

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

HUGHES: Welcome, everyone. I see it's 1:30. So we will go ahead and get started. We do have a confirmation up first and that-- he is calling in at 1:32. So I will talk a little bit slower until we get to that point. Welcome to the Natural Resources Committee. I am Senator Dan Hughes. I am from Venango, Nebraska, and I 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. The 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 then 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 in 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 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 today, 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 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 that we get an accurate record. We will be using the light system for all testifiers today. You will have five minutes to make your initial remarks to the-- 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 would like-- we would like you to wrap up your thought and finish up. 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 far left.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

MOSER: Mike Moser, District 22: Platte County, Stanton County, and a little bit of Colfax County.

HALLORAN: Good afternoon. Steve Halloran, District 33, which is Adams County and the better part of Hall County.

QUICK: Dan Quick, District 35, Grand Island.

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

HUGHES: And on my far right.

GRAGERT: Good afternoon. Senator Tim Gragert, District 40, northeast Nebraska.

ALBRECHT: I'm Joni Albrecht, northeast Nebraska: Thurston, Wayne, and Dakota Counties.

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

HUGHES: Senator Bostelman is Vice Chairman of the committee. The-- to my left is committee legal counsel, Andrew Vinton. And to my far right is committee clerk, Mandy Mizerski. Our pages with us today are Kaitlin McKenna, a senior at UNL majoring in political science and history. Yes, Mr. Nor-- Mr. Marshall, have you-- do we have you on the line?

NORRIS MARSHALL: Yes, you do. Thank you.

HUGHES: OK. Very good. We have just opened up the Natural Resources Committee hearing. You are first up. We appreciate you being timely with your phone call. If you would give us just a brief background on yourself and why you would like to serve on the Environmental Quality Council. Thank you.

NORRIS MARSHALL: Well, thank you very much. I apologize for not being there in person. It was impossible for me to do that today. But I respect your time. I am from Elm Creek, Nebraska, originally. I grew up on a farm, moved to Kearney after high school, opened a business in 1982 which I still operate, a business called Marshall Engines, involved with manufacturing, make engines for generators for [INAUDIBLE] application [INAUDIBLE]. I have four kids and eight grandkids that happen to live in Nebraska [INAUDIBLE]. Previously I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

had served from 19-- 2010 to 2019 as a Game and Parks Commissioner. But that term has been over with for over a year now. But during my time as a Game and Parks Commissioner, [INAUDIBLE] effort [INAUDIBLE] Game and Parks Commission and the Environmental Quality Board [INAUDIBLE] talk about areas where there might be overlap [INAUDIBLE]. So I became familiar with the Department of Environmental Quality in Nebraska, met the director [INAUDIBLE] industry. I was kind of curious about how they ran their agency. Quite honestly, I was impressed [INAUDIBLE] well-- seems to be a well-run agency and not onerous in enforcement as a regulatory agency.

HUGHES: Mr. Norris, could you-- you're kind of cutting out a little bit. Would there be a chance you could get to a better location? I'm assuming you're on a cell phone.

NORRIS MARSHALL: No, actually I'm on a landline. Is that better?

HUGHES: That's much better. Thank you.

NORRIS MARSHALL: OK. Just a little bit of difference. How far back do you want me to start over?

HUGHES: Just continue on from where you're at.

NORRIS MARSHALL: OK. So anyway, I enjoyed serving on the Game and Parks Commission. I appreciate what the environmental department is trying to do and would like to be part of that. I'm not sure that I can make a lot of difference, but it's important to me that-- that that regulatory agency might be more helpful to the business and industry and the citizens of Nebraska. And not necessarily more helpful than they are, but continue to be helpful, supportive and not be kind of big brother, so to speak. So that's my interest.

HUGHES: OK. Thank you very much. Are there questions from the committee? I do have one. So this is your first-- you're not being reappointed. This is your first appointment to the Environmental Quality Council.

NORRIS MARSHALL: Yes, that is correct.

HUGHES: Have you had a chance to attend any meetings yet?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

NORRIS MARSHALL: I have not. They had a meeting in November that I was not able to attend. So the only meetings I've been with them was when I was on the Game and Parks Commission and we had a joint meeting.

HUGHES: So you-- you have a pretty good idea of what goes on in the Environmental Quality Council.

NORRIS MARSHALL: Well, I'm sure I have a lot to learn. But I do have a general idea, yes.

HUGHES: OK. Thank you. Are there any questions from the committee? Seeing none, thank you, Mr. Marshall. We appreciate you calling in today. You can stay on the line, if you like or not. We will ask for proponents, opponents, and any neutral testimony for your appointment. So thank you, Mr. Norris or Mr. Marshall, I'm sorry. Is there anyone wishing to testify in support of Norris Marshall being appointed to the Nebraska Environmental Quality Council? Seeing none, is there anyone wishing to testify in opposition to Mr. Marshall's appointment? Anyone wishing to testify in the neutral capacity for Mr. Marshall's appointment? Seeing none, that will close the hearing on Norris Marshall appointment to the Environmental Quality Council. Mr. Marshall, if you're still there, thank you for your willingness of service to the state and we look forward to working with you.

NORRIS MARSHALL: Thank you.

HUGHES: OK. Very good. So then next on the agenda will be LB770, Senator Gragert. Welcome.

GRAGERT: Thank you, Chairman Hughes, members of the Natural Resources Committee. I'm Senator Tim Gragert, spelled T-i-m G-r-a-g-e-r-t, representing the 40th Legislative District and here today to introduce LB770. Before continuing, I want to thank all the veterans present today. Under LB770, disabled veterans would be allowed one lifetime park permit at no charge. To be eligible for the free lifetime permit, a veteran must be a Nebraska resident, honorably discharged, and rated 50 percent or more disabled as a result of his or her service or 100 percent disabled nonservice connected, and receiving a pension from the U.S. Department of Veterans Affairs. The Game and Parks Commission would be allowed to adopt rules and regulations to implement this proposal. This is the same criteria that qualifies disabled veterans for a free lifetime small game, hunt, fish, and fur harvest permit. Last interim, I worked with the Game and Parks Commission and the Nebraska Department of Veterans' Affairs on a park permit issue.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

Initially I was interested in a free park permit for disabled veterans and for first responders and military members who were 60 years of age and had 20 years of service. I was also interested in offering reduced price park permits for individuals 65 years of age or older. My suggestion to make up for the lost revenue was to increase the cost of nonresident park permits. However, I realized that the maximum amount of nonresident park permits was already proposed to increase from \$45 to \$55 in the LB287. And that-- and that the commission had plans to use this increased revenue for ongoing capital maintenance of park facilities. I believe the nonresident fee should be raised even further, considering that the vast majority of visitors from-- to Lake McConaughy are from Colorado, where the cost of a park permit is \$80. Over the interim, I also asked the Legislative Research Office to compile what states offer free park permits to disabled veterans, the military, and-- and to seniors. I found that of the 40 states that have park permits, 19 of the 40, almost half, offer free permits to disabled veterans. Furthermore, an additional eight states offer free permits or reduced permits-- park permits to the military of which five states offer benefits both to disabled vets and military. I also found that 6 states offer free park permits to seniors, with an additional 17 states offering reduced permits to seniors. The Game and Parks agreed to work on a fiscal impact of my proposal and came back with the suggested additional increase in nonresident park permits-- nonresident park permits to \$65 and an increase in the daily nonresident fee from \$8 to \$12 to fund a free lifetime permit-- park permit to the disabled veterans. They projected that this would bring in enough money to still allow for capital maintenance per LB287, as well as account for the loss in resident park permit revenue and absorb the drop in nonresident visitation due to the price increase. Although this bill isn't anything that I had envisioned, it is a good first step, following a free lifetime-- offering a free lifetime park permit to disabled veterans who are most worthy of this benefit. With the proposed increase in the nonresident park permit fees, it would not jeopardize the Game and Parks Commission's ability to fulfill their responsibilities. I want to thank the Game and Parks Commission and the Department of Veterans' Affairs for their working with me on this issue. I urge your support-- I urge you to support LB770 and vote to advance it from committee. If you have any questions, I would try to answer them. Thank you.

HUGHES: Thank you, Senator Gragert. Are there any questions? Very good. You'll stay to close?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

GRAGERT: Yes, I will.

HUGHES: So ask for proponents of LB770. Welcome.

GREG HOLLOWAY: Good afternoon. This is my pleasure to be in front of this committee. This is the first time I've ever had the opportunity to be in front of this committee.

HUGHES: We're glad you're here.

GREG HOLLOWAY: My name is Greg Holloway, G-r-e-g H-o-l-l-o-w-a-y. I represent the Nebraska Veterans Council. Nebraska Veterans Council is made up of eight veterans organization-- eight veterans organizations and the County Veterans Service Officers Association. There were two. Now there's only one. They've joined. So we-- I represent more than 30,000 veterans within the state of Nebraska. There is approximately 17,500, 18,000 veterans that qualify for 50 percent service connected disability and above. So personally, I was eligible in 1969. I've had my fee exempt hunting and fishing license since September 1969. When I got out of the military, I was automatically 100 percent service connected as a result of shrapnel wounds from a hand grenade in Vietnam in combat. So-- but I dropped that and went to work all my life and retired as a county veteran service officer back in '95 and still work for veterans. So-- and I also was with the State Game Commission back in the '60s, the old seine crew, salvage-- salvage and distribution, which we were self-supporting agency back then. You know, the only one in the whole state, I think. But this is something that has been asked for me for many years and the climate was a little bit better. And so I talked to the senator and he graciously accepted the challenge. And I think this is good to give an opportunity to more veterans. Myself, I don't hunt and fish anymore, but it sure is nice to be able to just go out to the park on a Sunday and drive around a little bit. I've got some nice old classic cars and go cruising around the lakes and stuff with them and-- and just relax, you know. So it's therapeutic for us old guys and give a better outlook on the state of Nebraska to the young veterans that are-- would be able to access these with their families and enjoy it. So I hope you do advance it out of committee and get it to the consent floor and it'd be an easy vote. It's no big deal. Something nice and easy to do. Look after us for a little bit. And this is a-- I know a lot of-- I know some of you I don't know, but I know a lot of you on here. And you know that I don't bring up anything that's not a worthy cause to support our veterans. Any questions? I'll be more than glad to ask them.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

HUGHES: Thank you, Mr. Holloway, and thank you for your service to our country. Senator Geist.

GEIST: Yes. Mr. Holloway, thank you for your testimony. And it's good to see you again.

GREG HOLLOWAY: Good to see you.

GEIST: We see each other pretty frequently. I-- and I'm just going to ask you to speculate. But how many do you think of the over 17,000-- 17,000, right, disabled?

GREG HOLLOWAY: I believe that's a pretty accurate number.

GEIST: What would you guess? How many do you think would take advantage of this opportunity?

GREG HOLLOWAY: Less than it will cost. I'll put it that way. I'm not sure. I will take advantage of it, definitely.

GEIST: OK.

GREG HOLLOWAY: I've been eligible for-- I would have been eligible for 51 years already. So there's not too many years left for me to be out driving around through the parks. And a lot of us Vietnam veterans are my age. I'm 73 now.

GEIST: Um-hum.

GREG HOLLOWAY: And so we slowed down quite a bit. But there's a lot of them. I-- I-- I would think half of them.

GEIST: OK.

GREG HOLLOWAY: At least, you know, would like to take advantage of it. I'm not positive. That-- that's a hard number to put together. But I would encourage them all to.

GEIST: Um-hum.

GREG HOLLOWAY: And we--

GEIST: And I realize I'm asking you something you can't possibly know the answer to. But-- but you know your people really well.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

GREG HOLLOWAY: Yeah.

GEIST: And so that's why I ask.

GREG HOLLOWAY: I've been-- I've been-- a lot of veterans have asked me to bring this forward. And I just said it's not ready. It's not right yet.

GEIST: Yeah.

GREG HOLLOWAY: And lucky the senator found the Game Commission to be a lot more cooperative than they had in the past about issues like this.

GEIST: Good. Thank you.

GREG HOLLOWAY: And they say it's OK.

GEIST: Well, thank you for what you do.

GREG HOLLOWAY: They can handle it, so--

GEIST: We appreciate you. Thank you.

GREG HOLLOWAY: You're more than welcome. Thank you.

HUGHES: Thank you, Senator Geist. Are there any other questions? Seeing none, thank you for coming to testify today.

GREG HOLLOWAY: Thank you.

HUGHES: Other proponents to LB770. Welcome, Director McCoy.

TIMOTHY McCOY: Thank you, Chairman Hughes. For the record, my name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I work at 2200 N. 33rd Street in Lincoln, Nebraska, and I'm the deputy director of the Nebraska Game and Parks Commission. As Senator Gragert said, we-- we worked with him on this bill, you know, looking at potential costs of-- of the-- the different proposed different ideas that he had for the-- for-- for reduced fees and then for the free permit. The free permit is actually fairly-- I would say fairly straightforward because we already offer this on the hunting and fishing side. And it made a lot of sense to even that out to help honor our veterans. Regarding the question that Senator Geist had, when we-- when we look at, it's-- it's a bit of a challenge in doing the-- the projections on this, because you're-- you're trying to understand that the real economic impact is how many potential veterans would use this that are already buying a permit.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

And we don't have a great-- we don't have a good way to directly track that. But we looked at two different things. We looked at the proportional buying. If we assume that-- that for-- for the proportion of vehicle registrations, two adults who are legal driving age, and we ran that and looked at if they bought proportionally to the-- to the numbers that are disabled veterans, you would actually have a very similar number, almost identical to what we looked at when we just looked at how many people are already using the free hunt and fish permits. So, you know, adding the new people going to the park isn't-- isn't really a cost. The concern is trying-- the backside of that. We're happy to be a part of this. I know our parks division, we had conversations about creating a special-- we would create some sort of a special sticker for this that would also help identify them as veterans in terms of the park permit. And because we have the process for the existing permits, I think implementation will be very straightforward.

HUGHES: Thank you, Director McCoy. Are there any questions? Seeing none, thank you for your testimony. Welcome.

DAN WILLS: Good to be here. Appreciate it. My name is Dan Wills, D-a-n, Wills, W-i-l-l-s, and I am the state chaplain for the Department of Disabled American Vets, and I'm also a veteran, as well. And it's just-- be a really good thing to honor our vets. Having seen so much, I just share with you by doing something like this, you're giving opportunities to veterans that otherwise cannot afford to go to our state parks. And I love our state parks, I want to tell you and I've been to many of them. So that's all I want to share with you. I'm for it. I just hope you will do the same. Appreciate your time.

HUGHES: Thank you, Mr. Wills. And thank you for your service to our country. Wait. There may be a question.

DAN WILLS: OK,

HUGHES: Any questions? Senator Bostelman.

BOSTELMAN: Thank you, Chairman Hughes. Thank you for being here, Mr. Wills. Question: Do you know how many of your members because-- are 100 percent disabled? I'm just curious.

DAN WILLS: I would be-- you know, have-- obviously, I just don't know.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

BOSTELMAN: So that's something I-- that's a question I want answered, kind of with this but with another [INAUDIBLE].

DAN WILLS: I will share with you that the ones that I know, most of them are 70 to 100 percent.

BOSTELMAN: Sure.

DAN WILLS: And, you know, there's so many things that cause the disabilities, whether it's posttraumatic stress disorder, Agent Orange, being wounded. So there's a variable causes for disability. And so when you start adding those together, it gets to be.

BOSTELMAN: So on your membership, there's really not a way that you identify whether an individual is--

DAN WILLS: Well, in our membership, that's what we do as a department, I mean, Disabled Vets. We represent veterans so that they can get their disabilities

BOSTELMAN: Right.

DAN WILLS: And I'm going to share with you, I have two appointments to take two guys to Omaha to-- they've never been to the VA. They are disabled and they didn't know. And so I share with you for our part, I know these guys are going to be getting probably at least 50 percent, if not more, just because I know what's wrong.

BOSTELMAN: Thank you for being here. Thank you for your service.

DAN WILLS: I hope I didn't mess up your [INAUDIBLE].

HUGHES: Are there any additional questions? Seeing none, thank you, Mr. Wills.

DAN WILLS: Thank you.

HUGHES: We appreciate you coming today. Is there anyone else wishing to testify as a proponent to LB770? Anyone wishing to testify in opposition to LB770? Anyone wishing to testify in a neutral position on LB770? We do have one letter of support from Dean Kenkel in Omaha. Senator Gragert, you're welcome to close. Senator Gragert waives closing and that will conclude our hearing on LB770 today. And we will move to the next bill, LB863.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

BOSTELMAN: With that, we will open a hearing on LB863. Welcome, Senator Hughes, may open.

HUGHES: Thank you. Good afternoon, Vice Chairman Bostelman, members of the Natural Resource Committee. For the record, my name is Dan Hughes, D-a-n H-u-g-h-e-s. I represent the 44th Legislative District. I'm here today to introduce LB863. This bill states that beginning September 1, 2020, the Game and Parks Commission may not purchase or acquire title to any additional sites if such purpose or acquisition would increase the overall amount of property the commission owns. This bill has generated quite a-- a great deal of response from a good many people. Last fall, during the interim hearings in Scottsbluff and McCook, the committee heard input from individuals who shared concerns about the different sites, parks and properties across Nebraska. Many were concerned with the obvious lack of maintenance and upkeep on Game and Parks properties, evidenced by weeds not being mowed, building structures in disrepair, and fences not being maintained. LB863 would put a stop to Game and Parks property acquisitions until they can catch up and-- catch up and manage the properties they currently own. If they would choose-- if they choose to liquidate existing properties, they could then add other properties or even possibly trade acre for acre. I have heard from people on both sides of this issue. The people for this bill want to keep pressure on the Game and Parks to do a better job, especially in western-- at the western end of our state. The last couple of days I've had the opportunity to talk to the Natural Resource state annual meeting, and last night we had the Cattlemen were in town and there have been a great number of people who have come up to me and said, thank you for what you're doing, because we are close to or border properties that are owned and maintained by the Game and Parks Commission, and they have done a better job in the past. But within the last five to ten years, their maintenance has certainly slipped. So I would appreciate-- appreciate what this bill does. I know we have all gotten a lot of emails in opposition, but I think we need to look at this issue seriously. And if there is an issue as to why maintenance has changed or the schedule or what Game and Parks is doing, I think that's important that we look at those issues and try to figure out a way to help them do a better job. So with that, I'd be glad to try and answer any questions.

BOSTELMAN: Thank you, Senator Hughes. Does the committee members have any questions? Senator Albrecht.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

ALBRECHT: Thank you. Vice Chair Bostelman. So, Senator Hughes, in exploring this, do you have any idea what you think is happening? Is it lack of people, not enough personnel? What-- what took the fall? I mean, is it because there's too much land that they have to manage to? What would you say would be the reason?

HUGHES: I-- I'm-- I'm not privy to the discussions that go in with the Game and Parks commissioners and their internal workings. From the outside looking in, it would only be speculation on my part. That speculation would be that it costs more to hire employees. It costs more for materials, chemicals, those type of things to maintain the properties, keep noxious weeds down.

ALBRECHT: Um-hum.

HUGHES: And that's part of why I brought this bill to get to the bottom of that. If there are additional resources that need to be acquired, you know, let's find out and let's make sure that we have sufficient resources in place to manage what we have now before we continue to add more, more acres and more sites.

ALBRECHT: And you've been doing this longer than I have. But do you have an idea of what their budget is for the year for personnel and--?

HUGHES: Not off the top of my head, I do not.

ALBRECHT: That I would be interested in taking a look at. And the boards that oversee the Game and Parks, do they play into any of this discussion? Did you visit with any of the board members to--?

HUGHES: I have had discussions with commissioners, the Game and Parks commissioners. The two interim hearings that we had in Scottsbluff and McCook, there were several of the commissioners who were there and heard from several of the testifiers who were concerned about the issues of property and how Game and Parks was managing.

ALBRECHT: Um-hum.

HUGHES: So the commissioners have heard us. There are ongoing meetings that we're having to deal with several issues, several aspects that Game and Parks controls.

ALBRECHT: And just one more question, because I don't quite understand. How-- how are they able to acquire this ground? Who gets to decide what they're going to purchase, where it's gonna be, how

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

much they're going to pay? I mean, do they have a cap, a certain amount of money that comes in that they can spend? Or how is it that they're acquiring all this land and who-- who actually allows them to do that?

HUGHES: Well, generally, they're-- I-- and I'm-- and I'm not a member of the Game and Parks Commission. I'm not on their staff. My speculation is that if there is a property that becomes available that would be desirable or advantageous to them--

ALBRECHT: Um-hum.

HUGHES: --they would then reach out to their partners. There is the-- the last-- the last property that they bought, which was up south of Fort Robinson in the Panhandle, my understanding there was a lady that owned the property that would like to-- would like Game and Parks to have that property. She wasn't-- she didn't want to donate it to them, but she was willing to sell it to them.

ALBRECHT: Um-hum.

HUGHES: So in that case, I assume she reached out to Game and Parks. There is a requirement that they have to have an appraisal, which I have some issue with that as setting a value on property.

ALBRECHT: Um-hum.

HUGHES: And then they reached out to Rocky Mountain Elk Foundation, I think Pheasants Forever, Ducks Unlimited, several of-- the Environmental Trust. Yeah, the Environmental Trust I think put some funds into it. So Game and Parks didn't have to use a lot of their own money in order to purchase that property. They had a lot of-- they solicited donations from other wildlife groups in order to garner sufficient funds to acquire that property. And I think that's probably generally how they-- how they operate.

ALBRECHT: And then all of that ground goes off the tax rolls, I would imagine, because it's a governmental.

HUGHES: No, it doesn't.

ALBRECHT: They pay taxes.

HUGHES: If it's a wildlife management area,--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

ALBRECHT: OK.

HUGHES: --they pay in lieu of taxes on that property. So anything they acquired after 1973, I believe, is in-- they do pay in lieu of taxes on. Now if it's a recreational area, I do not believe they pay in lieu of taxes on that. So it-- there's no taxes on the lakes.

ALBRECHT: Um-hum, very good. Thank you.

HUGHES: Other questions? Senator Moser.

MOSER: Are these lands all open to the public or are some of them just wildlife habitat and they don't allow the public onto them?

HUGHES: I do not know. Director McCoy is behind me. I'm assuming he is going to testify in opposition to this bill. So you can probably ask him then.

MOSER: Is your objection to the ownership of this property by Game and Parks or just the way they're maintaining it?

HUGHES: Just the way they're maintaining it. I mean, there's not a lot of property that's owned by Game and Parks at this point. But I want-- you know, I'm a farmer and I don't like to see property abused. I'd like to take as good a care as possible of the property. So a lot of the sites that I have looked at have-- have fallen into lack of maintenance and facilities, you know, have been into disrepair and the weeds are not being taken care of. So, you know, manage what you have before you ask for more.

MOSER: The weeds would be about the only thing to do to maintain them, wouldn't it?

HUGHES: Well, there are-- in-- on the wildlife management areas, yes. There you have noxious weeds that need to be controlled. That's-- we have a rural Canadian thistle problem. And if those-- those are not maintained on anybody's ground, the deer, you know, other wildlife fur-- wildlife catch those seeds. And they, you know, they bed down there that night, the next night, they bed down in my field and those seeds shake off. Eastern red cedar is a real problem if you're in rangeland, those types of things. When we were in McCook, we went to the west end of the lake there north of McCook that had been a campground for a good many years. And, you know, a lot of people had used that and there was, you know, you couldn't even get to it because the weeds were so high. There were outhouse facilities there, a picnic

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

area, and it had not seen any type of maintenance for several years, according to the gentleman who lived closest to that property.

MOSER: And were they allowing the public to go there and use that property?

HUGHES: Yeah. I mean, it's open to the public. But, I mean, you have to have a park sticker in order to get into that. I mean, the boundary was posted and it was just a trail road in there. But, you know, that property had not been maintained for several years.

MOSER: OK. Thank you.

BOSTELMAN: Senator Gragert.

GRAGERT: Thank you, Vice Chair Bostelman. I just want to confirm on this land and, and the restriction on the way in as you answered the questions, Senator Hughes, I understand you know the difference between a wildlife management area and a state park. But are most of the areas of concern or of issue wildlife management areas?

HUGHES: No. I had one of our colleagues talk to me. He said, you know, I read that bill. That's a good bill. I was at Schramm State Park last summer, which is, you know, down here and said there was a huge thistle, you know, in the middle of that park. I mean, it had been there for several years. It had not been taken care of. So it's not just a western issue. It's not just a wildlife management area. I mean, there are-- there are issues all across the state. And we need to-- we need to find out what-- what has changed and how we can make it better.

GRAGERT: So then you are-- you are-- this bill is requiring that they will not be able to-- to increase land in any way, donated land. They can't take on any more land until they give up some land. Is that the [INAUDIBLE]?

HUGHES: That's correct.

GRAGERT: OK.

HUGHES: Yeah. The-- the land that I had shared with Senator Albrecht, that the lady-- I believe it was the lady that owned it that was up next to Fort Robinson out in the Panhandle. She wanted them to have it. So and I don't know what the percentage was, but a game-- the money-- the money that Game and Parks took out of their budget for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

land acquisition was a very small percentage of the total price. So they-- they have a lot of partners who are willing to give them land or donate to do that. I just want them to take care of what they have.

GRAGERT: I'm sure you're probably or maybe you're not familiar with the breakdown of private land to the percent of land that we have to hunt on, the public has to hunt on, public land being 100-- 97 percent privately owned to 3 percent of government owned public lands--

HUGHES: Um-hum.

GRAGERT: --for hunters and fishermen or whatever, you know, to-- to-- to hunt and fish on. That doesn't concern you with the amount of hunters we have looking for places to hunt that we're going to now limit the Game and Parks to ever increasing any kind of land?

HUGHES: Well, I'm not saying this is forever, ever. I just want them to do a better job of maintaining what they have. And once-- once they can prove to me that they-- they can handle what they have, then we'll revisit this issue and see if we can move forward. You know, it's not a lifetime cap. You know, this can be changed at any time. But my-- my attempt here is just to make sure that they can maintain what they have now. You know, public access I know is an issue. Most of the landowners that I know, if you go and ask them, they will let you hunt. The, the Game and Parks has a lot of projects that they're working on. One that we take full advantage, fullest advantage that we can on our farm, is their tall stubble program. The way we harvest our wheat, we leave all of the stubble there. Game and Parks has got a program where they pay us, I don't know, \$2 or \$3 an acre if we leave that stubble and open it up for public hunting. You know, I'm OK with that. I have lots of people hunt on my land. So there are several programs that they're working to gain additional access for the hunters and working in partnership with the landowners. You know, that's-- that's where kind of the disconnect has been is the partnership, getting the landowner and the hunter together. And, you know, the tall stubble program, and I'm sure they have some others, are working well. They're-- they're working toward that direction. But we've just seen too many recreation areas that have-- have not been maintained and wildlife management areas as well.

GRAGERT: One last question. In your meetings with Game and Parks or your dealings with Game and Parks on this issue, has the idea of when

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

they're not getting enough money to maintain like you would like to see them maintain these parks and wildlife management areas?

HUGHES: I--

GRAGERT: Has the money-- has the-- has the idea of us increasing money to the Game and Parks come up?

HUGHES: This-- I don't recall in the various discussions that I've had with them that we have gotten into the weeds to tie it on, you know, how we can look at ways to, to increase funding. I have some ideas that, you know, once we-- we get through some-- some of the other issues that, you know, I certainly am willing to sit down and-- with them and look at ways that we can, you know, possibly have a separate park sticker for Lake McConaughy, you know, have a-- a-- area only that is an increased out-of-state price, because there are a huge amount of out-of-state visitors come to that lake. You know, if we can increase the park permit for that site specifically and then use that money to, to spend to improve that site, I got no problem with that at all. I think that would be a great idea. But we have not-- we have not gotten far enough into our discussions to get to that point.

GRAGERT: We just throw out this one suggestion then is wildlife management areas are free. Maybe we have to go to a \$4 or \$5, you know, to utilize a wildlife management area. So maybe that can be part of your discussion. But thanks a lot.

HUGHES: My intent is not to micromanage--

GRAGERT: Right.

HUGHES: --Game and Parks. That's-- that's not my intent at all. I'm-- I'm just working on getting the commissioners more engaged in these areas of concern that have been brought to me.

GRAGERT: Thanks.

BOSTELMAN: Other questions from committee members? The question I have for you, Senator Hughes, since NRDs are in town this, this week and talking, a lot of the lakes we have, Branched Oak Lake, McConaughy, Lake Wanahoo, a lot of the impoundments like that are actually NRD impoundments. They're NRD lakes. They're not Game and Parks lakes. Game and Parks comes in and manages them, but they belong to the NRD. Have you had any discussions with the NRD about taking over the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

supervision, the management of some of those lakes like they did up at Wanahoo?

HUGHES: I have not. I know there are some places where I know there's a small lake at Wellfleet Lake that the NRD did purchase in-- it's probably in Lincoln County I'm guessing. Yeah, it would be in Lincoln County. There are certainly-- and Lake McConaughy, Central Irrigation Power District owns Lake McConaughy. They-- they I think they contract with Game and Parks for the management of the campgrounds. I'm not sure. You know, there's some private land on most lakes and some public managed. And that is-- that is part of the issue of how willing the-- the owner of the lake is versus the owner, the private owner, and then the-- the lake property that they've contracted with Game and Parks to manage. That's, you know, part of the problem we had with the lake north of Cambridge. The, you know, Bureau of Reclamation owns the land, you know, contracted with the Game and Parks to stock the lake, you know, had a small portion of that to provide a concessionaire and several cabins got built over the years, over the last 50 years. And the concessionaire wasn't being monitored. And the camp, the cabins, the-- the electrical and sewage was not being maintained and ended up all of those cabins got pulled off of there because the federal government came in and said, this is unacceptable, you know. And whose fault was it? You know, the concessionaire that was part of their responsibility. They collected lot rent annually on those-- those cabins that were there. But yeah, Game and Parks is the one who, you know, hired or gave the franchise to the-- to the vendor. So there's-- there's just lots of different stories of things that have gone wrong.

BOSTELMAN: Any other questions? Seeing none, Senator Hughes, will you stick around for closing?

HUGHES: Absolutely.

BOSTELMAN: Thank you. Any proponents for LB863? Please step up. Welcome.

JOHN ROSS: Good afternoon, Vice Chair Bostelman and fellow committee members. My name is John Ross, J-o-h-n R-o-s-s. First, I want to thank Senator Hughes for introducing LB863. I am a lifetime Nebraska resident, have hunted and fished for as long as I can remember on the family farm established in 1917. I have retired from farming but still live on the farm. I am a hunter education instructor for Nebraska Game and Parks. I started teaching in 1987 and this is a great thing that Game and Parks does. With that said, I am testifying for myself. Many

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

things that Game and Parks does gets my blood pressure up. This is a good thing in one way. It means I'm still alive. I hope I stick to the issues that Senator Hughes is concerned about in LB863. I did some research and looked at what South Dakota game and parks does and what-- and I got some information from Deputy Director Tim McCoy for Nebraska Game and Parks. South Dakota Game, Fish, and Parks's budget in 2018 was \$56.2 million; a total of 1,173 employees; 174 interns, and I'm not sure what they get paid. They have 13 state parks, 43 recreation areas, 4 nature areas, 2 historical parks, and 1 trail for a total of 63 sites. Moving on to Nebraska Game and Parks's budget for 2018 was \$97.6 million; 1,468 employees; and maybe 2 interns; 8 state parks; 57 recreation areas; 9 historical sites; and 1 trail for a total of 75 sites. What I don't understand is with a budget of \$41.4 million more and 313 more employees, why do they have so much trouble keeping all the sites controlled and up to snuff? I have heard about Lake McConaughy problems for years. Dead Timber Recreation Area near me in Burt [SIC] County has been a disaster area for years. People don't go there. What I want is to make sure the needs of our properties that they have is up to snuff before we start acquiring more. Most of what Game and Parks does is good, but we need to improve things. Thank you.

BOSTELMAN: Thank you, Mr. Ross. Are there questions from the committee? Seeing none, thank you for your testimony, Mr. Ross.

JOHN ROSS: Thank you.

BOSTELMAN: Other proponents that would wish to testify on LB863. Any other proponents for LB863? Seeing none, we do have two letters. Proponents, Kathy Wilmot of Beaver City, Nebraska, and Steve Nelson of Nebraska Farm Bureau. With that, we'll go to opponents if anyone would like to testify as-- in opposition to LB863. Welcome, Director McCoy.

TIMOTHY McCOY: Good-- good afternoon, Vice Chair Bostelman, members of the committee. My name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm the deputy director of the Nebraska Game and Parks Commission at 2200 North 33rd Street, Lincoln, Nebraska. I am here to testify against this bill. I will provide more information about that. You know, as we look at the mission of our agency in terms of the stewardship of the fish, wildlife, park, and outdoor recreation resources in the best long-term interests of those peoples and resources, you know, we look at trying to adequately provide sustaining the levels for fish, wildlife, and park resources, both to provide the consumptive and nonconsumptive opportunities, but also to contribute to the quality of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

life and economic-- economy in Nebraska. And we are-- we are charged also with perpetuating and enhancing the fish and the wildlife resources, game and nongame throughout the state. I will start with some facts about our land ownership. Senator Gragert talked a little bit about just overall public land. All together, the commission owns 153,198 acres in the state, which is 31-- is .31 percent of the state's land area. We own 41,402 acres of parkland, which is about .084 percent of the state land area. And that includes a little over 31,600 acres in state parks. The reason that is so high is we-- we manage Fort Robinson, which was historically a military fort, was then transferred to USDA, used as a beef research facility for some period of time. During that time, one of the things that happened is a lot of the buildings that were on the fort came into disrepair. Some were actually taken and moved into-- there's actually a church that's in Crawford that was moved off of Fort Robinson. And-- and at a point in time, that was then shifted over to the Game and Parks Commission to try and manage. It's identified as a state park, but it's probably more so like a historical park than anything that we own with those lands transferred. And then we have-- we have a little over 7,700 acres of state recreation areas we own, and about 2,611 acres that are-- that are actually identified and designated as state historical parks. Several of those were transferred to us from, well, what-- what is History Nebraska now, used to be the Historical Society. We own 110,000 acres, 776 wildlife management areas, which is about .224 percent of lands in the state. They are open for all public hunting and fishing. We have for all legal seasons, as well as for things like hiking, mushroom hunting, we get a lot of variety of public use, a lot of birdwatching on those areas. And there is no-- there is no direct fee or requirement for a permit to have access to those. When we look at our-- look nationally, obviously from a standpoint that Senator Gragert brought up, we are-- we are pretty much on the low end when you look at public lands that are available. We're ranked 48th in terms of the public lands available. Only Kansas and Rhode Island have less as a percentage of their state. Now there was some discussion of lands we manage for other entities. And we manage 138,982 acres of lands that are actually owned by other entities. That's about 79,000-plus acres of WMA and just shy of 60,000 acres in the state park system. One of the challenges that when we start talking ownership versus management is we, for most of the public, the difference in those isn't clear. But there was some discussion earlier. We manage lands owned by the U.S. Army Corps of Engineers around Lincoln. That's what Branched Oak is, is a-- is a Corps of Engineers lake. The Bureau of Reclamation, a lot of our reservoirs in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

the western part of the state, Central Public Power and Irrigation District, NPPD, and I know there's a few others, but those are the major ones. And in many of those cases, we have areas that are managed as both parks, a part of them is considered a park area, state rec area where there is a requirement for a park permit and other parts that are wildlife management areas. Those are valuable acres to the park visitors and the hunters, fishermen, all sorts of folks in the state that enjoy outdoor recreation. When we look at the efforts our agency has been tasked with for-- for R3 beyond the competition for time, access is the number one identified reason that people either stop participating in hunting and fishing or they don't start participating in it or they don't share that tradition. I see my light is on. I will try to wrap this up and I'm sure there will be questions. The other thing that-- that-- that-- that these areas do provide is some economic benefit. Our latest annual impacts of hunting, fishing, wildlife, and state parks in Nebraska is \$2.64 billion. I will not break that down. But in addition, in our park system, we paid \$861,000 last fiscal year in sales taxes from sales in our park system and \$589,000 in lodging taxes that we also, come from our agency. With that, I will end my testimony and I assume there might be a question.

BOSTELMAN: Thank you, Director McCoy. Are there questions from committee members? Senator Geist.

GEIST: Yes. Thank you. And thank you, Senator, I mean, Director McCoy, for your testimony. I know that there is a difference between ownership and management,

TIMOTHY McCOY: Uh-huh.

GEIST: But can you outline what the difference would be if you own land and take care of it and management? Is there or--

TIMOTHY McCOY: We--

GEIST: Just outline for me what the difference looks like.

TIMOTHY McCOY: I will. When-- when we look at it from a budgetary standpoint, we're looking at operating and maintenance costs. And those are-- those are for us, those are pretty much the same regardless of whether we own or manage in terms of how we treat those acres.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

GEIST: Um-hum.

TIMOTHY McCOY: The biggest difference is, is actually the-- the-- the acquisition cost that would happen with something like that. Those acquisition costs are identified in our capital budget versus our operating budget as we go-- as we work with the Legislature. So we don't see that as-- as necessarily separate. We don't-- we don't value one more than the other.

GEIST: OK.

TIMOTHY McCOY: Most of our areas are managed by-- by staff on site in terms of wildlife management areas that manage multiple sites which could be owned, they could be managed. But just like how the public sees them, we treat those the same.

GEIST: So do you feel that with your management currently you have enough staff to oversee each of the places that you're currently managing?

TIMOTHY McCOY: I think we do, but I think we have some more prioritization to do. There may be a few areas where we are-- where we are short. And I'll explain a little bit of that reasoning. I've been in this job since 2012, and when we come down and work on budgets and look at our operating and maintenance budgets, we've been pretty readily able to increase our budgets. When we look at our fish and wildlife side, for the reason that that part of our agency is essentially based on a user-pay system. We're utilizing our cash funds. When we look at the park side, we do get General Fund monies on the park side. And we have increased O and M utilizing our cash funds, but-- but it is a challenging balance. There was a mention that we had a large number of permanent employees. I would just like to identify we have about 470 permanent employees in the agency. We will hire in a year, typically somewhere between 900 and 1,300 temporary staff. Most of those are in our parks system. We operate some very full-service park systems that have lodges and cabins. We have-- we have other types that are mainly campgrounds. When you have lodges and cabins and other activities, it takes a lot of employees and we utilize a lot of temporary employees in that realm.

GEIST: And those are just seasonal for--

TIMOTHY McCOY: Yeah, they're seasonal employees.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

GEIST: --like spring to fall period of time?

TIMOTHY McCOY: And in the last several years, we've had a lot of challenges just with the job market and in filling. We've been short staffed I will tell you, just from the ability to get temporary employees.

GEIST: OK. Thank you.

BOSTELMAN: Senator Moser.

MOSER: I was just curious, where do your revenues come from? Can you just kind of give us a thumbnail sketch of.

TIMOTHY McCOY: Yeah, on our, you know, our revenues-- our revenues primarily come from-- I'll separate them out. On the park side, we get revenues from the park permits, park entry permits, which are both annual and daily permits. We also get a significant amount of our revenue from camping and lodging within the park system. And then we have activities that have activity fees which might be in some places horse rides, in other areas for rent. We have a couple areas where we have shooting ranges in our parks. So it's-- it's really-- those are the primary things on the park side. And we do utilize General Funds in terms of the park side of the agency. Those funds, if you go look back in the '70s when the parks, well, actually previous to that, there was a time where General Funds were about 50 percent of the parks' operating budget. We're down probably about 20 to-- to about 25 percent. It may be less now actually [INAUDIBLE].

MOSER: What's the appropriation for parks-- Game and Parks?

TIMOTHY McCOY: Our total General Fund appropriation is, I believe, a little over \$10 million right now. I could-- I could go break that down with a little time, but I didn't bring that to this hearing.

MOSER: So what fees you charge, are they-- they're controlled by the Legislature.

TIMOTHY McCOY: The caps on many fees or if they're a set fee, they are controlled by the Legislature.

MOSER: And so and-- and yet those fees you collect, it only covers 75 percent of your expense, about right?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

TIMOTHY McCOY: Well, the other 25 percent right now is being provided through General Funds.

MOSER: Yeah.

TIMOTHY McCOY: And we're-- we're going to be and we are facing some challenges right now with the flooding. Flooding was a big issue for us in the last-- last year, last spring.

MOSER: Had a lot of damage?

TIMOTHY McCOY: We have probably around-- right now, the estimates we have, we're still working with FEMA on several areas, it's between 17 and 18 million dollars worth of damage. We have a--

MOSER: What about the comment from the previous testifier that said that I think it was Dead Timber Park or Deadwood Park or something that, that looks kind of rough? Do you have any explanation for why that is that way?

TIMOTHY McCOY: Dead Timbers had-- has had repeated flooding that's created challenges for us and for the facilities. We actually shifted management more towards like we would do on a wildlife management on a portion of that area that frequently flooded from the standpoint of trying to main it-- maintain it like a park area was-- was-- was pretty impossible because we were repeatedly having flood damage, any facilities or anything that we put in there. The other thing that we're trying to look closely at as we look at our maintenance issues is, you know, everything that we're dealing with-- with, you know, toilets and shower houses, especially toilet facilities, is making sure that we're up to NDEQ standards and also ADA standards. And those are-- those are adding significant costs.

MOSER: So what's the water or tributary or what's-- what's the watershed area that that park is in?

TIMOTHY McCOY: I'm pretty sure that's the Elkhorn River that's going by. That is where most of that is coming from.

MOSER: OK. Thank you.

BOSTELMAN: Senator Gragert.

GRAGERT: Thank you, Senator Bostelman. I just want to cover the revenue and the breakdown of the revenue and how-- with this issue and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

what we're dealing with specifically, you know, the condition of wildlife management areas and state parks. What division in the Game and Parks agency is responsible for taking care of these different areas?

TIMOTHY McCOY: We have-- we have a-- we have a parks division that-- that-- that has responsibilities for the parks, the state recreation areas, and the SRAs. We have a wildlife division that we have-- we have a section that I call our wildlife management division that's actually responsible for the management on the wildlife management side. And that sort of reflects our-- our funding. We, you know, I didn't really get into the discussion on how we fund the wildlife side of the agency. We have permits and stamp fees that come in, you know, all of the hunting and fishing permits. We do get some-- some revenue through from boat registrations that is utilized both for boating law enforcement and for continued development of boating access facilities. In terms of the stamps, I would like to mention the habitat stamp because it ties to-- one of the, you know, one of the questions that's, that's came up and you've all probably heard this, is the payment in lieu of taxes. Those-- those came on board actually at the same time when the habitat stamp was put into place in-- in-- in 1976. The habitat stamp was-- was put into place with the goal of the-- the sportsman providing habitat stamp funds with a third of that being directed towards land acquisition, a third of it towards management of habitat on lands we own, and a third directed towards management of lands that we don't own. I would tell you when I look at the-- what we've done in the last ten years, we're not spending a third of our dollars on acquisition. We've shifted more and more of that into management. We've also shifted more and more into it in working with private landowners and other entities that have lands, but also especially private landowners, we've added trying to maintain access with our open fields and waters, new ways to get access for-- for hunting and fishing activities. We still look at acquisition. We look at it pretty critically. We have a lands acquisition plan that gave us very clear directions that our commission approved in 2018. It put and, you know, identified up, you know, up to 1,500 acres a year. I can tell you, we're not close to that. I don't think we will be with all of the things we're facing right now. It also was specific in identifying the types of areas that we should if we are-- considerations that we need to take into account focus areas for acquiring lands. And some of those are unique landscapes or areas that provide very good [INAUDIBLE] for different species that are-- that are either unique or rare; lands that are already in addition, that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

are in addition, they are already adjacent to lands we own. I will tell you, anytime we, we have offers from people that want to sell us pieces of land or gift us pieces of land that are off by themselves, those are pretty quick answers because we're just not in that-- we're not in that place anymore. I think when the habitat stamp started, we bought a lot of smaller pieces in different areas and we're-- land-- land management, whether you own it or lease it, is a-- is a long-term cost that you have to plan for. And it is something that we think about.

GRAGERT: Could I-- could I break this down and may-- not break it down, maybe put it in a broader sense? I know you have a law division, law enforcement division, the game wardens.

TIMOTHY McCOY: Um-hum.

GRAGERT: Do you have-- do you have a resource division then where all these fit under? And where I'm going with this, you've got a total budget. What's the total budget, of the total budget goes to, if I-- if I can just call it a resource division, I don't even know if it is, but goes to management of these lands? What--

TIMOTHY McCOY: That would be in our wildlife-- that-- part of it would be in our wildlife budget. The other part would be in our-- in our parks budget. And I-- and I can't give you those dollars off the top of my head, but I would be glad to provide some of that breakdown to you and the entire committee.

GRAGERT: One last question. Do you-- do you track complaints that we're hearing here today or do any-- do these-- do individuals call into the Game and Parks and say, hey, this-- this place is a mess out here? Do you track or is there any way that you track those kind of complaints and follow up on them?

TIMOTHY McCOY: I track, we track any complaints that come in, you know, to our-- to our office, to the headquarters. I know there are a lot of issues that are-- that are dealt with locally. We have really good managers in the field that do-- do try to respond. I think sometimes there are some of the-- some of the complaints that are the most challenging is when we've made a, we've made a decision on how we're going to change management of an area. And-- and that's probably an area we have a lot of-- please let-- I'll let you know. I think we have-- we can always improve and we always have to improve. But sometimes just the communication about those changes in management is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

really important. And I'm not sure we've always done the best job of sharing that information and helping people understand why.

GRAGERT: So that answer, I'm going to take it as you don't have an idea of how many total complaints because some come into the local offices and some come into the state office so you don't keep track of throughout the state, western part of the state, eastern part of the state of how many of these type-- types of complaint you're getting.

TIMOTHY McCOY: We don't-- we don't-- we don't-- we don't have a single tracking system.

GRAGERT: All right. Thank you.

BOSTELMAN: Other questions from committee members? Senator Albrecht.

ALBRECHT: Thank you, Vice Chair Bostelman, and thank you for being here today, Director McCoy. I guess my questions were a lot of the last that Senator Gragert hit on. I was going to ask how do you take care of the concerns that come in? You know, who follows up with it? You know, we always want to praise our staff that they're great. But we wouldn't have this bill in front of us if everything was. So if you are sitting here in opposition and you went back to the drawing board when you leave here, what would you do differently than you're doing today?

TIMOTHY McCOY: What would I do differently or the agency?

ALBRECHT: You're the director.

TIMOTHY McCOY: I'm the deputy director.

ALBRECHT: Well, where's your director at? Where's he at?

TIMOTHY McCOY: He is-- he is actually out of-- out of state to.

_____ : Move something?

TIMOTHY McCOY: No, he's-- medical appointment.

ALBRECHT: OK. Well, I'm just saying, but in taking this back, where would you go with this conversation?

TIMOTHY McCOY: Well, I-- I think some of it comes down to at all levels being more responsive. I know that I believe our director and our parks division administrator did go to Dead Timber with several

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

people to look at it and to try and come up with a plan because of the complaints that were coming in.

ALBRECHT: Um-hum.

TIMOTHY McCOY: I also know-- I-- I also know that some of the issues that Senator Hughes has identified at Red Willow that were brought up at that hearing that our-- our-- the head of our wildlife management section is-- is trying to set up a meeting or I think he has now he said to-- to-- to go spend the time with the landowner and look at it and see what's-- try and-- try and resolve those, because that communication, rather than just taking a complaint and then looking at it and making the decision, whoever is looking at it, I think that communication and coordination is key to our success.

ALBRECHT: Um-hum.

TIMOTHY McCOY: Especially when you're dealing with neighbors.

ALBRECHT: Um-hum. And I will say I have Ponca State Park up in my district and yours, too. It's a great park. So it isn't completely broken by any means, but it's how we handle it from this point on whether this has to become a bill to me or not. But I would want to know what you're all thinking and how it's going to get handled before it gets out of this committee or hits the floor, one of the two. My other question when it comes to the gaming part, side of it, do you own that ground by yourself or do you partner with other people to buy these areas that people hunt on?

TIMOTHY McCOY: They've-- they've been-- we've purchased land and we've purchased land outright with funds that we have in the Pittman-Robertson Funds that we're able to access, which are excise taxes funded by hunting and fishing.

ALBRECHT: OK.

TIMOTHY McCOY: We-- and shooting. But it's-- some of it depends on the property and-- and there are different, you know, depending on what sort of property it is, there may be other partners that are interested.

ALBRECHT: And so if there are other partners and you're having to get it out to the public how you're going to handle things, if other people are part of the Nebraska State Game and Parks, do you-- do you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

like partner with the-- the Pheasants Forever, any of those groups to purchase any of these sites?

TIMOTHY McCOY: They're-- the coordination is primarily-- the interest that-- I will just say the interest that comes from those partners is providing additional lands for habitat and recreation. Once we own it, we-- we have to be responsible for that O and M. You can't be responsible, in my view. We can't-- you run a bigger risk if you-- if you tried to hand that over to--

ALBRECHT: That's what I wanted to know.

TIMOTHY McCOY: --you know, a group of Pheasants Forever volunteers.

ALBRECHT: Is it--

TIMOTHY McCOY: That's real challenging.

ALBRECHT: Yeah. Is it under just your privy to stay and keep it up or is it for whoever's-- whoever you are stocking the-- the animals or whatever you do to get them to go hunt there if they're a part of it? Or is it just your responsibility to take care of that [INAUDIBLE]?

TIMOTHY McCOY: It's our responsibility.

ALBRECHT: OK.

TIMOTHY McCOY: If we own-- if we own-- if we own property, if we manage property, that's our responsibility. There-- we do try to do projects that work with people that are interested in volunteering or helping do a specific project. But we-- we have to-- we have to have that responsibility for our land management.

ALBRECHT: OK. Thank you.

BOSTELMAN: Other questions from committee members? I have a couple then.

TIMOTHY McCOY: All right.

BOSTELMAN: Let's talk about acquisitions and land purchases. So one, a piece of property comes up, offered or requested for Game and Parks to purchase a piece of ground. Do you go to the county to find out valuations on that and said before there's an appraiser, who hires the appraiser [INAUDIBLE] appraiser? How does that work?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

TIMOTHY McCOY: I will-- I will go through that whole process if you don't mind. So the commission does not direct that-- directly go seek out property. We will-- we-- we respond to people that ask us if we would be interesting-- interested in buying it or not making. We operate off an offer to sell. So if somebody offers us a piece of land or piece of property or a piece adjacent to a park, the first thing we do is we have a field recon done. So that usually involves people from our wildlife division, people from our fisheries division, if it's parkland, our parks division, that, that do a field recon first. So we get permission from the landowner to do that. They-- they review the property. They-- they provide a written report on it. And then the next step is it goes to a lands committee that is multiple divisions within our agency. They provide a-- they review it. They critically analyze it versus, you know, how we're-- how we-- what our priorities are. There are differences in opinion from people on that committee quite a bit. And then it-- it actually comes with a recommendation to either proceed, not proceed or collect more information to the direct-- to-- to me and the director to our administration before we even decide if we're gonna go any step farther. If we decide to go the next step farther, then we-- we need to do an appraisal. And typically, our process is because we use federal funds, we use a Yellow Book appraisal method, which is a little more pricey than a lot of the brokers' appraisals that you can get. There's some different classes of those. But the Yellow Book appraisal is, is done by a certified appraiser. They-- they-- their appraisal includes, you know, like properties and values. They-- they come up with what they think that, you know, the appraised value is. It's also then that's subject-- there also we-- we then have to hire a appraisal review that's done by somebody that's also certified to do appraisals to ensure that, that-- that that is not an inflated or-- or problematic appraisal. So we don't do that in-house. That is done externally. When we're done with the appraisal, we are required under-- if we're doing-- anything we're doing with federal funds we're required to share that appraisal, that appraised value with the owner. And then it's up to the owner to decide, you know, it's their decision if they want to give us a formal offer to sell or not. And we have had properties and allow them continuing or somebody offers something and we go through that process and they go, it's not enough. I want 20 percent more. And then we're done. If they say they want to proceed, then our next step is trying to figure out how to-- how to fund a project.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

BOSTELMAN: Do you always use the same appraiser all the time or are there different ones in different parts of the state?

TIMOTHY McCOY: We use different appraisers. There's-- there's not a lot of Yellow Book certified appraisers, but we use-- we use-- I know we have-- there's-- there's two or three that are-- that I know are in Nebraska, but our real estate person would handle that. But I know there's-- there's-- there's some that work out of-- that do more work in western Nebraska. So it depends on where they're located. And those can take a considerable amount of time just to get the appraisals done.

BOSTELMAN: Do you know by-- perhaps you may or may not know-- so if you had a land that was offered to you and then you determine that you couldn't come to a mutual agreement on a price, has other entities come in and then purchased that ground, and if they did purchase that ground, then take it, basically restrict access to it, not private, but-- but other entities that come in that would then restrict access to that ground and not allow people to have access to that ground?

TIMOTHY McCOY: I can't think of any. I can't think of anything off the top of my head. It's possible it's happened. But-- but typically the-- if they're really searching for-- for price, they will continue to work the private market.

BOSTELMAN: Sure. Sure. We'll shift gears just a little bit here and talking about our-- our parks more so and some of the things we've heard about on lack of upkeep or degradation of the park grounds that you're responsible for. So in each I would assume a majority of the larger parks that you have, you have a park superintendent who's responsible for that.

TIMOTHY McCOY: Correct.

BOSTELMAN: And is there-- is there an inspection program in place where someone will come around every third year, a year, whatever, to-- to go around that park with that superintendent to kind of check off the checklist? Are the fences up? Are the roads being graded? Are the weeds being mowed? Do we have things in disrepair? Is there currently some type of an inspection system like that?

TIMOTHY McCOY: I would say-- I would start this-- just-- just we do that, but it is not a formal process. In our park system within about the last three years, we changed to create some regional park

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

supervisors for exactly that reason. Previously, we had 40-plus independent park superintendents that were-- that were being supervised by one person. It just didn't make sense. And so we are trying to get to that. We're actually-- we have the same capability and it's part of the responsibilities of our wildlife district managers to do that with the lands that they manage to get out there and go look in areas and help identify what those issues are.

BOSTELMAN: And do you know, do those superintendents have, I mean, unless it's a-- it's maybe a larger body, larger parks, that may be more difficult. But I would think that you know who your neighbors are, who you share a fence line with. And is there an opportunity perhaps here to have a better communication of some type with those so that we have the complaints and things that we've seen? I mean, I, I was out in the McCook area-- was and, you know, there's some real issues on the west end of that-- I think it was the west end of it-- with the landowner there. But is there a process or perhaps one thing that could be implemented that would be a process to which there's a better communication between those superintendents and those landowners, you know, once a year even if it's a letter, saying, hey, we just want to touch base with you, do you have any complaints, whatever it is, so please fill out and here's a return envelope to get it back to me type thing? Do you do anything or is there anything like that out there?

TIMOTHY McCOY: I don't know that-- I don't know that we do that formally. I know that we have several of our managers that do make it a point to actually just call and talk to their neighbors.

BOSTELMAN: Sure. The final question I think I have right now is could you talk a little bit about community groups? And community groups would be-- say it's a lake, let's just use Branched Oak. That's one comes to my mind that's out here, that there's the community itself, the neighbors, or it's a town nearby, that there's a group of citizens that want to meet with a superintendent or others to talk about the condition at the-- at that park and even perhaps come out on volunteer day. So they come and they walk the beach or do those type of things. Do you have groups like that exist?

TIMOTHY McCOY: We actually do have a lot of community groups. And what we refer to in our park system as fringe groups that actually come up. Many of the-- many of those groups will actually fund specific projects. They will help fund projects, but they will also provide manpower to help do cleanups. We also get-- get assistance from, you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

know, variety groups. There's some fishing groups that are pretty engaged in helping-- helping pick up and put-- put out places for people to put fishing line, because fishing line is a real problem at some of our lakes. And we do-- we do have a variety of the folks that come in and support that.

BOSTELMAN: OK, thank you. Are there any other questions from the committee? Senator Halloran.

HALLORAN: Thank you. Vice Chair Bostelman. I guess along the question on acquisition a little bit. So is-- is there desire on the part of the agency to acquire more land? I mean, is there a-- is there a strategic plan to have X number of additional acres over the next 10, 15, 20 years?

TIMOTHY McCOY: There-- we have-- we have a five-year land acquisition plan that was started in 2018 that identified, you know, sort of a no more than fifteen hundred dol-- 1,500 acres a year. We're not-- we don't see that as a goal because it also laid out very critical goals for us. In terms of park areas, really the only thing that we are primarily looking at is-- is anything that's a critical acquisition for the function of the park or recreation area. On the wildlife side, we continue to have a lot of focus on trying to protect wetlands, but we are not buying wetlands that are out by themselves. We're trying to buy what I'd call a round-out to where you don't own. You have-- you have split ownership and doing wetland management and dealing with water can be challenging there. But again, it's always on that willing seller basis. It's not that we're going and targeting things. We do have a priority that's in western Nebraska that I think is-- is-- has caused some of the angst, and that priority is trying to look at habitat for bighorn sheep and big game, which includes lands in the Wildcat Hills and also lands in the Pine Ridge.

HALLORAN: OK. I guess in addition to that, when you acquire or look at an acquisition of a piece of property, are there internal questions asked about are we adequately managing what we have or are we overwhelmed with what we have, or do we have the resources to do this management?

TIMOTHY McCOY: That's actually one of the required parts that we identify in our review from the-- from the staff that go out and do a field recon is what, you know, what are the-- given-- given the-- given the site, given the conditions, given maybe there's existing issues, what do they-- what do they expect this would mean in terms of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

requiring additional staff resources, requiring additional O and M resources?

HALLORAN: Thank you.

BOSTELMAN: Other questions from committee? Seeing none, thank you, Director McCoy.

TIMOTHY McCOY: Thank you.

BOSTELMAN: Others who wish to testify in opposition to LB863, please step up.

SCOTT SMATHERS: I apologize. I took a spill on the ice. I'm a little-- at my age, it becomes a major deal anymore. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I'm the executive director of the Nebraska Sportsmen's Foundation. We are a statewide 501(c)(3) nonprofit sportsmen's organization on an educational basis. I know most the senators sitting here. We are here today to oppose the LB863 that Senator Hughes has brought. I want to talk more about-- you've heard a lot of statistics from Tim McCoy. You're going to hear more statistics in regards to some of the wetlands, some of the other groups that are involved in conservation work in conjunction with the Game and Parks. From our standpoint, I-- I'm glad to see a lot of pencils moving. Glad to see a lot of questions being asked because I, in my role, I travel state extensively and I visit a lot of the 300 WMAs, the state parks. As you can imagine, being in a conservation group, a lot of our meetings are held within those state parks that have multiuse function. And there are very different needs revolving around each one of those atmospheres. From a WMA standpoint, being an avid outdoorsman and [INAUDIBLE] angler, I want that to be as rough and as ugly as it can be and most of us do. We take time to plant certain species of what people call weeds, we call forbs and legumes, to generate that-- that wildlife. The more of the what I call family-used atmospheres of the park or camping atmospheres, they need to be a little cleaner, a little spiffier, a little more pristine. You've heard the Game and Parks. They understand. We've been in this conversation, Senator Hughes, we've been having these conversations for the last 14, 15 months on a variety of issues. There needs to be an improvement level. We all know that. But I also want to make sure that we are actively seeking out fact on where these facilities may or may not be. I travel again, as I said, and a lot of times I get coffee shop conversations that can be construed many, many different ways. And there's very little fact in some of those sometimes. So I want to make sure that we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

have an accurate list of where these complaints are-- central, western, bigger, smaller, more WMA, more park mindset so that we can work on the Game and Parks working on what they're doing. But in addition, we have a large number of volunteers, as I've heard a couple of you ask. And we have Pheasants Forever. We have NWTf. We have DU. We have a lot of groups. I'm a founder of the Big Game Conservation Association, one of the six founders. Our goal is to put more access on the ground. As you heard, 97 percent private acc-- controlled land in the state; leaves 3 percent for public access for our-- our passions and our goals of hunting land anyway. Forty-five to 46 percent of current users are frustrated with the lack of access, and it limits their opportunities and sometimes causes them to walk away, which in turn has caused a national program called R3 to come about for all of our groups, called recruitment, retention and reactivation. And we have-- we've spent a great deal of time educating youth, getting them to the field. Well, if we educate them, we have no place to take them. We have a problem when we lose connection with the land. I know there's a lot of ag producers sitting up here. We all know when you lose connection with the land we have other issues that arise. I'm asking this, this committee to slow down. Let's put together an opportunity for all of us to talk to find out solutions for these problems. Because once, as we all said, once the horse is out of the corral, it's awful hard to catch. And I don't want to see that happen. I offer our services, our organization. Senator Bostelman, you asked about groups volunteering. The north and west side of all of Wanahoo, this big guy sat in the John Deere tractor for three weeks planting all that habitat because I wanted to, because we wanted that access. We wanted to provide that ground. Even when you do the best you can at certain facilities. I grew up on Branched Oak. I grew up in Malcolm, which is three miles, excuse me, from Branched Oak and Pawnee. The last couple of years the issues that have occurred in one of the party coves that's been deemed as has been disheartening to me. But that's not a situation that you're going to face on a regular basis. The local sheriff, Game and Parks [INAUDIBLE] I hope you can all work together. And we offer that opportunity through our organizations and through our fellow conservation groups. And I see the light is on. With that said, I will close my testimony. Thank you.

BOSTELMAN: Thank you, Mr. Smathers. Are there questions from the committee? Senator Moser.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

MOSER: Do you know what-- how the privately held conservation or hunting group entities how much-- how much ground they own compared to what the Game and Parks own?

SCOTT SMATHERS: Very little, Senator Moser. In fact, I know Pheasants Forever owns very little ground as their own. They may purchase the ground originally and then work for an arrangement to have the Game and Parks overtake it or another-- the NRDs will overtake some of those. The group I founded, we had originally talked about purchasing land. But quite frankly, when you sit down and put the pencil to management costs long term, it's an impossible figure. If you figure you're talking, at least this side of the state close to a million dollars' worth of capital for a decent tract of land, multiply that by ten for management over the next five years, quite frankly, what we looked at. So it's very little.

MOSER: There is not-- there's not, I mean, places to go duck hunting or places to hunt deer that are owned by nonprofits that provide hunting.

SCOTT SMATHERS: Not that I'm aware of. There are partnerships that occur where we will share with another entity the rights to that ground. But we don't necessarily own the ground. We may do management work on that ground, i.e., planting those forbs and legumes, working on fences, working on keeping things in an orderly fashion for access. [INAUDIBLE] Wanahoo, that's all [INAUDIBLE] program hunting. That's all youth hunting, mentoring hunting. So there are some of those that exist, but they're not strictly held by a particular conservation organization and manage it and strictly controlled just for their members.

MOSER: So back up. What you just said, you speak so quickly. I wasn't following you. So at Wanahoo, you're talking about, in Wahoo, the water there?

SCOTT SMATHERS: Yeah. Lake Wanahoo, yes.

MOSER: OK. And that's owned by whom?

SCOTT SMATHERS: Not sure. I haven't been involved for the last five years. I'm not sure who actually owns it. It was the NRD. [INAUDIBLE] Game and Parks and a construction company that all originally started. So I'd have to defer to who's buying.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

MOSER: OK, thank you.

SCOTT SMATHERS: Um-hum.

BOSTELMAN: Senator Albrecht.

ALBRECHT: Thank you, Vice Chair Bostelman. Thank you for being here, Mr. Smathers. So when you're going around our state and you find that there are some that are not so desirable to be in and around and you're bringing new young up and coming hunters along with you, do you ever report back to Game and Parks and say, woosh? We need to take care of some business here? And if you have, how long does it take them to come around and are there excuses or, I mean, what-- what-- what happens when you see some-- something like that?

SCOTT SMATHERS: Let me clarify. When I'm traveling, yes, there are areas that I've seen that have needed some attention.

ALBRECHT: Um-hum.

SCOTT SMATHERS: But there's a variable list of things that have caused that. You're talking about floods in certain areas. You're talking about an extremely wet spring that's caused some people not to use common sense to not travel down that particular minimum maintenance road or they've busted through or opened the gate into an area where they're not allowed to.

ALBRECHT: Um-hum.

SCOTT SMATHERS: So [INAUDIBLE] report. However, with what I do, I don't report it back to the director and deputy director. I report it to the people I know within the organization that manage those local areas.

ALBRECHT: Um-hum. But--

SCOTT SMATHERS: And the response level has been very strong for a sense of repair. So keep in mind--

ALBRECHT: So they have--

SCOTT SMATHERS: Yes, but it all goes on a time table too. There's a lot of, you know, I may keep my yard a certain way but my neighbor doesn't.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

ALBRECHT: Um-hum, um-hum.

SCOTT SMATHERS: There's certain aspects they have to manage and the other issues come up.

ALBRECHT: Um-hum.

SCOTT SMATHERS: So, yes, I've never had an issue with that, no.

ALBRECHT: OK, so they're-- the expectations on-- in your recollection have been good.

SCOTT SMATHERS: Yes.

ALBRECHT: It just might take a little while and it might be caused by other things other than just lack of maintenance. It's more of the public maybe coming in and doing things they shouldn't be doing. And it's not policed well enough maybe or--

SCOTT SMATHERS: And again, those are all assumptions. I'm not going-- I'm not going to draw those conclusions. There's issues that occur at every state recreational or park system that are uncontrollable to whoever's managing.

ALBRECHT: Um-hum.

SCOTT SMATHERS: You can insert any agency you want. There's things going to arise. The reality is that the Game and Parks is aware of a much needed mindset that they have to move forward with and so are the conservation groups, quite frankly. We're aware of it also. We've been involved in these conversations for a while. So it's been-- it's been healthy. It's been helpful. We're looking forward to the future. What we don't want to see is have a bill, another bill come out of the committee that sits on the floor that creates this conversation of division without finding a solution.

ALBRECHT: Correct. Thank you.

BOSTELMAN: Other questions? Seeing none, thank you, Mr. Smathers.

SCOTT SMATHERS: Thank you, Senator Bostelman.

BOSTELMAN: Anyone else like to testify in opposition? Good afternoon.

JOHN DENTON: Good afternoon, members of the Natural Resources Committee. My name is John Denton, J-o-h-n D-e-n-t-o-n. I am the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

manager of conservation programs for Ducks Unlimited out of Grand Island. And I'm here testifying today on behalf of Ducks Unlimited in opposition to LB863. I've been an employee of Ducks Unlimited for six years. And as you may know, our organization, one of our main slogans is we are the world leader in wetlands conservation. And we've worked with Game-- Nebraska Game and Parks on numerous projects throughout the state on WMAs especially, but other areas as well. Right now, we have about 25 projects with Nebraska Game and Parks going on to do wetland restoration work. Something that we are very adamant about is public access to areas for waterfowl hunters and other hunters and sportsmen so that they can be exposed to the outdoors. And as we work to interest the next generation of Nebraskans in all types of outdoor activities, we need to be sure there is space for these activities to occur. And I guess as a-- to that management question that's been brought up and everything like that. I'm a former state employee of a different state where I managed WMAs at Georgia, actually. And it's something that, that comes up often. As a state agency, we were expected to manage for multiple user groups, multiple species, and oftentimes those things contradict. As you might have heard, somebody that's managing for quail is not gonna make a deer hunter happy, so on and so forth. So I just want to make that point clear that it's kind of an eye of the beholder situation when it comes to maintenance. And I am a public land hunter myself. I've especially throughout Nebraska, I've been all over the state. And it's-- I can say that their management is-- is they do a very good job and it's something that I think you should be proud of actually, as the management that they do. And I guess with that, another point that was, that was brought up is there are a lot of nice, generous private landowners out there. They really are. I have been granted permission to hunt on private lands many times. And a lot of the people that I work with and know have as well. But I've also been denied many times as well. Just having that place that I can go take my children and-- and all of our membership and a lot of our members can too, that's something that is important to us. So that is all I have. And I'll take any questions. Thank you.

BOSTELMAN: Thank you, Mr Denton. Are there questions from the committee? On the DU lands, does DU own land?

JOHN DENTON: Yes, I was actually gonna make a point about that. We own about 4,000 acres at any given time. Some of it so that we can try to facilitate these acquisitions, for either Fish and Wildlife Service or Nebraska Game and Parks to be part of their operation. But a lot of it is our own that we-- essentially we have opened to the public until we

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

protect it, restore it, and then we'll sell it and reinvest those lands again and do that same thing. So at any given time, we have about 4,000 acres in that program, which is, as you can tell, is pretty insignificant compared to what Nebraska Game and Parks has. But we try to contribute in that way.

BOSTELMAN: Do you pay taxes on that land?

JOHN DENTON: We do voluntarily, actually. Yeah.

BOSTELMAN: And the land that you have, is it-- is it adjacent to state ground?

JOHN DENTON: It can be. Some of them are and then some of them are standalone.

BOSTELMAN: OK. Any other questions from the committee? Seeing none, thank you, Mr. Denton.

JOHN DENTON: Thank you.

BOSTELMAN: Anyone else would like to testify in opposition to LB863?

JIM JOHNSON: Senators, good to see you again. Everybody still looks good. My name is Jim Johnson, J-i-m J-o-h-n-s-o-n. I'm the interim executive director of the Nebraska Wildlife Federation. We've-- actually our mission is to preserve and protect wildlife and wildlife habitat in Nebraska. We've been doing that for 50 years. And 2020 is our fiftieth anniversary. Over those 50 years, we've seen a lot of success stories in some of recent-- the reemergence of the mountain lion, the river otter, and something near and dear to our heart is the sandhill cranes and the whooping crane. The Nebraska Wildlife Federation was instrumental in the creation of the Crane Trust. So it means a lot to us. And if you've never been out to the crane migration, which is coming up in about a month, you need to do that. Put that on your bucket list. It's an amazing sight. When you go see it, it's really hard to believe that you're in Nebraska. It's something else. So the key to that, though, that people don't realize, is habitat. The Platte River provides excellent habitat in the area around it. Without that habitat, this probably wouldn't be a success story. Habitat is key. Now we know growth is occurring in and around Lincoln, Grand Island, the Omaha area. And with the growth in population comes development, especially in the south, excuse me, the Lower Platte South corridor. And with development comes a loss of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

wildlife habitat. And with the loss of wildlife habitat-- wildlife habitat comes the loss of wildlife. And that puts a huge dent in the ecosystem, the natural ecosystem we have. And in the long run down the road, that could be very detrimental to mankind itself. Something we have, a tool that we have to go up against this development that's occurring, something it has is the Nebraska Game and Parks Commission has the ability to acquire land to help stave off this development in collaboration with other conservation groups in Nebraska. This is a huge tool. And this is something we cannot take away from them. We have to have that. And if they lose that ability, then who knows what's going to happen with encroachment and in development in pristine habitat areas? And if the Game and Parks Commission has the ability to acquire land, they can turn it into an SRA perhaps, WMA-- whatever-- something that's going to help Nebraska. If it's just a problem of maintenance, as Senator Hughes has said, well, let's-- let's enter a dialog here. Let's have landowners talk to Game and Parks commissioners. Let's have them Game and Parks commissioners talk to the landowners, have, you know, whatever. We need to open up a dialog if it's just as simple as maintenance. We don't need a bill to say, hey, you cannot get land anymore. That's just absurd. My wife and I are big campers. We've camped a lot in surrounding states. And Nebraska's parks are probably just as good, if not better than parks in neighboring areas. And we-- we belong to an RV blog. And on that blog, I see very little complaints about Nebraska's parks. One complaint they might have is the reservation system they have, which, you know, that's another story. But I mean, for the most part, I think Nebraska parks are excellent. And the ability for them to help preserve and protect Nebraska's wildlife habitat is absolutely necessary. And they can't do that without the ability to acquire land when necessary. Any questions?

BOSTELMAN: Thank you, Mr. Johnson--

JIM JOHNSON: Yes.

BOSTELMAN: --for being here. Are there questions from the committee? Seeing none, thank you, Mr. Johnson, for being here.

JIM JOHNSON: Thank you.

BOSTELMAN: Is there anyone else who would like to testify in opposition to LB863? Seeing none, we do have some letters of opposition. First is from Stu Luttich from the Audubon Society; Bruce Kennedy from the Nebraska Wildlife Federation; Mark Stutterheim, from

Transcript Prepared by Clerk of the Legislature Transcribers Office
Natural Resources Committee January 30, 2020

the Nebraska Chapter of the National Wild Turkey Federation; Kristal Stoner from the Audubon Nebraska; Kent Keene from Congressional Sportsmen's Foundation; Jerry McDonald, Nebraska Pheasants Forever and Quails Forever; Blake Henning, Rocky Mountain Elk Foundation; Dr. Mace Hack, The Nature Conservancy of Nebraska. I would ask if there's anyone who would like to testify in the neutral capacity for this LB863. Seeing none, Senator Hughes, you're welcome to close.

HUGHES: Thank you, Vice Chairman Bostelman and members of the committee. I appreciate your indulgence. I think this was a very good hearing. There was a lot of information and it's very clear that there are very passionate people on both sides of this issue. One thing that I do want to compliment Assistant Director McCoy on is that he does follow up on complaints. I was unaware that there was something going on to the gentleman whose place we went to when we had the McCook hearing. I'm very pleased to hear that. I think possibly one improvement that could be made is that the local park managers be required to report complaints up the chain and then followed up at somewhere, you know, from the headquarters. There are, I think, personality conflicts at times that tend to get in the way of getting the right thing done. So I appreciate your indulgence. I think this was an excellent hearing and I look forward to our conversations moving forward. I'll be happy to try to answer any questions.

BOSTELMAN: Are there any questions from the committee? Senator Halloran.

HALLORAN: No, no, no. I'm sorry.

Seeing none--

_____ : Sorry.

ALBRECHT: Senator Moser might have [INAUDIBLE].

BOSTELMAN: Senator Moser, do you have any questions for Senator Hughes?

MOSER: No.

BOSTELMAN: Having said that, that will end-- that will close the hearing on LB863. Thank you, everyone, for coming today and coming to your Natural Resources Committee.