

LEGAL NOTICE



In accordance with Neb. Rev. Stat. 84-907, a public hearing, conducted by the Nebraska Game and Parks Commission, will be held Friday, March 20, 2020, at the Hall Student Union-Cottonwood Room, Central Community College, 35055 East Community Drive, Hastings, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-314, 37-315, 37-405, 37-411, 37-428, 37-501, 37-508, 37-536, 37-563, 37-701, a public hearing will be held at 8:30 a.m., to consider amendments to Commission Order C06, Coots, Ducks, Geese, Crow, regarding changes in dates and bag limit.

Pursuant to the provisions of Neb. Rev. Stat. 37-301 through 37-313, 37-337 through 37-352, 37-434 through 37-446, 37-1001 through 37-1015, 37-1264 and 37-1266, 60-314 and 60-3,105, 60-680, 60-6,190, 60-6,334, and 60-6,353 through 60-6,362, a public hearing will be held at 8:50 a.m., to consider amendments to Chapter 5, Parks Regulations, Section 001, General regulations governing the administration and use of state park property, regarding language clarifying the regulation of alcohol in park areas owned or controlled by the Commission and the prohibition of the possession of alcohol at Lake McConaughy and Lake Ogallala State Recreation areas.

Copies of any 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.

Copies of the proposed Commission Order Changes shall be available for public inspection at the Game and Parks Commission website at www.outdoornebraska.gov .

All interested persons may attend and testify orally or by written submission at the public hearing. Interested persons or organizations may also submit written comments prior to the hearing, which will be entered into the hearing record if they: 1) include a request to be included as part of the hearing record; 2) include the name and address of the person or organization submitting the comments; and 3) are received by 1:00 p.m. CT, March 18, 2020 by Sandra Paice at the Lincoln office, 2200 North 33rd Street, Lincoln, NE 68503-0370.

James Douglas, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Jim Swenson
Chapter: 5	Date prepared: February 13, 2020
Subject: Section <u>001</u> , General Regulations governing the administration and use of state park property	Telephone: (402) 471-5499

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

State Agency: \$5,000.00; initial cost to publicize changes and create signage to post at park areas

Political
Subdivision: Indeterminable

Regulated
Public: \$0

If indeterminable, explain why: Given that the consumption of alcohol is already prohibited, prohibiting the possession and open containers will likely have minimal effect, if any on political subdivisions.

FEB 13 2020

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 5, entitled REGULATIONS Parks, Section 001 – General regulations governing the administration and use of state park property, regarding language clarifying the regulation alcohol in park areas owned or controlled by the Commission and the prohibition of the possession of alcohol at Lake McConaughy and Lake Ogallala State Recreation areas.

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 at 1pm CT on March 19, 2020.

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) 471-5528 or, for persons with hearing impairments, (402) TDD or Nebraska Relay System, (800) 833-7352 TDD by no later than March 13, 2020.

FEB 13 2020

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~December 9, 2016~~ June 17, 2016

Title 163 - Nebraska Game and Parks Commission

Chapter 5 – State Parks Regulations

001 General regulations governing the administration and use of state park property

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-313, 37-337 through 37-352, 37-434 through 37-446, 37-1001 through 37-1015, 37-1264 and 37-1266, 60-314 and 60-3,105, 60-680, 60-6,190, 60-6,334, and 60-6,353 through 60-6,362. Rules and regulations are adopted and promulgated to govern the administration, use, maintenance and protection of all state parks, state historical parks, state recreation areas and state recreation trails under the ownership or control of said Commission. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. ~~These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.~~

The rules and regulations contained in this section shall apply to all persons entering, using, residing in, visiting or who are otherwise within the boundaries of any state owned or controlled park, historical park, recreation area or recreation trail administered by the Commission. The special regulations contained in this section also apply to all persons entering, using, residing in or visiting the areas for which such special regulations are adopted.

DEFINITIONS

The following definitions shall apply to all regulations contained in this section.

- (a) Commission shall mean the Nebraska Game and Parks Commission.
- (b) Director shall mean the Director of the Game and Parks Commission.
- (c) Park Superintendent shall mean any official in charge of a park area, or his authorized representative.
- (d) Law Enforcement Officer shall mean any duly constituted and credentialed law enforcement officer, local, state or federal, including but not limited to Commission Conservation Officers.
- (e) Park Area shall mean all state owned or controlled parks, historical parks, recreation areas, and recreation trails administered by the Commission.

PART 5 - State Park Regulations

the removal of surplus furbearers. Such special permit shall be granted to an applicant or applicants selected by a drawing.

001.10H Applications for depredation trapping permits shall consist of a letter directed to the Commission's Central offices requesting such a permit to trap at a specific area or areas. Applications shall be filed not later than August 31 of each year.

001.10I The use of and/or possession of paint ball weapons of any type shall be prohibited on park areas.

On January 1, 2011, the following Sub-section 001.11 shall become effective and shall supersede and take the place of any prior version of that section.

001.11 Intoxication: Possession of Alcohol, Consumption of Alcohol, Open Alcohol Containers

001.11A Consumption of alcoholic beverages Alcohol possession, consumption or possession of an open container on park areas owned or controlled by the Commission is permitted with the following exceptions:

001.11A1 Consumption is prohibited on all roadways, designated swimming areas and parking areas. Possession is prohibited on any park area or portions of any park area when mandated by the terms of a management agreement with the controlling landowner.

001.11A2 Consumption of alcohol may be prohibited on any park area or portions thereof with the use of appropriate signage, or possession of an open container is prohibited on all roadways, designated swimming areas and parking areas.

001.11A3 Consumption is prohibited between the hours of 10 p.m. and 6 a.m. or the possession of alcohol may be prohibited on any park area or portions thereof with the use of appropriate signage.

001.11A4 Consumption or the possession of an open container is prohibited between the hours of 10 p.m. and 6 a.m. unless specifically authorized by an approved Special Occasion Permit (001.13).

001.11A5 Possession of alcohol is prohibited on all portions of the Lake McConaughy and Lake Ogallala State Recreation Areas managed by the Commission except:

001.11A5a. Those areas operating under the authority of a valid lease agreement with the Commission or traveling directly to or from a private lease.

001.11A5b. Temporary authorization to include the distribution or resale of alcoholic beverages by a licensed State of Nebraska third party may be allowed on portions of the area when approved in accordance with a Special Occasion Permit (001.13).

001.11B Containers of alcoholic beverages whose single liquid capacity is greater than one gallon are prohibited.

001.11C Presence in a park area when under the influence of alcohol or drugs, to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area is prohibited.

001.12 Permits, Motor Vehicle Entry

Except as hereinafter provided, it shall be unlawful for any motor vehicle to enter a state park area designated as a permit area without properly displaying a valid motor vehicle entry permit in accordance with applicable state park regulations.

001.12A Definitions

Permit: Shall mean motor vehicle entry permit.

Permit Area: Those areas of the Nebraska State Park System designated by the Game and Parks Commission for which entry permits shall be required.

001.12B Operation

There shall be two (2) types of motor vehicle entry permits to identify and differentiate between:

- 1.) Vehicles registered and licensed in Nebraska,
- 2.) Vehicles not registered and/or licensed in Nebraska (out-of-state).

Each permit type shall be available to the public in four (4) forms; Annual, Duplicate Annual, Temporary (Daily), and Self-service temporary (Daily).

Designated permit areas or portions thereof requiring a valid motor vehicle entry permit shall be defined as follows unless otherwise posted: All State Parks, all State Historical Parks and all State Recreation Areas except the Ak-Sar-Ben Aquarium parking facility at Schramm Park State Recreation Area. Those sites within such areas designated as concession and/or seasonal cabin areas shall be classified as exempt from the entry permit requirement. Motor vehicles visiting and/or utilizing the premises of a designated Club Site lease within the confines of a permit area shall not be exempt from the permit requirement.