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Natural Resources Committee
February 26, 2015

[LB127]

The Committee on Natural Resources met at 1:30 p.m. on Thursday, February 26, 2015, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB127. Senators present: Ken Schilz, Chairperson; Curt Friesen, Vice Chairperson; Dan Hughes; Jerry Johnson; Rick Kolowski; Brett Lindstrom; John McCollister; and David Schnoor. Senators absent: None.

SENATOR SCHILZ: Good afternoon, everyone, and welcome to the Natural Resources Committee hearing. My name is Ken Schilz, Chair of the committee from Ogallala, Nebraska. And we have a number of senators on the committee here today and I will allow them to introduce themselves starting with Senator Kolowski.

SENATOR KOLOWSKI: Senator Rick Kolowski, District 31, southwest Omaha area.

SENATOR MCCOLLISTER: John McCollister, District 20, which is central Omaha.

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

SENATOR LINDSTROM: Brett Lindstrom, District 18, northwest Omaha.

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

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

SENATOR HUGHES: Dan Hughes, District 44, Chase, Dundy, Frontier, Furnas, Gosper, Harlan, Hayes, Hitchcock, Perkins, and Red Willow Counties.

SENATOR SCHILZ: Thank you. And we also have with us today Barb Koehlmoos who is the committee clerk. And Laurie Lage who is the committee counsel. Also we have Jake Kawamoto, he is our page today and he is a sophomore at UNL and he's studying political science. Thank you for coming in today. Today, we have just one bill on the agenda, LB127, introduced by Senator Chambers. And if you're planning on testifying today, please pick up a green sheet in either corner of the room, that's on the table. If you do not wish to testify, but would like your name entered into the official record as being present at the hearing, there's a form on the table that you can sign. This will then become a part of the official record of the hearing. Please fill

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

Natural Resources Committee
February 26, 2015

out the sign-in sheet before you testify, please print. And it's always important to complete the form in its entirety. And when it's your turn to testify, please give the sign-in sheet to Barb over there, that will help us make a more accurate public record. If you do not wish to testify, you may also submit comments in writing and have them read into the official record. And if you have handouts, please make sure you have 12 copies for the pages to hand out. And if you don't, we'll have them give you a hand with that so they can...so you can get those copies to everybody. When you come up to testify, please speak clearly into the microphone. Tell us your name; spell it--your first and last name, and then we can take off and go. Please, at this time, please turn off any cell phones, pagers, or anything else that makes any noise. And keep your conversations to a minimum; or if you must, please take them to the hallway. We don't allow any displays of support or opposition to a bill either vocal or otherwise, so please be respectful of those folks that are testifying so that they can get their point across and we don't have any of that bothered by any noise or anything. The Natural Resources Committee does use the light system. We allow five minutes per testifier. So you have four minutes on green; then the light will turn to yellow and that gives you one minute to kind of sum up. And then when the light turns red, we would appreciate it if you would end your comments and then see if the committee has any questions for you. And with that I think it's time to turn it over to Senator Chambers and LB127. Senator Chambers, welcome to the Natural Resources Committee. [LB127]

SENATOR CHAMBERS: (Exhibit 1) Thank you, Mr. Chairman, members of the committee. I'm Ernie Chambers; I represent the 11th Legislative District. And I'd like to start by mentioning a provision in the repealer clause that was inadvertently put in. If you see where it says "outright repeal," the first one mentioned is 37-472 of the Cumulative Supplement for 2014. That is the section that will allow a person, if he or she is being menaced by one of these animals, to contact Game and Parks and have arrangements made to get a permit to take care of that situation. My intent was not to repeal that. But when I gave the instruction to the bill drafter, I did not specify the sections of statute. I simply said I want to take away the authority of Game and Parks to establish a hunting season. This particular statute falls right above the one that touches on the authority of the Game and Parks Commission to establish the hunting season. But this is my error because I should have looked at that clause. A supporter of the bill called it to my attention because he knows that my aim is just to do away with the authority of Game and Parks to establish a hunting season. If you look at the bill itself, you see that it's brief. So what I intend to do is what I mentioned briefly on the floor of the Legislature the other day. The committee is going to hold this bill and not let it out. The Speaker made...the Chair made that clear to the media, has made it clear to me. So I don't want people who are here to testify for or against the bill to be daunted and not testify. Their testimony should be in the record. But I stated at that time on the floor, I'm not going to waste the committee's time or mine. Prior to becoming aware of the intent of the Chair, I had done quite a bit of research over the summer so that any questions anybody had, for example, the gestation period for the formulation of a new member of the lion family, how many kittens are generally in a litter, their prey that they need, the amount

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

Natural Resources Committee
February 26, 2015

of territory each one might need to have sufficient prey and cover it, none of that am I going to go into because it would be a waste of all of our time. If I thought I could persuade a committee, I would do it. But in order to have something in the record, I had left for each of you a little packet I call, with two or three items, the first one is a large photograph...copy of a photograph that was in the Omaha World-Herald, December 29 of last year. It is a picture of the cougar, or the mountain lion, or the catamount, or the puma, or the painter, or whatever term people use to describe this animal. He had been chased down by dogs, treed, and on the second sheet you will see where this man is helping him to steady his rifle on a limb so that he can kill this animal. And I put a little note at the bottom of that picture. The caption provided by the World-Herald points out that this person used a certain caliber Savage Rifle, that was the name of it. And my comment was: "Savage Rifle for savage travesty." And I included a letter which I'm going to read. But the name of the writer and address you'll find on your letter, but I'm not going to read it into the record. Senator Chambers, Sir: I'm writing to encourage your fight against mountain lion hunting. I'm 73 years old and a retired hunter since 1991. If the other lawmakers seen how most lion hunts go, they would agree with you. Hunters go to the lodge and party half of the night; get up and turn the dogs loose; run the lion until it so tired it goes up a tree where the big sportsman hunter shoots it at 25 or 30 feet, something to really brag about at the job. The Game Commission leaves a lot to be desired here in the western end of the state. But I wish you luck in your bill getting it passed. I've had similar things told to me about the objection that people who consider themselves hunters have to the way these hunts are conducted. There have been many vivid descriptions in more detail along the lines of what this man said. They do run the animal until he's exhausted; he climbs the tree, which is what nature built into that animal. And then the hunter comes and kills it. I don't hunt; never have, never would, and I don't call that hunting. I call that butchery; I call it savagery. And as I said, I know what the committee thinks of the bill anyway. So I wanted that into the record. I gave you another sheet that came from an article in the World-Herald that same date, December 29, 2014, and it shows how many of these animals were killed since last year. A total...you can see the number. There were six...there were five killed by legal hunting and 11 by other causes which would be 16. The figure that everybody was given, based on the studies by Game and Parks, in the Pine Ridge area where they'd done these studies was 22. And they didn't know...they didn't have figures for two other places where there might be breeding animals. So when you take 16 from that 22, it's a very small number left. When you have a population as small as that in this state, regardless of how you reckon the number, that rate of killing makes it clear that there's no intent to have a sustainable breeding population. I think the intent of Game and Parks is to exterminate these animals. I don't care what they say. When they came in to a different committee that I had a bill to produce a mountain lion plate and the money derived would go to an education program for young people relative to conservation, they came in and opposed that bill so I know they'll oppose this one. I've gotten letters and phone calls about how unresponsive the commission members are. So it is my intent to bring a bill for however long it takes me to get it done to break the state into districts and have those members elected. There are letters that I have where people say they've written to

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

Natural Resources Committee
February 26, 2015

the commissioners and they don't get a response of any kind. So there's a certain arrogance. When they describe, these people who write the letters, the people who are on this commission, I wouldn't know any of them from Adam's house cat, but they mentioned that they are not people who are scientists, who are biologists, who know anything about conserving wildlife, these are generally political patronage-type appointments. That's what I'm told. I don't know because I don't know the people. But since Game and Parks has decided that they want a war with me, that's what they're going to get. The mistake I made was in letting them get some money through the Legislature last session. But it's not going to be that easy for them anymore. When the director came to talk to me in my office, he was explaining that he was just doing his job, more or less. And he can speak for himself, because he said he was going to speak against the bill. I told him that's between him and the commission. But my view is that the commissioners ought to come here and say, in front me and the committee, what it is they mean and what they think instead of sending an employee. But they can conduct their affairs any way they want to. I'm dead serious about what I'm talking about. Wildlife is a resource for everybody in the state; not just hunters, not just those who want to see a mountain lion through the scope of a rifle. And I know Cabela's is testifying against this bill. There is somebody who is a lobbyist for State Farm...not State Farm, but the Nebraska Farm Bureau, they're speaking and lobbying against this bill, but they're not registered as a lobbyist to speak on this bill. And I'm going to look into that. So it's been a corrupting thing in this Legislature and I'm going to address it. I'm going to read one thing from an article that did appear in that World-Herald that I mentioned for December 29, 2015, oh no, it would be 2014, wrong date here, but it was 2014. I'm reading from one of the pages: There has been one documented incident of a cougar killing livestock in Nebraska. It happened this summer in the Sandhills. That's since 1991 when they were first sighted again after having been eradicated from this state. Continuing the article: There have been no incidents of a mountain lion attacking a human in Nebraska. Several mountain lions that strayed into cities or were discovered around ranch and farm buildings have been killed by law enforcement officers over the years to ensure public safety. Still, not every encounter with people ends badly for mountain lions. One evening in August of 2013, Ted and Susan Vastine, is the way I'm pronouncing the name, it's spelled V-a-s-t-i-n-e, watched a cougar cross a pasture toward their house nearly three miles south of Chadron. The big cat came into the yard; drank twice from a small pond and reclined nearby in the shade of several trees. Two Dawes County deputy sheriffs arrived and joined the Vastines in watching the mountain lion from about 25 yards away for an hour. The couple told the officers they did not want the animal harmed. The observers took photographs, some with flashes to eliminate the scene. The lion ignored the activity. They watched until it left the yard toward dark. Greg Schenbek, S-c-h-e-n-b-e-k, a Game and Parks biologist at the Ponderosa...I'm having a little trouble seeing, you don't have good lighting in here, and I got...I wear specs...at the Ponderosa Wildlife Management Area near Crawford said it was the first time the Vastines had seen the cougar on their property, although it appeared that the cat was familiar with the yard and available water. And it goes on. There are many people who have seen evidence of cougars on their land and they've been on that land for over two decades,

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

Natural Resources Committee
February 26, 2015

yet had never seen one, ever. These are some of the most timid, timorous, of the large carnivores found anywhere in the world. They are not aggressive toward humans. And if they can get away from where humans are, that's what they will do. And when you have this kind of so-called management of these animals and you kill them, if you kill an older male, then the young males are going to be the ones that will be likely to have a problem with adult...with humans because they are taught what their prey is. And more females, as you will see here, were killed than males. They are trained and taught what constitutes their prey: deer, elk, pronghorns, other small animals, but not livestock. If one goes after livestock, it's because its mother was killed and had not taught it what its prey was. And they go after the prey that they are taught is their prey and they leave other animals, namely livestock, alone. That's why you don't have a lot of reports of these animals attacking livestock. That's not their interest. If they pass through Nebraska, as some of them do, because they...they're run away by their mothers. They might be allowed to stay one and a half years, two years, then the mother runs them off. And if they go into the territory of an established mountain lion, that mountain lion will kill them if they stay there, otherwise, they're run off. They can go back to one of these states that border Nebraska or they can go east. And when they go east, they sometimes wander into an area inhabited by people in a location called the city. But they don't come there to commit depredations, to attack people or animals. Every state where they have these lions, they mention the false, so-called sightings. People who are not familiar with these animals will see a large dog, some have identified bobcats as mountain lions. The other night, somebody said they saw one near Bellevue or someplace; no evidence of it thereafter. There was a deputy a few months ago who claims to have seen one and Game and Parks checked it. It was not confirmed, no evidence, it was not, probably, a lion. So, I think, as information about this bill comes out, you're going to hear about sightings all over the state, more sightings than there would be animals. But they are not confirmed. And the questions that you might want to ask me about technical aspects, save those for Game and Parks when they testify against the bill because they're the experts. I'm not going to take much time with the opening, but I wanted something into the record so that it's clear what my plan is. Since there's to be no hunting season, the animals will not be killed through hunting. But when you all hold this bill, either hold it, not advance it or you kill it, I'm going to make a motion to pull it from your committee. And I may not get that done because there's a reluctance. Then I'm going to have the bill drafted as an amendment and I'm going to offer it as an amendment to various bills. And if somebody objects to it as being not germane, because it won't be germane to every bill that I offer it to, then we'll have a discussion of whether or not it is germane; then the Chair will rule. If it rules in my favor, somebody will move to overrule the Chair. If the Chair rules against me, I will make a motion to overrule the Chair. There may be some reconsideration motions; just to let you know how serious I am about this. And when I'm told in advance what's going to happen to the bill, I'm not going to try to change your mind. But I'm letting you know, be ready for whatever happens to the session. And contrary to what the Governor said, we will be talking about mountain lions all session...all session. And I control that, not this committee, not the Governor, not anybody in the Legislature, and not the Legislature as a whole. Now, they can do

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

Natural Resources Committee
February 26, 2015

what they want with this bill, but they can't control me. And some people are going to have a chance to see for the first time how I really do conduct affairs when I think dirty pool is being played. I'll play by whatever the rules are. All I need to know is what they are. And now that I know what they are on this bill, I've plotted my course and I've told you. And I do plan to stay. But if you have questions that you hard headedly be insist on asking me, I will answer them because I ought not to have come up here if I didn't intend to answer questions. [LB127]

SENATOR SCHILZ: Thank you, Senator Chambers. Senator Friesen. [LB127]

SENATOR FRIESEN: Thank you, Chairman Schilz. Senator Chambers. [LB127]

SENATOR CHAMBERS: Yes. [LB127]

SENATOR FRIESEN: You made the comment that you thought Game and Parks was trying to eradicate the mountain lion. [LB127]

SENATOR CHAMBERS: Yes. [LB127]

SENATOR FRIESEN: And yet I get farmers around our area that are constantly saying that Game and Parks is importing mountain lions to get them to proliferate and to take care of the deer population. [LB127]

SENATOR CHAMBERS: Yes, that's the nonsense you hear because the deer population is not being diminished by mountain lions. [LB127]

SENATOR FRIESEN: No, it's not. I agree. But we've seen sightings, but none of them are confirmed. But, I mean, you say one thing, but I...and I don't believe they've been putting mountain lions in our area, but they are moving into the area more and more. So, I mean, I find...I don't think Game and Parks wants to eliminate them. The difference between the two thoughts here is... [LB127]

SENATOR CHAMBERS: You can ask their authority...their expert, but one of these animals will cover a tremendous amount of distance. That animal may have as its range 350 square miles in a night. That animal may move more than 20 miles. Somebody may see the same animal several times, if they see one. But there will not be a pride of mountain lions as you have in Africa. They hang out in prides, or groups, in Africa. These are solitary animals. They're not going to be, as somebody might say here, three of them walking abreast down the road, that's not going to happen. And if it's the mother with her kittens, she's not going to bring them, if she can avoid it,

Natural Resources Committee
February 26, 2015

where human beings are. So there will be all kind of things said. And I won't say that they're not seeing something. But whatever they see has no bearing on what I intend to do in this Legislature. So if people say they saw them, fine. But the Game and Parks Commission...the spokesperson for the Game and Parks Commission is the one who talked to this reporter and said there's one instance of these animals attacking livestock. Now if there are all these sightings, why are not they slaughtering all the livestock? One reason the deer and the elk population proliferated was because they got rid of the number one predator. And when you get rid of the top predator, then these herbivores, they eat up all these plants. And there's nothing to stop them. They have been found in other areas to go down by streams and eat all the vegetation, eat the little-bitty trees that are trying to grow; and it changes the course of the stream because that vegetation that held that channel is no longer there. When they introduced wolves in Yellowstone National Park, these herbivores no longer went to areas where there was cover because the hunter wanted the cover so it could sneak up on the animal and get it. They realized that they should go out into the open so they could see the animal. And that kept them from eating up all of this vegetation, some of it that kept out invasive species and the ecology began to recover because nature is a better manager of her ecology than people. So when mountain lions come on the scene, they like cover, trees, hilly, rocky places, and they stalk the animal. Then like old cowboys, they attack from ambush. So when the animals who are their prey become aware of these animals who are the predators, the predators control those herbivores, not necessarily strictly by killing, but by frightening them. So they will not go in the covered areas, the forested areas where the mountain lions are. So nature has different ways of managing the ecology that seem counterintuitive to those who want to kill these animals for sport. And the animals...mountain lions don't kill for the sheer love of killing like human beings do. And they don't want to hang antlers or the remains of an animal on a tree as a trophy as human beings do. And human beings, being predators themselves think that every other predatory animal operates from the same principles that these human beings do. Mountain lions don't kill anything out of anger. They don't kill to keep down the population of anything. But they will protect their territory, as all animals will do, against those of their own kind because they're competing for survival. [LB127]

SENATOR FRIESEN: Thank you, Senator Chambers. You more than answered the question. [LB127]

SENATOR CHAMBERS: And I shouldn't have answered that much, because I said I wasn't going to do it. But I'll recover my equilibrium. [LB127]

SENATOR FRIESEN: I do have...my wife always says I'm hardheaded, but I had to ask a question. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR SCHILZ: Thank you, Senator Friesen. Any further questions? Seeing none, thank you, Senator Chambers, appreciate that. [LB127]

SENATOR CHAMBERS: I'll stay for closing. [LB127]

SENATOR SCHILZ: At this point we will move to proponents of LB127. Good afternoon. [LB127]

JAREL VINDUSKA: Hi. [LB127]

SENATOR SCHILZ: Welcome. [LB127]

JAREL VINDUSKA: Thank you. Senator Schilz, members of the Natural Resources Committee, my name is Jarel Vinduska, Jarel is spelled J-a-r-e-l, Vinduska is spelled V-i-n-d-u-s-k-a. I came here in support of Senator Chambers' bill, LB127. I hope you will reconsider and consider advancing this bill. I'm not a believer in taking management away from Game and Parks of mountain lions. But the reason I think this bill is important is I don't think Game and Parks needs a tool of a hunting season to manage mountain lions. The reason that being is I...most of you are probably somewhat familiar of Nebraska, but if you're not, if you haven't traveled the state extensively, you can get on Google Earth or Google Maps and the state has very, very limited mountain lion habitat. What people are seeing is traveling lions that are looking for new territories. And like Senator Chambers said, probably the same lion is seen multiple times so it appears like there's more than there are. In fact, my cousin has some land up by Fort Calhoun, Nebraska. And six weeks ago, his guineas were squawking in the yard and he looked out the window and one was strolling right down his lane. And had followed the bluffs along the Missouri like they do, they usually follow corridors and more than likely...I shouldn't say that, possibly the one that was seen in Omaha down along the Papio Creek was probably the same lion. It just worked the timber along I-680 up there, you know, that heavy timber there; hit the Papio Creek and that formed a corridor where it could walk down the creek. And so they seen it down by 60th and Q. And it was probably hanging out there because there was a big auto junk yard there with lots of rabbits and raccoons and lots of places to hide. And it will probably be seen again as it works down the creek to the mouth of the Missouri down by Plattsmouth. I mean, about the Papio where it hits the Missouri down by Plattsmouth. And it will be traveling. But the reality is, this hunting season has been really mismanaged. And if, you know, you asked, Senator Friesen, if it's an extermination deal. Well, I'm sure that wasn't the goal. And if you ask the biologists at Game and Parks, that certainly isn't their goal. But the reality is, it won't be an extermination because there's populations in Colorado and there's populations in South Dakota, and there's always going to be a few moving in. But a true wildlife manager, and my education is in wildlife management, no one...no wildlife manager would consider a season when you

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

Natural Resources Committee
February 26, 2015

have...when you have, first off, no idea how many are in the state. Secondly, what you do know that there's a couple dozen. You would never form a season on that small of a population. I mean, it would make more sense in Nebraska to have a season on bald eagles. There's way more bald eagles than mountain lions. And just think if Colorado...these ones that supposedly got here, Colorado or South Dakota, they came from the Rocky Mountains and they're trying to work down the river corridors, probably the Platte from Colorado. Just think if Colorado had, like Nebraska did, a prairie unit where the whole eastern farm area of Colorado, the eastern plains, if that was like the prairie unit where there was no closed season, there was no limit on the number of permits. How many mountain lions would make it across that farmland to Nebraska? Same way with South Dakota, how many would make it from South Dakota from the Black Hills? And so, really, from a biological standpoint, if it was biologists at Fish and Game who was actually making the decisions instead of politically as the commission because of complaints and in fear of predators, which humans naturally have, how would these animals, with Nebraska, be in a kill zone like it is? How would these animals to try and make it across Nebraska, how would they make it to the Ozarks of Missouri or Arkansas? Or how would they make it to the Mark Twain National Forest in southern Illinois and populate those areas if we've got this big kill zone in Nebraska? Those animals are on the move and that's how genetic diversity and populations are maintained is if they can travel where they want to go and they might go hundreds of miles. So, in reality, you might think--well, what's the need for Senator Chambers' bill to take away the right of Game and Parks to have a hunting season? Well the reason is, is because Nebraska is never going to need a hunting season. There's never going to be enough. They control their own numbers. The ones that we are seeing are passing through the few spots where they might establish populations like, maybe, down by Rulo Bluffs, there might be a small one or two get started down there by Indian Cave. And there might be some in those bluffs on the south side of the Platte by North Platte or a couple of little isolated spots. But there's not going to be populations that are going to cause harm that are going to be needed to have a hunting season. And the few excess that are going to be...try to stay in the state, by the time you figure road kills, farmers killing them because of fear of bothering their livestock, or are actually bothering their livestock, disease, and plus lions kill out of their own to (inaudible); you're never going to need a hunting season. I mean, California is an example, they... [LB127]

SENATOR SCHILZ: Sir, could you...do you mind, go ahead and finishing up if you don't mind. [LB127]

JAREL VINDUSKA: Okay. Well, let's use the example of California. They haven't had a hunting...they've had one year of hunting season since 1970. And half of the state is prime mountain lion habitat. They manage them okay. And so, a state like Nebraska, when you look around, there's not going to be no lions in a soybean or corn field or even out in the Sandhills in the grassland. There might be one or two pass through every once in awhile. So it's just kind of, to my mind, foolish to have a hunting season. I think you should support his bill and get rid of

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

Natural Resources Committee
February 26, 2015

that. And Game and Parks can still manage it through depredation permits and other means. And I think it...you know, that's something to be proud of then instead of kind of being an embarrassment for other states. Thanks. [LB127]

SENATOR SCHILZ: Thank you, sir. Hold on a second. Are there any questions for the gentleman? Seeing none, thank you for your testimony, appreciate it. Next supporter. Good afternoon. [LB127]

PATRICIA FULLER: Good afternoon. Use these glasses because I forgot my other ones. My name is Patricia Fuller, that's P-a-t-r-i-c-i-a, Fuller, F-u-l-l-e-r. I'm from Council Bluffs, Iowa. I'm here to support LB127. If anything, last year's first cougar hunting season showed how precarious the numbers of mountain lions are in this state and how premature the hunt actually was. In 2014, 16 mountain lions were killed in Nebraska, which is a significant percentage of the state's population. Although there were not exact population numbers for the entire state, there was an estimated breeding population in the Pine Ridge region from 15 to 27 were the figure I saw. Of the 16 that were shot legally...or shot, five of them were shot legally. But more noteworthy, however, is the fact that ten of the documented deaths were females. Given that female mountain lions are pregnant or raising kittens nearly 75 percent of their lives, one could infer that seven to eight of the females had dependent young. Orphaning is not palatable to managers or hunting, yet it undoubtedly occurs when mountain lions are subjected to sport hunting. As was noted last year before this committee, research done at Washington State University found that high rates of mountain lion harvest resulted in increased complaints and conflict rather than reducing them. As hunters remove the older, trophy-size lions from the population, inexperienced juveniles who are more prone to conflict with humans often replace these well-behaved adults. The high rate of harvest in Nebraska could be responsible for the frequency of mountain lion sightings in outlier areas which might account for the one that was seen in Omaha, although not documented, this past week. The safety of people, pets, and livestock is best ensured through education, conflict prevention, and emergency response plans. In states like Wyoming, Colorado, Washington, that have larger populations, managers have successfully reduced cougar/human complaints and conflict by expanding their outreach efforts and developing emergency programs that target problem cats. Random culling via sport hunting will not make Nebraska safer. While I was very pleased to hear that the 2015 season had been cancelled and that Game and Parks was doing more research and more collaring on the number of mountain lions in the state, the ethical question still arises whether one species should be managed to the detriment or benefit of another; whether that be us or sport hunters or deer hunters. Predators and prey have evolved together over the millennia. They compliment, they enhance biodiversity of our state and I think they should be protected. Thank you. [LB127]

SENATOR SCHILZ: Thank you very much for your testimony. Any questions? Seeing none, thank you very much. [LB127]

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

Natural Resources Committee
February 26, 2015

PATRICIA FULLER: Thank you. [LB127]

SENATOR SCHILZ: Next proponent. Good afternoon, Mr. Winston. [LB127]

KEN WINSTON: (Exhibit 2) Good afternoon, Chairman Schilz and members of the Natural Resources Committee. My name is Ken Winston, K-e-n W-i-n-s-t-o-n, appearing on behalf of the Nebraska Sierra Club in support of LB127. Well briefly, I'm not going to repeat what other people have said, but as someone who has observed the debate on this issue over the last several years, I don't know how many years that we've...the issue has been debated. A big part of the debate has surrounded...has been about the fact that a lot of people are frightened by mountain lions and they have concerns about them threatening them. And I don't blame people for being afraid of mountain lions. I mean, it's a large cat and it is a predator. And so there's certainly a basis to be afraid of mountain lions. But in terms of creating public policy related to that, there is a very small population of mountain lions. And as Senator Chambers indicated, there's no documented evidence or no confirmed reports of people being attacked by mountain lions. And if the Game and Parks report is accurate, there's only one documented report of attack on livestock in the state. And so, having a mountain lion hunting season based upon those...that information really is irrational. And so, that...this appears to be the...the current hunting season appears to be an irrational response to people's concerns about mountain lions. But now my testimony, as I have written here, was with the understanding that the section that Senator Chambers described as being inadvertently repealed was not being repealed. And we would certainly agree that that section should still remain in law, because that really...to the extent that people do have fears about mountain lions, or there are threats to people or livestock, that provision is really what protects people if they are concerned about that. A hunting season really doesn't do anything in that regard. And so, for the reasons that people who describe, particularly Senator...the things that Senator Chambers has talked about, we believe that LB127 makes lots of sense and we would encourage the committee to advance the bill. [LB127]

SENATOR SCHILZ: Thank you very much, Mr. Winston. Any questions? Seeing none, thank you for your testimony. [LB127]

KEN WINSTON: Thank you. [LB127]

SENATOR SCHILZ: Further proponents. Good afternoon and welcome. [LB127]

ANGELIKA T.L. BYORTH: (Exhibit 3) Good afternoon. My name is Angelika T.L. Byorth, A-n-g-e-l-i-k-a, T as in turtle, L as in lady, B as in boy, y as in yes, o as in other, r as in round, t as in Tom, h as in house. I'm testifying as a concerned citizen. Please enter my name as "for" LB127. Last year, this bill was the same as LB671 and was approved by the Legislature. But

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Natural Resources Committee
February 26, 2015

then Governor Heineman vetoed it. It is my hope that our new Governor will better understand that mountain lions are so rare that ethical hunters would never consider hunting them. I urge this year's state senators and Governor Ricketts to help LB127 to make it to the finish line. Unfortunately, the Nebraska Game and Parks Commission, short NGPC, let politics override their sacred duty to use sound population science to save Nebraska's rare mountain lions for the people of Nebraska. Two years ago, I hired Webbs Wildlife Consultants, and the phone number is on my testimony that you're getting a copy for, to find out what was really going on in regards to the 22 or so rare and shy mountain lions that were trying to come back from near extinction in our state. Mark Webb used to work for the NGPC and later on for the U.S. Fish and Wildlife (Law) Enforcement. I learned from him that the game commissioners set up a politically-motivated subcommittee that ignored the science-based findings of NGPC biologists. This subcommittee set up hunting seasons for mountain lions that made my ethical hunter and farmer and rancher friends sick to their hearts. In fact, one farmer from Palmyra, when he came here to a previous hearing, he cried actual tears. Hunting our few mountain lions is wrong. Each time we lose a species, we deprive our children and grandchildren of their natural heritage and we contribute to the collapse of the food chain until we people can no longer survive. Thanks for serving our state and please, right a wrong, by taking Nebraska's mountain lions off the list of species that can safely be hunted. Are there any questions? [LB127]

SENATOR SCHILZ: Thank you, ma'am. Any questions? No? You did a good job. Seeing none, thank you very much for your testimony. [LB127]

ANGELIKA T.L. BYORTH: Thank you. [LB127]

SENATOR SCHILZ: Further proponents? Proponents for LB127? Come on up. Welcome, sir. [LB127]

BUFFALO BRUCE: Thanks for this opportunity, Senator Schilz and committee. I'm Buffalo Bruce from Chadron, Nebraska; B-u-f-f-a-l-o B-r-u-c-e. In the early 1990s, I choreographed a bill creating the mountain lion to become a game animal with a closed season. Before that, it was...they were allowed to be shot on sight any time and we needed some tougher statute to at least stop that. One thing that hasn't been mentioned is some states east of us have...Illinois as an example, they had drafted a bill to protect wolves, bears, and lions just last year and it passed unanimously. Some states relish the return of predators because of the deer. And they might have some large enough state parks and wild areas for them to go to. And they're waiting for...they need them...we need a transport system so they can cross over there. They shouldn't be allowed to just be shot going across Nebraska. In the early 1980s, '83, we started noticing them in the Pine Ridge. And I approached...I found a set of dogs and contacted the Game and Parks Commission so we could maybe track some down and tree them and tag them to monitor and

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

Natural Resources Committee
February 26, 2015

find out the population at the time. There weren't very many, but at the time there were no trail cams...cameras in the region; otherwise we would have pictures from that time. But they only did counts as far as documentation from body counts. The Game and Parks Commission employees who saw them regularly at Fort Robinson didn't think it was any big deal. But they talked about seeing them on occasion in 1980s. I was on a hike with my granddaughter in Illinois, in northwest Illinois on a night hike, and the next day on the news it was reported that a mountain lion was killed that same day in the same county. A hunter, I don't know if it was a turkey hunter or what, but he saw this deer kill and he observed it and he...then he looked around and he saw a mountain lion that was crouched down and so he backed off and they came back later the next day, the game warden, and he and the warden did, and they were both heavily armed and they were walking in there quietly to try to find it. And then all of a...one of them almost stepped on it. It was like a foot from it before it jumped up and took off. And so they blasted the heck out of it and killed it. But that's proof...this is another example that they don't attack people. This is just...and there are very few areas between east of us that can be habitat. Fences are a huge deterrent. This is why...and...because...they sleep 18 to 22 hours a day, like any cats, they have to in order to gain strength for the next chase. I have a trail cam photo of a mom who...she had three litters in West Ash/Ponderosa Wildlife Area. And the mom and her young daughter are both in the same photograph with...this December 2013. And the next year, which was last fall, the Iowa hunter, archer hunter, he was hunting deer, shot one of them and it was...had been lactating so we couldn't find...nobody could find the cubs, so they died also. He shot at it because he couldn't resist it. He shot it illegally; he was fined for it, but the fine was worth it to him for the excitement of the kill. This is a mom...no, she'd had at least three litters. She never bothered livestock. These are the kind you want around. And kills like that, is an example that will happen no matter what because it was illegal. And they do control themselves. I'm not going to repeat what everybody else has said. The data is here. And let's see...that's about it. Any questions? [LB127]

SENATOR SCHILZ: Thank you, sir. Any questions? Seeing none, thank you for your testimony, appreciate it. [LB127]

BUFFALO BRUCE: Sure. [LB127]

SENATOR SCHILZ: Exhibits 4, 5, and 6) Further proponents? Proponents for LB127? I think we have a few letters of support. One from Stu Lutich from Geneva; one from Penelope Maldonado from the Cougar Fund; and one from Jocelyn Nickerson from the Humane Society of the United States. And at this point we will move to opposition to LB127. Opposition. Welcome and good afternoon. [LB127]

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

Natural Resources Committee
February 26, 2015

JIM DOUGLAS: (Exhibit 7) Good afternoon. Thank you, Mr. Chairman and members of the Natural Resources Committee. My name is Jim Douglas, J-i-m D-o-u-g-l-a-s. I serve as the director of the Nebraska Game and Parks Commission, located at 2200 North 33rd Street in Lincoln. I want to express the commission's opposition to this bill. And I want to start out by indicating that the commission's goal with mountain lions is to maintain the mountain lion populations in Nebraska over the long term. Our goal is not to exterminate the mountain lions in Nebraska. Nebraska Game and Parks Commission has a longstanding expertise in managing game species and we believe we should maintain the authority to manage game species including mountain lions, just like we do other game species. No game species managed by the commission has ever become endangered. As a matter of fact, all of those where hunting plays some role in the population dynamics, they have prospered. They're managed...we've managed game species successfully for healthy sustainable populations within the limits of the available habitat. Mountain lions in Nebraska are not isolated. You heard some reference to it earlier, but you cannot look upon the population in Nebraska as an isolated population or a population that's...for example, on an island. There is a lot of immigration from surrounding western states and from South Dakota. There's also immigration that occurs from time to time. Obviously, also there's reproduction of mountain lions in Nebraska, and we've documented reproduction in several cases. So they roam freely between Nebraska and the neighboring mountain states. And the Pine Ridge is a part of a regional population that really extends all the way west to California. So we're on the edge of that population and the population extends into South Dakota. Nebraska can be thought of as having three mountain lion populations, if you like; the largest being in the Pine Ridge. Often the numbers you hear associated with mountain lion population estimates are those that are associated with the Pine Ridge because that's the largest habitat block and that's where we've done more of our population estimates than anywhere else in the state. But they also exist in the Wildcat Hills and in the Niobrara River Valley, been documented and we've done recent population estimates in the western Niobrara River Valley. And as has been indicated, they also...they roam throughout the state and a lot of those are young males seeking females. We have had, though, some females that have migrated through parts of the state that are outside the three main areas. Population estimates that we've been doing up to this point are based on scat surveys where we analyze the DNA from the scat so we can tell what individual animals are which. And by certain kinds of scientific methods and population modeling, we can arrive at a population estimate. We recently have started some additional research where we're collaring mountain lions with GPS collars so we can get additional information and get even more precision on our population estimates. We've collared three so far in the last month. And the person that will follow me is our research biologist and if you have additional questions about mountain lion biology, some of those might be directed towards him. I wanted to point out that it's not correct to think about mountain lion population estimates as something that are anything other than what the estimate for that point in time is. For example of the multiple mountain lions that were killed last year, only five of those were from hunting seasons, but by other means. Seven of those occurred before our population estimate occurred.

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Transcriber's Office

Natural Resources Committee
February 26, 2015

We know that from the DNA evidence of the ones that were killed and the ones that were included in our estimate. It's not proper to subtract known occurrences of deaths that occurred before the population estimate and subtract that from the population. We killed two females in a hunting season scenario last year. All the other females occurred in scenarios that were either natural mortality or they were killed from people...from ranchers or from road kill, etcetera, and one illegal kill. There was an unusually high number of females killed last year and that's outside of hunting season and that's why we decided, responsibly, not to have a season this coming year. [LB127]

SENATOR SCHILZ: Thank you, sir. Any questions for Mr. Douglas? Senator McCollister. [LB127]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. It's illegal, or supposedly illegal, to hunt a female mountain lion? [LB127]

JIM DOUGLAS: The way that we designed the hunting season was that...since it's important to not kill too many females, we have what's called a sub-quota. So once...and the sub-quota was two, for example. And when that was reached, the season was over with, except in the prairie season which ran longer. [LB127]

SENATOR McCOLLISTER: Thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator McCollister. Senator Johnson. [LB127]

SENATOR JOHNSON: Thank you. Mr. Douglas, would you respond to the previous testimony...testifier, I'll leave out the adjectives that the game commissioners set up a subcommittee that ignored the findings of the Nebraska Game and Parks Commission biologist. Are you familiar with that? Can you explain that? [LB127]

JIM DOUGLAS: Well, I can...I'm not positive, but I believe that probably refers to the big game committee of the commission which at the...the original...the original recommendations of staff for a hunting season, included a female sub-quota of one in the Pine Ridge. And after the Chadron...and there were two public hearings, the first occurred in...there was one in Chadron and one in Lincoln. At the Chadron commission meeting, the public response...those that appeared in person at that meeting, were calling for a lot more aggressive hunting season for mountain lions. And the commission...the commission advised staff, at that point in time, to go back and look and see whether there was room within the limits of the population to be more aggressive or not. And the staff conferred with the big game committee of the commission and

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Transcriber's Office

Natural Resources Committee
February 26, 2015

nothing came out of that discussion that staff did not agree with as far as the biological ability of the population to take one more female out of the population. [LB127]

SENATOR JOHNSON: Thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator Johnson. Senator Hughes. [LB127]

SENATOR HUGHES: Thank you, Chairman Schilz. Mr. Douglas, can you give us some kind of an idea of the amount of resources that Game and Parks is dedicating to mountain lion management in the state of Nebraska? [LB127]

JIM DOUGLAS: I can. We've spent more than \$116,000 on population estimations and research since 2010. Now we intend to spend \$60,000 a year for...a year for the next three years for the collaring study that we're doing. [LB127]

SENATOR HUGHES: Is that mostly in the Pine Ridge because that's where most of the cougars are? Or is that statewide? [LB127]

JIM DOUGLAS: That's statewide. But, of course, most of the activity has been in the Pine Ridge. But in the current research study, for example, we've collared two lions in the Wildcats Hills and have been working down there. [LB127]

SENATOR SCHILZ: Thank you, Senator Hughes. Senator McCollister. [LB127]

SENATOR McCOLLISTER: Thank you, Mr. Chairman. Mr. Douglas, are wolves indigenous to Nebraska? [LB127]

JIM DOUGLAS: Wolves? [LB127]

SENATOR McCOLLISTER: Wolves. [LB127]

JIM DOUGLAS: There's references to wolves in some early diaries. [LB127]

SENATOR McCOLLISTER: Was there any effort to bring them back to Nebraska? [LB127]

JIM DOUGLAS: None that I'm aware of. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR McCOLLISTER: Okay, thank you. [LB127]

JIM DOUGLAS: An additional comment on that would be that, you know, as wolves have proliferated in the Yellowstone ecosystem,... [LB127]

SENATOR McCOLLISTER: Yes, sir. [LB127]

JIM DOUGLAS: ...there's a lot more interaction between wolves and mountain lions. And to the...and not to the benefit of mountain lions. And, historically, it's likely another mortality factor for mountain lions was wolves. [LB127]

SENATOR McCOLLISTER: Are mountain lions prospering in the Yellowstone area? [LB127]

JIM DOUGLAS: They're being affected by wolf populations, but they're still prominent in that system. [LB127]

SENATOR McCOLLISTER: So the population is increasing. [LB127]

JIM DOUGLAS: I don't know...I couldn't say...perhaps the commission's biologist that is following me knows more about whether they're actually increase or not. But I don't know. [LB127]

SENATOR McCOLLISTER: Thanks, Mr. Douglas. Thank you, Mr. Chairman. [LB127]

SENATOR SCHILZ: Thank you, Senator McCollister. Mr. Douglas, just one question, and we talked a little...we heard some testimony earlier about, you know, that age on these animals matter...do have any idea, and maybe if you don't, maybe the next testifier would, what was the average age of the lions that were harvested during the hunting season, do you know? [LB127]

JIM DOUGLAS: You know, I wouldn't want to be inaccurate on that. I know the age of some of them, but as far as an average, I think perhaps our research biologist that's following me could answer that better. [LB127]

SENATOR SCHILZ: Okay, that's fine. Thank you. Any further questions? Seeing none, thank you for your testimony. [LB127]

JIM DOUGLAS: Um-hum. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR SCHILZ: Further opponents. Good afternoon and welcome. [LB127]

SAM WILSON: Good afternoon, members of the committee. My name is Sam Wilson; that's S-a-m W-i-l-s-o-n. I am the carnivore program manager for the Nebraska Game and Parks Commission. And we are here, as you know, the director spoke about our position towards LB127. And I want to provide a little background on the research we conducted and then, again, the opportunity to answer any questions you may have about biology of lions or research that we've conducted over the last eight years or so. To begin with, we have had a long-term commitment towards learning more about mountain lions in our state. All people in the state are, at least to me, appear very interested in mountain lions. We get a lot of questions about mountain lions. There's a lot of concern about depredation. We have a healthy livestock industry and so there are many questions that Game and Parks would like to have the answer when it comes to mountain lions in the state of Nebraska. And so going back to around 2010, when our mountain lion populations first established, we began conducting research. First thing we did was create a map of suitable habitat and that shows where mountain lions could exist. And through that research, we predicted in the Pine Ridge area that we could have 27 to 22 mountain lions up there, somewhere in that range. When we conducted our genetics survey, based on that scat dog technique of collecting mountain lion scats and conducting genetic analysis, we came to a population estimate of 19 in 2010. We repeated the survey in 2012 with a population estimate for the Pine Ridge only of 22. And we repeated it again in 2014 with a population estimate of 22. And so the point I'm making with talking about, generally, the research we've done is that we have been conducting research for quite a few years, intensive research and we're committed to learning more about mountain lions in our state and using the results of those...from these population estimates to inform our management. And as an example of that, the director mentioned that we spent more than \$115,000 on research already. We have four more years of research planned, intensive research with GPS collars. And the end result of all of that is that we'll know more about mountain lions in the coming years in the state of Nebraska than we ever have and that will be able to guide us when making management decisions. I'm going to be fairly brief; I don't want to take up a lot of your time. I believe the director stated our position very well. I do want to reiterate that the goal of the commission is to maintain mountain lion populations in the state over the long term. And with that, I'd like to thank you for your consideration and I'd be happy to answer any questions. [LB127]

SENATOR SCHILZ: Thank you, Mr. Wilson. Any questions? Senator Friesen. [LB127]

SENATOR FRIESEN: Thank you, Senator Schilz. When you say you want to maintain a mountain lion population, are there areas that you're targeting that you want to see them and some areas where you don't want to see them? Or are you just looking at the state as a whole as a management area? [LB127]

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

Natural Resources Committee
February 26, 2015

SAM WILSON: Both. We want to maintain mountain lion populations within the state of Nebraska over the long term. We do have three areas in the past year, when we held the hunting season that we had specific units set out that have suitable habitat and those are the three areas we also have populations. So that's the Pine Ridge, the Niobrara Valley, and the Wildcat Hills. There may be other areas that mountain lions can inhabit and we'll continue to look at how this evolves over time. The research we're conducting now will help us learn more about the types of habitat the mountain lions can use and how far they move and what part of our state they're using. [LB127]

SENATOR FRIESEN: So what...you stated how many you thought there were there. What happens when you get too many mountain lions in an area? [LB127]

SAM WILSON: It can have...often a negative effect on the mountain lion population themselves. And so the effects can be varied. You can have changes in problems with people simply because there are more animals there. But you can also have impacts on prey species...some prey species are sensitive and important in the state of Nebraska, like mountain sheep. And deer hunters, of course, are concerned about deer numbers. But the mountain lion population themselves can also be negatively affected when their population is very high. There's specific...there's strife between mountain lions where they end up actually killing each other. And then their overall health of the individuals within the population can go down if the population rises above the caring capacity of the habitat. [LB127]

SENATOR FRIESEN: So have you ever looked at bringing in and releasing mountain lions into an area? Have you ever done that or thought about that? [LB127]

SAM WILSON: We have not. They're certainly very capable of traveling on their own. [LB127]

SENATOR FRIESEN: Okay. All right, thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator Friesen. Senator Hughes. [LB127]

SENATOR HUGHES: Thank you, Chairman Schilz. Mr. Wilson, what's the life span of a mountain lion? [LB127]

SAM WILSON: Mountain lions live, on average, to be maybe five to eight years old. A ten-year-old mountain lion would be an old mountain lion. They have a difficult life and it's unlikely that they'll live an extended period of time beyond ten years. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR HUGHES: Okay. Then you mentioned about the DNA in the scat that you were tracking. How diverse is the population in the Pine Ridge? I mean, are they kind of from a couple of animals or six different animals or...? [LB127]

SAM WILSON: We haven't looked specifically at how diverse they are. I will say that when we get genetic results back from mountain lions in the Pine Ridge, for instance, they match...or nearly match mountain lions that are in the nearby Black Hills. And so there could, of course, be individuals from other areas, as mountain lions can travel great distances. So, certainly males could come in from other states: Colorado, Wyoming, Montana, or beyond. But they're fairly genetically similar, I would suspect, given what I just mentioned. [LB127]

SENATOR HUGHES: Okay. One last question if I might. The population analysis that you did in the Pine Ridge over the three year, I think, 2010, 2011, and 2012, or relative...the numbers stayed relatively the same--22, 19, 22. Apparently, the population is relatively stable in that area? [LB127]

SAM WILSON: It does appear that way. It appears to us that it had risen before the population estimate made here in 2014. As many people have mentioned, there are a number...an unusual number of nonhunting-related mortalities. So lions that were accidentally caught in traps or run over or shot in a ranch yard. And if you look at how that plays out with the number killed before our population estimate, the population estimate of 22, there were 7 that were killed before that. So it's likely that the mountain lion population was actually higher before we made our estimate in May and June. And so it's somewhat stable, but it fluctuates, of course, as all wild life populations do. [LB127]

SENATOR HUGHES: So then most of the incidental, anecdotal sightings that we hear about throughout the state are probably cats moving from a different area...from much higher populations in Colorado, Wyoming, and South Dakota, you know, looking for new territory. [LB127]

SAM WILSON: That's correct. [LB127]

SENATOR HUGHES: Okay. Thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator Hughes. Senator McCollister. [LB127]

SENATOR MCCOLLISTER: Thank you, Mr. Chairman. Thanks for appearing. What...given the habitat that we have in Nebraska, how many mountain lions should be here? [LB127]

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

Natural Resources Committee
February 26, 2015

SAM WILSON: That's actually a complicated question, as with all game management, even with deer, the number of deer that the habitats could support is different than the number that the people in the state are willing to tolerate. And so, Game and Parks Commission has a difficult job of balancing what people are willing to have in our state versus what the habitat itself can support. We do know in some areas like the Pine Ridge, we've done that model on habitat there, that the habitat likely can support 20-some mountain lions. And that's approximately what there are there now. There are other areas in the state, the Niobrara Valley, that have suitable lion habitat, but not as much habitat as the Pine Ridge. And so I can't give you an accurate figure for the entire state. The Pine Ridge does appear to be the biggest block of mountain lion habitat that's available. But it's partly an interplay between what the habitat will support and what the people of Nebraska want. [LB127]

SENATOR McCOLLISTER: Thank you, sir. [LB127]

SAM WILSON: You're welcome. [LB127]

SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Senator Johnson. [LB127]

SENATOR JOHNSON: Thank you, Senator Schilz. If there was not a mountain lion hunting season, what would you be able to do or what would you attempt to do to continue your research and how would you control if there was a need to control the population? [LB127]

SAM WILSON: Well, there are a number of reasons...I mean, certainly with mountain lion hunting seasons, we want to have the absolute most accurate science available so we can make informed, science-based management decisions. But there are research questions that we want to know the answer to regardless. And so we have this research planned for the next four years no matter the outcome. And then could you repeat your second question. [LB127]

SENATOR JOHNSON: Well, if there was an over population, what...how would you control it without a hunting season? [LB127]

SAM WILSON: So there are other state statutes that allow problem mountain lions to be killed. And so mountain lions that are attacking people or attacking livestock may be killed under present state statutes. And also, mountain lions that are found to have depredated on livestock can be killed. And so from that standpoint, present statutes could be used to respond to problems as they're happening or when they've already happened. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR JOHNSON: Okay, maybe a little bit of a follow-up. I know it's been stated that one of the reasons you have a mountain lion season was raising money for the research. The money that you spend on that in the next few years, that comes out of your general...it's budgeted in or where does that...will it...will the research end if the money ends? [LB127]

SAM WILSON: The research is planned and will likely continue. It comes from the game cash fund. So funds that are contributed through purchase of permits. [LB127]

SENATOR JOHNSON: Okay. [LB127]

SAM WILSON: All permits contribute to that fund. [LB127]

SENATOR JOHNSON: Thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator Johnson. Senator Schnoor. [LB127]

SENATOR SCHNOOR: What's the gestation period for a mountain lion? [LB127]

SAM WILSON: So mountain lions typically...the females reproduce around the age of two. They can reproduce every two years. The gestation period is, typically, a couple of months. And so the kittens, once they're born, stay with their mother for a year or year and a half. And so, basically, once that female hits her first reproductive cycle and has kittens, she'll have another litter of kittens every two years or so, unless her kittens are killed by a new dominant male in that area. [LB127]

SENATOR SCHNOOR: How many are in a litter? [LB127]

SAM WILSON: Litter...the most common size is three. And it typically varies between two and four. [LB127]

SENATOR SCHNOOR: What's the life expectancy, I guess, of those kittens? [LB127]

SAM WILSON: It certainly depends on the area and what other predators are present. In other states they have wolves which can kill females and kittens. And so survivorship of kittens is much lower than adults. If they make it to that first year when they're on their own; if they make it through that year, they can survive fairly well. Kittens is much lower, so 50 percent or so. Some places higher. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR SCHNOOR: Okay. If we didn't have a hunting season, would you, I guess, predict that the mountain lion population would get out of control, so to speak? [LB127]

SAM WILSON: Well, that really does depend on a lot of different factors. And so there are disease issues, and again, there's issues with non-harvest mortalities; mortalities to key individuals in a population. So in a mountain lion population, adult females are the most important portion of that population. They drive whether or not the population shrinks or grows. And so what happens to those individuals will likely drive what happens with the populations over time. It's quite possible, they certainly could expand. [LB127]

SENATOR SCHNOOR: Okay, thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator Schnoor. Senator Kolowski. [LB127]

SENATOR KOLOWSKI: Thank you, sir. You mentioned that the wolves would generally kill the mountain lion, is that...if it was one on one, not a wolf pack, is that the difference in the hunting styles because the lions are probably singularly there compared to a pack of wolves. [LB127]

SAM WILSON: That is the difference. Wolves are the dominant predator in most ecosystems where they're present because they have the pack and they have the numbers. And so, mountain lions are solitary. And so when they encounter a pack of wolves, the numbers are against them. [LB127]

SENATOR KOLOWSKI: Okay, thank you. Sort of like high school freshman. (Laughter) [LB127]

SENATOR SCHILZ: Thank you, Senator Kolowski. Any other questions? Sir, thank you. I just...I have one question. It's the same question that I asked the director. Do you have an idea of what the average age of each one of the lions that were harvested... [LB127]

SAM WILSON: I do. [LB127]

SENATOR SCHILZ: ...with hunting? [LB127]

SAM WILSON: Yes. All of the mountain lions that were harvested fall into the subadult or adult category. There was a subadult male, or a young adult male, taken in the Pine Ridge during season one. And with that, which would be a one-and-a half or two-year-old male of adult size.

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Transcriber's Office

Natural Resources Committee
February 26, 2015

And then with that, there was an approximately eight-year-old male taken during that part of the season. And then the third mountain lion taken in the Pine Ridge was a female--she would have been nearly six years old--and then an approximately three-year-old male taken in the Prairie Unit and a young female taken in the Prairie Unit which would be one-and-a-half to two-and-a-half years old. [LB127]

SENATOR SCHILZ: Okay. And then you mentioned a little bit, and you kind of walked around it, basically what you're saying is the caring capacity of that Pine Ridge area where you have some of the population numbers for, if the populations numbers are correct...and when they talk about that, those 22 individuals, are those individuals...what are they? Are they females? Are they males? [LB127]

SAM WILSON: It's the total population in the Pine Ridge, so it's all individuals; it's adults, females...males, females, kittens, adults. [LB127]

SENATOR SCHILZ: And so what you're...you're saying is that that's pretty close to the caring capacity of what that area can do. [LB127]

SAM WILSON: It's close. [LB127]

SENATOR SCHILZ: But who knows for sure. I mean... [LB127]

SAM WILSON: Right. [LB127]

SENATOR SCHILZ: ...depending on the year. [LB127]

SAM WILSON: Yeah. [LB127]

SENATOR SCHILZ: Okay. Thank you very much. Any other questions? Seeing none, thank you for your testimony, appreciate it. [LB127]

SAM WILSON: Thank you. [LB127]

SENATOR SCHILZ: Further opposition? Good afternoon and welcome. [LB127]

KEVIN WERTS: Hi. My name is Kevin Werts, K-e-v-i-n W-e-r-t-s, and I'm a Cabela's representative. So Cabela's position on any wild game natural resources defer to the government

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Transcriber's Office

Natural Resources Committee
February 26, 2015

agency in which manages that natural resource. The question whether or not to hunt mountain lions is best left to state biologists to answer. The decision should be made on a scientific basis, not a political basis. We have full faith and confidence in the Nebraska State Game and Parks Commission to manage this matter. We stand with other state wildlife agencies which rely on hunters to manage wildlife populations. I'd further say that if we do not have a hunting season, we will have no way to manage the mountain lion population which I believe we all agree is growing in the state of Nebraska. It would, in effect, create in Nebraska a refuge for mountain lions driven further into new territory by biological factors and/or hunting pressures from other states and leave us with no measure in which to manage the population. Therefore, mountain lion, human, and livestock encounters would likely rise, possible with dire consequences. Hunting not only provides population control, it would impart in mountain lions the fear of humans making confrontations less likely. To allow Nebraska mountain lion population to increase unchecked would be a concern for public safety, as well as a concern for livestock and wildlife depredation. Mountain lions are efficient, relentless predators at the top of the wildlife food chain in Nebraska and they exact a deadly toll on other wildlife, in addition to prey on livestock and can compose a threat to humans. Mountain lions are not a political football. They're a natural resource that like any other natural resource should be managed to control populations in a manner that allows a sustainable population in areas that are suitable for mountain lions while providing a measure of reasonable protection for people, livestock, and other wildlife. Thank you for listening and, please, do not advance LB127. [LB127]

SENATOR SCHILZ: Thank you, sir. Senator Johnson. [LB127]

SENATOR JOHNSON: Thank you, Senator Schilz. Mountain lions that are harvested by hunters, one of the criticisms is mountain lion gets treed, shot. Maybe could have asked this sooner if I would have thought of it, is that...do you know, most of the harvested animals are harvested that way? Is that a natural thing for them to do or is there...do...can you answer that? [LB127]

KEVIN WERTS: Yeah. From just personal knowledge, you know, just other states, that is a common method for hunting mountain lions. Is it the only method? No, it's not the only method. But it is a common method. [LB127]

SENATOR JOHNSON: If that was portion of it, and I don't know how somebody would be arrested if they shot one out of a tree versus one that was running, would that greatly affect the harvest? [LB127]

KEVIN WERTS: I would...if you would say without letting dogs chase them, yes, I would say that would great affect the harvest of the mountain lions. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR JOHNSON: Yeah. So if you took the dogs out, which would normally ones...thank you. [LB127]

KEVIN WERTS: Yeah. [LB127]

SENATOR SCHILZ: Thank you, Senator Johnson. Any other questions? Seeing none, thank you very much for your testimony, appreciate it. [LB127]

KEVIN WERTS: Thank you. [LB127]

SENATOR SCHILZ: Further opposition. Good afternoon. [LB127]

SCOTT SMATHERS: Good afternoon, Chairman Schilz, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I am the executive director of the Nebraska Sportsmen's Foundation. I'm going to have a little different twist on the conversation or the testimony today. You've heard the numbers from the experts of the Game and Parks and Sam Wilson, a biologist of Game and Parks. From the sportsman's standpoint, this is not about the actual physical hunt of a mountain lion or the ability to do so. There is a greater need and more of a slippery slope from our behalf is that removing the authority from the agency that is put in charge of managing our wildlife in the state opens the door to continuing conversations where the management of our wildlife is then removed in an across-the-board basis from the authorities and the scientists and the biologists of the Game and Parks. Most of the members of our organization will never apply for a permit to hunt mountain lions, myself included. However, we would like to maintain the opportunity for the Game and Parks to utilize the services of hunting as a population dictates for control. Some of the other species that we're all very familiar with in the state, obviously, the whitetail deer, the upland bird; turkeys, which now we are having the wonderful benefit of having many turkeys in our state, where 15 years ago they were rare, we're now exporting them into other states where they're suffering their loss. More importantly, if you look at the opportunity of the elk in the state of Nebraska, the first registered report of an elk in Box Butte County in 1958 to the point of now where the latest report of 2010 was close to 3,000 head of herd in the state with an annual growth rate of 15 to 20 percent. By the way, we do hunt elk in the state through permit auctions and sales which helps fund the opportunity of management for not only the elk, but across-the-board species. Look at the bighorn sheep and the instances of the Game and Parks that have put forth in that effort since 1981 with releasing them back in Fort Robinson State Park and the growth since then. We're now approaching 300 herd in the state. That would be a lot higher number if we had not had disease in a four-year period that sheep are quite prevalent to contracting. It should be noted that during that time period, \$800,000 was raised through permit auctions and sales to fund the sheep restoration in the state. The question was asked earlier--where would that money come from? Well most of that

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

Natural Resources Committee
February 26, 2015

money would be asked in their annual budget if we do not have permits and/or individual sales of auctions. In the greater good of things, we're looking at the fact that managing any wildlife species is a risk. You have Mother Nature; you have human interaction; you have many, many different atmospheres of weather and issues. For example, the deer EHD program happening two years ago...or three years ago, excuse me, significantly decreased the number of whitetail in our state. The Game and Parks responded accordingly to the number of permits that were issued, not only in the river corridor, but statewide. As they're doing now, currently, with the mountain lion they're not going to hold a season in 2015 because the numbers do not dictate a harvest. However, we've also talked about the wolf today. The wolf has gained great success in being reintroduced in many areas and there's debates on a given basis of whether that's good or bad and the effects it has on populations. As a whole, it has improved the other species because there's an apex predator moving those...those animals, take the elk off those young willow trees and moving them to different regions. So we ask that the committee review the history of the Game and Parks for all species and maintain this bill in committee. This is not a legal issue or a political issue; this is a science-based wildlife issue that needs to be left to the folks that manage wildlife in our state. With that I thank you and appreciate your time. [LB127]

SENATOR SCHILZ: Thank you, Mr. Smathers. Any questions? Seeing none, thank you for your testimony. [LB127]

SCOTT SMATHERS: Thank you. [LB127]

SENATOR SCHILZ: Further opposition? Good afternoon, sir, welcome. [LB127]

HENRY RICK BRANDT: Senator Schilz, committee, my name is Henry Brandt, H-e-n-r-y, Rick, R-i-c-k, Brandt, B-r-a-n-d-t. I'm the president of the Nebraska Big Game Society. We have contributed a large sum of money for the study of the lion. And holy moly, I hope someday that I can be on the same side as Senator Chambers, something else, he knows it all. At this time, I have to disagree with him. I think that the lion is mine and it's every person in this room. And who do we want to manage that lion is somebody that does it every day and knows what's going on, and that's Game and Parks. I, a hundred percent, back them and their biologists on how they're handling the situation. Thank you so much for letting me speak. [LB127]

SENATOR SCHILZ: Thank you, sir. Any questions? I just have one for you. When you talked about dollars that were given for research, were you talking about the Big Game Society or the state? [LB127]

HENRY RICK BRANDT: The Big Game Society contributed. [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR SCHILZ: Yeah, can you elaborate on that a little more? Can you tell us how much? [LB127]

HENRY RICK BRANDT: They're going to collar them and we gave money for the collaring and also for the...what do they call it...the poop,... [LB127]

SENATOR SCHILZ: Scat. [LB127]

HENRY RICK BRANDT: ...the dog that smells the poop. I can't think of what the other name of it is, but that's...I'm not the greatest speaker in the world, guys, okay, ladies. [LB127]

SENATOR SCHILZ: That's a technical term there, right? Yeah. Okay. Thank you. [LB127]

HENRY RICK BRANDT: Yes. Yes. [LB127]

SENATOR SCHILZ: So in other words, what you're saying is that the research that is going on now, that Mr. Wilson and Mr. Douglas talked about with the Game and Parks, was in some ways or some of it was funded by your organization, correct? [LB127]

HENRY RICK BRANDT: Yes, that is correct. [LB127]

SENATOR SCHILZ: And that's that ongoing stuff that's happening now. [LB127]

HENRY RICK BRANDT: Yes. [LB127]

SENATOR SCHILZ: Okay. And what was your reason for wanting to do that? Do you, I mean, do you do that all the time? [LB127]

HENRY RICK BRANDT: Our mission is to ensure the future of big game in Nebraska and their habitat. And by doing that we give money to the people who can benefit the big game in Nebraska. And Game and Parks, those boys know what they're doing. [LB127]

SENATOR SCHILZ: Thank you. How many members does the Big Game Society have here in Nebraska? [LB127]

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

Natural Resources Committee
February 26, 2015

HENRY RICK BRANDT: Oh, it varies from year to year. We're probably going to be around 80...65 to 80, probably, this year; businessmen and professionals only. [LB127]

SENATOR SCHILZ: And then if you don't mind, and if you don't have the number right there I understand, but how much did you put towards this research effort as the Big Game Society? [LB127]

HENRY RICK BRANDT: Ten thousand dollars. [LB127]

SENATOR SCHILZ: Ten thousand, okay. Thank you. Senator McCollister. [LB127]

SENATOR MCCOLLISTER: You asked my question, thank you, Mr. Chairman. [LB127]

SENATOR SCHILZ: Oh, okay, sorry, I didn't mean to step on your toes. Okay. Any other questions? Seeing none, thank you for your testimony, appreciate it. [LB127]

HENRY RICK BRANDT: All right, thanks. [LB127]

SENATOR SCHILZ: (Exhibits 8, 9, 10, 11, 12, and 13) Further opposition? Opponents? We do have a few letters in opposition: Adam Wright from the U.S. Sportsmen's Alliance sent us a letter; Wes Sheets from the Nebraska Izaak Walton League of America; Chris Horton from the Congressional Sportsmen's Foundation; J. Larry Hutchinson from Crete; and Eric Dinger from Lincoln, have all sent letters in opposition. And at this point we would move to neutral testimony; is there any neutral testimony on the bill? Seeing none, we do have one letter in the neutral capacity and that is from Elizabeth Nelson from the Wachiska Audubon Society. Senator Chambers you're welcome to close. (See also Exhibit 14 from David McCracken, Nebraska Cattlemen.) [LB127]

SENATOR CHAMBERS: Mr. Chairman, members of the committee, there's one thing I want to make clear to all these experts, semi-experts, and others, I read a lot. And you know what I've discovered in my reading? That astrophysicists who made discoveries have read the work of other people in their line of work. And if somebody who is not an astrophysicist will read studies, reports, and documents, that person can derive a lot of information. When it comes to the management of wildlife, there are people recognized universally, by that I meant not just in America, but around the world, as experts. If you read their publications, they will invariably give you a bibliography which you can refer to, they footnote their work to show that they have read and obtained information by reading, which they did not gather by experimentation, by spending time in the field, by conducting a 15-, 20-, or 30-year study which others have and have

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

Natural Resources Committee
February 26, 2015

written about the results of their studies. So I hope this committee is not like some people who disparage those who study the work of others. Not one person with Game and Parks has conducted a 16- or 20-year study in Utah, Idaho, California, lived among mountain lions who discovered that in states where mountain lions are far more plentiful than those in Nebraska, they are a part of the ecology. Those people don't fear mountain lions because they are aware of how mountain lions operate. You know what they found out that happens in these states where they have mountain lions? The people spend a lot of time trying to catch sight of one; trying to see one. These animals have been referred to as phantoms, as ghosts. When you have people who come up here and say let Game and Parks do the managing, they're people who have influence with Game and Parks, the commissioners, and will persuade those commissioners to give them what they want. You did not have legislation authorizing the Game and Parks to start a mountain lion hunting season. And you know why I know this? I read. I read the statute; I read the transcript of the hearing; and I read news reports of how it came about. A man named Senator Loudon brought the bill. And the bill that contained the authorization for starting a mountain lion hunt dealt more with allowing hunters to provide deer meat to be used by these kitchens, these various groups, that make food available to the poor. That's what the bill dealt with. There was scarcely any discussion on the floor of the Legislature about the mountain lion hunting season. And that came from Senator Loudon when he opened and when he closed and he said precious little. There was not an over abundance of mountain lions in this state. They were not running rampant. And when you have these people who make money from the killing of these animals coming up here implying that these animals are going to proliferate, that's not why the season was started. Game and Parks documented one attack on livestock. And if they believe what Game and Parks says, are they now saying they don't believe Game and Parks told the truth? The first new sighting of these animals was in 1991. And from that date till now, there's not been one documented attack by a mountain lion against anybody. So where is the basis for this attempt to put you in fear? I am going to touch on some of the things they said. I told Senator Schilz that get rid of the mountain lion hunting season and I believe I can get some money from the Appropriations Committee for Game and Parks. That's what I believe. And I believe that where there's a quid pro there should be a quo...a quid pro. I'd give the quid pro and I want the quo in return. But see they don't talk to me. They listen to these people and some people in the Legislature who cannot control me. And you make a mistake to underestimate what I can do. And when somebody comes up here and is snide, smart-alecky, he doesn't have to deal with me during the session. He doesn't have to bring water bills before the Legislature. Which one of them would dare say the Legislature and politicians should not manage water which is a resource of the state, but let the irrigators do it; let the farmers do it. How many bills have we dealt with? You all who are new may not know what I'm talking about. Bills relating to water, the allocation of water, fining people for misusing water, groundwater, surface water; Nebraska just was ordered to pay a several-million-dollar fine for taking too much water from Kansas, so you're going to let the farmers and the irrigators manage the water? They don't make sense. They don't read. And they're accustomed to dealing with people who will back down and say--I will yield to

Natural Resources Committee
February 26, 2015

what they say. Well, they got a different animal to deal with. When they talk about longstanding management programs for game species, turkeys have never been eradicated from this state. Deer had never been eradicated; elk have never been eradicated. Pronghorns used to be much more plentiful in this state. There were herds of bison totally destroyed. This ecology is far different from what it was before the European settlers came here. Oh, I read history also. And the millions of bison destroyed. The bounty program started by the government to destroy all of the mountain lions, not only in Nebraska, but wherever there were to be settlers the mountain lions were to be destroyed and there was a bounty placed on them. You can find photographs if you look for them...of stacks of skulls of mountain lions. And these are the people who pretend that they care about nature. Mr. Wilson had stated, when he was asked about a hunting season, that the reason they had it was to give hunting opportunities to these hunters. And they auctioned off a hunting license. That's the level to which Game and Parks stooped, not to manage a population that was out of control. If it was out of control, why do you say when two females are taken that ends the season? You should want to get rid of the females. And that would lower this runaway population. Politicians have the job of managing the natural resources of this state, or your committee would not exist. You all understand this, but you let these people come up here and make statements and it gives the impression that everybody in the Legislature is ignorant, but I'm not. What is the name of this committee? Natural Resources Committee. Every member on this committee is a politician. Your job is to manage the resources in such a way that the state is benefited and that's the way it should be with the wildlife. These hunters don't have a right to dictate what's going to happen to these animals. And it's my job to stop them. This bill passed the Legislature last session. It was vetoed by the Governor. I got 28 votes to override. One of the senators who had admitted on the floor he had told me that he would vote for the override didn't do it. He would have been the twenty-ninth vote. And since it's a matter of record, it was Senator Karpisek. And there was a thirtieth vote that would have been there. But another person who had supported the bill, had been the Chairman of this committee and he voted for it on General File, then he decided to run for Governor and some people told him he'd hurt his chances if he continued to support this bill. So he did not vote for the override. And I called him out on the floor of the Legislature. That's what happens. So here's what I'm going to do. I'm going to suggest to this committee, that as important as this issue is, and the fact that it was passed by the Legislature last session, it should be advanced to the floor. The body is entitled to debate this issue. I understand there's a petition on-line, if that's where you have these petitions, and people from all over the country are signing it in support of what I'm trying to do. And they're hoping that something done here will help their efforts in other states. But regardless of what this committee does, I know what my job is. And you can be buffaloes and pushed by these people who act like they know something. They're not interested in maintaining ecology of this state. And by that, I mean all the interrelated, interconnected parts of it. And you know how you find that out? You read. Which of us is going to catalog all of the different species, even of birds, in this state? Insects. Some people say--what do I care about an insect? What do I care about a little mollusk? Well, there's some invasive species that your Chairman asked for some money for and

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

Natural Resources Committee
February 26, 2015

got from the Legislature because such a thing happened. And that's when you get a species, whether it's in the water, on land, plant, or animal that is not native to this area, and if it's an animal, it has no natural predators. Nobody, nothing keeps it in check. But it becomes a predator to the native species. Rabbits became a problem in Australia, I read. They're finding out now through DNA study and studying the virulent virus that led to what was called the Black Plague, that it was not the native population of black rats in Europe that brought them, but the gerbils. They came from Asia. And the climate conditions were such in Asia where these gerbils lived that it was very conducive to the development of the virus. And that climate condition did not exist in Europe, and it did not exist at the time that the plague broke out. And then when they started studying...and they did this by reading, nobody knew way back there in the 1600s, 1700s, 1800s, they read. They knew the value of reading and recognizing the value of those people who did do the studying, who did write journals, who wrote meticulous records of what they found out. And these people who read these records and had gained other knowledge that the people in those days didn't have, but the people in those days provided information that the people today cannot get because those conditions don't exist that way anymore and they put it together. And they come up with conclusions and that's why you value scholarship; it's why you teach children to read. Life is like a seamless web. We're talking about one part of it here. We're talking about one part of the ecology. And I have made up my mind that I'm going to do what I can to protect this part of it. I'm going to take about two minutes to wrap it up. And I appreciate the committee giving me this opportunity. But there was only one bill. Remember this, that first bill that authorized Game and Parks to have a hunting season was not based on the need to manage the mountain lion population. That's not why it came. Game and Parks wanted some money and they showed it. They had a big meal out there at the...I think the Gene (Eugene T.) Mahoney Park. And I forget how much you had to pay to even come. And I think when they started the bidding, it might have been at \$500. Now you think that's for Joe Schmo to do this? That's to get these people who love to kill for the love of killing for sport and to get trophies. I think it's shameful. I think it's barbaric. I think it's immoral. And people who do that should be watched because it's a short step from that to doing things to people. Now that's my view. They gave their view of me. I'm giving my view of them and what they do. But the difference between them and me is I have a vote in this Legislature. And I'm more determined after what I heard today that I was before I came here. Do what you want to with the bill. And I'm going to show you what the mountain lion would be if the mountain lion were not so timid; if the mountain lion were not so eager to try to stay away from other people, human beings, stay to itself. And in these states that I talked about, and I know this from reading, I haven't been out there to watch it, they take people on tours to try to let them see a mountain lion. There are people who go on picnics, they go camping where mountain lions are plentiful and they're never bothered. And they've discovered...and when I say "they", I mean the experts, not these people who only want to see a mountain lion through a scope on a rifle when the mountain lion has been run ragged and is sitting in the tree for the great, courageous, heroic, noble hunter with his high-powered rifle. They say, these experts, that when a lion does attack a human being, it's generally a case of mistaken identity.

Natural Resources Committee
February 26, 2015

There are researchers who lived among these animals, who would come within a few yards of them, and when these animals became accustomed to these people, they didn't run away from them, but they never behaved aggressively toward them. And something that surprised me was how they would go up and a mother lion would have her kittens and they would approach and they would take the kittens to weigh them, to examine them, and the mother would be within sight; very nervously pacing, but never behaved aggressively. And they said they thought the most dangerous thing that would happen would come between a mother mountain lion and her kittens, but they did it; they documented, they lived to tell it. And those are the things that some of these people would find out if they were not so narrow minded and thought the only thing to be known about mountain lions was what they know and what they tell each other or what the Game and Parks people will tell them. Mr. Wilson never told you that the population was so out of control that you had to have a hunting season. He mentioned the existing law. And under that there could be any managing that was necessary. These hunters don't want to manage the population; they want to kill it. If Game and Parks, dealing with a small a population of mountain lions as exists in this state; and if you want to see populations, read about the numbers of mountain lions in other parts of the country. And as Mr. Douglas pointed out, Nebraska is on this eastern edge of what you might call mountain lion territory where there are hundreds, where there are thousands of them, and you don't find the panic that these people are trying to put in you. And if you would just use the intelligence that I know each of you has, then I'm through. Why has there not been one reported attack, even by way of mistaken identity, not one since these animals were resighted in 1991 against a person? Not one. Not one. And when they talk about their livestock, one documented example. This so-called sighting in Omaha, it was not confirmed. And if somebody saw an animal, it was not confirmed that the animal was a mountain lion. Read if you want to, or can, and find out the proportion of a mountain lion which comprises the body and which comprises the tail. And then when this deputy says that this animal was four feet, then see if that comports with the length of a mountain lion. And now if you have any questions, I'll answer them because I was able to unburden my mind and you've had a chance to listen to what the experts had to say. [LB127]

SENATOR SCHILZ: Thank you, Senator Chambers. Senator Kolowski. [LB127]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator Chambers, thank you for your presentation today. And I've had the very good fortune to now work with you for seven straight years, as we know. And you and I had time together in Omaha with the Learning Community and it's been good to be down here with you as well. I do...one of the learnings I've had from working with you and listening to you over these years is to listen very carefully and to understand and ask questions about what you're asking or what you're talking about. And right back to the beginning of today's presentation, you mentioned 37-472 that was mistakenly put into the bill. And was that...I have a clarifying question. Was that the amendment that you put onto your bill last year? [LB127]

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

Natural Resources Committee
February 26, 2015

SENATOR CHAMBERS: Yes. Where last year, when I had the bill drafted, there's a section of statute that allows people to defend themselves or their livestock against these animals. I had that put into the bill with line-through as though I were having it repealed. When I offered the bill, in my statement of intent I mentioned that that language was there so that people could see that the statute allowed people to protect themselves against any lion that was threatening them, but there was no intent to repeal that section and I would eliminate that by way of an amendment and I offered that amendment at the time I offered the bill. See, people won't read the statute, and if I had said that you can protect yourself if a lion is doing this or that, they wouldn't believe it. So I put it into the statute in such a way that the language would be presented, but made it clear from the outset that it was not to be repealed. So when I told the bill drafter that I wanted a bill and all I wanted to do was eliminate the authority of Game and Parks, that section was included in the repealer clause to be repealed, which was not my intent. And that's why I said it's on me. I should have looked at the repealer clause. [LB127]

SENATOR KOLOWSKI: Well, we did that last year and that was in the bill. And I thought at that time, with that move on your part, with that amendment, that even though we spent a lot of hours on that last year, we're spending some time this year. I thought that, basically, took care of the issue, through my mind. [LB127]

SENATOR CHAMBERS: Yes. [LB127]

SENATOR KOLOWSKI: Because it certainly...it would cull the herd, so to speak. And anyone who had a desire to shoot a mountain lion, for whatever excuse they wanted to give, could give that. But that would certainly make a dent in the population of mountains lions in our state. [LB127]

SENATOR CHAMBERS: Yes. [LB127]

SENATOR KOLOWSKI: So I just wanted to get that clarified. Thank you. [LB127]

SENATOR SCHILZ: Thank you, Senator Kolowski. Any other questions? Senator McCollister. [LB127]

SENATOR MCCOLLISTER: Thank you, Mr. Chairman. Senator Chambers, what was the committee vote last year, if you recall? [LB127]

SENATOR CHAMBERS: I don't remember for sure, but it had to be at least five. I don't know...see all I do, like when I ran for office, all I needed to know was I had one more vote than

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Transcriber's Office

Natural Resources Committee
February 26, 2015

the other person. (Laughter) If it takes five votes to get it out of committee and it comes out, that's what it is. If that had ever become an issue on the floor, then I would have looked at the sheet and mentioned how many had voted to put the bill out. But that can be found in the journal of the last year. [LB127]

SENATOR McCOLLISTER: Okay. Thank you. [LB127]

SENATOR CHAMBERS: And if you want me to look it up, I will. I don't mind doing it. [LB127]

SENATOR SCHILZ: Thank you, Senator McCollister. Any other questions? Seeing none; Senator Chambers, thank you for your closing. And that will close our hearing on LB127. Thank you all very much for coming today. Thank you for a productive hearing. [LB127]