knutson. And now we have Scott Smathers. Good morning, Scott. [CONFIRMATION]

SCOTT SMATHERS: (Exhibit 8) Good morning, Senator Schilz, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I'm a resident of Lincoln and have been for the past 37 years, and I represent the outdoor rec users on the Natural Resources Commission. Somebody that I used to call a friend drug me into water about five-and-a-half, six years ago. I don't know who that would be, but he suggested that my daytime job of being the executive director of the Nebraska Sportsmen Foundation would be a good idea to be involved in the water aspects as we were coming out LB962--that was basically the same funding task force that we currently had. And I didn't realize what I was putting myself into, but I'm glad I did and I'm glad I listened to him. The last four-and-a-half, five years I've been a part of something special, I believe, being a part of the commission. I currently sit as the chair of the comprehensive planning or the rules committee that we just finished...was it a year-and-a-half, Brian...of creating the rules for the new Water Sustainability Fund. Brian was my vice chair and we had seven other members. And I am currently on the scoring committee for the Water Sustainability Fund projects that have all come into the house. Over the last four-and-a-half years, as I said, it has been my privilege to work with the gentlemen behind me, plus the other commissioners and the senators--Senator Schilz, Senator Kolowski, Senator Davis, and Senator...what was his name? Oh, Christensen. Sorry, almost forgot his name. But I've watched something happen--27 individuals entered the first meeting in Lincoln and everybody was carrying their flags, their stakeholder value, and was drawing lines in the sand. And a year later, we came away with a product that we were pretty proud of because 27 of us realized that we need to work together to achieve the goals for the water in our state. So I feel that's pretty special. And then the next step was to receive funding from this body. Not to be disrespectful, we still need another \$50 million, just put that in your notes, but we'll start with what we have. And I'm excited to see what we have coming up with our applications and where they finish being scored and our first distribution of funds. I am honored to be on this commission, I am one of those two-years

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

appointees from the beginning from the Water Funding Task Force, and I'm looking forward to the next four years. With that, I'll answer any questions. [CONFIRMATION]

SENATOR SCHILZ: Thank you, Mr. Smathers. Any questions? Seeing none, thank you for coming in today. Any proponents? Opponents? Neutral? That will close the hearing on Mr. Smathers. And we will move now to the final person on the list, Mr. Chad Wright. Good morning and welcome. [CONFIRMATION]

CHAD WRIGHT: (Exhibit 9) Good morning, Senator Schilz and members of the committee. I'm Chad Wright, I live here in Lincoln Nebraska, Chad, C-h-a-d, W-r-i-g-h-t. I'm not originally from Nebraska, I was born in Idaho and spent some time in Utah. My wife is from Missouri and over a decade ago we relocated here to go to grad school. I graduated from Nebraska College of Law and have since lived here. I'm a father of four daughters and they're all born and raised here in Nebraska. And with that being said, being born in a state and lived in states where water is a finite resource, I appreciate just how much water we have in Nebraska. And with my business, I have the opportunity to travel throughout the state. And it's a beautiful state, and depending on where you are in the state, there's an abundance of water or there's not quite enough water. And so Governor Ricketts has sought to appoint me to serve on the commission as representing the primary municipal users. So I don't know if there's any questions you have. [CONFIRMATION]

SENATOR SCHILZ: Well, let's find out. Any questions? Senator McCollister.
[CONFIRMATION]

SENATOR McCOLLISTER: Just explain that license issue that's in your form here.
[CONFIRMATION]

CHAD WRIGHT: License issue? Oh, I serve a church mission to the Philippines for my church for two years, and I don't know really what happened. Apparently when I was gone there was some...I don't know if it was a ticket, I don't know for sure what happened. But needless to say, my mother and father didn't take care of it when I was gone. I was 19 when I left on my church mission and came back when I was 21. So when I came back, I realized I didn't have a valid license anymore. But it was just, I had to pay the fine and that was it. [CONFIRMATION]

SENATOR McCOLLISTER: So the ticket occurred in Nebraska or in the Philippines?
[CONFIRMATION]

CHAD WRIGHT: No, the ticket occurred I believe in Utah. [CONFIRMATION]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Natural Resources Committee
April 05, 2016

SENATOR SCHILZ: Oh, well we don't care about Utah. [CONFIRMATION]

SENATOR McCOLLISTER: Okay, thank you. [CONFIRMATION]

CHAD WRIGHT: I didn't know if I should really put it in there, but I thought well...
[CONFIRMATION]

SENATOR JOHNSON: Full disclosure, thank you. [CONFIRMATION]

SENATOR SCHILZ: I wanted to hear about what kind of ticket he got in the Philippines.
[CONFIRMATION]

SENATOR McCOLLISTER: Thanks for your willingness to serve. [CONFIRMATION]

SENATOR SCHILZ: Thank you, Senator McCollister. Senator Schnoor. [CONFIRMATION]

SENATOR SCHNOOR: You said your job...you travel a lot in your job? [CONFIRMATION]

CHAD WRIGHT: Yeah, so I own Wright Sheds, we build storage sheds and structures all over the state. So we go as far as Scottsbluff, we did one in Scottsbluff the other day.
[CONFIRMATION]

SENATOR SCHNOOR: Okay. All right, thanks. [CONFIRMATION]

SENATOR SCHILZ: Thank you, Senator Schnoor. Any other questions? Seeing none, thank you very much for coming in this morning. Any proponents? Opponents? Neutral testimony? With that, that will end our hearings this morning. Thank you all very much for coming in today, and we'll look for a motion to go into Exec. [CONFIRMATION]