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Natural Resources Committee  
January 29, 2014

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[LB671]

The Committee on Natural Resources met at 1:30 p.m. on Wednesday, January 29, 2014, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB671. Senators present: Tom Carlson, Chairperson; Lydia Brasch, Vice Chairperson; Annette Dubas; Ken Haar; Jerry Johnson; Rick Kolowski; Ken Schilz; and Jim Smith. Senators absent: None.

SENATOR CARLSON: (Recorder malfunction)...Natural Resources Committee. I am Senator Tom Carlson from District 38 and Chair of the committee. Committee members to my far left is Senator Rick Kolowski from Omaha, District 31. Next to him is supposed to be Senator Ken Haar from Malcolm, District 21 and I'm sure he'll be here shortly. And then Senator Jim Smith from Papillion, District 14. And then it's Senator Ken Schilz from Ogallala, District 47 and he will be here. To my immediate left is Laurie Lage, the legal counsel for the Natural Resources Committee. And to my far right is Barb Koehlmoos, our committee clerk. Next to her will be Senator Lydia Brasch from Bancroft, District 16, and she's also the Vice Chair of the committee. Then Senator Jerry Johnson from Wahoo, District 23; and Senator Annette Dubas from Fullerton, District 34. Our pages for today are Steven Schubert from Lincoln, a senior at UNL. Is he out? No. Stand up, Steven, let them see who you are. Thank you. And then J.T. Beck from Fairfax County, Virginia, senior at UNL. So, if you need something you can call on them. If you're planning on testifying, please make sure you picked up the green sheet that's in either corner as you come in and fill it out and have it ready when you come forward to testify and put it in the box by Barb Koehlmoos. And if you don't wish to testify, but would like your name entered into the official record as being present, there's a form at the tables back there that you can sign and that will allow you to be noted as being present. Fill out the form carefully if you would, make sure that we can read it and that will be important for our hearing. If you don't choose to testify, you may submit comments in writing and that will be distributed to the committee. If you have handouts, make sure there are 12 of them so that everybody gets a copy. And if you happen to be short, you can ask one of our pages to help you out. When you come to testify, take the chair that Senator Chambers is in. There's no need to adjust the microphone. It doesn't matter whether I'm up here or whether I'm back here, it's going to pick me up. So, you don't need to change anything on the microphone, it will pick you up. When you begin, please state and spell your name for the record so that that's accurate. And today, other than the introduction by Senator Chambers, we are going to use the lights. And we'll let Senator Chambers have his introduction, but when you get up to testify, the green light will come on and you will have four minutes. And then the yellow light comes on and you've got one minute. Then the red light comes on and if you're still talking, we've got a trap door underneath the chair and away you go. (Laughter) Not really, but we'll ask you to wrap up your testimony. So please pay attention to the lights as you're speaking. None of the committee uses any electronic devices during the hearing and we'd ask that you be the same, but if you've got cell phones, at least turn them on vibrate or silent so that they

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don't disrupt the hearing. We don't allow any displays of support or opposition during the hearing so please follow that. And if not, we've never had to do it, there's no sense in having it happen today, that we need to ask you to leave. So please no displays of support or opposition. Okay, I've talked about the light system, and I think we're close to ready to go. Are there any questions? Senator Chambers, welcome and you are open to open on your bill. [LB671]

SENATOR CHAMBERS: (Exhibits 1 and 2) Thank you. Chairman Carlson, I'm Ernie Chambers, I represent the 11th Legislative District in Omaha and I'm introducing this bill. The first thing I want to do is explain why the bill itself is drafted in the way that it is. Currently, the law, as it exists on the books, will allow a person to kill one of these animals if it is a threat to that person or whatever and the law says that. In the green copy, as the members of the committee know, anything with a line through it is to be repealed. I have an amendment that I have submitted to the committee that would reinstate all of that stricken language. The reason I had it put into the bill as repealed, that is the only way you can get existing law into a green copy. It has to be a provision of existing law which is modified in some way. I wanted that information in the bill itself so people will see for themselves what the existing law does allow. I've gotten calls from people and they are unaware that the law allows, under the specified circumstances, the killing of one of these animals. So rather than make sheets and handing them out, I put it into the green copy and I've already submitted that amendment to the committee that will reinstate all of that stricken language. The only thing that will be left is one or two places...maybe just one, where the words "mountain lions" will be stricken from a catalog. Then in the repealer clause, which is the last paragraph of the bill, it will list out the numbers of the sections of statute that will be outright repealed, but none of that textual material appears on the green copy. And I didn't bring that language to you because I don't want to burden you down, but if later on you want it, I can make a copy. What is being repealed with those statutes are the sections that authorize the hunting seasons for these animals, the auction, all of those things that Senator Loudon's bill contained. The bill does not mandate that Game and Parks establish a hunting season. It allows them the authority to do so. They did so. I believe it was...the bill that Senator Loudon offered was to raise money for Game and Parks and that's why they had the auction. Just briefly, it occurred at Mahoney State Park. You might have had to pay \$75 to get into this banquet as it was called. And some big hunting group are the ones who put it on. The bidding started...and I might have the figures off, but I think it started at \$500 and it would be raised in increments of \$250. The one who was the successful bidder for a permit to kill one of these animals bid \$13,500. There was a lottery. A young kid won the lottery. As it turns out, he has had cancer, it's in remission. And those two hunting permits were designed to promote the hunts, get publicity, and for that reason Game and Parks wanted them to be successful. These two were allowed to use dogs. Contrary to what a lot of people say...first of all, I learned about cougars, mountain lions, catamounts, panthers, leopards, painters, whatever they're called, through reading and studying. Numerous studies, much research is available, and I read from that, just as I

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read about stars and outer space, never having gone there. So I don't profess to be one who held one of these animals in captivity, ever hunted one. I've never seen one in real life. And most people have never seen one. They're called the phantoms of the prairie. They're called ghost felines. They are secretive; they are solitary. Lions in Africa clump together and that grouping is called a pride. Some people will misapply terms. They might say that if several mountain lions were together, they are a pack. These animals don't run together in groups. So since I live in Omaha, people probably didn't know that I'm aware that these animals don't hang out in prides. One person called me and said he saw four of them walking abreast down the road. That's not the way they operate. And in fact, I gave an article to the members, I'll say just briefly a couple of things from that article for the record. When kittens are born, if they are males, as soon as they get some size and can make it, they are called dispersal animals; they have to hit the road. And there will be a dominate or alpha male who runs that territory and no young males are allowed. And that's why the counterintuitive occurrence takes place. If that alpha male is killed, there will be suddenly more young male lions. That alpha male kept the others from coming. When people say they see them in the cornfield or on the prairie, maybe they did, but that's contrary to what all the studies show. These are not animals that operate in the open. They like to come out at twilight, hunt at night. And it's not to say they're not seen in the daytime, but they don't hang out in cornfields. If you happen to see one on the move, that animal is passing through. Their origin can be traced through DNA. There was an incident that has been widely reported, it was documented. They, through the DNA of a mountain lion or a cougar who was killed in Vermont, one of the New England states, in a traffic situation. DNA traced him back to North Dakota. He had traveled over a thousand miles. So they move. This article that I'm referring to appeared in the World-Herald, and I gave all the members a copy. And when this bill is on the floor, I expect it to be advanced, I will go through that again. But what I do not intend to do is take a lot of time giving you all of that because the people who are here to testify, and some came from distances, should have that opportunity. You'll have a shot at me, if you need to, during closing or after the hearing. But I do have one article I want to have handed out by the page, if that will be done, because it makes a comment. The person who wrote the column works for the World-Herald, but the language which is crucial, even though it describes the situation in Iowa, is where this person, who is with the Iowa Department of Natural Resources, which I imagine parallels the Game and Parks Commission told this reporter, you would not believe how many times I've gone to check on a mountain lion report and it turned out to be a tabby cat, the man said. Then in talking about this bear track that was the subject of the story, the man said black bear sightings are usually more reliable than mountain lion sightings because they do not necessarily flee which is something mountain lions do. They don't want to be around human beings. They do not urbanize like squirrels and sometimes rabbits. They like cover. And in this article that I was speaking of, it mentions in discussions with people from Game and Parks, I had been saying the number of mountain lions is 22. But in that article I gave you, and it's dated, for the record, Sunday, January 19, 2014, and I'll read from it. "If hunters reach the quota of four cougars, it would represent either

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27 percent or 18 percent of the population, based on the commission's estimated range of 15 to 22 cats." And when you put out several hundred permits, you're not talking about hunting, you're talking about eradication. And I will do all I can to prevent the extermination of a species of any animal in this state, and especially when it is a large predator at the top of the chain. Just a few more words, because I'm not going to read the entire article. "So far, there have been no confirmed reports of mountain lions preying on livestock or pets in Nebraska, said Tim McCoy, the commission deputy director. And while a number of big cats have been shot because they were close to dwellings or hunters, no one has been attacked." I'm going by the word of those who are in the business. Because I live in Omaha, people are calling me and told me, well, I know they're out here because they raid my chicken coops. That's not what mountain lions do. That's not their prey; that's not their food. And their prey of choice is not even livestock. One other item and then I'm going to wrap it up. This is from an article that appeared in the World-Herald, and the date of that January 5, 2014, and it's a long front page article about killing one of the cougars by this youngster. You don't have much light in here, so I'm going to have to squint, because even with my cheaters...Franklin is nearly 400 miles from Harrison. The Bruces, the family that...of the boy who did the killing, the Bruces had never been to the Pine Ridge and did not know anyone there. Offers of help in setting up the hunt poured in from across the state. Among them was a letter from Deric, D-e-r-i-c Anderson, a cattle producer and electrical contractor in Nebraska...oh, in Newcastle in northeast Nebraska who has hunted mountain lions in Wyoming and owns a ranch near Harrison. Unlike many of his rancher neighbors who say cougars endanger people or could kill calves, Anderson said he does not mind mountain lions on his land along Hat Creek. "The cats don't bother me, he said, they don't bother cattle. I kind of like having them around. There's no way to stop them." This is a rancher, a cattle producer, who has hunted these animals. The two people who were in the earlier hunts, the one who won the lottery and the other who won the bidding, were allowed to use dogs. They wouldn't have been able to locate these animals or track them on their own. So they were able, each of them, to kill a cougar. And one picture of this killing in the World-Herald infuriated hunters because I got a lot of phone calls, I have mail, and if you want to see some of it, I'll show it to you; they say, that's not hunting, that gives hunters a bad name. It showed the dogs and this guy showing this guy how to shoot the animal out of the tree. Nobody else can use dogs. They're prohibited from using dogs. And that means they're not likely to kill any more of these animals. My final comment: what particularly offended me about Game and Parks, in addition to the other things I mentioned about them setting up these hunting seasons to make money, they had said that in this first hunt that was to take place, where the bidder and the lottery winner each killed a cougar, that as soon as a female is taken, the season is over. That part of the hunt took place in January. In December, the previous month, in Sioux County a female cougar was killed in a trap. The rules of the Games and Park Commission require any person who traps a cougar to immediately notify Game and Parks. This hunter immediately notified Game and Parks. Game and Parks knew a female had been killed and there shouldn't have been the hunt based on

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what their rules were. If they are indeed managing the population of cougars and killing a female is as much managing as they ought to do, it doesn't matter how that female was killed. But she was killed; Game and Parks knew it and they allowed the hunt to proceed. So when an employee of Game and Parks came before the Exec Board to donate some land, I questioned him about how that happened and why. He said he didn't know. I said, since I don't hunt, I'm going to ask you, can you understand why I would wonder since this female cougar was killed, and he knew about the rule that when a female is taken that ends the hunting season, he said he couldn't explain it. So rather than bring a lot of paper here and maybe have to do it again at another time since you all are on the committee, I'm going to make a copy of that exchange between me and the person from Game and Parks so you'd be able to see that. But in order not to go on too long or cut the amount of time that might be available for those who came here to testify, I will end mine because I have a chance to close if necessary. But if you have any questions of me, I will answer them briefly. Not your question briefly, I will answer briefly. [LB671]

SENATOR CARLSON: Okay. Thank you, Senator Chambers. Senator Johnson. [LB671]

SENATOR JOHNSON: Thank you, Senator Carlson. Thank you, Senator Chambers, for bringing this. Question, I don't know if you know this or if anybody following you would know this, do you know how many females are in this count of...between 15 and 22? [LB671]

SENATOR CHAMBERS: No, I really don't know. And I don't know if anybody knows. I don't know if the Game and Parks collars these animals and follows their movements, so I really couldn't tell you that. [LB671]

SENATOR JOHNSON: All right, okay, thank you. [LB671]

SENATOR CARLSON: Senator Smith. [LB671]

SENATOR SMITH: Thank you, Mr. Chair. Good afternoon, Senator Chambers. [LB671]

SENATOR CHAMBERS: It is, indeed, a good afternoon, because you're here, Senator Smith. [LB671]

SENATOR SMITH: Thank you. You touched on this initially at the beginning of your comments, but could you expand on the provisions in the legislation that would remain, that would accommodate a person protecting themselves? [LB671]

SENATOR CHAMBERS: Yes. If you turn to your green copy, because I can't quote it all, in that language which is stricken, it mentions...if a person...in effect, if a person is

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threatened or endangered or livestock or whatever the listing is there, then certain steps are taken to notify Game and Parks. They will establish that indeed it was a mountain lion that was involved and then should they come upon it, it can be killed. Or if a mountain lion is in the act of doing this, then that animal can be killed. Game and Parks has had a lot of missightings too. I didn't keep all the articles, because down through the years I'd see them and I'd write rhymes about them. But one of them I remember said that the tracks were those of a dog and not a very big dog at that. And they say whenever they get sightings around Omaha and places like that, they're very skeptical because these animals don't go around cities, they don't like to be around people. But there are animals that will pass through Nebraska on their way some place else. [LB671]

SENATOR SMITH: Thank you. [LB671]

SENATOR CARLSON: Okay. Any other questions? Senator Brasch. [LB671]

SENATOR BRASCH: Thank you, Mr. Chairman. Thank you, Senator Chambers, for your research that you shared with us today on mountain lions. [LB671]

SENATOR CHAMBERS: Um-hum. [LB671]

SENATOR BRASCH: You had mentioned what they do not eat from your research. What is their diet? [LB671]

SENATOR CHAMBERS: I can't say what all it is, but they say that the animals that are kept in check by the mere presence of these lions are coyotes, bobcats, foxes, and other type...I guess they eat rabbits or...you know, things like that. But livestock is not their choice. And I guess that's why there are no documented cases of livestock having been attacked. [LB671]

SENATOR BRASCH: Thank you for making that clear. I have no other questions. [LB671]

SENATOR CHAMBERS: Okay. [LB671]

SENATOR CARLSON: Okay. Any other questions? Senator Chambers, I have one and that is, you came about your...the figures that you've been using as the number of the population and just review that again and where you got that. [LB671]

SENATOR CHAMBERS: Okay. [LB671]

SENATOR CARLSON: And how confident you are in that figure. [LB671]

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SENATOR CHAMBERS: There is...very confident. The article in which it appeared was the Omaha World-Herald, January 19, written by Joe Duggan. There are two "g's" in his name, some people pronounce it Duggan, but Joe Duggan...and he had talked to people at Game and Parks and his comment was...and I'll give you all another copy of this by the way, not my one copy here, because I marked it. If hunters reach the quota of four cougars, it would represent either 27 percent or 18 percent of the population based on the commission's estimated range of 15 to 22 cats. That's what the commission told this reporter and he documented it. And then this paragraph...because I may not have made it clear that I got it from this article: so far, there have been no confirmed reports of mountain lions preying on livestock or pets in Nebraska, said Tim McCoy, the commission's deputy director. [LB671]

SENATOR CARLSON: Okay. [LB671]

SENATOR CHAMBERS: And there were no reports of any having attacked a person. And the first sighting was around 1990 or 1991; so from 1990 up and to the present no human being has been attacked and there have been no reports confirmed of any livestock having been attacked. That's not their choice. [LB671]

SENATOR CARLSON: Okay. Thank you, Senator Chambers. Any other questions? Thank you for your testimony and we'll call upon you to close. [LB671]

SENATOR CHAMBERS: Thank you. [LB671]

SENATOR CARLSON: Now we're ready to get into hearing those of you that are proponents of the bill. How many intend to testify as proponents? Okay. As...I'll say you first two, you go first here and come on up and give your green sheet in and then we'll start the lights when you take your chair and state your name and spell it and then you're free to do your testimony and we'll use the five minute light. Welcome. [LB671]

BRUCE KENNEDY: Chairman Carlson, members of the Natural Resources Committee, my name is Bruce Kennedy, B-r-u-c-e K-e-n-n-e-d-y. I'm here this afternoon representing the Wachiska Audubon Society. It is a Lincoln-based chapter of the National Audubon Society. We have as our chapter area 16 counties in the southeastern part of the state. The chapter has been known for its prairie work. It's conservation, restoration of small tracts of native prairie. But we're also very interested in wildlife conservation as it pertains across the state. The one thing I want to make clear from the very start is that the Wachiska Chapter is not an antihunting group. It is not a group that opposes hunting as a management tool. So with that in mind, and I know there are a lot of people that want to testify, I have, basically, just three bullet points that I would like to share with the committee. One, because of the low population numbers in the state, the hunting season as it is currently set up by Nebraska Game and Parks Commission may jeopardize the existence of the species in the state. This is

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not Bruce Kennedy talking, this is Mr. Robert Wielgus, a professor at Washington State University. His comments were published in the Omaha World-Herald on January 19, 2014. He is somewhat of a recognized expert on mountain lions, as he has written a...is quoted in the December issue of National Geographic on a major article on mountain lions. The season, as it is currently set up, and I emphasize--as is currently set up, does not have statewide public support. We have read many letters in both the Omaha World-Herald and the Lincoln Journal Star. Most of the letters that we have read have been very much opposed to the way the current hunt is being conducted. The real stumbling block for conservationists is the unit established by Game and Parks called the "Prairie Unit." This unit does not reflect twenty-first century conservation values or ethics. We consider it nothing but a killing zone and it is probably the reason for the lack of public support. That concludes my testimony. I would be glad to answer any questions. [LB671]

SENATOR CARLSON: Okay. Thank you, Mr. Kennedy. Any questions from the committee? Seeing none, thank you for your testimony. [LB671]

BRUCE KENNEDY: Thank you very much, Senator. [LB671]

SENATOR CARLSON: Okay. Next testifier. Welcome. [LB671]

ALVIN GUENTHER: (Exhibit 3) Welcome. Senator Carlson, I'd like to thank you and the rest of the Natural Resources District Committee for offering me the opportunity to give testimony in support of LB671. My name is Alvin Guenther, G-u-e-n-t-h-e-r. I live in semi-retirement from being a Nebraska educator and rancher near Dunbar, Nebraska. I'd like to read to you first of all a couple of statements from a book I read recently. Frank Waters in the Earp Brothers of Tombstone wrote the anatomy of a western legend by stating: "but within the confines of this triumphant saga of conquest, we are beginning to discern today the subjective and tragical history of a people who failed to comprehend the forces that drove them. The towering mountain ranges bulked up inside them. The mysterious rivers ran in their blood. The empty deserts ate into them and finally loneliness engulfed them, more vacuous than the spaces between the stars above. And as the fear and tension kept mounting with them they struck out at everything, the land and its people, with blind compulsion to dominate and destroy. The outward transference of their fear and pain was naturally directed against the only people indigenous to the land: the Indians who embodied all its invisible and inimical forces. With the Indian was exterminated the other species of living creatures uniquely indigenous the land--the buffalo." I read you that because I feel that much of this law today has been enacted because of hyperbole and fear and pain that was once...again been directed to an animal indigenous to the land--the mountain lion. This fear and pain is wrapped in hyperbole in my opinion. Facts state that at least 20 people...20 were killed by mountain lions between the years of 1890 and 2011; 20 people in 120 years. Further, fatal mountain lion attacks upon humans occur less frequently than fatal dog

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bites, fatal snake bites, fatal lightning strikes, or fatal bee stings. I have even heard it said that we humans have a better chance of winning the lottery than being fatally attacked by a mountain lion. Some are promoting mountain lion hunting using fear as a main talking point. In contrast, we seemingly pursue other areas where the likelihood of death is far more likely. For example, on January 10, 2011, Nebraska ranked 37th in accidental gun deaths in America with 8 of 100,000 being the result of accidental shootings. Last October, the Academy of Pediatrics stated that there were a significant relationship between household gun ownership and gunshot wounds occurring in the home. Nebraska ranks 19th out of 50 with the most permissive gun laws. The purchasing of "pony or muscle cars" for our just-turned 16-year-old generates no fear. Oh yea, let's make sure we buy that case of beer so they can better enjoy that junior-senior prom also. And then let's make sure they have technology to text while they're driving. None of these hold no fear. Check with Senator John Harms and his paraphrased comment that goes something like: the state always seems to be slow in doing these sorts of things." He is seeking legislation addressing texting while driving. According to the Sunday World-Herald,...or to the Sunday, January 19, 2014, Omaha World-Herald, we have lost 145,000 acres of grassland that is now being drenched in agricultural chemicals to produce GMOs. We have absolutely no unbiased clue of the long-term human health consequences of these agriculture chemicals or associated GMOs. Yet, we continue to magnify the self-centered practice with absolutely no fear. In conclusion, many individuals in this room probably perceive me as a "tree hugger." I am not. I have hunted most of my entire life and most likely have harvested as many pheasants, quail, prairie chickens, sharp tailed grouse, ducks, geese, pheasants, turkeys with my modified choke slide action 20-gauge shotgun or deer with my open sighted lever action 30-30 as any Nebraskan. However, as I have aged and matured, I have gained a deep appreciation, a very deep appreciation for the magnificent resources of our great state. I do not need to dominate and destroy to achieve manhood or self worth. [LB671]

SENATOR CARLSON: Perfect. Thank you for your testimony. Questions for Mr. Guenther? Senator Johnson. [LB671]

SENATOR JOHNSON: Yeah, thank you. Thank you, Mr. Guenther. I think I know what your answer is, but do you see any threat...we know that 20 humans is 20 lives, I agree with that, that's not a good deal, but it's pretty minor. In the eastern part of the state we're always afraid of running over deer with our vehicles. Probably a mountain lion is very unlikely to be struck by a vehicle or...I mean, the way they move and that, can you comment on that? [LB671]

ALVIN GUENTHER: To my knowledge, there's only been one mountain lion hit and killed, I believe it was up by the Platte River up west of Omaha, if I remember right, and that's been, what, 15, 20 years ago if my memory is correct. Other than that, I do not recall ever hearing of a mountain lion being struck by an automobile relative to your

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question other than that one in the Omaha area. [LB671]

SENATOR JOHNSON: Thank you. [LB671]

SENATOR CARLSON: Okay. Other questions? Okay, seeing none, thank you for your testimony. [LB671]

ALVIN GUENTHER: Okay. [LB671]

SENATOR CARLSON: Next testifier. Welcome. [LB671]

DANA HIRSCHBACH: Hello. Thank you very much for having me here. I really appreciate the opportunity to represent the mountain lion. There's no... [LB671]

SENATOR CARLSON: I need you to state and spell your name, please. [LB671]

DANA HIRSCHBACH: Oh, I'm sorry, I'm sorry. I've never done this before. Dana Hirschbach, I'm from Hartington, Nebraska. [LB671]

SENATOR CARLSON: And I'm not trying to make you nervous, but spell your last name. [LB671]

DANA HIRSCHBACH: H-i-r-s-c-h-b-a-c-h. [LB671]

SENATOR CARLSON: Okay. [LB671]

DANA HIRSCHBACH: (Exhibit 4) Okay, I'm sorry. My name is Dana Hirschback. I come from a long line of Nebraska pioneers going back over 200 years. My family lives on a ranch in northeastern Nebraska. We own 350 acres of CRP land. Originally, my father bought this 350 acres for pheasant hunting and over the years he's grown to be so fond of his pheasants and other wildlife that we have decided as a family we don't hunt on our property anymore and we certainly would never hunt a mountain lion. We are also doing prairie restoration as well. I have seen a mountain lion close up. I did not fear for my life. Two years ago, I went out my back door, about 50 to 100 yards away I saw a mountain lion. I could not believe my eyes; I thought that can't be. But it had the long tail, it looked just like a mountain lion, it couldn't be anything else and it was exactly the color of a mountain lion. It was hopping across the branches up in a tall dead tree. And the reason I looked up there is because we have a few turkey that were making distress calls and I thought--what is that sound that the turkey is making, that's awful. And I looked up and then it hit me, the light bulb went on in my head that the mountain lion was having a turkey dinner on our property. So I went up and got my parents and by the time they got down, the mountain lion had run off. But before the mountain lion ran off, I went back down in my ATV because I'm not a fool, I'm not going to walk up to a

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mountain lion and go looking through the bushes for it. But I went down on my ATV to see if it was still there. And I looked through the brush and I thought, well, it's probably gone, and then I saw just a little bit of color that...the same color as a mountain lion, he was hiding, very well camouflaged. I never would have seen it if I hadn't really been looking. And I looked away and in a blink of an eye the mountain lion was gone. This was at 11:00 in the morning. Contrary to what people do say that they are...they're out at night, I can tell you that at least one mountain lion was out in the daytime. And we live about 10 miles from the river, the Missouri River. There are occasional sightings of mountain lions over there. And I figured this was a small one that had wandered over, probably a juvenile, to our property. The public safety argument, the danger to people is exaggerated. Generally I agree...or what Ernie Chambers said is absolutely true, they avoid people and do not attack. When mountain lions wander into human populations desperate and looking for food, they are not to blame for going on people's land. First, there is so little wilderness left the lions have no choice but to wander across our lands, leaving these little wilderness reservations that we assign them. There is so little habitat left that cougars are continually hungry and starving for lack of a food source. Humans are over hunting the lions' food source which is deer, turkey, elk, and other mammals. One of their main diets is raccoons and opossums and deer, they love deer. I would like to ask for an investigation into Nebraska Game and Parks because I don't trust the science that they are using. They are not hiring outside independent scientists. The conclusions they are coming to are ridiculous. The number of lions that... [LB671]

SENATOR CARLSON: We're going to ask you to wrap it up. [LB671]

DANA HIRSCHBACH: Okay. The number of lions that exist out in Pine Ridge no one really knows; it's a guess. So, if we're killing off four of them, we could wipe them all out. [LB671]

SENATOR CARLSON: Okay. All right. Thank you for your testimony. Any questions from the committee? I do have a question, please. Could I ask you...oh,... [LB671]

DANA HIRSCHBACH: I'm sorry, can I do that. I just did. [LB671]

SENATOR CARLSON: I wasn't sure what direction you were going here... [LB671]

DANA HIRSCHBACH: Okay, going all different directions. [LB671]

SENATOR CARLSON: So in those that you've sighted, what do you think about the population? Do you think it's more or less than what? [LB671]

DANA HIRSCHBACH: Based on what I'm seeing where I live, there's a lot of illegal poaching and killing and trapping of mountain lions, so I think it's less than 15, if I had to guess. But I'm not a scientist. I want them to bring in the scientists and do a real study. I

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think that...I don't think it's a real study what they did. I think the hunters...the big game trophy hunters are the ones running the show here at Game and Parks. And I want you to look into that. [LB671]

SENATOR CARLSON: Okay. Thank you. Any other questions? Yes, Senator Brasch. [LB671]

SENATOR BRASCH: Thank you, Chairman. And Ms. Hirsh... [LB671]

DANA HIRSCHBACH: Hirschbach. [LB671]

SENATOR BRASCH: Ms. Hirschbach, I want to thank you for coming forward today and the description of your home and property sounds wonderful. You're questioning the Game and Parks division, you know, quite respectfully I have personally spent a day or more on a ride along and walking and their backgrounds and their credentials and education are for the well being of the creatures, the rivers, the land. Have you thought to spend a day with one of them, perhaps, and see what their true responsibilities are and their... [LB671]

DANA HIRSCHBACH: I do know a few game wardens and I can tell you I have the utmost respect for these game wardens in our area. [LB671]

SENATOR BRASCH: Okay. [LB671]

DANA HIRSCHBACH: I'm going by the information and the science. It does not seem like sound science to me. And even with the credentials, they're not bringing in outside scientists, independent scientists. And there are other people in other states that are scientists that are criticizing Nebraska Game and Parks... [LB671]

SENATOR BRASCH: On their position on mountain lions. [LB671]

DANA HIRSCHBACH: On the research that they're doing and their conclusions of how many animals are there and their decision that we need to kill off a certain number of them to "manage" them. [LB671]

SENATOR BRASCH: I see. [LB671]

DANA HIRSCHBACH: That's just not acceptable to me. [LB671]

SENATOR BRASCH: I did not understand that from your testimony. [LB671]

DANA HIRSCHBACH: I didn't make that clear. [LB671]

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SENATOR BRASCH: It sounded very broad. [LB671]

DANA HIRSCHBACH: That's not management to me. [LB671]

SENATOR BRASCH: Okay. [LB671]

DANA HIRSCHBACH: Management is...you look at all the numbers of all the animals and you try to keep those numbers as high as possible, not as low as possible. [LB671]

SENATOR BRASCH: Okay. Very good. And any recommendations from that point, I guess, or certain scientists or which...? [LB671]

DANA HIRSCHBACH: Well, I was going to go through this article "Do We Need to Hunt Mountain Lions in Nebraska" and go point by point talking about the ecological role of the big cats and all that. [LB671]

SENATOR BRASCH: Is that something that a clerk could copy and make available for us? [LB671]

DANA HIRSCHBACH: Yes. [LB671]

SENATOR BRASCH: That would be appreciated. [LB671]

DANA HIRSCHBACH: (Exhibits 5, 6 and 7) What I was going to do is...I have two things for you. I have this article. I'm sorry I didn't make enough copies. And then I have my statement here. I hope I have enough copies of this. And then I also have California's mountain lion law. [LB671]

SENATOR BRASCH: Okay. [LB671]

DANA HIRSCHBACH: Word for word, that I think is what we need to have in Nebraska. I think it's very sensible and it respects the hunters as well as the lions and the environmentalists. I think it represents all views; it's balanced. But they are the only state in our country that has made the hunting of mountain lions illegal in California and I think their law is an excellent one and I'd like you to support Ernie Chambers in drafting a law similar to California's law. I'll pass this around too. [LB671]

SENATOR BRASCH: Thank you very much. The clerk could make several copies and be sure that we get those copies. [LB671]

DANA HIRSCHBACH: Oh, great. Okay. [LB671]

SENATOR BRASCH: One is coming to assist you. [LB671]

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DANA HIRSCHBACH: All right. [LB671]

SENATOR BRASCH: And appreciate your support and willingness to step forward. Thank you. [LB671]

DANA HIRSCHBACH: You're welcome. [LB671]

SENATOR CARLSON: Okay, thank you for your testimony. Next testifier, please. Welcome. [LB671]

JAREL VINDUSKA: Welcome. Thank you. [LB671]

SENATOR CARLSON: I've seen you before. [LB671]

JAREL VINDUSKA: Yeah, I've seen you before too. [LB671]

SENATOR CARLSON: Okay, all right. [LB671]

JAREL VINDUSKA: (Exhibit 8) Senator Carlson, members of the Natural Resources Committee, my name is Jarel Vinduska, Jarel is spelled J-a-r-e-l, Vinduska is V-i-n-d-u-s-k-a. I came here today in support of LB671. I'd like to thank Senator Chambers for bringing this bill forward. Before I begin...I guess I have begun, but I'd like to state up front I'm...although my formal education was in wildlife management, I don't profess to be an expert on mountain lions per se; but I do know enough about them to be able to answer two questions, one from Senator Brasch and one from Senator Johnson. You asked, Senator Brasch, what the main food source is, and that's the reason mountain lions are starting to reinvade their traditional range is because deer, specifically, white tailed deer, are more numerous than they ever, historically, have been. And they're following the population of deer, because deer is their main diet. And then as far as whether they get hit on the road: yes, like any cat, just like your domestic cats, they're prone to getting hit on the road. They always think it's safer the spot of the road that they were rather than where they are right now and so they do run across and the only reason there are not many of them are hit is because there are not very many of them out there. They have a huge, huge range. One mountain lion covers a 50 to a hundred square mile area. So they're never very plentiful on the land because they self regulate their population. One male defends a big area. He will let several females live in that area, but the young males are always pushed out because the older male doesn't want any competition. As far as danger to people, since deer are their main food, if you compare the fatalities or injuries from a mountain lion attack compared to the amount of people that get hit...that hit a deer on the road, in the United States several hundred people. I think the last report I saw, like something like 240 people are severely injured or killed in the United States per year running into deer on the highway. So as such, if

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we let mountain lions thin the deer out a little bit and not let them be so concentrated, we would actually have less fatalities of human beings if that's our...if that's one of our main concerns. Another thing I'd like to state up front here too is I'm not here supporting the bill because I'm against hunting, I've, my whole life, I've hunted and fished. In fact, probably hunted and fished most of...or a great percentage of the species that are in North America. In fact, I even guided one year in Alaska, guided other hunters, so I'm not here to be against hunting. But what I'm here to say is...is it just disturbs me that this isn't modern wildlife management that's taking place here. Now I agree with Game and Parks that very little of Nebraska is suitable wildlife habitat...mountain lion habitat. All one has to do...you can get on Google Maps or Google Earth and just start scanning around Nebraska and they certainly can't live in the high production, row-crop lands, any of the parts of the state where you see a mile square section area where it's all high-production crops, that's not suitable habitat. Even though there might be plenty of deer in those areas, the population is just...if human population is too great, that people socially just won't put up with them. And that's why I'm not here to be either exceptionally critical of Game and Parks too, because I understand that humans just never, traditionally, it's like it's in our genes. We don't get along good with big predators or wildlife in general, you know, even some urban people can't get along with a rabbit eating their flower garden. But particularly the big predators are hard to live with. And so...so...but you can see pockets around the state that are semi good habitat. You can go along the Missouri bluffs, you can go down by Nebraska City, Indian Cave and such, and there are...there's a few big tracts of timber at Rulo and at the Indian reservation in the northern...northeastern part of the state. But the big problem is, we're not...we're just looking at this state as a unit. These lions are trying to reinhabit traditional territory throughout the whole continent. And by this prairie unit we've set, we're intercepting them and going to kill any lion that's heading to other parts of...and cutting off that genetic diversity that's necessary there. So anyway, what it all boils down to is the landowners that live where these mountain lions are, they were protected right from the beginning. They could kill any lion that was harming domestic livestock or a threat to humans. And what I know of landowners and farmers and ranchers, they were taking care of that problem. They had the...I'm almost done, they had that ability before. We didn't need to make a hunting season to have sport hunting and put a bad name on hunters in general. And in closing, the reason I handed out this thing, this handout is the reason...if I was a senator, I'd be asking, okay, we just gave Game and Parks last year the ability to have a hunting season, so what is the justification now to come forward and remove that ability? Well, the justification is that when we...when the senators passed...when you senators passed 37-473, it was based on Game and Parks following the guidelines in 37-314. And I highlighted the parts of 37-314 that they didn't follow to create this mountain lion season. If you read the highlighted parts, they didn't do any of this stuff. When you have a season that's basically a kill zone through the whole state of anybody that wants to kill one, there was nothing to do with preservation, protection, propagation, the volume of harvest. The volume of harvest is a total harvest all year long. So none of that was taken care of. So there is the justification for taking away the

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ability from Game and Parks is because the law wasn't followed here. [LB671]

SENATOR CARLSON: Okay. Thank you, Jarel, for your testimony. You have questions from the committee? Okay, thank you. [LB671]

JAREL VINDUSKA: Okay. [LB671]

SENATOR CARLSON: Next testifier, please. Welcome. [LB671]

PATRICIA FULLER: Thank you for having this hearing. My name is Patricia Fuller, F-u-l-l-e-r. I attended your initial hearing on this bill back in 2012 and also the Game and Parks hearing last summer in Lincoln. The criteria...the question of where was the research? What criteria is Game and Parks using for the number of cougars that can be hunted? Again, I'd like to refer to this article that Senator Chambers did in the World-Herald on January 19. This was the interview with Rob Wielgus of Washington State University. He's widely considered to be the authority on the effects of cougar hunting. His career has spanned three decades of research on large carnivores. He said he's never heard of a state allowing hunting of such a small population of cougars. Wielgus is also a coauthor of the Washington study, "Effects of Remedial Sport Hunting on Cougar Complaints and Livestock Depredations." I don't have a copy of that, but I did send you all a Web site with that link. Anyway, just very briefly, in the conclusion, quote, Consistent with expectations, each additional cougar on the landscape increased the odds of a complaint or livestock depredation by about 5 percent. However, contrary to expectations, each additional cougar killed on the landscape increased the odds by about 50 percent higher. By far, hunting of cougars had the greatest effects, but not as expected. Very heavy hunting, 100 percent removal of resident adults in one year, increased the odds of complaints and depredation in year two by 150 percent to 340 percent. It appears that remedial sport hunting to reduce complaints and depredations is actually associated with increased, not decreased, complaints and depredation the following year. He says a total of 16 states allow some form of cougar hunting or shooting. He said that the Nebraska season harkens to the days when the goal of mountain lion hunting was to eradicate rather than conserve. Hunting a population of less than 30 animals is just crazy he said. They can blink out, it's just like the rolling of the dice. So I think this...I support LB671. I think the cougar hunting season needs to be repealed. I think Game and Parks needs to do a lot more research from outside states. Thank you. [LB671]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions? Seeing none, thank you for your testimony. Next proponent. And how many more do we have as proponents? Okay. Welcome. [LB671]

ANGELIKA T.L. BYORTH: (Exhibit 9) My name is Angelika T.L. Byorth, A-n-g-e-l-i-k-a, middle initial T, as in turtle, middle initial L, as in lady, last name B-y-o-r-t-h. My address

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is 3027 Plymouth Avenue, Lincoln, Nebraska, 68502. I have been a naturalized citizen of USA since 1978. I am testifying for LB671 as a concerned individual, not affiliated with any organization. Please enter my testimony for LB671 into the record. My training in population biology in Germany where I grew up allows me to state with certainty that the 22 to 60 or so mountain lions we have in Nebraska is too small a number of animals to offer a sustainable gene pool for a species that is currently hunted. My background as turtle conservationist who was able to push legislation that now gives legal protection to 62 native reptiles and amphibians allows me to state with certainty that working with the political people within the Game and Parks Commission is an uphill battle that takes decades to win. I will work in the future to have the political structure of our Game and Parks Commission changed so that the people of Nebraska have greater input into wildlife conservation and so that rare species like our mountain lions will not be hunted into oblivion while the commission disregards the advice of their own biologists. A few days ago the Lincoln Journal Star printed a short letter of mine which sums up and documents the immoral lows to which the commission has descended within a mere 22 years. It is attached to this testimony and I will read it now. "Those who are pessimists and think the world is going to hell in a hand basket, at least here in Nebraska, should look for proof in the documented backsliding ethics of our Nebraska Game and Parks Commission. Twenty-two years ago, Game and Parks tried to make our mountain lions a protected wildlife species. Today, the agency oversees butchering them for money and to appease a few citizens who would feel safer going into a movie theater or a school than into the great outdoors. On February 16, 1992, the Lincoln Journal Star quoted an editorial from the Hastings Tribune that opined as follows: "now the Game and Parks Commission is preparing to ask the Legislature next year to include mountain lions in a list of protected wildlife species." The editorial goes on to says: "On the surface there isn't anything wrong with the idea, but is it really necessary? Mountain lions are extremely rare in Nebraska; the one killed near Crawford was the first to be seen in the state in many years." The piece ends: "When it isn't necessary to legislate, it isn't necessary to legislate." I say, bless that editorial writer's heart for being so naive and trusting. Over just 22 short years, our Game and Parks Commission's leadership has turned into the fox in charge of guarding the henhouse. We, the people of Nebraska, need to take a stand instead of acting like sheep led to slaughter. I'm here to take a stand. Thank you. [LB671]

SENATOR CARLSON: Okay, thank you for your testimony. [LB671]

ANGELIKA T.L. BYORTH: And the Hastings Tribune is attached, the editorial. [LB671]

SENATOR CARLSON: Okay. Now just a moment, Angelika, any questions of the committee? Yes, Senator Brasch. [LB671]

SENATOR BRASCH: I would have one. Thank you very much for your testimony and taking the time to come forward. I'm curious because you...your field is in population

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biology. What does the state of Nebraska...is the population of mountain lions similar across the country? Are we...is it... [LB671]

ANGELIKA T.L. BYORTH: Okay. First of all...oh, I'm sorry. [LB671]

SENATOR BRASCH: Go ahead, explain your... [LB671]

ANGELIKA T.L. BYORTH: My field is not population biology. I'm actually a real estate broker... [LB671]

SENATOR BRASCH: Okay. [LB671]

ANGELIKA T.L. BYORTH: ...with a degree in art and teaching German. [LB671]

SENATOR BRASCH: Okay. [LB671]

ANGELIKA T.L. BYORTH: But my German high school education was a college prep program of 13 years that's brought me to a level of two years college in Lincoln, Nebraska, and it required biology for 13 years, from day one until the end. And one of the specialties within biology was...that was being taught was on population biology. And so I have 13 years of biology background, but I'm not in that field now. [LB671]

SENATOR BRASCH: Not specifically in...I see. [LB671]

ANGELIKA T.L. BYORTH: And you asked the difference between Germany and here. [LB671]

SENATOR BRASCH: Not Germany...are you aware of Iowa, Nebraska, Wyoming, you know, is...are you focused only in Nebraska or have you taken a look at as a nation... [LB671]

ANGELIKA T.L. BYORTH: No. [LB671]

SENATOR BRASCH: ...or North America? [LB671]

ANGELIKA T.L. BYORTH: I pay attention to all matters of biology because it's a great, huge interest of mine. And I pay attention to what is going on around us, in the states around us. And I am actually very proud and encouraged by Nebraskans being more environmentally protective and forward than some states around us who actually have been killing off mountain lions to the point where they seek refuge in Nebraska. And now we're going after them here. It's like they're trying to get back into paradise and there is no way to get away. And so it is interesting to me. And I was just in Germany in August for a month and we had a 40-year class reunion and my biology teacher from

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way back when was there; he's 89, very good shape. And he couldn't believe what we're doing with mountain lions because he said they could...the Nebraskans could eradicate them within one year with such a small population. He said, we in Nebraska have so much space, why can't we let them be? Germany is the size of half of Texas, the land area of half of Texas. And the number of people that live on that space is 82 million, okay. There's no room for nice large wildlife. Hunting is not heard of. Only Game and Parks officials can kill a deer if it's hurt or something. But there is, basically, no big wildlife left. Birds in people's yards, yes; but that's about it. The hedgehog is under national protection and if you find a hedgehog that needs veterinary care, the veterinarian will refuse to charge you because he says the government will reimburse him. So they try to protect what's left, but there's not very much left. And so I come from that culture and I come here to Nebraska and that's why I worked so hard to save the reptiles and amphibians when I saw they were selling our Nebraska turtles in pet shops. It is such a cultural clash. And I just really appreciate Nebraska having the wide open spaces, having the natural resources and I'm just a very big fan of Nebraska. [LB671]

SENATOR BRASCH: Well, we appreciate you coming and sharing your testimony with us. [LB671]

ANGELIKA T.L. BYORTH: Um-hum. [LB671]

SENATOR BRASCH: Thank you. [LB671]

SENATOR CARLSON: Okay. I guess that's it. No more questions. Next testifier please. Thank you, You're fine. Thank you. Welcome. [LB671]

DAVID MANGELSEN: (Exhibit 10) Thank you very much. We appreciate the opportunity to speak to all of you today. My name is David Mangelsen, that's M-a-n-g-e-l-s-e-n, from Omaha, Nebraska. I'm here on behalf of my brother, Thomas Mangelsen, who asked me to read a letter to all of you today concerning the cougar here in Nebraska. So on his behalf I'm going to read this letter to you all. I'm a Nebraska native and an Omaha businessman. My company, Mangelsens--Images of Nature is a culmination of a lifetime spent photographing wildlife and sharing the beauty and intimacy of the nature world with an international audience. I grew up in Grand Island and Ogallala with my father who is an avid duck and goose hunter, a true sportsman, and this is where I learned much about nature and the appreciation of wildlife. Those were profound experiences, especially at our family cabin on the Platte River and in the Nebraska Sandhills where I return every year. However, time and experience has led me from an early family life rich in cultural heritage of hunting to a more enlightened view that has resulted in grave concern about the activity of sport hunting of large carnivores. I started the Cougar Fund with writer Cara Blessley Lowe in response to what I learned about sport hunting of cougars after we experienced a unique mountain lion presence in the National Elk Refuge in Jackson, Wyoming, in the spring of 1999. Acclaimed animal researcher Jane

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Goodall quickly and passionately supported the concept of educating about and protecting cougars. Howard Buffett, with equal enthusiasm, soon joined Jane and our first board of directors. In those early days, none of us ever imagined that we would be advocating to protect cougars from the threat of sport hunting in Nebraska. Killing animals purely for fun and in the name of sport is far from sporting. It is not for food for one's table, only for the trophy of one's wall or rug on the floor. The killing of females is particularly cruel as it leaves collateral damage of orphaned offspring who suffer unconscionable and inhumane fate of starvation and depredation. This does not represent educated and science-based game management, yet it is precisely the current state of affairs in Nebraska where a new hunting season for cougars has been misrepresented as a response to fearful attitudes towards these iconic animals. The necessity to dominate the natural world has deep roots in our common ancestral heritage, but the desire to control within man-made parameters to rapidly bring negate emerging science in various...excuse me, gentlemen...in various peer-reviewed publications, wildlife researchers such as Ripple, Hebblewhite, Berger, Wielgus, and Cooley all point to widespread predator reduction as having serious ecological effects. Too often, paid government officials decide the fate of our wildlife species not based on best science, but on traditional negative attitudes toward large carnivores. Often, Game and Park officials and commissioners are swayed by pressures from a minority of citizens and their lobbyist who have ingrained personal prejudices against predators. They are unwilling to allow native predators, the cougar, back into the state regardless of scientific facts and realities. To manage wildlife according to consumptive desires instead of what's best for people, animals and the ecosystem in the twenty-first century wildlife management nor democracy nor science. [LB671]

SENATOR CARLSON: Okay, I'm going to ask you to wrap up, the red light just went on. [LB671]

DAVID MANGELSEN: I'm sorry. I'll read faster. The definition of stewardship is careful and responsible management of something entrusted to one's care. To be responsible, the Legislature needs to take into account all credible information that they have at their disposal and all the stakeholders, responding to the benefits and personal sources of information that only small segments of the population cling to, not basically stewardship. Public safety and protection of livestock and served in Nebraska prove emergency response plan. Managing predators for their existence, not their defence, not their demise, is in both the interest of the environment and the people. Cougar hunting has no place in the present or future of my home state. I ask you to take a courageous stand and rely on science rather than recreational demands. I urge you to support LB671. [LB671]

SENATOR CARLSON: Okay. Thank you, David. Any questions of the committee? Thank you for your testimony. [LB671]

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DAVID MANGELSEN: Thank you very much, appreciate it. [LB671]

SENATOR CARLSON: Next proponent, please. Welcome. [LB671]

PAUL JOHNSGARD: (Exhibit 11) Thank you. My name is Paul Johnsgard, J-o-h-n-s-g-a-r-d. I live in Lincoln, Nebraska, have since 1961. And I taught at the university from 1961 to 2001; 40 years. I taught animal ecology most of those years; mammalogy one year, ornithology every year, and a bunch of other things. I'm here to speak in favor of LB671 and I'd like to thank Senator Chambers personally for introducing that bill. I don't have any written testimony, but I'm handing out a copy of the Prairie Fire which was published about three hours ago, so it's hot off the press. And there's about a 2,000-word article I wrote concerning mountain lions and their hunting, of which I'm strongly opposed. Any number of reasons for that position, most of which have already been alluded to earlier this morning and this afternoon. And I don't have any...very much to add to that. One thing is a point that's been discovered. In those states which allow...have allowed hunting season...do allow hunting season, there are 13 states that have "viable populations", and hunting is allowed in 11 of them, it's been found that where hunting is allowed, the incidents of contacts between humans, unfavorable contacts between humans and mountain lions actually increases so that we're not ameliorating or reducing any perceived dangers from mountain lions of which there are virtually none, we know. As you heard, 20 cases in well over a hundred years of American history, and that includes Canada, of mountain lions killing people, most of which have occurred in situations where humans were probably in situations they could have easily avoided. So I think this was a very ill-advised venture; basically, a money-raising proposition as I see it that Game and Parks got into. And the person who won, if you will, by paying \$13,500 for the opportunity already had over 150 game trophies in his house. You'd think that might be enough, but apparently not. And so it just encourages, I think, the worst kind of hunters to take advantage of this. And as you well know, with 20-odd mountain lions, perhaps, in the state, I suspect there might be fewer now, it's been found in Washington that the kill, if you will, should not exceed 14 percent of the population. If four mountain lions are killed, that's 28 percent. So, obviously, this is a, I think to my mind, a reckless position for Game and Parks to be taking to, perhaps, seriously reduce the mountain lion population. That's really all I have to say. Thank you very much. [LB671]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions of the committee? Seeing none, thank you. [LB671]

PAUL JOHNSGARD: Thank you. [LB671]

SENATOR CARLSON: How many more proponents? One. Okay, please come forward. Welcome. [LB671]

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VALERIE VIERK: (Exhibit 12) Hello. I'm Valerie Vierk. I'm from Ravenna, Nebraska. That's Valerie, V-i-e-r-k. I'm a life-long resident of Ravenna; that's 130 miles west of here. I've been a nature lover all my life, which is quite a few years now. I've been fascinated with cougars in particular from the time I was a very little girl. I think it has something to do with seeing a little black panther in Laura Ingalls Wilder's Little House in the Big Woods. It was a bit of a tall tale, but I think that's where my fascination came from. For the last 10 years, I've lived on an acreage right along the South Loup River. My back door is a hundred feet from the river and I can look out on the river and across the river is a lot of woods and I keep looking for cougars. I haven't seen one yet, but I'm sure I'd scream if I did open the door and see one. For 40 years, I've also been...I'm representing myself. I am a member of a bluebird organization in Nebraska. And I have a large trail, about a hundred boxes. And bluebirds are birds of the open country, sort of. But I do have some boxes right along the South Loup River. I go a different way to get in to this area. It's very secluded; it's very beautiful. There's a big meadow and then I put the boxes along the side. We have the river and then we have pasture, plus the meadow and a lot of trees. So I believe I'm walking in cougar habitat. In the last 15 years, we've had a lot of sightings in Ravenna. It seems like about everybody seen them but me, including my Methodist minister. So I'm a writer; I've written five books. My next one is going to be about the mountain lions returning to Nebraska. I've done massive research. I'm not a biologist; I make my living as an office assistant, better known as a secretary, but I am a writer. So I've read a lot of books. That's not to say I sometimes don't get myself a little spooked up when I'm down here alone in these isolated areas. But I am here still to tell the tale. One cougar was spotted a well...in the daylight as the crow flies a mile from my house. Another one was right up the river from where I walk. So my bravery kind of ebbs and flows, but I'm not going to give up what I love doing. My primary concern is for the mother mountain lions. And one of my family members said, if you say "mother mountain lions" they're going to laugh at you. That's okay. I found a nonprofit for spaying small cats, house cats, a couple years ago. We get a little break, three months in the winter, we get a little break in kitten season. The mountain lions, I understand, can have kittens any time of the year which puts them in jeopardy. We lucked out this first season, they got a couple of males. What if we get a female this time? I gave the board...I'm...I'm very upset about this season and it just seemed like to further incite me I opened the Kearney Hub two days...two weeks ago and here's the article about the little kittens that were orphaned in Oregon. It's a colored picture. The three little...very young kittens, two weeks old, they were...the man who accidentally shot their mother is a retired wildlife biologist in Oregon, well respected. When he saw that it was a mother...it was a female, plus he realized she was a lactating female, he immediately went and tracked her. He...there was snow on the ground; he had the expertise, number one, to track her to the den. I don't know how far it was. He found three little kittens two weeks old. They're looking right at the camera; their eyes were open, but they said they still had the film, they were technically blind yet. And they will be well cared for if they've survived. I haven't heard. And a zoo in North Carolina wants them when they're old enough. Well, that's fine, but I remember, I had

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grandparents in Lincoln and when I was a child, the Children's Zoo was there, it was a little bit different. It was in this little white building, it's still there, and I visited it a couple of years ago. It's now a children's play area. But when I was there, I observed a mountain lion pacing and pacing and he was in a cage maybe this area. I was seven years old and I knew something was wrong with that mountain lion. So I see the red light is on. That went fast. I am concerned about the mothers. There's no safe time. Even if the kittens are nine months old, they still need their mother. Even if they're younger, the idea of these little kittens waiting in the den for momma to come home and she never comes home because she is dead. Now if we get a female at this next season, I hope our biologists are up there and can determine if she has kittens, if they think there are kittens hidden out, maybe we can save the kittens. Starvation is not a pretty subject; or if they get lucky, some other predator coming and killing them. So, we hunt deer, but at least the fawns by November, they're probably still hanging with their mother, but at least they can survive. I had a couple of orphan fawns in my backyard. That's a whole other story. Thank you for your time. [LB671]

SENATOR CARLSON: Okay. Thank you for your testimony. Any questions? Okay, seeing none, thank you. [LB671]

VALERIE VIERK: Thank you very much. [LB671]

SENATOR CARLSON: (Exhibits 13-26) I think that's it on proponents. We have letters to be read into the record in support of LB671 from C. Spencer Cake in Fairfax, Virginia; Patricia Halderman from Lincoln; Maryann Schulz from Bellville, Texas; Tom Batter; Jim and Nancy Armitage; Amy Gromowsky; Cindy Weitzel; Doug Bauch; Alan Bartels; Penelope Maldonado from Jackson, Wyoming; Helen McGinnis from Harman, West Virginia; Lynn Harman from Boulder, Colorado; Jocelyn Nickerson from the Humane Society of the United States; and Ken Winston from the Nebraska Sierra Club. Those are letters to be read into the record. And now we'll go to those that are in opposition to the bill. How many testifiers do we have in opposition? Okay, let's one after another come forward, please, and take your spot. And let's have the others ready to go when we call the next testifier. [LB671]

DEAN FORNEY: Thank you, Chairman and committee. My name is Dean Forney; I'm from Omaha, Nebraska. I appear here today in opposition to LB671 and I testify on behalf of the Forney Ranch and Forney family. Let you know who they are and who I am. [LB671]

SENATOR CARLSON: Dean, I'm going to stop you to spell your last name. [LB671]

DEAN FORNEY: I'm sorry. Dean, D-e-a-n, Forney, F-o-r-n-e-y. My great-grandfather homesteaded in Sheridan County, Nebraska, in 1906. We've continuously operated the ranch since then. We, just this past year, we were awarded the Tree Planter Award from

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the Nebraska Association of Resources Districts for having planted over five generations, over 51,000 trees. And we are...and we have done a huge amount of work in support of wildlife and conservation. My question is here today is who is sticking up for the bighorn sheep? Who is sticking up for the turkey? Who is sticking up for the antelope? Who is sticking up for the elk? All of those species have been reintroduced to the state of Nebraska by the good stewardship of the Game and Parks Commission. Now, the Game and Parks Commission has been granted another management tool to reintroduce another species, the mountain lion. They aren't there...the Game and Parks Commission has never said that they intend to eradicate the mountain lion. As a matter of fact, if you take a look at their season, their season ends upon the killing of a female. If you wanted to eradicate mountain lions, the first thing they would do is not worry about whether it was males or females, they would hope that the females were shot so they could eradicate them. What the Legislature did last year was to let the Game and Parks Commission manage wildlife and protect and by passing the hunting of mountain lions, because mountain lions prey upon the bighorn sheep; they prey on the turkey; they prey on the antelope; they prey on the elk. And if you do not manage that, you are going to decimate not only the deer population, but you're also going to decimate the bighorn sheep population, the turkey population, and the elk. It is absolutely...it would be irresponsible for this Legislature not to permit the Game and Parks Commission to manage all wildlife. When I say manage all wildlife, I'm talking about with hunting seasons as a tool. Now we may disagree with the Game and Parks Commission on how many or whether or not they ought to have a raffle or things of that nature, but we can't agree, but we should not agree that they should have their hands tied, and that they cannot manage the mountain lion like any other species. As a matter of fact, left to their own device, LB671 would decimate the bighorn sheep, the turkey, and the elk, as well as the deer. Don't let that happen. Let the Game and Parks Commission manage it as is under current law. Thank you. [LB671]

SENATOR CARLSON: Okay. Thank you. Any questions of Mr. Forney by the committee? I do, I have a question. Whether it would be elk or whatever it may be that's introduced into the state, at what number would be a comfortable number to have a hunting season, because they have to...they have to be established here, so what in your mind is a comfortable number? [LB671]

DEAN FORNEY: Well, the Game and Parks Commission will tell you that their estimate of 22 is significantly low because that number is always said that Nebraska has probably a resident population of 22. They have a nonresident population that is much bigger than that, because up where the...up where the Pine Ridge area is, it is close to Wyoming where they have mountain lions and close to the Black Hills where they have mountain lions. Both South Dakota and Wyoming have hunting. So they're hunting; they're trying to reduce their numbers. South Dakota, I believe, has like 250...250 mountain lions that they know of. They're crowding into Nebraska and they are transitory. So the number of...when you say 20...when the Game and Parks

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Commission says 22, that's resident. That doesn't count the nonresident transitory number. The Wyoming hunting, the South Dakota hunting is forcing them into Nebraska. What is happening to the bighorn sheep is these transitory animals come into the area, disturb their breeding, disturb their birthing; they can bother them to the extent that the animals get Pasteurella, and us cowboys call that shipping fever, which is a respiratory disease. So even though it might not be a mountain lion kill per se, Pasteurella or some other cause could have and is causing a decline of bighorn sheep birth population. I spoke to a neighbor the other day up north of Chadron that said that he has never seen, he traps, he has never seen so few raccoon than this year. Why? Because we got to get a handle on the mountain lions or we won't have any raccoons either. Who is sticking up for the raccoons? The Game and Parks is. And you're going to have to manage it or all you're going to have is one species and that's the one that even Ernie Chambers said was at the top of the chain, the mountain lion. [LB671]

SENATOR CARLSON: Okay. I have one more question. Of the state agencies that we should rely upon for accuracy in determining populations, would you agree that it's Game and Parks? [LB671]

DEAN FORNEY: Absolutely. And I think that they could have given that number more...in a larger context. Instead of saying the Nebraska resident population is estimated at so and so, they...maybe they should have included in their number the nonresident and the transitory population that they know of. [LB671]

SENATOR CARLSON: Okay. All right. Senator Kolowski. [LB671]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Mr. Forney, thank you for your testimony. I just have a couple of quick questions on bighorn sheep as far as the...there's a limited hunting season for those, are there not? [LB671]

DEAN FORNEY: That's right. [LB671]

SENATOR KOLOWSKI: And extremely limited by a draw of... [LB671]

DEAN FORNEY: There's a draw and there's a...and I think there's a...there's a... [LB671]

SENATOR KOLOWSKI: A lottery or something. [LB671]

DEAN FORNEY: There might be a lottery and an auction. I think there's one that is auctioned off. [LB671]

SENATOR KOLOWSKI: Okay. And we have a very limited population of those sheep as well. [LB671]

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DEAN FORNEY: That's right. [LB671]

SENATOR KOLOWSKI: Do we have evidence by carcass count or whatever else that lions have been decimating that group that are in our state at this time? [LB671]

DEAN FORNEY: I can't answer that, but I think there is somebody here that can. [LB671]

SENATOR KOLOWSKI: Okay. I'd be interested in seeing what that might be. As far as antelope and deer, or elk, you mentioned, I guess I'd have the same question there. Are we finding carcasses that look like a lion had attacked and decimated part of that herd or whatever else had taken place? And my last thing would simply be a comment. I'd like to rent a lion because I'd like to get the turkeys out of my yard in Millard. (Laughter) They are everywhere...in the Zorinsky Lake area. So let me know if I can rent one sometime. Thank you. [LB671]

SENATOR CARLSON: Okay. Any other questions? Okay, thank you for your testimony. And let's have somebody on deck to follow Wes here. Welcome, Wes. [LB671]

WES SHEETS: Good afternoon, Chairman Carlson and members of the committee. My name is Wes Sheets, spelled S-h-e-e-t-s. I do live here in Lincoln, Nebraska. Have been retired for a few years, having spent a career in the out of doors. It's a pleasure for me to represent the Nebraska Division of the Izaak Walton League here today, and my comments will be in support of that organization...or from that organization. With all due respect to Senator Chambers, we would prefer that you indefinitely postpone this legislation. I was very pleased to understand that he will withdraw a couple of those critical provisions of the statute and we'd expect that to happen as well. I guess in very short summary, it is our position that the mountain lion population of Nebraska is a recognized renewable natural resource. They live and breathe and reproduce and repopulate the land where habitat and other conditions exist that would allow that to happen. Having said that, this population should be relegated and the management should be relegated to the most logical state agency in the state of Nebraska, that is the Nebraska Game and Parks Commission. They have the most likely and eligible staff, most knowledgeable staff, and wildlife population dynamics, and the best way to manage those populations. I think the trick, as I experienced in my previous life, was to match that scientific base of knowledge with the social aspects of the population of people and consider that people are part of the ecosystem as well. Our human population, you know, should be considered and their attitudes should be considered when you are managing a wildlife population of...particularly a very small remnant of what was an indigenous specie; was extirpated for a while, apparently and has made a comeback now, 25 or 30 years ago with the occurrence. I'd like to consider myself somewhat of an authority in that I, in fact, have run across and identified and had three

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mountain lions within 50 years of myself, none of those in Nebraska, all in the Rocky Mountains when I've had the occasion to be out there chasing a Rocky Mountain Elk or something while I was hunting. And I do know that...I'm convinced now that we've had mountain lions in this state for 30 or 40 years. As many have said before me, those animals that have been kicked out of pride in the Black Hills of South Dakota, maybe Wyoming, maybe even Colorado, because they are capable of moving long distances. I do believe that the Game and Parks Commission is not acting on their own behalf because I'm aware that in recent years, like in the last two or three years, they have hired outside professional assistants to document or do what they can to study and estimate the populations of cats. The reality of DNA analysis has been outstanding. I wish that some of that technology would have been available when I was a working professional in the field. So I guess, given that, my summary is that I would encourage the committee to consider that the Game and Parks Commission probably does have absolutely the best ability to identify the needs of the Nebraska citizens. I'm personally concerned about the paranoia that occurs on the part of some citizens. I don't think they're nearly the ferocious animal that one might lead them to believe. All the cats that I've seen simply...and I remember one specifically, I walked within 30 years where we nod at each other coming around a side of a mountain in western Wyoming and when I saw it and it saw me we both stopped, froze, looked at each other, and he turned and left...or she did, I'm not sure if it was a male or a female. So, I'm really concerned about giving carte blanche authority to people, citizens to eliminate those cats based on their some paranoid fear if they demonstrate it, but on the other hand, I do recognize the citizens' prerogative should be to protect themselves if they feel threatened. I guess with that, I just close and urge the committee to postpone this bill and keep it in committee. And the Nebraska Game and...or the Nebraska Division of the Ikes...are a member of the Nebraska Council of Sportsmen's Club and I believe you got a letter from the Council of Sportsmen's Clubs. I'd just like to invite you and remind you that we do have a reception planned for Monday and while we're not serving any mountain lion, hopefully you'll get a taste of some of the other good, renewable natural resources we have to offer. So thank you very much for allowing me to appear. [LB671]

SENATOR CARLSON: Okay. Thank you. Any questions of Mr. Sheets. Senator Haar. [LB671]

SENATOR HAAR: Yes, thanks, Wes, for coming. There's almost a couple of issues here, one is just the hunting itself, but the other is how the hunting occurs. And how do you react to this fact that they, you know, run a cat into a tree and just shoot the cat out of the tree? [LB671]

WES SHEETS: Well, I'm not prepared on behalf of the Izaak Walton League to answer that. I, of course, have my personal preferences for hunting and my preferred method of hunting is to pick up a primitive weapon like a bow and arrow and stalk and find an animal that I might harvest. So that's my personal preference to the way to hunt.

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[LB671]

SENATOR HAAR: Okay. Thanks. [LB671]

SENATOR CARLSON: Any other questions? Wes, don't leave too quick here. [LB671]

WES SHEETS: Oh, gosh. [LB671]

SENATOR CARLSON: I have a question, and you understand this, but we as members of the Legislature, when whatever comes along and we have hearings, we're supposed to ask questions and we're supposed to look into it and we're supposed to do some thinking of our own, whether or not that may agree or not agree with an agency that's in charge of something. Help me understand why if...and I ask the question whose the most likely agency to give an accurate assessment of the numbers of whatever it is, and in this case we're talking about mountain lions, help me understand why if 20 is close to the population, why do we need a hunting season? [LB671]

WES SHEETS: I guess the answer to that lies within the biology of most wildlife populations and they are a renewable resource. They breed and repopulate and others. Now the goals and objectives of the current hunting season, as I understand them, is to remove extra male mountain lions. And you've heard previously today that our population of mountain lions consists of breeding pairs, breeding animals that produce young, but young male mountain lions are quickly booted away from those families. And so now we have an animal that may travel hundreds, maybe even thousands of miles...but certainly hundreds of miles in search of new acceptable habitat. And so that is a...in the terms of best perennial wildlife management, they harvest a, potentially, harvestable surplus of animals from the population that clearly can be reproduced or replaced in future generations of the population. So the difficult thing, of course, is to protect the breeding females if the population is deemed to...that you want the population to grow, you need those...you need both sexes naturally. And, unfortunately, the difficult task that the Game and Parks Commission have is not so much creating or protecting a population so that it grows in numbers of animals, it's trying to find a balance that fits that population within the social parameters of our community. And, you know, I don't think there would be very many farmers and ranchers that wouldn't appreciate the opportunity to take one out of the world if it showed up on their ranch or farm. Even though it is demonstrated that they are clearly, primarily predators of deer species, whitetails and/or mule deer, I believe. They do take other animals and they do utilize others. So I don't know if I've answered your question, Senator, but that agency has the only staff, anyway, of significantly trained wildlife management professionals and I think that should be the agency. [LB671]

SENATOR CARLSON: In the mountain lion kingdom, what's the period of time from conception to adult? [LB671]

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WES SHEETS: You know I'm not sure. [LB671]

SENATOR CARLSON: I don't have any idea. [LB671]

WES SHEETS: But it's multiple months and I would defer that answer. I'm a past fisheries guy, so if it's got fins and scales, I might be able to give you a better answer, but I'm not going to answer that question. [LB671]

SENATOR CARLSON: Okay. All right. Thank you. Any other questions? Thank you for your testimony. [LB671]

WES SHEETS: Thank you for the opportunity to be here. [LB671]

SENATOR CARLSON: Next testifier, please. Welcome. [LB671]

HENRY RICK BRANDT: My name is Henry Rick Brandt, H-e-n-r-y R-i-c-k B-r-a-n-d-t. I'm here to represent the Nebraska Big Game Society and myself. Two things my dad always said, son, ride for the brand; talk less, say more. So shut me up before that green light goes off. (Laughter) Number one, we support Game and Parks as the mangers of our big game in Nebraska; carnivores especially. Some day mountain lions will be a problem and it's good to have somebody competent to be able to manage them. And I feel that they are the people who should. Personally, I've tracked sheep at Fort Robinson for six years now as a volunteer for Game and Parks. And I've also been riding Yellowstone since 1978, every year, except for a couple, two precisely. I've seen a mountain lion kill a mommy, a ewe, within a hundred yards of me. Devastating, unbelievable, within 15 seconds she was dead. It was a female; she was dragging her back to the den for her babies. So I have familiarity with them, and so does my mule, he didn't like it too much. That's it. [LB671]

SENATOR CARLSON: Okay. Well, thank you for... [LB671]

HENRY RICK BRANDT: Thank you. [LB671]

SENATOR CARLSON: Now just a minute, thank you for your testimony. Any questions of Henry? Okay, thank you. [LB671]

HENRY RICK BRANDT: Thank you. [LB671]

SENATOR CARLSON: Next testifier, please. Welcome, Scott. [LB671]

SCOTT SMATHERS: Senator Carlson, Chairman, members of the committee, thank you again. My name is Scott Smathers, S-m-a-t-h-e-r-s. I'm executive director of the

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Nebraska Sportsmen Foundation. We are here today on behalf of our board of directors, members, partners, and sponsors in opposition to Senator Chambers' LB671. We are pleased to hear that Senator Chambers has put back in the defense language for livestock and human folks within the district or an area to allow that statute to continue. However, it does not give us enough cause to support his legislation. The issue of mountain lion hunting or any hunting of any variety of any species, as you've heard today, whether it's turkey, dove, upland bird, deer, elk, all create a passionate mind-set, no matter what side of the fence you stand on, in support or against. Yes, the mountain lion is majestic. I've heard a lot of conversation today that dealt from heart, not from science, not from thought process, not from clear thought process. Several folks have talked about the elk, the turkeys, the reintroduction of those species and the growth of those species within our state. One thing that has not been discussed, in several states surrounding us, the North American wolf has been protected for many years in several states. Those populations have grown out of control. And in our states to the west now creates an issue of serious elk depravation within those states, because, again, management was not considered from a scientific standpoint, but from a heartfelt standpoint of majestic animal. There's no lie that the mountain lion is a majestic animal. We ask that the Legislature conduct business as it has always done from a statute standpoint. It has allowed the Game and Parks to regulate a season if they see fit to do so. That's what the bill last year that Senator Louden had committed. We have one year of history underneath this bill. There's nothing that says the Game and Parks will not revise their statute, their rules and regulations, close the season for a period of years until that number goes to 25, 50, I don't know what that number is or what that solid number should be. They're the experts. So we ask that you stay in the committee and keep this bill here. Let the Game and Parks do what they do best. They regulate and manage game species in the state. That is their role. You've created a statute last...two years ago in 2012. We need to allow that time to work. If we need to revisit the situation, then we revisit the situation, that's why the statute exists and that's why you exist is to control that atmosphere. We ask that you support that and that we ask you to keep the bill in committee and that we use scientific and we allow the Game and Parks to be the managing body. And I'm not going to repeat what everybody has said. All that I ask is that we do have a common debate from science and not passion and heart. Thank you. [LB671]

SENATOR CARLSON: Okay, thank you, Scott. Any questions? Senator Brasch. [LB671]

SENATOR BRASCH: Thank you, Chairman. And thank you for coming forward today with your testimony. And what I wonder about is when the Legislature brought forth your ability to work with commission orders, so should something unusual come about with the mountain lion or any species, the fish, that you're able to issue immediate orders to cease hunting or...is that correct? [LB671]

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SCOTT SMATHERS: The Game and Parks is in charge of rules and regulations regarding hunting and taking of species, yes. [LB671]

SENATOR BRASCH: Yes. So should some sort of a blight or a danger occur to the species, you can take preventive and immediate action to stop all hunting. [LB671]

SCOTT SMATHERS: Which the Game and Parks has done and has proven history as two years ago with EHD hit our deer population within the state. The state has then revisited the population numbers, issued the appropriate number of permits available, changed seasons to accommodate for the lack or the kill from the EHD. [LB671]

SENATOR BRASCH: Very good. I have no other questions. Thank you for clarifying that. [LB671]

SENATOR CARLSON: Any other questions? Scott. [LB671]

SCOTT SMATHERS: I didn't move, Senator, I knew you were coming with a question. [LB671]

SENATOR CARLSON: Nebraska Sports Foundation, how do you come about a decision on how to testify on a bill? Do you...tell me how you do that. [LB671]

SCOTT SMATHERS: We put the notice out to our board of directors, which is a nine-person executive board, six-person advisory board, and then we poll a third of our members which through our affiliations through DU, PF, Ducks Unlimited, sorry, Pheasants Forever, Trout Unlimited, several other large organizations, and we poll a third of those members which is just under 4,700 members now, on their position on a particular bill as to what they would like to see the NSF do. Ultimately at the end of the day, Senator, the decision is still mine as the executive director. I'm the day-to-day operational director of the organization, but I take into account our board, our members, and our sponsors. [LB671]

SENATOR CARLSON: When you did this polling, did you know at that point when you took the poll that his amendment was going to restore back in the fact that the property owner can take care of a mountain lion that shows up on their property and is a threat to their family or their livestock? [LB671]

SCOTT SMATHERS: Well, Senator, as you know, I am involved with a large number of senators through the sportsmen forum and am in the building for other activities and other conversations and so I had heard that Senator Chambers was willing to do that prior to our testimony and prior to our submittal of those questions to our members. [LB671]

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SENATOR CARLSON: Okay. Okay, thank you. Any other questions? Thank you for your testimony. [LB671]

SCOTT SMATHERS: Thank you. [LB671]

SENATOR CARLSON: Next testifier. Welcome. [LB671]

RICHARD EDWARDS: My name is Richard Edwards from Harrison, Nebraska. I guess I'm the only one representing western Nebraska at this committee meeting. Chairman and committee members... [LB671]

SENATOR CARLSON: Would you spell your last name, please. [LB671]

RICHARD EDWARDS: (Exhibit 27, 28, and 29) Edwards, E-d-w-a-r-d-s. It amazes me how much false information and how many opinions and how much fantasy in the information that comes out, especially in the papers and through the news media. Mountain lions are the most efficient killing machine on the North American continent, one of the most proficient predators that exists. The state of Arizona states that a lion will kill and eat a deer every two to three days. In the summertime, a female with feeding two or three kittens, because meat spoils fast, will kill a deer every day or a game animal every day. Mountain lions have a severe impact in the bighorn sheep populations in New Mexico where a long-term study has been done there and 85 percent of the bighorn sheep mortality is a result of mountain lions. Now, the season...part of the season and part of the auction was people failed to realize the fact that Game and Parks has to figure...has to have a budget to study this mountain lion population. And following the season, they're going to take the monies from this auctioned-off permit and from the license sales to collar lions on the...in the Pine Ridge area and more closely monitor...taking scat samples and studying DNA is very poor method, very primitive, where they can put GPS collars on these lions, track their movements, know where they've been, how many kills they're making. That's what every other states does. All these other states in the west are...have seasons similar to what Nebraska has this year. They have female quotas; you cannot harvest females with kittens aside. And that's all set up by their game and fish departments. Wyoming harvests 250...probably 260-some lions a year. The Black Hills, which is just north of us in western Nebraska, there were 60 mountain lions harvested on the Wyoming side of the Black Hills, and 60 mountain lions harvested on the South Dakota side. Wyoming used dogs; South Dakota they don't. That tells you how dense the population is. They actually harvested 60 mountain lions without the use of dogs by calling them in with predator calls. They have lions venturing into Rapid City killing dogs and cats and eating them in people's yards. The incidents of human encounter, there's less...on all the records that I've studied, there's less than 200 maulings and/or deaths on record. Of course, if you didn't survive the mauling, I guess you probably wouldn't be there to be on record. (Laughter) But anyway, they...there are so many opinions on mountain lion

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management and most of them are not based on hard facts. We have an element in our biological system of predator preservationists that they are fascinated by these large predators. In Game and Parks, you have a huge division between biologists that like lions and want to stand up for lions and will...and then you have that element that is facing reality and the amount of damage they're doing. In Western Nebraska, the hunting season is a big part of our economy. As an outfitter and a rancher, I've had mountain lions move in on a piece of property that I'm either paying a mortgage on and taxes, or I've paid money to lease. A mountain lion moves in and makes a kill or two and every deer will leave in say a 5,000 acre tract of property. So, hunting season rolls around and it takes 30 to 45 days for these deer to trickle back in. I've proven this many times. So let's say hunting season rolls around and I'm trying to do business in western Nebraska and my hunters have taken time off work, they've bought licenses, they've paid me a fee to take them hunting and they get there and the cupboards are bare. It would be like you owning a grocery store with no groceries to sell, or a liquor store with no booze to sell. That's what it feels like when a mountain lion interferes with my livelihood and competes with me one on one. I've been a government trapper for many years. I've taken damaged lions out. I've been responsible for more than 50 mountain lions harvested in my life. I know a lot about them. I know what they're capable of. They have to be controlled. They're being controlled in all these western states. There's over 3,000 mountain lions a year harvested by legal hunting practices in the western United States. The hunting season we have here is modeled after these other states where they use dogs. The primary reason for using dogs is for identification. If it's just a random hunt, which will start here the 15th of February, they're going to shoot any lion they see. So you don't know if this lion has kittens or is lactating or not. When you tree a lion, and that isn't an easy job, anybody that thinks that lion hunting with dogs is unfair and is an easy job has never been there. Try it sometime. But you can identify the cat. You can actually study the cat to see, one, if it's a male or a female; if it's lactating or not; and the instances of hunters shooting lactating females is very, very uncommon. You could pick anything out of context, but that's not how it works. So the use of dogs is mostly for identification and to actually get a harvest on these animals. And all the western states except for Washington, Oregon, and California allow the use of dogs...and South Dakota. Although they can't get a harvest on...they can't get a lion harvest in Custer State Park, so now they've decided you can use dogs in Custer State Park, but you can't the rest of the Black Hills. Thank you. [LB671]

SENATOR CARLSON: I'm going to stop you there. You've come a long ways so I didn't want to stop you right away. Thank you for being here. Any questions of Mr. Edwards? Senator Johnson. [LB671]

SENATOR JOHNSON: Thank you. How long does a kitten depend on the mother, weaning or whatever? [LB671]

RICHARD EDWARDS: Well, the gestation period on a lion is about 21...is about 60

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days, like all felines. A mother that raises...you know, they do a good job, they'll have two to three kittens. What people don't understand is mountain lions are very cannibalistic. The male...the dominant male mountain lion and all cats are in the world, from house cats to lions. The dominant male in an area will kill his own young, his own offspring to...so that the female will come back into heat so he can breed her again. All cats do that. That's the study of cats, that's just what they do. So, the female has to stay in a very secretive area with her kittens, and they are, they're very protective. I've seen females and males fight to the death when a male is trying to kill a kitten. That's not that uncommon. But the males will kill and eat the kittens. I've see adult lions kill and feed on each other. So it's...but a lion will...a female will keep her kittens with her probably nine months until she teaches them how to hunt and they can get off on their own. And the reason that these lions spread out so much is it is a world of teeth and talons. They're killing each other. It's not just a...they're just going...it's not hunting pressure at all, it's the dominant males will kill a young male if they can, and they will kill the kittens if they can and eat them. And you can take that to the bank. I mean, if you do advance study into mountain lion or cat behavior, you'll find out those are the real facts. Nobody wants to talk about it, but that's what cats do. That's what...a male lion comes into a pride in Africa, the first thing he does is kill all the offspring and then breed all the females so that they're his young. That's just the way of the cat. [LB671]

SENATOR JOHNSON: What's the life span of a normal cat? [LB671]

RICHARD EDWARDS: It takes a pretty good cat to live more than 10 years. [LB671]

SENATOR JOHNSON: Ten years. [LB671]

RICHARD EDWARDS: Because they fight so much amongst each other, although they don't have a lot of other predators, really, they are their own worst enemy other than man. And, you know, they break most...if you...I've had lion predation on flocks of sheep. They kill a domestic sheep by biting through the top of the head and crushing the skull and you'll always see the fang marks through the top of the skull. They kill deer and elk. A lot of the time they like...they prefer antler game that are solitary because they don't choke an animal; they're extremely muscular, and they will...once they get on the withers, then they reach up and grab the antler and break their neck and then they...there's no kicking, there's no thrashing, they're not going to get pawed, they're not going to get horned to death. So it's a technique they have developed unique to them. On a doe, like a doe mule deer or a cow elk, I've seen many of them killed by lions; they'll reach up and you'll see the claw marks on their face and they'll reach up and hook them like this and bring their neck around. Almost all kills will have a...in wild animals will have a broken neck because it severs the spine and then there's no struggle; very efficient killing method. [LB671]

SENATOR JOHNSON: Thank you. [LB671]

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SENATOR CARLSON: Okay. Any other questions? Thank you for coming this distance to testify today. [LB671]

RICHARD EDWARDS: Just a short 400 miles. [LB671]

SENATOR CARLSON: I know. How many more do we have in opposition? Okay. Welcome. [LB671]

STACY SWINNEY: (Exhibit 30) Good afternoon, ladies and gentlemen. It's an honor to be here. My name is Stacy Swinney, S-t-a-c-y S-w-i-n-n-e-y. I live 12 miles southwest of Chadron in Dawes County, Nebraska. I'm glad to see another western Nebraska person here. Also pleases me that Senator Chambers and I met a couple of weeks ago. We had a very professional and courteous conversation about this bill, and it pleases me very much, sir, that you amended it to take care of some of our concerns. My presentation takes five minutes and three seconds and I hope there's questions. I am a Dawes County Commissioner, and I'm here today representing not only my constituents, but my family, friends, and neighbors in our community. We have a serious mountain lion problem. In the last 20 years, we've seen a big increase in mountain lion numbers. Nebraska Game and Parks research has confirmed reproducing lion population in our immediate area. People in our area have also reported a sharp increase in lion-human encounters and most of them are within 50 to 100 yards of their homes. This is common knowledge by everyone that mountain lions are not afraid of humans. Since 2010, there have been dozens of reported encounters within 40 miles of Chadron. In eight cases, lions were killed, all within 100 yards of a house. In four cases, the lions have been caught, trapped, were tranquilized, and released. There have been several mountain lions killed by vehicles. For several years, we had mountain lion issues. In recent years, this has grown into mountain lion problems. In 2012, a large portion of our forest in our immediate area was burned; 141,000 acres over which 50,000 acres were trees. I circulated a map among you showing the red outlined areas are the areas that burned in 2012. All this was the best rural habitat for wildlife in Nebraska. The deer, elk, and bighorn sheep now live within smaller creek pockets and shelter belts closer to our homes that we were able to save from the fires. The predators have also been displaced and follow their food source closer to our homes and livestock. Being protected with no natural enemies, these lions have lost their fear and respect for humans. We now have a growing, reproducing number of one of nature's most fearless, dangerous predators; and they walk through our homesteads at will day or night. For about three years now, we've worked with Game and Parks to start an effort through a hunting season in hopes of chasing lions and making them afraid of us, as they should be naturally. This year's season was a first and it had some flaws in it. But there are already ideas to make next year's season better. The Game and Parks have been great to work with. They know there is a problem, and they have stepped up with the resources they have to help us avoid our problem turning into a crisis. That

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crisis would be an attack on a human. There have been two fatal attacks in Colorado in recent years and several nonfatal attacks. In our country and Canada, we average 10 to 14 mountain lion attacks per year. That's on the average. Predators at the top of the food chain have nothing to do but to kill and eat, sleep, and reproduce. In countless encounters, the presence of a dog or two has been the deterrent to a disaster. We have made some progress in our effort to avoid the loss of one of our loved ones, maybe a woman alone in her garden or small children playing just outside. We're not asking for lifetime hunting permits to kill lions. What we're asking here for is the continued right to defend our families and ourselves and the right to defend our livestock, horses, and pets. Let us continue to work with the Game and Parks Commission in their proactive stance, diverting this collision course with disaster. LB671 as it was is a bad bill. It appears to be politically charged and it sends a message to the people way out west that we don't mean much to our legislators in Lincoln, that they can trade off our rights to keep our homes and families safe. And the system should be working in the opposite. We're concerned about our living with the mountain lions, not necessarily killing them all. The Game and Parks is the only ones that have stepped up with a plan to help us manage them. We want to make them afraid of us. Dogs chase cats. That's how that works. We talked to Game and Parks about a hunting season, a chase season, a treeing season. We talked about going for three months in a lottery a week at a time somehow so the hunting season goes on week after week and we have a chance to do that. We're not done with all this at all. Game and Parks has been good with us county commissioners in Sioux, Sheridan, and Dawes Counties. We communicate all the time and we're concerned about this. This has been a big worry to us the way it was. I'm sorry to go over time. [LB671]

SENATOR CARLSON: Okay. That's all right. Thank you for your testimony, Stacy. Questions of the committee? Yes, Senator Dubas. [LB671]

SENATOR DUBAS: Thank you, Senator Carlson. Thank you, Mr. Swinney. After the fire, a lot of habitat was obviously destroyed. [LB671]

STACY SWINNEY: Yes, ma'am. [LB671]

SENATOR DUBAS: So along with the mountain lion and every other critter that lives in that particular neck of the woods, what kinds of things did you see as far as where did they find new habitat? Did you have problems with deer and other creatures wandering into town or just basically lost? [LB671]

STACY SWINNEY: We've had a long dry spell, several years. The whitetail deer went through a disease a year ago last fall, and we think it took probably 50, 60 percent of our whitetail deer. I have a half mile of fresh creek, and there was seven dead deer, five bucks in that...they sought out water. So we lost a lot of our whitetail deer. I went...last Thursday morning, I went five miles south of my house. There was a county road crew

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working up there. There were three mountain lions ran across the road in front of those guys in the middle of the morning. One of the boys that lives right there said he saw one 500 yards south of my house the day before. The lady that cut my hair yesterday told me that she had one. She's the wife of the chief of police in Chadron. They live two miles out of town. She was chased back in her house by one. She was out and one was sitting there watching her in the middle of the morning, 11:00, and her husband came home. They put up a game camera. And the neighbors and them have had...they've had four sightings of that mountain lion on their game camera in the last two weeks. He's right around the house. They're two miles out of town. Right across the road there's eight kids in one family and three in another one. Our greatest fear is that this mountain lion has not eaten instead of maybe he just finished eating, and a kid will start crying out of a sandbox or something, and a mountain lion can hear a baby cry for a half mile. Before a mother can get her hands out of the dishwasher and out the back door, we could have a mountain lion crisis. That's what we are concerned about. We're interested in this as a proactive thing. We don't want that to happen at all. If we can chase them and make them afraid of us, they can live there. But the habitat is coming in closer. The deer come right into the yard and eat out of the hay piles for the horses. Mountain lions will follow them right in there. [LB671]

SENATOR DUBAS: Thank you. [LB671]

SENATOR CARLSON: Thank you. Other questions? Let's see, Stacy, I think it sounds like that you're...where you're located you have the pressure of hunting from South Dakota and the pressure of hunting from Wyoming that brings them in from those two states. [LB671]

STACY SWINNEY: That is a possibility, sir. That is a possibility. We can't really document that. Their season in South Dakota was 100 total, 70 females I think last year from the area that's close to us. [LB671]

SENATOR CARLSON: And I think initially you were concerned that this bill was going to eliminate property owners from being able to defend their property. [LB671]

STACY SWINNEY: I learned yesterday, or this morning, that Senator Chambers has altered the bill or modified the bill. And my testimony was prepared on the bill as it was. That's a big start. We still have a problem. We need to fix the problem, and that's to chase the lions and make them afraid of us. Now Game and Parks has a plan. Senator Chambers and I talked about a plan if we can. We have agreed that he may communicate with me, me with him on this issue. I've extended an invitation to Senator Chambers to come to our area at any time after session. He's busy, but we are willing to talk to anybody about this and especially a man as influential as Senator Chambers. [LB671]

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SENATOR CARLSON: Okay. Thank you. And I think that you and Richard Edwards, where you're located, it just seems to me like there's bigger pressure from the two nearby states plus whatever our population is. You conveyed more of a threat I think than most testifiers have. [LB671]

STACY SWINNEY: The threat is there, sir. The thing is that it's gone from an issue to a problem. We don't want it to be a crisis. If a lion takes a child or one of our people, the reaction I'm afraid will be through panic and hate and fueled with blame and maybe lawsuits. We're diverting that by doing what we're doing here today. And of everybody that I saw testify here, we're two of us that have to go back to our people and tell them what your decision is, and then we have to live with your decision based on testimony that came from everybody in Omaha, Lincoln, eastern Nebraska hundreds of miles away and other states. We're the ones that are going to go home with your decision. And we work closely with Game and Parks and we appreciate how they work with us. We don't have anybody else to turn to. They've been good. They've stepped up. By stepping up, I think they might assume some of the liability of a lion attack, but they try. If they would have avoided this thing any longer than a couple of years ago, and we've known we've got mountain lions out there and more and more and more of them, I'm sure that there would have been...who would we blame? Game and Parks has come forward. Three years ago they were met out at...the commissioners met at Fort Robinson. And one of the commissioners and I talked about the mountain lion season at that point. He said, you think you can find me any support for a mountain lions season? I said, yes, sir, we can. And within the process, now this year we can kill maybe four. What we want to do is change the system. We're seeing how it works. On the 15th, there will be 100 permits, and there will be 100 hunting parties descend on Dawes, Sheridan, and Sioux Counties. These guys are going to come out with two of their buddies and they're going to run all over, maybe the 12th through the 14th, setting up game cameras, whatever they're going to do. They will not have trouble finding permission to hunt. I called two people yesterday and got permission to hunt for one guy that I knew got a permit. He called me, I got a permit. Can you find me a place? You bet. We found lions there in the last two weeks. So we're...we can...but they can kill two mountain lions. We're not sure how that's going to work. We got 100 hunting parties out there. The first two, how are we going to get the others called off? If we change that next year and draw a week or a weekend by lottery to ten permits on each weekend by lottery from the first of January until March, it's just a suggestion. It's an idea I had. We could have ten hunting parties running mountain lions without dogs every weekend. If we let them use dogs on Sunday of the last day of the week or something, then we would present dogs to lions. They need to have dogs chase them. Last...a year ago last June, 3:20 in the morning I had a mountain lion ten feet underneath my dining room window in my yard. I have a lab and a German shepherd. They were in their kennels under the yard light. That mountain lion is screeching and screaming some kind of terrible noise like I never heard, and those dogs are going crazy. That lion wanted them dogs out from under that yard light so bad. And I'll tell you what. I took an AR-15 out the

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front door on the back side and I was scared. And he ran off in the dark. I had no idea where he was. But it was over and we've seen him through...I was gone a month ago. I go home, my wife's got lion tracks across the driveway in the yard there and she's got feed pans, horse feed pans, turned upside down on them. I go over there and, yeah, a mountain lion walked through within 40 yards of the horse corral. We live with them. Let's make them afraid of us so we can live with them. They need to run from us. [LB671]

SENATOR CARLSON: Okay. All right. Senator Brasch. [LB671]

SENATOR BRASCH: Thank you. I felt like you were almost done there, so I...but you brought up some really good questions. Thank you for coming forward today. And mountain lions are afraid of dogs. Correct? That seems to be... [LB671]

STACY SWINNEY: They can be taught to be afraid. [LB671]

SENATOR BRASCH: Okay. And...which is good. And I'm wondering...you're very specific about in town where there's children and sightings very close. Rather than setting up cameras to watch them come near, shouldn't we be setting dogs or something out to chase them away instead of waiting for a hunter to come kill them? I'm just thinking that something is wrong with that picture if you're...I mean get them to another area, your suggestion here? [LB671]

STACY SWINNEY: One of my suggestions at a Game and Parks meeting was that if we could have a chase season, tree them, tranquilize them, and send them to Yellowstone or somewhere (laughter). But they say Yellowstone doesn't even want stray cats. [LB671]

SENATOR BRASCH: Okay. [LB671]

STACY SWINNEY: So we're looking at every option. We need to run them with dogs. The lady that has the cat on the game cameras last week, she has two dogs in a backyard kennel, and they were in the kennel when she was out picking up sticks from a big storm we had. They were going crazy and she turned around and 20 feet from her was a mountain lion. She's afraid to go out now. They've got evidence of that cat coming back and back and back. And some cases we're being held in our houses or she's held in her house a prisoner of a predator. And there's five houses out there on a little loop. They're two miles south of Chadron across, you know, across the highway from homes with kids that I know the kids. [LB671]

SENATOR BRASCH: We just heard testimony earlier of someone who likes them on their ranch and sees them and they don't bother. Would that be like a certain habitat that they could be tranquilized and moved? [LB671]

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STACY SWINNEY: If there was a way that Game and Parks could have a fund so we had the money to do it, we have headquarters in Alliance 60 miles away from us. If there's somebody there that could come out...a guy in town that's got some dogs, if we could chase one up a tree and tranquilize it and we could do something with it that way, if he is near...Chadron is settled all around. I mean there's 100 homes in ten miles south of Chadron out to the state park, the Chadron State Park and the Job Corps, that's all settled in there back up in the trees. That's where we've seen most...that's where most of what I've heard about in the last couple of weeks is there. My friends and neighbors knew I came here two weeks ago to talk about this. And I've been hearing all kinds of stuff now in the last few days. People call me and tell me the biggest, meanest looking mountain lion in the world came walking across the road a quarter of a mile south of the Job Corps, 11:00 in the morning. This was a forest service worker. He said, I stopped my pickup, jammed on the brakes, stopped my pickup. This big ol' boy come across the road, got off the road, turned around, sat down, and looked at him in the pickup. He's daring him to get out of his pickup. And this guy was raised in Montana with grizzly bears, bears, and mountain lions. He said it was the biggest, meanest looking, muscled out mountain lion he's ever seen in his life. We see them all day. Nobody sees them at night, but we know they're around at night. They don't disappear when the sun goes down. They don't disappear when the sun comes up either. There's a lot more encounters and sightings than we've ever had before in this last year. [LB671]

SENATOR BRASCH: Thank you. Thank you for your information and willingness to testify today, appreciate it. [LB671]

SENATOR CARLSON: Senator Johnson. [LB671]

SENATOR JOHNSON: Thank you. Got a bad back, I got to stand up once in a while, I apologize. You talk about all the sightings. And I'm just wondering, do you feel there are more than 15 mountain lions in the area? [LB671]

STACY SWINNEY: Absolutely, sir. [LB671]

SENATOR JOHNSON: I mean we've heard 15 to 20 statewide. I know there's a, you know, pretty good consolidation. [LB671]

STACY SWINNEY: If you look at the map area there, I live just in the little niche of the burn last year, we burned on three sides of me there. And I would say my neighborhood is two watersheds, the Dead Horse and the Chadron Creek Watersheds, maybe eight miles wide, including Chadron State Park, and 12 miles from Job Corps into town. If you take that area right there, I would almost guarantee...if it was like fish and we could shock them. I guarantee there's 15 in that area. That's some 50 square miles of Dawes County. That's not talking Sheridan County, Sioux County. One of my friends from north

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of Rushville, he told...I talked to him. He said, well, tell them about my cow. He had a cow that he was doctoring, and he said he went back one day and the cow was down. Went back to...he med...he doctored...he med her, and went back the next day and there was about half of her left, cat tracks all over. There is a wildlife depredation issue. There's no way that the Game and Parks can pay for anything. So why do you report...I said, did you report it? What good that's going to do. So if we had a depredation reimbursement policy, we would hear more about people that have lost something. Time you get somebody out of Alliance, north of Rushville 90 miles up there and they come out and they determine, okay, we got time to come tomorrow, tracks are gone, whatever. It's an issue that...we did have the fire. Game and Parks stepped up with a hay issue for us to assist in hay. They come forward with fencing to fence our hay piles so that we keep the deer off of them. Game and Parks has stepped up with us very well in several areas. I think they're appreciative that I...that we came this far to testify in behalf of this. This is just one issue. This is a big picture. Game and Parks is very important to us. [LB671]

SENATOR JOHNSON: Thank you. [LB671]

SENATOR CARLSON: Okay. Thank you. Any other questions? Thank you for coming this long distance and your testimony today. [LB671]

STACY SWINNEY: A pleasure to be here. Thank you. [LB671]

SENATOR CARLSON: (Exhibits 31, 32) I think that takes care of those in opposition. We have two letters, one from Jim Tubbs of the Nebraska Council of Sportsmen's Clubs, and one from Jeff Rudolph from the Nebraska Cattlemen in opposition to LB671. Do we have anybody testifying in a neutral position? Welcome, Jim. [LB671]

JIM DOUGLAS: Thank you, Mr. Chairman, members of the committee. My name is Jim Douglas, J-i-m D-o-u-g-l-a-s, I'm the director of the Nebraska Game and Parks Commission. Excuse me because I'm getting over a cold and losing my voice. The Nebraska Game and Parks Commission realizes that the hunting of mountain lions is a controversial topic. It evokes great passion and great emotions in people that represent tightly-held beliefs and tightly-held philosophies, all of which the commission respects. The commission is testifying in a neutral position today in recognition that the commission operates wholly within and makes decisions within the frameworks of policy that are established by you in the Legislature. The commission also acknowledges that additional consideration by this committee and the Legislature of these policies, especially concerning the subject that can be so divisive is welcomed and appreciated as wholly appropriate. The commission has recognized in management guidelines that our commission has formally adopted that mountain lions are a component of Nebraska's biodiversity that should be maintained. The commission adopted hunting seasons after two public hearings in 2012; recognizing the fact that we have completed

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extensive population research in the Pine Ridge area of Nebraska and concluded that the commission could allow a very limited harvest in the Pine Ridge itself. The mountain lion has been classified as a game animal since 1995 and is subject to the regulation and management of the game laws. In order to allow differing objectives in different parts of the state, the state was divided into four management units. The Pine Ridge unit, which by the way is the place where we've done population estimates, not for the rest of the state. The numbers that you might ask me about later applied to that unit only. The Pine Ridge, the Upper Platte, which is essentially the Wildcat Hills region; Keya Paha, which is along the Niobrara Valley towards Valentine; and then the rest of the state called the Prairie Unit. The commission staff has scientifically estimated the size of the mountain lion population and the area of suitable habitat in the Pine Ridge. A hunting season was adopted for the Pine Ridge with the objective of providing a small harvest opportunity for mountain lions in Nebraska, while allowing a slight to moderate reduction in the population. No open seasons were opened in the Keya Paha unit or in the Upper Platte units until we do further population studies. In the Pine Ridge unit, the commission adopted two seasons with quotas of two mountain lions in each season with a subquota of one female in each season. The subquota for female mountain lions provides assurance that this native game species will not be eliminated through hunter harvest. The use of dogs in season one allowed the harvest quota to be met while decreasing the likelihood of exceeding the harvest quota of females. You heard previous testimony about the ability to identify animals that are treed for a sex. The commission recognizes the Pine Ridge populations is not an isolated population, but is connected by immigration, and immigration with South Dakota and Wyoming. So when one considers the population estimates of 22, it's actually part of a much larger population and mountain lions do not recognize state boundaries. Males dispersed at different rates...you've heard some testimony about dispersal, they disperse at different rates than females. And young males are almost constantly dispersing. The open seasons in the Prairie Unit recognized that lions in this region have limited suitable habitat for establishing breeding populations, but rather have increasingly frequent occurrences of dispersing young males throughout the rest of the state which often are the most likely to create conflicts with humans. The commission's intent has been to manage mountain lion populations over time with consideration given to social acceptance which varies tremendously across the state, effects on prey populations, depredation of domestic animals and human safety. And with that introduction, I'd welcome any questions you may have. [LB671]

SENATOR CARLSON: Okay. Thank you. Any questions of Commissioner Douglas? Senator Johnson. [LB671]

SENATOR JOHNSON: Thank you. Thank you, Chairman. Thank you, Commissioner. [LB671]

JIM DOUGLAS: Yep. [LB671]

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SENATOR JOHNSON: We've heard some comment and criticism of the way the lottery worked or the money raised. Was it a money-raising project or something like that? I guess I...if you want to comment, I'll make my comment. If there's...if you use the simple economics--supply and demand. If the supply of the animals is limited and the interest in going to hunt is high, you're likely to raise money. What do you feel toward that policy or the criticism that you've taken...or are taking that this is a project to raise money? [LB671]

JIM DOUGLAS: It's not a project to raise money. However, the statute itself requires that all the money raised be used towards the perpetuation of mountain lions. We spent \$46,000 on the two DNA studies that we did in the Pine Ridge to help determine the population. So, certainly, that money was useful in that regard. [LB671]

SENATOR JOHNSON: Thank you. [LB671]

SENATOR CARLSON: Any other questions? Senator Haar. [LB671]

SENATOR HAAR: Yes, well thanks for being here. There is so much emotion connected with this thing. And yet we hear from the people in Chadron, for example, that this population has to be managed. Is it possible for the Game and Parks simply to manage this as necessary with professionals instead of the hunting season? [LB671]

JIM DOUGLAS: Well, several mountain lions are killed each year by various means. And in some cases they've been killed by game commission personnel or police personnel. So those are instances where mountain lions are interacting with humans in a way that people find unacceptable. So, you know, the small number of mountain lions that are killed in the season could be killed in other ways, to answer your question simply. [LB671]

SENATOR HAAR: But it requires some more outlay of money obviously for Game and Parks I take it. [LB671]

JIM DOUGLAS: More effort, certainly. [LB671]

SENATOR HAAR: Yeah. And the other thing that a number of people have talked to me about is, especially, is this thing of using dogs in the hunt. And that could be changed if the Legislature decides, I take it, but it would change the way things are done right now. [LB671]

JIM DOUGLAS: Correct. South Dakota, for the most part, except for a limited area, doesn't use dogs. It takes about 100 hunters that...like those that will be going out in the next season in Nebraska to kill two mountain lions according to their statistics over the

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last few years. So you have more people out pursuing with a lot less efficient means. But you certainly can...it could meet any objectives that we have, at least right now in Nebraska, with that sort of a season. [LB671]

SENATOR HAAR: Tell me again about...you mentioned two seasons. What are the two seasons? [LB671]

JIM DOUGLAS: The first season was the season that allowed the use of dogs and only had two hunters. The use of dogs, if there is snow on the ground, is highly efficient way of harvesting mountain lions, so we were fairly certain that they would harvest two mountain lions or one if one was a female. The second season is a season with lots of hunters but no dogs, and that's a lot less efficient. And so a hundred hunters may kill two based on statistics in other places where that's the way that they're hunted. [LB671]

SENATOR HAAR: Okay. Thank you. [LB671]

SENATOR CARLSON: Okay, thank you. Any other questions? I have two, Commissioner. One of them is, if a mountain lion is shot, how do you know what population it came out of? Was it a South Dakota mountain lion, a Wyoming mountain lion, a Colorado mountain lion or a Nebraska? [LB671]

JIM DOUGLAS: Well, if it's a young male, it could be from any of those places because as you heard previously, they travel long distances, essentially in search of females and they'll travel hundreds of miles. And of course, since there's not breeding females or females in most of the state of Nebraska, they just keep moving. [LB671]

SENATOR CARLSON: So, and these that were harvested, we don't really know whether they were Nebraska mountain lions or not? [LB671]

JIM DOUGLAS: One of them was a young male, we don't know the origin of that one for sure. The other one was an old male; it's likely that it was a dominant male in that region. [LB671]

SENATOR CARLSON: All right, then the other thing goes back to the estimated population. [LB671]

JIM DOUGLAS: Yes. [LB671]

SENATOR CARLSON: And your agency should be the one that we would reply upon for an accurate assessment of what the population is. [LB671]

JIM DOUGLAS: Um-hum. [LB671]

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SENATOR CARLSON: But it seems to me, listening to the people from Chadron area and Harrison that their numbers must be affected by Wyoming and South Dakota. And so if we have an estimate of Nebraska population, it doesn't sound like that would take into account what comes in from Wyoming and South Dakota. And if they hunt more than we do, there should be some pressure bringing those in. [LB671]

JIM DOUGLAS: Our estimate...our estimate...we really estimated the populations in two different fashions. One was estimating using normal densities for mountain lions, considering the number of years that we've documented their occurrence in the Pine Ridge using densities and extrapolating through the acreage of appropriate habitat. Second way involved the use of DNA modeling where we went out with extensive searches of mountain lion scat which was analyzed for DNA. In the DNA analysis you could tell if this mountain lion that you found scat from was the same one or a different one than this one, whether it was its mother, its son, or its daughter, etcetera. And by doing enough of that over a large enough region, you could actually build a graph of what you knew as a minimum you had of different females, males and so on, of different ages. Along with that, we extrapolated that somewhat out to the area that we didn't do that scat research in in that same Pine Ridge unit. When we did that, both methods showed somewhere in the 20-some range. Actually the one from DNA showed a range of between 22 and 37. We did the appropriate analysis to figure out what level the highest confidence was scientifically. The highest confidence level was that 22, but it actually could have ranged to 37. We then...the 15...and this is just in the Pine Ridge, not the closed units or the rest of the state, in the area where we used the 22 number, that was the really conservative number. The 15 number that you've heard was we looked at what happened to habitat after the fires in that region. We're not entirely certain whether lions would leave because of the fire or because other prey was concentrated, more lions might come in. But, essentially, we said, well, conservatively, if they leave because of the fire, then there might only be 15. So when we fashioned our recommendations to the commission, we used conservative numbers on how many females would be allowed to be killed. [LB671]

SENATOR CARLSON: Okay, thank you. Senator Haar. [LB671]

SENATOR HAAR: Yeah, some questions got raised and this is just for information purposes about the professionalism of the people that deal with this. And I've dealt quite a bit with your department and I'm impressed by that profession; but would you address that issue for us. [LB671]

JIM DOUGLAS: We have a high number of Ph.D. scientists on the wildlife staff. The current chief of wildlife, which was highly involved in the recommendations for this season, is a Ph.D. Our primary biologist who worked with the research that was done on population modeling has a masters degree in population ecology from UNL and he has contributed to what is probably the seminal mountain lion management book

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currently in existence in the United States through a network with other scientists from around the nation. [LB671]

SENATOR HAAR: Well, the Legislature is going to have to face this issue right now, but I just wanted to say that I appreciate what Game and Parks does and I hope we give you some more resources. [LB671]

JIM DOUGLAS: Thank you. [LB671]

SENATOR CARLSON: Any other questions? Well, thank you for coming even though you don't feel good, so appreciate that. [LB671]

JIM DOUGLAS: Well, that's quite all right. It's my pleasure. Thank you very much. [LB671]

SENATOR CARLSON: Okay. All right. Anyone else in the neutral position? Familiar face coming forward. Welcome, Senator Louden. [LB671]

SENATOR HAAR: Is this the Senator Louden? [LB671]

LEROY LOUDEN: My name is LeRoy Louden and I live at Ellsworth, Nebraska, where the big cats grow. And I happened to be in the building today and I see this bill was up so I thought I would probably come in and testify in the neutral and give some of the history on how we came about with the mountain lion bill in Nebraska, because I probably worked on it more than anyone else that I know of as far as getting legislation for mountain lions in Nebraska. What started out several years ago, there was a mountain lion shot out there around Harrison and the people were all uptight about it. And, of course, as we used to say, what those eastern senators did, they all got excited and I think that then Senator Beutler, Mayor Beutler now, but he was senator at that time, put in legislation that it was against the law to shoot a mountain lion. And so that stood like that. Well, a few years later, just a few years before I came down here to the Legislature in 2003, a guy shot a mountain lion out there in his yard there east of Hemingford. And of course, it was against the law so he had either a \$500 fine or else he had to do community service. And the judge awarded him community service for shooting this mountain lion. And consequently, at that time the Game and Parks Commission was in denial that there were even any mountain lions in Nebraska. They swore up and down there wasn't any because people were getting horses scratched up and there was animals being eaten and that sort of thing and some of those German short-haired dogs up in there south of Gering were disappearing beyond belief; I think Wes with the Game and Parks used to tell about. But anyway, this was going on with their denial. So when all that happened with the guy having to do community service, what happened then was what you call "shoot, shovel, and shut up." Those guys out in the ranch country where a lion...they're not tolerated. I mean it's zero tolerance out

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there. They wouldn't say anything, they would just shoot them and cover them up and that was it. And when I came down here in the Legislature, I told Rex Amack, I said, well you got...you got lions out there and they're being shot all the time and you have no idea what's going on. And I said, I think you need some legislation to set it up so if somebody shoots one they'll bring it in to you so you can start getting a study on it to see what you have. And that went on for a couple of years before we finally got some of that legislation introduced. And I told them at that time, within 15 miles of where I live, I knew there were six of them that had been shot and one of them...one neighbor shot one underneath his kids' trampoline. And that was all...when it was against the law to do it. So, consequently, there was legislation, I introduced it, that if they...if a mountain lion was attacking your property or stalking people or something like that, that you could go ahead and shoot one of these mountain lions. And in the meantime why we started getting some showing up, I think there were two of them that showed up in Scottsbluff. They had to shoot them there and there was different ones that started showing up and the Game and Parks would dispose of them. So that's how we came about with the mountain lion legislation. And in...while all of this was going on, then when they found out that there was mountain lions, the Game and Parks came out and hired this specialist. I think his name was Sam Wilson, was a specialist that just worked with mountain lions. And then they started tracking them and as they...I think Jim Douglas mentioned the doing the DNA and finding out what there was out there for mountain lions and this is how they came across that there are a number of them out there. And here a year or so ago, with the legislation for a hunting season, this gave the Game and Parks a way of controlling them. And, of course, they just started out with the season, I think, two in the first half of the season and two in the second half and how that's set up. So anyway, this is what it came about. And that's what it's all about now is the hunting season is really just a way for the Game and Parks to have some way of controlling the number of mountain lions in the state of Nebraska. Now they're all over the state. They've had them in Omaha; you've had them all over. And when I was in the Legislature, I used to tell those people that were from around the Omaha area where the Missouri-Papio NRD has had all these bike paths and all these around the wooded area and everything, I've always told them now when you ride your bicycle down those bike paths, if you'll lean over the handle bars just a little bit you'll have the same silhouette as a deer. (Laughter) I suppose that gives them some comfort, but I do want them to know that that...how that is because lion tracks and they have been sighted down in Omaha. And here just...well, there was one shot over in Kimball here a year or so ago. And I think this hunting season, I think one of them was a 150-pound male that was shot. And I thought then that if you have a 150-pound male cougar in your community, you're not at the top of the food chain. So what the bill is all about is mostly a way of controlling the mountain lions. And I think they're doing a very good job and I certainly support what you folks are doing. With that I'd entertain any questions. [LB671]

SENATOR CARLSON: Okay, thank you. And you've been in my spot here and you had to pay attention to the light and turn somebody off. You did just fine. Thank you. Senator

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Haar. [LB671]

SENATOR HAAR: I want to know if you miss us? [LB671]

LEROY LOUDEN: Well, no. (Laughter) I watch you on TV and that usually takes care of any...of any thoughts I ever had of ever coming back. [LB671]

SENATOR HAAR: Okay. Thank you. [LB671]

SENATOR CARLSON: Okay, any other questions? Yes, Senator Brasch. [LB671]

SENATOR BRASCH: It is good to see you, just so you know. [LB671]

LEROY LOUDEN: Well, thank you. [LB671]

SENATOR BRASCH: Welcome here and that is good history. I appreciate you saying that because we missed out on that. [LB671]

LEROY LOUDEN: I see. Well, good. I didn't get here early enough for a testimony. I didn't know if anybody went through that, how it came about. But it's a creature of evolution, is what it is. [LB671]

SENATOR BRASCH: It's good to know. Appreciate it, very helpful. Thank you. [LB671]

LEROY LOUDEN: Okay. [LB671]

SENATOR CARLSON: Okay, any other questions? Well, thank you for coming in. [LB671]

LEROY LOUDEN: You bet, thank you for your time, gentlemen. [LB671]

SENATOR CARLSON: (Exhibit 33) All right. Any other testifier in a neutral position? We have a letter from Jessica Kolterman from the Nebraska Farm Bureau Federation in a neutral position. And seeing no others, Senator Chambers, you're recognized to close on LB671. [LB671]

SENATOR CHAMBERS: Thank you, Mr. Chairman, members of the committee. I'm not persuaded. As I told you, I've done a lot of reading, like I read on a lot of issues that come before the Legislature. When Mr. Douglas was here, he told you how they went about trying to determine the number of animals. When you listen to what people are saying from a community, if you have an alpha male, you're not going to have a lot of young males in the area. That's not going to happen. These people have not marked any of these animals that they say they saw. They could have seen the same animal

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several times if they actually saw a mountain lion. I don't believe the people who do these studies and have worked decades and perfected the DNA methodology have said the kind of things we've heard here today. And I trust their scientific conclusions more than I do the anecdotes that we have heard. I don't believe a person is going to see three male lions walking together in peace. Even when young males come into an area where a dominant male has been killed, they don't work together. There's no cooperation. They don't form a pride. They are solitary. When the man said he was here from Harrison, and he's an outfitter and his pocketbook is affected, that automatically tells you that he has something on his mind other than what I have on my mind. The individual I quoted in the paper, he is in the Harrison area. He's not an outfitter, he is a rancher; he is a cattle producer and he said these animals do not bother me, meaning human beings, they do not bother the livestock. I like them on my land. Well, if there is all this problem in Harrison that the outfitter said, why won't the cats on Mr. Anderson's land...his name was given and quoted, why don't they go kill Mr. Anderson's livestock? Why go to places where there is no prey when it's right here? I'm not going to chastise anybody...that's not my intent, who came here to speak. That's what hearings are for. But the information, the evidence I will rely on is that which comes from those with academic training, scientific experience, and knowledge accumulated over decades; not just in one small area of Nebraska, but around the country. Some people may not respect National Geographic. That's not a comic book. I couldn't write an article about mountain lions that they would publish, even if I gave a list of all the reading that I've done, when they have experts who have been in the field, who have conducted research. There have been studies undertaken which resulted in determining what does happen when there is a lion-human contact. That wasn't the intent. These people had wanted to try to collar some and observe them if they could. So then they would happen upon a lion. And the lion was not aggressive. The only time they were aggressive with two or three exceptions was a mother with kittens and then she didn't pursue anybody or kill anybody, she made the aggressive moves and as soon as the human beings backed away, she let it alone. They are not interested in attacking human beings. If there's been this explosion of mountain lions as we've heard...and language like that was used, no children have been attacked. No human beings have been attacked. Game and Parks in the interview that they had said there were no documented cases of attacks on livestock and none on human beings. So, you're dealing with a situation where people have differing points of view and different opinions. But I have confidence in the sources that I have utilized. And I've been contacted by experts from all over the country because they're not aware of a politician before who would say anything on behalf of mountain lions. Nobody asked me to do this. No organization asked me. I don't belong to any organization. I read what was happening in this state. I read about the hearings that Game and Parks had. And at at least one them, the ones against it far outnumbered those who were for it. Hunters, this big game outfit, they're the ones who conducted the lottery. They're the ones who had the dinner out at the park, \$75 to get in. Who can afford that? The price limits and restricts those who are going to come. What ordinary hunter could offer \$500 in an auction as an opening bid, then raise it in

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increments of \$250? Senator Louden didn't write that bill. He brought it. It has Senator Louden's fingerprints on it, but it has Game and Parks' everything else. I believe they formulated the lottery as a cover because they can say we have lotteries on other animals. I believe they put in the auction and contrary to what anybody says, I believe it was a money raiser. They have sold more than 400 permits, however the number of mountain lions was determined. When they say you can take two, and let's say you've only got 50 hunters out there, how are you going to know when two of them have been killed? How do you know that? If Senator Johnson kills one, what's he going to do? If Senator Haar kills one, Senator Carlson and I, how are they going to coordinate all this? They don't care how many of these animals are killed. They are trying to raise money. And it is an issue that has become politicized. And it's going to be handled in a political setting in a political way. I just don't believe...let me put it like this, don't let me use the word "believe." I'm not convinced that what I've heard here today is factual. As some people talk, they add on to what they're saying and you can get the transcript. I listen to what people say. More and more incidents were given. I don't believe a lion is going to sit in a yard and watch somebody. They are not human watchers like humans are bird watchers. They have things to do. If the habitat is destroyed on this corner of the table, which would be the trees, the rocks, the cover that they want, they don't want to be seen, then they're going to leave this area because it was burned and instead of going across the border to where that kind of habitat exists, they instead are going to migrate toward Omaha or toward these cities out there where there is no habitat and raid chicken coops and follow people down the road or just sit and watch them, dare somebody to get out of a truck. Maybe those things happen. But they do not accord with what the research and the studies show. So I have indicated my view and I intend to have some additional conversations with Mr. Douglas. But answer me this, and this is rhetorical, I explained why I said strike that language from the existing law. But even if I intended to do it, that is the law now. If these lions are menacing these people under the law now, they can go out and they can shoot it. That's the law now. Something is not ringing accurate to me. If a lion is in your yard and menacing your livestock or your pets and you've got an AK-45 or whatever it is, shoot it. You can do it under the law. That's all that I have because I told Senator Carlson in a conversation that I'm coming to this hearing about the mountain lion, but I'm not coming to the hearing with the attitude of a lion. I'm here today, based on what I usually am, as a lamb and that's all that I have, but if you have any other questions you'd like to put to me, then I will answer them. [LB671]

SENATOR CARLSON: Okay. Thank you, Senator Chambers. Any questions of the committee? I appreciate your testimony, your patience, and I encourage you to have a conversation with Jim Douglas. You said you would. [LB671]

SENATOR CHAMBERS: Yes. [LB671]

SENATOR CARLSON: I'm looking at Mr. Douglas. [LB671]

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SENATOR CHAMBERS: But I won't talk to him while he's coughing and going on.  
[LB671]

SENATOR CARLSON: No, I think you better wait a few days. [LB671]

SENATOR CHAMBERS: Okay. [LB671]

SENATOR CARLSON: All right. Thank you for your testimony, for coming today, and with that we conclude the hearing on LB671. (Also see Exhibit 34-37.) [LB671]