LEGAL NOTICE

FILED
DEC 13 2017

In accordance with Neb. Rev. Stat. 84-907, a public hearing, conducted by the Nebraska Game and Parks Commission, will be held Friday, January 19, 2018, at the Eugene T. Mahoney State Park, located at 28500 West Park Highway, Ashland, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. 37-327, 37-405, 37-406, 37-407, 37-409, 37-413,37-415, 37-416, 37-420, 37-421, 37-421.01, 37-426, 37-427, 37-429, 37-431, 37-438, 37-440, 37-447, 37-449, 37-450, 37-451,37-455, 37-455.01, 37-457, 37-458, 37-462, 37-465, 37-473, 37-478,37-479, 37-483, 37-484, 37-491, 37-497, 37-4,104, 37-4,105, 37-4,106, 37-4,108, 37-4,111, 37-1212, 37-1214, 37-1217, 37-1227, a public hearing will be held at 8:30 a.m., to consider amendments to Chapter 1, Administration Regulations, Section 006, Rules relating to the establishes a less expensive option of the Statewide Buck Only deer permit that allows the taking of a mule deer that is only valid outside of the mule deer conservation area for both residents and nonresidents with restrictions.

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/Patrick Cole
Chapter: 1	Date prepared: December 13, 2017
Subject: Section 006, Rules relating to establishing fees for licenses and permits and deployed military permits	Telephone: 402/471-5432

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

Amend Chapter 1, Administration Regulations, Section 006, Rules relating to establishing fees for licenses and permits and deployed military permits, for the purpose of establishing a restricted area version of a Statewide Buck Only deer permit that allows the taking of a mule deer buck. The Statewide Buck Only permit that allows the taking of a mule deer may be up to five times the cost of a regular unit deer permit (37-447 (4)(b)). The resident version was set at that limit ($170) and the nonresident version ($795) was set just below that limit. Based on the biological need to control harvest within the agency's defined mule deer conservation area these types of permits need to be limited. A permit that has restricted hunting areas is not deemed to be as valuable as one that has no such limitations (the initial pricing structure). The proposed regulations would establish a 'restricted area version' at a price less than that currently established for these permits ($125 for a resident and $695 for a nonresident).

The accompanying regulations identify the proposed action for each permit affected. These new reduced fee permits will affect those individuals that desire the opportunity to hunt for mule deer buck but are willing to have some restrictions placed on the areas open for hunting.

The amount of revenue will be dependent upon actual permit sales. Since this is a new option, it is difficult to determine the actual impact, but presumably since these are less expensive we would anticipate a slight decrease in revenue as individuals may switch from the unrestricted

area permits to the newly added permits. Limits on available quota are also yet to be determined. The effective date for the change would be for 2018 permit sales.

Monies received will be deposited into the Game Cash Fund.

State Agency:

Rules and Regulations will be updated to reflect the applicable fee changes. The monies collected from these fees will be deposited in the Game Cash Fund. This change is anticipated to be revenue negative or neutral but is currently indeterminable.

Political Subdivision: None.

Regulated Public:

These new reduced fee permits will affect those individuals that desire the opportunity to hunt for mule deer buck but are willing to have some restrictions placed on the areas open for hunting. The restricted version for residents will be $45.00 less than the unrestricted existing permit and the nonresident savings will be $100.00.

If indeterminable, explain why:

The amount of revenue will be dependent upon actual permit sales. Since this is a new option, it is difficult to determine the actual impact, but presumably since these are less expensive we would anticipate a slight decrease in revenue as individuals may switch from the unrestricted area permits to these. Limits on available quota are also yet to be determined.

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 1 REGULATIONS Administration – Rules relating to establishing fees for licenses and permits and deployed military permits

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Patrick Cole, Budget and Fiscal 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 006. Last approved date changed. In the statutory paragraph, the permit year is changed from 2017 to 2018. Sub-section 006.01, establishes prices for two new variations of the Statewide Buck Only deer permits that allow any deer in both resident and nonresident form with restrictions.

The proposed changes are authorized under 37-447. The Commission will make the following information available for public review at the January 19, 2018 Commission Meeting:

A) Commission policy on the minimum cash fund balance:

The agency has approached managing the cash fund balances (Game Cash Fund, Habitat and Aquatic Habitat Cash Funds as well as the Park Cash Fund) in a prudent and fiscally responsible fashion. The agency will continue to manage the resources in the most efficient manner possible given the available financial resources at its disposal. Due to the nature of, and reliance on, permit sales, especially big game (deer), the agency attempts to maintain an expendable balance of 25-50% of a year's operating budget.

Fund analyses presented in historic budget requests for the various cash funds have shown a desire to maintain a 25-50% reserve to ensure adequate response time to unexpected emergencies or revenue shortfalls. It should be noted that the Game Cash Fund, Habitat Cash Fund and Aquatic Habitat Cash Fund each have a portion of the balance related to the sale of lifetime permits or stamps. The principal of these amounts was to be maintained in perpetuity with only the interest amount expendable. Thus the reserve identified relates only to the 'expendable' portion of the fund (i.e. excludes the lifetime permit principle balances).

The major revenue sources for most of the agency's key cash funds (i.e. Game Cash Fund, Habitat Cash Fund, Aquatic Habitat Cash Fund and Park Cash Fund) include permit sales. Permit sales for hunting and fishing permits can be

affected by weather events and biological events that are outside the control of the agency and which can be unpredictable, swift and catastrophic. Park permit sales are also quite dependent upon the weather and with a significant investment in infrastructure; a single weather event could play havoc on a parks operation, perhaps shutting it completely down. Such an event would have a serious impact to the revenue stream.

The Commission has decided it is prudent to have a minimum of three months operating expenses in the bank to help keep or get the agency functioning in an unfortunate event. The EHD outbreak in deer in 2012 was one recent example where the agency had to reduce the number of deer permits issued and tapped into its fund balance. Big game permits, deer in particular, are the life blood of the Game Cash Fund.

B) The proposed change in fees is not expected to make an appreciable change in estimated income/expenditure and balance on a monthly basis with or without the proposed permit fees so no estimates are provided.

C) Reason for proposed fee change: The agency's authority to establish permit fees is set in statute. In some cases the actual fee is set in statute (e.g. stamp and park entry permits), while others (hunt/fish type) provide a fee "not to exceed", or "cap". The Statewide Buck Only permit that allows the taking of a mule deer may be up to five times the cost of a regular unit deer permit (37-447 (4)(b)). The resident version was set at that limit and the nonresident version was set just below that limit. Based on the biological need to control harvest within the agency's defined mule deer conservation area these types of permits need to be limited. A permit that has restricted hunting areas is not deemed to be as valuable as one that has no such limitations (the initial pricing structure). The proposed regulations would establish a 'restricted area version' at a price less than that currently established for these permits.

The change establishes two new variations of the Statewide Buck Only deer permits, as well as the price for these permits, that allow the take of any deer for both residents and nonresidents with restrictions.

The proposed regulation is consistent with the legislative intent established by Section 84-907.09. 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 13th day of December, 2017.

NEBRASKA GAME AND PARKS COMMISSION

Patrick Cole
Budget and Fiscal Division Administrator

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

DATED the 13th day of December, 2017.

NEBRASKA GAME AND PARKS COMMISSION

for James N. Douglas
Director

NEBRASKA GAME AND PARKS COMMISSION

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 1, entitled REGULATIONS, Administration, Section 006 –Rules relating to establishing fees for licenses and permits and deployed military permits, regarding the establishment of two new variations of the Statewide Buck Only deer permits, as well as the price for these permits, that allow the take of any deer for both residents and nonresidents with restrictions.

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 N. 33rd, P.O. Box 30370, Lincoln NE 68503, or FAX 402/471-4992. The comment period will close on January 19, 2018.

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 January 12, 2018.

REGULATIONS DOCKET
Check List

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

PROPOSED NEBRASKA ADMINISTRATIVE CODE CITATION: Title 163, Chapter 1, Section 006

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

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. " 37-327, 37-405, 37-406, 37-407, 37-409, 37-413,37-415, 37-416, 37-420, 37-421, 37-421.01, 37-426, 37-427, 37-429, 37-431, 37-438, 37-440, 37-447, 37-449, 37-450, 37-451,37-455, 37-455.01, 37-457, 37-458, 37-462, 37-465, 37-473, 37-478,37-479, 37-483, 37-484, 37-491, 37-497, 37-4,104, 37-4,105, 37-4,106, 37-4,108, 37-4,111, 37-1212, 37-1214, 37-1217, 37-1227

ABSTRACT OF SUBJECT MATTER: Administration – Rules relating to establishing fees for licenses and permits and deployed military permits

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	12/13/17	
	Governor Waiver		
	Rulemaking Hearing	1/19/18	
	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		