

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, public hearings conducted by the Nebraska Game and Parks Commission, will be held on June 11, 2021 at the Central Building, Chadron State Park 15951 Hwy 385, Chadron, NE prior to consideration and/or enactment of the following:

Pursuant to Neb. Rev. Stat. Sections §§ 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 8:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 037 Mountain Lions, to hold a harvest season in 2022

Pursuant to Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701, a public hearing will be held at 8:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 005 Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels, regarding checking requirements for a river otter trapping season, incidental take of river otters, and clarifying when adults can hunt with youth during special youth pheasant releases.

Pursuant to Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701, a public hearing will be held at 9:00 AM to consider amendments to Commission Order C05: Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels to allow for a river otter season dates and a bag limit, and clarify when raccoon and opossum running season end.

Pursuant to Neb. Rev. Stat. §§ 37-301, 37-304, 37-305, 37-308, 37-314, 37-315, 37-344, 37-411, 37-426, 37-4,104, 37-4,107, 37-4,109, 37-4,111, 37-501 through 37-504, 37-508 and 37-543 through 37-545 a public hearing will be held at 9:15 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 2, entitled Fisheries Regulations, Section 006 Sport Fishing Regulations, regarding rules relating to Sport Fish definitions, bag, possession and length limits, snapping turtles, mussels, transport and possession, archery fishing, Paddlefish, underwater spearfishing, set lines, limb lines, ice fishing, snagging, refuge lakes, border waters, legal nets, and special areas.

Pursuant to Neb. Rev. Stat. §§ Section 37-301 through 37-314, 37-308.01, 37-317, 37-330, 37-336, 37-412, 37-483, 37-536, 37-701, 60-6, 190, 60-680, a public hearing will be held at 9:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 018 General Regulations Governing Administration and Use of Property, regarding adding an additional area that the Commission will control for public access on behalf of Pheasants Forever, Inc., in Lancaster County.

Pursuant to 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, 37-455 through 37-461, 37-463, 37-464, 37-477 through 37-479, 37-482.01, 37-497, 37-498, 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 9:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 001 General Regulations Governing Wildlife Species, regarding carrying a handgun while hunting big game and turkey with archery or muzzleloader equipment, clarifying language regarding baited areas, and expanding special depredation seasons to include deer, elk, and antelope.

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.

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 at the public hearing, but are strongly encouraged to submit written testimony prior to the public hearing in order to protect public health and assist in compliance with restrictions on public gatherings. Interested persons or organizations may 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, June 9, 2020 by Sheri Henderson at the Lincoln office, 2200 North 33rd Street, Lincoln, NE 68503-0370.

James Douglas, Director

FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Alicia Hardin
Chapter: 4	Date prepared: May 6, 2021
Subject: Section <u>018</u> , General Regulations Governing Administration and Use of Property	Telephone: 402/471-5448

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

State Agency: up to \$15,000 in increased operation and maintenance fees
 Political Subdivision: \$0
 Regulated Public: \$0

If indeterminable, explain why:

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 4 REGULATIONS Wildlife – General Regulations Governing
Administration and Use of Property

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 018. Last approved date changed. Per guidance from the Governor's Policy Research Office, the last sentence in the statutory citation paragraph is deleted due to redundancy in statute.

Part 018.15H Establishes a part in the regulations for all Pheasants Forever, Inc. land that are controlled by Nebraska Game and Parks Commission for public access through an agreement.

Sub-Part 018.15H1 Moves the Helmuth Marsh Public Access Area to a sub-part under 018.15H.

Sub-Part 018.15H2 Adds the Saline Marsh Public Access Area to the lands that are controlled by the Commission for public access on behalf of Pheasants Forever, Inc.

Sub-Part 018.15H3 Moves regulation references to the bottom of the Part.

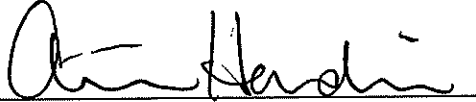
The regulation changes allow for the Commission to control an additional 234 acres of land owned by Pheasants Forever, Inc. that is adjacent to the Commission-owned Jack Sinn Wildlife Management Area in Lancaster County. These additional acres will be open to public access and will follow the same regulations as the adjacent Wildlife Management Area.

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 a public hearing. The Commission did not use the Negotiated Rulemaking Act in developing the proposed regulation.

Changes in Text Between Notice and Adoption:

DATED the 6th day of May, 2021.

NEBRASKA GAME AND PARKS COMMISSION

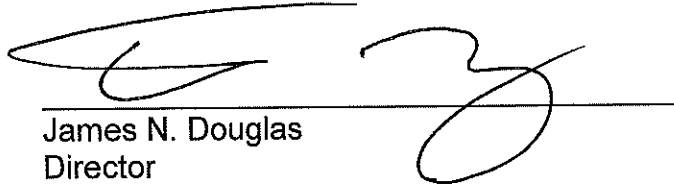


Alicia Hardin
Wildlife Division Administrator

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

DATED the 6th day of May, 2021.

NEBRASKA GAME AND PARKS COMMISSION



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 4, entitled REGULATIONS Wildlife, Section 018 – General Regulations Governing Administration and Use of Property, regarding adding an additional area that the Commission will control for public access on behalf of Pheasants Forever, Inc., in Lancaster County.

All interested persons are invited to obtain draft copies of the proposed regulations from and submit their written comments to Sheri Henderson, 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 1p.m. CT on June 9th, 2021.

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 4, 2021.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~October 22, 2014~~ November 4, 2016

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

018 General Regulations Governing Administration and Use Of Property

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-314, 37-308.01, 37-317, 37-330, 37-336, 37-412, 37-483, 37-536, 37-701, 60-6, 190, 60-680. 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.~~

018.01 Camping Regulations for State Wildlife Management Areas

018.01A For purposes of these regulations, camping is defined as temporary lodging out-of-doors for hunting, fishing, or other outdoor activity, and presupposes the occupancy of a shelter designed for such purposes, such as a sleeping bag, tent, trailer, or other vehicle modified for such use. Camping equipment may not exceed 8' width and 40' length.

018.01B Camping is permitted on State Wildlife Management Areas, except where restricted by posting with appropriate signs, or where restricted by special area regulations.

018.01C Group type camping by youth groups, civic groups, clubs, organizations, and other similar groups, is authorized by written permission only.

018.01D Camping on State Wildlife Management Areas is permitted for a maximum of fourteen consecutive days within any thirty day period unless otherwise posted or restricted.

018.02 Fires, Fireworks Regulations for State Wildlife Management Areas

018.02A Fires are permitted in fireplaces, grills, or fire rings where provided by the Commission; or in privately owned devices, such as gasoline or propane stoves, charcoal grills, or similar devices. Open fires not contained in the above mentioned facilities or devices are prohibited.

018.02B Management personnel of the Game and Parks Commission are specifically authorized to temporarily revoke permission for fires of any kind on State Wildlife Management Areas when it is determined that the use of fires could be hazardous to health, safety, or welfare of persons, property, or wildlife resources.

018.02C The use of fireworks of any kind on State Wildlife Management Areas is prohibited; provided that management personnel are authorized to use fireworks, scare devices, or similar materials for control or management of wildlife species.

018.03 Disorderly Conduct Regulations for State Wildlife Management Areas

018.03A Disorderly conduct is prohibited.

018.03B Disorderly conduct is committed when a person causes public alarm, nuisance, jeopardy or violence, or recklessly creates a risk thereof, by:

018.03B1 Engaging in fighting or threatening, or violent behavior; or

018.03B2 Using language, an utterance, or gesture, or engaging in a display or act which is obscene, physically threatening or menacing, or done in a manner which is likely to inflict injury or incite an immediate breach of the peace; or

018.03B3 Making noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors which would govern the conduct of a reasonably prudent person under the circumstances; or

018.03B4 Creating or maintaining a hazardous or physically offensive condition.

018.03C Persons committing disorderly conduct may be evicted from the area.

018.04 Intoxication Regulations for State Wildlife Management Areas: Consumption of Alcohol, Open Alcohol Containers

018.04A Consumption of alcoholic beverages on lands designated as wildlife management areas by the Commission is permitted with the following exceptions:

018.04A1 Consumption is prohibited on all roadways and parking areas.

018.04A2 Consumption of alcohol may be prohibited on any State Wildlife Management Area or portions thereof with the use of appropriate signage.

Title 163
Chapter 4

018.04A3 Consumption is prohibited between the hours of 10:00 p.m. and 6:00 a.m.

018.04B Containers of alcoholic beverages whose single liquid capacity is greater than one gallon are prohibited.

018.05 Domestic Animal Regulations for State Wildlife Management Areas

018.05A It is unlawful to permit dogs to range at large on any State Wildlife Management Area, except dogs may be allowed to range while under the influence and control of a handler while hunting, and in accordance with 018.05C, 018.05D and 001.02B.

018.05B Household pets are permitted on State Wildlife Management Areas and are allowed to exercise, train, run or hunt provided they are under control of their handler, except under the provisions of 018.05C and 018.05D; provided they are physically restrained by leash, cage, crate, or other such device, except where restricted by the posting of appropriate signs, or where prohibited by special area regulations.

018.05C It is unlawful for anyone to exercise, run, train, or hunt with dogs on State Wildlife Management Areas during the period from May 1 through July 31 of each year, except on land areas designated and specifically posted with Authorized Dog Training Area signs. It shall further be unlawful for any Professional Dog Trainer, specific to his or her business activities, to exercise, run, or train dogs owned or controlled by him or her on State Wildlife Management Areas at any time. For purposes of these regulations, a Professional Dog Trainer is defined as a person who trains dogs for a personal gain or livelihood. Dog owners or handlers are further prohibited from exercising, running, training, or hunting with dogs on areas where these activities are prohibited by special regulations. Trainers are also governed by special regulations dealing with dog training and dog trials.

018.05D Training or exercising dogs on areas designated and posted as Dog Trial Areas is prohibited. Such areas are restricted for Field Trial Use only.

018.05E Grazing or ranging domestic livestock or poultry is prohibited without prior written authorization by the Commission.

018.05F Horseback riding is permitted on State Wildlife Management Areas, except where prohibited by appropriate signs.

018.06 Fishing, Hunting, Trapping, Target Shooting and General Entry Regulations for State Wildlife Management Areas

018.06A Fishing is permitted on all State Wildlife Management Areas subject to Chapter 2, Section 006, Fishing Regulations; provided that all or any portion of any area may be closed to fishing by the posting of appropriate signs.

018.06B Hunting or the use of firearms, bow and arrow, or other legal projectile device is permitted on State Wildlife Management Areas or portions thereof unless prohibited by appropriate signs, or where special area regulations restrict or prohibit these activities.

018.06C Target shooting or the shooting of Blue Rocks is permitted on State Wildlife Management Areas, unless these activities are restricted or prohibited by posted signs or by special area regulations. Blue Rock shooters may further be subject to Range Regulations as posted on designated areas. Possession or use of explosive or incendiary targets is prohibited.

018.06D The use of and/or possession of paint ball weapons of any type shall be prohibited on State Wildlife Management areas.

018.06E Except where restricted or prohibited by special area regulations, trapping is permitted on State Wildlife Management Areas in accordance with general State trapping regulations; provided that any area or portion thereof may be closed to trapping by appropriate signs.

018.06F General entry by foot onto State Wildlife Management Areas or portions thereof is permitted unless prohibited by appropriate signs, or where special area regulations restrict or prohibit entry.

018.07 Traffic Regulations for State Wildlife Management Areas

018.07A It shall be unlawful for any person to operate a motorized vehicle on other than roadways, parking areas, or trails specifically designated for vehicle use, provided persons may operate all-terrain vehicles and snowmobiles over ice according to the provisions of this section. Nothing in this section shall prohibit management personnel from using these vehicles for emergency or management purposes or special authorized events according to 018.12.

018.07B Definitions: Motorized vehicles shall include, but not be limited to, trucks, automobiles, motorcycles, trail bikes, mini-bikes, four-wheel drive vehicles, all-terrain vehicles, snowmobiles, or any vehicle propelled by any of various power units that develop energy or impact motion; including but not limited to, combustion or electrical engines.

018.07B1 All-Terrain Vehicles: Any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of six hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.

018.07B2 Snowmobiles: A self-propelled vehicle designed for travel on snow or ice steered by skis or runners, and supported in part by skis, belts, or cleats.

018.07C It shall be unlawful for any person to operate any vehicle within the boundaries of any State Wildlife Management Area at a speed greater than is reasonable and prudent under the prevailing conditions, or in excess of any maximum posted speed limits.

018.07D It shall be the duty of each vehicle operator to obey all traffic regulatory signs as posted on each area.

018.08 Over-Ice Use Regulations for State Wildlife Management Areas

018.08A All-terrain vehicles and snowmobiles (as defined in Part 018.07B) may be operated on the frozen lake surfaces of State Wildlife Management Areas except where prohibited by signing.

018.08B Required Equipment

018.08B1 At least one head lamp and one tail lamp, each of minimum candle power as prescribed by the Department of Motor Vehicles.

018.08B2 A brake system maintained in good operating condition which shall conform to standards prescribed by the Department of Motor Vehicles.

018.08B3 An adequate muffler system in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust shall not emit or produce a sharp popping or crackling sound.

018.08B4 A bicycle safety flag which extends not less than five feet above ground attached to the rear of all-terrain vehicles. The safety flag shall be triangular in shape with an area of not less than thirty inches and be day-glow in color.

018.08B5 Snowmobiles must have a minimum of sixteen square inches of reflective material mounted on each side forward of the handlebars.

018.08C Operation

018.08C1 The Director of the Game and Parks Commission and his designated representatives reserve the right to temporarily close areas or portions thereof to all-terrain and snowmobile activities for the following reasons: insufficient lake ice (less than eight inches), safety, weather,

resource protection, civil emergencies or other management considerations at the sole discretion of the Director.

018.08C2 The operation of all-terrain vehicles and snowmobiles on the frozen lake surface is at the sole risk of the operator. The Commission assumes no responsibility for safety of said operation.

018.08C3 All-terrain vehicle and snowmobile operators are responsible for inspecting frozen lake surfaces for sufficient ice thickness (minimum 8 inches) and for possible hidden hazards prior to any such operation. Operators are cautioned to be alert for soft ice caused by flowing springs, streams, and rivers and also caused by variations in temperature.

018.08C4 All-terrain vehicles and snowmobiles shall not be operated within any portion of a designated area which has been marked off or otherwise posted as closed to vehicle operation.

018.08C5 All-terrain vehicles and snowmobiles shall not be operated in any manner intended to or reasonably be expected to harass, drive or pursue any wildlife.

018.08C6 All-terrain vehicles and snowmobiles shall not be operated at speeds exceeding that which is safe and reasonable when passing within thirty (30) yards of any property, ice fishing shelter, boat ramp, immobile snowmobile or all-terrain vehicle, or a person walking on or fishing through the ice. In no case, shall any person or persons operate a vehicle so as to cause discomfort, hazard or damage to the person or property of others.

018.08C7 All-terrain vehicles and snowmobiles may be operated on the frozen lake surfaces of any State Wildlife Management Areas except where prohibited by signing. Operations shall occur only between the hours of 30 minutes before sunrise and 9:00 p.m., or as posted.

018.08D Who May Operate

018.08D1 Any person operating an all-terrain vehicle or snowmobile on any State Wildlife Management Area shall be at least sixteen years of age and shall have a valid motor vehicle operator's license.

018.08E Unlawful Acts

018.08E1 It shall be unlawful for any person to drive or operate any all-terrain vehicle or snowmobile in the following unsafe or harassing way:

018.08E2 At a rate of speed greater than reasonable or proper under existing conditions;

018.08E3 In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

018.08E4 While under the influence of intoxicating liquor or narcotics or habit-forming drugs; and,

018.08E5 Without a lighted head and tail lamp when required for safety.

018.08F In Case Of Accident

018.08F1 The operator of any all-terrain vehicle or snowmobile involved in a collision, accident, or other casualty shall give his or her name, address, and the number of such vehicle in writing to any injured person and to the owner of any property damaged in such collision, accident, or casualty.

018.08F2 When a collision, accident, or casualty involving an all-terrain vehicle or snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such vehicle shall file with the Department of Motor Vehicles a report of same as prescribed in D.M.V. regulations.

018.09 Swimming, Wading, Boating, and Water Skiing Regulations for State Wildlife Management Areas

018.09A Swimming is prohibited in all waters related to State Wildlife Management Areas, except on areas where facilities are specifically provided, or where posted signs permit this activity. Where permitted, swimming shall be at the sole risk of the participant.

018.09B Wading for the purpose of fishing or hunting is permitted on State Wildlife Management Areas at the sole risk of the participant, except that wading shall be prohibited on those areas that are posted with appropriate signs, or where prohibited by special area regulations.

018.09C Boating is permitted on State Wildlife Management Areas subject to restrictions as posted on each area, or as specified in state boating regulations, or as specified in special area regulations.

018.09D Water skiing is prohibited on State Wildlife Management Areas, except where permitted by special area regulations, or where designated as "Open Waters" in State Boating Regulations.

018.09E Flotation devices are prohibited on State Wildlife Management Areas; except float tubes designed for the purpose of fishing; provided that nothing herein shall prohibit the use of Coast Guard approved life preservers, life vests or belts, and similar devices for the purposes prescribed by the Nebraska Boating Laws and Regulations.

018.09F SCUBA Diving is permitted on Wildlife Management Areas except in waters and at times where such activity is expressly prohibited, or in the interest of public safety or health.

018.10 Building and Property Regulations for State Wildlife Management Areas

Except otherwise provided in this subsection (018.10), the construction or maintenance of any building or other structure is prohibited.

018.10A The construction, destruction, injury, defacement, removal, or disturbance of any building, sign, equipment, monument, statue, marker, other structure, artifact, relic, historic or prehistoric feature, or other public property of any kind is prohibited on State Wildlife Management Areas; provided that the Commission and other authorized management personnel may issue special permission or authorization permitting such activities where it is in the best interest of the public and wildlife resources.

018.10B Abandoned Property

018.10B1 Abandonment of any vehicle or other personal property is prohibited and such property may be impounded by the Wildlife Area Manager or Law Enforcement Officer.

018.10B1a Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Wildlife Area Manager is prohibited and any property so left may be impounded by the Wildlife Area Manager or Law Enforcement Officer. In the event unattended property interferes with the safe or orderly management of the Wildlife Management Area, it may be impounded by the Wildlife Area Manager or Law Enforcement Officer at any time, and such property shall be impounded at the expense of the owner.

018.10B2b Disposing of household or commercial garbage or trash brought as such from private property is prohibited.

018.10C Ice Fishing Shelters may be placed and used under proper permit on all State Wildlife Management Area Waters for the period ending February 10 of each year. The size of any ice fishing shelter shall not be larger than 54 inches in width by 96 inches in length with 8 inch wide runners that are 6 inches in distance from the floor, and constructed of floatable materials. Ice Fishing Shelter Permits shall be \$5.00 each.

018.10C1 Fishing shelters must display on the outside door the name and address of the owner; and the permit number shall be affixed to the door of same in letters not less than 6 inches in height.

018.10C2 The door to any fishing shelter shall be constructed so that it can be opened from the outside at all times when in use, and the shelters may be locked when not in use. The Commission shall remove, burn, or otherwise destroy or dispose of such structures found on the ice after the time herein limited. The contents of any such structures left on the ice shall be seized by the Commission and held for a period of thirty days. After such period, shelters and articles which have not been claimed by the owner may be retained by the State for disposal through the State Property Officer.

018.10C3 The above regulations do not apply to temporary, portable shelters that are erected and removed from frozen surfaces daily.

018.10C4 Hole size made for ice fishing on any area shall not exceed 10 inches in diameter.

018.10D Regulations for hunting blinds on State Wildlife Management Areas

018.10D1 Portable hunting blinds may be used on State Wildlife Management Areas, provided that no blind shall be used on areas posted as closed to such activity, or on areas that restrict this activity by special area regulations.

018.10D2 Except as provided for in 018.10D3 through 018.10D10, portable blinds shall be removed from the State Wildlife Management Area at the close of each hunting day. Portable blinds and other personal property remaining on a State Wildlife Management Area following the close of hunting each day may be considered abandoned, and shall be subject to removal and disposal as provided in 018.10B.

018.10D3 Seasonal waterfowl blinds may be installed and used on designated State Wildlife Management Areas at the following reservoirs: Lake McConaughy, Keith County; Enders, Chase County; Swanson, Hitchcock County; Red Willow, Frontier County; Medicine Creek, Frontier County; Elwood, Gosper County; Sherman, Sherman County; Merritt, Cherry County; Calamus, Garfield and Loup Counties; Lewis and Clark in Knox County; and on the Whitetail Wildlife Management Area in Colfax County.

Installation and use of such blinds shall be subject to the following regulations (018.10D4 through 018.10D10).

018.10D4 Seasonal waterfowl blinds must legibly display, on the door, the name and address of the owner, except at Lewis and Clark Lake where, in addition to the name and address of the owner, the phone number of the owner and the Corps of Engineers permit number for the blind will be displayed on the door of the blind as required by Corps of Engineers regulations.

018.10D5 The door to any seasonal waterfowl blind shall be constructed so that it can be opened from the outside at all times when not in use. Blinds may not be locked when not in use. This restriction shall not apply to Lewis and Clark Lake where unoccupied blinds may be locked.

018.10D6 Seasonal waterfowl blinds shall not be installed and used on areas of land or water posted with appropriate signs which prohibit such activity.

018.10D7 The first person to occupy a seasonal waterfowl blind each day shall be entitled to occupy the blind for that day, except at Lewis and Clark Lake as provided in 018.10D7a.

018.10D7a The holder (permittee) of an authorized Corps of Engineers blind permit who occupies the permitted blind prior to sunrise shall be entitled to occupy the blind for that day. Blind sites (the blind and its environs) not occupied by the permittee prior to sunrise shall be open for occupancy on a first come basis.

018.10D8 Persons who install seasonal waterfowl blinds on land or water of the wildlife management areas listed in 018.10D3, shall remove all blinds and materials before May 1 following the close of the waterfowl season.

018.10D9 Seasonal waterfowl blinds shall not be placed nor constructed prior to September 1 each year. Blind sites and hunting areas shall not be staked, marked or otherwise identified or claimed.

018.10D10 Seasonal waterfowl blinds on lands leased to the Commission by the Corps of Engineers at Lewis and Clark Lake (including Bazile Creek WMA and all other WMA lands under lease) shall be registered and permitted as required by Corps of Engineers regulations.

018.10E Portable Type Tree Stands shall not be installed, utilized or left in place from February 1 through August 15 on State Wildlife Management Areas. In addition, portable type tree steps that attach to the tree with chains or ropes, or that screw into the tree are permitted on these areas.

018.10E1 The construction or use of permanent or semi-permanent tree stands that attach to any tree with nails, screws, bolts or wire is prohibited.

018.10F The introduction, injury, disturbance, removal or destruction of any animal or plant matter and direct or indirect products thereof found on the premises including, but not limited to, petrified wood, flower, cane or fruit, egg, nest, den, or of any soil, rock or mineral formation is prohibited provided that the Commission and other authorized management personnel may issue special permission or authorization permitting otherwise prohibited activities where it is in the best interest of the public and wildlife resources. Lawfully conducted activities as described in 018.06 are allowed.

018.11 Vending Regulations for State Wildlife Management Areas

018.11A The vending of various goods, services, products, or commodities is prohibited on all State Wildlife Management Areas, except by written permission or by concession as authorized by the Game and Parks Commission; and no area shall be used as a residence or headquarters by any person or group engaged in any commercial or professional activity, without first securing written permission from the Commission or authorized agent.

018.12 Permits/Agreements - Special Events - Regulations and Permits for State Wildlife Management Areas

018.12A Sports events, pageants, reenactments, regattas, entertainments and the like, characterized as public spectator attractions or participant activities, are prohibited on State Wildlife Management Areas unless written permission has been given by the Commission. The Commission may enter into cooperative access agreements on Wildlife Management Areas with sponsoring entities or groups of more than one (1) person for the purpose of facilitating hunting or fishing by disabled persons as described in 37-217 or veterans as described in 37-420. Eligibility shall be determined by the Commission. Participants shall be required to provide documentation of eligibility on a form prescribed by the Commission. Such permits or agreements shall be authorized only after a finding that the issuance of such will not be inconsistent with the purposes for which the area is established and shall not unreasonably interfere with the rights of other area users. The permit or agreement may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for the protection of the area, wildlife, and other public use.

018.12B Public meetings, assemblies, gatherings, demonstrations, parades, religious services, and other expressions of views are prohibited on State Wildlife Management Areas unless written permission has been given by the Commission.

018.12C The filming, for commercial purposes, of still or moving pictures of lands, wildlife, and facilities, is prohibited unless written permission has been given by the Commission.

018.12D Applications for Special Occasion Permits shall be received by the Commission not later than thirty (30) days prior to the event, and shall list the following: The name of the applicant, the date, time, duration, nature, and place of the proposed activity, an estimate of the number of persons expected to attend, and a statement of the equipment and facilities to be used.

018.12E As a condition of the permit issuance, the Commission may require the filing of a bond with satisfactory surety payable to the State, to cover such costs as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the permittees' activity. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

018.13 Special Hunt Regulations for State Wildlife Management Areas

018.13A Special hunts, conducted during general seasons, as authorized by the Commission, may be permitted on State Wildlife Management Areas, or portions thereof.

018.13B Special hunts will be subject to general hunting statutes, regulations, seasons, bag limits and other restrictions.

018.13C State Wildlife Management Areas or portions thereof, upon which special hunts are being conducted, may be closed to the general public for the duration of the special hunt, as posted by appropriate signs.

018.13D Special hunt participants shall be selected by drawing, lottery, nomination or other methods as deemed appropriate by the Commission. The Commission will designate a maximum number of participants and a cutoff date by which applications must be received.

018.13E Special rules pertaining to special hunts on individual State Wildlife Management Areas will be developed and posted by the Commission.

018.13F Rules pertaining to special hunts will be announced or advertised at least 30 days prior to the hunt.

018.14 Lands Controlled For Public Access

The following applies to lands which are not designated as Wildlife Management Areas but are controlled for public access through agreement with other entities; areas with additional special provisions are listed in 018.15.

018.14A Permitted Activities

018.14A1 Hunting is permitted on lands controlled for public access during legal hunting seasons and using legal methods for all huntable species,

unless further restricted as posted with signs on individual areas or by Permission Access Form (018.15I1a or 018.15J1a). Trapping is permitted on lands controlled for public access during legal trapping seasons for all species in accordance with general state trapping regulations (001.03, 005.03), as they apply to Wildlife Management Area, unless further restricted as posted with signs on individual areas or by Permission Access Form (018.15I1a or 018.15J1a).

018.14A2 Hunting dogs are allowed on lands controlled for public access for hunting purposes only.

018.14B Structures

018.14B1 Temporary portable blinds may be used on lands controlled for public access, unless further restricted as posted with signs on individual areas. Temporary blinds must be removed daily at the close of the hunting day.

018.14B2 Portable tree-stands may be placed and used on lands controlled for public access except where prohibited by signs. Portable type tree stands shall not be installed, utilized or left in place from February 1 through August 31. In addition, portable-type tree steps that attach to the tree with chains or ropes, or that screw into the tree, are permitted on these areas.

018.14B3 Abandonment of any vehicle or other personal property is prohibited and such property may be impounded.

018.14B3a Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of Commission staff is prohibited and any property so left may be impounded. In the event unattended property interferes with the safe or orderly management of the area, it may be impounded.

018.14B3b Disposing of household or commercial garbage or trash brought as such from private property is prohibited.

018.14C Prohibited Activities

The following prohibitions apply only to those persons accessing these lands under privilege of a public access contract held by the Commission.

018.14C1 Use of motor vehicles related to hunting or trapping activities is prohibited except on trails specifically designated with signs for this activity.

018.14C2 Horseback riding is not a contracted activity and is therefore not permitted under these rules, except on any trails specifically designated with signs for this use.

018.14C3 The construction of or use of permanent or semi-permanent tree stands that attach to any tree with nails, screws, bolts or wire is not a contracted activity and is therefore not permitted under these rules.

018.14C4 The construction of or use of permanent or semi-permanent waterfowl blinds is not a contracted activity and is therefore not permitted under these rules, provided that permanent or semi-permanent waterfowl blinds may be constructed by the Nebraska Game and Parks Commission to facilitate youth hunts or other special hunts.

018.14C5 Dog training is not a contracted activity and is therefore not permitted under these rules.

018.14C6 Camping is not a contracted activity and is therefore not permitted under these rules.

018.14C7 Fishing is not a contracted activity and is therefore not permitted under these rules, except on specific areas designated with signs for this activity or by Permission Access Form (018.1511a).

018.14C8 Swimming is not a contracted activity and is therefore not permitted under these rules.

018.14C9 Target shooting is not a contracted activity and is therefore not permitted under these rules.

018.14C10 Boating is not a contracted activity and is therefore not permitted under these rules, except on specific areas designated with signs for this activity.

018.14C11 Possession and/or consumption of alcohol is prohibited on lands controlled for public access.

018.14C12 The vending of various goods, services, products, or commodities is not a contracted activity and is therefore not permitted under these rules.

018.15 Lands Controlled for Public Access with Additional Provisions

The following applies to lands which are not designated as Wildlife Management Areas but are controlled for public access through agreement with other entities; these are areas with additional special provisions.

018.15A Alliance Airport Authority Cooperative Management Unit includes the following lands in Box Butte County, exclusive of the area within the security fence surrounding the landing area of the airport:

The E1/2, the NW1/4, and the N1/2 of the SW1/4 of Sec. 13, and the NE1/4 of Sec. 24, all in T24N R48W; and Secs 17, 18, and 20, the S1/2 of Sec. 8, and the N1/2 of Sec. 19, all in T24N R47W.

018.15A1 Public Hunting Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15A1a and 018.15A1b.

018.15A1a It shall be unlawful to discharge rifles or handguns within the boundaries of Alliance Airport Authority Cooperative Management Unit situated in Box Butte County, Nebraska, provided that it shall not be unlawful to take game during open hunting seasons by either a muzzleloading rifle or a shotgun.

018.15B Powder Creek Public Access Area

018.15B1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15B1a.

018.15B1a Target shooting shall not be allowed.

018.15C Mitchell Valley Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: Lot 10 and ACCR Section 1, T22N, R56W (66 acres) and Lots 4 & 5 of E1/2 SW, SE1/4 (just those acres south of the North Platte River - 256.74 acres) all in Scotts Bluff County.

018.15C1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15C1a and 018.15C1b.

018.15C1a Use of centerfire rifles, rimfire rifles, and handguns is prohibited.

018.15C1b Target shooting is prohibited.

018.15D Vencil's Island Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and the Papio-Missouri Natural Resources District: Tax Lot 1A in Section 5, T13N, R10E, together with all accretions; Tax Lot D in Section 29, T14N, R10E, together with all accretions; Tax Lot 1 in Section 32, T14N, R10E, together with all accretions; a tract of land in Tax Lot 5 in Section 33, T14N, R10E, described as: beginning at the NW corner of said Section 33, thence East along the north line of said Section 33, a distance of 420.00 feet; thence southerly to a point on the south line of the NW1/4 of the NW1/4, being 410.00 feet east of the SW corner of the NW1/4; thence southwesterly to a point on the south line of the NW1/4, being 225 feet east of the west 1/4 corner of said Section 33; thence continuing southwesterly to the SW corner of the NW1/4 of the SW1/4 of said Section 33; thence continuing north along the west line of said Section 33 a distance of 3960 feet to the NW corner of said Section 33 and the point of beginning, together with all accretions thereto, all in Sarpy County.

018.15D1 Area Regulations: All Chapter 4, Section 018, Sub-Section 018.14 Lands Controlled for Public Access shall apply except as noted in 018.15D1a through 018.15D1c.

018.15D1a Public access and hunting is limited to youth-mentored hunts officially sanctioned by the Nebraska Game and Parks Commission for deer, turkey and waterfowl.

018.15D1a(1) Youth-mentored waterfowl hunts shall be allowed only during Youth Waterfowl Season.

018.15D1b Trapping is prohibited.

018.15D1c Use of rifles and handguns is prohibited.

018.15E Bead Mountain Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: NE, E1/2 SE 11-20-55 (240 acres); SE 2-20-55 (160 acres); W1/2 SW 1-20-55 (84.3 acres); SW NE, NW NW, S1/2 NW S1/2 12-20-55 (480 acres); PT E1/2 SE 31-21-54 (55.5 acres); SW 32-21-54 (148.82 acres); N1/2 1-20-55 (320 acres); PT NE, S1/2 NW, SW 2-20-55 (387.4 acres); NW, NW SW 11-20-55 (200 acres); S1/2 S1/2 3-20-55 (160 acres); E1/2 NE 9-20-55 (80 acres); N1/2 N1/2 SE 10-20-55 (400 acres); E1/2 EX NE NE SE 4-20-55 (275.9 acres); all in Scotts Bluff County.

018.15E1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife

Management Area regulations shall apply except as noted in 018.15E1a and 018.15E1b.

018.15E1a Within the portion of the area so designated by signs, the use of rifles, handguns, muzzleloaders or shotguns using slugs is prohibited; this shall not prohibit hunting with shotguns using shot shells or hunting with archery equipment.

018.15E1b Target shooting is prohibited on the entire area.

018.15F Carter Canyon Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: Pt SW NE, W1/2 SE28-21-56 (108.4 acres); S1/2 SW, NE SW, SE NW (Lying S of CR) 28-21-56 (138 acres); NW, N1/2 SW 5-20-56 (240 acres); S1/2 SW 5-20-56 (80 acres); N1/2 NE, SW NE, NW, SW, W1/2 SE 6-20-56 (520 ACRES); SE NE, E1/2 SE 6-20-56 (128.66 acres); all 7-20-56 (639.07 acres); W1/2, PT W1/2 SE 8-20-56 (336.15 acres); NW, SW NE, W1/2 SE, E1/2 SW, E1/2 W1/2 SW, 33-21-56 (400 acres); Sec.32; W1/2 of SW 1/4 Sec 33, T21N R56W. Sec 1; E1/2 Sec 2; Sec 12; E1/2 Sec 11; Sec 13; E1/2 Sec 14, T20N R57W. Sec 18, T20N R56W, all in Scotts Bluff County. Sec 24, T20N R57W, W1/2, NE1/4 Sec 19, T20N R56W, E1/2 Sec 23, T20N R57W, all in Banner county.

018.15F1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15F1a.

018.15F1a Target shooting is prohibited on the entire area.

018.15G Montz Point Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: 16 and 21-T21N-R57W (1280 acres); 28-T21N-R57W (640 acres); NE1/4NW1/4 33-T21N-R57W (40 acres); NW1/4NE1/4 33-T21N-R57W (40 acres); E1/2SE1/4 29-T21N-R57W (approx. 70 acres); total acres encompassing approximately 2,070 acres, all east of the Stegal Road and all in Scotts Bluff county.

018.15G1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15G1a.

018.15G1a Target shooting is prohibited on the entire area.

018.15H The following lands are managed by agreement between the Nebraska Game and Parks Commission and Pheasants Forever Helmuth Marsh Public

~~Access Area The following lands are managed by agreement between the Nebraska Game and Parks Commission and Pheasants Forever, Inc.:~~

~~018.15H1 Helmuth Marsh Public Access Area: Lots 7 and 11 of the NE 1/4 located in Section 11, Township 11 North, Range 6 East of the 6th Prime Meridian; Lancaster County, Nebraska total acres encompassing approximately 120 acres, five miles north of Lincoln and all in Lancaster County.~~

~~018.15H2 Saline Meadows Public Access Area: West Half of the Southwest Quarter (W1/2 SW ¼) and Lot 31, Irregular Tract in the Northwest Quarter (NW1/4) of Section 5, Township 12 North, Range 7 East of the 6th Prime Meridian, Lancaster County, Nebraska and The North Half of the Northwest Quarter (N ½ NW ¼) of Section 8, Township 12 North Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska.~~

~~018.15H43 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply.~~

018.15I Platte River Recovery Implementation Foundation Properties

These are lands managed by agreement between the Commission and the Platte River Recovery Implementation Foundation

018.15I1 Area Regulations: All Chapter 4, Sub-section 018.14, General Regulations Governing Administration and Use of Property - Lands Controlled for Public Access regulations shall apply except as noted in 018.15I1a through 018.15I1c.

018.15I1a A Permission Access Form provided by the Commission must be signed and accompany persons utilizing Platte River Recovery Implementation Foundation properties. The Permission Access Form shall include allowable dates, times, places and activities.

018.15I1a(1) Activities must be conducted in accordance with the specifications of the Permission Access Form.

018.15I1b Possession and/or consumption of alcohol is prohibited on the Platte River Recovery Implementation Foundation properties controlled for public access by the Commission.

018.15I1c Disorderly conduct is prohibited in accordance with 018.03B, 018.03B1, 018.03B2, 018.03B3, 018.03B4, and 018.03C.

018.15J Other Areas by Permission Access Form

Title 163
Chapter 4

018.15J1 Area Regulations: All Chapter 4, Sub-section 018.14, General Regulations Governing Administration and Use of Property – Lands Controlled for Public Access regulations shall apply except as noted in 018.15J1a.

018.15J1a A Permission Access Form provided by the Commission must be signed and accompany persons utilizing Other Areas by Permission Access Form. The Permission Access Form shall include allowable dates, times, places, and activities.

018.15J1a(1) Activities must be conducted in accordance with the specifications of the Permission Access form.