FILED
MAY 17 2017
BB.

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, a public hearing, conducted by the Nebraska Game and Parks Commission, will be held Thursday, June 22, 2017, at the Dome Rock Room at the Gering Civic Center, 1050 M Street, Gering, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. 37-314, 37-315, 37-502, 37-701, a public hearing will be held at 8:30 a.m., to consider the implementation of statutory authority for the Commission to create new Commission Order C05, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels that will contain open seasons, daily bag limits, possession limits, shooting hours and open areas.

Pursuant to the provisions of Neb. Rev. Stat. 37-314, 37-315, 37-502, 37-701, a public hearing will be held at 8:45 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 005, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit, and Squirrels, regarding the deletion of open seasons, daily bag limits, possession limits, shooting hours and open areas which are included in Commission Order C05. Section 005 will contain Special Permit Eligibility, Application Period and Procedure, and Tagging instructions for Grouse; Youth Eligibility for hunting pheasant, quail, and partridge; definitions for "Running" for cottontail rabbits and furbearers; and statutory authority for harvesting furbearers.

Pursuant to the provisions of Neb. Rev. Stat. 37-301, 37-303 through 37-310, 37-312 through 37-314, 37-317, 37-308.01, 37-336, 37-447, 37-701, 37-704 through 37-709, 37-330, 60-677, 60-678, 60-680, a public hearing will be held at 9:00 a.m., to consider amendments to Chapter 4, Section 019, Area Specific Regulations, regarding the creation of new regulations for Killdeer Wildlife Management Area and Bordeaux Creek Wildlife Management Area to the Section.

Copies of the proposed regulations and fiscal impact statements shall be available for public inspection at the Game and Parks Commission office and the Office of the Secretary of State.

James Douglas, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Sandra Paice
Chapter: 4	Date prepared: May 17, 2017
Subject: Section 019, Area-Specific Regulations	Telephone: 402/471-5432

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & Description of Impact:

State Agency: $0

Political Subdivision: $0

Regulated Public: $0

If indeterminable, explain why:

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 4 REGULATIONS Wildlife – Area-Specific Regulations

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Alicia Hardin, Wildlife Division Administrator

The Nebraska Game and Parks Commission is amending the above-referenced regulations as provided by law, and hereby submits this explanatory statement to accompany the regulation and describe their purposes and the changes made during the rulemaking process.

I. Summary: Changes made to existing regulations.

II. Overview of Purposes and Changes Made

Section 019. Last approved date was changed. New Part 019.17J, creates new area regulations for the Killdeer Wildlife Management Areas (WMA). New Sub-section 019.19 creates new regulations for the Bordeaux Creek Wildlife Management Area.

In Appendix A, the following areas, counties, sections, townships and ranges were added as areas that are owned, leased or managed by the Nebraska Game and Parks Commission: Bordeaux Creek WMA. Section 019 ends on page 4-019-15.

The change will improve the Commission's ability to manage Wildlife Management Areas by providing clear regulations for Killdeer WMA and Bordeaux Creek WMA.

The proposed regulation is consistent with the legislative intent established by Section 84-907.09. The proposed regulation is not the result of any state or federal mandate, rendering a state or federal funding mechanism not applicable. The Commission will solicit public comment prior to the date of the public hearing. The Commission did not use the Negotiated Rule-Making Act in developing the proposed regulation.

Changes in Text Between Notice and Adoption:

DATED the 17th day of May, 2017.

NEBRASKA GAME AND PARKS COMMISSION

Alicia Hardin
Wildlife Division Administrator

I hereby adopt this explanation statement as the statement of the Nebraska Game and Parks Commission concerning the purposes of this rule-making action and of the changes made during the process.

DATED the 17th day of May, 2017.

NEBRASKA GAME AND PARKS COMMISSION

James N Douglas
Director

NOTICE OF RULEMAKING
COMMENT PERIOD

NOTICE is hereby given that the Nebraska Game and Parks Commission is accepting written comments on working drafts of proposed amendments, Title 163, Nebraska Administrative Code Chapter 4, entitled REGULATIONS Wildlife, Section 019 – Area Specific Regulations, regarding the creation of new regulations for Killdeer and Bordeaux Creek Wildlife Management Areas to the Section, prior to the public hearing process.

All interested persons are invited to obtain draft copies of the proposed regulations from and submit their written comments to Sandra Paice, Division of Administration, Nebraska Game and Parks Commission, 2200 North 33rd, P.O. Box 30370, Lincoln, NE 68503, or FAX 402/471-5528. The comment period will close on June 22, 2017.

If auxiliary aids or reasonable accommodations are needed to review the drafts or participate in this process, please call the above-named person at (402) 471-5432 or, for persons with hearing impairments, (402) TDD or Nebraska Relay System, (800) 833-7352 TDD by no later than June 15, 2017.

REGULATIONS DOCKET
Check List

AGENCY: NEBRASKA GAME AND PARKS COMMISSION

AGENCY CONTACT: Sandra Paice, Division of Administration, NEBRASKA GAME AND PARKS COMMISSION, 2200 North 33rd, P.O. Box 30370, Lincoln, NE 68503

PROPOSED NEBRASKA ADMINISTRATIVE CODE CITATION: Title 163, Chapter 4, Section 019

PROPOSED NAME OR TOPIC AREA OF REGULATIONS: See "Abstract of Subject Matter" below

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-301, 37-303 through 37-310, 37-312 through 37-314, 37-317, 37-308.01, 37-336, 37-447, 37-701, 37-704 through 37-709, 37-330, 60-677, 60-678, 60-680

ABSTRACT OF SUBJECT MATTER: Wildlife – Area-Specific Regulations

Timetable/Status

Stage	Action	Proposed Date	Effective Date(s)
Pre-Rule	Drafting internal reviews		
	Advance notice comment period		
	Negotiated Rulemaking		
Proposed Rule	Notice of Rulemaking Hearing	5/17/17	
	Governor Waiver		
	Rulemaking Hearing	6/22/17	
	Post-hearing Analyses and Revisions		
Final Rule	Agency Reviews & Approval		
	Attorney General Submission		
	Attorney General Approval		
	Governor Submission		
	Governor Approval		
Completion	Filing Date		
	Indexing Date		
	Publication		
or Termination	Notice of Termination w/o Rulemaking		
Operative Date	*If later than effective date prescribed in 84-906 & 84-911		

UBMIT TO GOVERNOR BEFORE SUBMITTING TO EXECUTIVE BOARD AND BEFORE PUBLIC HEARING DATE IS SET

PROPOSED REGULATION
GPRO GOVERPAGE
(ATTACH TO PRE-REVIEW CHECKLIST)

Agency: Nebraska Game and Parks Commission
Title, Chapter of Rules submitted: Title 163, Chapter 4, Section 019
Subject: 019 Area-Specific Regulations
Prepared by: Sandra Paice
Telephone: 402-471-5432
Date submitted to Governor: May 17, 2017

Projected dates for public hearings June 22, 2017

Projected deadline for final approval September 22, 2017

_____ A copy of the section of laws or federal regulations that triggered these changes is attached.

FOR GOVERNOR'S OFFICE RECORDS

Advisor Assigned:
Date approved to proceed:
Options for proceeding:

_____a) No further contact with GPRO is necessary until final rules have been approved by the Attorney General.

_____b) Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.

_____c) Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.

_____d) Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.

_____e) Specific policy comments per Governor's instructions is attached.

PROPOSED REGULATION
POLICY PRE-REVIEW CHECKLIST

Agency: Nebraska Game and Parks Commission
Title, Chapter of Regulation: Title 163, Chapter 4, Section 019
Subject: 019 Area Specific Regulations
Prepared by: Sandra Paice
Telephone: 402-471-5432

A. Policy Changes and Impacts

1. What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impact on state agencies, political subdivisions, and regulated persons or entities.

   Section 019 is updated by adding new regulations for Killdeer Wildlife Management Area outlining regulations for the site-in range and new regulations for Bordeaux Creek Wildlife Management Area, and adding Bordeaux Creek WMA closing a part of the area to centerfire rifles and handguns to the list in Appendix A as used in Section 019, pursuant to the Commission's authority to create rules and regulations as derived from authorizing statutes cited in the accompanying draft.

2. Describe changes being proposed to current policy and briefly provide rationale.

   Sections 019 contains area specific regulations relating to wildlife management areas. Part 019.17J is added for the Killdeer Wildlife Management Area and Sub-section 019.19 is added for the Bordeaux Creek Wildlife Management Area and associated regulations within the Section.

B. Why is the rule necessary? Explain and provide an identification of authorizing statute(s) or legislative bill(s).

1. Update of regulation (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.) - Yes
2. Annual changes -- cost of living, hunting season schedules, etc. - No
3. Law was changed -- federal or state [Cite authorizing statute(s) or legislative bill(s)] - No
4. Extension of established policy or program, new initiatives or changes in policy (within statutory authority) - No
5. Constituent initiated - No
6. Financial needs -- increases/decreases in fees - No
7. Litigation requires changes in rules - No
8. Addresses legal or constitutional concerns of Attorney General's office - No
9. Implements federal or court mandate - No
10. Other (explain) - None

C. What happens if these rules are not adopted?

Suggested changes to regulations on Killdeer and Bordeaux Creek Wildlife Management Areas would not occur limiting the Commission's ability to manage recreational opportunities and public safety on Wildlife Management Areas.

D. Policy Checklist

1. Is this an update or editorial change reflecting essentially no change in policy? Yes
2. Does the policy in the proposed regulation reflect legislative intent? Yes
3. Is the policy proposed in the regulation a state mandate on local government? Is it funded? No
4. Is the policy proposed in the regulation a federal mandate on local government? No Is it funded? No

E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:

1. Will the proposed regulation reduce, increase or have no change in resources -- funds, personnel or FTE? No change.

2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation? Yes.

3. Does the proposed regulation impact another agency? No.

4. Will the proposed regulation reduce, increase, or have no change on reporting requirements of businesses? No change

5. What is the agency's best estimate of the additional or reduced spending? If there is none, please note. If receipt of federal funds is contingent upon approval of the proposed regulation, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information. None

6. Include a description of the impact that the proposed regulation will have on the number of state employees and how the agency intends to address proposed increases or decreases in FTE. None

F. Unique problems or issues and recommendations.

None.

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts been made with organizations or citizens who may be affected by the regulation prior to the public hearing.

The Commission expects support of the majority of stakeholders for the proposed regulations. The Commission gave public notice soliciting public comment on the proposed change prior to the public hearing.

H. Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issues were addressed.

No.

Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulation's development, these questions have been accurately addressed.

Director's Signature

Date: May 17, 2017