

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

HUGHES: OK. According to my phone it is 1:30, so we will begin. Welcome to the Nebras-- Natural Resource Committee. I'm Senator Dan Hughes. I'm from Venango, Nebraska, and represent the 44th Legislative District. I serve as Chair of the 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 proposed legislation before us today. Committee members may come and go during the hearing. This is just part of the process as we have bills to introduce in other committees. 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 removed-- 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, and this will help us make a more accurate 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 is part of-- this will be part of the official record of the hearing. If you have handouts, please make sure you have 12 copies. Give them to the page when you come up to testify, and they will be distributed to the committee. 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 we get an accurate record. We will be using the light system 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, and we would like you to wrap it up. Questions on the committee may follow-- questions from the committee may follow. No displays of support or opposition to a bill, vocal or otherwise, is allowed in the public hearing. The committee members with us today will introduce themselves starting on my left.

HALLORAN: Steve Halloran, District 33 representing Adams County, and western and southern Hall County.

QUICK: Dan Quick, District 35, Grand Island.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

HUGHES: And on my right.

GRAGERT: Tim Gragert, District 40, northeast Nebraska, Cedar, Dixon, Knox, Holt, Boyd and Rock Counties.

ALBRECHT: Joni Albrecht, District 17, Wayne, Thurston, and Dakota Counties in northeast Nebraska.

BOSTELMAN: Bruce Bostelman, District 23, Saunders, Butler, and the majority of Colfax Counties.

HUGHES: To my left is committee counsel, Laurie Lage, and to my far right is committee clerk, Mandy Mizerski. Our pages for the committee today are Noah Boger, who 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 begin. First thing on our agenda is Mr. Czaplewski wants to be reappointed to the Nebraska Natural Resource Commission. Welcome, again, Mr. Czaplewski.

MARK CZAPLEWSKI: Thank you.

HUGHES: Just give us a little bit of background about yourself and what you do on the Natural Resources Commission, please.

MARK CZAPLEWSKI: Yeah. First of all thank you, Chairman Hughes and Senators, for allowing me to testify today. I am a native Nebraskan. I was born and raised in Loup City, if you know where that is, not too far from Grand Island. Graduated from high school there. Went to Kearney State College back in the day, Kearney State College. University of Nebraska at Kearney where I got a degree, bachelor's degree, in biology and environmental studies. Am married with three children, all grown children. And speaking of married, in the interest of full disclosure, Senator Dan Quick and I are brothers-- brothers-in-law. We married sisters. My professional career started off in-- I worked for Nebraska Public Power District at their headquarters in-- in Columbus where I worked in the environmental department as well as the water resources department for about 20 years. And currently, am employed-- am employed by the Central Platte Natural Resources District as biologist in Grand Island where I've been for about 21 years. I was appointed about two years ago or so to fill-- fill out the term of the wildlife conservation interest on the commission, and now I'm looking to be reappointed. My experience there has been really good. Not only do I feel like I can-- I have a lot

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

of-- a lot to offer, all of my professional career has been involved in natural resources issues. I have a real passion for that, obviously. And-- and-- but also, it's been a great learning experience. I've only been there a couple of years, but I believe I've learned a lot there. Was on the scoring committee this last go round for the Water Sustainability Funds, and that was a great experience, a lot of work but educational and very interesting and very important. I take my natural resource conservation perspective very seriously, and I think I bring that to the commission, so.

HUGHES: Very good. Thank you, Mr. Czaplewski. Are there questions from the committee? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Hughes, and thank you for your willingness to continue on serving the Natural Resource Commission. Could you tell me about some of the areas and specifically to the wildlife conservation interests you have that's come up before the commission?

MARK CZAPLEWSKI: Again, my whole-- my whole educational background and-- and professional careers involved wildlife conservation, different aspects, water conservation, land conservation, whatnot. But I've also-- a lot of my current position involves dealing with wildlife issues in the Central Platte, both endangered species kinds of things and as how they are affected by water resources decisions. But also wildlife in general, I-- I-- I consider the entire state's population my constituency, if you will. You know, I think of-- of all Nebraska as having an interest in the wildlife and-- and so try to represent them all equally.

BOSTELMAN: Are there any challenges you see with-- I guess I was just reading a recent NEBRASKALand, had an article about our sandhill cranes and loss of habitat, improvement of habitat, those types of things. Is that something you work with?

MARK CZAPLEWSKI: Yeah, not a lot, but some. Sandhill cranes-- sandhill crane populations are generally doing very well. You probably know, they-- they are hunted in most every state in the central flyway here, except Nebraska and for good reason. I think they'd be-- that wouldn't-- wouldn't be appropriate for Nebraska, not at this time anyway. But-- but I think their population's doing well. There's-- there's a lot of folks, a lot of partnerships working to-- to look

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

after their conservation in Nebraska and throughout the flyway. And I think generally--

BOSTELMAN: And so do you do work like with the Audubon and those in [INAUDIBLE]--

MARK CZAPLEWSKI: I work--

BOSTELMAN: --the ones that are along there, you know, the trusts that are along there?

MARK CZAPLEWSKI: --I work with them in different-- in different areas. I serve on the Governor's Committee of the Platte River Recovery Implementation Program and-- and-- and associated with those folks from Audubon, the Nature Conservancy, the Crane Trust and other such groups.

BOSTELMAN: OK. Thank you.

HUGHES: Any additional questions? Just a couple. You and Senator Quick obviously have the same taste in women, marrying sisters, but apparently, you have the same taste in barbers too. Is that kind of a thing there? [LAUGHTER]

MARK CZAPLEWSKI: I get no discount.

HUGHES: Seeing no other questions, we appreciate you coming before the Natural Resource Committee today and your willingness to serve the state as a member of the Natural Resource Commission. Thank you.

MARK CZAPLEWSKI: Appreciate it. Thank you.

HUGHES: Is there anyone who wishes to speak as a proponent of Mr. Czaplewski's appointment to the Natural Resource Committee? Seeing none, anyone wishing to speak in opposition to his reappointment to Natural Resource Commission? Seeing none, anyone wishing to speak in the neutral capacity? Seeing none, that will close our hearing on the reappointment of Mark Chaplewski to the Nebraska Natural Resource Commission. And the next thing on the agenda is LB374. Senator Brewer, welcome to your Natural Resource Committee.

BREWER: Guess that's what you call good timing. Thank you, Chairman Hughes and fellow members of the Natural Resources Committee. I am Senator Tom Brewer, representing the 43rd District of western Nebraska, and it's spelled T-o-m B-r-e-w-e-r. I'm here to introduce

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

LB374. This bill changes the law on raptors and falconry. I am bringing this bill on behalf of my constituents. Like Senator Groene's horse massage bill last year, this bill isn't going to start a massive new industry in Nebraska. Had to use a comparison. But like Senator Groene's bill, I've discovered a situation where Nebraska laws don't allow a person to go into business and provide a valuable service. Our current laws on raptors are designed to protect these majestic birds of prey. I support that. This bill maintains those protections and it also opens up a new opportunity for small businesses. Using raptors like falcons to do commercial bird abatement is-- is not addressed in the current Nebraska statutes. Right now, our laws are addressed toward private sport falconry. Back in 1971, when the current law was passed, there was really only the private use of raptors that was being considered. So let me tell you what they missed. In my legislative district, our state's largest, we have at least eight airports. You may have also heard that we have a rather large airport in east Nebraska called Offutt Air Force Base. As you probably know, there is a very common danger near the airports with bird strikes. Bird strikes can damage equipment and put pilots and passengers in danger. A good example of that would be Flight 1549. That's the one that crashed into the Hudson. The current methods of getting rid of birds at airports involve either shooting them or poisoning them. These are methods that work for a while, but the birds tend to come back and even worse. Putting a bunch of poison bait out to kill birds means exposing raptors and other wild animals to the poison. Using falcons is a more effective way of getting rid of birds at airports because the birds naturally learn to avoid areas with these predators present. Using falcons is also a safer-- a safer way to not affect the environment or wild animals. I'm not here to tell you that the Legislature made a big mistake in 1971. It's just that the raptor laws need to keep up with the current situation. I'll tell you that after 50 years, sometimes laws need updated. LB374 will create a clear process for a raptor-related business to offer their services in Nebraska. It will let them serve airports through the state and the nation and make both of them safer for both the birds and the public. This concludes my comments. Be happy to answer any questions.

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

MOSER: Greet-- Greetings, Senator. Thanks for coming to talk to us. What--

BREWER: And your question is?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

MOSER: Yes. Well, I don't-- I don't want to ask a question now. I'm scared.

BREWER: Oh, OK, well.

MOSER: After my last committee meeting, I'm being more careful. How-- how do they use raptors to hunt for these birds? Do they just try to encourage raptors to nest near the airport or do they actually keep them as a, I don't want to say a pet, but?

BREWER: No, I think they-- they would probably be a-- a bird that is kept, and probably several of them, by an individual who is an expert with falcons. I've seen video. I haven't seen it in real life, but they were using them at Beale Air Force Base in California. And they had tons of problems with seagulls. So the guy pulls up in his van and he opens the doors. He unloads the falcons. And you can see the edges of the airport just full of these white seagulls. And he turns them loose, and they commence to flying and-- and basically, just taking them out the air while-- while they were flying. And it only took a couple of the birds to fall out of the sky and the rest of them thought, this is a bad place to be. And they all got up and left. And the amazing part was you, you know, if you-- because I was a pilot, we saw a lot of different airfields where they would fire these explosive charges into the air and they would detonate. And that's how they-- they would scare them off. And it's effective at first, but what happens is the birds kind of get used to it and [INAUDIBLE]. But evidently, the getting taken out in the sky by a raptor is enough warning to where they don't want to stick around, and they just simply move to a different location. There'll be someone following me who is-- who is actually a raptor expert that will go into more detail. But I think their-- their presence spreads pretty quick as far as birds not wanting to be anywhere near them, and they're an effective way of taking out the birds that you don't want there and get them convinced to go somewhere else.

MOSER: OK. Thank you very much.

HUGHES: Senator Geist.

GEIST: Yes. Senator Brewer, thank you for bringing this to us. I do have a question about the XX that's in the bill that's not filled out. And I'm just curious if you know-- it's on-- do you want me to tell you where it is?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

BREWER: Yes, I do.

GEIST: OK. It is on page 2 and it's line 12. And it-- and our instructions just say that it's usually a space holder for information that's going to be finalized and filled out later. And I'm curious if you know what will go there, at this point.

BREWER: Well, first off, very good for-- for catching this. How about I make this agreement with you in the time it takes for the next speaker to do his presentation, I will get answers and give that to you in closing.

GEIST: OK. Thank you. That's all I have.

BREWER: OK.

HUGHES: If I might, we have the amendment.

GEIST: Did I miss that?

HUGHES: It's behind the pink sheet in our books here.

GEIST: I'm sorry, Senator Brewer. I should have looked further.

HUGHES: It's just there's an amendment that includes, strikes include XX.

GEIST: Then I withdraw my question.

BREWER: There you go. I need to get with you later.

GEIST: I should have turned the page. Thank you.

HUGHES: Senator Gragert.

GRAGERT: Thank you, Chairman Hughes. Senator Brewer, I was just wondering, are you familiar with a-- they released some falcons in Omaha one year for, you know, pigeon population that was in Omaha. Are you familiar with that project or am I dreaming?

BREWER: I am not. When we started working this, I primarily just focused on airfields. I mean, we have falcons here in the Capitol and maybe that is why they're here, too, to get rid of pigeons. I know you can find dead pigeons up on top if you find them on the right day. And

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

I'm assuming that falcons are the ones that caused them to be that dead.

GRAGERT: I was just following up with, you know, Senator Moser there, if actually the falcons are going to be held in captivity and used for hunting purposes.

BREWER: Yes, I would.

GRAGERT: Or they may even be in addition, you know, release them.

BREWER: We'll-- we'll find out here in a second, but as I understand it, they are controlled by a keeper who then uses them for the purpose of the abatement but then keeps them. And that was part of the rough up we had with Game and Parks is because of the way the law-- law is written. You can have them, essentially for a pet or, you know, killing rabbits, whatever you are going to do but not for commercial purposes. And so the game wardens, I don't think, approved of being able to use those for commercial purposes. And that's, ultimately, we got the bill written and moved forward was the fact that if you want to do that, you were breaking the law. And it was just maybe an oversight or it wasn't an issue back in those days.

GRAGERT: Thank you.

HUGHES: Any additional questions? Seeing none, you'll stay for closing?

BREWER: I will.

HUGHES: OK. Very good. With that, we will ask for anybody wishing to speak as a proponent of LB374? Welcome.

KURT VON CLOEDT: Thank you. OK to sit down?

HUGHES: Sure. Yeah. We're harmless, most of us anyway.

KURT VON CLOEDT: I've got a little speech made up and stuff, and after listening to Senator Brewer talk, I don't know if you want me to read it to you or not.

HUGHES: Could you spell-- give us your name and spell it, please?

KURT VON CLOEDT: My name's Kurt Von Cloedt. It's K-u-r-t, last name is V-o-n space C-l-o-e-d-t.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

HUGHES: Go ahead.

KURT VON CLOEDT: I own a company that does large-scale bird control using falcons as a tool of control. I moved here back in 2017, and the reason why I moved here was because I used to-- I've been a falconer and flying birds most for about 60 years now and been in the field most every year except for a couple. And I moved here because western Nebraska is probably some of the finest, what we call, long-winging country. It's flying falcons in a waiting-on style. Some of the best country in the world is here in Nebraska. It's called the Sandhills or the grasslands or the Great Plains. Fantastic place to do it and I wanted to retire here. I own this business that I started about ten years ago. And when I first moved here, I read the regulations. Everything looked good and everything's-- I thought everything was OK. And when I got here, I found out that it wasn't OK and that I needed to get some-- a law passed to allow the state to issue a permit to do this. And so that's why I'm here today. I've been involved in falconry since the '60s. I was part of-- I supported the Peregrine Fund which restored the peregrine falcon from extinction to its protected status. We've got over 10,000 birds back into the wild in that period of time, and they're doing quite well. You've got a pair flying around here. I just saw them. I saw two immature birds this morning coming in, so their populations are quite prolific. And actually, Nebraska is not a natural habitat for peregrines. You have a different falcon that really is indigenous to this area, and that's the prairie falcon, or *falco mexicanus* is what they call it. And it's a-- it's an incredible bird in its own right. But I'm going to read this, but I don't know if I should or not. I knew you had a lot of questions you might want an answer. It's just a quick blurb. It'll give you some just some insight and some history is all it's going to do. LB374 will create a permit for the use of raptor-based abatement. It's a natural method of large-scale bird control using falconry techniques and captive-bred raptors as a tool to control the problem. Nature instills instinct in all living creatures. Instinct is the mental ability to understand the natural law of predator-prey relation; we all live in that. Life on planet earth lives under this law. Predators eat prey to survive, and at the same time, they create a balance of life on the planet. Raptors are a predator that can be trained to chase and harass wildlife out of an area, protecting the public safety and damage caused by that out-of-control wildlife. This method is organic, chemical- and poison-free, and eliminates the need to kill for control. This will create a positive impact and solution for Nebraskan's natural resources and its citizens. I feel it's important that you have a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

clear understanding of how this came about and from where. Raptor-based abatement was created from the art and sport of falconry. Most folks are not familiar with falconry, and I need to give you just a little history and understanding on it. Falconry is training and establishing a relationship with a wild hawk which can be a eagle, falcon, hawk, or whatever. It's a raptor. They hunt to provide food for you and them. It's been a-- it has about a 10,000-year history, and raptors were some of the first animals to be domesticated along with the dog and the horse. It has a very rich world history, and it was a common household survival tool until the invention of the firearm. Its popularity fell off, and over the last 500 years, falconry has become an art form and a traditional method of hunting. Today, it is a traditional cultural heritage listed with the United Nations, and it is legally practiced all over the world. In the United States, falconry became a legal hunting sport in 1960s with the creation of the Migratory Bird Treaty Act. Nations across the planet came together to help protect and enrich migratory bird species which raptors are included. The United States is a member of this treaty and the federal government spearheads these programs through the different state agencies in America. This permit is shared by federal and state governments. And permit holders must be highly educated and they must be highly trained through a two-year apprenticeship program, a five-year journey level, and then to a master level. The federal government, through the Migratory Bird Treaty, provides many different permits: falconry is one, captive breeding is another one, education, falconry schools, rehabilitation, and abatement. With states sharing in these activities, these permits will allow-- are allowed because of the positive impact they have on the resource and related environments and with captive breeding enabling these programs to be self-sustaining and pay for themselves. LB374 will allow the state Game and Parks to share in the federal abatement program. This will also allow Nebraska Game and Parks to separate falconry and abatement in state law and fall in line with federal government and nation-- international treaty. This permit will allow a new industry to be created, protecting the environment resources and increasing jobs and tax base within the state. There is a video that you might want to look at that's pretty over-- it's just a general education. It's ten-minutes long. It was created by the United Nations. It's called Falconry: Living Human Heritage. It'll explain what falconry is, and it'll also go, in about a minute or so, into abatement as well. It's a great-- it's a great, great video. With that said, I'm here to answer any questions you might have. And I've got a rich history.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

HUGHES: Thank you, Mr. Von Cloedt-- Cloedt?

KURT VON CLOEDT: Von Cloedt.

HUGHES: Von Cloedt.

KURT VON CLOEDT: And Kurt's fine. Kurt's fine.

HUGHES: OK. Senator Gragert.

GRAGERT: Thank you, Senator. Yeah, I'm interested-- the permitting-- so how many birds can you hold in captivity at one time?

KURT VON CLOEDT: It's unlimited. On an abatement permit, it's unlimited. It just depends on your contract. I know people that have got about 150, maybe 200 birds and they've got 30 people who work for them.

GRAGERT: So one permit covers the whole 150 birds or you need a permit for each bird?

KURT VON CLOEDT: You need a permit for each-- for each permittee, a person that wants to do it. Then they can add birds to that permit. Now we've got to understand that you're not adding birds out of the wild. We don't use birds out of the wild. That's a resource that's been reserved for falconry. We use what they call captive-bred birds. There's a-- there's a captive-breeding industry throughout the world, and falcons are "captively" bred. They're-- they're there for a number of reasons. One is to make sure that they don't go extinct. Number two is to eliminate the, what they would call, international-- illegal international trade. And then also, because they're captive-bred, they're-- they're a tool that could be used for profit. We will-- we don't use the resources of the people of the state of Nebraska. I don't go out and get a bird out of the wild, train it, and do abatement. I'd buy a bird from a gentleman, or whoever I can get a bird from that I'm looking for, and then I train that bird to do a specific job.

GRAGERT: Thank you.

HUGHES: Senator Geist.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

GEIST: Yes. Thank you for your testimony. It's fascinating and something I know absolutely nothing about. So are you, as far as you know, the only raptor-based "abatement." Is that right?

KURT VON CLOEDT: Raptor-based abatement?

GEIST: Abatement.

KURT VON CLOEDT: Or raptor abatement.

GEIST: Yes. Are you the only one in Nebraska?

KURT VON CLOEDT: Actually, there's another-- I'm sorry?

GEIST: Are you the only one in Nebraska?

KURT VON CLOEDT: Actually, I moved here in August of 17-- 2017, or excuse me, November 2017, but there was another gentleman moved in who is-- who has an abatement permit. He doesn't do abatement. He retired here.

GEIST: OK.

KURT VON CLOEDT: And then there was another gentleman whose wife was awarded a job as a teacher down in Stapleton, Nebraska, and he was in the industry. I've actually worked with him before.

GEIST: Um-hum.

KURT VON CLOEDT: He gave up his business to come here. It was-- he couldn't bring his business here, so he closed it down. His wife moved here. And I told him, I said, if I can get a-- if we can do it here, then I'd like to have him reresur-- resurrect his business. There's a lot of opportunity, I think, for business here.

GEIST: Thank you.

KURT VON CLOEDT: Um-hum.

HUGHES: Additional questions? Senator Albrecht.

ALBRECHT: Thank you, Chairman Hughes. And thank you for being here today. So tell me-- I just don't understand. How do you get the birds to come back to you?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

KURT VON CLOEDT: It's through Pavlovian conditioning. And that's where you use food as a-- as a-- as a-- an instrument of reward.

ALBRECHT: Um-hum.

KURT VON CLOEDT: Birds, birds of prey, raptors are extremely intelligent. They're-- they're an apex predator. They're in the top of the food chain. Any animals with eyes in the front of their head have the ability to reason. And so when you have an animal that can reason, you've got to learn-- you've got to know how to treat them and treat them properly, or if you don't, they just fly off, and you'll never see them again.

ALBRECHT: You had mentioned that when you came here, you had to enact some legislation to allow you to do what you do.

KURT VON CLOEDT: And that's why I'm sitting here today.

ALBRECHT: Is that this legislation?

KURT VON CLOEDT: Yes, ma'am.

ALBRECHT: OK. I thought you had to get some back in November of '17.

KURT VON CLOEDT: No, that's why I'm here today. I was-- I actually-- when I-- to make a long story short, I came here thinking it was OK, and I found out that it wasn't. There was some discrepancies in the way the laws are written, and there was a misunderstanding on my part. And-- and-- and a lot of that has to do with I travel all over the country. I go to all different states, and they're all different, you know? And so usually there's a form-- a-- a-- a-- a format that you follow. The state doesn't do that format here. And so that's where I ran into my confusion. And if I would have known that, I wouldn't have done that.

ALBRECHT: OK. And so do companies call on you or call Game and Parks and say, hey we're having trouble with birds and then they call you, or how does this?

KURT VON CLOEDT: I have a-- I get a lot of my calls come from people that have problems. I do a lot of ag work. I do some-- some airport and Air Force Base work.

ALBRECHT: Um-hum.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

KURT VON CLOEDT: The Department of Agriculture has moved in and done some of that and shares that responsibility with me, with some of the things that I do in California. I do landfill work which is-- is-- is what they call disease control work, protecting watersheds and drinking reservoirs from E. coli and salmonella and MRSA and things of this nature. So I do-- I do quite a bit of that work. I do a lot of ag work. I do a lot of blueberries and vineyards. A good example is I had a client last year, 60-acre blueberry farm. The year before, he lost-- he lost 38 percent of his crop to birds within two weeks.

ALBRECHT: Hmm.

KURT VON CLOEDT: And this year, last summer, when I came in, that 38 percent went down to .33 percent.

ALBRECHT: Um-hum.

KURT VON CLOEDT: And he actually put an extra \$870,000 on his bottom line, and that's pure profit to the bottom line.

ALBRECHT: That's great. Thank you.

HUGHES: OK. Senator Moser.

MOSER: I hope you get 10 percent.

KURT VON CLOEDT: I got paid very well for that. I should ask for a-- for-- for a percentage in the future. Yes.

MOSER: Yeah. How-- how does it-- I think what we were wondering is, how does this work? I mean, you take your bird from wherever you live, and you take it to this--

KURT VON CLOEDT: Uh-huh.

MOSER: --location. And if you let him go, he'll come back to you?

KURT VON CLOEDT: I can call him back, and-- and hopefully, that he does come back. There's a lot of things that can happen. First of all, let me back up a little and explain to you how this works. And then, I'll explain to you how we train the birds and how we use them in the business. Every-- all animals have instinct. Mother Nature instills every-- everything with instinct, and you have what they call a fight-or-flight response. Birds are a flocking bird, they're social. All your birds-- or all your prey birds are social. All your problem

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

birds are social, gulls and starlings and things of this nature. And so they know that when they see a solitary bird coming at them with a specific type of wingbeat, Mother Nature says, hey, something's not right here and you better move on. If you don't move on, you're going to get eaten. That's what makes it such a powerful program is because you can't change instinct. And these birds will see that. I can take-- I can take a landfill with 300,000 seagulls in it. And I can drive up to the-- drive up to a high spot and get my bird out and literally let it go. And within three minutes there will be no birds within a one square mile radius of that landfill. They'll have all left and gone away. Now I can train my birds to-- push them-- take them and push them out and force them into estuaries or whatever. Or if I want, I can just pull a lure and call it right back when it gets a certain distance away. But they-- those birds have to leave that area because mun-- be-- their instinct tells them. It's just like when we have to go to the bathroom, we've got to go to the bathroom. And that's how it works with instinct, with animals, it's kind of a unique thing-- unless you study it and see it in real life, then you-- it's pretty-- pretty clear and understanding.

MOSER: So you could go to an airport once a month or?

KURT VON CLOEDT: It's usually a daily event. It just depends on--

MOSER: For a number of days?

KURT VON CLOEDT: Yeah, a lot of it depends on migration, migration routes. A lot of it depends on the birds, the population, the issues that they're having. A lot of my contracts in agriculture will be anywhere from 8 weeks to 16 weeks. Airport work: 7 days a week, sunrise to sunset, 24/7, 365 a year. Any time we got a jet taking off or a jet landing, there's a bird there, to keep that-- that airspace and that runway free and clear of any possible bird strike.

MOSER: Well, there's just 1 bird there instead of 300,000.

KURT VON CLOEDT: Well, they won't land the plane until you call your bird in and you radio back in and say all clear. And then they'll bring-- they'll allow the plane to come in and land.

MOSER: And we're learning something.

KURT VON CLOEDT: In fact, you'll see that a lot. Like when you're flying around and you're wondering, well, why aren't we landing?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

There's probably some guy, like me down there, having a hell of a time getting some birds out of the way, is what-- pretty much what it boils down to.

MOSER: Are these techniques effective on starlings and pigeons?

KURT VON CLOEDT: They're effective on any bird. Any bird.

MOSER: Because there are times when we get starlings that just come in, and-- and they'll pick a neighborhood. And you'll have, I don't know, tens of thousands of them. And they-- they have a real noisy call and they leave starling doo all over.

KURT VON CLOEDT: The starling is an invasive species. It's a bird from England. It has a cousin here that everybody loves. That's the meadowlark. The meadowlark and the starling are the same subspecies of bird. The-- the-- the English one is just more of a nuisance than the other one in a lot of different ways. How you control the large number of birds, it's real simple. One falcon, you go in-- like I had-- the blueberry farm that I was doing was just 60 acres. He was dealing with about-- about a quarter of a million to a half a million birds coming in-- into that location on a daily basis. And so when they would start to stage, I'd pull-- I pulled out a big female peregrine falcon and I'd cut her loose. They were probably a half a mile, maybe a mile away. And then she would go and fly over there, and the minute she would fly over there, the tree lines would just explode with birds. Well, that gets her attention, and they immediately go up. The defensive method for birds is to-- is to ring above the bird that's trying to kill them because if the bird that's trying to kill them was below them, they can't get at them. But if that bird gets above them, that can come down through them and get them. And so they're always ringing up to get away. And that bird will ring up with them and then they'll start to push out and then that bird will chase. As that bird's chasing away, I'll look at that and I'll see, OK. Well that bird is far enough away, that's put enough fear into those birds that they'll keep flying. Usually past a river or wherever, I would pick the best place to call the bird back, and then I'd start swinging that lure calling my bird back. And then she would turn around and come fly back for the reward. I pick her up and put her back in the truck. And she would do that 15, 20 times a day. But the man saved about \$800,000.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

HUGHES: Additional questions? Just got one. What-- what type of falcon do you use?

KURT VON CLOEDT: I use all different types and I use hybrids as well.

HUGHES: OK.

KURT VON CLOEDT: So not only do I-- and I also use hawks. I would use golden eagles if I could. Currently, right now, they're not giving out permits for goldens, but there's a need for goldens in this business. And that's to tackle the geese problems that you see at the-- at a lot of the airports. Then I also use peregrines and I use prairie falcons and I use Saker falcons and Shaheens. And I use Harris's hawk. I use Cooper's hawks. It just depends on the application, where the location is, what the-- what the-- what the terrain is like because each bird fits a different niche in nature, so you want to match that bird up to the natural environment that you're going to be working that bird in. So you want to be able to have that flexibility.

HUGHES: Thank you for your testimony. Any additional questions?

GEIST: Could I just ask one more?

HUGHES: Sure. One more.

GEIST: One more.

HUGHES: Senator Geist.

GEIST: How long does it take you to train a bird?

KURT VON CLOEDT: It just depends on how long you've been doing it. I can do-- I can get a bird up and running in four weeks. When you first start, it might take a year to get it done.

GEIST: OK.

KURT VON CLOEDT: You got to learn how to-- you got to learn birds. You got to really know what a bird-- you could read a bird like you could read a human being with body language.

GEIST: Hmm. Thank you.

KURT VON CLOEDT: Um-hum.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

HUGHES: Very good. Nope, we're done. Senator Moser.

MOSER: A quick--

HUGHES: One question.

MOSER: Do the birds ever turn on the-- the trainer?

KURT VON CLOEDT: No, most of the time, they'll leave before they do that. Birds are pretty smart just because it's a predatory bird. Anytime they attack something bigger than them they run the risk of being injured, so instinct tells them, don't attack anything that's going to hurt you because if you get hurt, you'll die. And so very seldom do they attack. They-- it would be an-- it would be a bird that was trained a certain way, that was-- that was raised a certain way that would turn on you. And I don't do that kind of training.

MOSER: Your training is all positive?

KURT VON CLOEDT: It's all positive rein-- I use a traditional falconry technique.

MOSER: Thank you.

HUGHES: OK. Very good. Senator Halloran.

HALLORAN: OK. Thank you, Chairman Hughes. How are they with prairie dogs?

KURT VON CLOEDT: Red-tailed hawks and red-- rough-leggeds, red-tails, golden eagles are your best birds for-- for prairie dogs. The best thing for prairie dogs are rattlesnakes and coy-- and coyotes.

HALLORAN: They're not as much fun to watch, but thank you.

HUGHES: Very good.

GRAGERT: No, never mind.

HUGHES: OK. Thank you for your testimony.

KURT VON CLOEDT: Yes, sir.

HUGHES: We appreciate it. Additional proponents to LB374? Director McCoy, welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

TIMOTHY McCOY: Thank you, Chairman Hughes and members of the committee. My name's Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y, here on behalf of the Game and Parks Commission to support this bill. As-- as you've heard, this-- this is an area that wasn't thought of when-- when these statutes were developed. And it's obvious there is an opportunity here and the need for an update in statutes to allow this. I would be-- I think most of your questions have been answered, but if you have additional questions for us, we just-- we thank-- we thank the Senator for bringing this. And we have had, you know, at least two or three other time-- or other people that have expressed some interest in this. So it is an opportunity. It's going to be a small opportunity. Our experience in working with falconers is they take-- they-- they spend a lot of time, they have a lot of value in their birds. And when they're working with them commercially, obviously, you know, that's a-- it's a big investment when they make the training. And so we think it is a-- it's a-- it's a positive use. There's already a federal process in place in terms of birds through the U.S. Fish and Wildlife Service for the permitting, and we just need a way to allow it here and to also create a way to legally allow possession of those raptors that are used for that. You know, that was, I think, the biggest challenge we faced as Mr. Von Cloedt started to talk to us.

BOSTELMAN: OK. Thank you, Director McCoy. Senator Moser.

MOSER: Is it-- do you anticipate there being a season for this hunting or is it-- would it be year-round?

TIMOTHY McCOY: Typically, for depredation-type activities, they are not done within a hunting season. Now we have regular falconry which-- which those have some different rules that does allow them to take birds from the wild and train them. Those do have seasons. There are seasons for falconry that's more of the sport/hunting. But-- but the depredation is really trying to address human-- human health issues or-- or danger-- potential dangerous issues.

MOSER: Thank you.

BOSTELMAN: Senator Geist.

GEIST: Yes. Director McCoy, is falconry ever used in a urban area or is it strictly rural?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

TIMOTHY McCOY: It can't-- I don't think there's any restrictions that it couldn't be. And I could see some areas, especially where you have airports, I would imagine a lot of the airport work likely is within-- much of it would probably be within city limits. And-- and then the other issue is that right now the options in those areas are, typically, toxicants or direct-- directly killing those-- those birds to try and address that issue.

GEIST: OK. Thank you.

BOSTELMAN: Senator Gragert.

GRAGERT: Thank you, Senator Bostelman. I was interested in the cost non-resident for in the field. It's \$265. Is it free for residents to? That's in page 4, line 11.

TIMOTHY McCOY: Oh, that's for raptor col-- that's for raptor collecting permit. And that allow-- that's allowing for-- yeah, that-- that is a specific allow-- allowance that was created for nonresidents that want to come into Nebraska to try and collect a wild raptor. And specifically, there has been-- there has been some demand for that. But in the case of what we've heard from falconers, they're making such an investment in their birds, in-- in-- in what they do to keep birds in their training, that's not, you know, I don't think we've had a huge pushback. And I think for residents, they just simply have to have a falconry permit to be able to do that.

GRAGERT: OK. Thanks.

BOSTELMAN: And I think those points, Senator Gragert, are on page 3, starting on line 13. It'll start talking about fees. Director McCoy, my questions, I guess, kind of come to the number of raptors or falcons that can be maintained or kept by an individual. Are there certain restrictions? And the way it sounds, like depends upon what the use of that-- that bird of prey is, if it's for abatement, if it's for hunting, if it's for some other purpose. In this instance, is there going to be a set number of-- to types of-- of-- of raptor and numbers? I don't think that's in here, specifically. There does say that the Game and Parks will set up rules and regs. So I just was curious and the other, like the hunting and then if there's something in there.

TIMOTHY McCOY: We-- we do have-- we do have that in falconry. And actually, that recommendation for the falconry which is using them for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee February 27, 2019

hunting came from our falcon-- the-- the-- the falconers that we have in Nebraska with some limitations on number of birds. And some of their concern was that you might have somebody that came in to do falconry and-- and-- and had more birds than they could adequately care for. I think with abatement, I would view this as you're going to be dealing with-- with master falconers with a lot of experience, and they're going to have a significant in that-- they have a significant investment, an important investment in each one of these birds. And so I don't foresee us going down that road with this because this-- this is really to clear up and provide this opportunity that's allowed under the federal law. The other reason with regular falconry there's that limitation is they also have the potential to take birds from the wild. With abatement, the requirement is they have to be "captively" reared birds. So you're not pulling birds out of the wild to do the abatement activities.

BOSTELMAN: And I would think, also, there's probably an inspection process, if needed, to go out to the facilities to look at them to make sure.

TIMOTHY McCOY: We have an inspection process that we utilize specifically, especially for falconry, and we would probably put something like that in for a new permittee just to. Usually it's an initial inspection of the facilities they have. And we don't have a lot of-- I will tell you, we don't have a lot of issues with that with falconers. They're pretty dedicated committed individuals.

BOSTELMAN: Certainly. Yeah. Thank you. Other questions from the committee members? Seeing none, thank you, Director McCoy, for your testimony. Anyone else who would like to testify as a proponent for LB374? Seeing none, anyone wishing to testify as an opponent on LB374? Seeing none, anyone who would like to testify in the neu-- neutral capacity on LB 374? Seeing none, I'd invite Senator Brewer to come out for closing. There are two letters that we have, one proponent, Scott Smathers, Nebraska Sportsmen's Foundation and one opponent, sorry, one neutral in Kristal Stoner of the Audubon Society. Senator Brewer, please close.

BREWER: All right. Thank you. As you can see, this business of falconry is fairly complex, expensive to get into, but if it's done right, lots of benefits to it. When we started looking at this bill, I talked to the operations officer at Offutt for the-- for the NAOC, the National Airborne Operations Center. And I just said, what-- what are you seeing as far as issues with that. And he said, well, right now we

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Natural Resources Committee February 27, 2019

average about 70 strikes a year, bird strikes. And he said, obviously, there's a big difference between hitting a seagull and hitting a goose, and it's-- and it's-- and it's also subject to the size of the plane that hits it. You know, the NAOC which is a 747 can take a pretty good hit and not be catastrophic. As you get smaller and faster, it does become catastrophic. So it's a safety issue, too, and it's something that is relatively painless in order to do what we're looking at doing here with this law. So I would just ask you to look at this and let it advance for the floor so we can find out more about falcons. And if I'm not mistaken, this is your only bill today so had it not been for me, you would have a very boring day today, obviously.

MOSER: We'd be having a day off.

BREWER: Don't look at it that way. You've learned.

BOSTELMAN: Thank you. Thank you, Senator Brewer. Are there any questions from the committee members?

GEIST: I do. Sorry.

BOSTELMAN: Senator Geist.

GEIST: Thank you, Vice Chair. And I do-- what-- was the airport, the guy that you visited with receptive to the idea of using raptors for?

BREWER: Actually, the Air Force uses it almost everywhere except here. The Air Force are-- is a big fan of it. You know, there needs to be positive control so that if they're using the birds to abate, that they're able to have them back before they actually have, especially the larger aircraft, come in. But no, it's-- it's a coordinated process. The base coordinates with the-- the owner to have a time and a place. But Offutt is unique because of the river being there, and-- and-- and especially during certain periods, they have lots of birds. And-- and so it's-- it's a concern they have. Right now, they-- they have other techniques, but this would be the preferred one.

GEIST: Thank you. It's fascinating. Thanks for bringing it.

BOSTELMAN: Any other questions from committee members? My only comment is along the lines of what you're saying, Senator Brewer. On my time on active duty, we investigated through bird strikes on aircraft, and they can be catastrophic, especially if it's a pelican. There was aircraft taken down by a pelican. And it is a very important tool that can be used in and around our airports, commercial and military both,

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Natural Resources Committee February 27, 2019

to keep our-- those-- those airways, flyways, clear from-- from
unwanted birds in the area and this is a great opportunity to do that.
So with that, thank you, Senator Brewer.

BREWER: Thank you.

BOSTELMAN: And this closes the hearing on LB374. Thank you all--