

NEBRASKA DEPARTMENT OF NATURAL RESOURCES
NOTICE OF RULEMAKING HEARING

NOTICE IS HEREBY GIVEN that the Nebraska Department of Natural Resources (“Department”), will hold a public rulemaking hearing pursuant to Neb. Rev. Stat. §§ 37-707(2)(d) and 84-907. The hearing will be held at 9:30 a.m. on Friday, May 19, 2023 in the Theatre Room at the Ash Hollow State Historical Park Visitor Center located 3 miles southeast of Lewellen, Nebraska on U.S. Highway 26. The public rulemaking hearing at Ash Hollow State Historical Park will be free to attend.

The purpose of the hearing is to take public comments concerning the adoption of the Department’s proposed boundary change to a portion of the Garden County Game Refuge, Title 459 Neb. Admin. Code Chapter 1, § 003 (Sheet 2 of 4) “Rules Related to Boundaries of State Game Refuges.” The proposed rule modifies approximately two miles of the boundary in Sections 23, 24, and 25, Township 17 North, Range 45 West, and Section 30, Township 17 North, 44 West of Garden County.

Title 459 as amended is available at the offices of the Secretary of State, Regulations/Licensing Division, 1201 N Street, Suite 120, Lincoln, NE 68508 and on the Department’s website at <https://dnr.nebraska.gov/legal> under the Agency Procedure tab. The description of the fiscal and other impacts may be inspected and obtained at the Department’s offices located at 245 Fallbrook Blvd., Suite 201, Lincoln, Nebraska, 68521. There is no expected fiscal impact from the adoption of amended Title 459 on state agencies or political subdivisions, but there may be a fiscal impact on landowners affected by the new boundary designation because the regulations will limit hunting opportunities within the newly designated refuge boundary.

All interested persons are invited to attend and make oral or written comments at the hearing. Interested persons may also submit written comments prior to the hearing, which will be made part of the hearing record at the time of the hearing if received by the Department on or before May 15, 2023. Written comments should be sent to the Department of Natural Resources, 245 Fallbrook Blvd., Suite 201, Lincoln, Nebraska, 68521 or to dnr.legalfile@nebraska.gov

If you plan to participate in the hearing and need auxiliary aids or reasonable accommodations, please contact B.J. Green at (402) 471-2363 by May 15, 2023.

FISCAL IMPACT STATEMENT

Agency: Nebraska Department of Natural Resources	
Title: 459	Prepared by: Emily Rose
Chapter(s): Ch. 1 § 003 (Sheet 2 of 4)	Date prepared: 2/22/2023
Subject: Rules Related to Boundaries of State Game Refuges	Telephone: 402-471-1681

Type of Fiscal Impact:

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

Provide an Estimated Cost & Description of Impact:

State Agency: No increased cost is estimated other than the potential cost for Game and Parks Commission employees to move signs, if necessary, designating the changed boundary.

Political
Subdivision: None

Regulated Public: There may be fiscal impact on landowners affected by the boundary change because the regulations will limit hunting opportunities within the newly changed boundary.

If indeterminable, explain why: N/A

NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

Rules Related to Boundary of State Game Refuges

-- Various Counties, Nebraska

NEBRASKA ADMINISTRATIVE CODE

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

CHAPTER 1 --- RULES RELATING TO BOUNDARY OF STATE GAME REFUGES
- - VARIOUS COUNTIES, NEBRASKA

NUMERICAL TABLE OF CONTENTS

<u>SUBJECT OF TITLE</u>	<u>STATUTORY AUTHORITY</u>	<u>SUBSECTION</u>
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Update of Boundary	§ 37-707	002
Boundary - Garden County	§ 37-707	003
Boundary - Douglas-Saunders County	§ 37-707	004
Boundary - Niobrara River	§ 37-707	005
Boundary - North Platte River	§ 37-707	006
Maps	§ 37-707	007

NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

Rules Related to Boundary of State Game Refuges
-- various counties, Nebraska

001. Banks of the River. For purposes of this Chapter, the banks of the river means the words used in *Neb. Rev. Stat.* §§ 37-706(3), and is depicted by a line on maps produced by the Department of Natural Resources ("Department") using best available technical information, best available elevation information, and past and present observations of the river and adjacent lands.

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

003. Boundary - Garden County, Nebraska. See *Neb. Rev. Stat.* § 37-706(1)

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

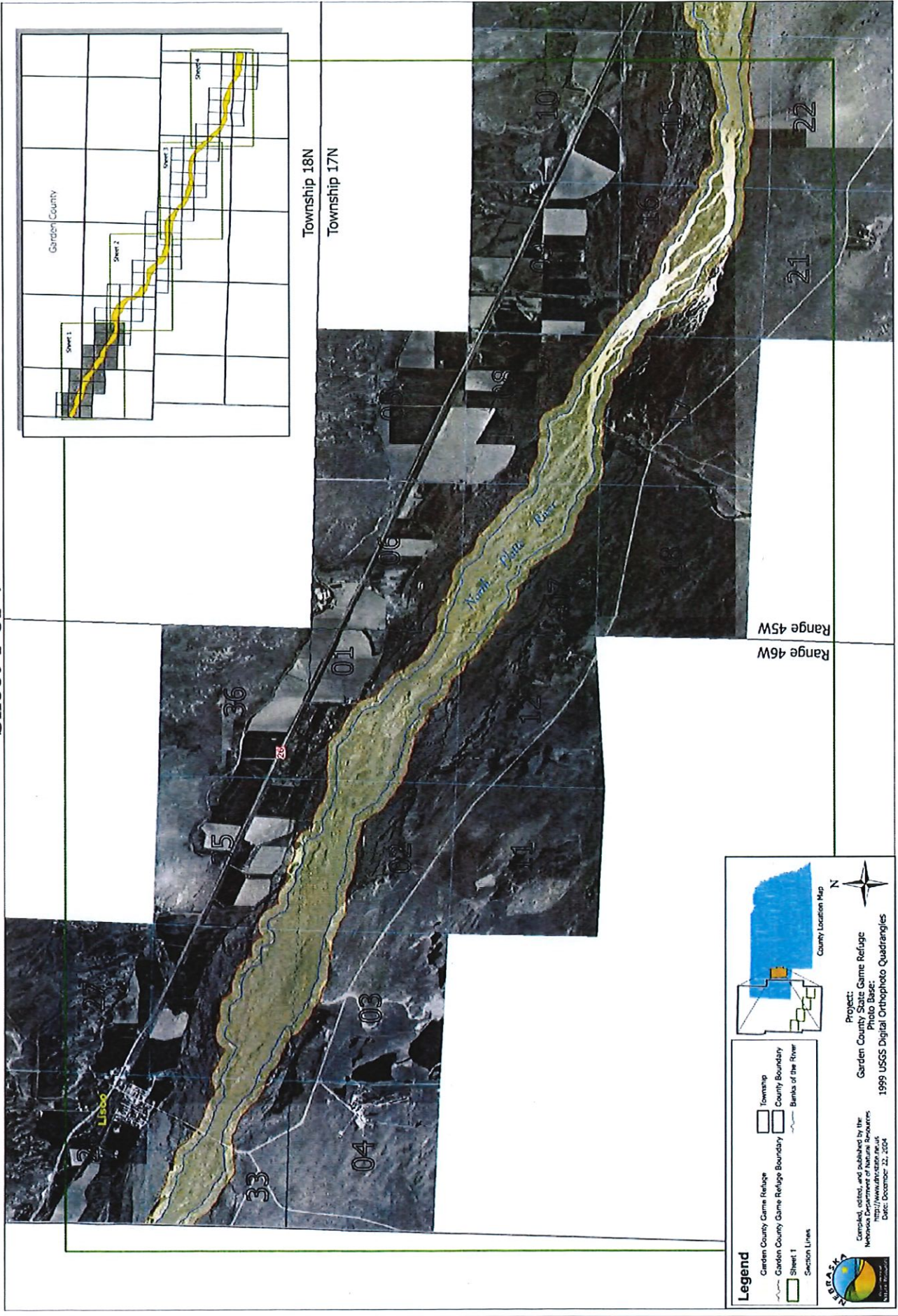
005. Boundary - Niobrara River Game Refuge. See *Neb. Rev. Stat.* § 37-706(2)(b).

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

007. State Game Refuge Maps. The attached maps depict the boundaries of the State Game Refuges.

GARDEN COUNTY STATE GAME REFUGE

Sheet 1 of 4



Legend

- Garden County Game Refuge
- Garden County Game Refuge Boundary
- Township
- County Boundary
- Section 1
- Section Lines

County Location Map

N

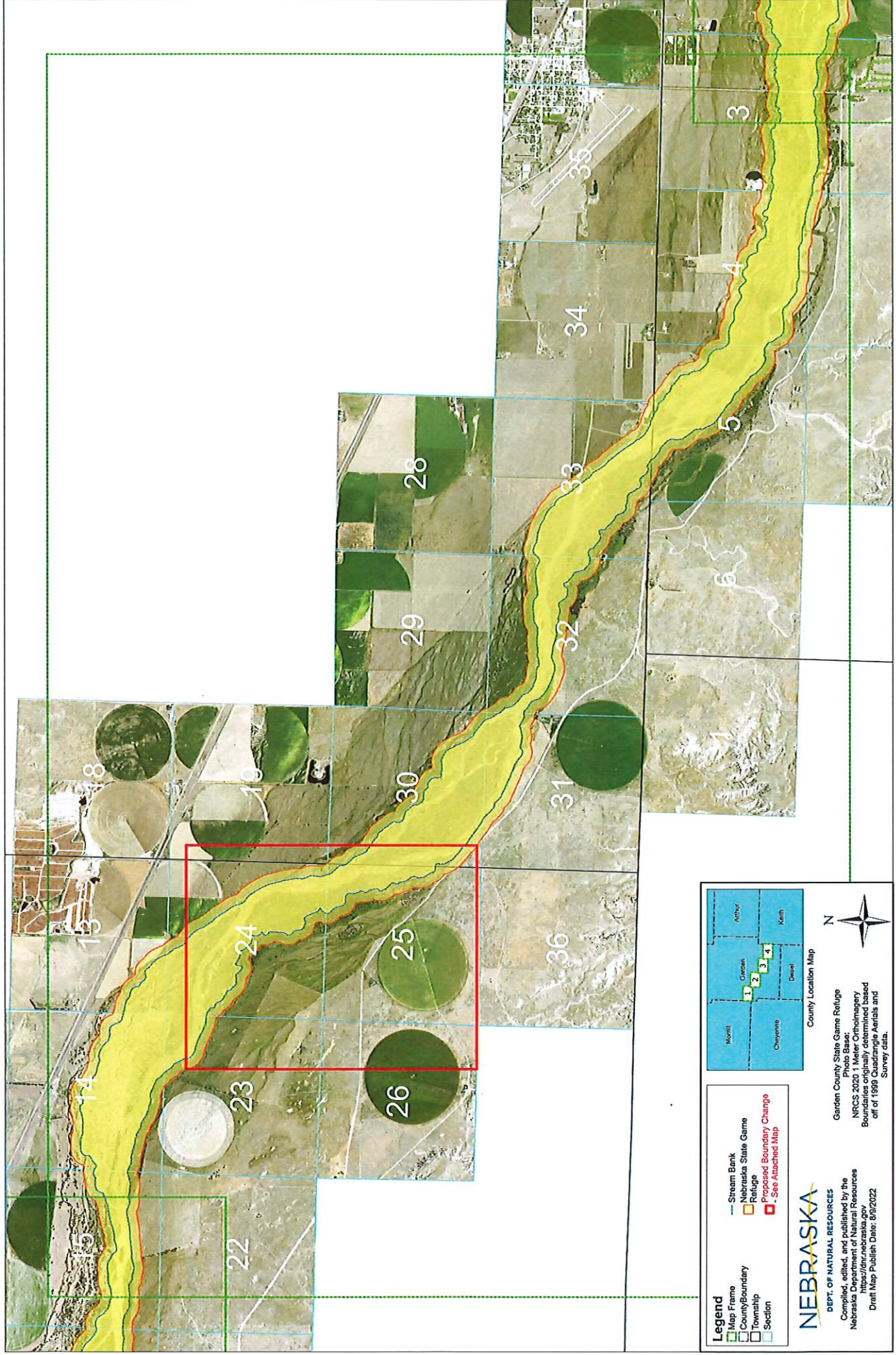
Project:
Garden County State Game Refuge
Photo Base
1999 USGS Digital Orthophoto Quadrangles

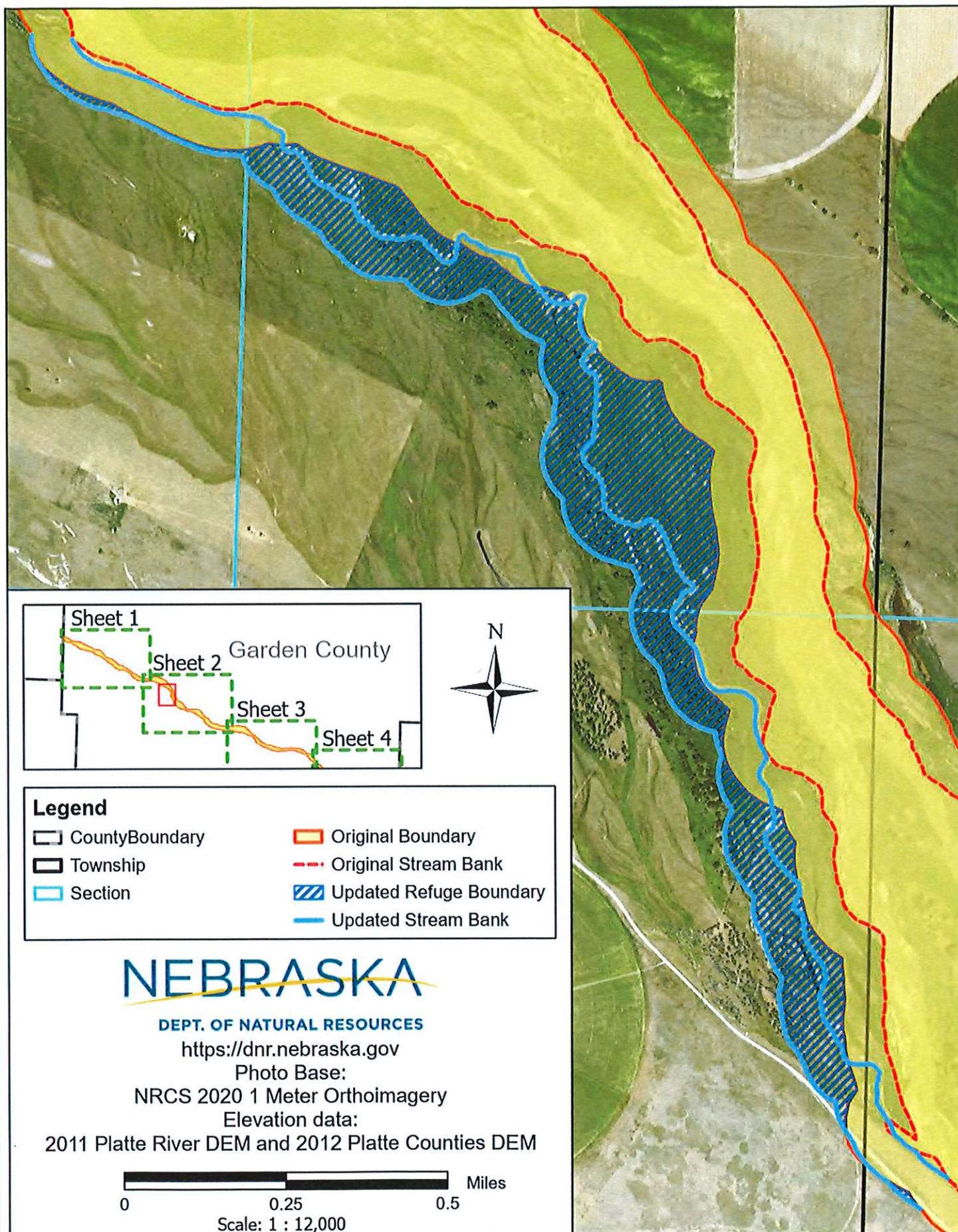
Compiled, edited, and published by the
Nebraska Department of Natural Resources
<http://www.ndnr.state.ne.us>
Date: December 22, 2004



DRAFT Garden County State Game Refuge **DRAFT**

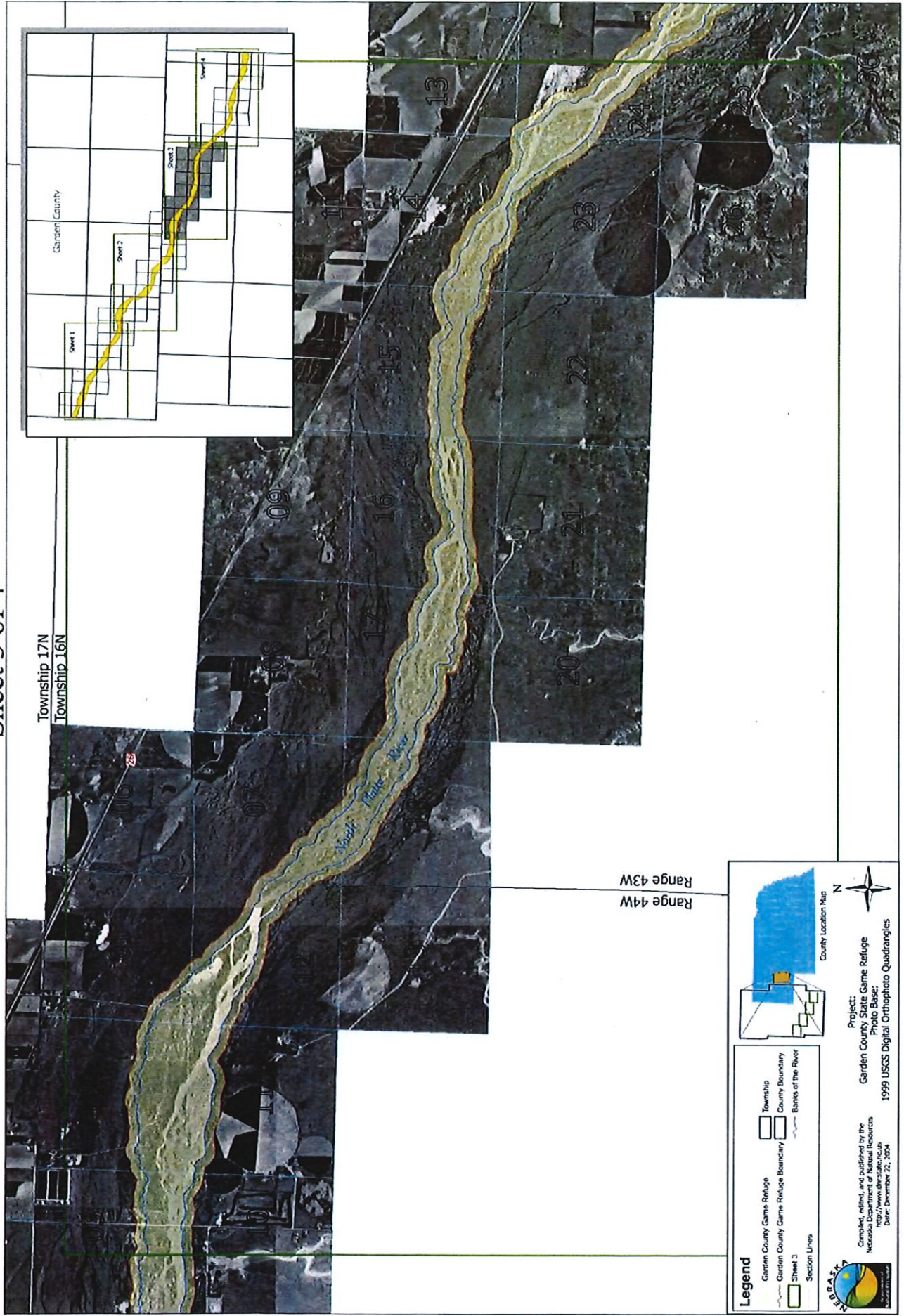
Sheet 2 of 4





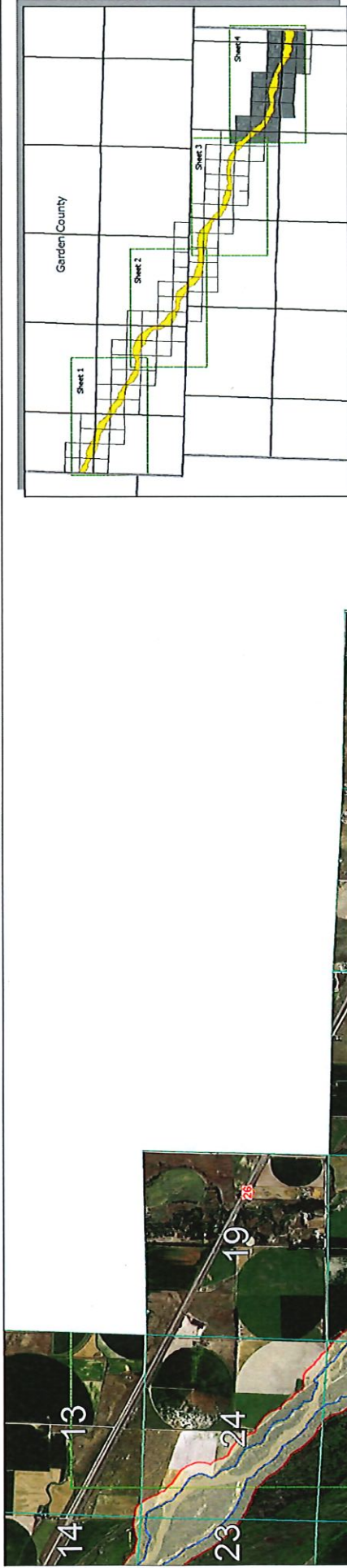
GARDEN COUNTY STATE GAME REFUGE

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GARDEN COUNTY STATE GAME REFUGE

Sheet 4 of 4



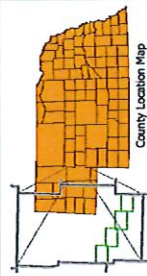
Range 42W
Range 41W

Legend

- bankline/amenoid
- County Boundary
- Nebraska State Game Refuge
- Section Lines
- Sheet 4
- Township

NEBRASKA
DEPT. OF NATURAL RESOURCES

Compiled, edited, and published by the
Nebraska Department of Natural Resources
Nebraska Game and Parks Commission
Date: November 1, 2016

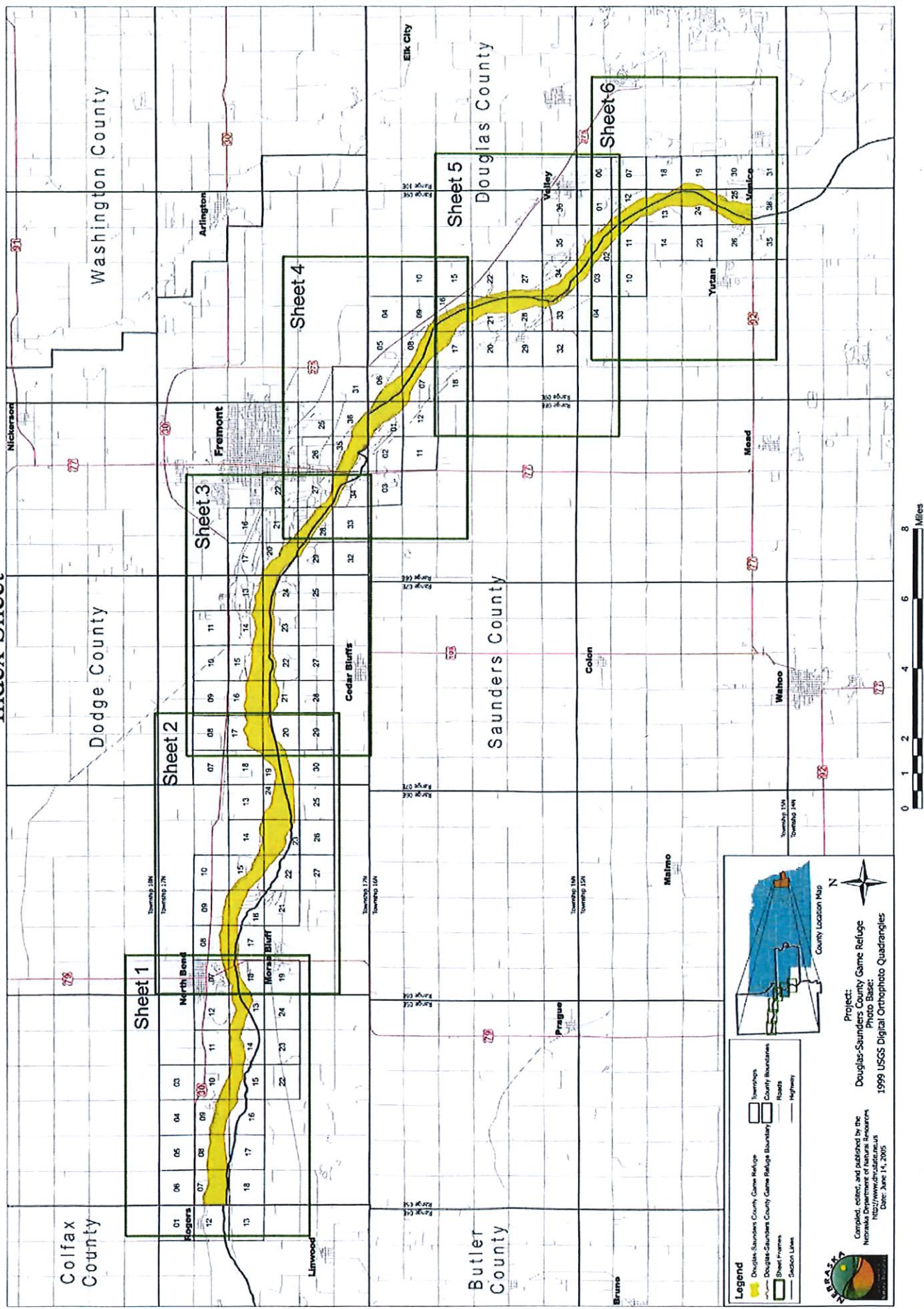


Project:
Garden County State Game Refuge
Photo Base:
2014 FSA Orthomage



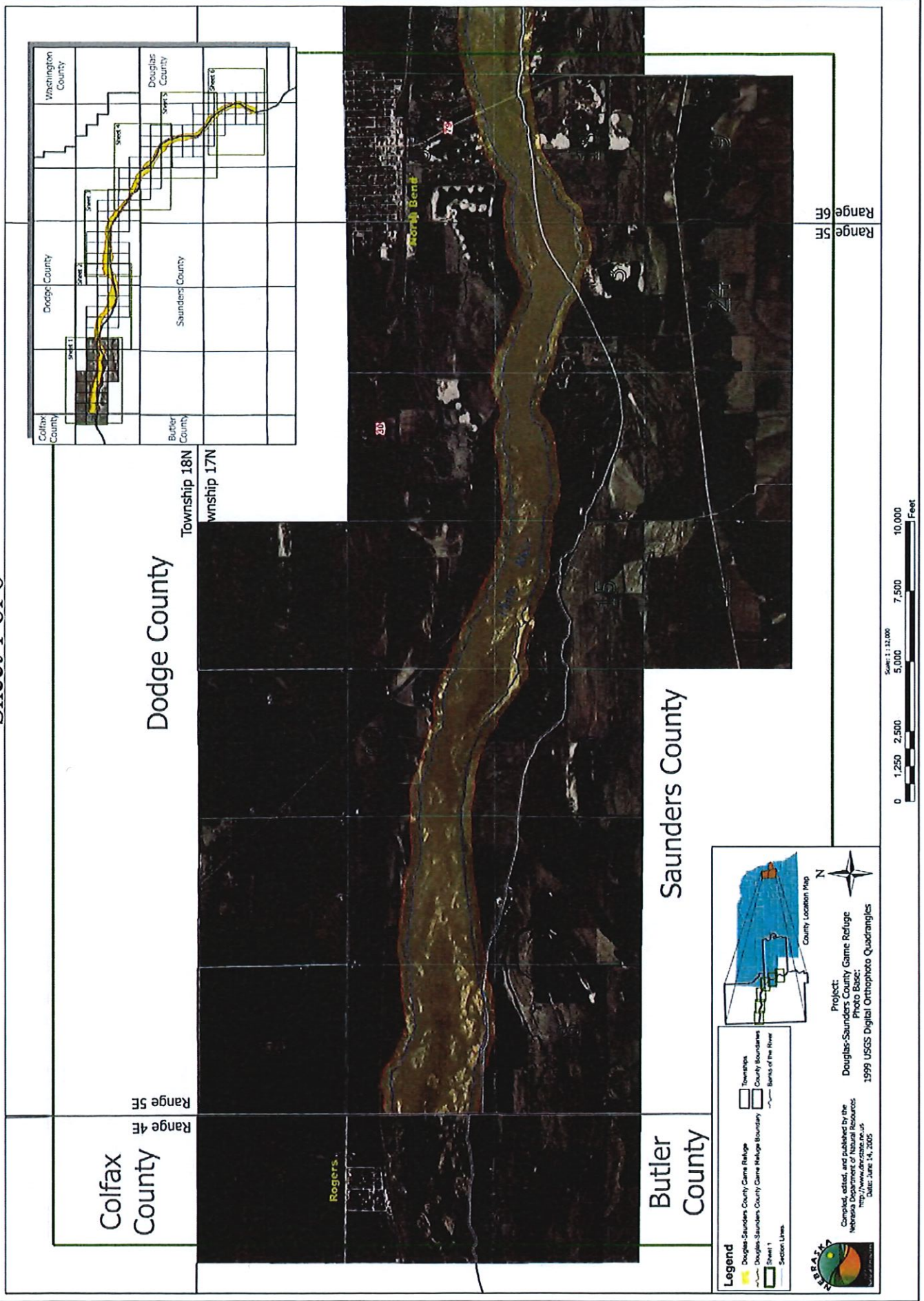
DOUGLAS-SAUNDERS COUNTY GAME REFUGE

Index Sheet



DOUGLAS-SAUNDERS COUNTY GAME REFUGE

Sheet 1 of 6



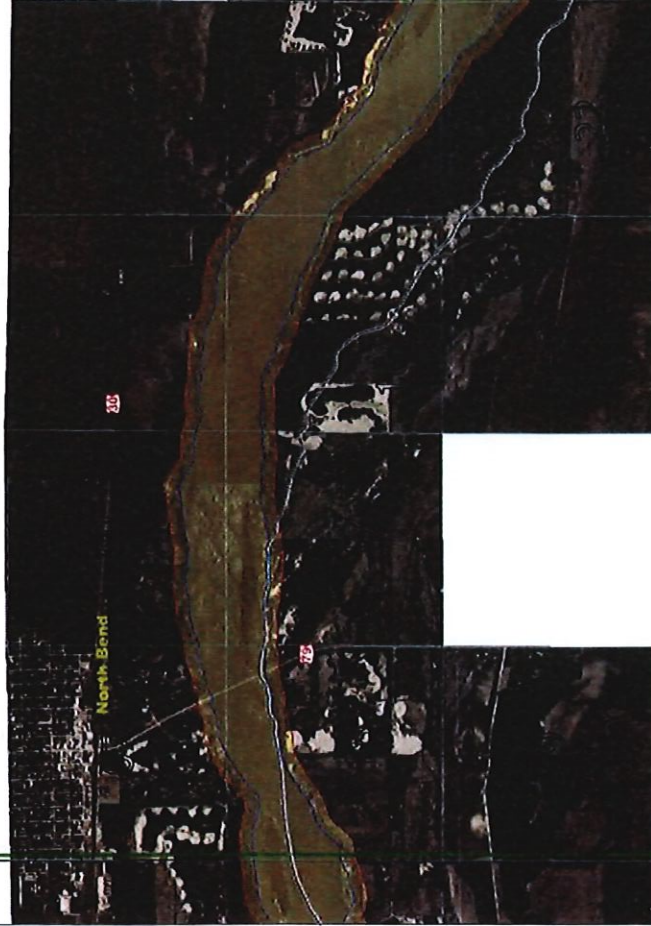
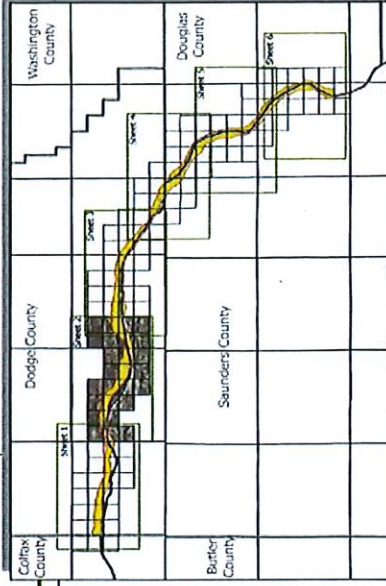
DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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Township 18N
Township 17N

Range 5E
Range 6E

Dodge County



Saunders County



- Legend**
- Douglas-Saunders County Game Refuge
 - Douglas-Saunders County Game Refuge Boundary
 - Townships
 - County Boundaries
 - Section Lines
 - Bank of the River



Project: Douglas-Saunders County Game Refuge
Photo Base: 1999 USGS Digital Orthophoto Quadrangles
Date: June 14, 2005

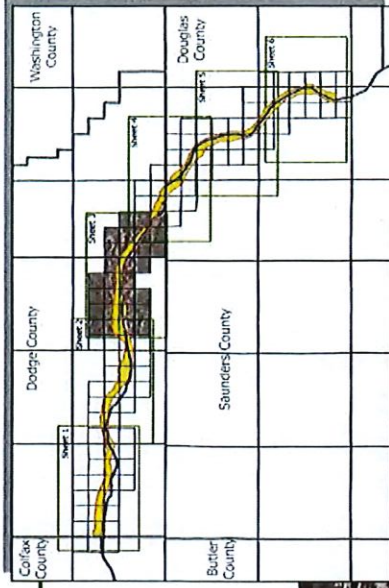
Compiled, edited, and published by the
North Dakota Department of Natural Resources
<http://www.nddnr.gov>
Date: June 14, 2005

Range 6E
Range 7E



DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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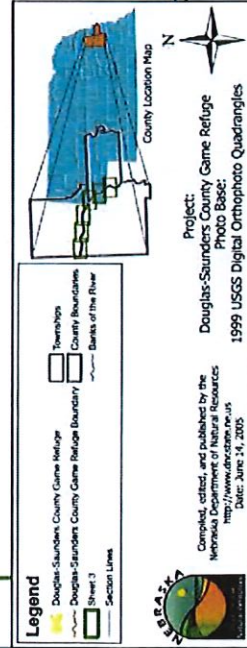
Dodge
County

Range 7E
Range 8E



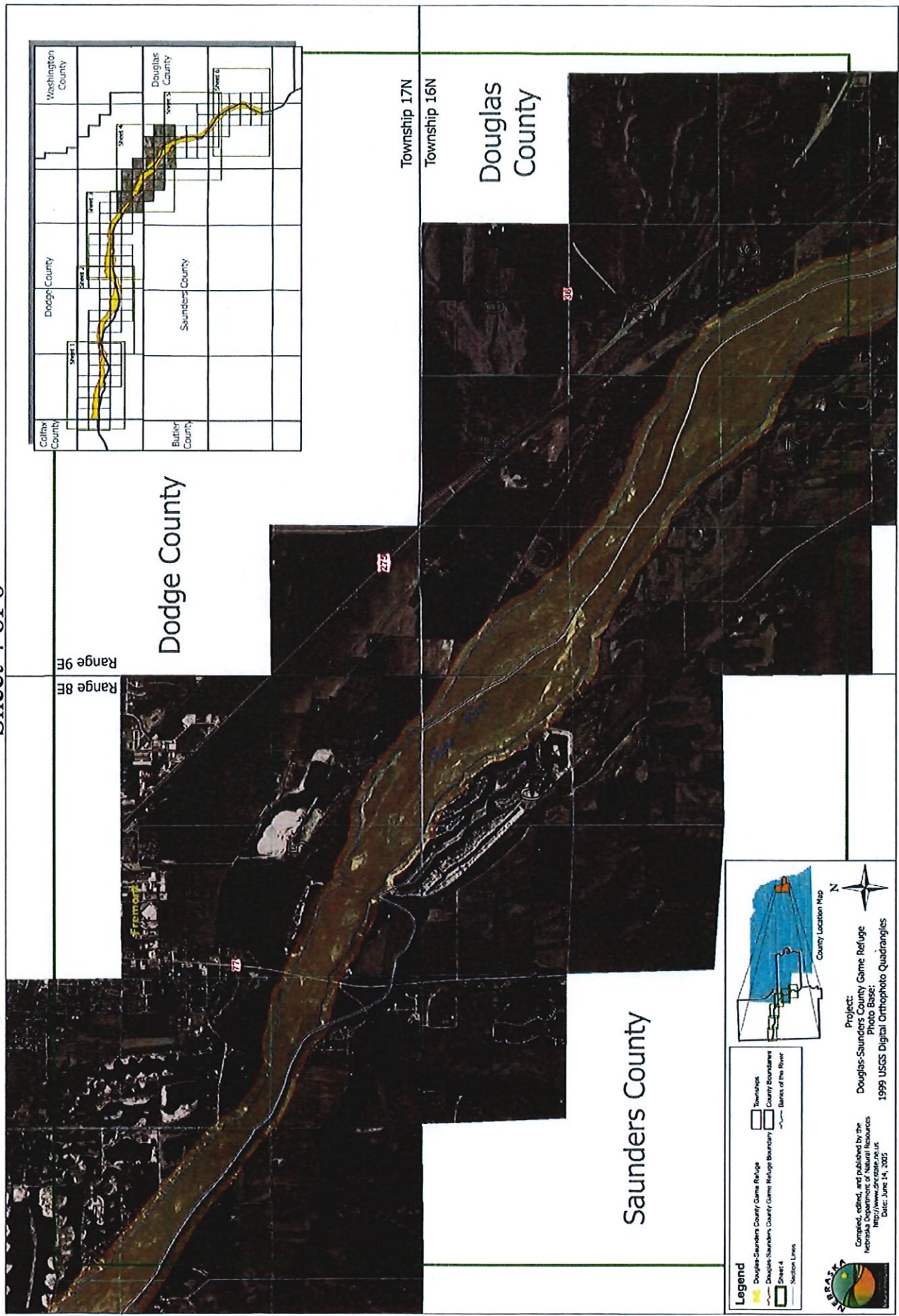
Saunders County

Township 17N
Township 16N



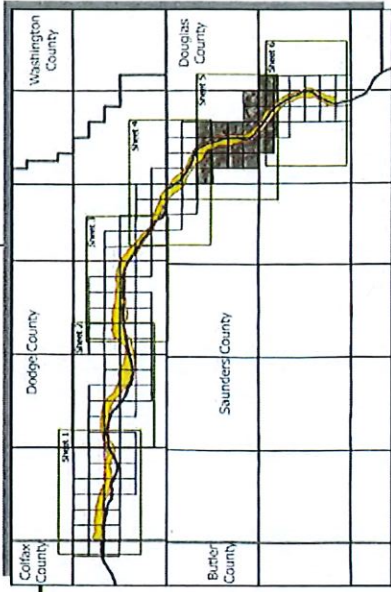
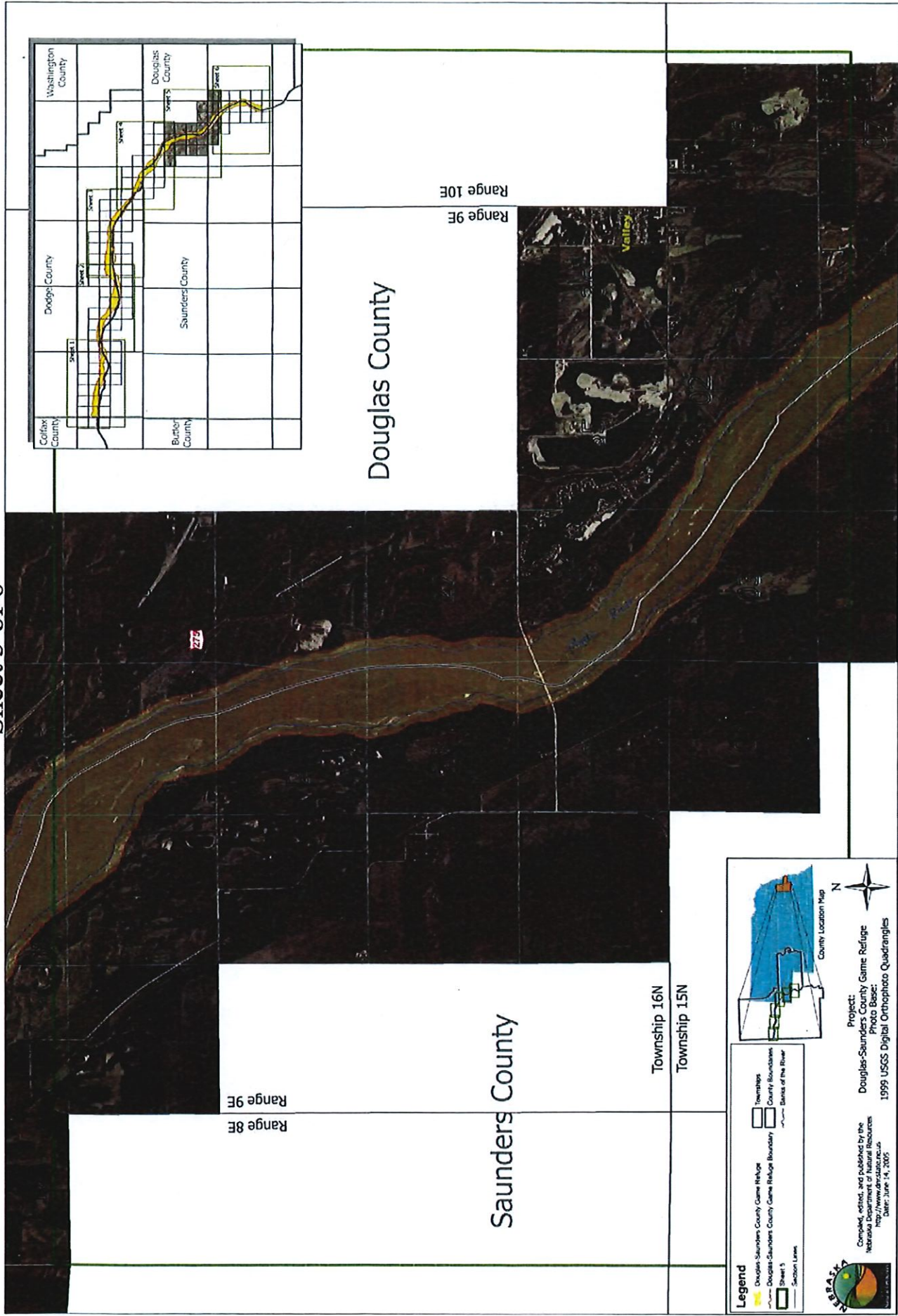
DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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Douglas County

Saunders County

Township 16N

Township 15N

Range 9E

Range 8E

Range 9F

Range 10E



Scale 1:12,500

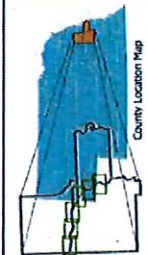


Project: Douglas-Saunders County Game Refuge
Photo Base: 1999 USGS Digital Orthophoto Quadrangles

Compiled, edited, and published by the
Nebraska Department of Natural Resources
<http://www.ndnr.state.ne.us>
Date: June 14, 2005

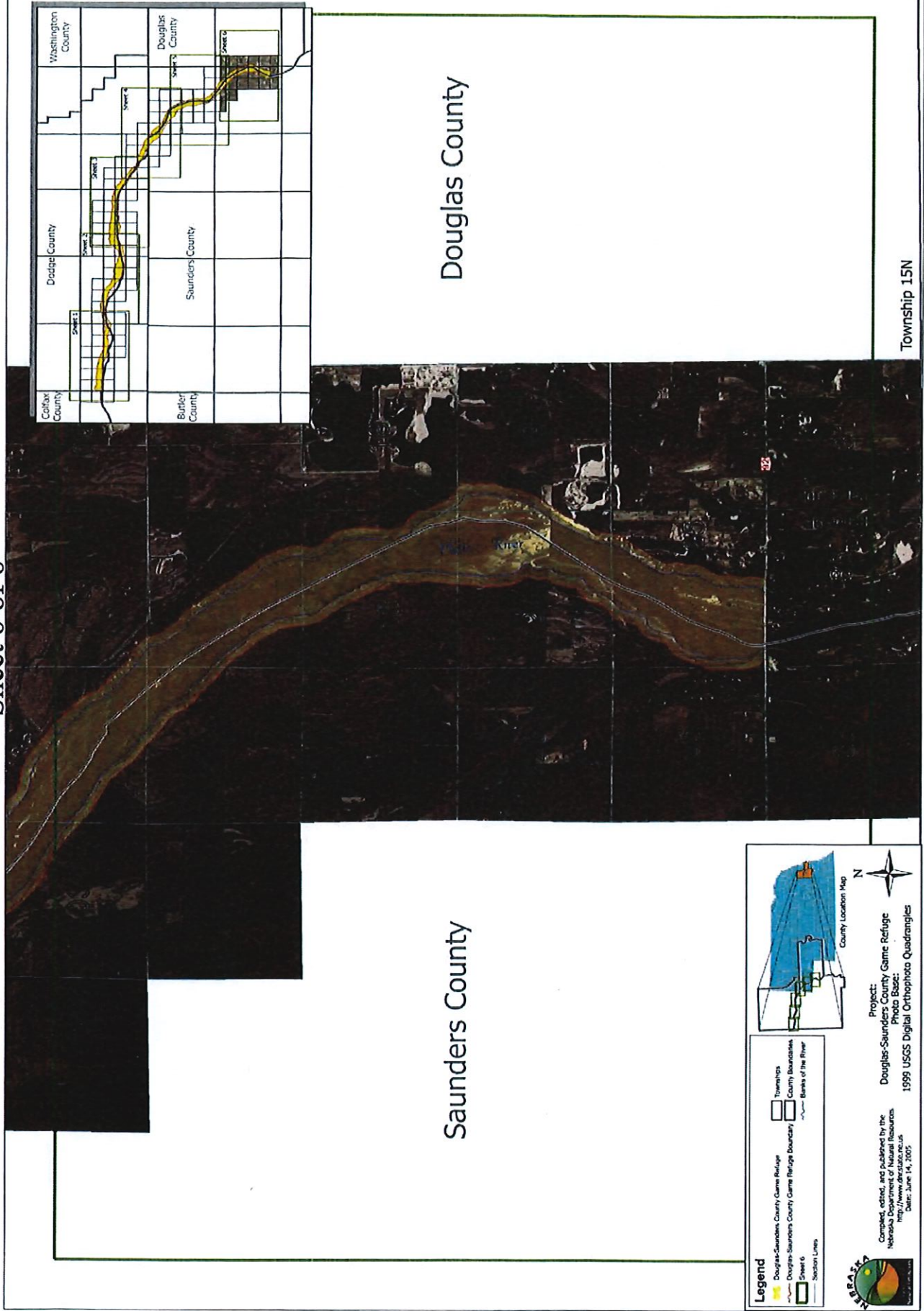


- Legend**
- Douglas-Saunders County Game Refuge
 - Douglas-Saunders County Game Refuge Boundary
 - Township
 - County Boundary
 - Banks of the River
 - Section Lines



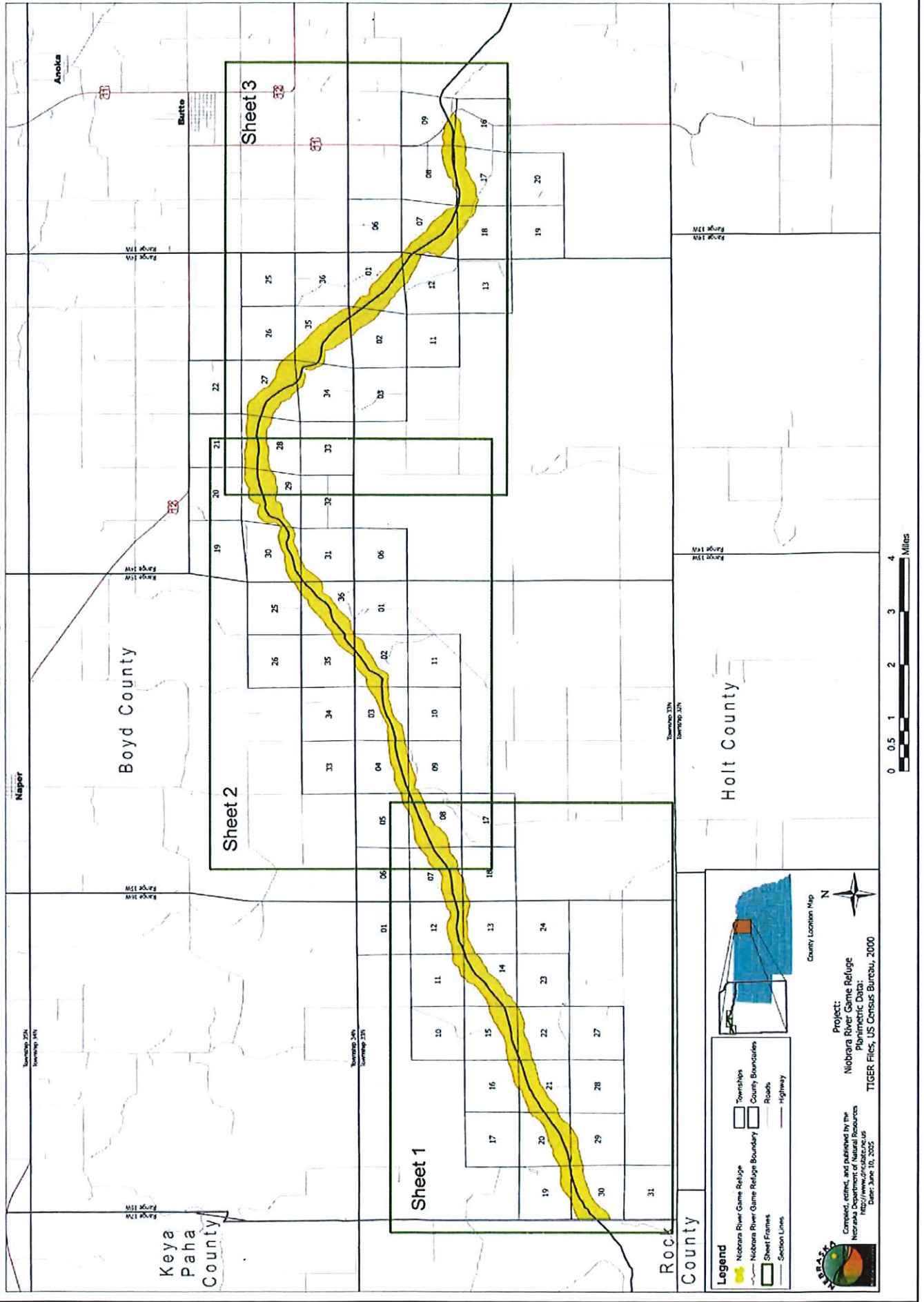
DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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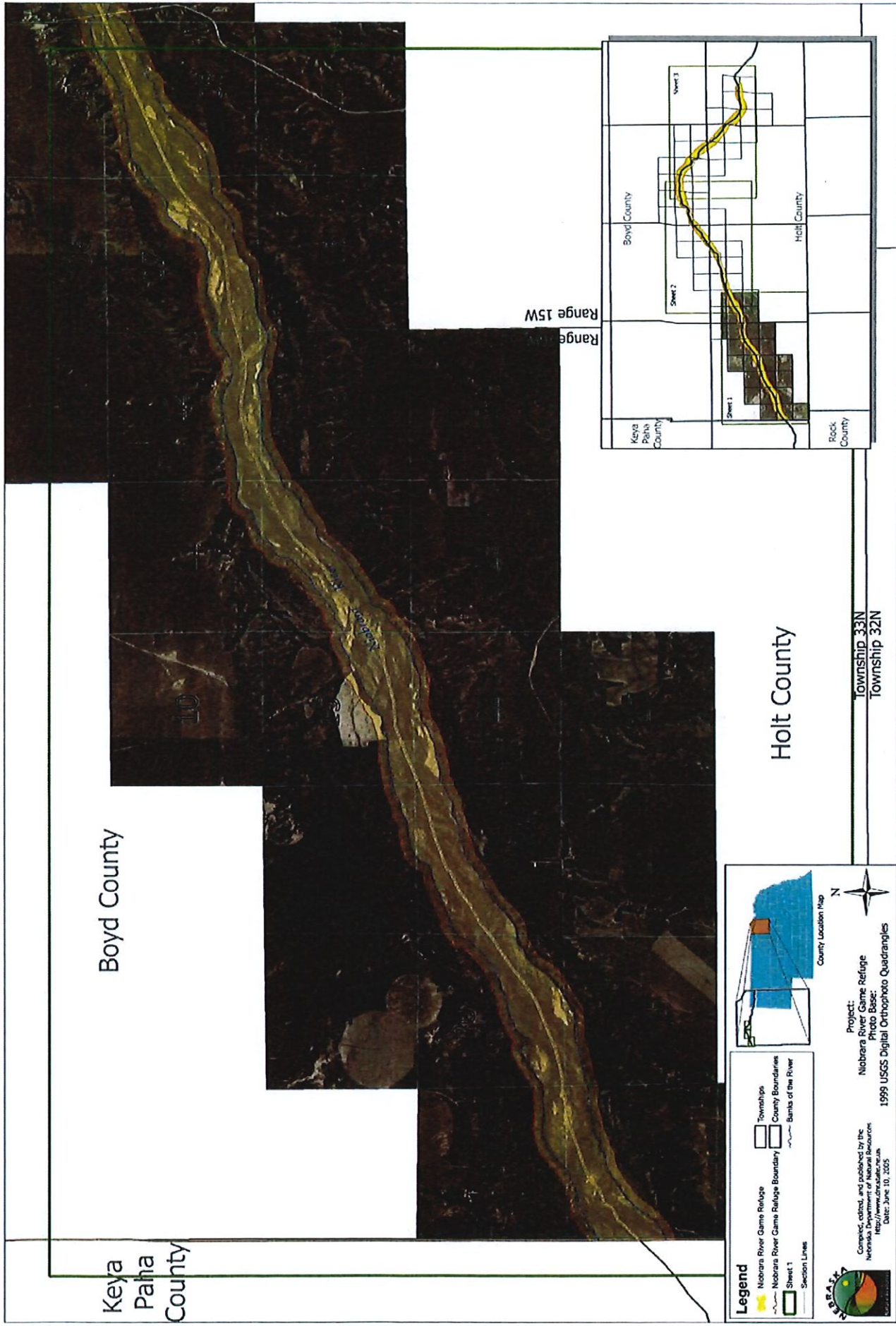
NIOBRARA RIVER GAME REFUGE

Index Sheet



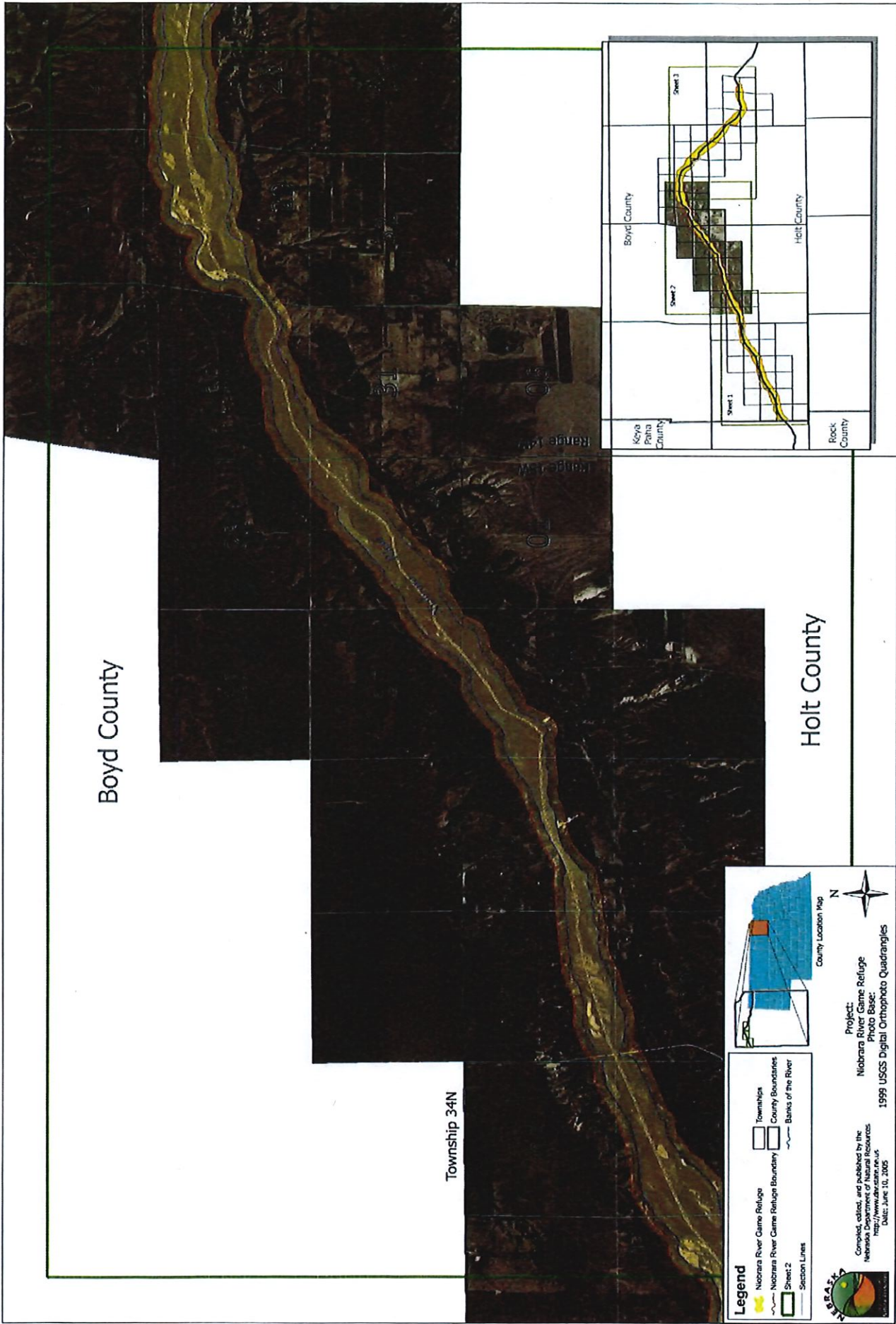
NIOBRARA RIVER GAME REFUGE

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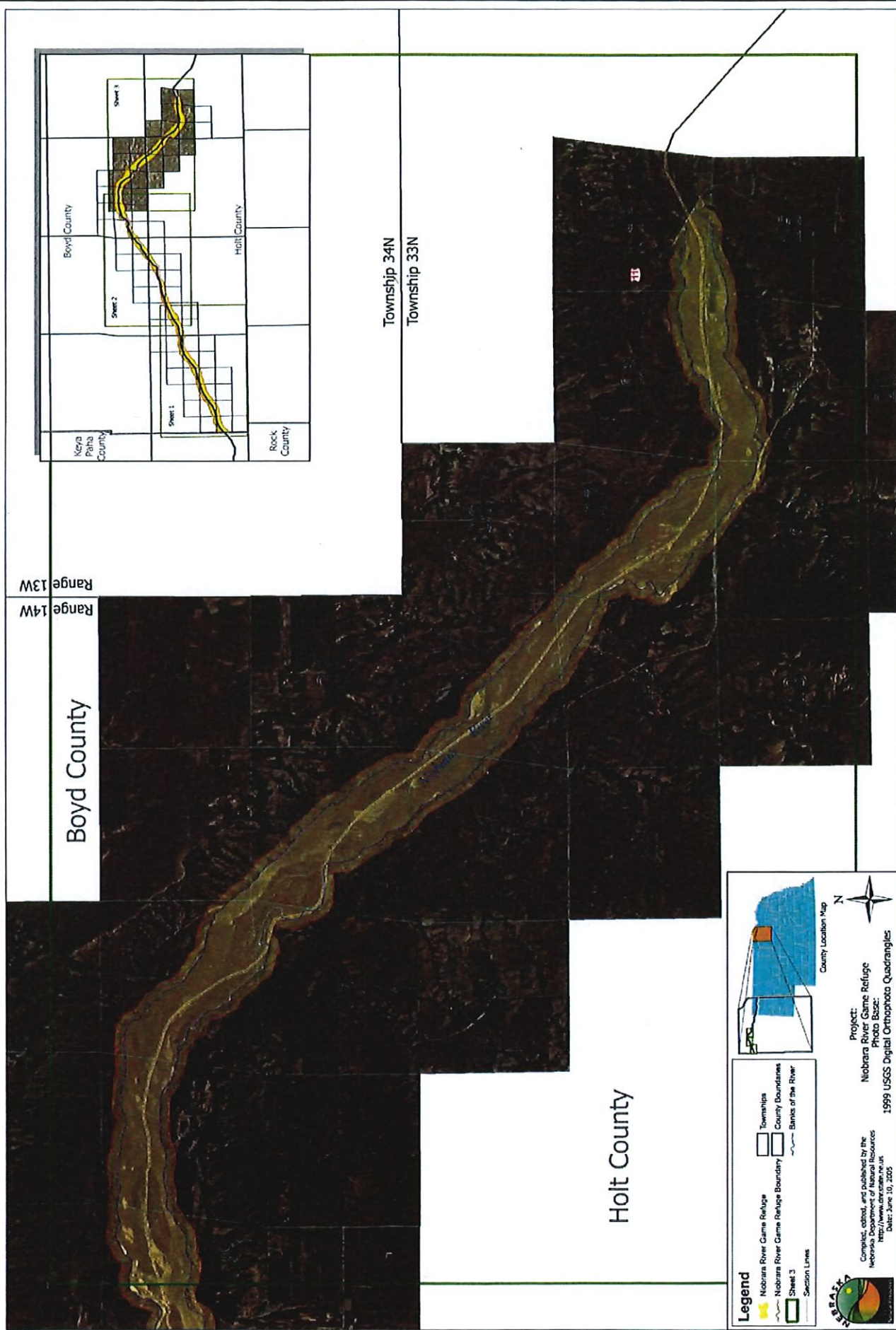
NIOBRARA RIVER GAME REFUGE

Sheet 2 of 3



NIOBRARA RIVER GAME REFUGE

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Boyd County

Range 14W

Range 13W

Township 34N

Township 33N

Holt County

Legend

- Niobrara River Game Refuge
- Niobrara River Game Refuge Boundary
- Townships
- County Boundaries
- Sheet 3
- Section Lines
- Barber of the River

County Location Map

N

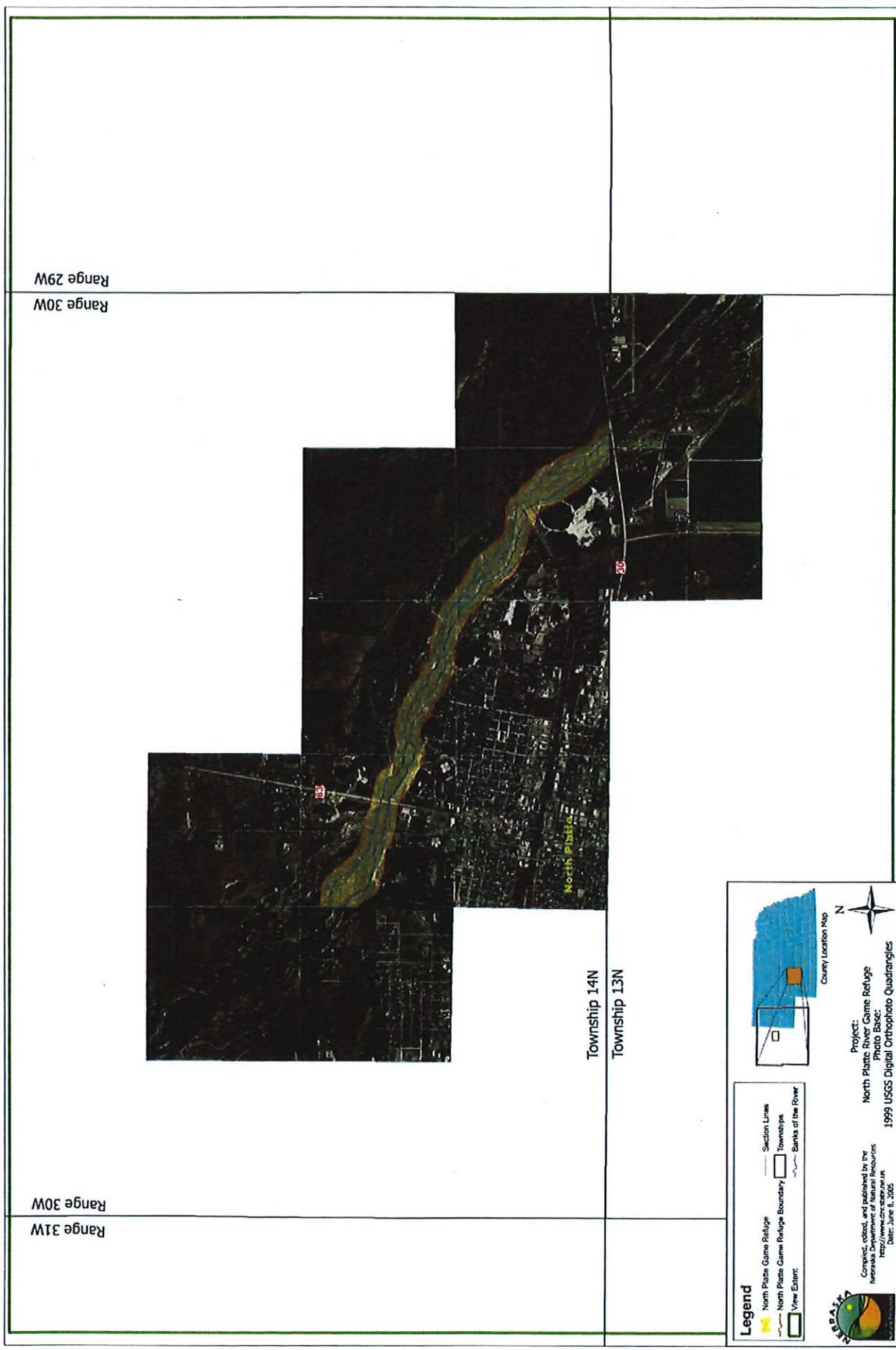
Project:
Niobrara River Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

Compiled, edited, and published by the
Nebraska Department of Natural Resources
June 10, 2005



NORTH PLATTE RIVER GAME REFUGE

Sheet 1 of 1



Legend

- North Platte Game Refuge
- North Platte Game Refuge Boundary
- Section Lines
- Townships
- Banks of the River
- View Extent

County Location Map

N

Project:
North Platte River Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

Compiled, edited, and published by the
Indiana Department of Natural Resources
<http://www.dnr.state.in.us>
Date: June 8, 2005



NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

Rules Related to Boundary of State Game Refuges
-- Various Counties, Nebraska

NEBRASKA ADMINISTRATIVE CODE

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

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Boundary - Niobrara River	§ 37-707	005
Boundary - North Platte River	§ 37-707	006
Maps	§ 37-707	007

NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

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-- various counties, Nebraska

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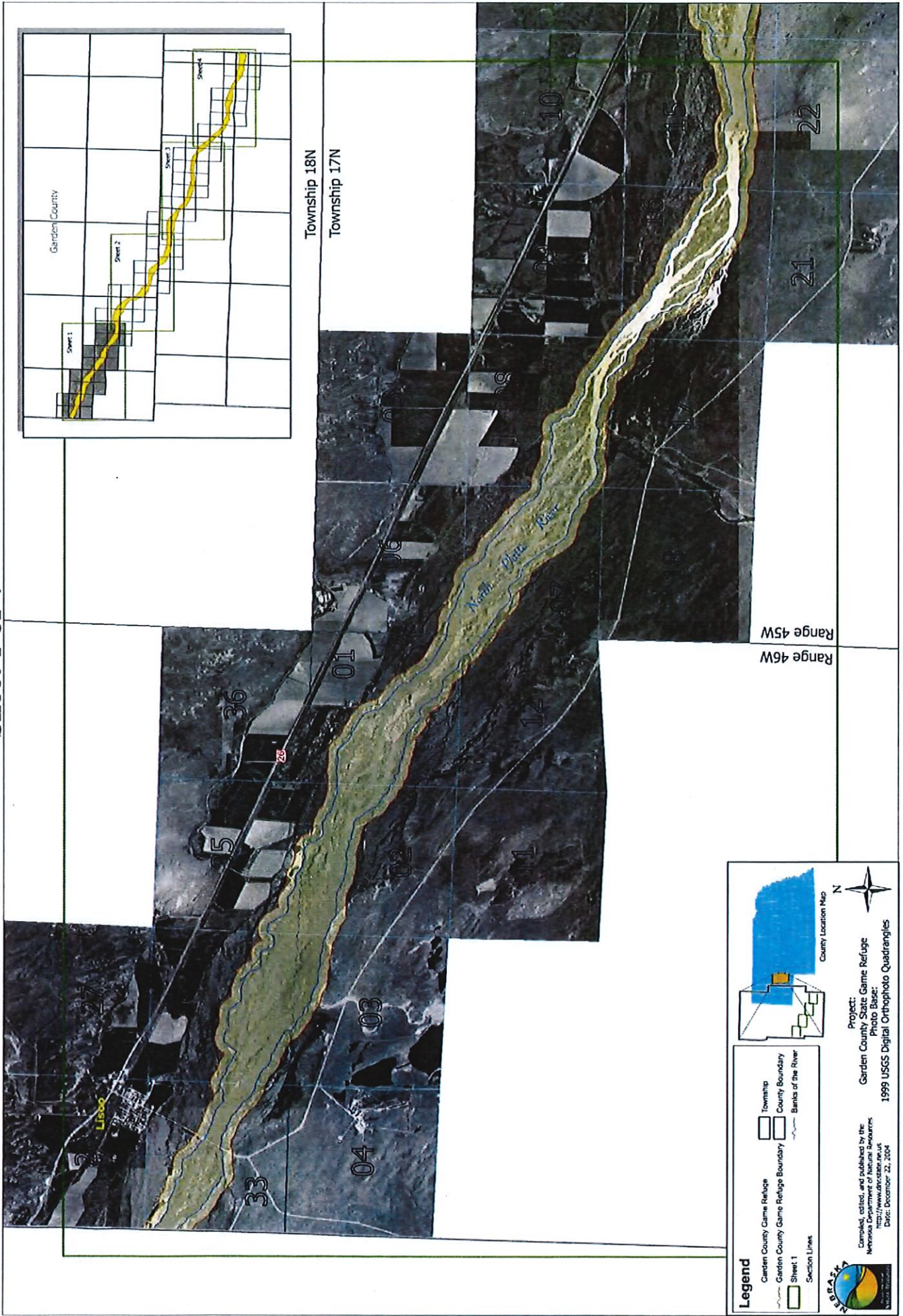
005. Boundary - Niobrara River Game Refuge. See *Neb. Rev. Stat. § 37-706(2)(b)*.

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

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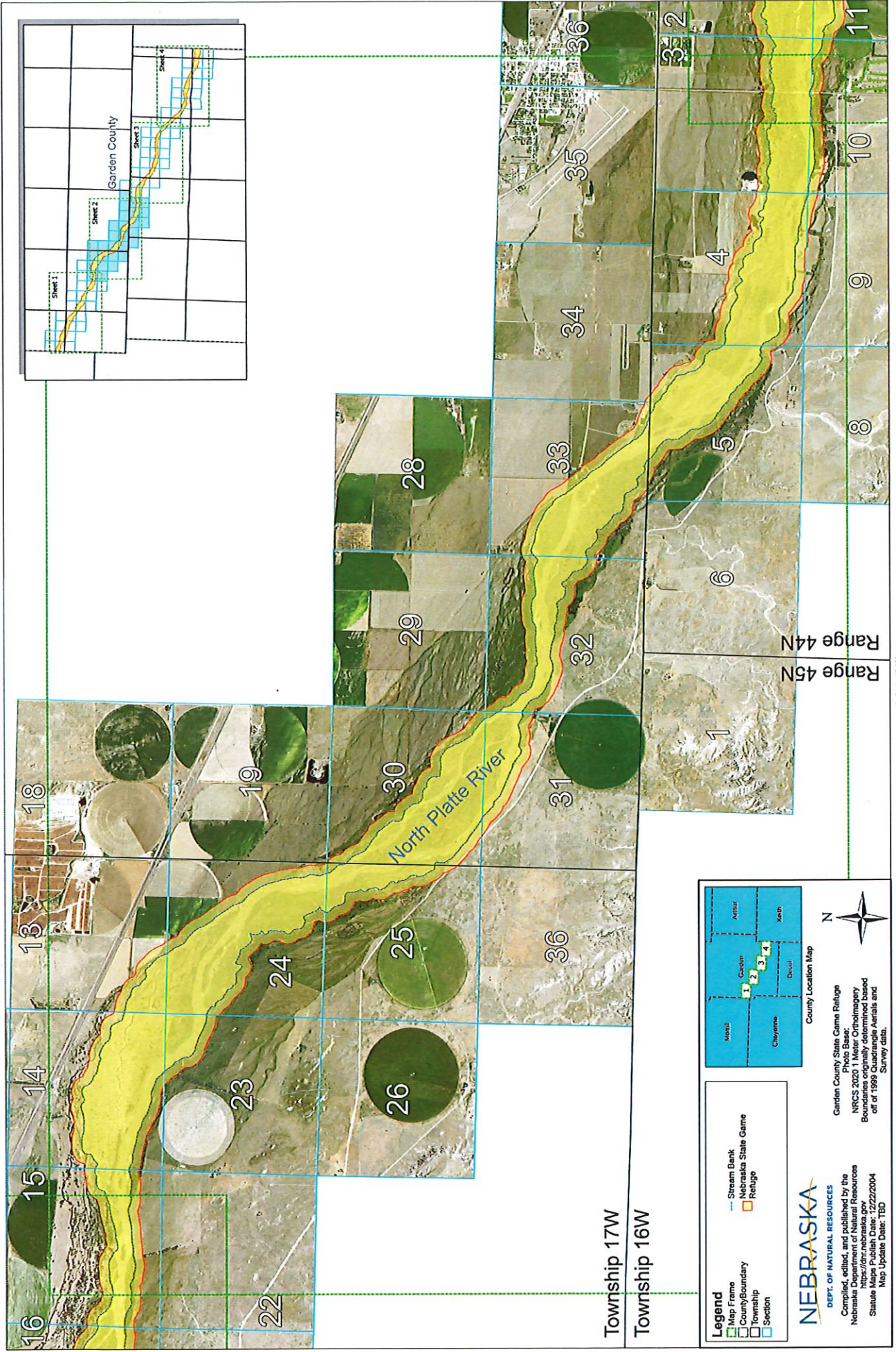
GARDEN COUNTY STATE GAME REFUGE

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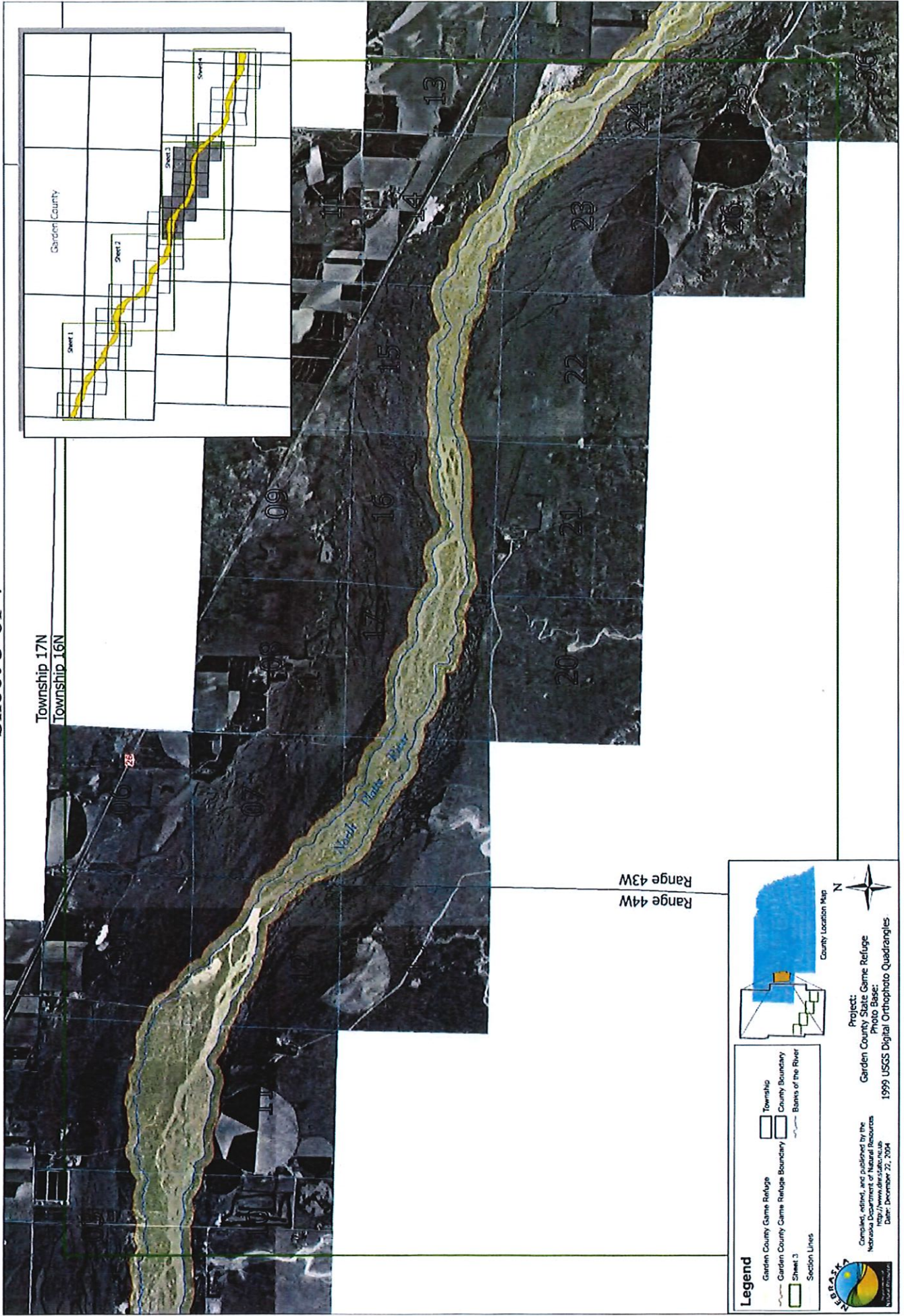
Garden County State Game Refuge

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GARDEN COUNTY SLATE GAME REFUGE

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GARDEN COUNTY STATE GAME REFUGE

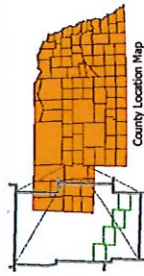
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Range 42W
Range 41W

Legend

- Section/Amended
- County Boundary
- Nebraska State Game Refuge
- Section Lines
- Sheet 4
- Township



NEBRASKA
DEPT. OF NATURAL RESOURCES

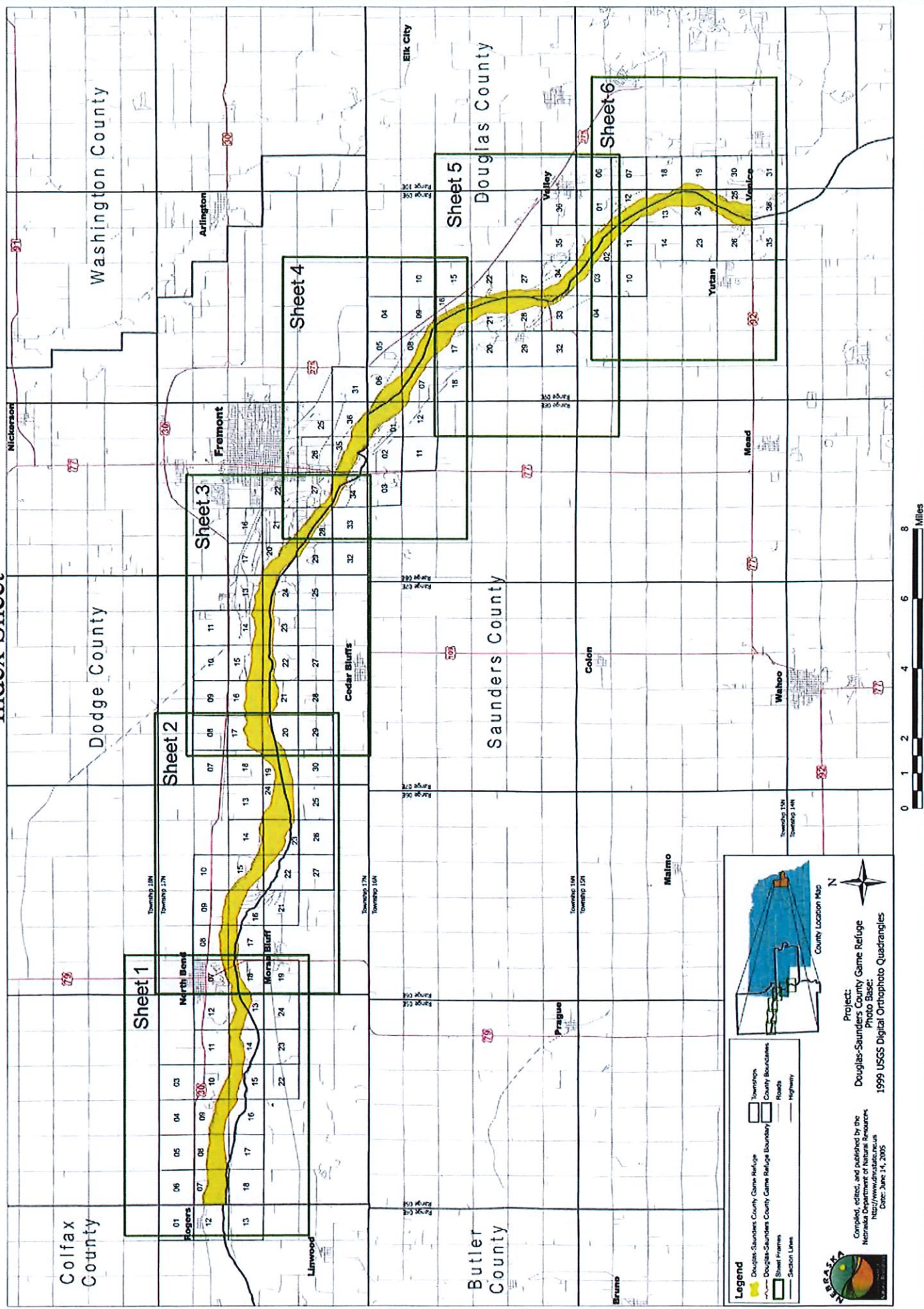
Project:
Garden County State Game Refuge
Photo Base:
2014 FSA Orthimagery

Compiled, edited, and published by the
Nebraska Department of Natural Resources
<http://www.ndnr.ne.gov>
Date: November 4, 2016



DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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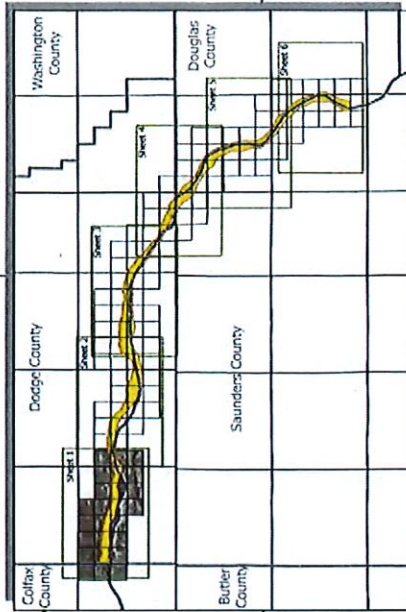
Colfax
County

Range 4E
Range 5E

Dodge County

Township 18N

Township 17N



Rogers

200

200

Butler
County

Saunders County

Legend

- Douglas-Saunders County Game Refuge
- Douglas-Saunders County Game Refuge Boundary
- Townships
- County Boundaries
- Maine of the River
- Section Lines



Project:
Douglas-Saunders County Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles



Compiled, edited, and published by the
Nebraska Department of Natural Resources
<http://www.dnr.state.ne.us>
Date: June 14, 2005

Range 5E
Range 6E



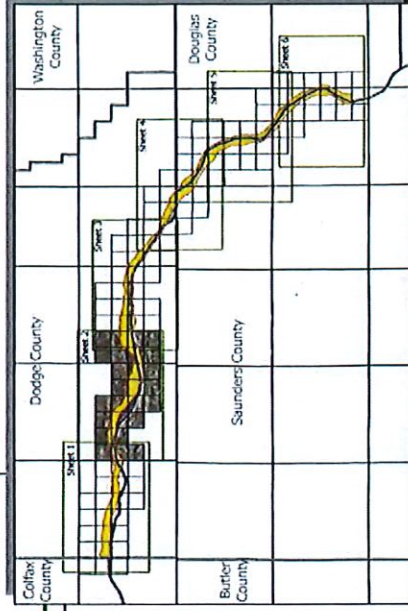
DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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Township 18N
Township 17N

Range 5E
Range 6E

Dodge County



Saunders County



Project:
Douglas-Saunders County Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

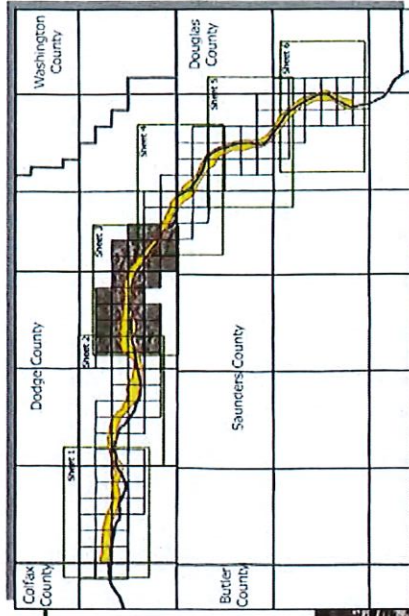
Compiled, edited, and published by the
Nebraska Department of Natural Resources
<http://www.dnr.state.ne.us>
Date: June 14, 2005

Range 6E
Range 7E



DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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Dodge
County

Range 7E
Range 8E



Saunders County



- Legend**
- Douglas-Saunders County Game Refuge
 - Douglas-Saunders County Game Refuge Boundary
 - Sheet 3
 - Section Lines
 - Townships
 - County Boundaries
 - Banks of the River

Project:
Douglas-Saunders County Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

Compiled, edited, and published by the
Nebraska Department of Natural Resources
<http://www.ndnr.state.ne.us>
Date: June 24, 2005



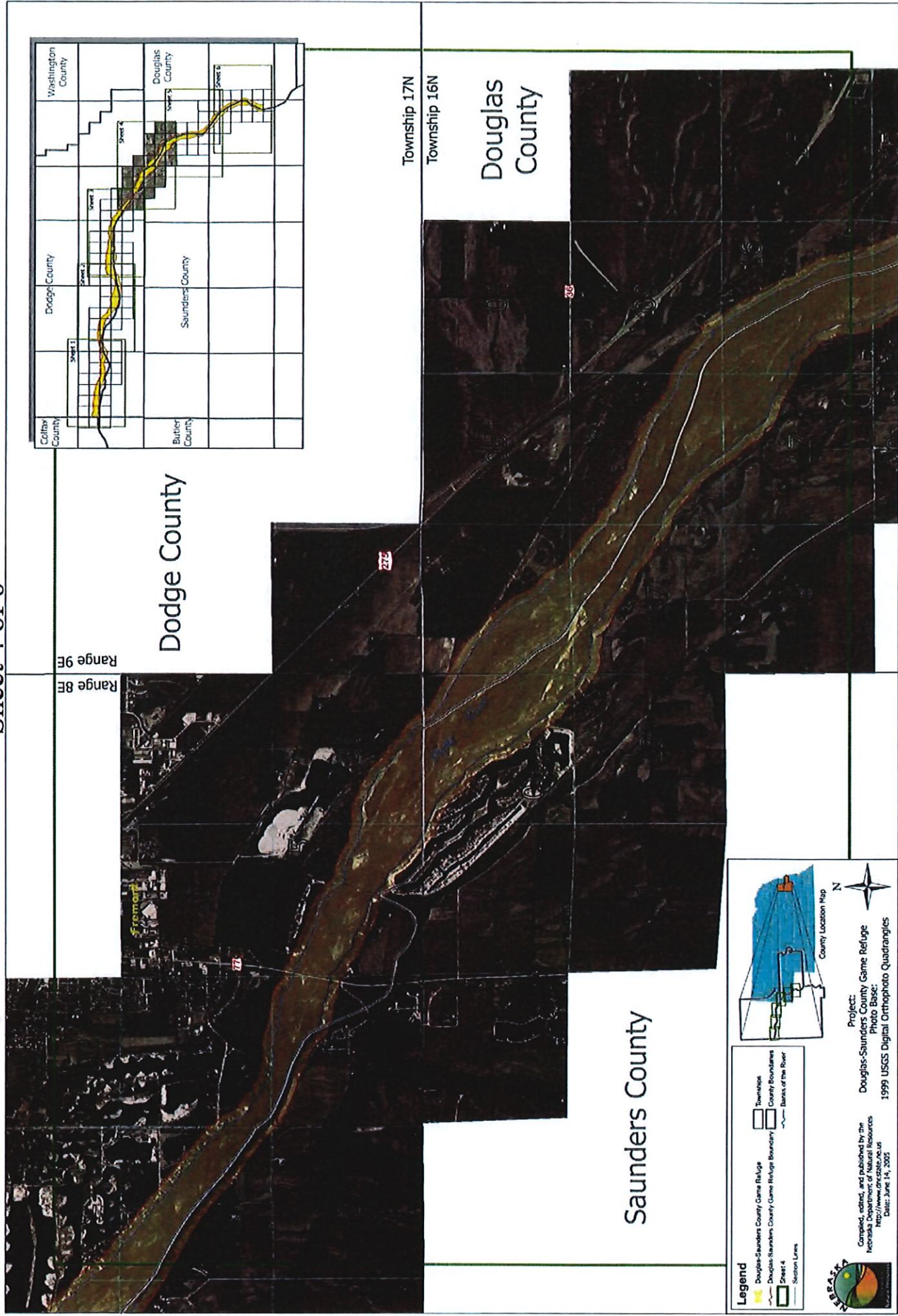
Range 7E
Range 8E

Township 17N
Township 16N

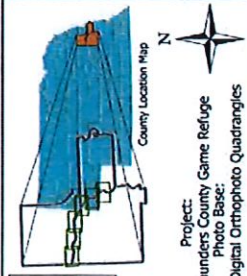


DOUGLAS-SAUNDERS COUNTY GAME REFUGE

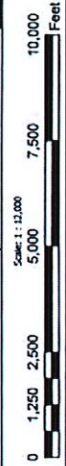
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- Legend**
- Douglas-Saunders County Game Refuge
 - Douglas-Saunders County Game Refuge Boundary
 - Township
 - County Boundaries
 - Section Lines
 - Barber of the River

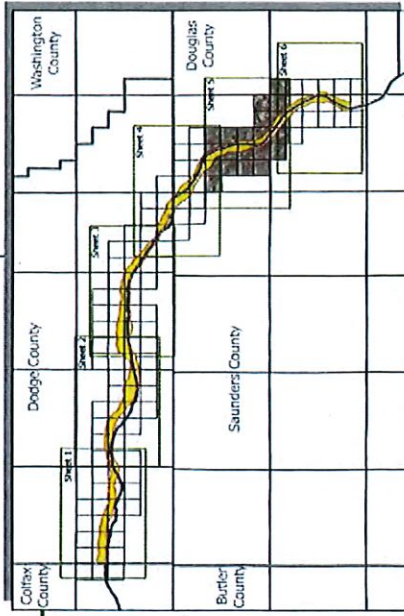
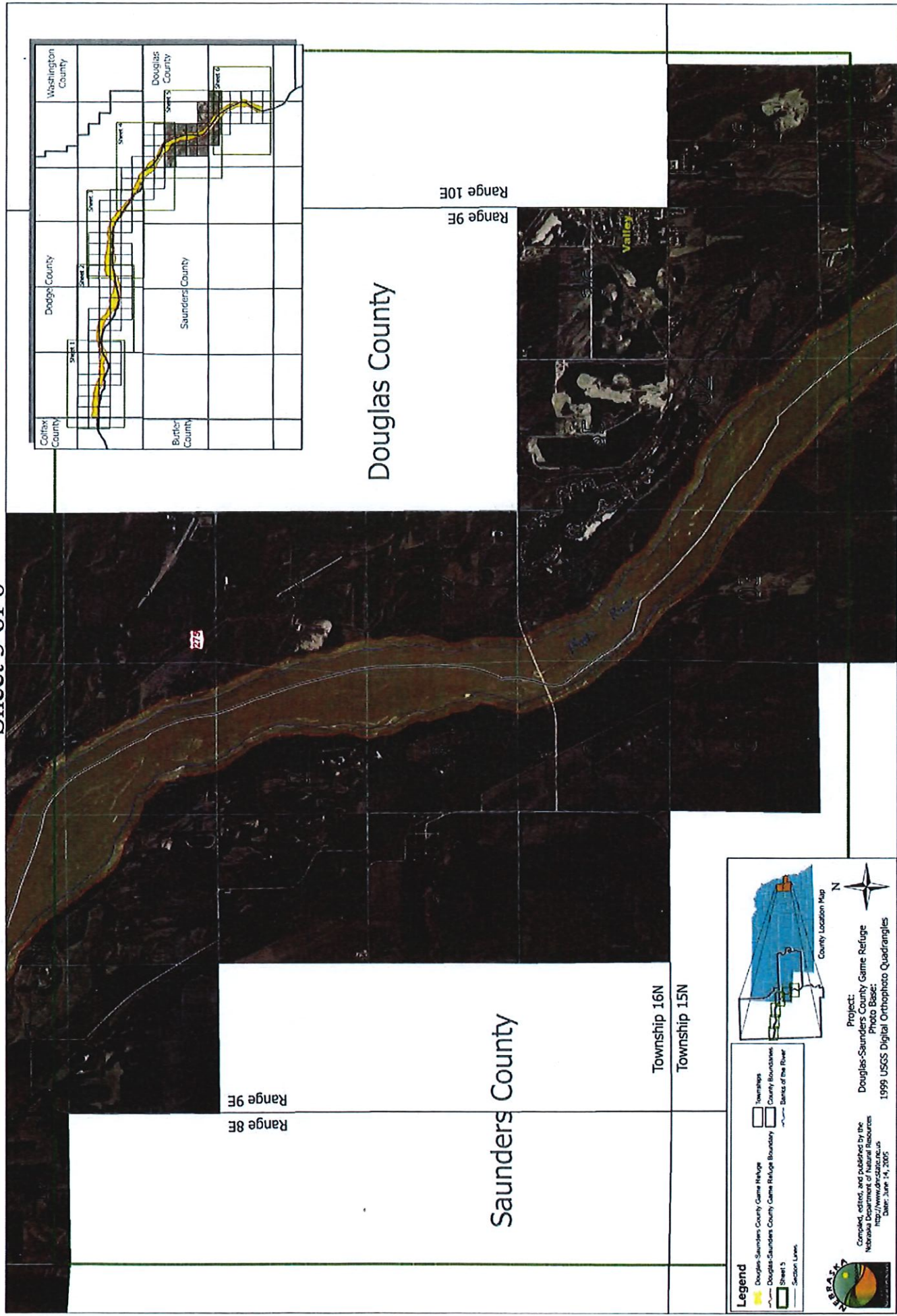


Compiled, edited, and published by the
Nebraska Department of Natural Resources
Project: Douglas-Saunders County Game Refuge
Photo Base: 1999 USGS Digital Orthophoto Quadrangles
Date: June 14, 2005



DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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Douglas County

Saunders County

Township 16N

Township 15N

Range 8E
Range 9E

Range 9E
Range 10E

Valley

Legend

- Douglas-Saunders County Game Refuge
- Douglas-Saunders County Game Refuge Boundary
- Sheet 5
- Section Lines
- Townships
- County Boundaries
- Banks of the River

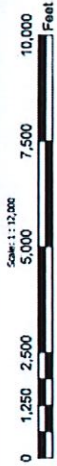
Project:
Douglas-Saunders County Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

NEBRASKA

Compiled, edited, and published by the
Nebraska Department of Natural Resources
Map Date: June 14, 2005

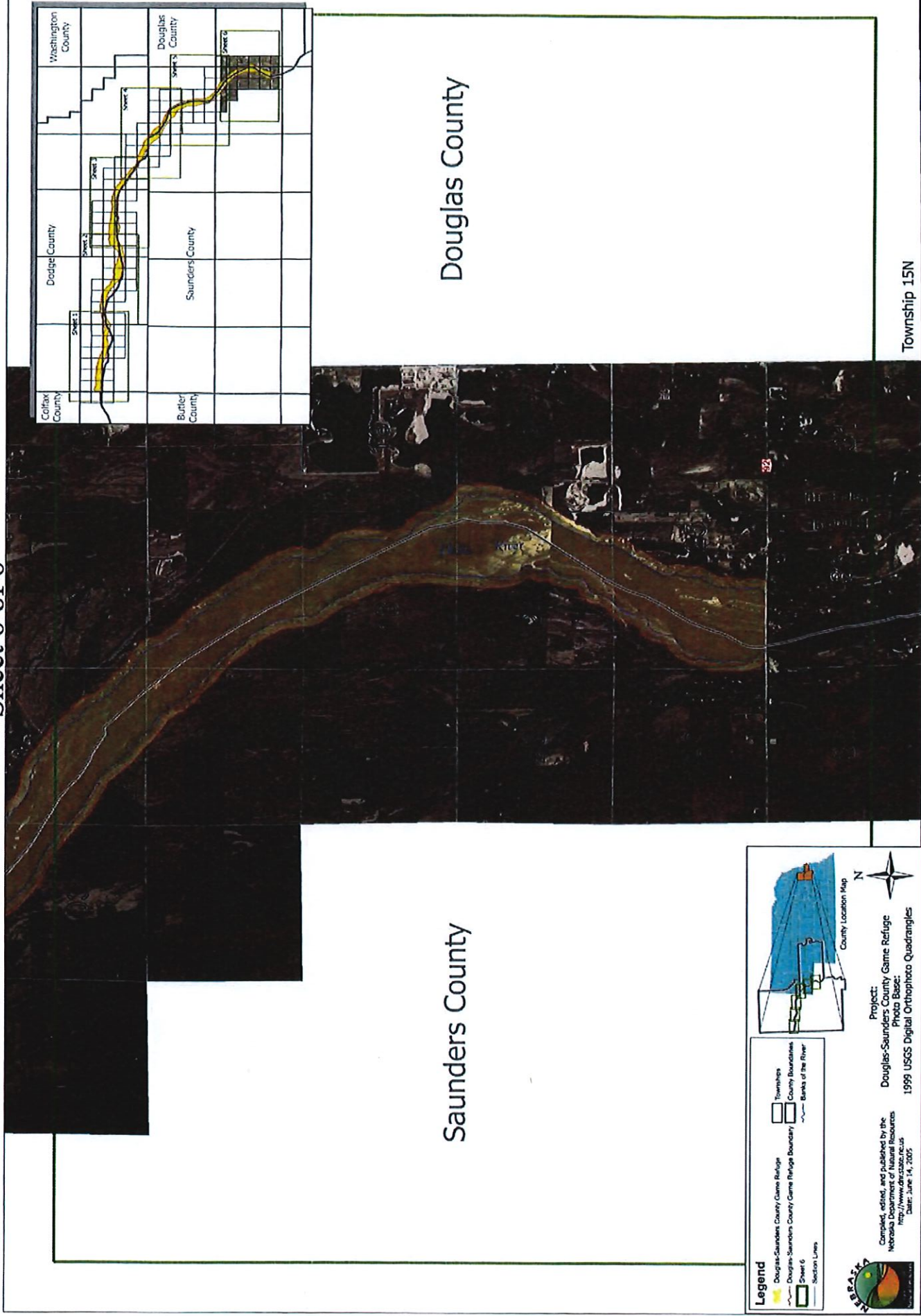
County Location Map

N



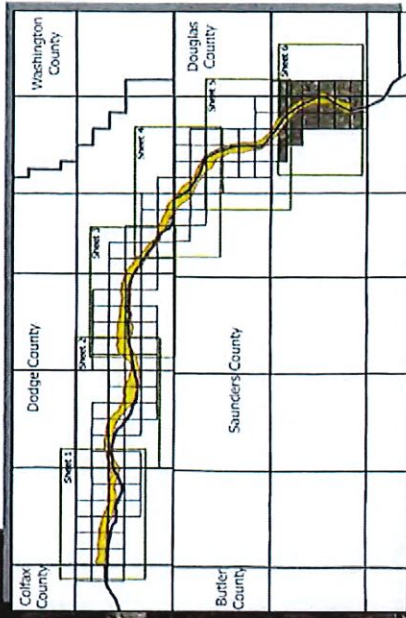
DOUGLAS-SAUNDERS COUNTY GAME REFUGE

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Saunders County

Douglas County



Township 15N

Legend

- Douglas-Saunders County Game Refuge
- Douglas-Saunders County Game Refuge Boundary
- Section Lines
- Townships
- County Boundaries
- Bank of the River

County Location Map

N

Project:
Douglas-Saunders County Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

Compiled, edited, and published by the
Nebraska Game and Parks Commission
<http://www.nebraska.gov>
Date: June 14, 2005

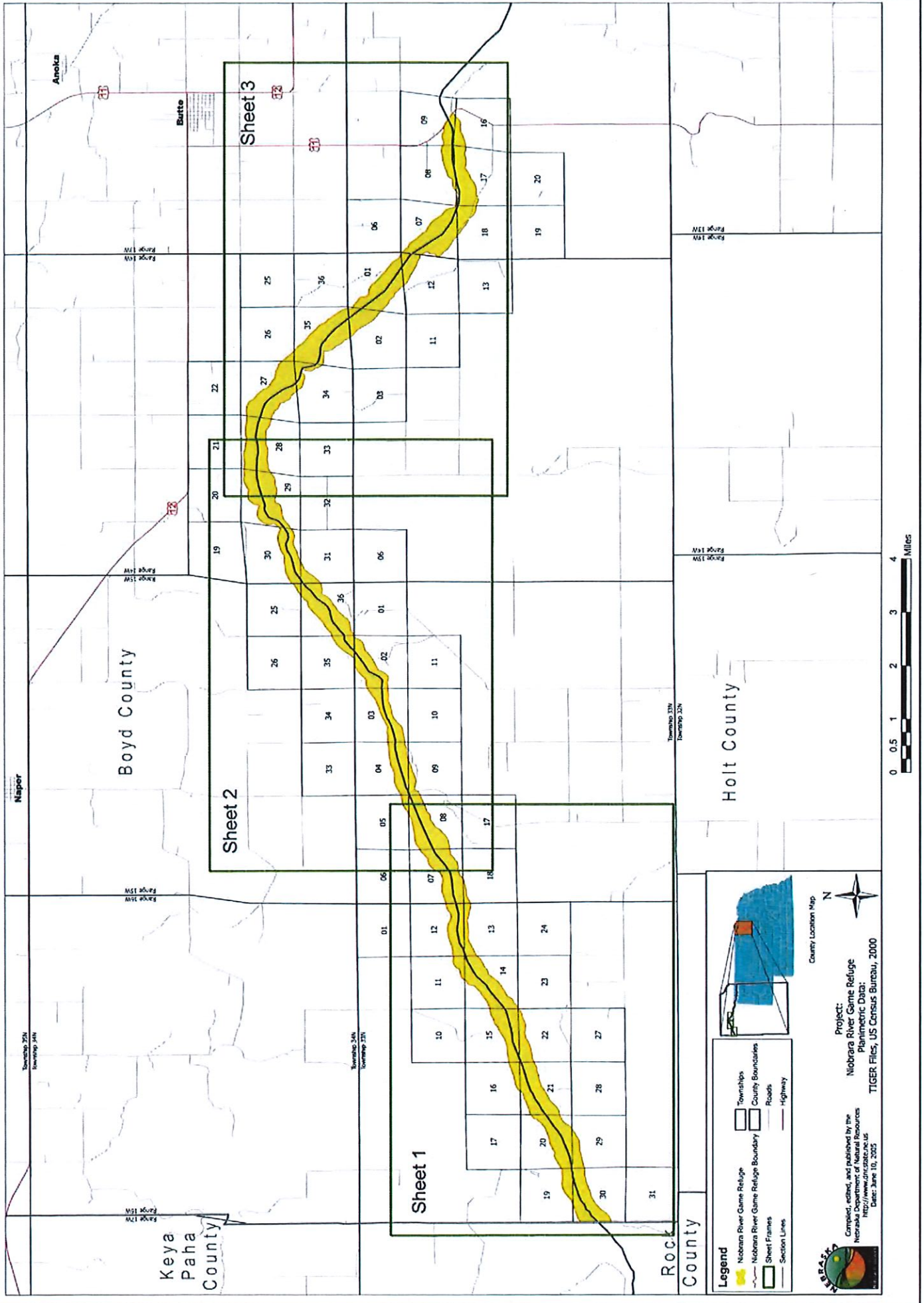


Scale 1:12,000

Feet

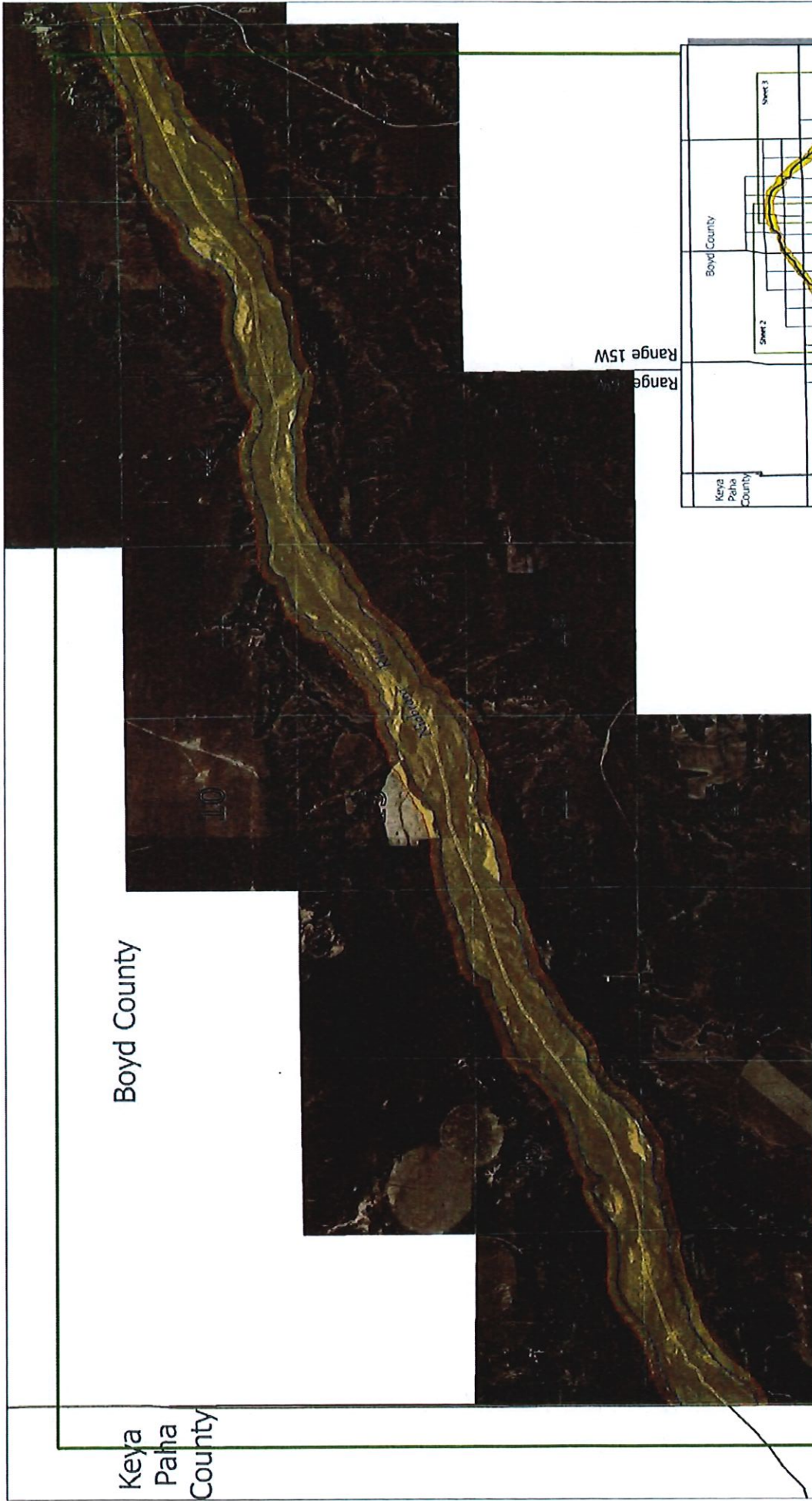
NIOBRARA RIVER GAME REFUGE

Index Sheet



NIOBRARA RIVER GAME REFUGE

Sheet 1 of 3



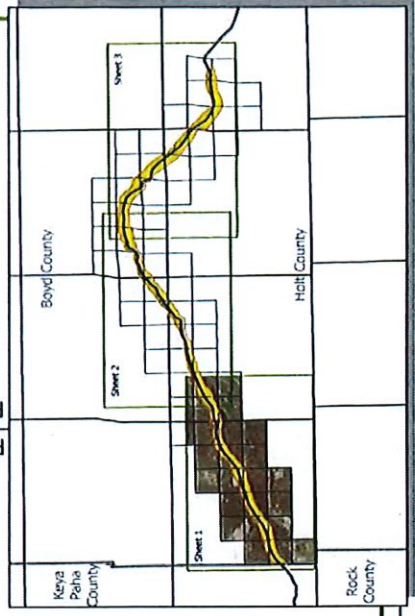
Legend

- Niobrara River Game Refuge
- Niobrara River Game Refuge Boundary
- Township
- County Boundaries
- Banks of the River
- Section Lines

County Location Map

Project: Niobrara River Game Refuge
 Photo Base: 1999 USGS Digital Orthophoto Quadrangles
 Compiled, edited, and published by the
 Nebraska Department of Natural Resources
<http://www.ndnr.state.ne.us>
 Date: June 10, 2005

Range 15W



Holt County

Township 33N
 Township 32N



NIOBRARA RIVER GAME REFUGE

Sheet 2 of 3

Boyd County

Township 34N

Holt County

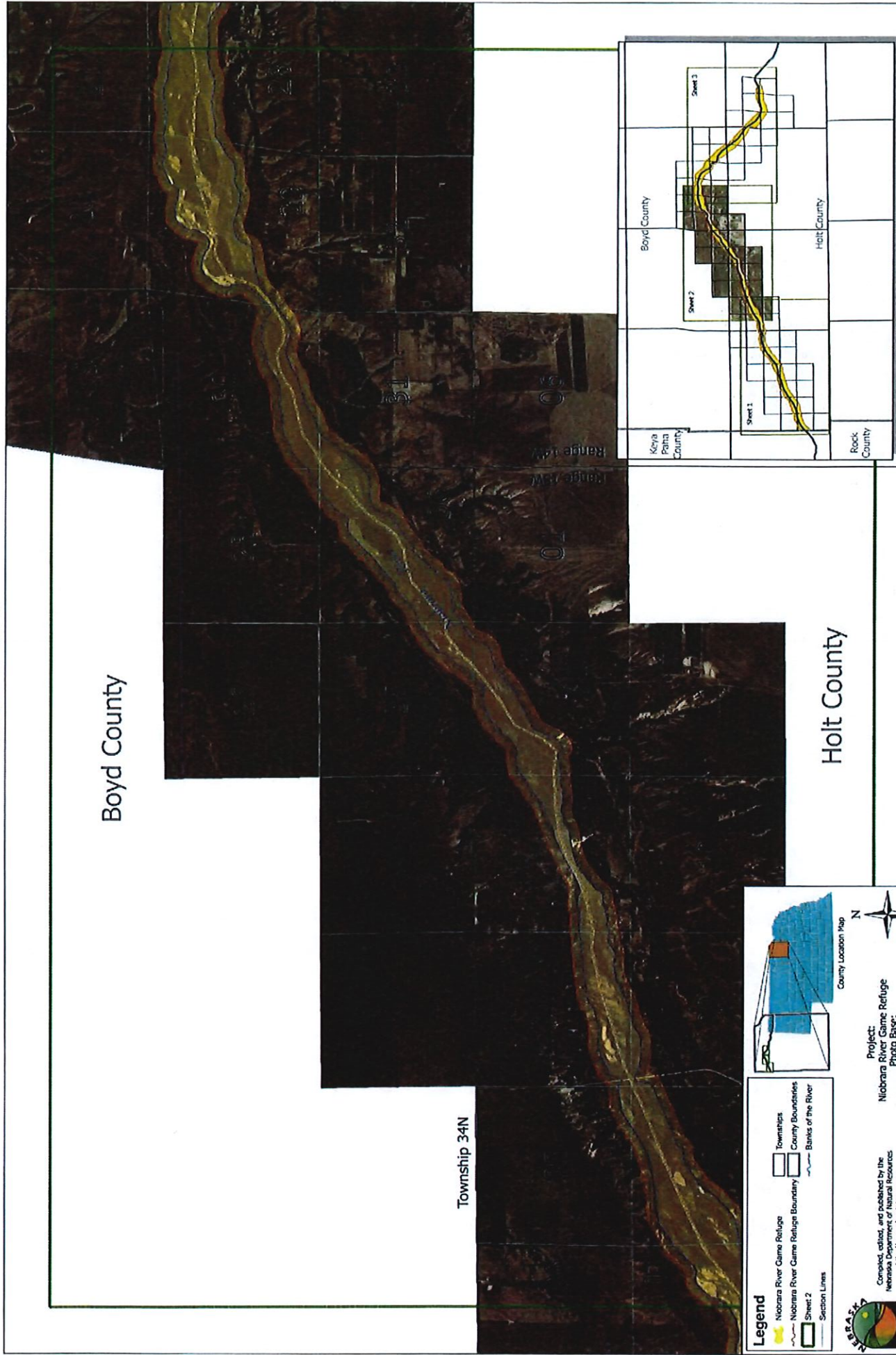
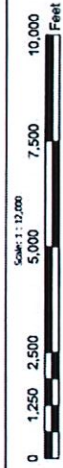
Legend

- Niobrara River Game Refuge
- Niobrara River Game Refuge Boundary
- Townships
- County Boundaries
- Section Lines
- Banks of the River
- Sheet 2

County Location Map

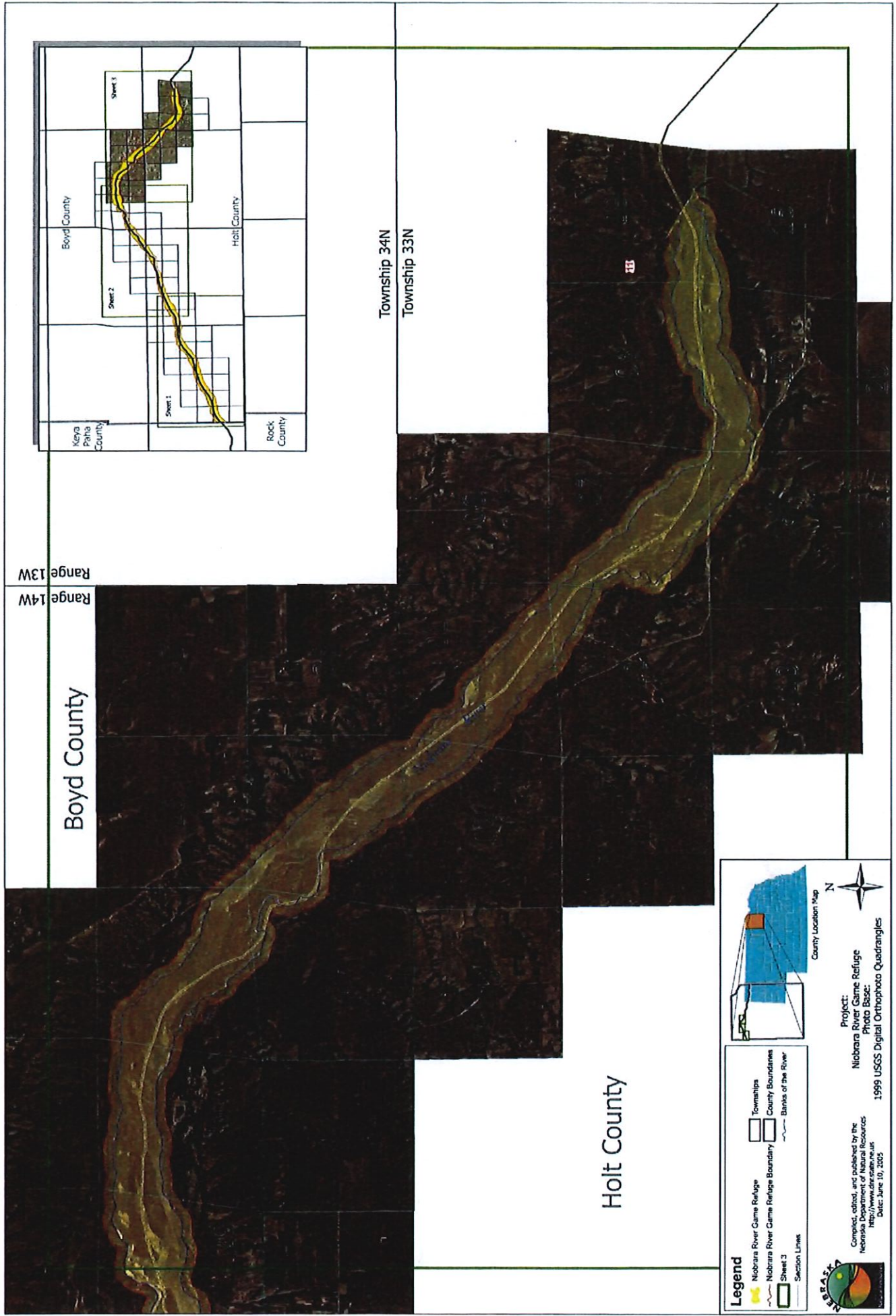
Project:
Niobrara River Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles

Completed, edited, and published by the
Nebraska Department of Natural Resources
<http://www.dnr.state.ne.us>
Date: June 10, 2005



NIOBRARA RIVER GAME REFUGE

Sheet 3 of 3



Boyd County

Range 14W

Range 13W

Township 34N

Township 33N

Holt County

Legend

- Niobrara River Game Refuge
- Niobrara River Game Refuge Boundary
- Niobrara River Game Refuge
- County Boundaries
- Townships
- Section Lines
- Banks of the River

County Location Map

Project: Niobrara River Game Refuge

Photo Base: 1999 USGS Digital Orthophoto Quadrangles

Compiled, edited, and published by the Nebraska Department of Natural Resources

<http://www.ndnr.state.ne.us>

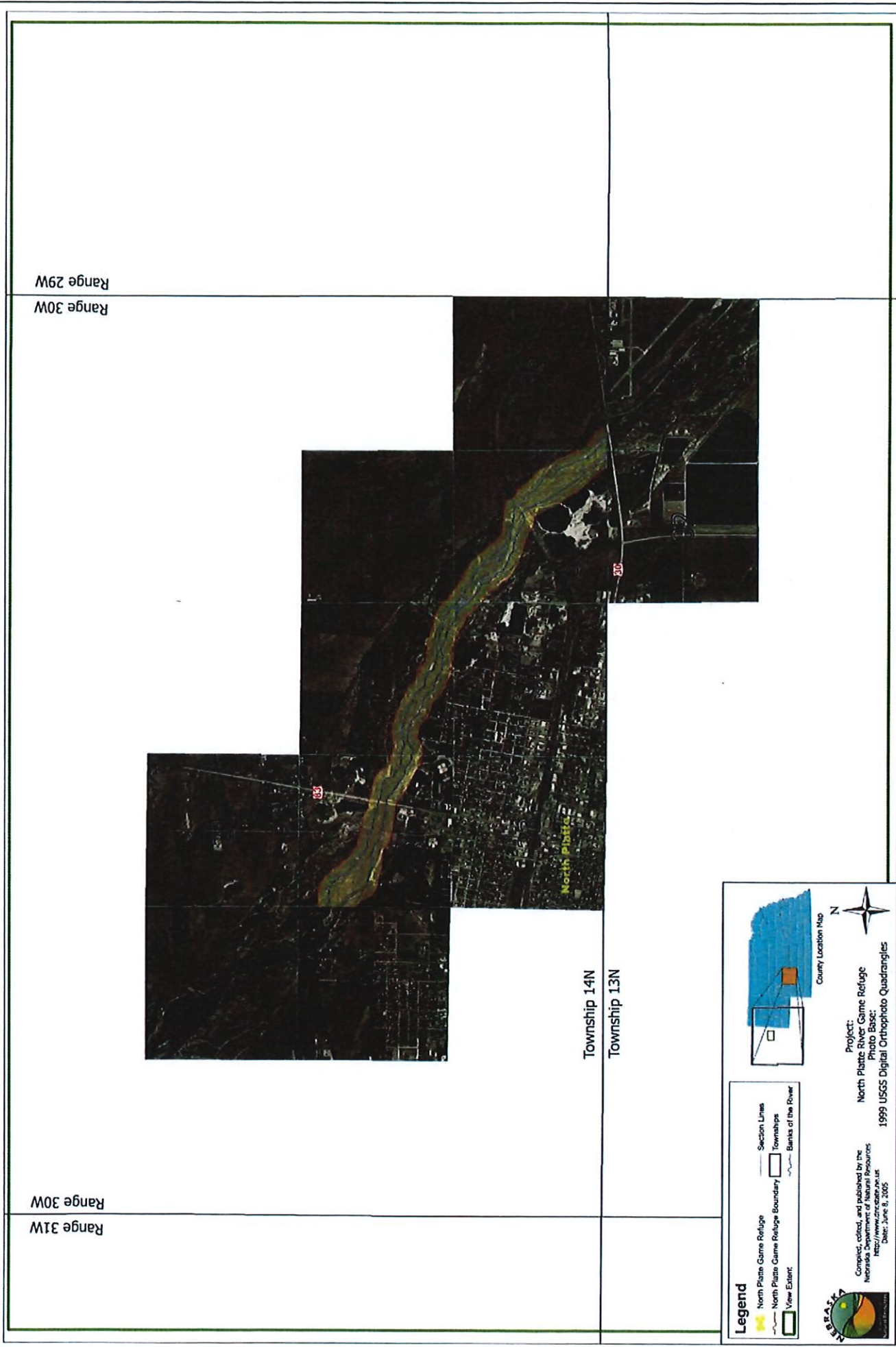
Date: June 10, 2005

Scale: 1" = 12,000'

0 1,250 2,500 5,000 7,500 10,000 Feet

NORTH PLATTE RIVER GAME REFUGE

Sheet 1 of 1



Legend

- North Platte Game Refuge
- Section Lines
- North Platte Game Refuge Boundary
- Townships
- View Extent
- Banks of the River

County Location Map

Project:
North Platte River Game Refuge
Photo Base:
1999 USGS Digital Orthophoto Quadrangles



Compiled, edited, and published by the
Nebraska Department of Natural Resources
Natural Resources Division
Date: June 8, 2005



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Gov's Policy Research

NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

Rules Related to Boundary of State Game Refuges
-- Various Counties, Nebraska

NEBRASKA ADMINISTRATIVE CODE

TITLE 459, NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

Rules Relating to Boundaries of State Game Refuges

CHAPTER 1

Rules Related to Boundary of State Game Refuges
-- various counties, Nebraska

001. Banks of the River. For purposes of this Chapter, the banks of the river means the words used in *Neb. Rev. Stat. §§ 37-706(3)*, and is depicted by a line on maps produced by the Department of Natural Resources ("Department") using best available technical information, best available elevation information, and past and present observations of the river and adjacent lands.

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

003. Boundary - Garden County, Nebraska. See *Neb. Rev. Stat. § 37-706(1)*

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

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

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

007. State Game Refuge Maps. The attached maps depict the boundaries of the State Game Refuges.

