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BOSTELMAN: [RECORDER MALFUNCTION] get started. Senators will be coming in. We're getting off the floor a little late this morning, had a few things on the floor that took up some time, so senators will be coming in as we progress with our confirmation hearings. There are some things I need to read first, which will take some time. It will probably give them enough time to come in and have their seat. So first, for the COVID-19 hearing procedures, for the safety of our committee members, staff, pages, and the public, we asked those attending our hearings to abide by the following procedures. Due to social distancing requirements, seating in the hearing room is limited. We ask that you only enter the hearing room when it is necessary for you to attend the bill-- the bill hearing in progress. The bills will be taken up in the order posted outside the hearing room. The list will be updated after each hearing to identify which bill is currently being heard. The committee will pause between each bill to allow time for the public to move in and out of the hearing room. We request that everyone utilize the identified entrance and the exit to the hearing room. We request that you wear a face covering while in the hearing room. Testifiers may remove their face covering during testimony to assist committee members and transcribers to clearly hear and understand the testimony. Pages will sanitize the front table and chair between testifiers. Public hearings for which attendance reaches seating capacity or near capacity, the entrance door will be monitored by the sort-- by a sergeant at arms who will allow people to enter the hearing room based upon seating availability. Persons waiting to-- to enter a hearing room are asked to observe social distancing and wear a face covering while waiting in the hallway or outside the building. The Legislature does not have the availability of an overflow hearing room for hearings which attract several testifiers and observers. For hearings with a large attendance, we request that testifiers enter the hear-- enter the hearing room-- only testifiers enter the hearing room. We ask that you please limit or eliminate handouts. With that, welcome to the Natural Resources Committee. I am Senator Bruce Bostelman, Legislative District 23. I serve as the Chair of this committee. The committee will take up the bills or the confirmations in the order posted. Our hearing today is your public part of the legislative process. This is your opportune-- your opportunity to express your position on the proposed legislation before us today. The committee members might come

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and go during the hearing. This is just part of the process, as we have bills to introduce in other committees. I ask that you abide by the following procedures to better facilitate today's proceedings. Please silence or turn off your cell phones. Introducers will make initial statements, followed by proponents, opponents, and then neutral testimony. Closing remarks are reserved for the introducing senator only. In the case of our-- of our confirmation hearings, the individual will come up, we'll have comments, and then we will ask questions, if need be. If you are planning to testify, please pick up a green sheet-- a sign-in sheet that is on the table at the back of the room. Please fill out the green sheet in-- in its entirety before testifying. Please print, and it is important to complete the form in its entirety. When it is your turn to testify, give the sign-- sign-in sheet to a page or the committee clerk. This will help us to make a more accurate public record. If you do not wish to testify today, but would like to record your name as being present at the hearing, there is a separate white sheet on the tables that you can sign for that purpose. This will be a part of the official record of the hearing. When you come up to testify, please speak clearly into the microphone. You must remove-- you may remove your face mask. Tell us your name, and please spell your first and last name to ensure that we get an accurate record. We will-- there will be a light system if anyone does, opponents, proponents or neutral testify [SIC] will have five minutes for that. The yellow light will come on when there's one minute left, and then the red light will come on at the end of your time period. No displays of support or opposition to a bill, vocal or otherwise, is allowed at the public hearing. The committee members with us today will introduce themselves, starting on my left.

GRAGERT: Thank you. Tim Gragert, District 40: northeast Nebraska.

HUGHES: Dan Hughes, District 44: ten counties in southwest Nebraska.

WAYNE: Justin Wayne, District 13: North Omaha and northeast Douglas County. And I do have a bill introduction in-- in Judiciary, so I will be in and out. Thank you.

AGUILAR: Ray Aguilar, District 35: Grand Island, Hall County.

BOSTELMAN: Thank you. And to my right--

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MOSER: Mike Moser, District 22-- includes Platte County, parts of Colfax and Stanton County.

BOSTELMAN: Senator Moser also serves as the Vice Chair of this committee. To my left is committee legal counsel, Cyndi Lamm, and to my far right is committee clerk, Katie Bohlmeier. Today we'd like to recognize both Lorenzo and Brytany as our pages for today. We thank them for coming and helping us with the hearing process this day. So with that, we will open up our first confirmation hearing with Mr. Thomas Riley.

HUGHES: Mr. Chairman, if I might, I would like to recognize the birthday of our committee clerk today. So happy birthday.

BOSTELMAN: Oh. Senator Hughes. And I'm wondering if Senator Hughes would like to start us with singing "Happy Birthday." [LAUGHTER]

HUGHES: That would-- that would be a negative.

BOSTELMAN: OK. Well, happy birthday, Katie. All right, Director Riley. Good morning, and please tell us a little bit-- a little bit about yourself.

TOM RILEY: Well, good morning and thank you, Senator Bostelman. And thank you, Senators, for having me here today. My name is Tom Riley, T-o-m R-i-l-e-y, and I'm pleased to be here and want to thank you for allowing me to present myself to the committee and sharing some of my background with you today. I was born and raised just a short distance from Lincoln, in Crete, Nebraska. And I attended the University of Nebraska, following graduating high school there, and received a Bachelor of Science and a Bachelor-- Master of Science degree in civil engineering, focusing on water resources, from the university. I'm a registered professional engineer in Nebraska, along with being a registered engineer in several of our adjoining states also. My wife Kelly and I have been married for almost 29 years and have been blessed with three children. Logan is a employee at Union Pacific Railroad and working on a Master of Business at UNO. Clay is a sophomore at UNO and studying architectural engineering, and our youngest, Evan, is studying computer science at UNO also. When I spoke with Governor Ricketts about taking this position, he asked me what my greatest personal accomplishment might be. And without question, it's

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been given the charge to work with my wife to raise those three boys. Just a bit about my career. Following graduation with my master's degree, I was able to find employment here in Lincoln, and I worked for a national firm. Most of my work at that time was focused on water and soil contamination mitigation. I was able to work with a great group of folks at that time, traveled all across the country to many sites, including being stationed in Hawaii for a while. In an effort to travel less and focus more on my own young family, at the time, I worked with three of my dearest friends and colleagues to start the Flatwater Group, a water resources firm here in Lincoln. That firm proudly grew into a family of dedicated professionals. And I'm very proud to say that the 13 staff there, while it's a small group, all came from mostly the University of Nebraska and some of our best science and engineering graduates from there.. Over the last 20 years, I've had a chance and a pleasure to work on water resource projects across the state, including with the Department of Natural Resources. Those projects and the people that I've worked with have helped shape my own vision and understanding of water resources here in Nebraska. In the few months that I've been here with the department, I've been able to talk with the dedicated staff of DNR and have learned more about the great work that they're doing there. The staff has helped me to get up to speed on the various activities and all the important missions that are occurring within the agency. These discussions have given me more clarity on my interest to serve in the position of Department of Natural Resources director, and as serving in my new role as public service. I've been able to hear how the department has stepped up in the face of the various challenges that the agency has had to overcome in our world, impacted by the pandemic, things that we've all had to do. I'm excited to be a part of the outstanding and devoted team that I have here at the Department of Natural Resources. As the director, I'll continue to guide the department's mission of safeguarding Nebraska's most precious-- precious natural resource, our water. We'll do it through sound partnerships and cooperation, using the best science we have available, and we'll help grow Nebraska's future. The departments, in my vision, are dedicated to the safe and sustainable use and the proper management of our state's most natural-- or our state's water and for the future benefit of all Nebraskans. My personal interest is to help Nebraskans become citizen hydrologists and help create, just not an interest, but a passion for the water that we have here. Long ago, my adviser at the time and told

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me that we must constantly prepare for the flood when it's not flooding and for the dry times when it's not dry. They were correct, and what we wouldn't give for just an average year. That's the mission of the Department of Natural Resources. That's what we work on every day, is to use our water resources in the most effective and responsible manner. Nebraska is blessed with having really all the water, a great amount of it that she needs, just not always in the right place at the right time. I'm looking forward to working with-- with you and all Nebraskans to help find that balance. So thanks for having me here today, and I'd be happy to answer any questions you might have.

BOSTELMAN: Thank you very much. I would like to recognize Senator Cavanaugh did join us. Thank you. Also, this is a confirmation hearing for the director of the Nebraska Department of Natural Resources. So with that, does anybody have any questions? Senator Hughes.

HUGHES: Thank you, Chairman Bostelman, and thank you, Mr. Riley, for being here today. Congratulations on your appointment to this job.

TOM RILEY: Thank you, Senator.

HUGHES: So in-- in your previous life of Flatwater, you have been significantly involved in some of the augmentation projects that have gone on in the Republican River Valley-- Republican River Basin. And as I know, with your background in water, there have been numerous lawsuits over time, you know, that the state of Nebraska has been involved in. Are there any current lawsuits that the Nebraska-- the state of Nebraska is involved in now regarding water? Or is there any-- any court-- anything in the courts?

TOM RILEY: Not to my knowledge, and certainly not in the Republican River. We have that in a place where we're working well with the other states and have done that through a number of discussions, resolutions to help that move forward. It is a continuous process with both Kansas and Colorado in that basin, to have them understand what our rules and procedures are, and being able to make sure that we can continue in the existing stage that we're on, which provides Nebraska a lot of flexibility with compliance and the ability to move forward. So we're in a good spot there. There are certainly other places that the department and water users across the state are monitoring. We're

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always looking upstate or upgrading upstream as it will. We do have water from the Platte River that comes in from Wyoming and Colorado. So we'll continue to monitor those items and to make sure that we're getting our due and fair share from the other states.

HUGHES: Very good. Thank you.

BOSTELMAN: Are there other questions from committee members? The question I would have, Director, would be, with your previous employment with Flatwater, do you see any conflicts? Or how would you handle conflicts that may come up in your position?

TOM RILEY: I don't. I've sold my interest in Flatwater at the end of the year, and I don't direct or have any work directly involved with the company anymore. So I don't see a conflict that would cause me to have a problem like that. But if there was, I'd certainly identify that and take it to the Accountability and Disclosure Commission to make sure that if it was, we could deal with it appropriately.

BOSTELMAN: OK, thank you. Any other questions? Seeing none, thank you, Director Riley. You can have a seat, and then we'll ask for anyone who would like to come up and testify as a proponent.

TOM RILEY: Thank you for having me.

BOSTELMAN: I would ask that anyone who would like to testify as a proponent for the confirmation of Director Riley, please step forward. Seeing none, would anybody like to testify in opposition to the confirmation of Director Riley? Seeing none, anyone like to testify in the neutral capacity? Seeing none, this will close the hearing on Director Riley for the director of the Nebraska Department of Natural Resources. We'll move to the next hearing. Thank you, Director Riley. Our next hearing-- confirmation hearing will be for confirmation of the Nebraska Power Review Board. Mr. Charles Hutchison, please step forward. Morning, Mr. Hutchison-- Hutchison. Please give us a little bit of information about yourself and your-- a little bit about what you've done, maybe on your reappointment to this position.

CHUCK HUTCHISON: Sure. Good morning. My name is Chuck Hutchison, C-h-u-c-k H-u-t-c-h-i-s-o-n. First, I'd like to thank Governor Ricketts for his-- the confidence he's shown in appointing me for

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another term on the Power Review Board. And thanks to the committee for considering my qualifications and taking the time to-- to consider my ability to serve the state in this capacity. Last year I retired from the Navy after serving for 28 years. I currently serve at U.S. Strategic Command and Offutt Air Force Base as a government civilian where I lead the Command's technology demonstrations. I've been active in the Bellevue community for-- for about 25 years. I've served as the chair of an SID, the president of a condominium association, participated in the Bellevue Chamber of Commerce's leadership program, and worked in youth ministry in my church for over ten years. I've enjoyed the time that I've had serving at the Power Review Board. It's been a really good fit, I think, from my background, and I've learned a lot and I look forward to continuing to serve the state in that capacity. I'm happy to answer any questions.

BOSTELMAN: Thank you. Are there any questions from committee members? Seeing none, you may have a seat.

CHUCK HUTCHISON: Thank you.

BOSTELMAN: I would ask anyone who would like to weigh in as a proponent [RECORDER MALFUNCTION] confirmation hearing on Mr. Charles Hutchison for reappointment to Nebraska Review Board. Thank you, Mr. Hutchison, for coming in today.

CHUCK HUTCHISON: Thank you.

BOSTELMAN: Next, we'll have the appointment confirmation on Mr. Rick Kubat for the Nebraska Natural Resources Commission.

RICK KUBAT: Chair Bostelman, members of the Natural Resources Committee, my name is Rick Kubat, R-i-c-k K-u-b-a-t. I currently serve in the capacity of a government affairs attorney for the Metropolitan Utilities District. I'm a lifelong Nebraskan, a 2002 graduate of the University of Nebraska College of Law. Currently, I serve in the role as president of the Nebraska Water Resources Association, and I also sit on the Lower Platte River Consortium Board. I was fortunate enough-- I think it was all the way back in 2013, when Senator Carlson had LB517 and created the task force creating the Natural Resources Committee. I was not on that task force, but lucky enough to attend most, if not all, of those task force meetings. So I have some

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familiarity with the commission. I'm married and fortunate enough to have three young daughters living with my wife and myself at home, and I am happy to answer any questions, if you might have any.

BOSTELMAN: Thank you, Mr. Kubat. Is there any questions from the committee members? Senator Cavanaugh.

CAVANAUGH: Thank you, Chairman Bostelman. Thank you, Mr. Kubat. I don't really have a question. I just didn't want to let it go by without addressing you on the record. Nice to see you, Rick.

RICK KUBAT: I-- I appreciate that.

CAVANAUGH: Thank you, Mr. Chair.

BOSTELMAN: Let's go-- could you tell me a little bit more about your interests of what-- what position you'll feel on the commission and what your interests are for-- for the Natural Resources Commission, specifically, more so than what you just elaborated, as far as what function you'll-- you're looking to take on the committee-- on the commission?

RICK KUBAT: Specifically, statutorily, there's a commission or member role as a representative of the Metropolitan Utilities District. And that would be the role that I would fill in. Being involved in water-- numerous water meetings over the last seven or eight years, I'm familiar with the fact that water is our most precious resource in our state. It helps drive our agricultural economy. And in addition to that, as I work with MUD, how precious and important adequate stream flow is for our river basins to serve the public water supply.

BOSTELMAN: Are there any other questions from committee members? Seeing none, thank you for being here today.

RICK KUBAT: Thank you.

BOSTELMAN: I would ask, if anyone would like to testify as a proponent for the confirmation of Mr. Kubat, please step forward. Seeing none, would anybody like to testify in opposition to the confirmation of Mr. Kubat? Seeing none, anyone like to testify in a neutral capacity? Seeing none, this will close our hearing on the-- on the appointment confirmation hearing on Mr. Rick Kubat. Our next hearing will be for

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Mr. Joe-- is it Citta?-- for appointment to the Nebraska Natural Resource Commission. Morning.

JOE CITTA: Good morning, Mr. Chairman. Good morning, Senators-- truly a pleasure to be here. My name is Joe Citta, spelled J-o-e C-i-t-t-a. I reside in Columbus, Nebraska, been there for just about 46 years. Born and raised in Bellevue, Nebraska, graduated from high school there and went to college at Hastings College. Played football, graduated with a Bachelor of Arts, major in biology and sciences. Had little stint to work for the Boy Scouts. It's interesting, with the other senator in North Omaha, I served the Ponca District in North Omaha. Then I was a deputy sheriff for Sarpy County for a few years. Now I've worked for Nebraska Public Power District for the last 45 years, come August. I presently direct the Corporate Environmental Department and the Water Resources Department. I'm married, been married for 49 years. I've got three children. Two of my boys are doctors. One's a doctor in Columbus, one's in North Platte. My daughter lives in Omaha, Nebraska, and works for a bank in Omaha. So-- got a few grandkids and have-- I'm having a lot of fun with them, I must say. A little bit about my non-working life. I-- I am on the board of directors for the Lower Loup NRD. Been-- I've been elected board member for over 30 years. I'm presently chairman of the board. I also serve on the Nebraska Environmental Quality Council. I've been on there for four terms; I'll be starting my fourth term. And I'm currently chairman of the-- luckily to be chairman of that group. Really proud to be on that council. I'm president of the Todd Valley Wetlands Foundation, which is a small foundation that helps facilitate finding wetlands and promoting the development of the wetlands. Very active in Ducks Unlimited. I've been local chairman in Columbus there for over 30 and been able to raise a lot of the-- a lot of funds for development of wetlands in Nebraska. So in my job at NPPD, I manage the corporate environmental department and which is a group of about 20 specialists and scientists which specialize in about every, as you can imagine with Nebraska Public Power-- Power District and the generation we have, we-- we have a myriad of environmental regulations and compliance issues there. And I also manage the Water Resources Group, which is a group that-- that takes care to make sure we provide the water necessary. As you know, with power, water is essential for a generation of power, whether it be fossil or nuclear or-- or hydro. We also-- we also have a complex series of irrigation canals and

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irrigation companies and irrigation customers. So and we also, on the groundwater side, as you can imagine, much of our load is-- is groundwater. So I'm lucky to have a pretty good balance of surface water, what's going on with surface water needs there, but also the importance of groundwater. So with that, that's just a little-- a little background. Oh, I also-- I also serve on the council for the Platte River Recovery Program, which, as you know, has-- has been essential for the development of new-- new access and new endangered species acres and-- and programs to-- to-- to establish water in the Platte River. So with that, that's just a little summary of my background, sir.

BOSTELMAN: OK. Thank you and was that Cit-- Cit?

JOE CITTA: Citta.

BOSTELMAN: Citta?

JOE CITTA: Um-hum.

BOSTELMAN: Thank you. Are there any questions from committee members? Senator Moser.

JOE CITTA: Mr. Moser. Yes, sir.

MOSER: I don't really have anything to ask you. I'm just saying hello. His son and one of my daughters were in the same class. And I heard many stories about little Joey Citta. So if you want to know the stories about him before he was a doctor, I can help you with those.

JOE CITTA: I bet you can.

MOSER: I'm teasing you, I don't know any stories.

JOE CITTA: Thank you, Senator. I-- I, of course, I understand. Thank you, Senator.

MOSER: Yes.

BOSTELMAN: Are there other questions? What do you see are the major, I guess, interests or-- or areas that you see coming on the commission

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that you think are important that we should know about or that you want to address?

JOE CITTA: Well, you know, the commission does a lot of things. Course, if-- if you look, they've got a myriad of responsibilities. One of the primary things is managing some-- some major funds. As you know, the one that-- that-- that's always talked about is the Water Sustainability Fund, which has done a lot of the great things across the state. And so I think it's real important to make sure that stays sustainable and looking forward to doing more things across the state. Conservation of water and protection of the water is-- is the utmost importance to the people in Nebraska. And I think it's the commission's job to help make sure that fund stays-- you know, stays available to folks and-- and make sure it gets-- gets spread evenly and properly across the state for the-- for the public good.

BOSTELMAN: OK, thank you.

JOE CITTA: Certainly.

BOSTELMAN: Other questions? Seeing none, thank you for being here this morning.

JOE CITTA: Thank you very much. It's a pleasure being here.

BOSTELMAN: Thank you.

JOE CITTA: Thank you. And I applaud what you all do.

BOSTELMAN: I would ask that if anyone would like to testify and-- as a proponent for the confirmation of Mr. Citta, please step forward. Seeing none, anyone that would like to testify in opposition? Seeing none, anyone like to testify in the neutral capacity? Seeing none, that will close our hearing on the appointment of Mr. Joe Citta to the Nebraska Natural Resource Commission. Our next confirmation hearing will be LeRoy Sievers. Let's see where-- and this is a appointment to the Nebraska Natural Resources Commission. So welcome.

LeROY W. SIEVERS: Good morning, Mr. Chairman and members of the committee. My name is LeRoy W. Sievers; that's spelled L-e-R-o-y, middle initial W, last name Sievers, S-i-e-v-e-r-s. I appear today before you requesting you recommend to the full Legislature my

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confirmation of appointment by Governor Ricketts to the Natural Resources Commission. State statute authorizes the Governor to appoint 14 of the 27 members and, specifically, the statutes identify particular interests the appointed members are to represent. In my case, I have been appointed to represent the municipal water users of city of the primary class, which is a city of more than 100,000 and less than 300,000 residents, of which currently-- currently-- Lincoln is the only one of those cities. The statutes also specifically state that the appointed members are to have knowledge of and experience with and is representative of Nebraska water use and economy. It's my purpose today to briefly reflect my qualifications to satisfy those requirements. I grew up in Blair, graduated from Doane College, served three years in the Army, two of which I served at the White House, in the White House Communications Agency. Upon discharge from the Army in 1973, I worked as a computer programmer analyst and, at night, I went to school and earned a master's degree in management computer science from the American University. In 1975, I went back-- I came back here to Nebraska to enter law school and graduated in December 1977. Upon graduation, I worked for and became a partner in the Lincoln law firm of Peterson, Bowman, and Johanns. In 1984, I became an Assistant Attorney General for the state of Nebraska. That began a career focusing on water and other natural resources. My primary, although not exclusive, responsibility in the Attorney General's Office was in water and natural resources. Thus, I represented the state of Nebraska in the case of Nebraska, Iowa and Missouri against the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers, in which we prevailed in the U.S. Supreme Court by a vote of 8-0. I was also the principal attorney in state government in the case of Nebraska v. Wyoming, Colorado, and the United States, over the flows of the North Platte River. That case was filed in 1986, before the U.S. Supreme Court, as an original action seeking enforcement of the 1945 decree apportioning the flows of that river among the states. I was also counsel in other natural resources cases. In 1991, I moved to the Department of Water Resources, at first as a special assistant to the director and later as agency legal counsel. In that role, I also maintained my responsibilities in Nebraska v. Wyoming, eventually being appointed as a special-- Special Assistant Attorney General. During those 14 years, I became intimately familiar with Nebraska's water resources, their uses, and the challenges facing the state relating to the quantities, quality, and economic value of those uses.

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In 2000, I left state government and became a member of the law firm of-- in Lincoln-- of Knudsen, Berkheimer, Richardson, and Endacott, where I continue to practice in water and other natural resource issues, along with other matters. In 2010, I returned to state government agency legal counsel to the Department of Natural Resources, the one that Tom Riley has been appointed the director just recently. One of the responsibilities, as legal counsel to that department, was providing legal support to the Natural Resources Commission, to which I am now seeking appointment. Thus, from 2010 to my retirement from the department in April, 2019, I attended all Natural Resource Commission meetings, assisted the commission in writing and adopting rules for the Water Sustainability Fund. I also provided staff support to the Commission's Executive Committee and its Application Review Committee to provide a preliminary ranking and scoring of applications to the Water Sustainability Fund. I'm thus familiar with the Natural Resources Commission's statutory responsibility and its operations. In closing, it would be my honor to serve on the Natural Resources Commission and to allow me, in some small measure, an opportunity to pay back the citizens for the opportunity I'd be given. I can go into greater detail in relation to my experience and qualifications, if you have any questions. Thank you.

BOSTELMAN: Thank you, Mr. Sievers. Are there any questions for committee members? Senator Hughes.

HUGHES: Yes. Thank you, Mr. Sievers, for coming today. So refresh me again of what your-- your slot that you would fill on the Natural Resources Commission.

LeROY W. SIEVERS: Representing a city of the primary class, which is Lincoln.

HUGHES: OK. So yesterday we heard, I think, LB409 talking about the opportunities to create storage structures on the Platte, from Ashland and upstream where Lincoln gets-- I mean, that's where their well field is, you know, in that Ashland area. I'm just curious of your thoughts, of the possibilities of-- of creating structures to continue the supply of water for Lincoln and growth, if you've given any thought to it.

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LeROY W. SIEVERS: Well, well, certainly relative to my position on the commission, to the extent any applications would come to the commission for funding, they would be evaluated pursuant to the criteria that the U.S. Legislature created, the 15 criteria that all applications to the Water Sustainability Fund are evaluated. So based upon that, it would depend upon if funding were sought for that. Relative to that specific bill, I-- certainly, I can give you my personal thoughts, but not as a commission member or certainly not as-- on behalf of the commission. That-- that would be a separate matter. The city of Lincoln has its well fields in-- agt-- by Ashland and is in the process of evaluating other sources of water. To the extent any structures would be created in the Platte Valley, in that area, it would be very important to evaluate what impacts those reservoirs might have on the well field-- they're filled-- wht-- while they are wells, they are recharged to the flows of the river, which is critically important because, in 2012, I believe it was, the flows diminished to such an extent that the aquifer was becoming depleted, which created a great deal of concern. I hope that answers your question.

HUGHES: Yes, thank you.

LeROY W. SIEVERS: You're welcome.

BOSTELMAN: Other questions? I guess my question would be similar to the last one. As coming-- as looking to come on to the commission, in your experience that you've just shared with us, are there concerns-- are there areas of the state, certain things that you have a specific interest in? I understand you would come on as a-- as representing a primary class city or that, but obviously there's a-- you have a lot deeper background in water across the state. Are there any-- is there anything there that you see that the commission is very well or may need to focus on?

LeROY W. SIEVERS: Oh, a couple things. One is that the commission, on a biennial basis, prepares a report that's submitted to the Legislature, reviewing the projects that have been successful on their applications and how those have been progressing towards completion. Certainly be interested in-- in making sure that that's a comprehensive report that gives you, as a Legislature, a good view of how that's working. Additionally, in a few more years, pursuant to the

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statute, there's supposed to be a more comprehensive review of how things have gone since the fund was created. Some of the challenges of some potential applicants regarding the criteria that are used to evaluate projects or applications, is-- would be important. The U.S. Legislature created the criteria by which projects are evaluated, the various 15 criteria. The challenge that that creates for some applicants is-- and you know, they may score well in-- in a few of those factors, but not in others. And I think, looking at those now, that obviously the commission has to operate within the criteria that you've created. It's been given a little bit of flexibility because it does have the opportunity to consider, would it assign greater points that could be allocated to each of the individual criteria. And that may be something the commission would want to look at. On the other hand, in doing that, that could open a hornet's nest, so you have to be very, very careful about that process.

BOSTELMAN: Sure appreciate that-- certainly. Seeing no other questions, thank you, Mr. Sievers, for being here this morning and your willingness to serve.

LeROY W. SIEVERS: Thank you very much; appreciate it.

BOSTELMAN: I would ask that anyone who would like to testify as a proponent to the confirmation of Mr. Sievers to the appointment of the Nebraska Natural Resources Commission, to step forward. Any proponents? Seeing none, would anyone like to testify as opponent to his confirmation? Seeing none, anyone who would like to testify in the neutral capacity? Seeing none, this will close the hearing then on the appointment of Mr. LeRoy Sievers to the Nebraska Resource-- Natural Resource Commission. The next confirmation hearing will be the reappointment of Mr. Scott Smathers to the Nebraska Natural Resources Commission.

SCOTT SMATHERS: Morning, Chairman Bostelman, members of the committee. My name is Scott Smathers, S-c-o-t-t S-m-a-t-h-e-r-s. I am here for my reappointment to the Natural Resources Commission for my third term. I thank Governor Ricketts for having faith in my previous stints on the commission and reappointing me, and the opportunity for my hearing today. I've provided you a sheet of what my role has been in water in the state of Nebraska. My role, I am the executive director of the Nebraska Sportsmen's Foundation for my day job, as most of you know.

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And in that role I intersect a great deal with sportsmen, agricultural production, and, obviously, natural resources and the water wing being one of those major issues. I have worked with many partners on wetland restoration, water quality and quantity, and other aspects. And a former senator from District 47, former Chairman of this committee and a member of this committee, drug me into the water issues, saying it would be a short term, and here we are. He is now a private citizen and I'm still here. I've enjoyed my tenure on the Natural Resources Commission tremendously. I will tell you, to have 27 members of various stakeholders-- and I represent outdoor recreational users-- has been a tremendous honor and a tremendous education. To see 27 stakeholders-- from groundwater, irrigation, surface water, municipalities, outdoor recreational use, ag production, ag production companies, support ag production companies-- sit in a room on a consistent basis, using taxpayers' money to give grants to water sustainability in the state of Nebraska, has been nothing less than a milestone in my career, quite frankly. Typically, those groups have struggled to foster collaborative efforts in the past. There is a strong stakeholder mentality, I will tell you. Part of the Natural Resources Commission-- I can't tell you what everybody represents as a stakeholder. That's not our focus when we walk in the building, when we do our work. We are there to benefit the state of Nebraska. Yes, there's stakeholder protection in-- in our discussions. But we're there to value and protect taxpayers' money, their investment in water quality and quantity, and not to mine our water, and be fiscally responsible with taxpayers' money. So it's been a fantastic opportunity. My role in the commission has been varied. From my 2011, of being put in Senator Langemeier and his committee's LR study LR314, to then being appointed in 2013, by Governor Heineman, to the Water Funding Task Force, LB517. The conclusion of that, recommendations resulted in LB1098 from this legislative body, the new Natural Resources Commission was-- was created, and I was appointed by Governor Heineman to the 27-member panel for a two-year term. Half of us were two-year, the other half were four-year, to rotate in and out. And in 2016, I was reappointed by Governor Ricketts for my second term of a four-year term. Then in 2020, he reappointed me for my third term, which will be, again, my fourth term and, quite frankly, hopefully my last term as we start to groom new individuals, as you saw here today being appointed. I have been the chair of the Rules Committee and the Comprehensive Planning Committee, ten-person chair,

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where we wrote the initial rules with a great deal of help from the gentleman who was just here prior to me; that's LeRoy Sievers. Many, many hours, many conversations, a lot of writes, a lot of rewrites. But it was imperative that we establish the rules for the-- for the fund and the committee [INAUDIBLE]. And then I was also-- I've been on four of the scoring committees for the grants, the ten-person committee-- committees and the chairman of that group once. I've served as vice chair of the committee in 2017, 2018, and 2019. In 2020, I am the current sitting chairman chairman-- excuse me-- until our meeting this February in Kearney-- the 24th-- where chairs will be elected at that point, which I will move down most likely to just a regular commission member. I'm a transplant in Nebraska, moved here as a child in '74 with my dad. My dad was a naval lifetimer, and he put us here, essentially, in the state where he traveled for the Navy. And then I left in '79, came back in '88 and have been here ever since. I am married, I have two grown children: a 31--year-old daughter in York, with three grandchildren-- six, four, and two; and my son is currently active, full-time duty in the Army and is stationed here in Kansas and zero grandchildren at this point. With that said, I'm very honored to serve. I ask for your approval for the full body in my reappointment to the commission. With that, I'd answer your questions.

BOSTELMAN: Thank you, Mr. Smathers. Are there any questions? Senator Cavanaugh.

CAVANAUGH: Thank you, Chairman Bostelman, and thank you, Mr. Smathers, for your willingness to serve and for being here. I don't know, is this your fourth time in the last two days? I just-- a general question out of-- in terms of the water quality grant programs, do you have-- is there a particular project that sticks out as the most successful, things that we should be emulating, going forward?

SCOTT SMATHERS: Off top of my head, obviously being involved since the beginning, you know, when we're on the Water Funding Task Force-- I tell the story quite a bit-- but we saw a lot of presentations from potential project sponsors at the water Funding Task Force, of examples of where we can work on water quality and quantity in the state. The city of Hastings came and presented to us. If you're familiar with the city of-- city of Hastings, they have a tremendous nitrate issue within their water systems. And they came with a very unique, unproven reverse-osmosis program with a very hefty price tag.

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And of course, at the time, with the Water Funding Task Force, we said, well, it sounds good, but like anything if it's a large budget item, probably not going to happen. Fast forward to when we were on the commission, they submitted their first round of-- the first or second round of applications. They submitted an application for that very project. We provided up to 60 percent of the funding through the grant process. Long story short is, we're now year five, I believe, since they started that program. It has done tremendous things for the nitrate issues in the city of Hastings. To watch something go from a concept in conversation to being successful, to helping folks with potable water and a viable water source in the city of Hastings-- I say it all the time-- can you imagine the city of Hastings not having potable water? There'd be no-- Hastings would no longer exist. The other additions that we talk about greatly is that, obviously, we've had some issues with some collapses, we've had some droughts, we've had some flooding during my tenure, the levee issues. I think the biggest thing I'm proud of is the fact that we've been able to respond for key issues at the [INAUDIBLE] application. My only disappointment, quite frankly, is that we have not had more applications and we don't have enough funding, quite frankly. \$11 million a year is wonderful, but we could probably use \$100 million and we still wouldn't touch all the projects that need to be done. So I hope that answers your question.

CAVANAUGH: Thank you.

BOSTELMAN: Other questions?

GRAGERT: I have a question.

BOSTELMAN: Senator Gragert.

GRAGERT: Yes, thank you, Scott. I just wondered, how does the general public know who your organization is and how to get ahold of you?

SCOTT SMATHERS: We have our own Web site through the Department of Natural Resources. As I said the other day, we work underneath the Department of Natural Resources. We do not work for or charge the Department of Natural Resources. And so we have a Web site that lists all the commission members, when our meetings are, minutes, agendas. It also lists out all grant application periods and results, and where

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those projects are located throughout the state. And I apologize, it's in the handout I gave the other day, Senator. I don't recall it off the top of my head 'cause I don't visit it, but it's very inclusive. We've worked very hard to put together a story map of the department and our IT department and the commissioners, just tell that story of what we've done with taxpayers' money over the course of the last six years. And of course, we're listed there so any-- any commissioner will answer questions on a regular basis.

GRAGERT: Thank you.

SCOTT SMATHERS: You're welcome.

BOSTELMAN: Other questions? I'll ask the same question I've asked the others. Are there any challenges or things to improve on that you see facing the commission?

SCOTT SMATHERS: Two things: funding, funding, and funding; third thing is-- the second thing is-- is recruitment. If you attend one of our meetings, you'll see there's a lot of gray hair in the room, a lot of seniority. I have-- I have strong concerns about that, that the bench for water management in the state is running short at this point. We have water fund organizations like the Water Leaders Academy, NEWBA, that are bringing folks in, but not at the rate that we're aging out, if you will. As I said, this is going to be my third term in a four-year term, which will put me at the age of 60. And quite frankly, I don't envision myself dedicating my time at 60 to what I have the last 10 years. So bench strength is one of the biggest concerns and funding. And I mean, quite frankly, outside of that, the 27-member panel works effectively as a cohesive team. Doesn't mean we don't have our disagreements, doesn't mean we don't have our conversations. But they always get the result of taxpayers' money and the benefit of the state.

BOSTELMAN: OK, thank you. Any other questions? Seeing none, thank you, Mr. Smathers.

SCOTT SMATHERS: Thank you.

BOSTELMAN: I would ask, if anyone would like to testify as proponent for the reappointment of Mr. Smathers to the Natural Resources

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Commission, to step forward. Any proponents? Seeing none, anyone wishes to testify in opposition? Seeing none, anyone like to testify in a neutral capacity for the reappointment of Mr. Scott Smathers to the Nebraska-- Nebraska Resources Commission-- Natural Resources Commission? Seeing none, that will end the confirmation hearing on Mr. Smathers. Next hearing-- confirmation hearing we have is for Mr. Rick Brandt-- reappointment to the Nebraska Game and Parks Commission. Mr. Brandt.

HENRY RICK BRANDT: Good morning, Senators. I'm a nervous wreck; I always am when I have to do these things. Thank you for having me here. Henry Rick Brandt, H-e-n-r-y R-i-c-k B-r-a-n-d-t. I guess you want to know why I want to get reappointed. Big game is probably my biggest focus, also good business. We have a lot of good businessmen on the commission. Big game is probably where I come from, where I live. Years ago, Nebraska prairie was the beginning of the elk herds. They roamed here in the thousands. And fire and also the settling, with settlers coming in, chased all these elk into the mountains. OK, so they enjoyed a lot of years in the mountains. Now the mountains are becoming inhabited, and they're all moving back to Nebraska and saying, man, we hit the mother lode. Look at all these corn fields. These elk have to be managed. We have to try to keep as many as we can. We need to have wild country so that they can survive without having to eat our farmers' and ranchers' corn and-- and soybeans. So I figure these next four years, if you approve me, I will be spent in trying to manage and control this. It's going to be difficult, guys, and we'll do our best. Enough. Questions?

BOSTELMAN: OK, thank you, Mr. Brandt. Are there questions from the committee? Senator Hughes.

HUGHES: Thank you, Mr. Brandt. Thank you for your willingness to serve. We've had many conversations about the big game in the state of Nebraska. So how has the att-- how has your attitude or the attitude of the commission itself changed on big game in the last few years? Or has it changed?

HENRY RICK BRANDT: Oh, it's changed; it's changed immensely, and a lot of that, thanks to you. You know, with the questions you have, make-- make us look and kick us in the butt to get us going in where we should be going. And basically to manage them, sometimes we have to

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kill them to scare them off. We need to have wild country where they can go. And these are things that we're approaching now. And-- and we need to do something for the ranchers. I mean, these-- these wild-- the wildlife-- deer, elk, turkeys-- they're all ours, yours and mine. We're the ones that have to pay for it. But look at the poor rancher that has to feed them. You know, somehow we've got to find a slush fund through Nebraska where we can-- we can reward these ranchers for taking care of our animals.

HUGHES: So yesterday we heard Senator Gragert had a bill that is the latest attempt of Game and Parks to increase the depredation permits for elk, and antelope, and-- and deer. Do you see that as-- as going far enough or do we-- is it just the next step in trying to ratchet up?

HENRY RICK BRANDT: Just in my-- in my--

HUGHES: --your personal opinion.

HENRY RICK BRANDT: --personal opinion, it's a step. We take it step by step. You don't want to go too far all at once. I mean, these are our animals. We want to protect them. We want to keep them. We want to pass them on to our children. But we have to-- you have to take it step by step until we find that sweet spot where we can control and have as many elk as what we can tolerate-- I guess, is the word to use.

HUGHES: OK, thank you. I guess I'm-- it does my heart good to hear you say that we do need to create some sort of fund to reimburse the landowners for the damage of the state's wildlife. So thank you for that. Thank you for your willingness to serve.

HENRY RICK BRANDT: And that has to come from all of us, I feel. Every one of us in Nebraska has-- has to somehow contribute to-- contribute to that.

BOSTELMAN: Other questions? Could you give me an update on bighorn sheep? I know that's a passion of yours. I know we've got--

HENRY RICK BRANDT: You bet. You got an hour?

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BOSTELMAN: We have our challenges with our herds, so could you give me an update on that?

HENRY RICK BRANDT: The-- and this is something, you know, you-- all your time is spent trying to control one of the toughest animals in the world, and that's the elk. I mean, they can survive anything. They're-- they're awesome. And the bighorn sheep is just the opposite. You know, you look at them wrong, and they-- and they die. You know, we've got the pasteurilla pneumonia, which we've got pretty much under control, that's in the Scottsbluff area. We're having way better than 50 percent survival up there. Up in the-- up in the Pine Ridge, we're still having a lot of problems. But even so, we'll have, oh, maybe 50 percent survival. But then the coyotes kill them off and the lions kill them off. So they're going to be a struggle from now until the end. And we'll just keep-- keep working at it to have them survive. But they're doing really well with this pasteurilla pneumonia thing. You know, still-- there's still some strains up north where we're having problems, but sooner or later we'll get that taken care of, and then we have to start putting sheep back in Fort Robinson and the Chadron areas, areas that can handle them.

BOSTELMAN: OK. Thank you. Senator Gragert.

GRAGERT: Thank you, Chairman Bostelman. I just want to make a comment, you know, more than a question, that I visited with you on a number of occasions. And I appreciate your passion for what-- what you do and being on this commission. So thanks a lot.

HENRY RICK BRANDT: Oh, thank you very much.

BOSTELMAN: Any final questions? Seeing none, thank you, Mr. Brandt, for being here today and your willingness to serve.

HENRY RICK BRANDT: OK. Thank you, guys.

BOSTELMAN: I would ask anyone who would like to testify as a proponent in the reappointment of Mr. Brandt to the Nebraska Game and Parks Commission. Any one wish to--

DAN KREITMAN: Good morning,--

BOSTELMAN: Good morning.

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DAN KREITMAN: --Senator Bostelman, Chairman, and committee. My name is Dan Kreitman, D-a-n K-r-e-i-t-m-a-n. I presently serve as the chairman of the Nebraska Game and Parks Commission. And I'm here to testify as a proponent for Rick Brandt; I call him Rick-- Henry Rick Brandt. I've known Rick for over 30 years. We met through the Rocky Mountain Elk Foundation 30-some years ago. Rick-- Rick had a vision years ago to start a-- the Nebraska Game Big-- Big Game Society. And he-- I was a vice chairman on it. Rick started as the president and chairman. That's-- that-- the Big Game Society is still-- still presently in Nebraska. It's going strong, and it-- it donates all of its proceeds. It's a nonprofit organization. All the proceeds go to Nebraska, to the outdoors. Rick has done a lot over the years. He didn't say much about himself. He has a very successful construction company, and he works throughout Nebraska-- very well known and respected. I've known Rick through the commission. We've done a lot of work together, and I think you could all relate to this. Four years on any position, you really get to know part-- part of what you're supposed to do. And for not-- to not reappoint Rick for the next four years would be a disservice to Nebraska and the citizens of Nebraska. With that, I'll close.

BOSTELMAN: Thank you, Mr. Kreitman. Are there any questions from committee members? Seeing none, thank you for being here today.

DAN KREITMAN: Thank you.

BOSTELMAN: Is there anyone else who would like to testify as a proponent to a confirmation-- reappointment here for Mr. Brandt? Any other proponents? Seeing none, anyone wish to testify in opposition? Seeing none, anyone like to testify in a neutral capacity? Seeing none, this will close the hearing on the reappointment of Mr. Henry R. Brandt to the Nebraska Game and Parks Commission. Thank you for being here today. Next, we'll have the opening for LB606.

BEAU BALLARD: Good morning, Chairman Bostelman and members of the Natural Resources Committee. My name is Beau Ballard; that's spelled B-e-a-u B-a-l-l-a-r-d, and I'm the research analyst for Speaker Mike Hilgers. I'll be brief. I'm here to open on LB606. This is just a Revisor bill that's intended to clean up some language in the definition of wattage. So with that, I'll close and I'll waive closing, as well.

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BOSTELMAN: Thank you. Are there any proponents for LB606? Are there any oh-- seeing none, are there any opponents for LB606? And is there anyone who would like to testify in the neutral capacity for LB606? Seeing none, that will close the hearing on LB606. The next bill that we will hear will be LB617. Good morning.

JENI BOHLMeyer: Good morning. Good morning, Chairman Bostelman and members of the Natural Resources Committee. For the record, my name is Jeni Bohlmeier, J-e-n-i B-o-h-l-m-e-y-e-r, and I am Senator Dan Hughes's legislative aide. I'm here today on his behalf to introduce LB617. This is a bill-- it's a shell bill. It does nothing substantive and is meant to be a placeholder in case an issue comes up later in the session for which we need a vehicle to address something under the Natural Resources Committee's jur-- jurisdiction.

BOSTELMAN: Thank you.

JENI BOHLMeyer: Thank you.

BOSTELMAN: That's all? OK.

JENI BOHLMeyer: That's it.

BOSTELMAN: Is there anyone wishing to testify as a proponent for LB617? Seeing none, anyone testifying in opposition to LB617? Seeing none, anyone in the neutral capacity? Seeing none, that will close the hearing on LB617. So we will-- we will now open a hearing on LB-- oh, we do need to remove the cart-- LB618. You are welcome to open.

JENI BOHLMeyer: Good morning, Chairman Bostelman and members of the Natural Resources Committee. My name is Jeni Bohlmeier, J-e-n-i B-o-h-l-m-e-y-e-r, and I'm Senator Dan Hughes's legislative aide. I'm here today on his behalf to introduce LB618. This bill is a shell bill. It does nothing substantive and is meant to be a placeholder in case an issue comes up later in the session for which we need a vehicle to address something on the Natural Resources Committee's jurisdiction. Thank you.

BOSTELMAN: OK. Thank you. Anyone like to testify as a proponent for LB618? Seeing none, in opposition to LB618? Seeing none, anyone testifying in a neutral capacity on LB618? Seeing none, this will close the hearing on LB618. We will have an Exec session briefly.