

LEGAL NOTICE



In accordance with Neb. Rev. Stat. 84-907, a public hearing conducted by the Nebraska Game and Parks Commission will be held June 21, 2019, in the Alma Golf Course Clubhouse, located at 102 Dick Brown Memorial Drive, Alma, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-806, a public hearing will be held at 8:30 a.m., for Commissioner District Five (5) input on proposed listing and de-listing of State Threatened and Endangered Species.

Pursuant to the provisions of Neb. Rev. Stat. §§ 84-901 to 84-920, a public hearing will be held at 8:45 a.m., to consider amendments to Chapter 1, Administration Regulations, Section 002, Rules of practice and procedure for the conduct of public hearings regarding public hearings on rules, regulations, orders, adjudication of other matters, and other hearing and opportunities for public input.

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301 through 37-316, 37-353, 37-401, 37-403 through 37-406, 37-411, 37-412, 37-413, 37-414, 37-418, 37-426 through 37-429, 37-447 through 37-453, 37-527, 37-455 through 37-461, 37-463, 37-464, 37-477 through 37-479, 37-482.01, 37-501 through 37-503, 37-508, 37-509, 37-512, 37-514, 37-520, 37-525, 37-527, 37-529, 37-532, 37-534, 37-537, 37-540, 37-547, 37-560, 37-563, 37-701, 37-708, 37-802 through 37-811, a public hearing will be held at 9:00 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 001, General Regulations Governing Wildlife Species, regarding language that clarifies the process and requirements for those persons applying for limited landowner permits to hunt antelope, deer or turkey; provides for the allowance of late season doe/fawn antelope hunters the ability to legally carry a centerfire rifle or handgun while hunting; and to clarify the process for landowners to attain a Damage Control permit for deer, antelope, elk or game birds. The changes also update and provide language for any landowner that would like to attain a Damage Control permit for deer, antelope, elk or game birds for damage done to their property and specifies how permittees shall comply with the terms of the issuance of the Damage Control permit.

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-315, 37-317, 37-404, 37-406, 37-409, 37-447, 37-449, 37-450, 37-452, 37-453, 37-455, 37-455.01, 37-456, 37-529, 37-701, 37-706, 37-708, a public hearing will be held at 9:15 a.m., to consider amendments to Chapter 4, Section 003, Antelope, Deer, Elk, regarding section updates for regulation consistency, as well as check-in requirements for any deer unit that is designated as an "Earn-A-Buck" unit and clear definition of "buck" and "antlerless" deer.

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613, a public hearing will be held at 9:30 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 037, Mountain Lions; regarding season dates, permits authorized, shooting hours and areas open.

Information regarding listing and de-listing of State Threatened and Endangered Species is available for review on the Commission's website <http://outdoornebraska.gov/listingaction/>.

Copies of the proposed regulations and the Fiscal Impact Statement shall be available for public inspection at the Game and Parks Commission office and the Office of the Secretary of State.

All interested persons may attend and testify orally or by written submission at the public hearing. Persons interested in submitting written comments for the Commission to include in the record of the hearing must designate written comments for inclusion and provide them to Sandra Paice at the Lincoln office, 2200 North 33rd St., Lincoln NE 68503-0370, by 1:00 P.M. CT, June 19, 2019.

James Douglas, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Sandra Paice
Chapter: 1	Date prepared: May 16, 2019
Subject: Section <u>002</u> , Rules of practice and procedure for the conduct of public hearings	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:

MAY 16 2019

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~February 5, 1999~~ May 11, 2006

Title 163 - Nebraska Game and Parks Commission

Chapter 1 - Administration Regulations

002 Rules of practice and procedure for the conduct of public hearings

~~Under the provisions of sections 84-901 to 84-920, R.R.S. 1999, the following rules and regulations are adopted and promulgated by the Nebraska Game and Parks Commission to govern the practice and procedure for the conduct of public hearings before said Commission, unless otherwise provided by law.~~

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-314 and 84-901 to 84-920 to govern the practice and procedure for the conduct of public hearings before said Commission, unless otherwise provided by law.

002.01 Public hearings prior to the adoption of regulations, orders or adjudication of other matters requiring a public hearing within the purview of the Commission shall be conducted in the following manner.

002.01A The Commission may at any time on its own motion order any public hearing which the Commission is authorized, either by law or by inherent authority, to conduct and, after giving notice, conduct such hearing in the manner as hereinafter provided. ~~Other meetings may be held as provided in section 37-104, R.R.S. 1998.~~

002.01B Notice shall be given of all public hearings held by the Commission.

002.01B1 Notice for public hearings regarding rules, regulations, orders, adjudication of other matters or other hearings held as part of a regular or special meeting of the Nebraska Game and Parks Commission. Such notice shall be published at least once in a newspaper or newspapers of general circulation in the state. The publication shall be made at least 30 days prior to the date of the hearing. The published notice shall contain information as to the date, time, place and purpose of the hearing, a brief description for submitting written comments and where a draft copy of the proposals are available for review.

002.01B2 Notice for public hearings held to provide opportunity for public input that are not part of a regular or special meeting of the Nebraska Game and Parks Commission shall be published at least once in a newspaper or newspapers of general circulation in the state at least 30 days prior to the date of the hearing or as otherwise required or permitted

by law. The published notice shall contain information as to the date, time, place and purpose of the hearing, and a brief description of procedures for submitting written comments.

002.01C The Chairman of the Commission or their designee shall serve as presiding officer ~~ever~~ at the hearing shall be designated as follows: ~~; however,~~

002.01C1 ~~the presiding officer shall~~ In all cases hearings regarding rules, regulations, orders, adjudication of other matters or other hearings held as part of a regular or special meeting of the Nebraska Game and Parks Commission, ~~, be a member of the Commission.~~ The presiding officer shall be a member of the Commission.

002.01C2 In all public hearings held to provide opportunity for public input which includes but not limited to potential land acquisitions, instream flow applications, or other proposed Commission activity, the Chairman of the Commission, Secretary of the Commission, or his/her designee shall serve as presiding officer.

002.01D The presiding officer shall among other things, open the proceedings; enter into the record the notice given of the hearing, take appearances; accept and see that exhibits are properly numbered; answer questions asked or call upon other persons present to answer questions asked; and close the proceedings. The record in any hearing shall not be affected by any change of presiding officer during the conduct of that hearing.

002.01E All testimony shall be under oath or affirmation unless the Commission shall consider such to be unnecessary. Evidence may consist of any oral or written question, statement or testimony and any document.

002.01F Evidence at a public hearing will ordinarily be received in the following sequence: (1) Commission members and staff; (2) federal agencies; (3) other state agencies; (4) political subdivision; (5) all other persons in the order as the presiding officer shall at their discretion choose unless the Commission shall vote, in view of the nature of the matter being heard, to alter this sequence as may be necessary. All persons shall be given the opportunity to be heard on matters relevant to the business and purpose of the hearing.

002.01G Each person presenting evidence at a hearing shall first state their full name and address, and declare whether they are appearing on their own behalf or on behalf of another person or organization, and if they are representing another, such person or organization represented shall be named.

002.01H All evidence presented at the hearing is to be directed at the business and purpose of such hearing. Any evidence not directed at the business and purpose of the hearing, or which is cumulative or repetitive, shall, at the request of the presiding officer, be terminated and excluded from the record. Unless

otherwise required by law, strict legal rules of evidence shall not be adhered to, and the presiding officer may admit as evidence any testimony or material which a prudent and reasonable person would consider in the conduct of the important affairs of their business or personal life. Cross examination of any witness may be permitted by the presiding officer.

002.01I In addition to statements and evidence presented by any other person, the Commission may, through, the Commission staff or otherwise, secure and present such statements and evidence as it may consider necessary or desirable. Evidence shall include a copy of notice given for the public hearing and a statement explaining the business and purpose of the hearing.

002.01J A record shall be made of the hearing proceedings, with the evidence presented being a part thereof. Such record may consist of written statements and any other documentary evidence with tape recordings of oral evidence or transcripts as deemed necessary by the Commission.

002.01J1 Interested persons may also submit written comments prior to the hearing, which will be entered into the hearing record if received at the Commission Headquarters at least 48 hours prior to the hearing.

002.01K The record of public hearings may be held open at the discretion of the presiding officer for submission of any evidence not available or presented at the time of the hearing. At the designated time the hearing shall be closed by the presiding officer after the inclusion of any evidence submitted and accepted.

002.01L All public hearings regarding rules, regulations or orders before the Game and Parks Commission shall be held at regular or special meetings of the Game and Parks Commission and require a quorum as defined in Neb. Rev. Stat. §§ 37-104. ~~section 37-104, R.R.S. 1998. A quorum of the Game and Parks Commission as defined in the above listed statute shall constitute a quorum for the conduct of a public hearing and no public hearings shall be held in the absence of such a quorum.~~

002.01L1 Other public hearings that do not regard rules, regulations or orders and are held to provide opportunity for public input are not required to be held at a regular or special meeting of the Game and Parks Commission, and only require the presence of the hearing officer.

002.01M When necessary, members of the Game and Parks Commission may testify or present information at any public hearing before said Commission.

002.01N The Commission may, in regular or special meeting following the closing of a public hearing, decide contested questions, adopt regulations, or take such other action as is appropriate by the usual method of a majority vote of a quorum of the Commission.

002.02 Subpoenas requiring the attendance of witnesses will be issued by Secretary of the Commission on written application of any party, or on order of the Commission. The subpoena shall be served in the manner provided by law. Any witness who is summoned and responds thereto is entitled to the same fee as is paid for like services in the District Courts of Nebraska, such fee to be paid by the party at whose instance the witness's testimony is to be taken.

002.03 The Chairman and the Secretary have, by joint agreement, the authority, when the Commission is not in session, to postpone or delay a hearing for good cause shown in writing as to why the hearing should not be held on date set.