

RE: SB09-235

I don't want to take your time cataloguing all the deficiencies I see in the Habitat Stamp program and the re-authorization bill. Rather, I would offer, from my own experience, some examples of how the Habitat Stamp concept can be improved that are not yet on the table.

At the Feb 27 Sportsman's Caucus, Sen Tochtrop characterized Nebraska, in discussion of the Habitat Stamp issue, as a "rural" state. That was not meant in disrespect, and does not mean, as many of you will appreciate, that being "rural" is being incapable of occasional insight and enlightenment. I offer Nebraska's approach to habitat issues here being raised as an example of a more reasonable, fairer, and more enlightened vision than what has been presented in this State. If you purchase a fishing license in Nebraska, you also purchase an aquatic habitat stamp dedicated to funding aquatic habitat protection and improvement and access. Similarly with a hunting permit- the accompanying stamp is for the protection and improvement of general habitat and access: same with a waterfowl stamp. ~~Nebraska's walk-in program (CRP-MAP) for hunting does not require a separate fee.~~ This past season, for little more than \$200 in license fees, as a non-resident of Nebraska, I was able to hunt migratory birds and waterfowl, upland birds, and harvest 4 deer. I didn't have to pay an extra fee to hunt for what Colorado limits to two prairie chickens; I didn't have to pay an additional fee for the walk-in access program- Nebraska's CRP-MAP walk-in program does not require an additional fee. If I could have taken 4 deer in Colorado, my license costs as a resident for the same activities would have been roughly the same (about \$210 vs about 197). With Nebraska's well-designed and implemented access program, more generous bag limits, greater chance of harvest success, the simplicity of licensing making that less of a hassle, an outstanding conservation and hunting ethic, and the distance to travel being not much greater or even less than pursuing the same course in Colorado means that Colorado has lost my business to a better value.

I have found this approach to be a better model than what we have been operating under and what is proposed under this bill. That being said, I see no reason why, with direction from the Legislature and more universal collaborative outreach, an improved, fair and comprehensive Habitat Stamp program can be developed. There is still time.

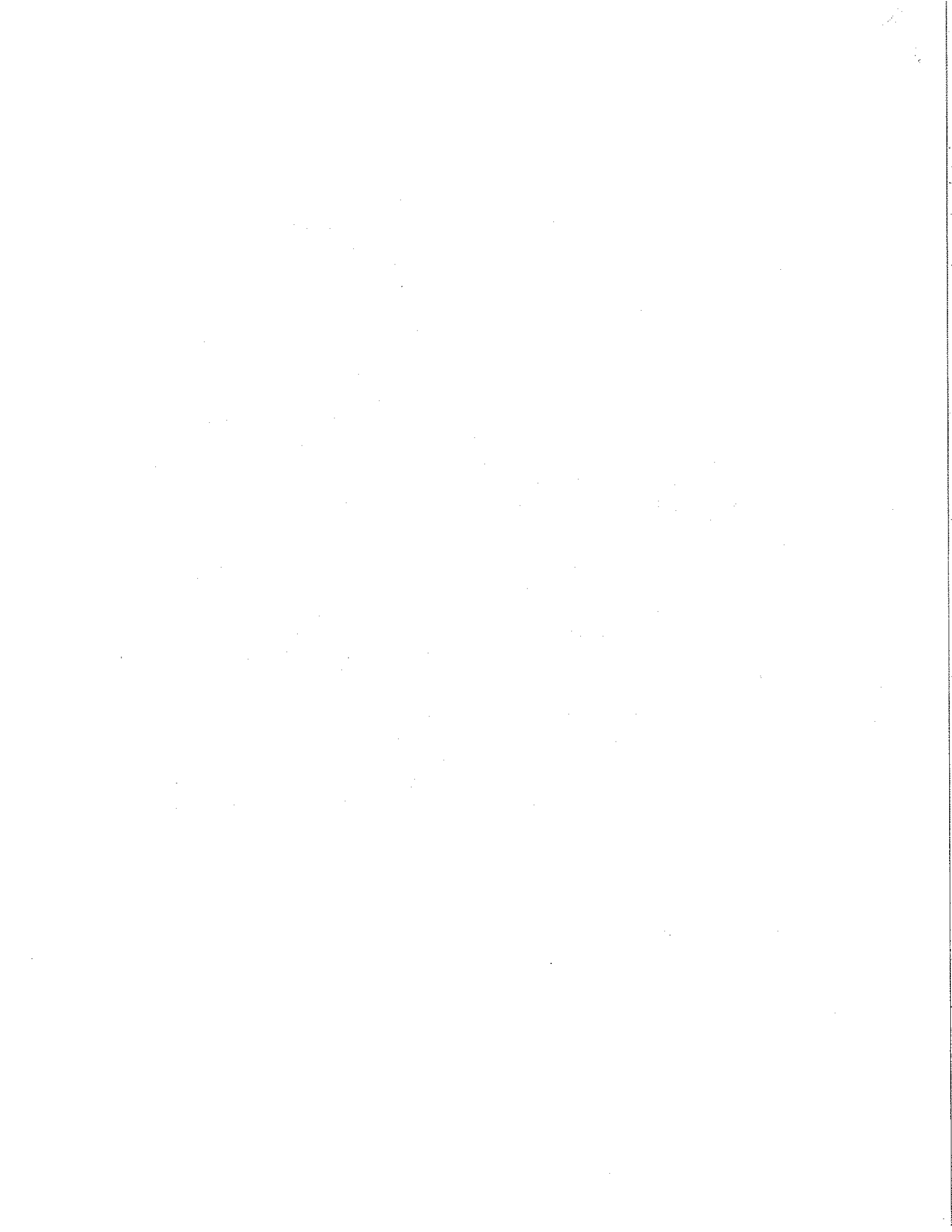
As part of its 20 Year Plan for Hunter Angler Recruitment, Development and Retention, Nebraska has this year instituted the Open Fields and Waters program as a pilot program to address many of the concerns you have heard expressed over the years about opportunity, recruitment and effectiveness. The program's intent is to seek recreational opportunity, both hunting and fishing through payment as is done in many federal and other State's programs (CRP, North Dakota's PLOTS program [the acronym is for Private Land Open To Sportsmen], Montana's Block Access Program, and many more). Importantly, in Nebraska's Open Fields and Waters program, the priority for enrollment is for opportunities within reasonable distance of a population center, closer being of higher priority. The access must also be unrestricted as to numbers.

Nebraska's recognition of the necessity for urban emphasis is especially interesting in light of two recent events. At the Anglers Roundtable in Denver two months ago, the DOW aquatic manager said, in response to a question I asked about the seeming disappearance of the DOW Urban Access program (of which I was a vocal supporter), that the DOW considered all urban access opportunities to be exhausted. At the Feb Sportsman's Caucus, Steve Lebsock, who happens to be the Mayor Pro Tem of Thornton but was attending a private citizen, expressed his concern that opportunities he saw for development in his community be considered for contributing funding from the Habitat Stamp. I think that argues that opportunities still exist, and that the DOW has been deficient in its outreach to promote what should be a priority both by previous programs and by the Habitat Stamp. I think Steve's concern was that local government eligibility for program funding be made clear, and I hope he would argue, prioritized. I would ask that you add language to that effect.

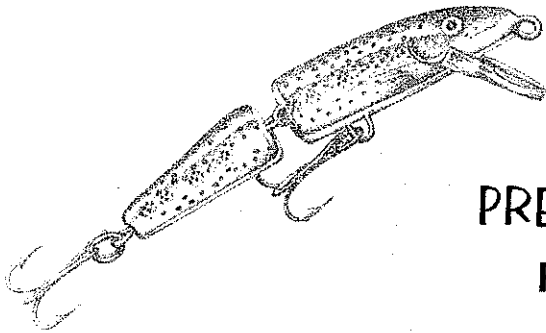
In the same direction, I would like to see existing or otherwise acquired DOW property eligible for habitat management and improvement funding under this program. The DOW has long been criticized for its property maintenance and condition. We cannot even get a statement from the Agency about its plans and backlog of work on those properties. Language in a reauthorization to that effect would hopefully encourage activity in that area. I think its important to add language for these points guided by the maxim to "get it in writing" or you may not get it at all.

On an economic impact note, the anticipated doubling of revenue under the proposed restructuring is indeed a fee increase as it is a required part of licensing. Some here may recall that during the last license fee increase process DOW Director McClosky assured this body and constituency that the DOW would not soon be coming to the table with another request. I guess "soon" is a matter of perspective. This fee increase will most heavily and broadly fall on fisherman, who by number of different individuals constitute the largest source of stamp sales. Is that prudent or justifiable in this economic climate? We have gone far beyond the point where sportsmen can and will continue to support wildlife management, habitat conservation and enhancement, species conservation, and broad-based involvement in recreation participation that our society demands and expects. The argument is not Habitat YES or Habitat NO, but how can we best and most effectively meet those demands and expectations, and should we settle for less. I think, so far, we're settling for less.

Ed Robinson
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Lakewood, CO 80215

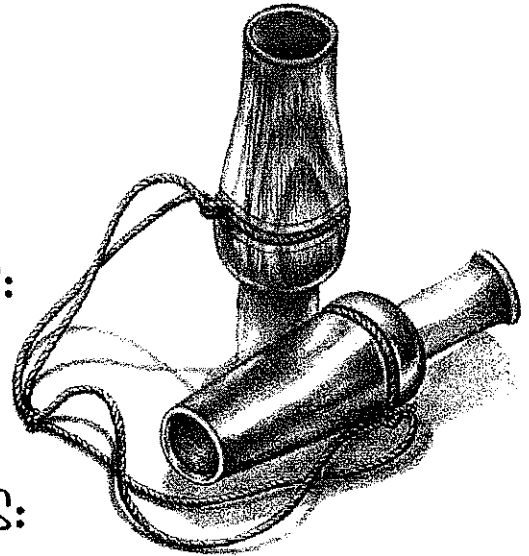


A 20-year Plan for Hunter/Angler Recruitment, Development and Retention in Nebraska



PREPARED FOR:

Rex Amack
Director



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"Conserving an Outdoor Heritage"



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Alicia Hardin – Assistant Division Administrator, Wildlife
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Tony Korth – Aquarium Director, Fisheries
Rich Walters – Biologist, Wildlife
Keith Koupal – Biologist, Fisheries
Wes Sheets – Retired Assistant Director,
NASP Coordinator

Action Plan Team Leaders

Goal 1: Recruitment of Youth Hunters – Objective 1
Kit Hams and Rich Walters
Goal 1: Recruitment of Youth Anglers – Objective 2
Andrea Cade
Goal 2: Recruitment of New Adult Hunters – Objective 1
Clayton Stalling and Laurel Badura
Goal 2: Recruitment of New Adult Anglers – Objective 2
Larry Pape

Goal 3: Recruitment of Lapsed Hunters – Objective 1
Chad Taylor and Tom Welstead

Goal 3: Recruitment of Lapsed Anglers – Objective 2
Rick Eades

Goal 4: Development and Retention of Existing
Hunters – Objective 1
Bob Meduna and Dustin Darveau

Goal 4: Development and Retention of Existing
Anglers – Objective 2
Daryl Bauer

Goal 5: Maintain Support of Hunting/Fishing by All
Citizenry of Nebraska – Objective 1
Jeanine Lackey and Emily Munter

Goal 5: Maintain Support of Hunting/Fishing by All
Citizenry of Nebraska – Objective 2
Don Gabelhouse

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Jim Swenson, Jeff Fields and Neal Bedlan

Tier I Rating Team

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Rick Eades – Fisheries Specialist, Fisheries
Alicia Hardin – Assistant Division Administrator, Wildlife
Andrea Cade – Outdoor Education Specialist, Fisheries
Jeanine Lackey – Outdoor Education Specialist,
Wildlife
Aaron Hershberger – Outdoor Education Specialist,
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Jeff Fields – Ponca State Park Superintendent
Jim Swenson – Regional Manager, Parks

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Sam Sidner – Assistant Director
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Ted Blume – Division Administrator, Law Enforcement
Patrick Cole – Division Administrator, Budget and Fiscal
Doug Bauch – Division Administrator,
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Dennis Conger – National Wild Turkey Federation
Brandon Houck – National Wild Turkey Federation
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Ev Tarrell – Cabela's
Rick Brandt – Rocky Mountain Elk Foundation
Julie Bomgartner – Big Mac Fly Fishers
Bob Barker – UNL Cooperative Extension
Steve Westphal – Nebraska Chapter, Trout Unlimited

Lee Koch – Cornhusker Fly Fishers
Paul Floersch – Ducks Unlimited
Pat Baughman – Ducks Unlimited (Western Regional Director)
Steve Wilson – Ducks Unlimited (Eastern Regional Director)
Brad Mellema – Audobon's Rowe Sanctuary
Alan Kuzma – Whitetails Unlimited
Anne James – Nebraska Alliance for Conservation and Environmental Education, Wildcat Hills Nature Center

RESOLUTION

WHEREAS, hunting and fishing are important components of Nebraska's rich outdoor heritage, and

WHEREAS, hunting and fishing promote strong family values and contribute to the state's economic prosperity, and

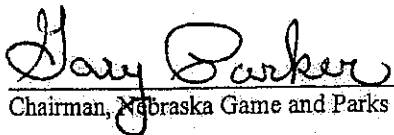
WHEREAS, hunters and anglers support and provide the primary source of funding for fish and wildlife conservation in Nebraska, and

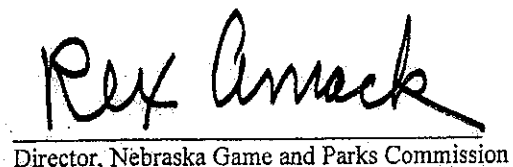
WHEREAS, recruitment, development, and retention of educated, safe, and ethical hunters and anglers is crucial to the mission of the Nebraska Game and Parks Commission, and

WHEREAS, hunter and angler numbers have declined in Nebraska over the last 20 years;

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Nebraska Game and Parks Commission directs agency staff to take an active role in hunter and angler recruitment, development, and retention efforts;

BE IT FURTHER RESOLVED that, the Board of Commissioners of the Nebraska Game and Parks Commission, at their January 25, 2007 meeting in Lincoln, Nebraska directs agency staff to develop a 20-year plan for hunter and angler recruitment, development, and retention that includes new and/or enhanced efforts to reverse current declining trends in hunter and angler participation and supports staff efforts to accomplish this task.


Chairman, Nebraska Game and Parks Commission


Director, Nebraska Game and Parks Commission

Introduction

Hunting and fishing are important parts of Nebraska's rich heritage. These time-honored outdoor pursuits are important to overall lifestyle, well-being and natural resources of the citizens of Nebraska. The North American Model for Conservation was based primarily on the activism from our nation's hunters and anglers. Their role helped develop and instill the seven basic premises of the model: Wildlife is to be held in public trust, there should be an elimination of market hunting, wildlife should be allocated by law, there should be hunting/angling opportunities for all citizens, wildlife should only be killed for legitimate reasons, wildlife should be considered an international resource, and science should be the basis for wildlife policy. This model of conservation has been holding strong for over 150 years in this country, and although other groups have taken an active interest in conservation, it has primarily been our hunters and anglers that have taken the greatest activist and financial role in continuance of this conservation effort (RMEF 2006). In 1937, the Pittman-Robertson Act and in 1950 the Dingell-Johnson Act established a secure and highly supportive source of funding for fish and wildlife management, greatly enhancing the North American Conservation Model's ability to sustain nationwide conservation efforts.

Along with hunters and anglers paying for conservation via permits and excise taxes, they contributed \$75 billion to the economy nationwide in 2006 (USFWS 2007). In Nebraska, Fishing and Hunting impacted the economy with nearly \$376 million in 2006 (USFWS 2007). Unfortunately, this tidal wave of funding and economic impact will not continue unless we maintain one of our most important stakeholders, our hunters and anglers.

Total numbers of hunters and anglers per state have been recorded by the United States Fish and Wildlife Service for many years, in part, to help in the distribution of federal excise taxes between states. These numbers have fluctuated throughout the years, with record highs in the 1960s, and lows in the mid 1980s. In the past ten years (1997-2007) there has been a loss of 18,579 hunters and 36,272 anglers (USFWS Online Federal License Certification). Although the west-north central region has not seen as great a decline in hunters as other regions, it is still alarming the rate at which our hunters and anglers are leaving the sport.

In an effort to get a better idea of who Nebraska hunters and anglers were, data analysis of four years (2002-2005) of permit information was completed for both hunting and fishing (DJ Case 2007, Southwick 2006). Along with basic demographic information, "Tapestry" software was used to identify the Lifemodes and Segments of our hunters and anglers. Tapestry software uses a combination of geographic information software and Census Bureau Information to find common attributes of neighborhoods. This information can then be used to target certain segments more effectively, whether by a specific media type or having general understanding a neighbor-

hoods socio-demographics. The top lifemode group of Nebraska anglers and hunters was called "Factories and Farms" a group that is described as: "Small towns often in America's breadbasket states, lower income, married, employed in agriculture and manufacturing."

The top segment of Nebraska anglers and hunters is "Prairie Living" described as: "Midwest small farms mostly, average age 40, married, half have kids, typical income, pets, country music, hunts and fishes." The segment with the greatest opportunity to increase hunting and fishing participation is "Prairie Living" (described above), and "Green Acres" described as: "Married with kids, blue collar baby boomers with college education, above average income, suburban fringe, do-it-yourselfers, outdoor types." This information should help our agency to focus on the correct group of people in the most efficient manner.

The many reasons why people do or do not hunt and/or fish are referred to as motivations or constraints. Current literature cites that hunters are motivated to participate in the sport because they enjoyed that type of recreation, like the meat they harvested, enjoyed being in nature, have an investment in the sport, and like being with friends and family (Duda et al. 1995), and further, they are more likely to continue if they gain multiple satisfactions from hunting (Hendee 1974). Constraints to hunting can be seen at the individual and/or macro levels. Macro level constraints include distance from good hunting or fishing locations, public access for the type of hunting or fishing pursued and urbanization. At the individual level, constraints include lack of social support, having time to hunt or fish, poor health, and financial situations (Duda et al. 1995, Enck et al. 2000). More in depth information has been provided within the various goals in the "Issues" section of the plan.

Along with the more traditional reasons to hunt and fish, there is a worldwide movement that emphasizes the mental and physical benefits to being in the outdoors (Louv 2005). There has been a link to stress reduction after being in a natural environment (Wells and Evans 2003). Dr. Paul Quinnett preaches that the act of fishing is something that helps to instill and maintain hope and relieve stress, which leads to a lower incident of suicide by participants (Quinnett 1994). Still other studies promote unstructured "play" in the outdoors for children as a way to battle obesity, Attention Deficit Disorder, and depression (Taylor et al 2001). Studies also show that outdoor "play" adds to cognitive and intellectual abilities (Wells 2000). While outdoor activities such as soccer and golf are positive, activities such as hunting, fishing, and camping, promote stronger relationships to adult environment attitudes (Wells, N.M. and K.S. Lekies, 2006). These studies all point to the greater benefits of hunting and fishing. Although these studies may not directly affect the constraints cited for hunting and fishing, they may be used to educate and encourage participation as the best use of free time and/or time spent as a family.

Other Points to Consider

- The length of the contracts for the first year will be either for one or two years. New contracts in 2010 will be for one year.
- Any contract that exceeds \$5,000 must be approved by the Commission's Administration Division.
- The contract period will run from September 1 through August 31 annually.
- The enrolled land is open for hunting and/or fishing during all legal hunting seasons. Activities are limited to those that are allowed under the contract and, unless specified in the contract, are the same as those of the Conservation Reserve Program-Management Access Program (CRP-MAP).
- The number of hunters or anglers accessing the enrolled land will not be limited.
- Commission staff will determine the payment rate to be applied to enrolled land on a case-by-case basis.

How Does This Program Differ from CRP-MAP?

The Open Fields and Waters Program will expand habitat types beyond those enrolled in the current Conservation Reserve Program-Management Access Program (CRP-MAP). It also will expand opportunities for different kinds of hunting and fishing on enrolled lands and the quality of those opportunities. For hunting, this program is focused on sites that must have a core of high-quality woodland or quality wetland hunting habitat, which will complement the grassland/upland game focus of existing CRP-MAP. Land cannot be enrolled in both CRP-MAP and the Open Fields and Waters programs at the same time.

Under federal and/or state law, discrimination is prohibited on the basis of race, color, religion, age, gender, marital status, national origin, disability or political affiliation. If you think you have been discriminated against in any program, activity or facility or want more information, contact the Affirmative Action Officer, Nebraska Game and Parks Commission, Lincoln, NE, 402-471-0641; the Equal Opportunity Coordinator, Lincoln, NE, 402-471-2024, TTY / TDD 402-471-4693. USFWS, Division of Bird Habitat and Conservation, Civil Rights Coordinator, 4401 North Fairfax Drive, MBSP 4020, Arlington, Virginia 22203.

Nebraska's Open Fields and Waters Program

Open Fields and Waters Program

The Open Fields and Waters Program is a statewide, two-year pilot program of the Nebraska Game and Parks Commission. Its focus is to expand hunter and angler access to private lands. At the end of the two-year cycle, the program will be evaluated as to whether it should be continued and how it might be improved.

Purpose of the Program

The program – designed to begin providing access in the fall of 2009 – was created as a component of the Commission's Recruitment, Development and Retention (RDR) plan, which seeks to increase the participation of hunters and anglers in Nebraska. The number of hunters and anglers in Nebraska has been in decline for years. The RDR plan is an effort to ensure that the state's rich outdoor heritage is passed on to future generations. The motivation for the Open Fields and Waters Program is to attract new or inactive hunters and anglers, especially into activities with expanding opportunities, such as deer and spring turkey hunting.

Benefits to Landowners

- Receive payments on a per-acre basis for land or water enrolled.
- Protection under the Nebraska Recreation Liability Act for allowing access.
- Hunters and anglers would be provided walk-in access. No vehicles are allowed, except on trails specified by the landowner.
- Help ensure Nebraska's rich outdoor heritage by allowing expanded hunting and fishing opportunities.
- Play a role in conservation by providing a means to control problematic wildlife populations.
- Signs will be posted on enrolled lands by Commission staff.
- All enrolled lands will be published in an atlas.
- Encourage hunting and fishing, which will lead to increased conservation funding and actions.



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How the Program Works

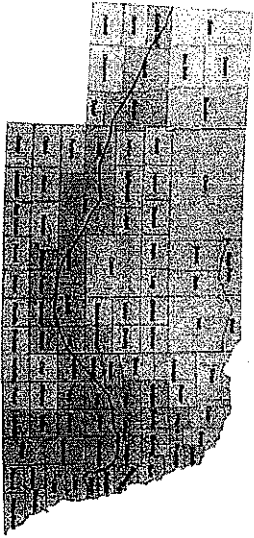
- Two rate zones have been created:
- Population/Platte Rate
- Standard Rate

The Commission will pay more and expand staff emphasis to attempt to enroll sites closer to population centers and the Platte River.

The program makes the following assumptions:

- Not all access is of equal quality and value.
- Better habitat will provide for more diverse and higher quality hunting experiences.
- This is reflected by providing higher payment rates to landowners who enroll higher quality wildlife habitat into the program where more people live.

Open Fields and Waters Rate Zones



Habitat That May Be Enrolled

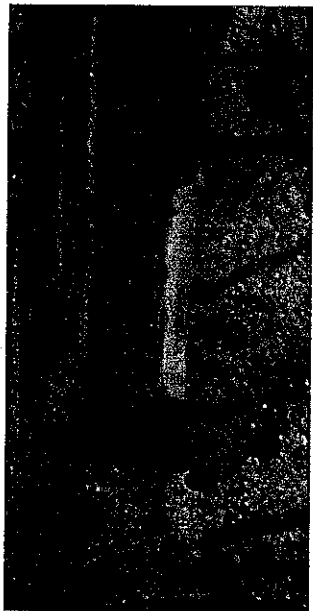
Woodland habitats are expected to provide quality opportunities for harvest of increasing deer and turkey populations. The program recognizes that many landowners might not enroll their land if they have to give up the nine-day firearm deer hunting season. Landowners still can enroll acres for a reduced payment if they restrict access during the firearm deer hunting season. This type of arrangement still will provide important opportunities for archery and muzzleloader deer hunting, as well as turkey and small game hunting. The program also provides for the enrollment of lakes, ponds, rivers, and streams to create expanded opportunities for anglers.

Liability

Landowners who enroll in Open Fields and Waters Program are afforded protection from liability through the Nebraska Recreation Liability Act. Nebraska Recreation Liability Act (Nebraska Statutes 37-729 to 37-736) states that landowners or tenants do not assume responsibility or incur liability for injury to any persons who enter land opened to public hunting and fishing under agreement with the state.

Land Requirements for Enrollment?

A base of 10 acres of mature deciduous woodland, 10 acres of huntable wetland, or 40 acres of coniferous woodland is required.



Hunting Access Rate Data Table

Enrollment Zones	High Rate Woodland or Wetland*	Low Rate Woodland or High Rate Grassland	Low Rate Grassland, Wetland or Cropland**
Target Area*** All Seasons	\$12/acre	\$3	\$1
Target Area*** w/o Rifle Deer	\$9/acre	\$2.25	\$0.75
Standard All Seasons	\$6/acre	\$1.50	\$0.50
Standard w/o Rifle Deer	\$4.50/acre	\$1.00	\$0.25

* A base of 10 acres of mature deciduous woodland, 10 acres of huntable wetland, or 40 acres of coniferous woodland is required.

** This portion is limited to 25 percent of the total contract payment.

*** The Target Area is the Population/Platte River Zone, which represents 89 percent of Nebraska's human population.

Fishing Access Rate

Ponds and Lakes

Lake/Pond Fishing Rate: \$250 base for first surface acre and \$40/acre for each additional acre.

Streams and Rivers

Cold Water Streams (with trout fishing opportunities): \$750 per mile if both sides of stream are enrolled, \$375 per mile if only one side of stream is enrolled.

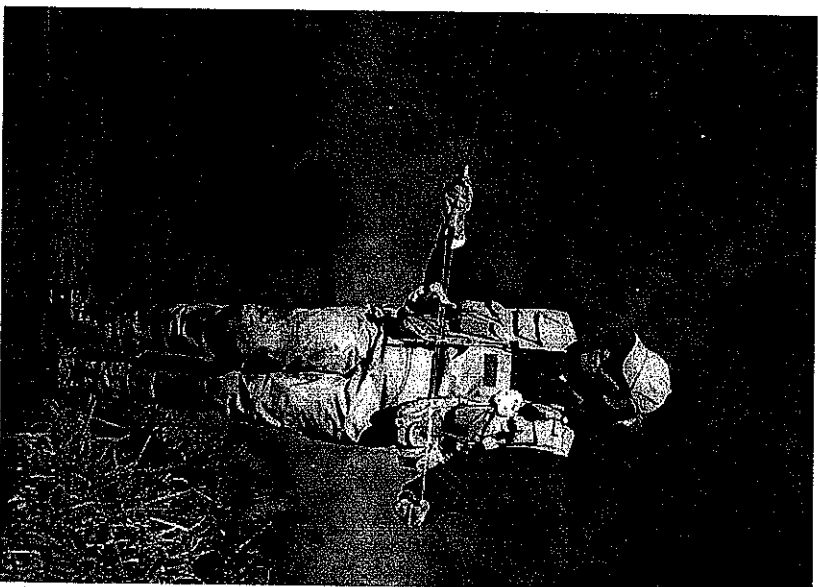
Warm Water Streams/Rivers (typical river fish species): \$500 per mile if both sides of stream/river are enrolled, \$250 per mile if only one side of stream/river is enrolled.

How to Enroll Land

- The Commission is enrolling private lands in this program to provide access beginning in September 2009.
- In order to identify new access lands in an atlas, contracts need to be signed by June.
- Contracts for the new program will be offered to landowners until available funds are obligated.
- Interested landowners should contact the nearest district Commission office.

Nebraska Game and Parks Commission District Offices

District I – Alliance (308) 763-2940
 District II – Bassett (402) 684-2921
 District III – Norfolk (402) 370-3374
 District IV – North Platte (308) 535-8025
 District V – Lincoln (402) 471-5597
 District VI – Kearney (308) 865-5310



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Jet set drubbed in club default

LUXURY VACATIONS

Those using the proceeds from tax breaks to pay for their memberships lose big.

By David Migoya *The Denver Post*

Affluent and well-known businessmen — former Denver Broncos linebacker Bill Romanowski among them — who relied on conservation-easement tax breaks to fund memberships in a high-end vacation club are seeing their investments disintegrate as

the club declared bankruptcy.

High Country Club LLC, a Denver-based luxury-destination vacation group, filed for bankruptcy liquidation in late January, citing debts of more than \$25 million despite million-dollar properties in exotic locales such as Kiheti and Waikoloa, Hawaii, along Broadway in New York City, and in Colorado's toniest ski resorts.

Creditors who met Friday with club owner and founder Christian Kirschner learned they were unlikely to recoup much of their investment and that 19 vacation-club properties would be sold at auction.

The bankruptcy, filed in Denver on Jan. 27, shows that the club lost about \$12 million

in the past two years — nearly \$7 million of it in 2008 — as destination vacation clubs worldwide took a beating while the economy faltered. Several have filed bankruptcy.

Among the list of more than 350 club members who are now creditors is Denver tax attorney Rodney Atherton, who engineered the complex land deals that turned high profits for investors by using the state's generous conservation-easement laws. The easement profits from Bluffs Destination Resorts II paid investors' \$20,000 membership fees into High Country Club, Atherton confirmed Friday.

"That investment has certainly gone south," Atherton said.

Other club members include Ellis Rowe,

owner of Rowe Colorado Holdings LLC and a division president of candy-bar giant Mars Inc.; Nicolae Toderica, president of Star Precision, a sheet-metal manufacturer in Longmont; and Brandt Rudzinski, the owner of High Times LLC and an owner of Blazer Structures, an Aurora waterproofing company.

They bought ranch land owned by an unrelated hunting club, protected it from developers via the easements controlled by Noah Land Conservation, then used the tax-break proceeds to pay for membership in the vacation club.

David Migoya: 303-954-1506 or dmigoya@denverpost.com

Bill Romanowski is among the affected High Country Club members who filed for bankruptcy.



