

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, public hearings conducted by the Nebraska Game and Parks Commission, will be held on October 21, 2022 at the Broken Bow Public Library Meeting Room 626 South D St. Broken Bow, NE prior to consideration and/or enactment of the following:

Pursuant to Neb. Rev. Stat. Sections §§ 37-1201, 37-1202, 37-1246, 37-1247, 37-1265, 37-1266, 37-1268; a public hearing will be held at 8:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 3, entitled Boating Regulations, Section 003 – Equipment Standards to update current regulations to conform with federal law regarding changing language from life preservers to personal flotation devices approved by the US Coast Guard, changing language from boat to vessel and clarifying language on what constitutes overloading of a vessel.

Pursuant to Neb. Rev. Stat. Sections §§37-336, 37-338, 37-1266, a public hearing will be held at 8:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 3, entitled Boating Regulations, Section 012 Waters with Special Restrictions by adding a 5 mph/no wake regulation from sundown to sunrise on Lake 15 (Victory Lake) and Lake 10 at Fremont Lakes. Add language limiting the number towable devices for water sports pulled by a motorboat or personal watercraft to one at Fremont Lakes SRA on Lake 15 (Victory Lake) and Lake 10. Add Lake at Bridgeport SRA to Sub-section 012.08. Add language clarifying that non-powered vessels and those powered by outboard electric motors are not allowed to operate at Fremont Lakes SRA on Lake 15 (Victory Lake) and Lake 10. Add an exemption for NGPC and other governmental agencies working in their official capacity.

Pursuant to Neb. Rev. Stat. Sections §§37-1201, 37-1202, 37-1246, 37-1247, 37-1265, 37-1266, 37-1268, a public hearing will be held at 9:00 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 3, entitled Boating Regulations, Section 015, Special Rules and Regulations for Non-Public Lake Associations, deleting redundant language and correcting errors, removing 015.02R through subpart 015.02R5 in regard to Villa Springs per their HOA request. Add language for the Sanitary and Improvement District No. 177 (Riverside Lakes, East Lake) Douglas County to this section from Section 12

Pursuant to Neb. Rev. Stat. Sections §§37-301, 37-304, 37-314, 37-424, 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 010 Special Fishing Permits for Residents Who Are Severely Physically or Developmentally Disabled and Who Require Assistance in Angling, to simplify public access to forms for the permitting and renewal process by making them available online and at permitting offices.

Pursuant to Neb. Rev. Stat. Sections §§ 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, 37-457, 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 9:30 AM to consider amendments to Title 163, Nebraska Administrative Code, Chapter 4, entitled Wildlife Regulations, Section 001- General Regulations Governing Wildlife Species to allow for hunters applying for non-resident archery antelope permits to earn or buy a preference point, clarify language for the time limits to check a turkey, clarify that all antelope may be checked via the internet or telephone, and allows canceling and checking of an electronic turkey permit on a mobile device beginning in spring 2023.

Pursuant to Neb. Rev. Stat. Sections §§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, 37-456.01, 37-529, 37-701, 37-706, 37-708, 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 003 adding language to include the Pine Ridge Mule Deer Conservation Area permit to the list of draw units. Add the non-resident antelope archery permit to the list of antelope permits that are draw units, and allow non-resident archery antelope hunters to either apply for a preference point or the archery permit.

Pursuant to the provisions of 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 10:00 AM., to consider amendments to Commission Order C06, Sport Fishing, regarding daily bag limits, possession limits, length limits, and open areas. Update the water bodies that have a minimum length limit of 21 inches on Black Bass. Redefine boundary designation between the Republican River and Harlan County Reservoir for size and/or bag limits for Channel Catfish and Walleye, Sauger and Saugeye. Add an additional lake to the no harvest of Northern Pike. Establish special size restriction for Bluegill, Redear and Crappie for Flanagan Lake. Update restriction for Lonergran Creek and Otter Creek at Lake

McConaughy.

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 or by written submission at the public hearing. 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 October 19, 2022 by Sheri Henderson at the Lincoln office, 2200 North 33rd Street, Lincoln, NE 68503-0370.

Tim McCoy, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Dean Rosenthal
Chapter: 2	Date prepared: September 16, 2022
Subject: Section 010 Special Fish Permits for Residents Who Are Severely Physically or Developmentally Disabled and Who Require Assistance in Angling	Telephone: 402/471-5495

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:

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 2 REGULATIONS Fisheries – Special Fish Permits for Residents Who Are Severely Physically or Developmentally Disabled and Who Require Assistance in Angling

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Dean Rosenthal, Fisheries 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

Changes to improve the public access of permit applications and issuing of “Special Fishing Permits” for disabled anglers. Applications are available electronically through the Commission’s website and can be issued through the Commission’s online permitting once approved. Renewals can be made by individuals through the online permitting process. Previously the entire permitting process was available only through the Fisheries in Lincoln Office. Also removes the language specifying cost which is a duplication and covered under Chapter 1 Section 006 sub-section 006.01.

Section 010. Last approved date changed. Per guidance from the Governor’s Policy Research Office, the last sentence in the statutory citation paragraph; “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”; is deleted for redundancy with statute.

Sub-section 010.02 Deletes the statement “Applications for this special permit are available from the Fisheries Division, Nebraska Game and Parks Commission, Box 30370, Lincoln, NE 68503” and adds the statement that “Application forms are available from the Commission and electronic applications are available at a Commission’s website Also adds the statement that “Annual renewals may be purchased through the Commission Permitting Office or through the Commission’s online Permit system”. Deletes “The application must then be submitted with \$5 to the Fisheries Division” and “from the Fisheries Division”.

Removes the application form from the regulation.

Changes in Text Between Notice and Adoption:

DATED the 16th day of September, 2022.

NEBRASKA GAME AND PARKS COMMISSION

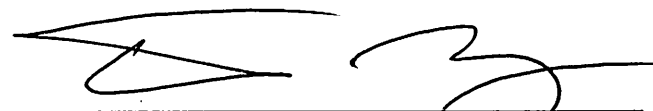
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Dean Rosenthal, Division Administrator

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

DATED the 16th day of September, 2022.

NEBRASKA GAME AND PARKS COMMISSION

A handwritten signature in black ink, appearing to read 'Timothy McCoy', written over a horizontal line.

Timothy McCoy, 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 2, entitled FISHERIES REGULATIONS, Special Fish Permits for Residents Who Are Severely Physically or Developmentally Disabled and Who Require Assistance in Angling, Section 010 –Rules relating to eligibility, application and issuing process, assistance and daily bag and possession limits for special fishing permits.

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 N. 33rd, P.O. Box 30370, Lincoln NE 68503, or FAX 402/471-4349. The comment period will close on October 19th, 2022 at 1 p.m. Central Time.

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) 471-5539 or, for persons with hearing impairments, (402) TDD or Nebraska Relay System, (800) 833-7352 TDD by no later than October 14, 2022.

REGULATIONS DOCKET
Check List

AGENCY: NEBRASKA GAME AND PARKS COMMISSION
AGENCY CONTACT: Sheri Henderson, 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 2, Section 010

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

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-301, 37-304, 37-314, 37-424.

ABSTRACT OF SUBJECT MATTER: Special Fish Permits for Residents Who Are Severely Physically or Developmentally Disabled and Who Require Assistance in Angling – Rules relating to eligibility, application and issuing process, assistance and daily bag and possession limits for special fishing 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	<u>09/16/2022</u>	_____
	Governor Waiver	_____	_____
	Rulemaking Hearing	<u>10/21/2022</u>	_____
	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	_____	_____

NEBRASKA ADMINISTRATIVE CODE

LAST ISSUE DATE: ~~January 25, 2008~~ February 9, 2009

Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

010 Special Fishing Permits for Residents Who Are Severely Physically or Developmentally Disabled and Who Require Assistance in Angling. The following regulations are prescribed by the Nebraska Game and Parks Commission, State of Nebraska, in addition to State Statutes, in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-314, and 37-424. ~~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.~~

010.01 Eligibility. To be eligible for this special permit, the applicant must be unable to operate a fishing rod and reel, attach terminal tackle, bait a hook and remove fish from a hook(s).

010.02 Application form and permit issuance. ~~Application forms are available at the Commission and electronic applications are available on the Commission's website. Applications for this special permit are available from the Fisheries Division, Nebraska Game and Parks Commission, Box 30370, Lincoln, NE 68503. The applicant must secure the signature of a licensed physician attesting to the fact that the person meets the requirements listed in 010.01. Annual renewals may be purchased at a Commission Permitting Office or through the Commission's online Permit system. The application must then be submitted with \$5 to the Fisheries Division. Eligible applicants will be issued annual permits from the Fisheries Division.~~

010.03 Assistance allowed. This special permit is issued in the name of the disabled person and necessitates the permit holder to be assisted by one person. The person assisting the permit holder is allowed to help the permit holder to take, hunt, fish, catch, kill, harvest or possess any aquatic organism in compliance with the Game Law without possessing a fishing permit or aquatic habitat stamp.

010.04 Daily bag and possession limit. If the person assisting the permit holder does not have a current Nebraska fishing permit and aquatic habitat stamp, the permit holder and assistant will be allowed to have one daily bag and one possession limit between them. If the person assisting the permit holder does have a current Nebraska fishing permit and aquatic habitat stamp, each person will be allowed to have a daily bag and possession limit.

Nebraska Game and Parks Commission
Application for a Special Fishing Permit
for Severely Physically Disabled or Developmentally Disabled
Persons
(33-449/5-97)

I am applying for a special permit which allows one person to help me fish. I attest that I am unable to fish by myself in the normal manner because of a permanent physical impairment or a developmental disability. Following is my true description:

Name _____
Address _____
City _____ State: _____ Zip: _____
Social Security Number _____

HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR	DATE OF BIRTH	AGE	SEX

FEE: \$6.00 (includes \$1.00 issuing fee)

(THE FOLLOWING IS TO BE COMPLETED BY A LICENSED PHYSICIAN) If this is a renewal, it is not necessary to complete this section because we have the doctor's signature on file.

The above named individual has a permanent physical impairment or has a developmental disability **resulting in an inability to use fishing equipment unassisted.**

Describe nature of disability:

Name of
Licensed Physician _____ Phone: _____
(Type of Print)

Address _____
City _____ State: _____ Zip: _____

Signature of Physician _____ Date: _____

RETURN TO: Fisheries Division
Nebraska Game and Parks Commission
2200 N. 33rd St., P.O. Box 30370
Lincoln, NE 68503-0370
Phone: 402-471-5552