

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Natural Resources Committee January 23, 2019

**HUGHES:** [MICROPHONE MALFUNCTION] my trusty cell phone, it is 2:00. Welcome to the Natural Resources Committee. I'm Senator Dan Hughes, I am from Venango, Nebraska, and I represent the 44th Legislative District. I serve as Chair of this committee. The committee will take up the bills in the order posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on proposed legislation before us today. The committee members might come and go during the hearing. This is just part of the process as we have bills to introduce in other committees. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Please move to the front row chairs when you are ready to testify. These first two rows of chairs are kind of our on-deck circle and that helps us "expediate" the hearing today. Introducers will make initial statements, followed by proponents, opponents, and neutral testimony. Closing remarks are reserved for the introducing senator only. If you are planning to testify, please pick up a green sign-in sheet. This is on the table by the back of the room. Please fill out the green sign-in sheet before you testify. Please print. And it is important to complete the form in its entirety. When it is your turn to testify, give the sign-in sheet to a page or to the committee clerk. If you do not wish to testify today but would like to record your name as being part-- present at the hearing, there is a separate white sheet on the tables that you can sign in for that purpose. This will be part of the official record of the hearing. If you have handouts, please make sure you have 12 copies and give them to the page when you come up to testify, and they will distribute them to the committee. When you come up to testify, please speak clearly into the microphone. Tell us your name and please spell your first and last name to assure, ensure that we have an accurate record. We will be using the light system today for all testifiers. You will have five minutes to make your initial remarks to the committee. When you see the yellow light come on, that means you have one minute remaining and the red light indicates your time has ended and you should wrap up your testimony. Questions from the committee may follow. No displays of support or opposition to a bill, vocal or otherwise, is allowed at a public hearing. The committee members with us today will introduce themselves, starting on my left.

**MOSER:** Mike Moser from District 22.

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**HALLORAN:** Steve Halloran, District 33, Adams and Hall-- part of Hall County.

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

**GEIST:** Suzanne Geist, District 25, which is the east side of Lincoln, Walton, and Waverly.

**HUGHES:** And on my right.

**GRAGERT:** Tim Gragert, District 40, northeast Nebraska.

**ALBRECHT:** Hi. Joni Albrecht from northeast Nebraska, Thurston, Wayne, and Dakota Counties.

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

**HUGHES:** To my left is committee counsel, Laurie Lage, and to my far right is the committee clerk, Mandy Mizerski. Our pages for the committee to-- this year are Noah Boger. He is a political and-- he is at UNL with a double major in political science and in French. And Hunter Tesarek-- is that correct?

**HUNTER TESAREK:** Tesarek.

**HUGHES:** Tesarek, I'm sorry. Tesarek. He is also at UNL with a double major in history and political science. With that, there is one quick announcement for the committee. This afternoon at 3:30 there will be an open house sponsored by the University of Nebraska's Water Research Advisory Panel or WRAP. WRAP is a group of 15 individuals representing a cross-section of the water, Nebraska water decision-making community to provide guidance to the University of Nebraska on state water research needs, education, and outreach program. In addition to the 15 members, WRAP is attended by the Water Center and Water for Food leaders at the university. I would encourage you to attend that open house today if you have time, and that is at the Ferguson House. So with that, I will turn the meeting over to Vice Chairman Bostelman.

**BOSTELMAN:** We'll begin the hearing today with LB126. Senator Hughes, if you'd like to open, please.

**HUGHES:** Thank you, Senator Bostelman, members of the Natural Resource Committee. I'm before you today with LB126. This bill has created a little bit of interest, shall we say, with the hunting community in

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the state in Nebraska. The reason behind this bill is the landowners in the state of Nebraska who are raising all the wildlife have not been, in my opinion, treated very fairly by the administrating agency of wildlife, Game and Parks. In my tenure in the last four years, the only thing that I have received more complaints about than deer population in my district is property taxes. So this is a big issue for my district. My district does encompass basically the Republican River Valley. It's a very livestock or livestock, wildlife diverse area. And as in most parts of the state, the wildlife has done well in the last few years. But and I am a farmer, myself, and I live a long ways from the river and there are deer clear up in my area. And the damage that I see, is on my property is minimal compared to some of the damage that is occurring in other parts of the state, especially if you happen to farm or ranch in an area that is, happens to be close to a river or close to prime habitat. According to the northamericanwhitetale.com, not all white-tail deer eat the same amount, but on average they consume about seven pounds of food per day. In a year that's 2,555 pounds. Now if you do the math, according to Game and Parks, there's about 410,000 deer in the state of Nebraska and 2,555 pounds of food per year, that's roughly costing the landowners in the state of Nebraska \$65 million a year to feed the state's deer. That's, that's a big number. That's a lot of money coming out of the pockets of the landowners. And there's no benefit unless you happen to be a deer hunter and choose to hunt or you choose to make an arrangement to close your land to let someone else hunt on that and are compensated. But the majority that's, that's a very small minority of the people who are, the landowners who are feeding the state's deer population, the benefit that they're getting outside of a reduced fee for a landowner's permit. And I'm not even mentioning the elk herd, the pronghorns that are gaining in population in the west, and turkeys. You wouldn't think turkeys would be a very damaging wildlife species, but they are. They're very detrimental. The other economic problem we have with deer is collision with vehicles. Property damage alone is almost \$10 million a year in the state of Nebraska. Injury costs are over \$10 million dollars a year. If you add that to the \$65 million that it gets-- cost you're approaching \$100 million impact in the state of Nebraska to the citizens who are deriving basically no benefit. The reason I brought this bill was, like I said, there are numerous individuals in my district who have complained to me and want me to do something. I have met with Game and Parks on multiple occasions and basically have just gotten lip service. Says, yeah, yeah we know it's a problem. We can get depredation permits. We'll put up fences around your haystacks.

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Generally, it's after the fact. The damage is done. And, you know, this is a way to bring them to the table to discuss this issue to hopefully hear from some landowners and some individuals who are suffering, suffering the damage about the challenges. Now I have no illusion that LB126 is going to pass in its current form, but it is a starting point. As we all know, as senators, you know, it's not where you start it's where you finish. It's what's important. My intent in this bill is to make sure that the landowners, the ones who are losing as much as \$65 million dollars a year, get a chance to be heard in a public forum and the opportunity to possibly work through the legislative process to have the state agency that's in charge of all this wildlife be a little more sympathetic to the challenges that we're facing. So with that, I'll conclude my testimony. Be happy to answer any questions.

**BOSTELMAN:** Thank you, Senator Hughes. Committee members, do you have any questions? Seeing none-- oh, Senator Geist.

**GEIST:** I do. And thank you for your testimony and thank you for clarifying the purpose of your bill. And I have to tell you, I've heard from a lot of constituents on this and we don't live close to each other so I'm really interested to hear a little bit more. But one thing that I can think to ask you is, do deer only eat corn? Are there other crops besides corn that this is affecting?

**HUGHES:** They're, they're, they're a herbivore, so they are grass, any, any type of grass. But what we see in most of our areas is, and when they do go into a cornfield they will come along and they will eat the plant as it's growing and that stunts the plant so it does stop growth.

**GEIST:** OK.

**HUGHES:** That plant will not produce an ear. You know, I see them out grazing on my wheat fields, and this is just me personally. And part of the-- part of the other damage that we see is, is, you know, in my wheat fields when we go out to harvest you'll see an area, you know, probably the size of this table if it was a full circle, and it won't all be knocked down but probably 50 to 75 percent of that will be knocked down where they laid on it, they bedded down. And they don't always bed down in the same place, so there will be multiple spots throughout the field where the wildlife has bedded down and knocked down the plant and thus, you know, stunted it or, you know, makes it so it's unharvestable. You see lots of trails going through your field

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where they do travel in the same path a lot of times from field to field. I'm glad you brought up the fact of the amount of e-mails that we got. What that really indicates to me is we have a very lopsided system, that there are a huge amount of people who are benefiting from the status quo that we're in now. And the people that are footing the bill, you know, are being taken advantage of. And, you know, I wasn't going to go there, but there have been some very nasty e-mails from some of the hunters and that does leave a pretty nasty taste in my mouth. There is no room for that. But, you know, if you, if you want to have a fight, send me a nasty e-mail.

**GEIST:** Thank you.

**BOSTELMAN:** Senator Gragert.

**GRAGERT:** Senator Hughes, and I'm going to ask this because you are a farmer yourself and landowner. Do you let a lot of people, a lot of hunters hunt on your land currently?

**HUGHES:** If they ask, I'm happy to let them hunt, but if I catch them out there without my permission we have a discussion.

**GRAGERT:** Do you have any idea how many deer they would take off your land annually if you do let them on?

**HUGHES:** You know, I have no way of knowing because my, the property that I have is spread out over quite a large area. I do know there, there are deer being taken on my property because I've had hunters that I have given permission to hunt have told me that they have observed other individuals on my property. You know, I'm busy harvesting corn when deer season is on, so I'm not out driving around patrolling my property.

**GRAGERT:** Sure. They don't inform me if they were successful?

**HUGHES:** Yeah, no. I do participate with the Game and Parks and their tall stubble program or whatever it is where they, they do reim-- or they do pay me a fee in order to open up some of my wheat stubble for pheasant hunting and that's a great thing. I mean, there's been a lot of individuals and you know quite frankly I'm okay with that. You know, that I understand the industry of Game and Parks and hunting in the state of Nebraska. But to me, it's all one sided. You know, there's not, for pheasant hunting and maybe they have something for quail, for small game birds that tall stubble program, but there's no

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"renumeration" whatsoever for the deer hunters who own property that are being ran all over. You know, a lot of shooting from the road, you know, and it's a very dangerous situation.

**GRAGERT:** One last thing. Not a question, but more of a statement I guess is, up in northeast Nebraska, and especially Knox County where I come from, a lot of farmers, ranchers rent, lease their land out to deer hunters for, you know, anywhere from \$200 a gun to I've heard \$1,800 a gun, you know. So that is an income there that, that's able to be recouped in. And I don't blame them as far as getting it back. You know, at least their taxes back.

**HUGHES:** Yeah. And that, if they're doing that, that's great. You know, I have-- I have no beef with that, but the vast majority of acres that is not the case.

**GRAGERT:** Thank you.

**BOSTELMAN:** Senator Albrecht.

**ALBRECHT:** Thank you. Senator Hughes, have you ever contacted Game and Parks and just asked if you could have a deprivation [SIC] permit on your own ground if you're losing that many crops? Have you ever considered or ever anybody in your neck of the woods or neighborhood?

**HUGHES:** Yeah. I have acquaintances who have done the depredation thing. I have not. Where I farm is not what I would call prime deer habitat. I mean, we have an increasing presence in the area, no question about that. But, you know, the depredation, you know, if, if you can just shoot them and leave them lay, Which would be my preference, and let the coyotes take care of it. There, there is some concern about doing that to the general public, so you know I'm not going to take my time to go out and shoot them and gut them and haul them 100 miles to a processor to be donated. You know, that's, I don't have time to do that.

**ALBRECHT:** But when they do give those permits, it's your responsibility to figure out what you're going to do with the animal or would Game and Parts-- Parks come out and help you organize something like that?

**HUGHES:** I think there are multiple ways to do that. That's not something I have personally done, no.

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**ALBRECHT:** OK. But you also cannot recoup your crops through insurance or anything like that. I mean,--

**HUGHES:** No.

**ALBRECHT:** -- they damaged it, they've damaged it and that's--

**HUGHES:** Yeah, not, not the way the current crop insurance system works, unless it was, you know, you have a huge mass come in and wipe out the entire field. But if it's, if it's just gradually year after year after year, the way the great crop insurance works with yield it would never show up significant.

**ALBRECHT:** Thank you.

**BOSTELMAN:** Senator Moser.

**MOSER:** So is the purpose of your bill to reward landowners for providing habitat for deer or are you trying to reduce the number of deer?

**HUGHES:** The intent of the bill is to make the deer less of a problem for the landowners in areas where there are huge populations. You will hear from a gentleman that, who will be following me who is in prime deer habitat and the amount of loss that he sees annually is significant and trying to deal with Game and Parks to rectify that situation. There's got to be a better way. You know, my intent is to just hopefully bring Game and Parks to be a little quicker response and a little more enthusiastic response from the challenges when we have individuals who are severely being harmed by the-- by the state's population of wildlife.

**MOSER:** So, basically, you're trying to control the number of deer?

**HUGHES:** That, that would be part of it, yeah. That probably would be--

**MOSER:** Yeah. And it's not necessarily your major problem, but you're getting feedback from other constituents that they're upset about it?

**HUGHES:** Yes, from across my district which, you know, it's probably 180, 200 miles east-west, which covers the Republican River Basin from one end of that basin to the other, from the Colorado border clear to Harlan County Reservoir, which is south of Kearney. I have had contact from producers all along in that area who are having challenges with the deer population of destroying their crops, you know, climbing on

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their hay piles and ruining it for cattle. And once that happens Game and Parks will say, well, yeah, we can come put a fence around that. Well, the damage is already done. And it takes a pretty good fence to keep deer out when they're hungry. So there, it's, there is a, they have an answer but it's not a good enough answer in my opinion.

**MOSER:** Thank you.

**BOSTELMAN:** Any other questions? Thank you, Senator Hughes. And you'll be staying to close?

**HUGHES:** I will close, yes. Thank you.

**BOSTELMAN:** I would ask for proponents, anyone who would like to testify as a proponent please step up. Welcome.

**ROBERT FORCH:** Good afternoon and thank you.

**BOSTELMAN:** Please state your name and spell it.

**ROBERT FORCH:** Robert Forch, R-o-b-e-r-t F-o-r-c-h. I'm here today, and I want to thank you for hearing me and giving me this opportunity to, to clarify some things. First to clarify it, when I approached Senator Hughes about this bill, I told him what I wanted in it. And due to the nature of politics, he threw in a few concessions that really weren't a part of what I wanted. And I think I can show you today that we do not need those concessions, that we can do it, my intent strictly, simply was give the landowner seven days early to open, you know, open that season and enjoy hunting with his family, without pressure, without having to dodge the public. I mean, you go out and you've been watching the deer all year and you go out and somebody shot him off the road 50 yards from your house. Well, you can have him thrown in jail or whatever, but that animal's still dead. But, anyway, where I would like to go is, and all of you that have asked a question so far, I would appreciate if you could ask me the same question later in your comments and I can give you a very good detailed answer. But my experience, in August of well, a year and a half ago the deer were totally consuming one of my irrigated cornfields. I called the Game Commission in Lincoln and they sent me a wildlife biologist. Well, I called Lincoln asking for depredation permits. They sent me a wildlife biologist. We drove out. I had a dozen fields to look at. I had pictures. We'd pulled into the middle of a field where there was no corn for 20 yards where I had, should have had growing corn. And he looked and I said, OK, we need to go on and look at these others. He

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said, not a problem. He said, we don't need to go, I know you've got a problem. Here is your solution. You can buy these antlerless permits for \$37 apiece and you can shoot those deer. They've destroyed my crop, they've cost me a fortune; and I've got to buy licenses to solve the problem. I don't understand that. And I will, I will say again for myself today, I'm here because I see an issue. I want it brought to people's attention. I'm not home ducking my head, shooting deer out behind the barn to get rid of this population. I'm here because I'm serious about this issue. But, anyway, I started with the Game Commission. He comes out. I asked him for depredation permits. He said, well, you've got to call Lincoln. I called Lincoln. Lincoln says, well, we don't issue those, you need to call law enforcement. I called Brian Piernicky, the local game warden. And he says, I can't do that. You've got to call Lincoln. I got more double talk and runaround than I've had in a lifetime. And in all of my talks what I had, it kept, it kept coming up of how much money the Game Commission has in those deer. The Game Commission does not have a penny in that animal, not one. That animal needs habitat, food, water. They provide none of that. Their money is spent promoting licenses and the hunting experience. To me, I mean, I've got every penny in that animal. I follow them around, I fix fences and stuff. They tell me that they have, you know, their management costs. OK. I, I've managed cattle all my life. I've never seen a Game Commission employee out checking water, putting out mineral, fixing fences, vaccinating, tending sick ones, keeping them off the road. Now there's your issue. I have never seen this happen with a Game Commission employee. My experience with Nebraska Game and Parks has not been pleasant. And the farther I got into this the more I realized what little regard there is for the landowner. We get no acknowledgement for what we've done. It's costing us a fortune. The field that Dan was talking about that I took him out to was 60 acres. All right. They cost me about 20 percent on that. It was making 600 or 240 bushel on the side away from the pasture. It averaged 203; that's a 20 percent loss. Okay. Four dollar corn, that's \$9,600 that cost me, literally. And that one I can document. I have, and besides everything else I lost that year. My son and I, we have a lot of cattle between us. We have over 7,000 acres of grass, and I don't think it's a stretch to say that we raise at least 500 deer, you know, and we get no compensation. I get to save \$20 bucks on landowner's permit. And so, I guess I'm running out of time and I'm patient about this. I'd like to go all day. But to me, what I want is for the landowner to just go out a week early, acknowledge our expense, what we put out. The biggest thing the Game Commission is going to take away from this is maybe a little goodwill towards a

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landowner, because believe me they need it. Right now in our area between people hitting them with cars and the landowners and the numbers we have, they're not held in very high esteem. And the one thing that, that also got me was we went to a meeting, we were treated like, I mean, we would ask questions, we'd just get looked at with a blank stare. Then we complained about these numbers and we're right back in the mule deer conservancy program. To me, we do not get an ounce of regard, respect, or gratitude for what we do. And all I'm asking for in this deal is a token of appreciation saying, you guys raise them, maybe you ought to get first round to shoot at them. That was all my intent was in this bill. It's not earth shattering. It's not going to change anybody's life. But that was all I was asking for. I will-- I will pay my 20 bucks for that landowner's permit, but I would like to go out a week early with my family. And what the Game Commission will take away from this is they're going to have some happier hunters because at the end of that week my family may have their hunting done. It gives us a chance to go through them. And so that when regular rifle season starts and somebody asked me if they can hunt, I'm way more apt to say, yes, because my kids already got theirs. I mean, I don't see how this can be a lose deal for Game and Parks and I'm not asking for the moon. I'm just saying, throw me a bone. That's all I'm asking. Thank you for your time.

**BOSTELMAN:** Thank you, sir. Are there any questions from the committee? Senator Albrecht.

**ALBRECHT:** Oh, this is fun. OK. Mr. Forch, and was that Forch?

**ROBERT FORCH:** Forch.

**ALBRECHT:** Okay. When I think of hunting, which I've never shot a gun, but I have brothers and--

**ROBERT FORCH:** Come out and we'll show you.

**ALBRECHT:** Well, I'm here to tell you I'm about ready to figure out how to shoot one, but when people go up to hunt pheasant in South Dakota, and as you talked about having, would you allow people on your place to actually-- for so much money? Can they get that permit?

**ROBERT FORCH:** Okay. What--

**ALBRECHT:** Or does it just have to be you and your family? Are you asking for just you and your family or you, would you entertain--

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**ROBERT FORCH:** In this-- this bill, that would not, that's for landowner permits.

**ALBRECHT:** Landowner only.

**ROBERT FORCH:** That is, and the way the landowner things reads, I mean, that's got to be my land, my family. But to answer your question, as far as, as leasing and recouping this money and so on, once we start leasing land and stuff we're commercializing this hunting. Way back whoever started Game and Parks and stuff, I don't believe that was their intent. You make it a rich man's sport and the guy in town, I mean, yes, I let people come and hurt my land this year. I have loosened up. I have, was way more open to hunting. I had people on my land this year from Arizona, Salt Lake City, Colorado, Lincoln, in this late doe season trying to control these numbers. Between me and a neighbor, a neighbor and I-- I'm sorry, but the groups that we had in, we killed right around 60 does.

**ALBRECHT:** Sixty.

**ROBERT FORCH:** I mean, and we didn't put a dent in them. Them things are thick. But, anyway, back to the leased hunting, it commercializes it. And I had quite a few of these people. I mean, doe hunters are meat hunters, they're not trophy hunters. And they came in and they said that they were asking because they got run out of the places they used to hunt. They said they can't afford the leases. Again, it turns it into a rich man's sport and a problem I have also with commercializing, when I let people in I worry about the liability.

**ALBRECHT:** Uh-huh. And your cattle. You want them nowhere near them.

**ROBERT FORCH:** Well, you know, I mean, we have-- we have a very rough terrain where we hunt and stuff. And if they tell me that they come back with there is a Recreational Land Liability Act. And what that act says is that I can let people in to hunt as long as I don't charge. If I don't charge they can wreck their pickup, they can break their leg. I'm not liable until I charge. Well, then we're looking at this, this lease problem. But as soon as that goes away then, well, and even at that it's a sue-happy country we live in. So if somebody challenges that law I'm still, am I going to get a lawyer? I got to, you know, I got to go out there-- I got to do whatever to defend myself. And the issue I have with that is the Game and Parks--sorry, my mouth's getting dry--they promote this. We have this liability act. All right, now, if I charge, that goes away. Nebraska Game and Parks

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will charge you for a park permit to enter their parks where there is public hunting. They will charge you a hunting license for whatever type license you want to get. They charge you for that. And so Game and Parks is charging the people to enter the people's land to hunt the people's deer and they're never liable for nothing. How's that work? Why don't they have to live by the same law I do?

**ALBRECHT:** And so the other thing I took from you is that you said you would just like to get a jump on it. So seven days for your family if you get to, if you still have to buy the permit.

**ROBERT FORCH:** Correct, yes.

**ALBRECHT:** If this bill were to go anywhere this is something we would be trying to put in it.

**ROBERT FORCH:** Right. That I will pay for my permits at 20 bucks. But, I mean, and people look at it, well, you know, what's the farmer get from this? Wow, he gets half price for a permit.

**ALBRECHT:** It still costs you.

Out of the three or four deer that my family shoot, we raise-- I'm not stretching-- 400 to 500. It's a pittance. Like I said, throw me a bone. I'm, I'm not asking the world here. And as far as the way Senator Hughes actually wrote this, it says that you can earn four free permits and hunt up to seven days early if you open 50 percent of your land to public hunting for any valid permit holder. And that's, for me that's got to be taken out of that part of the bill, because for 80 bucks I'm not opening up 3,000 or 4,000 acres of land for every "Joe Blow" that just wants to walk out here and hunt. I am with Dan when people drive in my yard and they ask me to hunt, rarely do I say, no. But I have made a great sport of kicking people out that don't want to ask.

**ALBRECHT:** We've done the same.

**ROBERT FORCH:** And believe me if I-- if, if you have some time after this meeting I can tell you excuses that I have gotten as to why people are there. With some of them you laugh; some of them you have to cry at. The landowner gets, we get no respect in this thing.

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**ALBRECHT:** So, so what if the season was longer? Would that help, you know, the hunters get rid of more or do you just need that whatever word you guys use-- what is it called, deprivation?

**ROBERT FORCH:** Depredation permits.

**ALBRECHT:** Whatever. OK. So would you, have you ever considered doing that to try to get rid of or get him to move somewhere else? Somebody is going to have them move, is kind of like a [INAUDIBLE].

**ROBERT FORCH:** I mean, the depredation permits, I will echo Senator Hughes on that. I mean, that is what I wanted in the first place. And, in fact, if Game and Parks would have given me a dozen depredation permits two years ago, I wouldn't be here today. I'd went home feeling somewhat appeased. But the more I got into this, the more I dealt with them, the more I realized what low regard the landowner has in this situation that we get no acknowledgement. Then, and like I say, every penny in that animal is mine.

**ALBRECHT:** And it's expensive to get them cut up and put away and--

**ROBERT FORCH:** And to answer your question earlier, food, they'll eat anything green. My son has four center pivots that butt up against the Republican River that he rents and about five years ago he quit even trying to raise corn there anymore. I mean, between the deer and the turkeys, they annihilate it. There's nothing left. He's down to where basically about all he raises is alfalfa, because that plant will regenerate.

**BOSTELMAN:** Thank you. Are there other questions? Senator Halloran.

**HALLORAN:** Thank you for your testimony. How many acres did you say you own or operate roughly?

**ROBERT FORCH:** Well, my son and I have got 700 head of cows. Ten acres for a cow and a calf, that's about 7,000 of grass. And we farm another 6,000 or 7,000.

**HALLORAN:** OK. So you mentioned how many deer that you think that you or consider that you--

**ROBERT FORCH:** And that's a wild guess.

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**HALLORAN:** It's a wild guess, I understand. But do you, from your perspective-- from what I hear it sounds like we have an overpopulation problem, which--

**ROBERT FORCH:** We do. And the problem when you, when you approach Game and Parks with this is the first question they will ask you is, will you let people in to hunt? And then that, that generates a lot of these other problems that I've come up with. I mean, I, I'm five generations on that farm. We did not buy it to open a hunt and preserve and they push these numbers to the point that they're going to force us to let people in, I mean, to hunt. And like I said, we have, we have kind of taken care of this problem ourselves. I had a retired game warden from Kentucky tell me that he has fought this same issue for years and he said, Bob, he said, the best thing you can do is duck your head, keep your mouth shut, and take care of it yourself. He said, don't shoot them in the head. And I said, why is that? And he said, because if a coyote drags that skeleton up on the road, it's not an issue until somebody sees the bullet hole in his forehead. And that is not the message I want to take home to my people. I, like I said, I am here today to address this problem to draw attention to it. And you simply can't get something done because, I mean, on 60 acres of corn--and, I mean, I raise about 1,500--but on that one I can document a \$9,600 loss. I can't keep doing that.

**HALLORAN:** So it's a question I'll probably have to ask some people that come up after you have from Game and Parks, but part of the responsibility of Game and Parks, I would assume, would be to make sure to manage the size of the herd at some level, because overpopulation of any wildlife is hard on the health of the herd. Right?

**ROBERT FORCH:** Yes. And if they can actually manage the size of these herds, I mean, when they talk management they talk like we're managing Fort Rob, like the state park. It's not, it's my livelihood. But as far, if they can manage the size of those herds the way they talk, then I would really like to see them get them considerably smaller. And the one side is, if they don't, nature is going to take care of itself. We're going to get blue tongue, CWD, brain worms, whatever in those deer having once those epidemics start, they're not going to be able to control anything.

**HALLORAN:** Thank you.

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**ROBERT FORCH:** You're welcome.

**BOSTELMAN:** Senator Moser.

**MOSER:** So you're looking for some more of a symbolic gesture for them to recognize the fact that you raised all those animals or are you really hoping to make a dent in this 500 number that you have raised on your ground?

**ROBERT FORCH:** I'm not that naive to think that I'm going to really control or change much of anything today. As you say, it's probably more symbolic than anything else to recognize what we do and stuff. And down the road, yes, my ultimate goal would be to get these numbers down and do something with this. The-- and the hunters, I absolutely sympathize with the guy in town that's got, wants to take his son hunting and he can't find anything because everything's leased out. He can't afford it or the landowners have gotten so disgruntled they don't want anybody in their land, like my kids. I mean, if you want to see him I got pictures on my phone with some deer we have shot. I mean, I'm sorry. Today I probably shouldn't say, I should say harvested, it doesn't sound quite as barbaric. But we do enjoy the outdoors. I don't want to see these numbers. Game with Parks, they, of course they want to see these numbers, it generates a lot of money in the state. You know, we, we bring people in, they fill our restaurants, they fill our hotels. Deer season lasts two or three weeks. Right? There, every one of us, even people who live in the outskirts of Lincoln here, how many of you dodged a deer on the way home? That's the other side of this equation.

**MOSER:** Yeah, I've hit a couple of them.

**ROBERT FORCH:** Well, and so, I mean, the hunting, yes, I am pro hunting, absolutely. But these numbers are also up to the point where our highways are dangerous. I mean, we, every day we're passing the bills and stuff to protect our kids. We put them in car seats. We tell them they've got to face backwards. They can't be in the front seat. And we're promoting deer out there all over those highways. I mean, every time, the Game Commission when they want to provide you with that Bambi moment that you can go down the highway and you can look out here and see this doe standing out here with her little spotted fawn, when you're that close to that thing in your car you're at risk of being one of more than 2,200 people last year in Nebraska that hit

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one with a car. And I know it's more than 2,200 because those are the only ones that were reported to the Department of Transportation.

**MOSER:** Yeah, when I hit mine, the State Patrol didn't even come look at it.

**ROBERT FORCH:** No. It's too common.

**MOSER:** Yeah. They just said, yeah they said drag the deer off to the side of the road, call your insurance company. We're too busy to come look at your damage.

**ROBERT FORCH:** OK. The-- and the deer numbers, yes, I want to see them down. I got my first deer license I believe in 1965. I hunted all week to find one with horns on it. And that last day in the afternoon, I mean, this stupid, messed up little three-point mule deer buck walks out and I got him, but I had hunted all week. Now in our land we sort through the five points looking for one. Yeah. I mean, a trophy is what we look for.

**MOSER:** Yeah. And my question about whether it's symbolic or whether it's a significant reduction in the herd wasn't meant to be cynical.

**ROBERT FORCH:** No. And I didn't take it that way.

**MOSER:** Although I understand, I mean. I've been in-- I'm new to the Legislature, but I've been in government for 12 years and I've been through a lot of symbolic moments, don't get me wrong. But the solution if-- if you're looking for a symbolic gesture, is simpler than if we're going to try to reduce the numbers significantly, that's a different solution than if we're just trying to recognize the farmers for providing habitat and grain for the wild mule deer.

**ROBERT FORCH:** Well, I'm all for both.

**MOSER:** Yeah.

**ROBERT FORCH:** I mean, it's, I would be glad to come and speak again for anybody that wants to go after the numbers and, and get those down. But that, that type, like I said, I just the way I was treated through this system, the farther I went the more disgusted I got.

**MOSER:** Well, we would hope that that's not everybody's interface with state government. But thank you very much.

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**ROBERT FORCH:** I don't mean this system. I, it was, well, you know where I've been, I've talked long enough. I don't want to run my point into the ground.

**MOSER:** Well, there may be other questions. I would yield back to the Chair here.

**GRAGERT:** Can I ask you just one more?

**ROBERT FORCH:** Yes, you may.

**GRAGERT:** Thank you. Thank you for your testimony. You started out today with the-- your real concern or your main issue was to take your family hunting without, you know, the week early, without any harassment from anyone else. But then you went, it seems like you went right into the cost, what these deer are costing you. And yeah, that's, that's tremendous, that really is. However, a familiar enough that you know you own 13,000 square acres or is basically you're somewhere around there you're saying. And the habitat there, you know, we may have a wildlife biologist in here. But, you know, the range of those deer, yeah, a lifetime of a deer is probably ten square miles if it's not forced out of that, that area and/or it gets so populated that, you know, they force each other out of the area. One of the management tools to reducing the deer numbers is the Game and Parks uses his hunting, hunting, of course. Right? And one of your issues was that if you, if you-- like I brought up, lease out your land its insurance issue pops up. Would there be a possibility if that issue could be, you know, taken care of to where you don't have to worry about that? Or you could pay, you know, insurance and make it up. I got it. It's going to a rich man, possibly a sport like a lot of sports, you know, unfortunately. But I see where if we start, you know, not we. If the Game and Parks start giving away permits and they don't get the federal funding back from that and they're losing that kinds of money, are they going to start increasing the money on them, on a permit on everyone else, including yourself? You know, so where, I mean, both, both arenas were driving the price of deer hunting.

**ROBERT FORCH:** Yeah. Yeah.

**GRAGERT:** So I guess my question would be to you is, if you could and we could and it could work out the possibility at least now would that be an option for you to let people on your land to, to make some income, take the pressure off this \$96,000 you lost? And, you know, in

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the same time, lower that deer herd on your particular piece of ground?

**ROBERT FORCH:** I'm open to anything. I mean, I, I have enjoyed this dialogue. I am open to dialogue. And it's \$9,600.

**GRAGERT:** Oh, \$9,600. Oh. Got it. Thank You.

**ROBERT FORCH:** I'd love to come up, I'd love to throw that number out.

**GRAGERT:** All right. Well, thank you.

**ROBERT FORCH:** Another problem that leasing causes-- I mean, like you said I'm not a fan of commercializing. It takes away the old kind of the basics of a man and his son being able to go hunting. But the other problem that it creates is that a lot of these guys that pay these horrendous prices for these leases want to hunt exclusively. I'm going to, you know, I'm going to come out, we're going to bring a case of beer. Me and my two buddies, we want to go out, we want to find your one or two big bucks and we want to go home. They leave the rest of those deer, but they want to hunt exclusively so that they have those numbers to select from. All right. Plus, a lot of those people that I've talked to and dealt with, they don't even want you shooting the does because that doe may be carrying the next trophy buck. And so this, this causes, creates another issue. And I know there's no single answer to any of this and that we're going to have to work together to do this, but I'm going to start needing to see more recognition and appreciation for what I do in this. You know, I mean, I know that there are people behind me that are going to testify that they think everybody has a right to go where they want to, hunt what they want to, and so on. And I will say today that when that happens it will be the day we declare this a communist state. If everything is there free for everybody to go where they want to do whatever, I don't know how you label it anything else.

**GRAGERT:** Thank you.

**ROBERT FORCH:** You're welcome.

**BOSTELMAN:** Senator Geist.

**GEIST:** Thank you, Mr. Forch. And I don't want you to take my question in any way that I would not respect your-- your opinion in saying that you are a single person that's testifying.

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**ROBERT FORCH:** No, no. I'm married.

**GEIST:** No, well, I mean you're one man, but how many people do you represent? How many other landowners, do you have an idea of how many other people are in your situation that may not be here today?

**ROBERT FORCH:** I can't even begin to put a number to that or an answer. In our area it boils down to the fact that, very simply, that every landowner out there feels that they have sweat blood, they have worked their tails off to have what they have, that they should be respected for that. They, the respect of trespass, you know, of ingress into this land needs to be respected more. And, and the big complaint that I get is just that they're all upset they furnish all of this wildlife. And big game is the only thing I have an issue with, because the carp don't come out of the river and eat my corn. Pheasants, quail, they don't, they don't cause a problem or an issue and we let people hunt. The, really the big game in our area, the deer and the turkeys are devastating the young corn.

**GEIST:** Well, I don't, I, I think you have a very compelling story. I'm just wondering how many landowners are there? I'm suspecting there are quite a few more--

**ROBERT FORCH:** There are.

**GEIST:** -- that could have been here today.

**ROBERT FORCH:** I would've had a lot more with me today except that we're an agr--

**GEIST:** You're working.

**ROBERT FORCH:** We are in an agricultural area.

**GEIST:** Right.

**ROBERT FORCH:** We're starting to calf, this last night's storm. And, you know, we're 200 miles from Lincoln and sometimes that's not a bad place to be. And I didn't mean that derogatory either.

**GEIST:** You love Lincoln and I love what you're talking about, so. All right. Well, thank you.

**ROBERT FORCH:** You're welcome.

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**BOSTELMAN:** Are there any other questions from committee members? I have two for you. One question would be, you spoke of tags available for your family in the days or weeks prior. How many tags? What are you?

**ROBERT FORCH:** The way the landowner thing reads, you have to own-- there would be one landowner's tag issued for every 80 acre site. All right. And in my situation my wife sitting over, over here seldom hunts, she has in the past, but I'm not looking at over-- in my family the way things are right now, I mean, my son and his wife already qualify for their own. So for me it's, it's going to be me and so it won't, they won't let my in-laws hunt, so we're looking at me my son and my wife, three.

**BOSTELMAN:** So you're, you're still satisfied with what's currently in statute or it should be changed to as how many could be?

**ROBERT FORCH:** Well, I'm not satisfied.

**BOSTELMAN:** OK. All right. I understand that. The question I have for you, do you have, so-- I live north of here, I've got a farm north of here and in my area we get a bonus tag, so we get two tags--

**ROBERT FORCH:** Right.

**BOSTELMAN:** -- as a landowner. Do you get the same?

**ROBERT FORCH:** Yes.

**BOSTELMAN:** OK.

**ROBERT FORCH:** And, and on those tags I know that they have tried in the past but Earn A Buck or whatever that you had to shoot a doe before you could take a buck. I mean, the whole issue in this population is we've got to make, find a way to make people harvest does.

**BOSTELMAN:** Right. We've become a society of evidently people don't need the meat and, I mean, they're all trophy hunters. And so they go out, they shoot their buck and that was the problem they ended up with in this Earn A Buck thing. I, as a hunter myself, I don't want to go out on opening morning and find the buck of a lifetime standing there and have to shoot the doe next to him and hope he stays there. That's, that ain't going to work. But why not make him pay that forward? All right. This year you want to, you get your license. You have to shoot

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that doe and turn her in to be eligible for a license next year. Make them shoot those does. And as far as my, my family on these permits, we did harvest does. My family alone, we took about 14. In this late rifle season you could buy all the permits you want for \$37 apiece, each one earned you two. You could shoot two does. And, you know, I just couldn't afford any more ammo. But it's, like I said, the biggest thing for me at this point, I mean, the money, absolutely an issue. The-- the damage they do, that and everything else. But the further I went into this the more it just--I don't know the word I want--disgusted me, whatever. The very low regard, the pittance the farmer gets out of that for what he does.

**BOSTELMAN:** I understand. OK. Any other thoughts, questions from the committee? Seeing none, Mr. Forch, thank you very much for coming in today.

**ROBERT FORCH:** Thank you for letting me speak. I appreciate it.

**BOSTELMAN:** Next, are there any other proponents to step up? Welcome.

**ANDREW CASE:** Thank you. I'm excited to be here. My name's Andrew Case. I am a landowner. I am also a professor.

**BOSTELMAN:** Spell your name, please.

**ANDREW CASE:** A-n-d-r-e-w and then Case, like the tractor, C-a-s-e. I'm a landowner, but my career is professor for Doane University. We've got 120 acres down in Pawnee County and then we've also got 160 acres out in Seward County. I actually had opponent, but then when I heard him talking I grabbed the pen from the gentleman that I met with Pheasants Forever and I scratched that out and then I put proponent. So I'm not really quite sure where I fit in all this. And after listening to him and, and the questions and stuff it was all I could do is just even remain seated until he was done, because I wanted to get up and talk. I am a outdoor enthusiast. I love deer hunting. I'm kind of a late starter. I got a lot of gray hair but I've got a 7-year-old and an 11-year-old. And, yes, people have said, you know, it's so nice to see you with your grandkids. And, anyway, we don't eat anything but deer. My family, my kids have never--I mean, obviously, I'm not like fanatical or anything. We go to Burger King and of course they love McDonald's and stuff--but we really try not to buy beef. And it's really not just, I mean, it's not any big ethical thing, it's we like venison. I love the outdoors. My 120 acres in Pawnee, I spend thousands, thousands of dollars, unlike the gentleman we just heard,

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I'm actually dumping money into my ground so that I can have some great hunting and spend time with my kids and enjoy the outdoors. I actually tilled a bunch of ground and do crops on that to help bring them in so they'd eat my corn because the road hunters, because everybody's plowing down all of the trees, all the habitat. I'm the only one who's building habitat. I planted 5,000 trees on my 120. You name the fruit tree and I planted it. You name the bush, I've planted it. I do everything I can and the problem is, is everybody knows there's deer there. So I feel like, you know, the Wild West with the stagecoach circle and the road hunters, they just circle my property. The bill, 50-50. I absolutely think and I would ask any of you-- and I would ask anybody, Game and Parks, anybody to give me one logical reason why I can't go out with my son on my property and hunt one week early. And I can't. I was talking to several landowners. A friend of ours, he works for the nuclear power plant. They were on, you know, they do this big shut down. So his wife, my friend took their son hunting--who's with my son in basketball--and they had road hunters, trespassers, and they were shooting in their direction. And she called me and she was furious. I've had the same thing. I was in the military for eight years as a medical officer. I have never heard a bullet other than when I was hunting on my own land and heard the supersonic crack and a bullet fly over my head when I was coming back from my deer stand. I think that's completely unacceptable. My thing with this bill is, there's absolutely no reason that I shouldn't be able to go out with my wife, my daughter, or my son and hunt on my ground one week early. I took up bowhunting like eight years ago after talking with Game and Parks. And I've had mixed results. We got a lot of bobcat. I raise fowl, I raise chickens and we got tons of bobcat. And I've had good and bad luck with Game and Parks. You know, guy came out and helped us with the bobcat. I've been pushing for this for like six years. I don't know, some of you may even recognize, I sent an e-mail to as many senators as I could. I only had response from like two. Ben was one of them. I also sent it to Game and Parks and I got no response. I got a letter about three months later about a week ago that says they got it and they encouraged me to come to this hearing. So the way I see it, there's, there's really two issues here. There's a game, the deer population which seems--and you guys have had very good questions, which is it--that's not, I'm not here about the deer population. I think Game and Parks, if they do their job they should be able to give you the information to manage the deer population. If farmers are having issue with too big of numbers, I think that's a separate issue. I'm here, as some of you have asked, I'm here as a landowner. I just got my taxes. I'm going to owe \$16,000 in taxes and

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I want to know why I can't go out a week early with my son. I got my wife to hunt for the first time this year, first time ever. And we sat in a blind that I just built in the cornfield. I watched a little five-pointer come through with a doe. He goes, he hops the fence, boom, boom. The four guys sitting on my neighbor's property who doesn't hunt and doesn't care and doesn't want the deer, they're camped out there. I can have my game cameras up all year long and see deer. And if I don't have that buck shot by opening morning I will never see it again in 11 years. And I don't, I think that's-- I want to hear from somebody why. Why can't I go out? My son's not going to bowhunt and I believe I'm out of time, but I'm not going to give my wife, not to get my daughter, and I'm not going get my son to bowhunt. And I want to be able to go out and hunt with them. And I think I couldn't have paid for that with my land taxes. I want to be good to the time.

**BOSTELMAN:** Thank you, Mr. Case. Are there any questions from the committee?

**ANDREW CASE:** I'm sorry. I'm sorry. Could I say one thing? With this bill, absolutely cannot do the public. I will not open my ground. I will not open my ground for anything and I don't know a single landowner that will. It is insane. It is, it is asking for a huge problem. Ma'am sorry. You said how many landowners? I represent every landowner that you could possibly think of. I can't imagine there's a single landowner that hunts that wouldn't exactly agree with what I just said. Sorry.

**BOSTELMAN:** Thank you. Senator Albrecht.

**ALBRECHT:** Well, thank you. Your enthusiasm is just like crazy. If we only have two folks, that's all we need. But, Mr. Case.

**ANDREW CASE:** Yes, ma'am.

**ALBRECHT:** I think you're onto something here that we should discuss with Game and Parks, because most farmers are in the field during hunting for deer season, right? I mean, we have neighbors who are waiting as my husband goes through the cornfields and the deer come flying out, you know, but they can't shoot. I mean, he's like right there and so are the rest of us that are helping, but that might be something we can visit about in this bill is to, if you move the season up just a tad you might have a few more farmers enjoying the hunting on their property. But you only want this for your own family.

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So you've spent, and I can't believe you have that you pay those kind of taxes just to be able to hunt. So do you get any corn or anything off your land? I mean, you said you just put a bunch of trees in or do you actually farm it?

**ANDREW CASE:** Oh, no, no. My, my 160 acres out in Seward is all crop ground. We rent that.

**ALBRECHT:** So do you lose any crops because of all the animals you're trying to bring onto your place?

**ANDREW CASE:** I don't know, I rent it. So you'd have-- you'd have to ask the gentleman. And I don't think he's, I don't know how much of that--

**GRAGERT:** She's referring to the 120 acres there at Seward, right?

**ANDREW CASE:** The 120 acres down in Pawnee County, that's where I manage for wildlife, because my house, I got a log house sitting right in the middle of it.

**ALBRECHT:** Very good.

**ANDREW CASE:** And I like watching the deer from my living room.

**ALBRECHT:** And I'm sure wouldn't want folks that close to the house. Gotcha. But this gives us something to talk to Game and Parks about. Thank you.

**BOSTELMAN:** Other-- Senator Gragert.

**GRAGERT:** Yes. Thank you, Mr. Case. Again, yeah, I can see your enthusiasm and all you care about is deer hunting. I'm seeing a trend here though with just the two and I'm starting to wonder if it's not more of a game warden issue and the numbers game wardens that we may lack for road hunting and all this other, you know, take care of all these road hunters, because I think, and somebody may correct me again because I'm, I'm guessing, kind of thinking that there's about 50 game wardens in the state of Nebraska. That spreads them out pretty wide until actually the only way that they can really-- really do an efficient job, effective job is for people to call in and report. You know, they get that number, they can call in report these things. But I-- you know, you mentioned you going out and bullets whizzing over your head. You know going out a week early safer for you, but it isn't safer for all the rest of the hunters, you know, which these-- all

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these whizzing bullets is-- is another issue that we may have to take up as far as shooting off the road and where they're shooting. Once again, probably don't have permission to be shooting where they're at. So I can appreciate, you know, where you're coming from there, but I don't think that going out hunting early certainly is going to help you. And I can appreciate that as far as you-- you put all the \$16,000 into it, I ought to be able to go out and you do but, unfortunately, not early. But I appreciate the fact you take wildlife as seriously as you do, and you, and you, and you appreciate the wildlife as you do, so thank you.

**ANDREW CASE:** I mean, here's-- here's the thing, too, is, you know, I'm hearing-- but we've got the two separate issues. You've got the numbers and then you've got people that-- like me that are hunters that just want to be able to hunt. And then you've got the issue, like you said, road hunters, illegal hunting, and game wardens. And, yeah, if the state wants to spend more money and hire more people that is, a lot of, I mean, the time that I was I assume shot at, I don't think they were shooting at me, but my property is so thick with trees. The hunters are getting permission and they're sitting on really old farmers that are all around me that don't live there anymore and they've got permission and there's like five, six guys hunting there all with guns and they're waiting for the deer coming to and from my place. So they're going by the law, but my thing is, is a landowner and all the other landowners-- you know, a friend of ours is 16, goes to our church, I've hunted with him I don't know how many years. And for the last, I mean, since we moved to that community he's never got a deer because we go and we sit in his field and everybody's getting them on the neighbors' property, people road hunting, people hunting over there. And I know he's frustrated and I would like to be able to have him come over and hunt on my property. And some of the youth at our church say, hey, can we come in on your property? But if I can't hunt until Saturday morning same as everybody else and I want to do rifle hunting with my son the answer's, no. We're going to be hunting. But if landowners, if we got to hunt a week early like the gentleman was saying before me, I think a lot of us would be more than happy to allow--and I'm not going to just open it to the public, that's never going to happen--but, but you could consider public people in my church, people in our community. And then I would say, hey, you know, why don't you-- you guys come over and hunt my place, because I've got some good deer hunting. In fact, I did. I mean, let them come over because this year I got two really nice deer during bow season, so.

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**BOSTELMAN:** OK. So are there other-- Senator Moser.

**MOSER:** When you're talking about not getting replies to e-mails, this issue has generated a lot of interest. And there are over a hundred e-mails listed here in the record. I probably got 25 of them or so. I didn't reply but to maybe one or two of them that were in my district, because I really didn't know the answer and I didn't want to come off as giving them some opinion not knowing what the testimony was going to be, not knowing what the opponents were going to say. I like to hear all that before I give an opinion. And so I apologize if you were disappointed that you didn't hear back. But, you know, up until all the facts are in, I hate to render judgment, so.

**ANDREW CASE:** I figure this is a pretty small thing on--

**MOSER:** I wouldn't say that. I'd say this is the best, the best hearing I've been so far. I think there are impassioned people testifying and, and you know based on the e-mails we got there are a lot of people who take their hunting seriously. And so, you know, we want to hear what you have to say.

**BOSTELMAN:** Are there other questions from the committee? Thank you, Mr. Case, appreciate your testimony.

**ANDREW CASE:** Thank you.

**BOSTELMAN:** Are there are other proponents?

**MERLYN NIELSEN:** My name is Merlin Nielsen, M-e-r-l-y-n N-i-e-l-s-e-n. I live near Seward, Nebraska. Thank you, Senator Bostelman and committee members, for holding this hearing today. I will not be presenting any alternatives of the wishes that I would like to see, but rather just stick within the bill as written and make comments relative to that. I'm a landowner so that's my bias. OK? I've got, fortunately, the various parcels that my family and I own, we do not have an overabundance of deer. So we are not facing serious harm to our agricultural production on any of our lands. I'm also a very avid hunter. I hunt deer throughout the various seasons with archery and rifle, as well as black powder. And I'm a very avid bird hunter, as well, upland bird hunter and lifetime Pheasant Forever member. My concern is as a landowner as I visit with some of my friends across the state that tell me they have huge deer populations and struggle to get much help in reducing those. As the previous proponent stated, difficulties at times getting much support from Game and Parks to get

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predation or depredation permits to, to get the populations to reduce. It doesn't seem to me like some of these go far enough. Only four permits, that seems pretty low on per person and in exchange offering up 50 percent of your land for open hunting to allow more people to come in and hunt seemed a very reasonable requests to me. Some of the opposition that I've heard about and read about so far, comments about loss of licenses that licenses that would be paid for, permits that would be paid for, because that has a bearing on federal funds that come in like the Pitman-Robertson. Yes, that would be true if people buy less landowner permits because they're going with the four landowner permits, the other type of limited permit. But if you're opening up more land for public use, that would encourage more permits, I would think, as well. To be able to predict what the business model would be here would be presumptuous of me, but I don't think that's a serious concern that there's going to be a loss of income coming into Game and Parks. I think a more, much more positive thing for Game and Parks is this is a way to start reducing down overpopulation in some areas of the state, not across the whole state, but in some areas that are so dense. I spent time reading 37-455 statutes trying to be halfway informed when I came in today as well as reading my Big Game Guide that I get from Game and Parks. And I also don't understand some of the opposition that I've been reading about that would say that this particular bill would let you come and get four permits and you could go use them anywhere or that, that, that there's not some control over it. As I read the thing in subsection 4 it refers back to Section 3 where it's defined very clearly there that you have to hunt on property that you own. In the end, I find myself if I err in any of the judgments I make as I progressed through reading this and trying to make sense out of it, the major errors that I would make would have to be on the side of a landowner. As the gentleman, first gentleman up today said, we're the ones that pay a heck of a lot of property taxes to lose some crops sometimes. Again, I haven't got a personal loss there but some of the other folks that have commented do. And I think if we make an error we have to err on the side of the landowner. Thank you.

**BOSTELMAN:** Are there any questions from the committee members? Seeing none, thank you, Mr. Nielsen, for your testimony. Do we have any others who wish to testify as proponent for this bill? Are there any others wish to testify as a proponent? Seeing none, then we'll move to opponents, anyone who would like to testify in, as an opponent, please step up. Welcome.

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**LEE RUPP:** Thank you, Senators. Senator Hughes is not here, but the rest of the committee. I still will testify negative against it, but I hear with my political ear that this is more to force the issue and a conversation, and that never hurts anything. So I'm still in opposition, but I'll go into a bit of detail first. I live in rural Platte County in Senator Moser's district.

**MOSER:** Yes, sir.

**LEE RUPP:** I'm the only one probably in the room that has a foot in several of these areas. I'm a landowner, I have 800 acres in Platte County.

**BOSTELMAN:** Could I interrupt you to state your name, please, and spell it--

**LEE RUPP:** Lee Rupp, R-u-p-p. I'm Sorry. Platte County.

**BOSTELMAN:** --so we can get that right? OK, thank you, sir.

**LEE RUPP:** I have an understanding here and an appreciation for it because, as I said, I'm a landowner. But I'll give you a little history if nothing else to improve my credibility in having some knowledge of this. And I'm going to talk on the general aspects of it. I think the bill is impossible, as drafted, to administer and enforce. It just--it just is on its face. But my first job in, well, first of all in Platte County-- I might pass this along to Senator Moser. When I was a kid growing up in the '40s if you saw a deer you didn't tell anybody because they'd never believe you anyway. So we've moved that far now. My first job with Game and Parks was flying deer counts on the Elkhorn River, not drawing a paycheck from them but I was getting my pilot's license. And on my private flights I just flew up the Elkhorn River and marked the deer yards for the game biologist who didn't like to fly in Norfolk. And I thought to myself, somebody is doing a good job here, both landowners and the Game and Parks Commission managing the deer herd. From the '40s when there were practically an endangered species to the '60s when the first depredation complaints were coming in. So there's, give everybody credit for that. And I have some depredation on my land in Platte County, especially on soybeans where the borders to the riparian forest on the river, not excessive to the other gentleman described but we just live with it. I also made a career change I became a full time biologist for Game and Parks, primarily fisheries, but in rifle deer season it's all hands on deck. And I ran a check station four

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miles west of your home at the Great Wait Cafe [PHONETIC]. And I always said everybody in this business should run a check station, because that's where the rubber meets the road. And the words that you have there on green paper really don't mean much until you get out there and actually have to live with, have that patch on your arm and all the hunters come in with the buck in the back with a smile and those with nothing in the back are not happy. And probably two-thirds of them are people that work at Behlen, Vishay, or B-Ds, and so forth. They don't-- they're not landowners. And then when you're a captive audience with that patch on your sleeve they say, here's what you should do about deer hunting and then away it goes. And to tell you the truth, when I close I'm going to say a Game and Parks Commission is between the proverbial rock and a hard place. This is a large and diverse state, as you all know, and what works in Sioux County may not work in Knox County. On, by the, on that note who owns the Indian reservation? If you're talking landowner permits, do the tribal members own it, the Santee Sioux or the federal government or how would that play into all this?

**GRAGERT:** You can buy your own permit from the reservation.

**LEE RUPP:** From the reservation. Well--

**GRAGERT:** And then you can hunt on all the land that they--

**LEE RUPP:** I see. I've never really understood that. And in your county, and with the Winnebago and the Omaha-- basically all of Thurston County-- is that also the case there?

**ALBRECHT:** Yes.

**LEE RUPP:** Well, that was my big thing on this permit business, because it's so complicated. Now I passed this out I'm not going to refer to it. It's, it's not rocket science yet, but it's getting close. If you look at how complicated it is with the brain worm disease in this area, and they're setting aside 8 percent of the permits for nonlandowners or nonresidents in this area, and we had a big epidemic several years ago with EHD, episodic hemorrhagic disease. And the one point I would like to make is Game and Parks needs some level of predictability and a huge level of flexibility. And if they can try to address these problems you're talking about by directing more hunters here where there's an excess of deer, less here where there's not a surplus of deer. But when you come into people manipulation, that's an area that the Legislature does not want to go down, believe me. You

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have depredation problems that are very local. You're aware of the Daniels sweet corn episode up there and I asked if I could use his name. He came that far from going to jail because he said deer were doing him thousands of dollars of damage a day. It got political because he could only get five depredation permits from Game and Parks and one of his competitors over on the Platte River get 30. And he was about that far from calling a state senator. And I said, no, no, call Game and Parks and vent. But that's the road that believe me you don't want to go down. And I'm also a deer hunter, by the way. I've given it up now, but in my day I killed 40 or 50 deer, I suppose, both archery and rifle. You look at this and you'll see that the season is from January 1 or from September 1 to January 15, four and a half months of deer season, depending on the weapon you're using and so forth. And believe me, this Game and Parks is between, as I said, a rock and a hard place. And in a lot of cases, like you've just heard, they're damned if they do and damned if they don't. If they were to send 5,000 hunters out to that little area-- I stop at the George Syas Wildlife Management Area on opening day this last rifle season and there were 51 vehicles in the-- in the parking lot. It's a thousand acres, but still with 51 vehicles. I mean. That's not a quality hunt anymore but they're trying to direct hunters where there's a surplus of deer. I have, I allow anybody to hunt that asks on my land and not many of them do because most of it is so intensively farmed. It's corn stubble and beans that if it hasn't been disced, there isn't cover for a mouse anyway. Any deer would be going 40 miles an hour trying to get safely to the river when the bullets start flying. But I guess I would just, I see the red light is on, but I want to emphasize this again. That this is such a large and diverse state, it's, it's politically-- when I introduced the elk bill in 1985, I got an earful out in the Panhandle. And, basically, they said, we don't give a damn what they do or think in Omaha and Lincoln. They know as much out here as they know about the bark, dark side of the moon. We're just going to take care of the problems as we see them. And I don't know what you'd do to try to make face. The middle of the state is like Kansas, the east side is like Iowa, and the west side's like Wyoming politically. So imagine how this trickles down to these people that have to do this job. It's mission impossible, and I really don't have any suggestions. Yes, sir. Oh, you're not asking a question? But I guess I would just say, good luck, and have the discussion. But keep that in mind that the Game and Parks needs a lot of flexibility, because with diseases, landowner pressure, and all that they're trying to balance everything out and it's-- it's not easy, believe me.

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**BOSTELMAN:** Thank you. Thank you very much, sir. Are there any questions from the committee? Senator Halloran.

**HALLORAN:** Thank you, sir, for testifying. So I, in your testimony I'm still looking for a good reason why not to give some extra permits to landowners.

**LEE RUPP:** Well, number one, it would impact their budget. You'll hear that later. I'm sure that people will game the system. I would open my soybean stubble to hunting and then it raises a legal issue on insurance if somebody gets tied up in the wire and blows your foot off. I've been told not if you're not getting comments, compensation. Are free licenses the compensation? And the thing I said about your factory workers working, I guarantee they're going to be livid when they see that the landowners can go out a week before and that big five-by-five they've been watching all fall is now hanging in a shed somewhere because the landowner got first whack at it. Those were human nature things and Game and Parks isn't built to handle those, but.

**HALLORAN:** So how do you offset the argument that we heard earlier from earlier testimony that these landowners who do have cover and do have higher deer populations are suffering some level of damage on their property?

**LEE RUPP:** Unquestionably.

**HALLORAN:** And so how do we, how do we balance those two?

**LEE RUPP:** It comes down to budget. You're going to hear budget, they don't have the money to do it. They should be compensated to some extent like other states do, but they're barely, you know, they don't have the opportunity. So they're probably twice as many people out in the field, but that at all costs money. And game wardens, especially, are where the rubber meets the road.

**HALLORAN:** Thank you.

**BOSTELMAN:** Thank you. Senator Moser.

**MOSER:** Lee was senator from District 22 for a number of years. I won't say how many years before I got elected, but he's been a real good resource and a real good coach, so to speak, on things that come before the Legislature. And I appreciate you coming to testify and spending this time with us, coming down. I don't know the solution to

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the problem either, but I appreciate you coming down and we're going to--

**LEE RUPP:** I don't think there is one and there's two aspects that I would touch on. There is a problem that I'm sure somebody will attest to this, and since you mentioned it I'm going to tell you this. An 80 acres right east of Monroe along the river sold. It brought almost \$10,000 an acre. A local landowner neighbor bought it, but he was livid about who ran him up, who was a second high bidder. And I said, who was it? And he said, a doctor from Iowa looking for a place to hunt. Now that's going to happen in Pine Ridge, if it isn't already, with elk season and so forth. And when you get publicity like this, I'll pass it around, that's a 25th largest mule deer buck. It was in last Sunday Omaha World-Herald. And I've heard some testimony that there's already some land being purchased and that's only going to complicate the issue by nonresidents. But the other point-- yes.

**MOSER:** I was going to ask you when you're talking about your neighbor over there that got in trouble for shooting the deer out of season. Is that what happened?

**LEE RUPP:** Andy Daniels.

**MOSER:** Yeah, yeah. I went to school with him. I worked with him at Joe and Al's IGA. Yeah. But why did his neighbor get so many permits and he couldn't get permits?

**LEE RUPP:** I told him, I assume your neighbor had a lot bigger problem than you did. And then we got into an argument because, you know, there's, you don't want to get in between two farmers to start with. I'm smarter than that. But I tried to tone it down a little bit and he wasn't about to be. He came about that far from going to jail, to tell you the truth.

**MOSER:** He got a fine?

**LEE RUPP:** Oh, yeah, big time. And he had to hire a lawyer.

**MOSER:** How did he get caught?

**LEE RUPP:** Well, I think it was open knowledge. Everybody knew it. And somebody turned him in that he was poisoning deer, which was not the case. They found some deer that they couldn't find a bullet hole in. And then, of course, you had the EPA and the DEQ and the whole ball of

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wax. So he was in serious trouble. He almost lost his farm over to it, to tell you the truth, but.

**MOSER:** OK. Thank you very much. I appreciate it.

**LEE RUPP:** One other note, a little bit of levity maybe, the guy that's going to really love this bill if it gets to General File, and I've known him for a long time. His name is Ernie Chambers. And it opens up Game and Park statutes clearly on the cover page, so I guarantee your first amendment is going to switch it over to mountain lions. His solution to all of this is, we need more mountain lions.

**MOSER:** Thank you.

**LEE RUPP:** Then you'll have to tell him that I'm--

**MOSER:** Thank you.

**LEE RUPP:** -- sure that a mountain lion would be easier to catch a calf and a lot better eating. So you discuss that with Senator Chambers.

**BOSTELMAN:** Thank you, sir.

**LEE RUPP:** Thank you.

**BOSTELMAN:** Other opponents, please. Welcome.

**TIMOTHY McCOY:** Good afternoon. My name's Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y, and I'm the deputy director of the Nebraska Game and Parks Commission and our headquarters office here in Lincoln, Nebraska, at 2200 North 33rd Street. I am testifying today on, in opposition to LB126 on behalf of the Game and Parks Commission. The mission of the Game and Parks Commission is the stewardship of our state fish and wildlife resources for the long-- in the long-term interests of those resources and the people of the state and. And part of that that I'm going to talk about, because of our fiscal note, is the financial resources that support our mission is primarily provided by the users of those resources through permits, stamps, and fees, and associated grants that we can get with those. Those user fees provide about 88 percent of our agency's operating budget. Very little or a smaller portion of our operating budget comes from General Funds. Specifically, when we get into wildlife conservation activities and wildlife management activities, those are all funded by user fees. We are concerned about the fiscal impact of this and appreciate the opportunity to provide you that information. When we looked at our

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fiscal impact statement--I've also looked at the fiscal impact statement provided by the Fiscal Office--there were some challenges for us interpreting this bill. One the challenge was looking at some of the specific language regarding we shall issue four permits to the landowner or qualifying landowner and their designated family members. When we got a strict legal interpretation they indicated that-- indicated we would have to give four to each. I'm not, I think, I don't think that's the intent, I'm not sure that's the intent. But so depending on that, when we look at the revenue loss from-- from permit fees from that shift is about \$1 million up to \$5.7 million dollars if you're looking at a really expanded free permits. The federal aid grant eligibility is significant for our agency because those are, those are federal trust funds. They're often return, referred to as Pittman-Robertson funds. Those funds are, are paid for by the manufacturers of hunting equipment, guns, and ammunition. And those funds are held in trust federally. They come to the states for wildlife conservation and management activities. In Nebraska the, the, the, the way they distribute those funds is based on a landmass population--and there's something else in the calculation--and the number of certified hunters. Number of certified hunters is an individual who bought at least one hunting permit in that year. We have some concerns with this bill because we know that most of our landowners purchased one, one hunting permit. When we looked at some estimates it looks like we could add 50 percent of those, that free permit might be the only thing they use, might be the only thing their family uses. Right now the value of that federal aid funds is a little over \$70 dollars for each one of those certified hunters. That, you know, when you look at either four or, or a multiplication of four, that ranges from \$3.4 to \$9.7 million. That obviously causes us great concern from an agency standpoint. The other side of this that we looked at or potential costs to administer the access side of this bill as it was laid out. Our estimate is, is, is probably high. It's a short ten-day access program during the rifle season. However, we've had access programs for years. We had a CRP map program that focused on providing hunting opportunity grasslands in 1995. We expanded that to all types of hunting access and fishing access in 2009 under what we call Open Fields and Waters. However, that's a year-round access for walking, hunting, and fishing. I know it's not available to everybody or to all landowners. Some landowners aren't interested in that and that's OK. We've slowly built that program up to 317,000 acres. The costs of that program right now we'll be making \$1.2 million in landowner payments this spring and, and it has a cost of about \$450,000 in staff time and program operating costs. Those are

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post signs, digitizing our open lands, printing an atlas, making sure we have law enforcement support. And so we've slowly done that through time and it is one of the concerns looking at the bill as written is how we would deal with that, that potential pressure of a program that we can't cap in terms of what the participation would or wouldn't be and what sort of acres we would be looking at. And that is the reason that you see those staffing costs that are in there. I just want to make sure you know that. I appear to be out of time.

**BOSTELMAN:** If you have to short finish.

**TIMOTHY McCOY:** I have, I do have a couple of other points, and Lee already, you know, the ramifications of free permits. The other thing I want people to be aware of, and we do have some concerns from providing a much larger benefit to nonresidents than residents because there is a different pricing for a non-resident permit versus a resident permit. A nonresident landowner permit is \$119.50. A nonresident landowner permit in Nebraska for a resident is \$17 plus the \$3 for the issuing fee, so it's \$20; issuing fees on both of those. Worried about the unintended consequences and more pressure that could come from nonresident landowners that just want to have a lease and be able to access free permits. We are worried about cheating in terms of the law enforcement standpoint with free permits. There will be more interest in people trying to do that. And one of the, one of the things that I will say as we looked at this bill, we looked around at other states, we're unaware of any other state surrounding us or in the country that provides a separate landowner season. Most of them have landowner permit offerings. And from a larger standpoint, one of our concerns--and I think there is something to this--I think the other issue, there's a lot of competition for deer, especially big deer. We see it more in our hunters. We see it more in society and it is causing some of these conflicts. I think you heard about those, especially with trespass shooting from the road, illegal activities. And we're concerned about that. So we hope that there's continued support. We're working to add law enforcement officers in this budget.

**BOSTELMAN:** Thank you, Director McCoy. Are there any questions from the committee members? Senator Moser.

**MOSER:** How many Game and Parks officers do you have?

**TIMOTHY McCOY:** I believe right now we're sitting at, I think we're setting at 48 right now. We have a couple of retirements and we're

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trying to refill positions. That requires them to go through the Law Enforcement Training Academy.

**MOSER:** Forty-eight for the whole state?

**TIMOTHY McCOY:** For the whole state.

**MOSER:** It might take 48 for that one guy's farm.

**BOSTELMAN:** Are there, do you have any--

**MOSER:** I'm-- thank you.

**BOSTELMAN:** OK. Senator Gragert.

**GRAGERT:** I do. Thank you. I was just wondering, you know, do you have a practice where we've got pockets of highly populated deer--and especially on a couple of these gentlemen's land--that you have a program where you can go in and take out, you know, lessen the population? And I don't mean shoot them like the senator would like to do, shoot them and bury them. I would really like to see something like, you know, you got the match program where somebody that doesn't go hunting but is more willing to utilize that deer from some-- some hunter that would go out and shoot it but he's not really interested in the meat. You know what program I'm talking about?

**TIMOTHY McCOY:** Well, we, and it was mentioned earlier. The first individual to testify talked about trying to get depredation permits. That was very frustrating for me to listen to. That's not how, that's not how our agency should or wants to respond to that. So I do apologize for that. That, that is, we typically try to work with landowners where they have depredation issues and offer depredation permits. They can actually identify the shooters, because in many cases land, we may have landowners that that don't want to shoot those, those deer at that time or they're too busy. They can designate people who can utilize those permits that will shoot deer, take the meat. And so I'm, you know, I'm a little beside myself on that because I don't think that that is good service on our part and we will be working to correct that.

**GRAGERT:** With that, we'll just follow up the question with that. In that program, which I think, you know, would be very good. You already have and hopefully it'll get, you know, addressed and it will. Are there any other alternatives to, and all I'm talking about is taking doe. I mean, we need to take the female portion of this out of the,

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out of the, you know, to lessen the herd. What other alternatives, what other alternatives could there be even after the season or a longer season in projected areas of high population deer?

**TIMOTHY McCOY:** There's, there are, there are some other ways. You know, Earn A Buck was mentioned as a program we used in eastern Nebraska when we had some really high deer populations where we were having a lot of-- a lot of pressure and actually discussion down here at the Legislature on what was going to happen with deer management and what we were and weren't doing. It-- it forced the issue to get more antlerless deer harvested. It created a lot of conflicts and a lot of frustration. At the time I was, I was still a wildlife biologist with the agency, actually was working those check stations, which got a little heated sometimes from folks that wanted to check a buck in and they had to go shoot a doe because they could not check their buck until they harvested the doe. We do have a fair number of, we, we try to have, we have special antlerless tags in our-- in most of our deer units that are separated. We have our river antlerless season that we've put together to try and increase pressure, especially in those riparian corridors. And it's challenging. It's challenging because deer are very unequally distributed and I know somebody mentioned the EHD and I wanted to point this out. When we had the big EHD epidemic in Nebraska in 2012, the southwest corner of the state did not have the same EHD issue that the rest of the state did. Their deer population was barely dented with EHD. They didn't have those, that disease issue. And so we've got to continue to, to work more on managing that unit, on getting, trying to get more permit numbers out there and also really trying to get antlerless harvest to get that. You know, we know we have issues in white-tails. And without being up here I didn't ask the question but I don't know if, white-tail and mule deer, our, our management strategies have been a little different. Part of what with mule deer what we've been watching is, you know, most of the states in the west have been having dramatic declines in their mule deer populations. We've been trying to do some things to protect our mule deer. But I know we're also hearing more and more, we have depredation issues with mule deer. And that is another area that we are trying to make sure we are addressing with our staff.

**BOSTELMAN:** Thank you. Other questions from-- Senator Halloran.

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**HALLORAN:** Real quickly. Thanks for your testimony. What was the range of figures for the fiscal note? What I'm saying, it seems like you said \$3.9 to \$5.--

**TIMOTHY McCOY:** Yeah. If you look at the fiscal note from-- one of the things that the budget-- the Fiscal Office just carried forward the revenue loss from the-- from the permit fees and they gave a range for that. We also had in our, in ours the, the potential reduction in those available federal trust funds that come to the agency that we can use for those activities. And that's \$3.9 to \$9.7 million. So if you looked at the low, low side of the free permits, you know, our, our estimate is that it could have that combined impact of almost \$5 million dollars.

**HALLORAN:** And the permit fee for, individual permit fee for that would be what, \$25?

**TIMOTHY McCOY:** Well I'm, I, I'm talking about right now what we were looking at is the free permits. Mainly it's the free permits and then the potential shift of buyers that were buying permits to potentially using free permits.

**HALLORAN:** And how much are the free permit-- they're free permits?

**TIMOTHY McCOY:** Well, the way the bill is written there would be free permits.

**HALLORAN:** OK. So there'd be-- I understand that. I guess I'm trying to figure out the numbers. I mean, there's 49,100 farmers or land-- farms in the state of Nebraska. and I was trying to come up with-- I was trying to come up with what, what percentage of the total number of farms, the fiscal, and that's a Fiscal Office question, I suppose.

**TIMOTHY McCOY:** Well, and from our standpoint what we, what we utilized is the current, the current, we, we based it primarily on the current number of existing landowner permits and multiplied it by that because the challenge is we have hunter, we have landowners that love to hunt. We have landowners that don't hunt. And we run into some of these depredation issues at times in eastern Nebraska. And we ran into this specifically where we have refuges. We have landowners that either they want, you know, they might be leasing it or own it for deer hunting and they want as many deer packed in there as they can. And the neighbor with the cornfield has a problem. Or it's somebody who doesn't allow any hunting and the neighbor is dealing with the

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problem. And so I'm very familiar with how we work to handle that in the eastern part of the state. And I'm concerned that we haven't done as good of a job as we should be doing that everywhere.

**HALLORAN:** What's the penalty for shooting a deer without a permit?

**TIMOTHY McCOY:** I don't remember off the top of my head. I would have to ask our law enforcement guys. I'm sorry.

**HALLORAN:** The reason I asked the question is if you lighten up the penalty for farmers to shoot deer without a permit you might solve your problem.

**TIMOTHY McCOY:** I, I, I understand that, but, but, but, but my, my, my approach is that we approach it in a legal fashion to the extent possible. And I think most of our landowners want that.

**HALLORAN:** Well, you can make it illegal with no fine.

**BOSTELMAN:** Are there any other questions from the committee? Senator Albrecht.

**ALBRECHT:** Thank you again for being here, for all your numbers. And you see the reason it was brought forward. Now what would you do at this point if this were not to become an actual bill that goes forward? Would you take this back, do you answer to the committee or a board to talk about these permits? Because I've seen it happen where you do come out, like out at Offutt when they had an overabundance of deer. You guys came in and took care of business. And I know up in northeast Nebraska when they, I mean, I've never seen so many. And I shouldn't say it out loud, but there are so many deer up there. I mean, herds of them. It looks like herds of cattle. But I know you've taken some out in the Bancroft area, too. I know that Senator Brasch was talking about that. And, and you did so because so many-- there were so many accidents. Do you kind of gauge that, too, where your problems are?

**TIMOTHY McCOY:** We gauge a lot of our response, I will be honest, a lot of our response is from what we hear from landowners and what, you know, what their demands are because they are typically getting most of the damage. When we took the efforts to really go after Earn A Buck it was because we had high deer numbers in the whole eastern third of Nebraska. It was, it was a pervasive white-tailed deer issue that nobody was comfortable with.

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**ALBRECHT:** So who actually decides when you get, who gets the permit. I mean, is it based on the number of phone calls you get. Is there a group of people that say, hey, are you going to address this?

**TIMOTHY McCOY:** Our typical process, our typical process is that we, if a landowner calls and asks about depredation we meet and see if they have depredation. And at that point what we've done in most places is we, we issue permits for deer, we issued depredation permits. We, we do try to at times avoid doing that during the deer season, but there have been times that we have issued them. We've, we just issued some recently for some antelope in a part of the state where a landowner was having a really bad issue. We understand that dealing, dealing with these, these issues where we have high numbers in one spot, because wildlife and deer are not equally distributed, our, our options to deal with that damage are most effective at that scale where it's happening. If we try to, you know, reduce that damage by hoping to reduce it, you know, the deer population and a whole unit, that's going to-- that's going to take a while and we may just end up with the same distribution problem.

**ALBRECHT:** So let me ask you this. When you open deer season is it like for the whole state from this date to this date on deer?

**TIMOTHY McCOY:** We have an, we have deer season that starts September 1 with archery.

**ALBRECHT:** Is it throughout the whole state?

**TIMOTHY McCOY:** Yes.

**ALBRECHT:** OK.

**TIMOTHY McCOY:** The season dates-- the season-- the seasons are statewide.

**ALBRECHT:** And the reason I ask is when I think about harvest, you know, we're probably the latest up in the northeast portion of the state, but yet maybe where Senator Hughes lives it's like two to three weeks sooner than us. So I think that has a lot to do with it, because you're driving them out when you get rid of your crops. Right? So is there any rhyme or reason to having an earlier season than just from the 1st through January or whatever you said the end date is?

**TIMOTHY McCOY:** Go-- going-- an earlier season would be unlikely to be supported for some biological reasons and that is if you're shooting

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antlerless, if you're shooting does there's a likelihood they could still up dependent fawns.

**ALBRECHT:** OK.

**TIMOTHY McCOY:** And that's why this September 1 day, as you saw, is in my mind the starting point.

**ALBRECHT:** OK. These are just some questions I have and what your takeaway would be from today. Do you see us doing something that you would have, I guess I would have expected is a lot more farmers or ranchers to come in and talk about this than, you know, one or two. And you write a bill for one or two? But if this truly does get some traction and people are feeling like we need to be doing something, what, what are your thoughts on [INAUDIBLE]?

**TIMOTHY McCOY:** Well, I have to be a little careful here, because we-- I work for.--I worked for the Game of Parks Commission. Our director is unfortunately out of town. We would love to sit down Senator Hughes and have additional discussions-- have discussions with this committee. The other thing is, our decision-making body is our Board of Commissioners. So when we take deer recommendations they are-- they are actually the-- the ultimate deciders on our, on our, our, our orders for deer season. So I can't commit to any specific answer. I can commit that we want to be part of this conversation and that we, we want to try to search for what the opportunities are that we can help resolve these issues and, and hopefully move forward in a way that works for us and, and, and, and the concerns of the senators and the concerns of the landowners.

**ALBRECHT:** I appreciate that. Thanks for being here.

**MOSER:** Just real one short question I'd have with you. Would there be any chance of real immediate action with the individuals that are reporting here today, you know, trying to work with them on their issue? And, once again--

**TIMOTHY McCOY:** I have his name written down--

**MOSER:** Thank you.

**TIMOTHY McCOY:** -- and I intend to talk to our wildlife staff about what we've done or not done.

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**MOSER:** Thank you.

**BOSTELMAN:** Any other questions from the committee? Seeing none, Deputy Director McCoy, thank you very much for your testimony. Next opponent, please.

**SCOTT SMATHERS:** Senator Bostelman, members of the committee, my name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s, I'm the executive director of Nebraska Sportsmen's Foundation, a 501(3)c) nonprofit organization that is an education specialist with our sportsmen and sportswomen in the state and also with certain senators within this building, part of Nebraska Legislative Sportsmen's Forum. I'm going to change a little bit of my testimony after hearing the initial conversations. I have met with Senator Hughes on two occasions and a staff in regards to LB126 and prior to actually being numbered and dropped, some conversation had been generated in some articles in regards to some concerns about deer in our state. And those two issues are addressed today, have been laid out on table today as far as illegal activity and poaching, trespassing issues. And then the second issue, obviously, is the depredation issue. I'm still confused as to what LB126 solves of either one of those issues. I don't see a solution in LB126 to either one of those issues. What I'm hoping to achieve today and will come through after this day is that Senator Hughes made the comment that he would like to start a conversation bringing Game and Parks to the table. I would love to see an interim study with members of the department or the Ag Committee, this committee, Game and Parks, landowners, and sportsmen to find a solution. With that said, the Sportsmen's Foundation has worked with Senator Bostelman the last two years to bring bills to address just poaching issues, with wildlife, joining the Wildlife Violator Compact bill, the increased liquidated damages that are now effective statute in the state. Unfortunately, no matter how many laws we put on the books those activities are going to occur whether you have a season for landowners the week prior, the week after, six months before. I'm also a landowner in Seward County, in Thurston County, and also my family has land in one of those Deputy Director McCoy mentioned, one of those refuges in eastern Nebraska in Dodge County and it butts up to that. And, quite frankly, on any given night if you would take a spotlight--I'm not saying that's been done--but if you take a spotlight it appears you're at Memorial Stadium with as many eyes as you see coming off that refuge. So those issues occur, but we've put laws into place to stop this poaching and to stop the road hunting whether you're a landowner or on public land. I've been shot at,

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unbeknownst to the person on the land, not in a car or the road, but in the land. I've been shot at on my-- at my own property from the road. I've heard conversations about, they just want a week prior to take those top quality deer. I hear, I want my cake and eat it, too, in some cases. I understand what they're saying. The depredation issue, the ability to hunt. I took up archery hunting to have that week. My son took up archery hunting to have that week. Most of our members take up archery. And I'm an avid outdoorsman. If I can hunt, if I could have five deer permits to hunt September through January 15, I would take every bit of them and I would use every bit of meat. The depredation issues, I don't know how we solve it other than suggest we all sit down and have a conversation, whether that's increased opportunities provided by the Game and Parks to landowners. I know that they were responsive to my family who were landowners in that refuge area. We took out quite a few of those does. So with that said, I think there has to be an opportunity to have further conversations. I'm concerned with LB126, as Lee Rupp alluded to, is that this bill comes out of committee, this has germaneness to Senator Chambers' bill, the mountain lion bill, which I have fought tooth and nail for the last six years in front of this committee and will continue to fight, because management of wildlife belongs with one department and that's the Game and Parks. So I'm concerned LB126 comes out of here, I'd like to see it stay in committee so we can work on an interim study or at least open doors of conversations. Again what does LB126 solve? I don't think it solves either one of the issues that have been addressed here today. I'm all for getting more people into the field, enlightening youngsters, bringing additional family members. That's what we do at the Sportsmen's Foundation. I'm also here today on behalf of the Big Game Conservation Association, which I'm one of the founding members of-- one of the six originals. That's all we do is we work to put people [INAUDIBLE]. I'm a lifetime Pheasants Forever member, I'm an NTWF member, I'm a DU member. We look to get people in the field. We mentor people, we put people in process and programs. LB126 doesn't solve either one of the problems that were addressed today laid out here today. I ask you keep it in committee. Let's work on an interim study. And as was alluded to earlier, I represent a large number of sportsmen in the state. Of the 280,000, 290,000 sportsmen and women, roughly 10,000-plus area members of our organization either through partnerships or individual memberships. Some of the people that testify behind me will hit more of the hardcore numbers that are partners with us. And we spend roughly \$780 to \$790 million a year in revenue in this state., so we're not to be ignored. We're not going to be ignored and I think that's what you saw

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as a result is that when we put out the call to inform people of the bill, they responded. I do apologize. We try to provide written testimony to those folks so that they do not go on their own. However, some folks lose their sense of ability and sensibility and respond in a negative fashion, which I apologize to anybody in the staffs that received negative response from anybody that claimed to be a member of our organization. And if they would like, I'll take those names and addresses and I'll have consultation with those folks individually, because we don't-- we don't condone that. And I think the senators here that we've worked with in the past understand that. With that, I'll close and take any questions.

**BOSTELMAN:** Thank you. Are there questions from committee members? One question for you.

**SCOTT SMATHERS:** Yes.

**BOSTELMAN:** You're not going to get off scot-free, Scott. Deputy Director McCoy talked about the financial impact on that--

**SCOTT SMATHERS:** Yes.

**BOSTELMAN:** -- seven days prior. Are there, is there any other issues that we should be aware of if that would, if that would be allowed that you can think of?

**SCOTT SMATHERS:** Well, again, we're talking about private property, so you take away the financial aspect of that. Yes, there may be more people that come back to 50 percent of the land that's offered up for public hunting. I'm going to be honest with you, I'm a landowner. If I take advantage of the program, which I would never do, the 50 percent you're going to get is my bean stubble that's flat or my roadside pasture that I have 13 head of cattle on that won't hold a damn animal. Excuse my expression-- darn animal. Nobody's going to come hunt it. Plus, deer hunting takes a long period of time to scout the ground that you hunt, whether it's public ground or you have permission on somebody's private ground, or the landowner is scouting. To have a week of public access, your success ratio is going to be almost nonexistent unless they're lucky or poaching or trespassing. The other ramifications, financially, you're backing up into the pheasant season and the most popular upland bird week because the week prior is deer season. [INAUDIBLE] hand in hand with the harvest. If the deer and pheasant and quail are stuck in the fields--until the harvest, they don't typically move--and if they're on private ground

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you're not getting to them. In addition to that, it's the biggest archery week of the year, that week prior to the deer season. If you think you're divided amongst us from two landowners and sportsmen, look in on the sportsmen community. Talk, sit down, sit two bowhunters down and two rifle hunters down. You'd better have plenty of refreshments and a long time, because it's going to be a long conversation of who's right and who deserves it more. We have it in our own community. There's some bowhunters that are still upset that it's now legal to hunt deer with a crossbow. So the ramifications financially, I don't think we even have a clue as to where we're going to go, but it's detrimental. Senator Gragert mentioned earlier COs. Where's that money come from? I don't think it's coming from this body. But another 50 COs would sure solve some of those issues or help, at least, contain those issues.

**BOSTELMAN:** OK. Thank you, Mr. Smathers, for your testimony.

**SCOTT SMATHERS:** You're welcome. Thank you.

**BOSTELMAN:** Next opponent.

**JERRY McDONALD:** Good afternoon, committee. My name is Jerry McDonald, J-e-r-r-y M-c-D-o-n-a-l-d. I am the-- I am here representing Nebraska Pheasants Forever. I'm the eastern Nebraska regional representative with Pheasants Forever. And in Nebraska we have 62 Pheasants Forever chapters and over 10,000 members. And as you went around and said where you're from, we have a chapter in each one of your areas, which is very nice. We'd love for you to come out to our fundraiser sometime. I'm here to testify in opposition to LB126 and I really have two main-- Nebraska Pheasants Forever really has two main concerns of LB126 as follows: And number one is really revenue and safety. Pheasant and quail season in Nebraska typically opens the last week in October. Mr. Smathers referred to this. LB126 proposed deer season would open a week before the regular season. Deer rifle season typically opens the second week in November. So pheasant, quail open, couple of weeks deer open. Well, the busiest time for pheasant and quail, second busiest is the second week. So as your proposed deer season open, that's our second biggest week of pheasant and quail hunting in Nebraska. Now these two seasons overlap. Many bird hunters we feel will stay home because of the safety in the field. I think Mr. Case alluded to this as bullets flying over his head. Most bird hunters stay away during rifle firearm season. Less hunters in the field means really a loss of sales, less gas, less groceries, less hotels, and the loss of sales obviously means loss of sales tax

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revenue. So our hunters will probably stay home so they don't have bullets running over the top of their head. Number two is really funding and this is the biggest part and what we really are concerned about. But many conservation organizations like Pheasants Forever really rely heavily on the support of you know, what Mr. McCoy said, Nebraska Game and Parks through the Pittman-Robertson federal Aid and Wildlife Restoration Act truly referred to as a Pittman-Robertson Act is what we're talking about. And that came about for many species of wildlife were driven to or near extinction by habitat degradation from humans. The act created an excise tax that provides funds to each state to manage those animals and those animals' habitats. LB126 proposes to issue four free deer permits. Mr. McCoy said that that's \$70 loss of revenue per hunter. Those loss of permits could add up to millions of dollars, he stated \$3.9 to \$9.7. Loss of permits could add up to millions of dollars and as a lifetime hunter, a lifetime conservationists, and like many of you on the committee, you know, the loss of funds would cripple many conservation organizations and the good work that we're doing, of Pheasants Forever and Pheasants Forever mission. With the loss of funds it would reduce the habitat we partner with Nebraska Game and Parks Commission and they're one of our best partners as far as getting Pittman-Robertson "donie," money. But we must first get a dollar from our chapter before we can get any Pittman-Robertson money. So as an example last year, Nebraska Pheasants Forever's 62 chapters raised about a half a million dollars. We went around to chapters asking for their support. We turned that \$.5 million dollars into \$6 million and spends in the state in Nebraska for conservation. Now it wasn't all Pittman-Robertson money. We have many, many partners. We have Nebraska Environmental Trust where we get funds from, too, but a big part of that is Pittman-Robertson money. A loss of Pittman-Robertson funds means a loss of critical habitat. When we are losing habitat daily, and I think Mr. Case talked about it, everybody's ripping out trees, you know. I urge you, now's the time to make laws that do not reduce habitat. This really concludes my testimony and I respectfully ask you to vote no on LB126. LB126 would benefit a few Nebraskans, the landowners, four free permits, but a vote no on LB126 will be a yes vote-- vote for increased habitat and for all Nebraskans. So thank you for your time you've given me today. Be happy to answer any questions.

**BOSTELMAN:** Thank you, Mr. McDonald. Are there any questions from the committee? Seeing none, thank you, sir. Thank you, Mr. McDonald. Are there any other opponents would like to testify?

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**WES SHEETS:** Good afternoon, Senator Bostelman and members of Natural Resource Committee. My name is Wes Sheets, that's spelled Wes Sheets. I'm appearing before the committee in behalf of the Nebraska division of the Izaak Walton League. We have a number of chapters ranging from Imperial, Nebraska, to Wayne and of course back here to Lincoln, we have a fairly large chapter. It constitutes almost 2,000 members, just under 2,000 members paid for the next coming year. We wish to offer our opposition to provisions of LB126. We certainly do recognize the, as a senator ex-Senator Rupp characterized, a rock and a hard place with the Game and Parks Commission. This is a very big issue about the way people approach their lives in the hunting world and in our state. With all due respect to Senator Hughes and the many landowners that do provide substantial support for all of Nebraska's wildlife resources, we believe that the provisions of this bill really may create more problems than it provides solutions to perhaps as yet an unidentified problem. We as an organization don't always agree with the Game and Parks Commission and their decisions of management activity, but we do agree that they are the agency that has the most opportunity to solve many of these issues regarding hunting and fishing in our state and in this period of time. You must remember that over 200 years ago and through the last 200 years courts in our country have affirmed to have an opinion and have reaffirmed that our wildlife resources are renewable resources that should be held in trust for the common people and all of the citizens of the country and under the guise and operation of the individual states, of course, with cop-- cooperation between those states. So we believe that, that public trust needs to be upheld if we can find the right solution and do that. If we understand the genesis for this bill, it was discussed early on in an opinion poll in The Hemingford Ledger, I believe it was. I read a news article there that bemoaned the loss of what used to be a tranquil season in the fall for hunting. And I would be the first to agree that over the course of my history in this state, roughly 50 years since I transferred from Kansas-- and by the way I am a landowner or farm owner in Kansas currently today and the same issues are facing the tranquility of hunting and the face of landowners in that state that we're talking about right here. It's a very germane topic probably across the whole country, partially which I totally [INAUDIBLE] that has been exacerbated-- exacerbated by the increase in leased property for hunting. And as Professor Case identified, you know, he purchased a property for the specific purpose of wildlife appreciation and having a place to hunt. So the very fact that we are growing those scenarios has complicated that issue of changing the face of Nebraska's and the country's hunters actually. We want to go on record

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though, that we do not agree that the addition of a seven-day rifle-fire and deer season in front of an existing ten-day season would be a very good solution. I was extremely pleased when Mr. Oaks (PHONETIC) recanted that he philosophically does not-- does not appreciate paid hunting or placing values on animals out there. Many times trophy hunting pays big dollars to have a place to go and hunt and so that always complicates the issue and creates a market for leased properties and sale of properties, all of this combined. We do, however, support any efforts that could happen to strengthen to work to improve the enforcement of our existing trespass rules and other hunting and fishing rules. I certainly was pleased to hear the discussion about, well, maybe we need some more conservation officers. I did-- to preface these comments that I did spend my career in this state and working as a fisheries wildlife management biologist for that department. So I'm well aware of the telephone calls that come to the chief of enforcement, particularly during firearm deer season. This is maddening sometimes if you're in that chair. I just wind up and say that-- that we do believe that the provisions of LB126 would substantially increase the demands on our, on our department, whether it's that management biologist or the law enforcement staff trying to solve these issues of keeping people on the same page. I think I'll just end my testimony there. The red light is on and just ask that for these reasons, these few reasons and many, many more we respectfully request that this committee indefinitely postpone LB126 and perhaps its companion bill, LB127. And I provided these comments as-- in behalf of the Izaak Walton League of America in this state. So thank you very much for listening.

**BOSTELMAN:** Thank you, Mr. Sheets. Are there any questions from the committee? Seeing none, thank you, Mr. Sheets. Next opponent, anyone else who'd like to testify as an opponent to this bill?

**MATT BURESH:** My name is Matt Buresh, M-a-t-t B-u-r-e-s-h. Chairman Hughes and members of the Natural Resources Committee. Good afternoon. As I said, my name is Matt Buresh and I serve on the executive board as secretary of the Nebraska Bowhunters Association. We have over 675 active memberships, family and single, which translates to over a thousand members. The Nebraska Bowhunters Association wishes to express our strong opposition to the provisions of LB126. Representatives of our organize-- organization met recently and unanimously decided that LB126 was inappropriate at this time and should be indefinitely postponed and we ask the committee to do so for the following reasons. Our members certainly appreciate the fact that

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the private property owners provide much of the habitat needed to sustain most of Nebraska's deer herd and in some cases they experience crop damage and some losses of income. However, we also believe that our state's wildlife are assets and can, and can provide shared benefits to all citizens. We believe having the trained wildlife resource managers of the Game and Parks Commission in charge can provide the best directive to protect and ensure a healthy deer herd for all Nebraskans. The provisions of LB126 would seem to extend to a large number of free permits to what could be a large number of landowners and family members. In doing so, the revenue stream we heard about from licenses and federal aid allocated based on paid permits would substantially diminish, which in turn would hinder the ability to care for our wildlife resources as presently provided by the Game and Parks Commission. The aspect of providing a sufficient law enforcement oversight of another firearm season and verified documentation necessary will be quite costly and difficult to accomplish with less funding. Hunting seasons of several other types currently exist during the proposed new landowner season and are very popular, as such seasons are very unique to Nebraska's diverse landscape. These seasons include upland game hunting of pheasant, quail, dove, grouse, and even fall turkeys. Furthermore, the state's highly popular and lucrative waterfowl seasons and big game primitive weapon hunting would be overlapping. If a second pre-- pre-season firearm season were to be established as proposed, safety concerns most definitely would negatively affect those well-established and popular activities. For these and many other reasons, the Nebraska Bowhunters Association urges the committee to indefinitely postpone advancement of LB126. On an unprepared statement, Senator Albrecht, I happen to hunt in your district, Ponca and Jackson areas, and so if we could keep the population a secret about how good the deer hunting is up there I'd appreciate that.

**ALBRECHT:** I'll work on that.

**MATT BURESH:** Senator Gragert, you asked a few questions earlier today. I don't know if they've been addressed or not, but what some of what we've heard today is about road hunting and trespassing. And as discussed, I don't think LB126 touches on those issues and how to, how to prevent those issues. We talked a little bit about population control. And one of the things that Nebraska, the Game and Parks does do is they offer what they call river analyst tags, in which people can buy tags where they can hunt within three miles of the river corridor or for analysts deer. Those tags are thirteen dollars and

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allow you to take two does off of each one of those tags and the tags or unlimited throughout the state. So the Game and Parks offers a good service there. That tag is also has a rifle season in October that gives rifle hunters an opportunity to-- to shoot some of those deer and help with population control in that sense. Nebraska also has a program where through the Game and Parks people interested in deer meat can go on and sign up and ask for donations. Hunters can be matched with those people and donate their deer to them and transfer the tags back and forth and do it through a legal process. So that is one of the solutions that the Game and Parks has come up with to help with some of these excess deer that might be shot by people who can't take all of the meat. So there are programs in place and some of those that could be built upon in other ways to help with some of these questions that have been asked today. But we don't think that LB126 provides any of the solutions necessary to help with some of those problems. Thank you for the opportunity to comment on this proposal.

**BOSTELMAN:** Thank you, Mr. Buresh. Are there any questions from the committee members?

**ALBRECHT:** Thanks for being here.

**BOSTELMAN:** Seeing none, thank you, Mr. Buresh, for coming and testifying today. Are there any others who wish to testify as an opponent to this bill?

**TOM LANZ:** Senator Bostelman and members of the committee, I thank you. My name is Tom Lanz, L-a-n-z. I represent the John and Peggy Lanz family trust, which is basically my parents and my brother and I. I'll try and be very brief because most of this ground's already been plowed. We own a family ranch in the Sandhills in Nebraska. My wife and her family own farm land in Thurston County, Nebraska, and I can tell you this is an age old problem the road hunting and trespassing. I think the last time I hunted in Thurston County was in 1976 and it was a problem then and it's been a perennial problem, road hunting and trespassing. Most of the trespassing I will tell you is probably from my observation from local people more so than out-of-state people coming in trespassing. But the bill itself, I really oppose because I don't think it solves anything. I think it's nice to get free permits and I will quibble a little bit with the language in the bill with regard to the four free permits. And yet you'll see at my opening I, I added some emphasis. It says it shall give four free permits for seven days prior to the season to any landowner and designated members of his or her immediate family. It doesn't say four permits, period. Does

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it amount to four permits for each landowner and each family member? Is then multiplied, myself, my wife, my two children to get 16? And my aunt owns the other half of the ranch, so therefore Deena [PHONETIC] could have four permits and her children could then have-- the multiplier effect. I'm not sure that's the intent of the bill under the language, but that's sure the way I read the way it's written. And I would really object to-- I objective for four, but I would really objective multiples. Our ranch is about 2,100 acres south of Bassett, Nebraska. And, quite frankly, if I were to get these free 4, 8, 16 permits, whatever number it were to be to go up there and open season a week early, probably 20 percent of our ranch has really good deer habitat, has a lot of deer on it. And if I were to remotely think about opening 50 percent of that up, I guarantee you I would take the south half of it, which is landlocked completely by all neighbor-- in the Sandhills we don't have square sections. I think there is a road on our property that touches the south half of it. So, basically, it would be open to public deer hunting with no access, because they would then have to have permission from the other landowners around it to even get to it, assuming they could find it in the first place. Navigation out there is completely different than it is in Thurston County where we have a square section. So it becomes unenforceable. It doesn't solve anything, to my mind. There are problems that need addressed, I'll agree with completely. I don't think this bill does it. The other thing that hasn't been talked about is, is conflict amongst landowners. Landowner A has habitat and neighboring landowner B has habitat. These deer don't know whose ground they're on. They're back and forth across this ground. Landowner A says, okay, I'm going-- I'm going to open my stubble field out here to the public hunting. I'm going to shoot some deer. Hopefully, they're on my property. Landowner B says, no, I'm not opening of any of my ground. I'll take equal footing, I'll go in there opening day of deer season and I'll-- I'll take my chances. It seems to me to be a head-to-head conflict between the two landowners fighting over the same resource, assuming they are, and it just doesn't make sense. And with that, I think I'll just conclude. I've never been accused of being brief, but I think today we'll try.

**BOSTELMAN:** Thank you, Mr. Lanz.

**TOM LANZ:** I'd be happy to answer any questions you may have.

**BOSTELMAN:** Thank you, sir. Are there any questions from the committee members?

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**TOM LANZ:** Thank you.

**BOSTELMAN:** Seeing none, thank you, sir, for your testimony. Next opponent. Welcome.

**BRIAN BYERLY:** Thank you. My name is Brian Byerly, B-r-i-a-n B-y-e-r-l-y, I'm here on behalf of National Wild Turkey Federation and I also am a landowner. While drawing the short straw and being one of the last, if not the last to go, most of the things that I was going to read in my prepared statement have been covered, you know, in some fashion. So just wanted to basically state our case that I wanted to request that this letter be included as a part of the public hearing record for this bill. We have 35 local chapters, 3,000 members, a lot of what Pheasants Forever said, as well. We have a lot of, you know, the same principles of conservation and, you know, we also both, you know, support the landowners. So, so much of this, you know, like I said, has been covered, I wanted to go through a few points that we are a strong supporter of private landowners and value what the landowners do, do for wildlife, you know, across the state of Nebraska. I mean we would not have the certain things that we have, not only as an organization, as a state if it wasn't for the landowners. So we oppose this legislation because it goes too far in the provision of free landowner permits, and a special season would have the potential of cause of unnecessary conflicts with sportsmen and user groups. Tom covered upland hunters, waterfowl hunters, bow season, rifle season, such like that, safety concerns for these upland hunters and, you know, significant reductions in the need of revenue for the Nebraska Game and Parks. And I think that's been covered pretty, you know, in detail here as well. So just a personal statement on land, on my land, EHD took about 75 percent of my deer population in the last couple of months, few years. So adding extra licenses and time to a hunting season would be devastating in my area on that behalf. So again, most of this has already been covered. I'm not going to bore you with it. It is-- you have the copy of my statement, and I will field any questions at this time.

**BOSTELMAN:** Thank you, Mr. Byerly. Are there any questions from the committee?

**GEIST:** Yes. I just have one brief question.

**BRIAN BYERLY:** Yes, I did get one.

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**GEIST:** I don't want to disappoint you.

**BRIAN BYERLY:** Thank you.

**GEIST:** I missed where you said you're from.

**BRIAN BYERLY:** National Wild Turkey Federation.

**GEIST:** No. I mean where's your land [INAUDIBLE]?

**BRIAN BYERLY:** I own property between Garland and Bee.

**GEIST:** OK, so kind of close to Lincoln.

**BRIAN BYERLY:** I'd say about 45 minutes from here.

**GEIST:** OK.

**BRIAN BYERLY:** Forty-five, fifty minutes from here.

**GEIST:** What county is that in?

**BRIAN BYERLY:** It is Seward County.

**GEIST:** Thank you. That's all.

**BRIAN BYERLY:** I got the easy one it looks like.

**BOSTELMAN:** Are there any other questions? No. Thank you, Mr. Byerly.

**BRIAN BYERLY:** Thank you.

**BOSTELMAN:** Are there any-- is there anyone else who would like to testify as an opponent to this bill? Seeing none, is there-- was there anyone here who would like to testify in a neutral capacity on this bill? Seeing none, I will say, as Senator Moser mentioned earlier, I have a number of pages here of individuals who have submitted either in writing or e-mails to the committee letters in favor and in opposition both. These we will not read today. They will be posted on our Web site for you if you would like to look at it at another time and date. And with that, Senator Hughes, we'd like to have you close.

**HUGHES:** Thank you, Vice Chairman Bostelman, members of the Natural Resource Committee. Today was a very good learning experience for the committee. If there's a problem out there, write a really bad bill. People will show up and tell you why it's a bad bill. But what really

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happened today was there were problems identified that I think this committee needs to address and work on. I was very pleased to hear Assistant Director McCoy say that he would very much like to come work with me and this committee finding a solution and I would certainly invite any of the gentlemen who came and testified today to be part of that solution. There is a problem out there with wildlife. It's more intense in some parts of the state than other parts of the state. But if you look at the numbers and I wasn't-- the numbers that it's costing the landowners are much greater than what the few million dollars that Game and Parks is concerned about. I'm certainly not interested in causing them to have a smaller budget in any way, shape, or form. But, you know, \$5 million, \$9 million, \$12 million versus \$60 to \$70, \$80 that's costing the landowners and the vehicle repair. No, there's not much comparison. I think we have identified there's an issue here that we do need to work much more on. So with that, I'll leave it at that. Mission accomplished and would be happy to answer any other questions.

**BOSTELMAN:** Are there any questions for Senator Hughes from the committee? Seeing none, thank you Senator Hughes. This will close the hearing on LB126. We will now open the hearing on LB127. Senator Hughes, welcome.

**HUGHES:** Thank you, Chairman-- Vice Chairman Bostelman, members of the committee. This is a companion bill. If you haven't figured out, this bill is allowing the landowner and expanding who qualifies under that landowner provision. The question came in, when currently it is owner, spouse, an issue or child. I had a few people come to me and say my, well, my daughter-in-law cannot go hunting with us. That's the genesis of this bill. I have no illusion that anybody behind me likes this bill, just like nobody liked the last bill. But it is a starting point. I do not intend for this bill to go anywhere. I know it's late, but if anybody wants to come and testify in opposition they're more than welcome to. But it is a, you know, the focus of today's hearings were about the landowner and the issues that I have heard about from my district of challenges that are involved from people who are feeding the population the, wildlife population in the state. So with that, I'd be happy to answer any questions.

**BOSTELMAN:** Thank you, Senator Hughes. Do we have any questions for Senator Hughes at this point with the committee? Senator Moser.

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**MOSER:** If LB126 doesn't advance is LB127 dead or does this apply to other permits?

**HUGHES:** That's up to the committee. You know, I guess what I would envision moving forward is that at some point the committee will discuss what we hear today or have heard today and see if there's a willingness by the majority of the committee to come up with an amendment or once we sit down with Game and Parks and the Sportsmen Foundation and any of the other individuals who've testified here today that want to give us input on possible solutions. I don't-- both of them will not advance. You know, one will, will sit and the other one hopefully we can find some sort of solution and hope-- quite frankly, hopefully, we don't need legislation to do anything. You know I like to hire good people and let them do their job with occasional input and basically that's what this is. If they-- if we don't get the results we like then we can pass legislation, but that's certainly the-- not my preferred method of forcing someone to do something.

**MOSER:** Thank you.

**BOSTELMAN:** Other questions from the committee? OK. Thank you, Senator Hughes.

**HUGHES:** I will stay for closing.

**BOSTELMAN:** I would ask for any proponents who would like to testify to LB127.

**ROBERT FORCH:** My name is Robert, R-o-b-e-r-t, Forch, F-o-r-c-h. Good evening again and thank you again. I'm very flattered that an uneducated dirt farmer from southwest Nebraska can generate this much interest. I-- this goes beyond my hopes. I mean, the dialogue we've had today goes beyond what I ever expected out of this. I'm, I'm flattered, if you can call it that. I mean, I'm, I'm, I'm glad we generated this much interest. This bill, LB127, is considered a companion bill with the other bill. My goal in this bill was that-- we moved my son and daughter-in-law back from Virginia this last year and he qualifies then on my landowner's permits, and his wife does not. In this day of broken families, single parents, whatever, divorce, we try to do things as a family unit, do things together, all right. Opening morning of season we, you know, my two sons and I, we get our rifles out, we get things ready to go. The sun ain't quite up yet and I can turn around and say, Carrie [PHONETIC], you can't go. You're not, you know, as far as the state of Nebraska, the Game Commission, whoever

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you want to call it, say you're not family. You can stay home. It's that simple. I want to see this bill expanded to cover "son-in-laws," "daughter-in-laws" and grandkids. And the grandkids should not be that big an issue. I'm 70 years old. My oldest grandson will-- that will even think about hunting is five. So from the time that I quit and he starts, I really don't see much overlap. But I want the opportunity to hunt with my kids and what this does under the landowner scenario is that my kids are all professionals. They bid their schedules a month at a time. All right. The landowner's permit, I can go on-line, I can get that at anytime. So they can know, they don't have to draw and try to draw a license, draw a tag to come out and hunt with me on my land. It makes that a great convenience. We-- like I say, we like to do things together as a family and between this and the other bill what that would do is it will let us go out-- and the previous bill as far as the-- an advance time I can have my hunting done. We can allow others to come in then, which I mean I'm open to that. The last four or five years I can, I can give you phone number after phone number of people that hunted on my land the last couple of years that we have become way, way, way more open to letting people in. But it would be the advance thing would also let me guide some of these people that come in. I have places I don't need people going on their own. I mean, for safety if nothing else and it would give me the opportunity that in our area this time of year all of our cattle are behind one single electric wire. And, you know, that electric fence-- not only do we have hunters out there that drive down the road, drive off, plow through it, whatever, drive away, ignore it. But when they-- in our area-- in these hills you don't sneak up, you don't sneak a mule deer. You take your ranch pickup and you drive up to it and kind of do some hunting that way. But people get these, these animals running. They're chasing with pickups or driving these animals through these fences and stuff. And so with that advance I would have the time that I can hang around home, I can put cattle in, I can fix fence, and, you know, and do things like this. A lot of this-- almost every issue that I had in my mind has been addressed tonight already. But as, I mean, the bottom line is it's my land and going with that I had, you know, the--boy, that yellow light comes on quick. But I see you've given us great latitude and I appreciate that. But I've had people ask me what I've done, what-- why I deserve to go ahead of anyone else, why I think that my kids or my grandkids should be able to hunt maybe when others can't. And I will say that as an American, as a farmer in the state of Nebraska that I-- I have produced the most abundant food supply in the world, the safest food supply, the cheapest food supply per hour of wage. As a landowner, I furnished the land for the county roads. I

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furnish the land to the center of that road. I pay the taxes on that land still even though I don't get-- I mean, I drive on my side the road, I guess. I pay for the maintenance for those roads. I pay a grossly unfair portion of education in this state through my real estate taxes. I take the black eye for the farm bill, \$867 billion. I get less than-- I'm not spike-- speaking personally, but as a farmer, as a landowner, but I get less than 10 percent of that when the other almost 90 percent goes to our assistance and welfare programs. And we do have a need for assistance programs, but that, that program is so taken advantage of, it's unbelievable. But I take the black eye for that because it's called the farm bill. I do that for the American people. On my land, five generations. My grandfather came to this country, came to Iowa when he was three years old on the orphan train. He was a white slave for the first 13 years of his life. He took beatings. He, he-- his living conditions were horrific. And he started putting this land together. My dad went through the '30s, the '50s. I mean, he's-- we have a vested interest in this land. My generation, we tried to hang on to it. I'm one of the last that you'll find that went to a one-room country schoolhouse, which, you know, neither here nor there. I spent four years in the military and then I come home and now that-- that the movement is a foot that I need to furnish these animals for people to hunt. I need to, you know, the movement is there. People would love to see me just open the gates. We want to make this a public domain that everybody can hunt and do what they want to wherever. And so when I look back at my life, what I have vested in this land and stuff, I'm merely asking that my daughter-in-law, son-in-law and my grandkids came out with me on this. I, I, the more I look at this, the more I read it my question is, why should I have to ask, with what I've done, with what we've accomplished what, what, what we've put together here as the Americans and the American way of life, actually, why should I have to ask anybody if I can go out there and go hunting and how much it's going to cost?

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

**ROBERT FORCH:** You're welcome. I want to thank you folks for listening to me all day and putting up with me. I appreciate it.

**BOSTELMAN:** Hold on. We may ask some questions for you. Just a minute, please. Are there any--

**ROBERT FORCH:** Well, I'm glad that we have generated some.

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**BOSTELMAN:** Are, are there any questions from the committee?

**ROBERT FORCH:** OK, we aren't done, huh?

**BOSTELMAN:** Any questions from the committee members?

**GRAGERT:** I just have one quick one.

**BOSTELMAN:** OK. Senator Gragert.

**GRAGERT:** You probably don't want to hear it, but I don't know if this is a question for you and maybe someone else. But sharing ownership of the property and their people--their generation would also qualify. What is the sharing? Is that if I own 1 percent or am I making as much living off that piece of ground as you are?

**ROBERT FORCH:** That's going to-- I mean, you guys, the Game Commission, somebody is going to set that statue.

**GRAGERT:** OK. Thank you. I didn't know if that came from you, that, that--

**ROBERT FORCH:** No.

**GRAGERT:** OK.

**ROBERT FORCH:** No, I-- it just says a sibling, a sibling with an interest in it, so

**BOSTELMAN:** Are there any other questions from the committee? Seeing none, thank you very much, Mr. Forch, for coming in.

**ROBERT FORCH:** Thank you for hearing me, sir.

**BOSTELMAN:** Anyone else that would like to testify as a proponent for LB127? Anyone who would like to testify as an opponent to LB127?

**TIMOTHY McCOY:** Good afternoon, again. My name is Timothy McCoy, I'm the deputy director at the Nebraska Game and Parks Commission. I need to go back and spell my name. T-i-m-o-t-h-y M-c-C-o-y. And I am officed at our headquarters located at 2200 North 33rd in Lincoln, testifying in opposition today because of the concerns that the commission has with this bill. But I'm going to start with a little bit of history and the history of the expansions for landowner permits. Prior to, to 20-- 2009--and I was not in this role so I had to go back and look this up--the definition of immediate family was

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defined to a husband and wife and their children. And that was actually specifically when it talked about immediate family related to deer, antelope, and elk, and, and turkeys. It further limited that person's immediate family to those residing in the same household. Two thousand nine LB105 removed that language, the, the "residing in the same household," which obviously broadens some potential eligibility. And then it expanded the definition to-- of immediate family to "a husband and wife and their children or siblings sharing ownership in the property." I'm not exactly sure how that definition came to be. My guess is at the time as it was an appropriate definition or deemed an appropriate definition in statute, because tying that back to the, to the, you know, same household and the siblings sharing ownership has become more common in many of our farms and ranches or past farm and family and was likely included because of that. Mr. Gragert, you asked about the percentage. Currently, the way the statute is written there is no percentage. So. If they have a shared ownership interest they are eligible.

**GRAGERT:** OK. Thank you.

**TIMOTHY McCOY:** LB2000, 2-- sorry, LB94 in 2013 incorporated some new language into the statute that added a way for a qualifying landowner to be among the partners of a partnership or officers or shareholders of a corporation that own and lease that ag-- or land for ag purposes-- and among beneficiaries of a trust. And that was actually brought to our attention from folks who own land in those sorts of situations which are also becoming more common and wanting a clear way to identify that, that eligibility. So, you know as we looked at this bill, you know, we see the expansion of a definite-- definition of immediate family could greatly expand eligibility going all the way down to grandchildren and their spouses. And, and that makes our concern really about trying to figure out how we'll track this and as it goes forward. It would greatly expand the number of people that could be applying for landowner permits. We've discussed previously and I think with something like this we would need to look at developing a system to verify. Eligibility and land ownership, sort of a registration system so that we could actually track who was eligible for those permits a little bit better. We primarily rely on the trust me factor with our landowners. And in most cases the landowners are very trustworthy. What we do see when we look at compliance, we do spot investigations through law enforcement in certain counties periodically on landowner permits. What we do find out find is a violation rate that-- that with landowner permits can be as high as 24

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percent. And, typically, that is from people that aren't land-- landowners identifying somebody else's land as theirs. It's typically in a leasing agree-- agreement and claiming those tags when they don't in fact hold that agreement. We've also had people who have sold land who continue to claim it as-- for a landowner permit multiple years after. So we, we do run into that. So that's why we have the fiscal impact primarily expenditure based on this. This would not be a huge revenue shift. People would still be buying permits but that's, that's why we provided that fiscal impact statement, because I think that's something we need to do if a bill like this goes forward. We, again, would be happy to have more discussion about exactly what it looked like and appreciate Senator Hughes bringing this issue forward.

**BOSTELMAN:** Thank you, Deputy Director McCoy. Are there any questions from the committee? Senator Albrecht.

**ALBRECHT:** All right. This isn't really a question, but you sparked my interest when you said it's hard to track. We had a gentleman on our property that said that he had permission from the owner, which was my husband. And it was my husband that approached him and he said, well, you know, I am the owner. So there are people that are out there hunting on our grounds that say, you know, because they know whose land they're on. And I mean they break down the fences, do all kinds of things. So I think you have a huge job on your hands as it is. But to know who these people are and how to track who's actually owners of it would be a tough job to do. But if it's im--

**TIMOTHY McCOY:** It's challenging.

**ALBRECHT:** So, so you said 2009 have families?

**TIMOTHY McCOY:** Yeah, in 2000--

**ALBRECHT:** What was that bill number?

**TIMOTHY McCOY:** LB105 in 2009 actually struck the-- struck the language talking about requiring the residing in the same household, because that, that was--

**ALBRECHT:** Because they're not mentioned before.

**TIMOTHY McCOY:** They had both husband, wife, and children, and the residing in the same household. And then later that was struck and then the other language added.

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**ALBRECHT:** OK. Thank you.

**BOSTELMAN:** Other questions from the committee? Seeing none, thank you, Deputy Director McCoy. Others who would like to testify as an opponent to this bill. Welcome.

**SCOTT SMATHERS:** Senator Bostelman and members of the committee, my name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s, I'm the executive director of the Nebraska Sportsmen's Foundation. I'll be real quick. We oppose LB127 simply for the facts that have already been stated. We feel that obviously-- it's obviously a companion and we have some strong concerns that if LB126 were to make it to the floor and LB127 would make it to the floor we would quickly see the 50 percent access, even though it would be less than marginal ground being removed quickly through an amendment and now suddenly we have a large stake of additional potential landowners receiving the free permits. One of the questions that was asked earlier that went unanswered was, is there another financial aspect to this? And that's the loss of trophy animals. What do you put on a price of a trophy deer or trophy elk, Nebraska quickly becoming one of the unkept or quiet secrets of elk production with the last four years of 400-plus scores being taken within the state. And it's going to get even bigger. We oppose LB127. If LB127 stood on its own, we'd be all in favor because we'd like to see expanded opportunities. It's what we're about. I have a five-year-old grandson that I'm taking turkey hunting for the first time. He's not shooting, he's is going to be sitting in my blind, Director McCoy, and observing. But I'm excited. He's excited. It's a tradition. Now this is the fifth generation. I understand that. I'm, again, a landowner. Senator Albrecht, your brought up a statement. What we're concerned about with LB127, too, is the definitions aren't clearly defined as to the number of shareholders in that property. In addition, as you heard from Director McCoy, there's already fraudulent activity occurring. We feel that there's additional permits available-- not all landowners are not like the ones you see here today. Sorry to break that news to you, but some of them are not aboveboard and we see a fraudulent activity. Leasing land is a big business, especially in declining commodity pricing. There's a lot of landowners that have gotten away from commodity producing to lease their land for hunting. Some prime elk ground can go for anywhere from eight to ten grand a year to lease. That's substantial. Now if you have free permits, you sell those off, it doesn't matter. Who's going to come check in the middle of 10,000 acres with 48 conservation officers? So that's our concern. If LB127 stood alone without LB126,

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we would support an avenue to refresh the language and expand the licensing for landowners. However, I still have germaneness issues with a certain senator on the floor in regard to mountain lions, because it does provide germaneness. So with that, I'll close and move forward.

**BOSTELMAN:** Thank you, Mr. Smathers. Are there any questions from the committee? Seeing none, thank you, Mr. Smathers. Is there anyone else would like to testify as an opponent to this bill? Is there anyone would like to testify in the neutral capacity? Please come up.

**ANDREW CASE:** My name's Andrew Case, Andrew Case. I don't have split personality. This-- yeah, I, I, I, I thank all of you for your service as politicians. I, I, I don't have-- I couldn't do it. I don't have the stomach for it. Hearing everything, there's a-- there's a concept that I, that is one of my core values from the military: KISS, keep it simple, stupid. And that's not meant as an insult. I teach my students this. The bill as is I think is, is terrible. I am-- I came up as, as a proponent of it, but as a landowner, yes. And that's where I was going. And I would very much like to talk to Mr. McCoy after this so hopefully he-- if he's willing, he'll stick around. All the landowners that you referred to ma'am, it is not about the money. I am grateful that Game and Parks cut that in half. Would I take the free? Absolutely. I mean who wouldn't take the free? Do I have a problem with paying the current? Absolutely not. I think it's simple. I think it should stay the same, exactly as it is. As far as land, I think it should be immediate family. It should be myself, my wife, and whoever is living on that land. And I haven't heard one single reason-- good reason why I shouldn't be able to go out and hunt a week early on my land with my family, with my kids. Several people, you know, the gentleman from the bowhunters, they talked about waterfowl, turkey fowl. OK. Think about it. On my land who's going to be on my land a week before rifle season hunting? Nobody, because if I'm planning on hunting during rifle season, I'm not allowing people on there with shotguns shooting pheasants, stirring up the deer. So there's, there's-- really there is no issue with infringing on the other seasons because for the landowners, we are hunting on our own land. And if we're serious about hunting, then we're not going to have the pheasant hunters, we're not going to have the waterfowl hunters because we're preserving it, waiting for that week of rifle season, because of the competition. If we get to get our deer and spend time with our family we are far more likely to open that up and invite other people to come in and share that with us. I don't see how it

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gets any simpler. Game and Parks, one of my concepts in leadership--that's one of the things I teach--is you hire the right person and you get the hell out of their way. He was very well spoken. I think we hire the right people for Game and Parks. If there's a population issue, then we address that separately. I'm here to represent landowners and my right as a landowner to be able to use my land and I haven't heard any reason why landowners shouldn't. It shouldn't be-- it doesn't necessarily need to be free and I'm total-- I am not for four. I think that's too many deer. OK. As, as Mr. McCoy stated, there's the bonus tag. I get two. My wife can get one I can get one and there's the bonus tag. That's four. That's enough to feed my family for a year and every landowner that I know is happy with that. The-- the deer population issue, I think that's a totally separate issue. I hope-- I hope that you all have heard what I've had to say because I represent a lot of landowners. I hope that we can do something, because there is a lot of fathers and mothers out there who would like to go out, enjoy their land with their kid. When people say-- somebody made mention of a factory, that the factory workers would be upset that we get to go out a week early. Buy your own ground. You can-- either that or you can contribute to my \$16,000 in taxes. And here's the other thing and I've already said this, if I got to go out and hunt I may be more inclined to let somebody come with me. But, anyway, that's all I have to say. I just wanted to sum it up. Thank you for allowing me to speak.

**BOSTELMAN:** Thank you, Mr. Case. Are there any questions from the committee?

**GEIST:** I do have one.

**BOSTELMAN:** Senator Geist.

**ANDREW CASE:** Yes ma'am.

**GEIST:** I don't want to be a wet blanket, because I appreciate what you're saying and you are a landowner and I would give you what you wanted, because you're so compelling. However, the only pushback I would have on what you have to say is if there is a bowhunter hunting on adjacent land to you and you have a rifle and you're shooting a deer, that's where I would be concerned about that overlapping with bow season.

**ANDREW CASE:** That's true. And in my-- I guess my response to that is-- did you give a number for landowners? Did you say 49,000 landowners?

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OK. So let's-- if we really wanted to do this we'd take the 49,000, we'd find out how many of those 49,000 landowners hunt, which is starting to get an even smaller number. And then we're looking at adjacent land next to that and we-- our problem shrinks really small.

**GEIST:** It does, I agree with you. But if I were Game and Parks I would be concerned about those two things happening, just from a safety stand-- standpoint for my bowhunters. I think that-- I don't know, I've not talked to them. I know I have had a flood of bowhunters e-mailing me saying that this will infringe upon their season. And I'm guessing that that's why, not because they want to be on your land when you're hunting--

**ANDREW CASE:** Right.

**GEIST:** -- that's closed. But they could be on adjacent land and it's a danger to them. And that's the only pushback I would say to what you said.

**ANDREW CASE:** My response to that would be what would be the difference between them and rifle hunters during the regular rifle season. The danger is the same.

**GEIST:** It is and I [INAUDIBLE].

**ANDREW CASE:** It is. So, so the only difference is, is they're, they're upset because then the rifle season is infringing on theirs. But it's no different with the rifle hunters. And if they're bowhunting on my neighbor's property most of them as, as somebody had said, if they have done their research, they're going to know that I'm on my property as a landowner probably hunting. Does that make sense?

**GEIST:** It does if they're scouting, if they're good scouts.

**BOSTELMAN:** OK. Senator Gragert.

**GRAGERT:** Didn't it used to be-- and maybe Mr. McCoy can answer this. But it used to be that bowhunting had to stop during that ten days of rifle season. Didn't they just change that law?

**ANDREW CASE:** It does not now. It goes all the way through.

\_\_\_\_\_: It does not. They have to wear hunter orange [INAUDIBLE].

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**ANDREW CASE:** They can hunt from September 1 to December-- the end of December. Yes.

**GRAGERT:** It wasn't too many years ago, though, that you had to stop bowhunting while the deer season was on-- rifle season was on.

**ANDREW CASE:** Now it runs through.

**GRAGERT:** Yeah. So the safety factor, they built that in themselves.

**GEIST:** OK. Thank you.

**BOSTELMAN:** Are there any other questions from committee members? Seeing none, thank you, Mr. Case, for your testimony.

**ANDREW CASE:** Thank you for your time.

**BOSTELMAN:** You bet. Anyone else who would like to testify in the neutral capacity on LB127? I do have a few e-mails or letters of individuals. There's a few of them in here. I'll read through them quickly, hopefully I pronounce all their names correctly: Rockford Plettner; Thomas Welsted; Louis or Louie Stithem; Tom Elder; Arthur Estes; John Fields; Joshua Clark; Kyle Stohs; Corey Scott; Janice Spicha, Spicha; Kathy Wilmot; and Gary Stohs. With that, I would ask Senator Hughes to come close, if he'd like. Senator Hughes waives closing. This ends a hearing on LB127. Thank you all for coming today. We appreciate your testimony.