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Natural Resources Committee
May 20, 2013

[LR171]

The Committee on Natural Resources met at 9:00 a.m. on Monday, May 20, 2013, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR171. Senators present: Tom Carlson, Chairperson; Lydia Brasch, Vice Chairperson; Annette Dubas; Jerry Johnson; Rick Kolowski; Ken Schilz; and Jim Smith. Senators absent: Ken Haar.

SENATOR CARLSON: Well, good morning and welcome to the Natural Resources Committee. I am Tom Carlson, Chair of the committee. And those senators to my far left is Senator Rick Kolowski from Omaha, District 31; and then Senator Jim Smith from Papillion, District 14. Our committee counsel is not here this morning. She's sick, so otherwise she'd be next to me. And, of course, Senator Dubas is introducing the resolution here. Senator Jerry Johnson from Wahoo, District 23; and Senator Lydia Brasch from Bancroft, District 16; and then our committee clerk, Barb Koehlmoos, to my far right. So, today, we have LR171 to support the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma. And I think I don't need a lot of other instructions for our hearing this morning. If you're going to testify, the green sheet, make sure you've got that filled out and hand that in...put it into the box here. Our page today is Evan Schmeits from Columbus, a senior at UNL, and he'll help us in whatever way he needs to help. So, Senator Dubas, welcome, and you're recognized to open.

SENATOR DUBAS: Thank you very much, Senator Carlson, and good morning, colleagues. I appreciate your attention to this issue. Not too long ago I learned of the efforts to build a trail from Nebraska to Oklahoma to commemorate, recognize, and educate the public at large about the story of Chief Standing Bear and his Ponca Tribe. I offered at that time to help them raise the level of awareness about their efforts in any way that I could, and was then asked by the Indian Commission if I would introduce a legislative resolution. This resolution seeks the Legislature's support of the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma and recognizes the story of Nebraska's original Native American inhabitants. This story, and so many others like it, are vital to the understanding of the history of Nebraska and how we interact with our state's first and truest native citizens. In 1877, the Ponca Tribe, which lived around the Niobrara River Valley in northeastern Nebraska, were forcibly removed from their homeland as more European settlers moved into the new state. Chief Standing Bear and other tribal leaders thought that they were being sent to the Omaha Reservation, but soon found out they would be traveling over 600 miles to what is now Oklahoma, to an area just south of the now present day location of Ponca City, Oklahoma. The tribe bore a harsh and difficult trip by foot and then arrived with no ability to raise any food and endured a cruel winter of starvation and disease. One-third of the tribe died, including Chief Standing Bear's only son. It was the son's and father's deepest desire to return home to their traditional burial grounds. So a small band of

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tribal members began the long trek back home. They made it to the Omaha Reservation where word of their arrival made it back to the Bureau of Indian Affairs. Brigadier General George Crook had them arrested for leaving the Indian territory. But General Crook had sympathy for the Chief and his people and decided to give them some time to rest. He told the story to Thomas Tibbles, editor of the Omaha Daily Herald, who wrote of the Chief's troubles. Because of that story, local attorney John Webster offered his services pro bono and was then joined by Union Pacific attorney, Andrew Poppleton, to defend Chief Standing Bear. The Chief sued the United States government for a writ of habeas corpus in what is now known as a landmark civil rights case. As the trial drew to a close, Judge Dundy allowed the Chief to make a speech on his own behalf. The Chief raised his right hand and said, that hand is not the color of yours, but if I prick it, the blood will flow and I shall feel pain. The blood is the same color as yours. God made me and I am a man. The judge later ruled that the Indian is a person within the meaning of the law and entitled to rights, saying, the rights of expatriation is a natural, inherent, and unalienable right and extends to the Indian, as well as to the more fortunate white race. Chief Standing Bear and his people were able to permanently return to the Niobrara Valley in northeast Nebraska where he remained until he died. The United States government now recognizes the Ponca people as both the Ponca Tribe of Oklahoma and the Ponca Tribe of Nebraska. Chief Standing Bear's journey to Oklahoma and return to Nebraska with the trial that followed illustrates our not-so-proud history when it comes to our treatment of the true native citizens of our state and country. As the resolution states, though, it is essential to raise the level of awareness of historical events in the lives of our original Native American inhabitants of Nebraska in order to promote justice and equality in the United States legal system. The trail would help increase that knowledge and awareness. This resolution will not solve the ongoing challenges of our Native American population. The awful conditions, as a result of alcohol sales at Whiteclay, to the very real problems faced in our foster care system by Native children as they are placed outside of their culture, are only the tip of the iceberg as Native Americans strive to protect, preserve, and revitalize their proud culture. Those who don't learn from history are doomed to repeat it. And that is why a resolution recognizing the work that will culminate in the Chief Standing Bear Trail will be another important part of that historical story we must teach our current and future generations. Change comes slowly and, too often, painfully; but every effort such as this one will take us a step forward in making those positive changes. So I appreciate your attention. I don't have a lot of specific details about the trail itself, and I was understanding that a representative from the Indian Commission would be here but I don't see anybody yet, but I would attempt to answer any questions you may have. [LR171]

SENATOR CARLSON: Okay. Thank you, Senator Dubas. Any questions of the committee? Senator Johnson. [LR171]

SENATOR JOHNSON: Thank you, Chairman, and thank you for bringing this. I've had

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some connection with Oaks Indian Mission in Oklahoma, been on some work sessions down there, and the trials and tribulations that they've gone through, so. I guess one of the first questions, the funding of this and I don't know how much you know of that, but that's part of the process, so. [LR171]

SENATOR DUBAS: And I know as, you know, we look at these resolutions and when you see the word "support," you know, financial always into that picture. And to date, as far as I know, I don't know that there's been any state support given to this project. I know they're trying to raise money. I see a representative here now, so they may be able to give you more support. You know, a resolution is nothing more than that. It's just saying we understand the project or whatever is going on and as a Legislature we're supporting those efforts. [LR171]

SENATOR JOHNSON: Yeah. No, I totally support the effort of lifting it up. Thank you. [LR171]

SENATOR CARLSON: Okay. Any other questions? Senator Kolowski. [LR171]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Senator, thank you for bringing this forward and also it's very noble and very proper that we do this in the history of our expansion and settlement of the Great Plains and all the things that happened. Are we trying to follow a designated path? As we dealt with the Cowboy Trail in the earlier discussions here, were...that was pretty much of a designated rail line and all the rest that would be reconfigured. But is there something in like manner that we're looking at here? Could you tell us a little bit about some pieces of that? [LR171]

SENATOR DUBAS: It is my understanding, but again a representative from the Indian Commission would be able to give you much more specifics as to the location. I know it will run from up in the Niobrara region down through Kansas and then into Oklahoma, but I'll make sure that we get you the specifics of the location of that trail. [LR171]

SENATOR KOLOWSKI: Thank you. [LR171]

SENATOR CARLSON: Any other...thank you. Any other questions? Well, thanks for bringing this and it's not a very proud part of our past that we could possibly have come to the conclusion that people of a different color skin are not human beings. So, I certainly support what this attempt is. [LR171]

SENATOR DUBAS: Very good. I know my home county, Nance County, was a former Pawnee Indian Reservation and in Genoa we have the Indian school where many Native American children were sent to try to get them into the white man's way of thinking. And as I've gone through that school, there's always that sense of sadness, but yet it is a part of our history and it's important that we make sure that not only our

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generation, but for future generations, understand what that means and how we need to go forward from there. [LR171]

SENATOR CARLSON: Good. Any other questions? Okay. And, Senator Dubas, you can sit there or you can certainly come back here if you'd like. And Senator Schilz came in after the introduction, from Ogallala, so he's a welcome part of the committee. All right, we're ready for those that want to testify as proponents of LR171. And as you take your spot there, I usually say this, but you don't need to touch the microphone. It will pick you up and if you try and lean back so it doesn't, it will pick you up anyway. State your name, spell it, and then proceed with your testimony. [LR171]

SCOTT SHAFER: My name is Scott Shafer and the last name is spelled S-h-a-f-e-r. I'm from Nebraska Commission on Indian Affairs and I'm here as a proponent for the trail resolution and I'm prepared to answer any questions you might have. [LR171]

SENATOR CARLSON: All right, that's short. Senator Johnson. [LR171]

SENATOR JOHNSON: Well, I'll...you didn't hear my question when you were just coming in, but one of the questions, support, I think we are all, at least should have an attitude of support for this and I definitely agree with that. When support gets in the picture we also talk about the funding, and I think another follow-up question would help on that, too, but what's this proposal as far as the funding of it? [LR171]

SCOTT SHAFER: I'm sorry...for what now? [LR171]

SENATOR JOHNSON: For the funding, the money side to... [LR171]

SCOTT SHAFER: For the funding, at this point, I'd say that's further in the future. We've gotten a very modest grant from Humanities Nebraska to get us started on it, and then we also secured a commitment of a modest donation from somebody at Union Pacific, which should be enough to fund us at this point. Mostly, we're really in the research stage of the project. I've been doing some of the research and then with some of the commitment of that donation money, we hired an academic researcher from the University of Nebraska to do some of the basic research to compile the base information. Down the line there might be a need for more funding. I believe our agency's preference would be that this would primarily be from donations and grants and whatnot. At least at this point, I would not anticipate any need for an appropriation in the near term. I can't swear that, you know, in three or four years that might not be the case, but we're not that far into it yet. [LR171]

SENATOR JOHNSON: Well, that's helpful because if they ask us questions, know this is the early part of it, studying it. Right now there's grant money, donation money to fund it so far so that helps. Thank you. [LR171]

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SENATOR CARLSON: Thank you. Senator Brasch. [LR171]

SENATOR BRASCH: Thank you, Chairman Carlson; and thank you, Mr. Shafer. Can you describe this trail, like physically does it start in Ponca State Park...you know what communities does it run through, how many miles is it? [LR171]

SCOTT SHAFER: That's again part of the process. It would start in the Niobrara area where the tribe was initially located and where the forced relocation began. There was actually several trips by members of the...various members of the tribe down to Oklahoma, but our primary goal is to document the main relocation of the majority of the tribe down to Oklahoma. So it starts up around Niobrara. And then we've done some studying and some of the work has been done by like Joe Starita for his book...has done some of that. There was an agent's journal that we followed a lot. So it goes on...follows, I believe, it's Shell Creek down to Columbus and then it crosses the Platte there. Then it roughly follows the Blue River by Ulysses, Seward, Milford, Crete, down to Barneston. And then I'm a little bit more hazy, it would go on across Kansas down into Oklahoma and then west to the final destination. So I'm not sure of the exact mileage of it, but I think we have a fairly good idea of the trail and we're working to get that as precise as possible. In some cases, we know like it was three and a half miles northeast of Seward on the east side of Lincoln Creek, so we're getting there. [LR171]

SENATOR BRASCH: Is there a proposed map of some sort available that...is there anything on paper or is it just all conceptual? [LR171]

SCOTT SHAFER: What we're working with right now...and I would say right now, if that makes sense, it's primarily a virtual trail. Maybe at some point there would be more of an effort to maybe connect the pieces together to have some sort of physical trail. But right now, we're trying to make use of new technology. So I just had a meeting with our researcher last week that we're going to primarily use Google maps and so we'll look at some historic maps and then go into Google maps and then try to track that route as precisely as possible. Right now, it's mostly kind of a connect the dots, again based primarily on the agent's journal of, like day one, we were here, day two we were here. So, there's a little bit of guesswork yet on trying to figure out how they got from point A to point B, but I think we can get pretty close. We'll be working on local newspapers and libraries and historical societies to get that as close to the mark as possible. [LR171]

SENATOR BRASCH: So, phase one, or is it...this is a virtual trail, a recognition in history. There is no actual physical geography to be changed or designated or state highway markers or is that down... [LR171]

SCOTT SHAFER: At this point again, I'd still say we're in the information gathering state. I think there would be some plans beyond the virtual which would be Web-based.

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We would try to establish a network of existing roads and highways for if anybody wanted to follow it as closely as possible they could. And I've been doing some primary research on the National Trail designation and typically there would be some sort of signage that would eventually accompany that to aid people in tracking the route at this point. And if there's any establishment of any actual trail beyond what already exists in the ways of roads and highways, that would be well down the path. I would say at least five years from now. [LR171]

SENATOR BRASCH: The resolution talks about a trail and that's why I'm saying, whereas Chief Standing Bear Trail spanning, so... [LR171]

SCOTT SHAFER: Yeah, so initially it's primarily virtual and using existing pathways, depending upon how close you want to follow it all the way down the gravel roads if somebody wanted to get that close to it. But I don't foresee, at this point, you know, the magnitude of actually envisioning trying to like follow a railroad line like the Cowboy Trail, or to build a trail. I think we would be much more along the lines of using what's existing and encouraging people to follow that. [LR171]

SENATOR BRASCH: Okay. Very good. I have no other questions. Thank you. [LR171]

SENATOR CARLSON: Okay, thank you. Any other questions? Senator Johnson. [LR171]

SENATOR JOHNSON: Thank you. Is the same type of an effort happening in Kansas and Oklahoma or is this a...? [LR171]

SCOTT SHAFER: We have a planning committee and we do have...forgive me, I might not remember all of the names but we do have some representatives from the humanities and travel and tourism and I think somebody from Roads down in Kansas and Oklahoma. They have an equivalency to my director's position in Kansas that's on board in support as well as somebody in Oklahoma humanities. We've been kind of just by our virtue of our familiarity in being located in Nebraska we've been focusing on the Nebraska portion of the trail primarily. And then, I believe next year we'll try to get resolutions in Kansas and Oklahoma as well. [LR171]

SENATOR JOHNSON: Thank you. [LR171]

SENATOR CARLSON: Okay. Any other questions? Now, I might say this, in these kinds of resolutions, if the committee advances the resolution, it will go on the agenda with other legislative resolutions for discussion near the end of session. And if it passes, a signed copy of the resolution will be sent to the Commission on Indian Affairs. Some questions were asked financially and I understand at this point you couldn't answer them. But if we go to the body with a resolution and we have discussion on it, that

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question will be asked. As Chair of the Natural Resources Committee, I'll have to answer that question and I don't have an answer and I think it's uncomfortable. So...and if the question, just by what you've said this morning, if the question was in the next few years will there be a request for an appropriation, I'd have to say yes. And if the answer is no, that's pretty important to know that so that we don't have a surprise two or three or four or five years from now. [LR171]

SCOTT SHAFER: I would definitely say for the upcoming biennium there would be no appropriations request. I wish I could give a more precise answer for, say, the biennium after this, but we're just so early into the process, I would hate to say absolutely yes or no. I think our preference is that we would prefer to have this financed primarily by grants and gifts rather than...understanding the financial situation that the state is in of attempting to get any sizable appropriation would be a last resort. [LR171]

SENATOR CARLSON: Well, and I would guess that I probably have the same feeling as other members on the committee that this is an idea that you'd like to see come to fruition, but it is quite a difference whether or not we're talking about tax dollars to fund it or whether we're talking about private donations and in that area, the more the better. So, my question is whether or not this is a little bit premature at this point and certainly it could end up being a little bit uncomfortable with discussion and we wouldn't want uncomfortable discussion on the floor that would all of a sudden shed a light on this that it's not a good thing to do. It is a good thing to do. Do you sense what I'm trying to say? [LR171]

SCOTT SHAFER: Yes, yes, absolutely. The best I can say, again, is I'm leaning towards there would not be...especially the first two years. I think our agency has proven it has a decent track record of being able to work on obtaining grants and gifts. We're currently working with the Centennial Mall fund-raising group for that project and I would envision that we'd follow a process similar to that that they're following, which is contacting our network of donors that would be interested in such a project here in Nebraska and possibly in Kansas and Oklahoma as well. We do have a...Congressman Fortenberry is the honorary chair of the campaign and we've been closely working with his office as well. So there could be a possibility that on the federal level that we might be going after some sort of funding at that level as well. But I just don't foresee at this point any specific need to ask for any appropriation from the state for the foreseeable future. I wish my crystal ball was clearer than that, but that's the best I can say. I mean, I don't know if you're looking for an absolute ironclad guarantee that we would promise to never ask for an appropriation? [LR171]

SENATOR CARLSON: No, I think...yes, Senator Kolowski. [LR171]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I applaud your efforts to try to find as many sources as possible outside of the Legislature for grants and gifts and many

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other things that might come into fruition as you're looking at the development of your plans. You certainly look at...and I think you mentioned the Union Pacific Railroad or any other sources. When you think of those who benefited from the removal of the tribes and the settlement in the land and the stringing of the railroads and all that went with that, I hope there will be some good consciousness as far as the moving forward to the gifts level and donation level of making some of this happen as your major efforts move on. So, I applaud your efforts and I hope that you will be very successful in that area. [LR171]

SCOTT SHAFER: And I would like to add, too, that I would envision that there would be some economic benefit to the state from the establishment of additional tourism along that trail and a lot of the trail does go through, like rural Nebraska, so I'd really hope that...it's amazing, actually, the degree of interest even from Europe for the story is, that I would hope that we could establish some of the identified historic sites along the way and that there would be a decent amount of people coming into those communities who are following the trail. I'm actually planning on doing that with several people later this spring. So I would think there would be a degree of economic development that could possibly go along with this, as well as the bringing tourism dollars into rural Nebraska would definitely be something we'd like to see. [LR171]

SENATOR CARLSON: Okay. Thank you. Senator Dubas. [LR171]

SENATOR DUBAS: Thank you, Senator Carlson. I think I'd like to just clarify and pick up where Senator Brasch left off. So you said you would envision this more kind of Web-based virtual. Would there be an actual construction of a physical trail at any place along the line or would this all just be looking at markers and things that you would see on the computer or...? [LR171]

SCOTT SHAFER: Yes. I'm sorry, no actually for construction of physical items, nothing of that sort is anticipated at this point. But that's the beauty of the technology that we have today is that you can basically reconstruct the trail virtually on Web-based in other applications. Like the Centennial Mall people are relying heavily on these QR codes that you could scan which are a very nominal cost, so you could identify already existing spots. Like, for example, there's a cemetery between Seward and Milford where a marker was erected by the members of the community at no cost to the state, or you could easily add a QR code to that marker and if somebody was following that trail along existing roadways, that they could tap into that knowledge. So, there would be no necessary construction involved. As I said initially, we really want to rely on...we're working with Randy Peters at Department of Roads to really rely on the existing network of highways and gravel roads and country roads to accomplish our purposes. And then, obviously, there could be a placing of some markers which are typically just like a metal post with a little metal sign on that. So, again, I don't envision like any like actual trails like hiker-biker trails other than using what's already existing and tying it into the project.

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[LR171]

SENATOR DUBAS: To me, that's where you would see the real substantial dollars coming in. So if that's not necessarily part of your plan and it's more just what you can do through the computers and those types of things, you know, it would be helpful that grants and donations would be able to cover those expenses. So thank you. [LR171]

SCOTT SHAFER: Uh-huh. [LR171]

SENATOR CARLSON: Senator Brasch. [LR171]

SENATOR BRASCH: Thank you. And I appreciate your clarifying that it's more at a conceptual study point is how I'm hearing. The events were real and true. That it's a federal treaty and I see federal throughout this proclamation quite a few times that necessitated the travel to Oklahoma and that members perished and it went to federal court. And then it talks again, we're going in to promote justice, that we're asking to raise awareness of justice and equality in the United States legal. And a lot of this seems federal is, I guess, where I'm going with this, other than physically a trail, a path was walked to Oklahoma. And so I am wondering if what Senator Carlson is...or are we just a little early with this proclamation if you don't anticipate anything physical happening but study during this biennium? And other than, you know, recognizing these events historically, is that more of the proclamation is recognizing what happened in an official statement from our Legislature on the events that took place other than a trail that is not designated? [LR171]

SCOTT SHAFER: I believe we've done a more than adequate job of proclamations recognizing the story. Typically every year in conjunction with our Chief Standing Bear event, the Governor signs a proclamation designating that. And I believe...well, at least in most cases, the story itself has been fairly well told and celebrated. We just recently finished our last Chief Standing Bear commemoration with over 750 people in Omaha celebrating the event. We're preparing in the spring of 2015 in conjunction with the Center for Great Plains Studies here to do a joint symposium on issues of tribal relocation, sovereignty, and other issues that arise from that. So...and I would envision more of that continuing and that I would see those as being sister projects that the Chief Standing Bear breakfast would always be associated with the trail. The symposium would again be tied to the trail. Again, that's where the virtual, the story telling needs to continue. The education needs to continue. And again, I believe that's what this trail would continue to do beyond even just a Nebraska scope, but to a national scope of continuing to tell that story. And I think the trail is a necessity to actually be documented as at least a basis or a starting point of telling that story. [LR171]

SENATOR BRASCH: But do you think maybe perhaps it should be called a journey instead of a trail until we have a trail? I mean, when you say trail, we do think of

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immediately is the Cowboy Trail, and we're thinking of certain towns, certain spots, certain, you know, geographical posts. And at this point I feel more comfortable saying that we're talking about a journey, that we are building the sites of a named trail, as the trail does not exist yet, correct? Or am I...? [LR171]

SCOTT SHAFER: The physical trail, if you're talking about an actual trail, builds no...and again we're not envisioning at this point the building of any sites. [LR171]

SENATOR BRASCH: So we're talking about a journey? [LR171]

SCOTT SHAFER: I would refer as an example to the Nez Perce Trail and the Cherokee Trail as being similar to what we're envisioning. And the other uniqueness about this... [LR171]

SENATOR BRASCH: Could you tell me those two names again? I'm not... [LR171]

SCOTT SHAFER: The Nez Perce Trail, that's off in the Pacific Northwest; and then the Cherokee Trail of Tears. [LR171]

SENATOR KOLOWSKI: Trail of Tears. [LR171]

SENATOR BRASCH: Cherokee? [LR171]

SCOTT SHAFER: Yeah, yeah. [LR171]

SENATOR BRASCH: Okay. [LR171]

SCOTT SHAFER: And that's actually a network of trails that leads from mid-Atlantic area around...from like North Carolina and that to Oklahoma. And what we feel is unique about this trail as well is that it's to a degree a circular trail. It's really the first and only trail that was not a one-way trail to a destination and the story ending there. At this point, the uniqueness is that Standing Bear and part of his tribe returned back to Nebraska, culminating in the federal court case and then regaining his rights to reside in the state. And that's an example, like the federal court decision, that would be a spot that would also be designated as a part of the trail. Again, connecting the dots of existing locations...historic locations. For example, there's a spot down in Barneston, Nebraska, where the Oto Missouri Agency was located. The Ponca Tribe stayed there two days during their trip down through Nebraska and into Kansas. And so we would take...make plans as part of that to also tie in, to a degree, the story of that agency building which is still standing there as an additional part, again, of utilizing existing historic sites that already exist along the way. I just don't envision at this point any real building project of historical buildings or museums or new roadways or anything like that. If, ultimately, ever there was a Chief Standing Bear museum, I would assume it

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would be purely from donations. I would never see that as something that we would ask the state to fund. [LR171]

SENATOR BRASCH: Are those other two trails also virtual trails, the Nez Perce and the Cherokee? [LR171]

SCOTT SHAFER: From our research, yes. It's again what they...and it's an ongoing process especially for the Cherokee one is, is identifying existing sites and they're much further along the way than we are in the process. The Cherokee Trail of Tears has been around for quite some time. And again, it's identifying existing historic locations. So if there's a historic building that was already there that played some significance to the story, that would be added to the trail in some way, shape, or form. So, it's really a process of identifying existing locations and historic sites and just systematically tying them together and telling the story in one unified, coherent fashion rather than just a haphazard--this happened to be a site, this happened to be a site. We just want to bring them all together so somebody can really follow that either like by car or bike or, yeah, just virtually on the computer. [LR171]

SENATOR BRASCH: That's very good. And one final...would Game and Parks be involved in this at all? I see Roads is here and is that...? [LR171]

SCOTT SHAFER: Department of Roads is on our planning committee. Right now we have somebody from tourism on the planning committee, but I don't believe we have anybody on Game and Parks. If they were on the committee, again, I think it would again be, once again, utilizing them as a partner to help identify existing resources. Say, if we wanted to do a piece on the flora and fauna that was encountered along the trail, I could see a piece for Game and Parks consulting with us on that. [LR171]

SENATOR BRASCH: And who is on the committee once you...? [LR171]

SCOTT SHAFER: Right now, it's kind of an evolving committee, but we have somebody from Congressman Fortenberry's office has a representative mostly as an observer keeping the Congressman apprised of the process. We have somebody from Department of Roads, Randy Peters. We have somebody from tourism. I can't recall the name right now. We have a variety of experts on Native affairs and Native history, like Roger Welsch is on...more the advisory capacity. Chuck Trimble, the former head of the National Congress of American Indians, lives in Omaha, he's on the committee. We have David Wishart; he's a professor at the University of Nebraska. We have Dr. John Wunder, who is a professor at the University of Nebraska. Joe Starita, a professor at the University, has signed on as, again, an advisor, since he's already done significant research on the story and has done a wonderful job of spreading that message across the country with his book. So, and then that group is evolving. We're working on those. Chris Howell is...I don't know his exact title but he's basically like the Director of Indian

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Affairs in Kansas, he's on the group. Again, we have somebody from Oklahoma humanities on the group. So we see this evolving as more of a hands-on work group and then a larger advisory group of experts as we need their specific area of expertise involved. [LR171]

SENATOR BRASCH: One final question. And how long has the committee been in...? [LR171]

SCOTT SHAFER: About six months. We had a meeting last...late, late last fall out at Spring Creek Prairie as our first in-person planning meeting. And again at this point is our first steps after that were to...we really recognized, Dr. Wunder said, he feels that we really need a very firm, concrete, academic underpinning towards moving forward because we're going to need that documentation. So right now the primary thing we have been doing is we hired...again, and this is through donated funds, we hired an academic researcher from the University of Nebraska by the name of Casey Nash and she is pulling together all of the existing academic pieces and documentation about the story and about the trail. And now she's really moving towards concentrating on identifying the various cities and counties that the trail passes through so then she can start digging in deeper and checking with local newspaper archives, county historical societies, and whatnot, to really start fleshing out the stories as best as we possibly can. [LR171]

SENATOR BRASCH: Wonderful. It all sounds excellent and I just think that a resolution will bring questions to our committee and Senator Carlson on the floor, so I think details are very important. So, thank you. [LR171]

SENATOR CARLSON: Thank you. Senator Johnson. [LR171]

SENATOR JOHNSON: Thank you, Senator Carlson. I have some comments but I'll try and phrase it in questions so I can keep going. I see this eventually as...because we think about, we got the Oregon Trail, we got the Pony Express Trail, we got the Mormon Trail, Lewis and Clark, others. As the trail is already there, do you see this somewhat looking like and being supported by communities? I'm familiar with Gothenburg, they have one of the original Pony Express stations out at the site, but they have replicated that in town. And this type of a look down the road, I think if we can compare this to the other trails that are here, because, you know, the trail is already there, do you see it looking like that? That's my question. [LR171]

SCOTT SHAFER: Yeah, and that's an excellent point because I can think of just off the top of my head like Neligh that has the cemetery where one of the young girls passed away during the trail, that city is renowned already, at least locally, for their commitment to continuously placing flowers at that grave site for the last hundred and some years. And NET actually did Nebraska Stories on that piece. And as I mentioned before, too,

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the citizens of Milford erected a marker at the cemetery where Standing Bear's daughter passed away. So I could see, especially just off the top of my head, already established places like that that could be even better publicized. So I could see people, you know, stopping in Neligh to visit that grave site and then obviously while you're there, you know, buying gas or supplies or whatnot. Milford doing the same thing and whatnot. The story is there, the trail is there. It's just a matter of publicizing it more and making it more well-known. I guess the Oregon Trail at this point has better PR than we do, so we'd like to change that. And I'd also like to add, I forgot as an aside, another one of our members is Will Locke who is a professor emeritus at Hastings College. And one of his expertise is actually retracing historic trails. And it's amazing again that there are a lot of people out there that that's what they like to do and I would like to, you know, give more people the opportunity to follow the Standing Bear Trail as well. [LR171]

SENATOR JOHNSON: Thank you. [LR171]

SENATOR CARLSON: Senator Kolowski. [LR171]

SENATOR KOLOWSKI: One last comment, if I may, Mr. Chairman, thank you. Scott, I think the emphasis on whatever you do has to be on the court case on personhood. That's such a monumental course for a case in our judicial history that had such significant impact. It's much more important than any piece of the trail you're talking about as far as I'm concerned. And all the rest is gravy on top of that if we can connect those dots and make those things happen as far as rural development and all the rest. But this was, you know, a time of very specific genocidal attitude on the part of the U.S. government toward the Native American population reinforced by the U.S. Army at that time. And anyone who denies that fact or argues with that is wrong. We just have all the historical proof we would ever need on this and the importance of that case is so monumental for us. And I hope we don't drift off into cutesy trail things rather than the whole significant aspect of what this case means and how important that was. [LR171]

SCOTT SHAFER: Yeah, and I definitely agree with you. And really that's...we are ahead of ourselves of...the court case has been so well documented and the rest of the story and the trail has been somewhat neglected, but I definitely agree with you that without the historic court case, the significance of the trail would be greatly diminished. I mean, it was...certainly it did happen and it's a sad piece of our history that it did happen. But the ultimate story is that the court case, the historic court case and that would always serve as an anchor to the story that was told with the trail. We have been doing some initial thoughts of putting up some sort of statue or marker at a location in Omaha, again, commemorating the case. That, we envision, somewhere down the road would be a part of the trail, again culminating in the return trip with the court case and having some sort of physical piece again. And again, that would be utilizing donated funds to do that. That would definitely not be an appropriation from the state to have any such monument or... [LR171]

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SENATOR KOLOWSKI: Was that case at the Fort Omaha campus? [LR171]

SCOTT SHAFER: Well, he was held on...they were held at the campus and so that's certainly also another location. They do have a marker there now and that's an example again of many times we can take advantage of existing markers that have just not been tied together. But, yeah, him and members of the tribe were held there at Fort Omaha and then tried at the federal courthouse in Omaha. [LR171]

SENATOR KOLOWSKI: Thank you. [LR171]

SENATOR CARLSON: Any other questions? Okay, Scott, thank you for your testimony. [LR171]

SCOTT SHAFER: Thank you. [LR171]

SENATOR CARLSON: And next proponent. And we're getting limited on time here. We've only got about nine minutes and then we've got to get ready for the session this morning. Okay. Anyone testifying as an opponent? Or anyone in the neutral position? All right, seeing none, thank you for your participation this morning and that closes the hearing on LR171. Okay. And we'll have...we'll not have an Executive Session today, but we will...we've got this and another item that we need to discuss before the session is over, so thank you, committee. [LR171]