

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee February 21, 2019

**HUGHES:** It is 1:30, and we have people calling in for confirmation so let's go ahead and get started. Welcome to the Natural Resources Committee, I'm Senator Dan Hughes. I'm from Venango, Nebraska, and represent the 44th Legislative District. I serve as Chair of this committee. The committee will take up the bills in the order posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. I ask that you abide by the following procedures to better facilitate today's proceedings: please silence or turn off your cell phones. Introducers will make initial statements followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for the introducing Senator only. If you are planning to testify, please pick up a green sign-in sheet that is on the table at the back of the room. Please fill out the green sign-in sheet before you testify. Please print, and it is important to complete the form in its entirety. When it is your turn to testify, give the green sign-in sheet to a page or the committee clerk. This will help us make a more accurate public record. If you do not wish to testify but would like to record your name as being present at the hearing, there is a separate white sheet on the tables that you can sign in for that purpose. This will be part of the official record of the hearing. If you have handouts, please make sure you have 12 copies and give them to the page when you come up to testify. They will be distributed to the committee. When you come up to testify-- go ahead and answer. Hello--

**KALLI KIEBORZ:** Hi, is Mandy available?

**HUGHES:** No, she's married, sorry. [LAUGHTER] No, I'm, I'm just kidding, I'm just kidding.

**KALLI KIEBORZ:** We're gonna try to see if we can turn this up a little bit. Would you like to just hold this?

\_\_\_\_\_ : I'll, I'll see, I might pick it up.

**KALLI KIEBORZ:** We dialed into the right place, right, the Natural Resources Committee meeting?

**HUGHES:** Yes, this is Senator Dan Hughes, Chairman of the committee. If you would bear with us for just a little bit we are still in our opening process, so we will get to you in about 60, 70, 80 seconds.

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**KALLI KIEBORZ:** OK, no problem. Thank you.

**HUGHES:** When you come up to testify, please speak clearly into the microphone. Tell us your name, and please spell your first and last name to ensure that we get an accurate record. We will be using the light system today for all testifiers. You will have five minutes to make your initial remarks to the committee. When you see the yellow light come on that means you have one minute remaining and the red light indicates your time has ended. Questions from the committee may follow. No displays of support or opposition to a bill, vocal or otherwise, is allowed at a public hearing. The committee members with us today will introduce themselves starting on my left.

**MOSER:** Hi, I'm Mike Moser from District 22. I represent Platte County, Stanton County, and a little bit of Colfax County.

**HALLORAN:** Steve Halloran, District 33. I represent Adams County, southern and western parts of Hall County.

**QUICK:** Dan Quick, District 35, Grand Island.

**GEIST:** Suzanne Geist, District 25, which is the east side of Lancaster County.

**HUGHES:** And on my far right.

**GRAGERT:** Tim Gragert, District 40 is Cedar, Dixon, Knox, Holt, Boyd, and Rock County.

**ALBRECHT:** Excuse me, Senator Joni Albrecht from District 17, Wayne, Thurston, and Dakota counties in northeast Nebraska.

**BOSTELMAN:** Bruce Bostelman, District 23, Saunders, Butler, and majority of Colfax counties.

**HUGHES:** To my left is our committee legal counsel, Laurie Lage, and to the far right is committee clerk, Mandy Mizerski. We also have pages helping us today on our committee. They are Noah Boger, he is a freshman at UNL with a double major in political science and French; and Hunter Tesarek, who is a sophomore at UNL with a double major in history and political science. With that, we will open our hearing for today, we have two reappointments to the Niobrara Council and I'm hoping that we have Mr. Jason Appelt and Dallas Dodson on the line. Gentlemen, can you hear me?

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**JASON APPELT:** Yes.

**DALLAS DODSON:** Yes.

**HUGHES:** And you're both there?

**JASON APPELT:** Yes.

**HUGHES:** You're both there?

**DALLAS DODSON:** Yes.

**HUGHES:** OK. What I would like to do we'll start with-- we'll go alphabetical, so Mr. Appelt, is that correct?

**JASON APPELT:** Yes.

**HUGHES:** We'll start with you. Would you give us just a, a very brief background about yourself and about-- give us a little bit of background on your role on the Niobrara Council, please?

**JASON APPELT:** I'm a 1991 graduate of Ainsworth High School, lived in Brown and Keya Paha County my whole life. Ranched, farmed, been on the Council for more years than I can remember I guess. Pretty much 19 years I guess. Been involved in and paid attention to this stuff ever since it happened. Kind of affects our farm and ranch directly with the Park Service. So that's pretty much it I guess.

**HUGHES:** OK, with that I will open it up to the committee for questions. Are there questions from the committee members? Senator Moser.

**MOSER:** How do you feel that the Niobrara Council operates? Do you feel they provide a val-- a vital service?

**JASON APPELT:** Yes, I do on a shoestring budget, I might add.

**MOSER:** Yeah, we've had that comment before. It's a recurring kind of a comment. Do you have any particular issues that are unresolved at this time? Sounds like he's getting help.

**JASON APPELT:** I guess you might have to repeat that, we had some override on the-- that I could hear.

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**MOSER:** I was, I was asking if there are any burning issues before the Council right now that you're interested in?

**JASON APPELT:** Mostly funding and budgetary issues. I'd like to challenge the Resource Committee to find another department in the state that could run on less than \$50,000 a year as much as we do. And, and it's a direct line between us and the Park Service. As far as I'm concerned the Park Service's federal spending, spending has gone amuck on this whole deal since 1991, but we can't do anything about it. This organization is here to kind of give the land owners a voice with the Park Service and kind of keep them at bay. They, they put all this on our private property here and all these boundaries and all these issues without compensating anyone.

**MOSER:** OK, thank you.

**HUGHES:** Any other questions? So you are a landowner along the river. Is that correct? That, did I get that?

**JASON APPELT:** Yes.

**HUGHES:** OK, and, and that's your principal livelihood is, is farm and ranch or ranch or--

**JASON APPELT:** Yes, yes.

**HUGHES:** And, and were you one of the original Niobrara Council members or have you-- did you take a place of someone?

**JASON APPELT:** I took a position that someone else had, I don't remember. I wasn't-- my mom was on the founding board with the [INAUDIBLE] at the Park Service. I think with Brad Arrowsmith. I can't even remember in the state recognized board, I guess. The county wide board-- there was probably a different person in this position.

**HUGHES:** OK, so are you filling a county position or landowner position?

**JASON APPELT:** No, before the state took this over and made it a quasi, whatever it is because we're not an agency, we're not an entity, we're just us, but governed by the state now. It started out being a four-county interlocal board to deal with the Park Service.

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**HUGHES:** So what position are you fill-- are you filling on the Niobrara Council?

**JASON APPELT:** One of the, one of the landowner positions. There's one position for each landowner on the board.

**HUGHES:** OK, thank you. Are there additional questions?

**JASON APPELT:** Or not each landowner, but each county is what I mean, there's four counties.

**HUGHES:** Right, Senator Geist.

**GEIST:** Yes, thank you for being on the line. I'm curious, you said your budget's \$50,000 a year. What is the main thing that you use your budget for?

**JASON APPELT:** I'd have to have Kalli probably go over that with the Resource Committee I guess.

**GEIST:** OK.

**JASON APPELT:** We pay a full-time position and a part-time position to keep us organized,--

**GEIST:** Uh-huh.

**JASON APPELT:** --run our office, which we now-- we don't have an office because we let it go, and the county provided an office for us to kind of help shorten-- shortfalls in the budget. We've got education. We used to do some funding along the river for different projects and stuff and a lot of that stuff's gone by the wayside.

**GEIST:** OK, thank you.

**HUGHES:** Are there any additional questions for Mr. Appelt? Hearing none, thank you, Mr. Appelt for your willingness to serve. Now if Mr. Dodson could come on the line and kind of--

**JASON APPELT:** Thank you, guys.

**HUGHES:** --give us, give us the same thing, just a little bit of background about yourself and your experience on the Niobrara Council.

**DALLAS DODSON:** This is Dallas Dodson and, and I'm, I'm managing the cow/calf [INAUDIBLE] operation up here in Cherry County. I currently

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hold the conservation seat and been here 25 years. I've been-- I don't know on the Council under a couple different governors, maybe two-, two-and-a-half terms; probably two-and-a-half terms, because I think I started out maybe filling in for somebody, but anyway. So that's kind of-- I, I guess-- oh, I'm also a real estate agent with my license [INAUDIBLE] with Agri Affiliates out of North Platte. We specialize in farm and ranch real estate, and so I, I guess that's it.

**HUGHES:** OK, thank you, Mr. Dodson. Are there questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Hughes. Dallas, could you explain to us a little bit more of the relationship between the Council and the-- is it the National Forest Service or is it State Forest Service out there?

**DALLAS DODSON:** It's the National Park Service that has a, a, a federal designation over private property. That's what the Scenic River is. And, of course, the Council was put in place to help the Park Service manage the, the Scenic River corridor. And it was put in place to give the, the private landowners a, a voice, because they do lay underneath that federal designation. And so that's pretty much what the Council's in place for.

**BOSTELMAN:** Do you have meetings on your own as a Council or is it a joint meeting with the, with the National Park Service?

**DALLAS DODSON:** We have our meetings on our own, but we have a National Park Service representative there. We have a Game and Parks representative there. We have representatives there from the Fort Niobrara Wildlife Refuge. I believe the rest of the seats are either landowners from each county or county commissioner from each county. We have a forestry representative. We have my chaired conservation. We have an outfitter chair or an outfitter position that deals-- that's representing the outfitters up and down the river for canoe, canoe and campground, stuff like that. I don't know, I probably missed one there somewhere, but that's, that's quite a-- that's-- and we have our, our meetings-- all of those people are, are typically there or try to be there.

**BOSTELMAN:** Sure, and on the-- on your conservation position on the board or on the Council, excuse me. What-- do you belong to a, a

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specific organization outside of your ranching organization or, or the cattlemen that, that you're representing as-- in that position?

**DALLAS DODSON:** Yes. Yeah, I belong to several, one is Whitetails Unlimited, one is National Wild Turkey Federation, and the last one is Pheasants Forever.

**BOSTELMAN:** OK, thank you, sir.

**HUGHES:** Are there any additional questions? Senator Moser.

**MOSER:** Just to be fair, we'll ask the same question that we asked the other applicant. Do you think that there are any controversial issues coming before the Council? Anything that you want to tell us about?

**DALLAS DODSON:** Oh, I don't know about controversial issues. I know-- you know, we used to-- if I remember right-- like my first term, we used to kind of help with some cedar tree control for the corridor because if we can keep the ladder fuels down that keeps the pines from going up in smoke a lot of times. And, and so-- you know, of course with our funding issues that Jason already spoke about why we're not able to do that. But as far as controversial issues coming before us, I don't believe so. I think-- you know, we have issues come before us like somebody applying for looking for somebody to buy a conservation easement maybe on their property. Those kind of issues we go over. We go over zoning issues. We, we don't have a zoning plan really ourselves, we rely on each of the four counties to-- with their zoning. And so when something comes up we make sure that that individual has went through their own county process and been cleared by their county and if the county has cleared them, then most of the time, maybe not always but most of the time, then we'll clear them as well.

**MOSER:** All right, thank you very much.

**HUGHES:** Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Hughes. And thank you for being with us today, Mr. Dodson. Can you just-- with this budget that we've been hearing quite a bit about-- like you-- if you truly do have around \$50,000, where do you get that money from? How, how are you funded?

**DALLAS DODSON:** From, from the state.

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**KALLI KIEBORZ:** Right, but it's only 42--

**DALLAS DODSON:** Yeah, it's 40-- it's \$42,000 that we get from the state. We a-- we're down to about 90 or 100,000 from the federal but that used to be 200,000 and they keep cutting this back and, of course, we have-- the commissioners in Cherry County have been gracious enough to give us a spot in one of their buildings for our office and, and so for free of charge and, and we've just had to make a lot of adjustments--

**ALBRECHT:** Um-hum.

**DALLAS DODSON:** --with the, with the Council because the money's not there. And so between-- you know, we have, like Jason mentioned, the education program that we do every summer with kids and stuff and, and we try to work with the Park Service as far as-- well, we just went through a deal where we approved some signs that kind of let people know-- you know, where the maybe where the boundary is or whatever. The toilets are a big deal, keeping them clean. A lot of money is spent on noxious weeds,--

**ALBRECHT:** And that was gonna be my--

**DALLAS DODSON:** --the gauging station, the monitors, the, the flow of the Niobrara River,--

**ALBRECHT:** OK.

**DALLAS DODSON:** --and just, just a lot of things that we're involved in. But-- you know, we just-- and, and, of course, with the federal money there's only certain things that it can be spent on.

**ALBRECHT:** Right, right.

**DALLAS DODSON:** And, of course, we can't carry it over. We used to be able to kind of carry over some unspent funds into the next year, but now they've outlawed that.

**ALBRECHT:** Um-hum.

**DALLAS DODSON:** And so--

**ALBRECHT:** Well, I appreciate what you've said to us today, it's helped a lot. Because when somebody says there's just not enough money-- but first of all, I needed to understand where your funding came from,



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what it could be used for. And I was gonna ask what type of projects, but you've pretty much covered that so I really appreciate your time that you have spent with us and the time on this board. Thank you very much.

**HUGHES:** Are there additional questions? Seeing none, I will ask for anyone in the audience on both gentlemen, anyone wishing to speak in-- as a proponent of either Mr. Appelt, or Mr. Dodson? Seeing none, anyone wishing to speak in opposition of each, of either of these gentlemen? Seeing none, anyone wishing to speak in the neutral capacity for either Mr. Appelt or Mr. Dodson? Seeing none, that will close our hearing on the reappointments of Jason Appelt for Niobrara Council, and Dallas Dodson for Niobrara Council. Gentlemen, thank you very much for your willingness to serve the state of Nebraska and for taking the time to call in and visit with the Natural Resources Committee today. Thank you.

**DALLAS DODSON:** Well, we thank you for allowing us to do this over the phone and seeing we're a long ways from down there and it, it saves us a lot of time as well. So thank you.

**HUGHES:** Very good. Have a good day.

**DALLAS DODSON:** Yep.

**HUGHES:** OK, thank you. We will-- the next item on our agenda is LB46, Senator Chambers.

**CHAMBERS:** Members of the execution team [LAUGHTER]-- I mean, of the committee, I'm Ernie Chambers. I represent the 11th Legislative District in Omaha. And I'm bringing this bill-- to put it in a nutshell, I want to take away the--

**HUGHES:** Could you spell your name for us, please?

**CHAMBERS:** Oh--

**HUGHES:** Thank you.

**CHAMBERS:** Yes, I can spell it.

**HUGHES:** Would you do it out loud for the record for the transcribers, please

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**CHAMBERS:** First name, E-r-n-i-e, last name, C-h-a-m-b-e-r-s.

**HUGHES:** Thank you.

**CHAMBERS:** As I was going to say, I have been before this committee-- it had different membership-- to do away with the authority of the Game and Parks Commission to have a hunting season on mountain lions. These are majestic, regal animals who have been all but exterminated in Nebraska, and the first resighting was in 1991. In all of that time there has never been a confirmed attack by any of these animals against a human being. At that time, they were not even bothering livestock. Recently there may have been one or two documented cases of livestock having been taken, but these are not animals that just go after anything living. It has a diet that it prefers deer, pronghorns, those kind of animals. They are very powerful from tip of the nose to the end of the tail. It might average nine feet with a tail taking up about a third of that length. And their tail is something like a human limb, is very thick, it's very powerful. And these animals are muscular. They can be in midair and completely reverse their dish-- their direction in the air because of the muscular strength. From a standing position, they can leap 18 feet into the air. So if you think about a basketball net as being ten feet, add eight more feet or double that. They can-- in a horizontal motion when they're running cover 45 feet in the air and land on the back of a deer or whatever the prey happens to be. If they are treed, they've been known to leap as high-- from as high as 60 feet to the ground without being injured. They are considered by many people and named phantoms, ghosts, invisible. They rarely are seen, and in Nebraska and other places these animals have been known to be on the property for as much as two decades. They find scat, they find footprints, but they've never seen the animals. Part of it is due to their coloration, they blend in with almost any background, their tan, some grayish, some have reddish hair. They have heavily padded feet so they can move very, very quietly. People who have been around them did not know it until they would happen to see one, and the animal obviously had moved closer because it wasn't there in the beginning. So because of those padded feet they can move almost noiselessly. They are past masters in being invisible, and being noiseless, and they are called ambush hunters. They will track down, they'll stock prey, they can run down prey, but they will lie in wait and take advantage of opportunities. On the face of the earth, there are only three big cats larger, the Siberian Tiger, the African Lion and jaguars, which are found in some parts of the Americas. There are a few of them even in Florida, very few. These

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animals ranged throughout most of the United States, maybe the northeastern area, there were not that many of them. Then when the European settlers came and they heard that term lion, they thought of what they knew in terms of lions, tigers, cheetahs, panthers, and treated them accordingly. These animals do not group together as African lions do in a pride. They are solitary. The female will take care of her cubs. Some people call them kittens, and that's when you might see more than one, but you will not find these animals hanging out together. They don't hunt together. They are very territorial. They cover a lot of territory. One was collared and his range was about 350 square miles and he would easily move 20 miles in a night. They-- when they're being hunted, if they're moving at a lope, they can run forever. So what these hunters will try to do is get a pack of dogs and make it run at a full gallop or a full all out sprint and they can do that for about a thousand yards. They are not built for endurance in terms of running. They don't run that far to catch prey. There are not that many things they run from. So when they are treed, people thought it was because they feared the dogs. Some of the naturalists discovered that what these lions fear is noise. There is no dog that could kill a mountain lion. Mountain lions have fought off packs of dogs, but the noise is what frightens them and they will go into the tree. Then the great hunter will come and from a distance of maybe 25 or 30 feet shoot them out of the tree. What these settlers thought when they first heard the term for these animals and lion was attached, they thought they were the kind that might attack human beings without provocation. But mountain lions don't do that. There have been times when through mistaken identity they might attack livestock. Livestock is not their choice. Human beings create the difficulties that exist between mountain lions and people. If you destroy the trees, if you destroy the undergrowth, the overgrowth, then you have taken away the places where they like to be. When trees were cut down so that they could grow crops, build cities, the lions moved, but the prey moved first. When they didn't have the prey that they ordinarily would have then to survive, they would take what was available. They are opportunistic. They will eat anything from a mouse to a moose and a 100-pound lion can bring down a moose. They'll get on the back and they will-- they, they have teeth that can bite through the skull, and they might grab the throat, but at any rate they will take what they need. If there are human beings about, these lions will not try to be around them. They have more names than any other of the big cats or any animal. The various tribes of indigenous or Native American people would have names for them and the names usually connoted respect, almost reverence, and, therefore, there might be as

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many as 40 names, and familiar ones would be cougar, mountain lion, catamount, which meant a cat of the mountains. Sometimes they were mistakenly called panthers or jaguars. People who weren't familiar with what this animal was would attach a name that applied to any large cat. I just wanted to give you a little bit of background, because I know what the fate of this bill is going to be from what has been in the past. But I think for myself whenever I offer a bill, I want some things in the record. There is no need to reinvent the wheel so I have gone through some of the opening statements I gave during my full raise before this committee and I selected one that I would use for the purpose of getting things into the record and I will read from that. And then I may answer questions, I may not. And I'll tell you why I say that, I know this committee's gonna kill the bill. They always do. The Governor doesn't like the bill. There are people who exaggerate and make misstatements about these animals. Such as, seeing them sitting there watching them as though they want to attack them. If the animals know that human beings are there they don't want to be seen. That's why they're considered phantoms. They're called the ghost of the plains. People don't see them. There was a naturalist and an illustrator named Ernest Thompson Seton, he spent a lot of time in the wild. If you read those kind of books you will have read something by him. He camped. He was an outdoorsman. He had not seen a cougar in his life. But he said there were many cougars who obviously had seen him. There was one point where he and his wife had gone camping, and when they woke up the horses were gone. They had horses, they were gone and there were cougar tracks everywhere, even between the bed rolls, or whatever you want to call them, what they were sleeping in, but they had not heard a thing, and the cougars had not attempted to bother them. And one reason I think they don't attack humans is because they have better taste. I didn't say humans taste better, cougars have better taste, and I'm gonna rush through this. And then I said this to that of the committee. One thing I want to make clear to all these experts, semi experts, and others, I read a lot. And you know what I've discovered in my reading, that astrophysicist who made discoveries have read the work of other people in their line of work. And if somebody who is not an astrophysicist will read studies, reports, and documents that person can derive a lot of information. When it comes to the management of wildlife, there are people recognized universally. By that I mean not just in America but around the world as experts. If you read their publications they will invariably give you a bibliography which you can refer to. They footnote their work to show that they have read and obtained information by reading which they did not gather by their own

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experience or spending time in the field or by conducting 15-, 20-, or 30-year studies, and they wrote about the results not only of their work but after they analyzed and evaluated these studies. So I hope this committee is not like some people who despair as those who study the work of others. Not one person with the Game and Parks has conducted a 60- or 20-year study in Utah, Idaho, California, lived among mountain lions who discovered that in states where a mountain lions are far more, far more plentiful than those in Nebraska they are part of the ecology and those people don't fear mountain lions because they understand them, they know how they operate. And if a person happens to have an encounter with a mountain lion, it's because the person went where the lion was. This recent incident that happened in Oregon where this guy said he was jogging and he was attacked. The fact that he killed this young lion with his bare hands indicates that they're not that ferocious as people say. They can be dangerous. But it is such a headline grabber when a cougar or a mountain lion attacks a human being because it happens so rarely. There has never been a documented attack on a human being in Nebraska ever since 1991 when they started making their comeback. So things that I could provide I'm not going to. I know there will be people speaking against it. So I will wait to hear what they say before I go into other things so I can counteract what they say. When they had that first hunt, it was in 2014 I believe, they did it for money. They had a drawing or an auction and the starting amount was something like \$500 at the Gene-- Eugene T. Mahoney Park, so that lets the ordinary person out of the picture. Then the incremental bids had to be \$500 to \$750 because these animals rather than being managed were to become sport for people who kill for the love of killing, and that is not management of wildlife. These animals are a natural resource. Resources don't belong to just hunters and killers and outfitters and those who want to make money from these animals. They belong to everybody and they're part of the ecology. And when you kill the alpha predator, numerous other animals get out of whack. There was a period when there was an overabundance of deer because the mountain lions had been decimated, the few that were here. In Yellowstone National Park when Teddy Roosevelt was President, he talked about setting aside some land to save the greatest deer herd in America. So they wanted to get rid of all the predators, the mountain lions, the bears, and the wolves, and they succeeded in doing it. Then these ungulates began to eat up all of the grass, all of the young trees. Things were completely out of whack so they had to start bringing back the predators because these people were acting on the basis of emotion. When the predators came back these animals, the ungulates, the herbivores, became aware of

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them, and they were skittish. So they no longer would find one place and graze or browse until all the vegetation was gone. They would want to stay in the open so that they could see the predator and that caused them not to completely devastate an area, they would move from place to place as they had done originally and nothing was completely destroyed. They would even go in near streams, stream beds, and they would eat up all of the saplings, all of the lush vegetation, and the actual course of the stream would change. And then it dawned on some people that things are not in order as they should-- I'm wasting my time and your time, too. You're gonna kill it, so let me get back to what I'm going to do. There was never any legislation offered, and you all don't know this. A lot of people don't know it. There was never a piece of legislation offered to authorize the mountain lion hunting ever. So how did it come into being? A bill was offered to allow hunters who took a lot of deer to have that meat processed and turned over to these food banks and soup kitchens. And a guy named LeRoy Louden added the provision at the instigation of Game and Parks to hunt-- have a hunting season for mountain lions. There was no problem with mountain lion. None. But they thought they saw a way to make money from these trophy hunters, so Louden offered the amendment. There was precious little said during the hearing. You can get the transcript. Then when the bill came to the floor the discussion was about the supplying of this meat, how they ought to regulate it to make sure that it was properly processed. The people who processed it knew what they were doing. There would not be diseases. All of those things that you do to make sure that food is edible. LeRoy Louden spoke a little bit in his opening, spoke a little bit in his closing about the mountain lion, that's all. No justification for it, no attacks on people, nothing. And from that, we wound up in a situation where I felt the need to do something about it. But anyway, I read the statute. I read the transcript of the hearing, and read news reports of how it came about. And then it tells you what I just told you all, I don't have to read all of that. From the date of 1999-- 91 when these animals were first resighted, there have been none of these reported or confirmed attacks on people. And at that time, even livestock. And there was another thing of interest which I won't tell you because it would take too long. I want to skip some of this. It would be too inflammatory for this committee. I'm going to show you what the mountain lion would be if the mountain lion were not so timid. If the mountain lion were not so eager to try to stay away from people, if human beings stayed to itself-- and in these states that I talked about-- and I know this from reading I haven't been out there, this is what lion-- mountain lions are like where they're located in

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parcs, there are people who go on picnics. They go camping where mountain lions are plentiful and they're never bothered and they've discovered-- the experts have done this, they want to see mountain lions, but they never do. One man had thought that the most dangerous thing that could be done would be for a human being to come between a female and the kittens. Well, there were these naturalists who had been spending time around these mountain lions and the mountain lions became familiar with them. So when the mother had left they would go where the kittens were to weigh them and the mother would come back and she would nervously pace back and forth and look around and stay close, but she never attacked. These people had never done anything to incite fear but because they were around her kittens she was concerned like a mother would be. Then when they left then the mother would come with the kittens, and that's the way those kind of things went. There's so much here I feel like going into, but I'm not going to because you have a time schedule. Oh, and here's what it said about the incident I just told you, she was pacing very nervously, but never behaved aggressively. And the experts have said they thought the most dangerous thing that would happen would be to come between the mother and the kittens as I pointed out, but I don't have to read that since I said it. I think I've said about as well here as what I said during that opening. I've said more than I intended to. I was going to come here and speak about two or three minutes and leave. But I don't want to disrespect the committee. I don't want you to think I'm not serious about what I'm doing. I had gotten the bill out of a committee in the beginning. Not only did it come out of committee, it passed. The Governor vetoed it. I was rounding up votes to override the veto. I had 28 certain votes. One of the senators who had said he would give a 29th vote, than there would be a 30th one, did not give that vote. And when it failed, I brought it up and I called him out. His name was Karpisek. He now works with the auditor, and I give his name because he stood up and talked about it himself. And he said that he did make the promise and he should have voted but he didn't. There was another individual, Tom Carlson, who was going to be the 30th vote. But then he decided to run for Governor, and he decided that he would bow out, too. But Carlson did not know that Karpisek was not going to give that vote. You can talk to Karpisek about it. You can read the transcript. At that time, Ricketts-- was, was it Ricketts? Well, whoever the Governor was, they all look alike to me. But at any rate, before he ever came down here-- it must have been the one before him, because before he was elected he had said that because somebody asked him a question as they invariably do about me, and it was out in a little town and you'll see that article because I'm gonna use it in another

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connection. And he had brought up my name and said that he was going to grow a coalition against Ernie Chambers because the Legislature's not gonna be debating mountain lions the whole session. It's not for him to dictate what the Legislature talks about for however long or how short a time. He threw the first stone at me. So this bill has brought to my understanding a lot of things about the kind of people who are in the Legislature, who are out of the Legislature. And because experience is the best teacher they say and some will have no other having experienced what this committee has done. Even when the membership changes, I don't have any illusions about this. But I think-- not think, I'm convinced that these animals should not be killed for the love of killing. And I'm gonna explain one other thing to you all, then I'm going to stop. If we were on the floor and ask somebody-- I would ask somebody, these smart people, why they hunt these lions with packs of dogs. First of all, they need the dogs because without a dog they won't ever see one. They'll never find one. And if the dog is not trained, if it comes across a path, it would as soon go the wrong way as to go the right way. These dogs hunt in packs because they, they have millions of-- I call them old factory sensory mechanisms. Some people call them old factory glands, old factory organs. But I can't imagine you having five million of anything in your nose but they do. Whatever they're called, and they can pick up a scent. But it's like something that becomes overloaded and then it doesn't function. So that's when the dogs put their noses up in the air and they breathe fresh air to refresh. Well, if all of them did at the same time they would lose the, the trail. So when these put-- this one puts his up in the air the other one still has his down on the trail and they're continuing to move. By the time his kicks out then this other one can now follow the trail again, so that's why they hunt these animals in packs. Now you know that. Beagles have nostrils that point downward, so they keep to the ground and they smell all the time. They smell the grass. They smell anything the animal touched and these hunters know all of these things. It's not a fair contest. It's not hunting. It's what I call butchery and slaughter. Seldom are these animals run to earth. They run up a tree. Then the great hunters at their leisure can take aim and have target practice, then they've got a trophy to take home. And that's what happens in a state like this with one of the most precious, in my mind, pieces of natural resource. Animals don't belong to anybody, no person. And when you study property law in law school, the first thing they deal with are wild animals which don't belong to anybody, they belong to the king. But in determining who might have the right to an animal that's out there because they were allowed to hunt whoever was the closest to it and



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doing the most at the time it was failed is the one who could take ownership and that's when they went to court and established, established some of the principles of ownership. So if you have any questions you want to put to me, I will answer them knowing what the fate of this bill is because that's how the game is played. And I voluntarily put myself at your disposal, so whatever you want to ask me.

**HUGHES:** Thank you, Senator Chambers. Are there questions? Senator Moser.

**MOSER:** Senator Chambers, were you in the Legislature when the first law was passed to hunt mountain lions?

**CHAMBERS:** I'm trying to think. I was here when Senator Louden was here. But, I don't recall the, the matter coming up so that could have been before I got in. I'm just-- I can't tell you for sure.

**MOSER:** And I'm just curious, not that it has a bearing on what we're doing, but are mountain lions edible, are they just a sport and--

**CHAMBERS:** Oh, there are people who have eaten them, and they say that the meat is somewhat dry because they're so muscular, they don't have a lot of fat, and they say it is somewhat sweet. And it has a pleasant taste, but most people just kill them either to get the bounty or because they fear them, but not as a food source. Except in the early days, there was this one woman and she was known they called her Cougar Annie because she had killed a number of them and she actually canned them. She, she actually put them in jars to save like you would food for the winter. And she ate it like any other meat. So it's not harmful, it's just a matter I guess of developing a taste for it.

**MOSER:** Is, is your objection based on the sport killing or the harvest of them or--

**CHAMBERS:** I think that there are so few mountain lions in Nebraska that management ought to be what we have in mind, and that means if one is where it should not be the law already says that a person can contact Game and Parks. They will send somebody, and if it's necessary to kill the animal and the animal is there that's what they'll do, or the landowner can kill the animal. So it's not like where they're just given carte blanche. But there have been examples, and one just the other day, where some firefighters saved a cougar that was in a tree. They had it sedated, they captured, they took it and released it in

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the wild. Game and Parks people ought to know how to manage so few animals. Hunting is not the way you manage cougars. There are so few and if one came into a city as some have often law enforcement will come and just shoot them. In Omaha, there was one-- the Omaha police used shotguns and handguns to kill it. It had already been injured. After they did this necropsy, however they pronounce it, they don't call an autopsy on an animal. They found out it had a broken leg and some other injuries and that's probably why it had come not through the city but had lingered. It hadn't been attacking anybody. I think they saw it lying beside a building so they called out the police and the police as they often will do they shot first and ask questions later. These animals can be managed. Game and Parks should know how to do it. They've demonstrated that they know how to get these animals without killing them because they said they're gonna have a research project. And the way they do that is to trap them without harming them, sedate them, and put a collar on them, and then they release them. If they can do that for that purpose, they have these same methodologies they can use if they think one is in a location it should not be.

**MOSER:** So you don't distinguish between whether the animal is killed for the meat or whether it's killed for the sport of shooting them?

**CHAMBERS:** I wouldn't kill for meat around here. And in most instances, not today, do people do it for that reason? This was in the early days before some of the ideas about it grew up as a being like a lion or a tiger or an animal of that kind. If somebody killed one and it was for the bounty then that's all they wanted was the \$5 that was paid. But some people if it was killed on their property they would actually treat it like meat of any other animal.

**MOSER:** OK, well, thank you.

**HUGHES:** Senator Geist.

**GEIST:** Yes, I have one question. Does the mountain lion have any natural prey?

**CHAMBERS:** Natural prey?

**GEIST:** Um-hum.

**CHAMBERS:** Oh, yeah. Deer eat--

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**GEIST:** No, I mean on them. Are they natural prey for--

**CHAMBERS:** Oh, other animals?

**GEIST:** Um-hum.

**CHAMBERS:** Well, if they are in areas like where jaguars are they might come together and fight, but usually they avoid each other. So I'm not aware of natural enemies who would go after a mountain lion knowing that's what they're dealing with.

**GEIST:** Ok, thank you.

**HUGHES:** Senator Gragert.

**GRAGERT:** Thank you, Senator Hughes. Senator Chambers, thanks a lot. I just wondered do you, do you believe in hunting as a management tool for any animals?

**CHAMBERS:** Not hunting. Now you're asking for my opinion?

**GRAGERT:** Right.

**CHAMBERS:** They, they allow it and maybe certain animals like-- and I don't know how, how many wild turkeys there may be for example, let's say there is-- are too many wild turkeys for the Game and Parks officers, the few they have to do anything with, so they say under limited circumstances in limited areas when you meet these requirements then you can take a turkey or two. Maybe that is something that could be justified. I've never hunted, but I've never tried to have hunting as such banned. I know people are going to do it, but there is no justification to my way of thinking to allow the hunting of mountain lions in Nebraska under any circumstances. I didn't say that they could not be killed if they were a genuine menace to human beings. If that were the only way to deal with that situation then that's what would happen. But there is one gentleman, he even said when they were allowing people to hunt in 2014, that was the first and only hunt they had before this one, he would let-- he said if they want to hunt they can go through his, through his land and they could take their guar-- their guides and everybody. And he knew there were lions, because for 20 years he had seen the evidence of it, but he had never seen one ever on his land and they never took one on his land. But had they been able to he didn't care.

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**GRAGERT:** So with a-- would like-- you mentioned turkeys, we'll mention whitetail with the overpopulation, you don't feel hunting as a management tool to keep those in check, and even in best use-- best interest of the herd itself [INAUDIBLE]?

**CHAMBERS:** Well, that might be something which should be a part of a management program but it wouldn't be for the purpose of creating trophies. With the mountain lions, the only reason is to give these hunters a trophy chance, and that's what a man named McCoy, I believe that's his name, he said that's why they wanted to have a hunting season to give the hunters a chance to kill one of these animals. And I'm paraphrasing what he said, but it was not to manage them, it was to give the hunters something to shoot at for sport.

**GRAGERT:** So you wouldn't think that hunting-- once again, as a management tool, to keep the numbers of mountain lions in check so they become less hazardous for, for-- you know, for other animals and or humans to keep them in, in check to where-- you say 1991-- you know, that's been almost 30 years--

**CHAMBERS:** Uh-huh.

**GRAGERT:** that we've got-- I would-- they would have data on now. That if there's fewer mountain lions there's gonna be fewer occasions where people are gonna be either accidentally or purposely come across a mountain lion, OK--

**CHAMBERS:** But here's the thing, in states where they have a lot of them-- in California they have hundreds, they have thousands, and rather than killing them, there is a eight-square-mile park in the middle of the city where a mountain lion-- he's famous, but he's been virtually invisible. People go there to try to see him and they don't see him. What they've done in California, they've talked about it for years, they finally built an overpass over a four- or five-lane highway so that the cougars could cross that highway without being killed. Many of them, and nobody could explain how or why, they would actually run across that highway safely, but others were killed. So instead of doing like in Nebraska kill all the mountain lions, they want to preserve them. And there are mountain lions on one side of that highway and those on the other-- the highway must have split their territory, so they tried to get back and forth. They do breed and males like females. They built that overpass and it was millions of dollars to do so there will never be that many lions in Nebraska because this is a pass-through state. They are not going to overrun

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anything. If they kill a cow or a goat or a sheep that is not what I would call a serious infestation of mountain lions. And if you have somebody from Game and Parks here, they will tell you that Nebraska would be located on what we call the eastern edge of mountain lion territory.

**GRAGERT:** Yeah, I mean-- I, I know just a small about, about mountain lions coming out of South Dakota, wherever, Colorado, but coming down like say let's just take one, Missouri River Valley. You know,--

**CHAMBERS:** Um-hum.

**GRAGERT:** the-- because, because and possibly, don't know this for a fact, but possibly they're getting overpopulated in the areas so they move out like every other animal. You know, after they get so populated they start moving, and or, and or the alpha, alpha--

**CHAMBERS:** But see they don't flood Nebraska, and here's kind of how that goes. Remember this, I'm not an expert. I don't pretend to be, but I read. The mother will keep the kittens with her for maybe two years and then she runs them off. They're not gonna stay with her. And in that process she teaches them what they are to eat and livestock is not on the menu. That's why when they're loose they don't just automatically go attacking livestock. They're also territorial. If you have an alpha male and they have a huge territory, if young males stumble into that territory, the old lion runs them off. If you kill one of those old lions and you kill the mother, then you have created teenagers so to speak who don't know anything about anything and they don't know ape from bullfrog. So when these people with Game and Parks talk about the good they're doing they know better they know more about this than I do and they know better than to have these hunting seasons when you have so few of these animals and by so doing you upset the balance. There are enough-- not enough lions to keep the deer population in check for example. If for some reason the deer proliferate, whitetail or any other kind, elk, no matter what, they don't kill for the love of killing. If an ordinary lion is not feeding, babies are growing, they might take a deer every seven to ten days. And that's not a whole lot. That's not savaging or anything. It's getting what they need. And because they don't like-- they're not scavengers. In areas where they tried to poison them it didn't work because they were not going to eat a carcass. If they kill and then they secreted it someplace that's where they'll come back. And that's how some of these people who are gonna hunt them know or get an idea of how they can do what they want to, to them. Find out where they

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made a kill because they'll come back to it and then you set up your ambush. Then you can be like Ernest Hemingway and Teddy Roosevelt when they're eating minding their own business and you walk up and you shoot them.

**GRAGERT:** Thank you.

**HUGHES:** Any other questions? Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Hughes. And thank you for being here today to talk about this, Senator Chambers. A couple questions.

**CHAMBERS:** Um-hum.

**ALBRECHT:** How many kittens does a mountain lion have?

**CHAMBERS:** I'm gonna let one of the experts tell you, but they'll have at least two.

**ALBRECHT:** OK, I'll ask, I'll ask those, those folks that. But, I'll probably have to ask the same question--

**CHAMBERS:** Well, maybe two or three.

**ALBRECHT:** Well, but I just want to know-- in 2014, when they issued permits in two areas, Pine Ridge Unit and the Prairie Unit,--

**CHAMBERS:** Um-hum.

**ALBRECHT:** --they sold 2,664 permits.

**CHAMBERS:** Um-um.

**ALBRECHT:** Do you have any idea how many they actually killed?

**CHAMBERS:** Well, there was a limit. If they got two females at that time I think they said that that would end the hunt. And then they had a maximum of maybe-- I don't remember the numbers, six or something like that, a very small number. And a lot of these people who got those permits would never see one anyway so they, they wouldn't even get a shot at one.

**ALBRECHT:** So I'm wondering-- I'm, I'm sure that they'll be able to tell me. They're obviously chomping at the bit to get up and talk about it. But it would be interesting to me to find out how many were

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actually shot. And then they said that in 2016 they didn't have a season.

**CHAMBERS:** No,--

**ALBRECHT:** Did you have anything to do with that?

**CHAMBERS:** --for several seasons. This is the second season. The first one was in 2014. They had no hunts in between.

**ALBRECHT:** OK.

**CHAMBERS:** And part of that was because of what I was able to do in terms of maybe making sure Game and Parks didn't get money from the Legislature and they decided they didn't need the hunts. But here's something that bothered me, Senator Albrecht, the people with Game and Parks know what my attitude is. They had their hearings and meetings way on the other side of the state and they say they do that because that's where the mountain lions are. They had one in Omaha in January-- a January-- it wasn't this January, but last year I believe. And I came, and I think they knew I'd be there, but it was a meeting where they would not accept any public input. Now they know that I have probably taken a stronger position with reference to the mountain lions for any reason, but when they came to Omaha they would not take public input. Then when they went way out on the other side of the state they did like they usually do they allow people to speak and I thought that was, I thought that was insulting.

**ALBRECHT:** Um-hum.

**CHAMBERS:** I thought it was un-- unprofessional. I thought it was a deliberate slight to show me that I don't run anything. They're the ones who are on this Commission. The Governor appointed them. He knows they're not experts. He knows they're not scientists or political appointees and they'll do it the way they wanted to.

**ALBRECHT:** Um-hum.

**CHAMBERS:** And that was the way it was. Even if I had gotten up to speak there's nothing I could have said and I don't do that. If they are not going to take public input, I won't say anything.

**ALBRECHT:** Um-hum.

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**CHAMBERS:** But I think that was intentional, and everybody there wondered why they said there'd be no public input.

**ALBRECHT:** Yeah, I would be-- I would really be interested to know how many were actually killed at that-- on that particular hunt and if that's why they backed off for so many years until [INAUDIBLE].

**CHAMBERS:** Well, one year-- and I'm just trying to think if that was the one where there may have been more killed accidentally than were taken by hunting, several were hit by cars,--

**ALBRECHT:** Um-hum.

**CHAMBERS:** --a couple were accidentally they say caught in traps and I'm not sure if they did kill the number that they were going to allow.

**ALBRECHT:** Um-hum, interesting.

**CHAMBERS:** I don't remember everything in detail that many years.

**ALBRECHT:** You did pretty well. Thank you.

**HUGHES:** Any other questions? Senator Moser.

**MOSER:** In the handout we got it said in 2014 that they had five mountain lions harvested statewide. Is that the question? It's kind of in the middle of the page that--

**ALBRECHT:** Well, that's not what I actually--

**MOSER:** It's in the-- under number three, second paragraph, hunting season in 2014, five mountain lions were harvested statewide, three in the Pine Ridge, two in the Prairie Unit, 2,664 permits were sold bringing in \$53,000.

**ALBRECHT:** I don't want to talk out of turn. Can I say something that's not [INAUDIBLE]?

**MOSER:** Well, and I, I just had one question that's-- may not be projective, but I can't help but ask it.

**CHAMBERS:** Ask.



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**MOSER:** How would a guy from the city be interested in mountain lions out in the boonies? What was your epiphany to get you interested in this?

**CHAMBERS:** In the same way that I'm interested in people wherever people are. Any place where I see animals are being handled in a way that I think is inappropriate, I will do something. I've been upset about puppy mills. And maybe some of the things I said about the way they hauled cattle in these trucks had something to do with it. At that time Jerome Warner, after whom that one of those chambers is named, knew what I was talking about, and he said that there were going to try to have something done with the trailers so that there'd be more air flowing through it as they moved because they were almost like big boxes with slats. But at any rate, I, I wouldn't know a cow from a bull. Do cow-- cows have horns? Bulls do. But, I don't know. The point I'm getting at, if I become aware that something is being done that is contrary to what Mother Nature would like to have happen then I will try to do something about it. And when I began to read about cougars or mountain lions, and there were so few at that time and the reason they were going to have them was to try to make some money by letting these hunters kill them. That's what caught my attention to it. They said they wanted to give hunters an opportunity. And at first I didn't think they were going to use dogs. I thought they would let these people hunt. But these guys couldn't find one because they don't see them. So they use the dogs and I think even this hunt-- this season they will let somebody-- I don't know if it's by drawing a lot-- or what, use dogs. Well if dogs are to be used, why don't they let everybody hunt with dogs. And if everybody hunting with dogs would decimate the population why allow anybody to hunt with dogs. In other words there is not a process they're using that seems professional or ethical. It's strictly to give people who want to kill the opportunity to do so.

**MOSER:** OK, thank you.

**CHAMBERS:** Um-hum.

**HUGHES:** Any additional questions? I just have one clarification. In 2017, you introduced LB448 which is the same bill that you have now. It was not killed by this committee. So we do not always kill your bills.

**CHAMBERS:** Will it languish here and die at the end of the session?

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**HUGHES:** I can't-- that's up to the committee. I can't say that.

**CHAMBERS:** Oh, OK.

**HUGHES:** Any other questions? Thank you.

**CHAMBERS:** But can I say this, I'm glad that you corrected me because you gave me a glimmer of hope. Thank you, Mr. Chairman. [LAUGHTER]

**HUGHES:** Will you-- you'll stay for closing?

**CHAMBERS:** Yes, I will.

**HUGHES:** OK. With that, we will ask for any proponents of LB46? Seeing none, I'll ask for opponents of LB46? Good afternoon.

**SAM WILSON:** Good afternoon. My name is Sam Wilson, spelled S-a-m W-i-l-s-o-n. I am the carnivore program manager for the Nebraska Game and Parks Commission. I'm a biologist and a research scientist, and I'll speak for a little while about history, biology, and research that we're conducting at the Commission. Then after I speak our deputy director, Tim McCoy, will come here. And if you have questions directly regarding policy, it'd probably be best be addressed to him. To begin with I'd like to thank the Chairman and members of the Committee on behalf of Game and Parks for the opportunity to speak on, on LB46. Game and Parks Commission opposes LB46, it would remove the ability for our agency to manage mountain lions which are a game animal like we do other game animals, and at times that can include a harvest season. Lions are native to Nebraska. They've recently recolonized parts of the state beginning in 1991, like Senator Chambers mentioned. They inhabit three areas right now, the Niobrara River Valley, the Pine Ridge in northwest Nebraska, and the Wildcat Hills. Mountain lions were added to the list of game animals by the Legislature in 1995, and it's that protection under game law that allowed them to recolonize our state, and so they are protected year round other than when hunting seasons are prescribed or if they depredate livestock or enter cities or pose a danger to people. The Game and Parks is invested heavily in, in learning more about mountain lion populations. We want to know as much as possible so we can use science to make decisions. We've been conduct-- conducting intensive research since 2010. That includes creating population estimates. We're also collaring animals. And at this point, I'd like to point out that having the science and more knowledge about the populations in the species itself allows us to better manage mountain lions. In

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managing mountain lions like all game animals is a balance between what the habitat and prey species will support and what people in Nebraska are willing to accept as far as numbers. And so to use deer in this example, we could have a deer population that may be two or three times higher than it is now based on food resources in the state. But we're an agricultural state and people who produce grains need to be able to make a living and they are likely unwilling to accept a deer population that's three times higher than it is now because of damage to crops, and also there are concerns with vehicle strikes. And so the Game and Parks is trying to find a balance between what the hunting community wants, what ensures that deer populations will remain stable and resilient over time, and what the people of Nebraska are willing to accept. And so it's the same process with mountain lions, and this has worked really well for deer, elk, and turkeys over the last hundred years. No game animal has become extirpated or wiped out from our state with this careful management. The Commission did create a management plan that directs the management of mountain lions in Nebraska. This lays out how we will manage mountain lions. It's available on our Web site. We held public meetings to create it. The management goals stated in this plan is to maintain a resilient, healthy, and socially acceptable mountain lion population that is in balance with the wildlife populations and the available habitat. So we're looking long-term having mountain lions in our state at a good balance. Research population estimates from genetic surveys and a capture-mark-recapture techniques-- we use two different scientific techniques to determine mountain lion populations, and our most recent survey showed that there are approximately 59 total animals in the Pine Ridge-- so whenever I talk about that population estimate that's the Pine Ridge only, it's not a statewide estimate, but that had nearly doubled from our 2015 estimate of 33 and more than doubled from the 2014 estimate of 22. So our, our population estimates show that this population has risen quickly and the density in the Pine Ridge area is higher than it is in most western states. We held hunting seasons in 2014 and 2019. In the 2019 season, we decided to hold a hunting season in part because of this increased population estimate, in this high density. We had an increase in depredation issues with goats, cattle, and poultry. We had input from local people at meetings we held in the western part of the state because that's where mountain lions are present. We wanted to have their input and we also identified the population in the Pine Ridge is one that would be resilient to harvest. And so I guess to, to end here, I just want to point out that I believe that with science-based modern wildlife management that mountain lions have a

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secure future in Nebraska over the long-term and that we will be able to create a balance to make sure that the mountain lion population is secure, but also the people of Nebraska can accept this population. With that, I'd be happy to answer any questions.

**HUGHES:** Thank you, Mr. Wilson. We appreciate your testimony. Are there questions? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Hughes. Excuse me. Mr. Wilson, thank you for being here. Could you-- is there a-- could you attribute the increase in the population in the Pine Ridge to prey? In other words, is there more deer, elk, sheep, bighorns? Have we've seen an increase in, in, in those herds? So then we have a higher number of, of, of lions out in that area because there's just more-- there's more feed for them if you will?

**SAM WILSON:** Yeah, we're not, we're not certain what caused the population increase but lion populations can increase at about 10 to 14 percent per year. And it, it may be that we've not held harvest seasons for lions and so most western states, all except for California, have harvest seasons. And, and we had initially high big game populations to begin with. And so the lion population was just catching up with these fairly, fairly high big game populations particularly in the northwestern part of the state.

**BOSTELMAN:** Is there-- is-- do you-- predominately are they feeding off of the elk, deer, bighorn sheep out in that area, pronghorns?

**SAM WILSON:** Yes, primarily deer, mule deer and whitetail deer, and they also take bighorn sheep, and elk at times, and turkeys.

**BOSTELMAN:** And I'll ask the question that Senator Albrecht asked earlier, how many kittens-- how many cubs? What's their litter? What do they have?

**SAM WILSON:** So litters are typically one to six. And the most common is three. So two, two to three would be really common in the animals that are-- that we've looked at in our research project.

**BOSTELMAN:** So do they typically have all three survive? The whole litter survive, or is there a mortality rate within that litter?

**SAM WILSON:** Well, it depends on the timeframe you're looking at, so it's, it's not uncommon for some of the kittens not to survive. At times the entire litter will survive, but then when they are pushed

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out by their, by their mother or by the local dominant male then they can suffer mortality at, at that age before they've secured their own home range. And then each year of their life they're always in danger from-- you know, vehicle strikes or being killed by other mountain lions who, who want to move into their territory. So--

**BOSTELMAN:** So what's the population like as at the Wildcat Hills, just south of Chadron, the Wildcat Hills?

**SAM WILSON:** Yeah.

**BOSTELMAN:** What's the population of that area?

**SAM WILSON:** We're not certain of the population levels in the Wildcat Hills or the Niobrara Valley or elsewhere in the state in Nebraska. We-- we've run our population estimate in the Pine Ridge because the population there is the most mature as far as time and size. And so our-- the models and the scientific techniques we use to create our population estimates are viable there. The Wildcat Hills and Niobrara Valley have been recolonized more recently. And so we haven't been able to create population estimates for those areas, but the habitat is much smaller in the Wildcat Hills.

**BOSTELMAN:** And is, is there a, a-- you probably don't know this, but since with the bighorn sheep, since we're having problems with the stabilization of that herd from the loss of lambs and that-- I mean, does that have an effect? Excuse me. I think that they would be a primary prey animal for the, for the lions in those areas.

**SAM WILSON:** It can have an impact on bighorn sheep populations. But the real driver in bighorn sheep populations is disease issues.

**BOSTELMAN:** OK, thank you.

**SAM WILSON:** Yeah.

**HUGHES:** Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Hughes. OK, so I got my kitten question answered. Tell me a little bit about these collars-- you put on collars. How do you, how do you catch them? How do you find them? And I'm glad to see that two of my three counties are listed because I do know that-- I mean, do you wait for people to call in and say, hey, we

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've got a couple in our, our-- out in our pasture, or up in the trees or-- I mean, how do you know--

**SAM WILSON:** Yeah.

**ALBRECHT:** --where all these animals are at?

**SAM WILSON:** We receive reports from the public of mountain lion observations, and that can be a variety of things often it's an animal ran across the road, or they saw something from their tree stand as they were hunting. Other times it's trail camera photos, which are great for us because we have actual evidence to look at. And so as a scientific agency we require evidence to confirm mountain lion presence. So that map there-- those counties are counties where we have confirmed through physical evidence that a mountain lion was present.

**ALBRECHT:** OK.

**SAM WILSON:** There are other cases where-- you know, someone may report-- say in southeastern counties that they observed a mountain lion run across the gravel road and we go out and look but there are only imprints and gravel and we can't tell what animal it was. So those are not confirmed by us and not on the map.

**ALBRECHT:** Um-hum. So they have these litters,--

**SAM WILSON:** Yep.

**ALBRECHT:** --and how many of-- say 50-some that you say are up in that Pine Ridge area are collared-- have a collar on them?

**SAM WILSON:** We, we have approximately a dozen cats collared right now with working collars.

**ALBRECHT:** So a dozen just in that area--

**SAM WILSON:** In the Pine Ridge.

**ALBRECHT:** --or throughout the whole state?

**SAM WILSON:** In the Pine Ridge.

**ALBRECHT:** Just in the Pine Ridge.

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**SAM WILSON:** And we've, we've handled many more than that. We ear, ear tag kittens they're not large enough to wear collars, but the adults we do collar. And you asked how we capture them, we,--

**ALBRECHT:** Yeah.

**SAM WILSON:** --we often capture them in large cage traps and we use cellular, cellular trail cameras that can take pictures and show us where lions are and when they're-- when we know a lion's in an area,--

**ALBRECHT:** Um-hum.

**SAM WILSON:** --we'll bait one of these traps and monitor it with GPS transmitter devices so we can react immediately so the lion doesn't have to spend much time in the trap.

**ALBRECHT:** Um-hum.

**SAM WILSON:** Then we chemically immobilize the lion and put the collar on.

**ALBRECHT:** OK, so going back to this other question that I had, and I don't hunt, so I wouldn't have any idea, you would, you would-- you did sell 2,664 permits and only five were killed?

**SAM WILSON:** Yes.

**ALBRECHT:** In that whole year? Is it for a whole year? What's the season that they [INAUDIBLE]?

**SAM WILSON:** In the 2014 season we had a-- we had two different units. The Pine Ridge Unit held the harvest season for approximately two or three months that allowed-- there were two different seasons: one, the first season had a limit of two mountain lions or one female; and the second season which didn't allow dogs let us provide a hunting opportunity to more people because dogs were not allowed that had a limit of two with a sublimit of one female because females are the most important component of the harvest season so relatively few animals could be harvested in the Pine Ridge. The Prairie Unit covered 87 percent of the state and it was a season that ran year round and with an unlimited harvest. But at that time there were-- we didn't know of any mountain lions that were present in the Prairie Unit on, on a permanent basis. Of course, a few can disperse out from the Black

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Hills or the Rocky Mountains and so that that was a number that was somewhat similar to what we were expecting--

**ALBRECHT:** OK.

**SAM WILSON:** --in that year.

**ALBRECHT:** That's a lot of revenue for Game and Parks to sell that many permits. Do you sell that, that many permits for like whitetail or, or elk or--

**SAM WILSON:** A magnitude larger for, for deer for instance.

**ALBRECHT:** OK, but then-- so like would it be the same amount like do hunters just not get their tags filled out obviously, but is that in all the different-- I guess, I have a sportsman back there, that's, that's gonna be his question, so I'll, I'll--

**SAM WILSON:** OK.

**ALBRECHT:** --I'm done with you. But, thank you for answering my questions.

**SAM WILSON:** You're welcome.

**ALBRECHT:** Thanks.

**HUGHES:** Thank you, Senator Albrecht. Are there other questions?

**MOSER:** I've got one.

**HUGHES:** Senator Moser.

**MOSER:** Does the collar biodegrade or how do you ever take that collar off then?

**SAM WILSON:** Yep, the collars can-- they can tear off on their own. And so we've had mountain lions that while they are preying on deer, the deer somehow pull the collar off the lion or get an antler or hoof under there and pop it off, or they can tear. We also have something called a breakaway device where we can send a signal to the, to the collar and have it pop off of the animal. And then other collars are built to stay on the animal for their lifetime. And so they're, they're quite lightweight compared to the size of a mountain lion so they can live their whole life with that collar on.



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**MOSER:** And, and what does a hunter do when they kill a mountain lion? Do they bring it to a checkpoint and show it? And then what do they do with it?

**SAM WILSON:** Yep. So, yes, they call-- they're required to call us within eight hours to notify us. Because since we have a harvest limit, when that limit is, is met, as it was in our south unit, I need to change a message that the hunters are required to check every day to see if the season's open to tell them that the season is closed. So hunters, right when they harvest their animals, as soon as they get to cell service, hike to the top of the canyon in the Pine Ridge for instance, they give us a call. We arrange to meet them. We inspect the animal, determine gender, take a DNA sample, tag the animal, and we cancel their permit, and then it's, it's their animal, and then they can go about utilizing the animal. So it's a game animal, so there-- there's a want and waste law that requires you to use the animal to its fullest extent, most are made into mounts and eaten.

**MOSER:** Ok, thank you.

**SAM WILSON:** Yep.

**HUGHES:** Senator Gragert.

**GRAGERT:** Thank you, Chairman Hughes. Thank you for your testimony, Mr. Wilson. I just got a quick question, and basically in the Pine Ridge I'm interested in, how many years, maybe you've already said, how many years of data do you have on the prime-- Pine, Pine Ridge area?

**SAM WILSON:** Yeah, we began our intensive research in the Pine Ridge in 2010. So in 2010, we created a population estimate based on genetic surveys with a scat detector dog and sending scat off to a lab in Montana. We, we ran the surveys again in 2012, 2014, 2015, and 2017. We also have trail cameras out and we do these investigations from reports from the public. And so we're able to keep records of things, important things like reproduction and notes of litters and locations and, so. We also created a habitat model in 2010, and we're running that GPS project up there, that began in 2015, and that's a pretty intensive project. So we're, we're heavily invested in learning more about mountain lions.

**GRAGERT:** Thank you.

**SAM WILSON:** You're welcome.

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**HUGHES:** Additional questions? Senator Moser.

**MOSER:** Am I limited to three times?

**HUGHES:** Getting close, I'll let you know. [LAUGHTER]

**MOSER:** What happens with the cougar license plates? Where does that money go?

**SAM WILSON:** Money from the license plates goes, goes to a youth conservation fund. And that's-- that fund is used to educate people, young people about the value of conservation, wildlife, native ecosystems in Nebraska.

**MOSER:** Not just about mountain lions,--

**SAM WILSON:** Not just about mountain lions, that correct.

**MOSER:** --but about--

**SAM WILSON:** But including mountain lions, yes.

**MOSER:** OK, thank you.

**SAM WILSON:** You're welcome.

**HUGHES:** I just have-- what's the status of the 2019 mountain lion hunt,--

**SAM WILSON:** Yeah.

**HUGHES:** --where we're at today?

**SAM WILSON:** Sure. The status as of today is that the south-- so the Pine Ridge Unit was broken into two sub- units. There's a south subunit and a north subunit, and the south subunit had a limit of four mountain lions that could be harvested with the sublimit of two females, and the south subunit hit the limit of four total animals, and that unit has closed. The north subunit is still open, there've been no lions harvested in the north subunit, and so that will run to the end of February. If, if no mountain lions are harvested before the end, then starting on March 15th for two weeks there'll be an auxiliary season that allows the use of hounds for up to the number of people, or up to this-- the number of mountain lions that are left in the limit to make sure we don't go over our, our prescribed limit.

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**HUGHES:** So this, this first hunt that has been successful in the south unit--

**SAM WILSON:** Yes.

**HUGHES:** --that has taken four, there were no dogs used in that?

**SAM WILSON:** That's correct.

**HUGHES:** OK, so how, how are-- if we can't ever see him or-- you know, how are they harvesting those mountain lions without, without the use of dogs?

**SAM WILSON:** Yeah, South Dakota has a similar season in the Black Hills where they do not allow the use of hounds in the majority of the Black Hills. And when we designed our season we, we look to them because they had already designed a similar season. And so most people there and in Nebraska are, are waiting for snow and finding fresh tracks, and if you're in really good shape and you can hike many, many miles of steep terrain in the Pine Ridge you can track a mountain lion down and, and see it and get a shot at it. People also use calls, and so they can use a rabbit in dis-- distress call or deer calls and that, and try to get the lions to come to them. So those are probably the two primary ways that people are finding lions.

**HUGHES:** So do you know off the top of your head how many permits were sold for this, this 2019 hunting season?

**SAM WILSON:** Yes, we, we limited the amount of permits that could be sold to 320 for each subunit. And the reason we did that was-- if you look at the success rates from South Dakota and other states that don't allow the use of hounds, we put the number of hunters in the field that we thought could harvest the, the, the number of lions in our limit without going over. So you don't want to put thousands of people in the field if you, if you only have a limit of four in your subunit. So we prescribe the number of permits that could be purchased, and I believe we sold just over 600 total.

**HUGHES:** So the permits are either for the north or the south unit?

**SAM WILSON:** Yes.

**HUGHES:** There's no dual?

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**SAM WILSON:** That's correct.

**HUGHES:** OK, very good. Thank you for your testimony. Anything additional? Seeing none, we appreciate your testimony. The next proponent.

**SAM WILSON:** Thank you.

**HUGHES:** Or, I'm sorry, opponent. Welcome.

**TIMOTHY McCOY:** Good afternoon, Senator Hughes, members of the committee. My name's Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. As Sam alluded to, I'm primarily here to answer if there are any other questions you have regarding-- of policies related to mountain lions.

**HUGHES:** Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Hughes. Mr. McCoy, if the 1995 lions did not come underneath the game laws, would the lions be considered similar to coyotes today? In other words they would be shoot on sight?

**TIMOTHY McCOY:** Correct. They would, they would have had no protection. They were afforded the protection by naming as a game species under the game law that allowed them to, to be successful.

**BOSTELMAN:** OK, thank you.

**HUGHES:** Senator Geist.

**GEIST:** Yes, thank you. When I asked Senator Chambers about if, if the mountain lion has any natural enemies. I should have phrased it better. Is that how you see it as well? Are there any other animals that might use the mountain lion as prey?

**TIMOTHY McCOY:** I would suspect that wolves would attack mountain lions given an opportunity. They're pack hunters,--

**GEIST:** OK.

**TIMOTHY McCOY:** --and potentially grizzly bears. But we do not have wolves or grizzly bears in Nebraska. But where they have those species in some of the west, there are conflicts and those are larger apex predators that could, could kill a mountain lion.

**GEIST:** Well, if those aren't in Nebraska are there any other tools? Let's say that the population does get larger. Are there any other

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tools that you could use in thinning the herd, or however-- I don't-- the-- I don't know what they're called when they're all-- a pride-- that's what lions, I guess. I don't know. Is there-- are there are there any other tools that you could use as Game and Parks other than hunting to make sure that we're not getting too many?

**TIMOTHY McCOY:** Well, the challenge we have is that if we're gonna manage mountain lions in Nebraska for people, it's gonna regard people-- it's gonna require people to do that management. And so, yes, there's the potential. But you know, you could-- we could expend a large amount of resources to try and do that.

**GEIST:** Um-hum.

**TIMOTHY McCOY:** I will, however, kind of go back to-- and Senator Bostelman brought it up, and Sam talked about it, too, is, is they were protected under the game law and most species, species that are protected under the game law-- normally, we either periodically or every year have hunting seasons for to manage those game animals. And that was brought in 2012. The other thing that we have that's, that's out there that I'll bring up at this point is the constitutional amendment that was passed for the right to hunt and fish that also included language regarding the use of traditional methods subject to laws and rules and regulations and that public hunting, fishing, and harvesting wildlife shall be a preferred means of managing and controlling wildlife. So we also feel that because of that amendment we have also have some obligation to utilize those tools. For us, those are the tools that also provide the bulk of our funding on the, on the hunting and fishing side of our agency. And really ties back to what's called the North American Model of Wildlife Conservation that was set up when wildlife populations were nonexistent as a way to, to balance the, the management of fish and wildlife resources that was largely funded with the base funding coming from those users, the sportsmen that are, that are really the users of those resources.

**GEIST:** OK, thank you.

**HUGHES:** Any additional questions? Senator Moser.

**MOSER:** Are there regulations on what weapons are used to hunt mountain lions?

**TIMOTHY McCOY:** Yes, there are. We follow-- we-- the, the regulations we have for mountain lions, I, I believe are, are very similar to the

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regulations we have for the harvest of deer in terms of what weapons are allowed. There is the potential to utilize archery for mountain lions. To my knowledge, I don't know that we've had an archer ever try to harvest a mountain lion, most of them are harvested with a rifle.

**MOSER:** You need to be able to have quite a bit of range to probably hit one because--

**TIMOTHY McCOY:** Yeah.

**MOSER:** --they're pretty wily the way it sounds.

**TIMOTHY McCOY:** Range, range and caliber it depends-- you know, it depends on the proximity you're at. But-- you know, trying to make sure that if somebody does shoot a mountain and they don't wound it is always important to us. If they're gonna harvest a lion that it's a, it's a-- that's it's a quick [INAUDIBLE].

**HUGHES:** Thank you. Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Hughes. OK, another couple of questions here for me. OK, so how did you determine that, that the Pine Ridge south and north needed to be hunted? How did you determine that area?

**TIMOTHY McCOY:** How did we determine to-- well, part of that was based on that population estimate we had for that Pine Ridge area.

**ALBRECHT:** Fifty-nine of them you wanted--

**TIMOTHY McCOY:** Which was 59, which was substantially higher. The other thing we were looking at doing in that heart in that unit was to, to slow-- you know, try to slightly decrease that population by harvest season. And, and splitting the unit, the other bene-- two other benefits it provides, it spreads the harvest out. The southern part of that unit holds the bulk of the public land that's available for hunting in the Pine Ridge. The northern part of the unit really only had one piece of, of public land which was one of our wildlife areas and, and we actually created that area to focus on private lands because of the bulk of the depredation issues that we were getting and the landowner concerns were coming from that northern part of the unit.

**ALBRECHT:** Um-hum.

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**TIMOTHY McCOY:** So it was a way to, to spread that harvest out not concentrated in one spot so that we would continue to have that mountain lion population throughout the Pine Ridge.

**ALBRECHT:** OK. And again, this question I had that you gave out 2,664 permits, and only five animals were shot back in 2014?

**TIMOTHY McCOY:** That, that is correct, and the bulk of those permits were in that Prairie Unit which was a lower cost permit that primarily was used by at the time by rifle deer hunters were buying those in addition to their deer permit if they wanted to have an opportunity to hunt a mountain lion. And, and we also had the, the dollars that came in from the-- there was an auction permit that was put out and there was also a lottery. That was a lottery permit for the-- you know, to be one of the first people to ever be able to hunt a mountain lion in Nebraska.

**ALBRECHT:** So is this the first time--

**TIMOTHY McCOY:** That lottery brought in almost \$40,000. And the, and the auction permit brought in, brought in \$13,500.

**ALBRECHT:** And I just have to ask, what do you do with that money?

**TIMOTHY McCOY:** Well, we've used that money primarily to help fund our research and the work that we continue to do on mountain lions in the state. We've probably spent upwards of half a million dollars you know in the, in the work we've done in the last-- since 2010 on, on mountain lion research.

**ALBRECHT:** And so, so with those other permits, say for deer, what do you use that for? To do something with research for deer or--

**TIMOTHY McCOY:** We, we utilize those funds for manage-- management of deer. We also utilize these-- the game funds are utilized to help fund our-- you know, all of our law enforcement work that's done in terms of enforcing the game law and, and fund the-- you know, the, the permitting activities, everything that happens within our agency this type of hunting.

**ALBRECHT:** OK. Well, thank you.

**HUGHES:** Any additional questions? Just a couple. So how, how were the-- I think, Mr. Wilson said there were 300 and some permits issued for the 2019 hunt. You know, how, how were those-- how did you qualify

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for a permit or how did you get a permit and what, what did they cost?  
How much money did you raise?

**TIMOTHY McCOY:** They had to-- so I'll, I'll start with the, the last question. So it's a \$15 fee for an application. There is no separate fee for a permit. So we had 676 applications, 320 of-- over 320 of those were in that south unit. So we, we, we had 320 permits available on each unit. And then in the north unit we only had 294 applications, so all 294 applicants in that north unit received permits.

**HUGHES:** And what, what-- they were just \$15?

**TIMOTHY McCOY:** Yeah, we made-- there were-- we have \$10,140 in income from, from the permits.

**HUGHES:** So how did you come up with that figure, the \$15? I mean--

**TIMOTHY McCOY:** Fifteen dollars, I'd-- well, I'd have to go back and look what our, what our maximum is in statute. We may be below that. I believe that was set by the Commission at the time when we had our first mountain lion hunting season.

**HUGHES:** OK, so-- and this is, this is your-- I'm asking for your opinion. So when, when there's a confirmed case of a mountain lion taking livestock or damaging livestock since they're the state's animals do you believe the state should compensate the owner of those-- of that livestock for that damage?

**TIMOTHY McCOY:** Well, there's, there's nothing that allows the state to do that at this point. I will tell you that. We do typically-- our response is to go in and, and work with the landowner to get that lion killed or we can provide them a depredation permit. But, but we do not have the ability-- and, and some of the concern is that it is if you get in the world-- the depredation world is how you're gonna pay for it.

**HUGHES:** OK. Any add-- Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Hughes. A little bit on the depredation. How many, how many investigations? How many incidents? How-- what's the-- is there a large number of livestock being taken that you're getting complaints about or not?

**TIMOTHY McCOY:** I primarily received the information on the, on the, on the investigations we see where we-- where it's confirmed a mountain



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lion. Our staff have that information and I can provide it to you later if you're interested in it. It's, it's challenging because you're always, you're always trying to look for the evidence that can help you identify what depredated. We hear concerns especially about missing calves which are very difficult because typically when a calf is missing by the time we're there unless there's tracks on the ground it's very difficult to find evidence which makes it hard to confirm from our standpoint. That doesn't mean there wasn't a mountain lion there. It means we can't confirm it.

**BOSTELMAN:** Sure. If you could provide that, I'd appreciate it.

**TIMOTHY McCOY:** Yep.

**BOSTELMAN:** Thank you.

**HUGHES:** Any additional questions? Senator Halloran.

**HALLORAN:** Thank you, Chairman Hughes. Are there-- I know-- for example with deer there's health issues with the herd when it's, when it's extreme overpopulation. Are there, are there health issues with the mountain lion population, with overpopulation or--

**TIMOTHY McCOY:** We're not, we're not seeing those. You, you, you could see that if you were in an area that had-- you know, had a really low prey density. Mountain lions eat a variety of prey other than deer, they also eat a lot of raccoons, small animals, porcupines. So, so we've not saw that. However, usually if there are those, those conflicts for resources because mountain lions are very territorial, you'll see expansion of territories and, and territorial conflicts that will likely result in other mountain lions being killed.

**HALLORAN:** Um-hum. OK, thank you.

**HUGHES:** Any other questions? Seeing none, thank you, Mr. McCoy. Next opponent. Welcome.

**SCOTT SMATHERS:** Thank you, Chairman Hughes, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I'm executive director of the Nebraska Sportsmen's Foundation, and I'm also here today representing as a founding board member of the Big Game Conservation Association. The Nebraska Sportsmen's Foundation as you're aware from previous testimony we are a statewide organization that works as an educational [INAUDIBLE] tool to and from sportsmen to our state leaders and our state senators in regards to wildlife and

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conservation issues. We're here today to oppose Senator Chambers' LB46. I believe this is our sixth time opposing Senator Chambers' bills regarding mountain lions. Our opposition is simply for the fact of the Nebraska Game and Parks were established as the leading authority and the management authority over wildlife in the state. As was pointed out earlier by testimony that until the mountain lion was deemed as a wildlife animal, it garnered zero protection like the coyote does. We, we believe strongly in the North American Model of Conservation which lays the management at the foot of the Game of Parks in this particular state. The issues have been discussed prior to how this bill came about, the Hunters Helping the Hungry, some of the other issues, the meeting in January of the Game and Parks. I have been at all those and been involved in all those. The Nebraska Sportsmen's Foundation was a driving force behind the Hunters Helping the Hungry problem, so we're very familiar with how this was implemented in our bill at that point. The thing that we want to object to or we want to make sure that we understand is that the 3-S method of management with zero protection has occurred for many, many years and that's what resulted in the loss of the mountain lion population in the state of Nebraska until it was afforded a game status or a wildlife status, not that that 3-S method does not continue to go on in certain areas I'm sure. But now we have rules in place that if individuals are caught doing the 3-S method there is legal ramifications to protect the mountain lion. As you can see by the growth in numbers by the reports you receive from Sam and Mr. McCoy, it's working; the numbers are growing. The habitat is, is expanding and the lions are expanding and as we all know and then fresh in our memories when production of wildlife animal outpaces the harvest of said animal we can have large issues that bring conversations that can be rather in detail in depth in this particular committee. So we want make sure that we continue to have that tool in the box. As you know this is only the second season. Due to other mortality issues, they've suspended seasons and that is the nature of the Game and Parks in managing of tool and using the one tool of harvesting if needed to manage that species. So we wanna make sure that we, we get our point across that the Sportsmen's Foundation and our members in the state respect the mountain lion, respect all wildlife. But we want to use the North American Model of Conservation to manage, harvest, and, and maintain a healthy population moving forward. And with that, I'll conclude my testimony and answer any questions.

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**HUGHES:** Thank you, Mr. Smathers. Are there questions? Senator Geist.

**GEIST:** Just quickly, you mentioned the 3-Fs or S or--

**SCOTT SMATHERS:** S

**GEIST:** Oh, would you explain what that is, please?

**SCOTT SMATHERS:** It's commonly referred to as a shoot, shovel, and shut up.

**GEIST:** Oh, OK.

**ALBRECHT:** Shoot, shovel, and shut up.

**HUGHES:** Any other questions? I guess I, I do have-- said, you said you're the executive director of a statewide sportsmen's organization and, and I understand this is probably considered anecdotal, but how many reports are you getting from your memberships of mountain lions throughout the state? Do you feel there, there are mountain lions virtually everywhere across the entire state?

**SCOTT SMATHERS:** I believe there are mountain lions in areas that we would not commonly think of mountain lions. Now to support that by guaranteed verified factual proof that they exist, when it's dark at sunrise and sunset things appear to be other than what they may be at times, especially as an avid outdoorsman myself, [INAUDIBLE] looked like a rather sizable trophy deer in the past until the sun hits the corner. I can tell you that there is a growing number of sportsmen that utilize game cameras as a management tool with on the ground that they hunt and there is a larger number of captive photographs of mountain lions on particular property. The biggest thing I hear about as a statewide organization is we'll get reports that typically dogs, bobcats, and coyotes, especially right now with calving season, coyotes are a big issue especially on the eastern side of the state. In raising cattle myself I am aware of those issues. Sometimes you run into that, but it's growing, and they're not urban legends anymore. So--

**HUGHES:** So the, the game cameras-- have you had anybody report wolves in Nebraska on a game camera?

**SCOTT SMATHERS:** No, I have not to me personally.

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**HUGHES:** OK.

**SCOTT SMATHERS:** I have heard tell of, but I have not seen that so I can't verify.

**HUGHES:** OK, very good. Any additional questions? Seeing none, thank you for your testimony.

**SCOTT SMATHERS:** Thank you.

**HUGHES:** Any additional opponents? Welcome.

**TRAVIS STIREK:** Welcome. My name is Travis Stirek, T-r-a-v-i-s S-t-i-r-e-k. I'm from Herman, and I thank you for letting me to test-- testify today. I'm here in opposition. With my opposition, I actually bring a, a unique perspective as to why I oppose it because I lived most my life in Washington State and I worked a-- in-- Wash-- Washington voters in 1996 approved a bill, LB655, that outlawed hounds for it-- for bear or bobcat and rac-- or for-- and mountain lion. And the-- when it did it tied the hands of the game department in how they could manage the game and the depredation. And from '96 to 2010, I worked for depredation for public safety for the state wildlife department and in which problem wildlife almost always if there was a-- with a-- livestock or pets if there was a problem that, that animal died no matter what, what age the animal was and it was-- sometimes it was sickening to have to kill a young lion that was because of the population exploded. And six of those years I also worked on a mountain lion DNA cataloging-- cat-- cataloging project in which we were doing a population survey. And the most effective means of managing lions was lost to the general public and populations rose as did human and animal conflicts. So several times legislation-- Legislature had to revisit the idea and bring back the use of hunting to get the population back in control. The pilot programs that allowed this were temporary and each time when they ran out there-- they were allowed to expire, thus, starting the whole process again. And I often heard predator biologists that I worked with, Rich Bolsly [PHONETIC], say that if we could just leave the pilot program in place and have the quota set at a stable population level everyone would be happy instead of setting them every few years for a population decline, which we heard we're doing here in Nebraska right now. Also one of the things the program in general season did before the ban is behavioral modification in which when, when dogs were used-- when pursued by hounds lions quickly learn when they hear a dog bark that there's gonna be consequences. And a-- but if they're not-- if they constantly

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hear Fluffy bark-- barking on the porch with no consequences, pretty soon he's just like that's just a dog barking, and so they learn-- they, they lose their fear and, and they just view it as another noise in the forest, thus, letting them come near humans. Let's face it, we all know hysteria comes when a lion lets itself be seen by the public like-- and, and I've spent thousands of days-- hours-- I've seen hundreds of lions treed and they-- the, the general public and I just had this call yesterday, we talked to a lady, oh, I'm, I'm scared to let my daughter go out and feed the horses because we hear a lot-- we heard a lion screaming in the forest. And I told her, don't be afraid. If you see the lion, yell at it. If it's a lion-- you never know if it's a lion-- go out and yell at it and make yourself-- and, and Chambers has some good, some good points. They are seclusive animals. I mean, I've, I've spent thousands of hours in the woods looking for them on purpose with my dogs and I've only seen two cross the road. So in closing, please don't tie the hands of science for wildlife management just for the sake of emotional management.

**HUGHES:** OK, thank you, Mr. Stirek.

**TRAVIS STIREK:** Yeah.

**HUGHES:** Are there any questions? Seeing none, thank you for your testimony. Any additional opponents? Seeing none, anyone wish to testify in the neutral position? Seeing none, Senator Chambers you're welcome to close. We do have letters. We have letters in as proponents from Jac-- two from Jacqueline Nickerson [SIC]; and Donna Roller; and opponents from Scott Brettman; Kevin Black; Mark Drinnin [SIC]; Steve Nelson; and Adam Stohs. Senator Chambers.

**CHAMBERS:** Thank you, Mr. Chairman, members of the committee. This was not a contentious hearing at all. I hope you noticed that when Mr. Wilson testified, how careful, how methodical he was in presenting what he deemed to be factual information based on science, based discovery and collection of that information. I can give that credit very easily, but I still don't believe that they are managing these animals with a hunting season. The primary aim of it is to give an opportunity for these men to go out and kill a trophy animal. That in my view should not be done, that is not wildlife management. A natural resource of this state is not being handled in the way that it should. As far as the money that was raised from the mountain lion plates-- a lot of you all may not realize this but Game and Parks came and opposed my bill. They have a knee-jerk reaction that's negative to everything I do. They objected to that plate, their official position

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was against it. It has produced more than \$220,000 that they wouldn't have. And as far as conservation of mountain lions, the money has not been spent for that. What people here from Game and Parks about mountain lions is kill them, that's not conservation. I read in the paper where along the line of conservation they hired a guy from Colorado to talk to some students about birds from that money. What I think ought to happen if we are properly going to manage the money is to take money out of that education fund. I wasn't aware of what other funds might be available. That's like a slush fund and the money can be taken for any purpose. It is not really accounted for. I don't mean anybody stealing it. It can be carelessly used and that if there is a habitat program or a conservation program as such. That's where the money should be. And by shifting it from one place to another is not diminishing overall the money that the Game and Parks Commission would have. I am not offended by anything anybody said here today. They were giving their honest opinions which is what you want to hear at a committee hearing. But I think that my position has more validity, not because I'm presenting it, but it's more fact based and I acknowledge that it comes from my reading. I don't think there would be anybody on this panel who knows anything about the universe from having been in a space shuttle, shuttle or set foot on the moon it's from reading or hearing accounts. We rely on those people who spend their life and their time studying, gathering information, compiling it, and doing the things that professionals do. That has not been done with reference to mountain lions in this state or they could not have come up here today and justified or tried to justify hunting. I'm not going to take any more time. And the only reason I took as much time as I did, I saw that you had only one bill on the schedule so I took more time than I intended to take because I had shared with the Chairman on the floor that I was not gonna say much at the hearing. But when I saw you had one bill, then I thought I'd go ahead and put a little more into the record and it may have been interest-- of interest to you, maybe it wasn't. But it was the best that I could do under the circumstances. And now you all can do what I know you're going to do because that's what this committee does. And here's the way I'll sum it up, there was a frog and there was a scorpion and the scorpion wanted to get across this body of water and he asked the frog to give him a ride. And the frog said, oh, no, buddy, you guys are poisonous, and if I give you a lift then I know what's gonna happen to me. And the scorpion said, well, trust me, give me a lift across the water. So the frog let the scorpion get on his back, and when they got very near to the shore the scorpion stung him. And before he died the frog said, you lied to me, I gave you a lift. Why did you sting me? He said,

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that's what scorpions do. So do what this committee does to my bills, in most instances. That's all that I have unless you have questions, and save the accolades for when we have the media. [LAUGHTER]

**HUGHES:** Thank you, Senator Chambers. Are there any questions? Seeing none,--

**CHAMBERS:** Thank you.

**HUGHES:** --that concludes our hearing for today. We [RECORDER MALFUNCTION].