NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

~~Rules Related to Boundary of State Game Refuge – Garden County, Nebraska~~

~~Adopted xx/xx/xx~~

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TITLE 459 --- RULES RELATING TO BOUNDARIES OF STATE GAME REFUGES

CHAPTER 1 --- RULES RELATING TO BOUNDARY OF STATE GAME REFUGES ~~- - GARDEN COUNTY, NEBRASKA~~

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NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

Rules Related to Boundary of State Game Refuges
~~- Garden County, Nebraska~~

001 Banks of the River. For purposes of this Chapter, the definition~~banks of the river means the banks of the river which are the elevation of ground which confines the water at a level not exceeding flood stage~~ in *Neb. Rev. Stat.* § 37-706(3) shall apply, and is depicted by a line on maps produced by the Department of Natural Resources ("Department") using best available technical information, best available elevation information, and past and present observations of the river and adjacent lands.

002 Update of Boundary. The Department ~~shall~~ will update the boundary as required by *Neb. Rev. Stat.* § 37-707(d) ~~determination whenever it determines that there has been a substantial change in the location of the banks of the river used for locating such boundary. For purposes of this section, a~~. A substantial change in the location of the banks of the river will be deemed to have occurred if a horizontal movement of greater than fifteen (15) yards has occurred from the current river bank line, and such change in the river bank line has been maintained for a period of at least two (2) years. Any member of the public may ~~request the Department to review its boundary determination by submitting an~~ petition the Department to ~~requesting such~~ review the boundary. Every petition must ~~be accompanied by a~~ include the applicant's representation ~~made by the applicant~~ that the boundary has undergone a substantial change as defined by this section. ~~The Department may review its boundary determination on its own motion.~~ The Department shall not be required to update the boundary determination more often than once every five (5) years.

003 Boundary - Garden County, Nebraska. See *Neb. Rev. Stat.* § 37-706(1) ~~The boundary of the Garden County State Game Refuge is that line which is one hundred ten yards out from the banks of the stream as depicted on maps produced by the Department extending from the Garden County - Morrill County line downstream to the Garden County - Keith County line along both sides of the North Platte River, with all points of said line being perpendicular to the point on the bank of the North Platte River to which it corresponds.~~

~~This boundary establishes the outer edge of the Garden County State Game Refuge regardless of any private ownership of the lands within said boundary.~~

004 Boundary - Douglas-Saunders County Game Refuge. See *Neb. Rev. Stat.* § 37-706(2)(a).

005 Boundary - Niobrara River Game Refuge. See *Neb. Rev. Stat.* § 37-706(2)(b).

006 Boundary - North Platte River Game Refuge. See *Neb. Rev. Stat*. § 37-706(2)(c).

00~~4~~7 ~~Garden County~~ State Game Refuge Maps. The attached maps depict~~s~~ the boundar~~y~~ies of the ~~Garden County~~ State Game Refuges.

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~~CHAPTER 2~~

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~~Adopted 09/01/05~~

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~~Douglas-Saunders County Game Refuge~~

~~001 Banks of the River. For purposes of this Chapter, the banks of the river means the banks of the river which are the elevation of ground which confines the water at a level not exceeding flood stage, and is depicted by a line on maps produced by the Department of Natural Resources ("Department") using best available technical information, best available elevation information, and past and present observations of the river and adjacent lands.~~

~~002 Update of Boundary. The Department shall update the boundary determination whenever it determines that there has been a substantial change in the location of the banks of the river used for locating such boundary. For purposes of this section, a substantial change in the location of the banks of the river will be deemed to have occurred if a horizontal movement of greater than fifteen (15) yards has occurred from the current river bank line, and such change in the river bank line has been maintained for a period of at least two (2) years. Any member of the public may request the Department to review its boundary determination by submitting an petition requesting such review. Every petition must be accompanied by a representation made by the applicant that the boundary has undergone a substantial change as defined by this section. The Department may review its boundary determination on its own motion. The Department shall not be required to update the boundary determination more often than once every five (5) years.~~

~~003 Boundary - Douglas-Saunders County Game Refuge. The boundary of the Douglas-Saunders County Game Refuge is that line which is one hundred ten yards out from the banks of the stream as depicted on maps produced by the Department extending from the west line of Dodge County Saunders County east and south-east to the bridge across the Platte River, west of Venice, Nebraska, on U.S. Route No. 30A and State Route No. 92, along both sides of the Platte River, with all points of said line being perpendicular to the point on the bank of the Platte River to which it corresponds. This boundary establishes the outer edge of the Douglas-Saunders County Game Refuge regardless of any private ownership of the lands within said boundary.~~

~~004 Douglas-Saunders County Game Refuge Map. The attached map depicts the boundary of the Douglas-Saunders County Game Refuge.~~

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~~Adopted 09/01/05~~

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~~001 Banks of the River. For purposes of this Chapter, the banks of the river means the banks of the river which are the elevation of ground which confines the water at a level not exceeding flood stage, and is depicted by a line on maps produced by the Department of Natural Resources ("Department") using best available technical information, best available elevation information, and past and present observations of the river and adjacent lands.~~

~~002 Update of Boundary. The Department shall update the boundary determination whenever it determines that there has been a substantial change in the location of the banks of the river used for locating such boundary. For purposes of this section, a substantial change in the location of the banks of the river will be deemed to have occurred if a horizontal movement of greater than fifteen (15) yards has occurred from the current river bank line, and such change in the river bank line has been maintained for a period of at least two (2) years. Any member of the public may request the Department to review its boundary determination by submitting an petition requesting such review. Every petition must be accompanied by a representation made by the applicant that the boundary has undergone a substantial change as defined by this section. The Department may review its boundary determination on its own motion. The Department shall not be required to update the boundary determination more often than once every five (5) years.~~

~~003 Boundary - Niobrara River Game Refuge. The boundary of the Niobrara River Game Refuge is that line which is one hundred ten yards out from the banks of the stream as depicted on maps produced by the Department extending from the Boyd and Holt County line on the west, downstream to State Highway No. 11 on the east, along both sides of the Niobrara River, with all points of said line being perpendicular to the point on the bank of the Niobrara River to which it corresponds. This boundary establishes the outer edge of the Niobrara River Game Refuge regardless of any private ownership of the lands within said boundary.~~

~~004 Niobrara River Game Refuge Map. The attached map depicts the boundary of the Niobrara River Game Refuge.~~

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~~Adopted 09/01/05~~

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~~001 Banks of the River. For purposes of this Chapter, the banks of the river means the banks of the river which are the elevation of ground which confines the water at a level not exceeding flood stage, and is depicted by a line on maps produced by the Department of Natural Resources ("Department") using best available technical information, best available elevation information, and past and present observations of the river and adjacent lands.~~

~~002 Update of Boundary. The Department shall update the boundary determination whenever it determines that there has been a substantial change in the location of the banks of the river used for locating such boundary. For purposes of this section, a substantial change in the location of the banks of the river will be deemed to have occurred if a horizontal movement of greater than fifteen (15) yards has occurred from the current river bank line, and such change in the river bank line has been maintained for a period of at least two (2) years. Any member of the public may request the Department to review its boundary determination by submitting an petition requesting such review. Every petition must be accompanied by a representation made by the applicant that the boundary has undergone a substantial change as defined by this section. The Department may review its boundary determination on its own motion. The Department shall not be required to update the boundary determination more often than once every five (5) years.~~

~~003 Boundary - North Platte River Game Refuge. The boundary of the North Platte River Game Refuge is that line which is one hundred ten yards out from the banks of the stream as depicted on maps produced by the Department in sections twenty-one, twenty-six, twenty-seven, twenty-eight, thirty-four, thirty-five and thirty-six, township fourteen north, range thirty west, of the sixth principal meridian, Lincoln County, Nebraska, along both sides of the North Platte River, with all points of said line being perpendicular to the point on the bank of the North Platte River to which it corresponds. This boundary establishes the outer edge of the North Platte River Game Refuge regardless of any private ownership of the lands within said boundary.~~

~~004 North Platte River Game Refuge Map. The attached map depicts the boundary of the North Platte River Game Refuge.~~