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MINUTES

April 19, 2018

The Nebraska Game and Parks Commission met in the Buffalo Soldier Barracks at Fort Robinson State Park Crawford, NE for the transaction of business, advance public notice having been given through release to news media and official public notice published in the Lincoln Journal Star on April 7, 2018.

The meeting was called to order at 8:00 A.M. Chairman Bell advised this meeting was being held in conformance with the State Open Meeting Act and the act was available for review on the table at the back of the room. The Commissioners introduced themselves. Members present were Norris Marshall, Kearney; Rick Brandt, Lincoln; Dan Kreitman, Wahoo; Doug Zingula, Sidney; Bob Allen, Eustis; Jim Ernst, Columbus; Pat Berggren, Broken Bow; Scott Cassels, Omaha; and Dick Bell, Omaha.

Minutes of the business meeting held March 16, 2018 were reviewed.

Motion by Mr. Ernst and seconded by Mr. Brandt to approve the minutes. Voting aye: Allen, Zingula, Berggren, Cassels, Ernst, Marshall, Kreitman, Brandt, and Bell; voting nay: None. Motion carried.

Financial vouchers for March were reviewed.

Motion by Mr. Allen and seconded by Mr. Berggren to approve the financial vouchers. Voting aye: Zingula, Berggren, Cassels, Ernst, Marshall, Kreitman, Brandt, Allen, and Bell; voting nay: None. Motion carried.

Director's Report

Director Jim Douglas expressed appreciation to Fort Robinson Park staff for the great meal the evening before and for hosting the Commission for these meetings.

The Director asked Alicia Hardin to present Dean Studnicka with his 30-year service award.

Director Douglas shared information regarding the North American Conference he recently attended as well the R-3 Symposium taking place in Lincoln May 21-23. He invited the Commissioners to attend. This symposium is the first of its kind to be held at a national level.

The Director advised the Commissioners that the Governor had issued a proclamation declaring Nebraska as the best turkey hunting destination in the U.S. for the third year in a row.

The next Commission meetings will be held in Ogallala on June 21 and 22, 2018 and may include a joint meeting with Nebraska Department of Environmental Quality.

End Director's Report

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The Chairman moved to item 16 on the agenda, the Environmental Report. Wildlife Division Administrator Alicia Hardin reviewed the recent new interpretation of the Migratory Bird Treaty Act. The objective of the 1918 Migratory Bird Treaty Act was to protect migratory birds by prohibiting the “take” (“to pursue, hunt, shoot, wound, kill, trap, capture, or collect” or to attempt any of these acts) any migratory bird parts, nest or eggs without a permit. Initially this has included “incidental take” or the unintentional “take” of birds in the course of otherwise lawful activities as a violation. In December 2017 a new Department of Justice Solicitor opinion was given saying that incidental take will no longer be considered “take”. The incidental take opinion has been used to help prevent or mitigate certain activities that could negatively impact migratory birds before they happened, for example, the location and marking of power lines, sighting of wind towers and other commercial activities. Without the incidental take provisions, there will be few incentives to do pre-emptive work.

Chairman Bell read staff recommendations to call for a public hearing at the June Commission meeting for Commissioner District 7 input on proposed listing and delisting of state threatened and endangered species.

Motion by Mr. Kreitman and seconded by Mr. Cassels to approve staff recommendations. Voting aye: Berggren, Cassels, Ernst, Marshall, Kreitman, Brandt, Allen, Zingula, and Bell; voting nay: None. Motion carried.

Chairman Dick Bell read staff recommendations to call for a public hearing at the June Commission meeting to consider amendments to Chapter 4, Wildlife Regulations, Section 008, Keeping Wildlife in Captivity.

Motion by Mr. Berggren and seconded by Mr. Brandt to approve staff recommendations. Voting aye: Cassels, Ernst, Marshall, Kreitman, Brandt, Allen, Zingula, Berggren, and Bell; voting nay: None. Motion carried.

Chairman Bell opened the public hearing at 8:32 AM to consider amendments to Chapter 4, Wildlife Regulations, Commission Order C03, Antelope, Deer, Elk. Wildlife Division Administrator Alicia Hardin reviewed staff Big Game recommendations. Pronghorn populations are close to desired levels in most units. Either sex permit increases are recommended in one unit to provide more hunting opportunity. An increase in doe/fawn permits is recommended in Banner North, Cheyenne, and North Sioux where depredation complaints continue. Recovery from the 2012 whitetail deer decline has been slower in units adjacent to the Missouri River. Permit reductions are recommended to increase whitetail deer populations in the Missouri River corridor while permit increases are recommended in several central Nebraska units to limit whitetail herd growth. Mule deer herds are at record harvest levels in many deer management units west of Kearney. Mule deer permit increases are recommended in several units to address crop depredation and provide additional recreational opportunity. Statewide Elk populations appear stable but annual harvest variation occurs at the unit level. Total elk permits recommended for 2018 is 350, up from 330 last year. There was no public comment, the public hearing was closed at 8:56 AM.

Motion by Mr. Marshall and seconded by Mr. Cassels to approve staff recommendations. Voting aye: Ernst, Marshall, Kreitman, Brandt, Allen, Zingula, Berggren, Cassels, and Bell; voting nay: None. Motion carried.

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Chairman Bell opened public hearing at 8:57 AM to consider amendments to Chapter 4, Wildlife Regulations, Section 009, Falconry. Wildlife Division Administrator Alicia Hardin reviewed staff recommendations establishing a Passage Peregrine Falcon trapping season. Resident falconers may apply for written permission and non-residents may apply for a Raptor Collecting permit annually to take one passage Peregrine Falcon. The US Fish and Wildlife Service shall set the overall number of passage peregrine falcons that may be taken in the Central Flyway as well as how many of that number each state in the Central Flyway will be allotted. Preference will be given to resident falconer written requests over non-resident applications for Raptor Collection Permits. Hardin shared there had been three comments posted through the Secretary of State's website; two were for falconers who preferred there not be a lottery for residents and non-residents, but rather an open permit system like Kansas. The second email was from Chris Podraza, the President of the Nebraska Falconers Association in support of the regulations as written. He was also present at the public hearing and stated the Association was ecstatic to have the consideration and support this regulation change. With no other public comment, the public hearing was closed at 9:10 AM.

Chairman Bell moved to item 17 on the agenda Critter Moment, as Chris Podraza and Anita Johnson were present with male and female falcons. Chris shared how falconers train and use falcons to hunt various species and answered questions from the Commissioners.

Human Resources Administrator Angie Janda-Craig reviewed staff recommendations for Commission approval of the 2018 Nebraska Game and Parks Policy Manual. The manual had been updated and added language on various policies.

Motion by Mr. Zingula and seconded by Mr. Marshall to approve staff recommendations. Voting aye: Kreitman, Brandt, Allen, Zingula, Berggren, Cassels, Ernst, Marshall, and Bell; voting nay: None. Motion carried.

Parks Division Administrator Jim Swenson reviewed staff recommendations to establish fees for select activities and facilities at Eugene T. Mahoney, Platte River, and Ponca State Parks. He shared the proposed fees for the rock climbing wall as well as a revised pool fee schedule for Mahoney State Park, the glamping cabins and splash pad fees at Platte River, and fees for the new cabins at Ponca State Park.

Motion by Mr. Ernst and seconded by Mr. Brandt to approve staff recommendations Voting aye: Brandt, Allen, Zingula, Berggren, Cassels, Ernst, Marshall, Kreitman, and Bell; voting nay: None. Motion carried.

Deputy Director Tim McCoy reviewed the staff recommendation for approval of the agreement for the sale and purchase of the Spencer Hydro Facility in Holt and Boyd Counties. Multiple other Natural Resource District partners will have to approve this agreement as well.

Motion by Mr. Kreitman and seconded by Mr. Zingula to approve staff recommendations Voting aye: Allen, Zingula, Berggren, Cassels, Ernst, Marshall, Kreitman, Brandt, and Bell; voting nay: None. Motion carried.

Chairman Bell called for a 15 minute recess. The meeting was resumed at 9:42AM.

Public Information Officer Justin Haag gave a "Know You Region" report prepared by Planning and Programming Division Administrator Michelle Stryker who was not able to attend the meeting.

Furbearer/Carnivore Program Manager Sam Wilson reviewed information regarding the Mountain Lion Meetings held at various locations across the state. The meetings were well attended. He reviewed recent research results, including lion population estimates, and answered questions posed by the public. Based upon the recent research results, Sam Wilson reported that population levels of lions in the Pine Ridge are sufficient to sustain some harvest and consideration of a mountain lion season would be consistent with the Mountain Lion Management Plan.

Chairman Dick Bell read the staff recommendation for the Commission to call for a public hearing at its June meeting to consider amendments to Chapter 4, Wildlife Regulations, Section 037 Mountain Lions.

Motion by Mr. Kreitman and seconded by Mr. Berggren to approve staff recommendations Voting aye: Zingula, Berggren, Cassels, Ernst, Marshall, Kreitman, Brandt, Allen, and Bell; voting nay: None. Motion carried.

Biologist Joe Rydell reviewed several aquatic habitat projects at the lake and ponds at Fort Robinson. These projects will update aging infrastructure and improve fishing access.

Fisheries Division Administrator Dean Rosenthal shared the Fisheries Forecast for the Northwest District. Overall, area waterbodies sampling results indicate great fishing opportunities for anglers in the Northwest District.

Commissioner Committee Chairs reported on items discussed at their committee meetings held the day before.

Executive Session

Motion by Mr. Marshall and seconded by Mr. Cassels to go into Executive Session at 11:26 A.M. for the purpose of personnel issues. Voting aye: Berggren, Cassels, Ernst, Marshall, Kreitman, Brandt, Allen, Zingula, and Bell; voting nay: None. Motion carried.

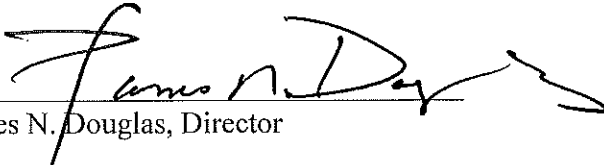
The meeting was re-convened at 11:35 A.M.

Motion by Mr. Allen and seconded by Mr. Berggren to leave Executive Session. Voting aye: Cassels, Ernst, Marshall, Kreitman, Brandt, Allen, Zingula, Berggren, and Bell; voting nay: None. Motion carried.

Adjournment

Motion by Mr. Allen and seconded by Mr. Berggren to adjourn the meeting at 11:38 A.M. Voting aye: Ernst, Marshall, Kreitman, Brandt, Allen, Zingula, Berggren, Cassels, and Bell; voting nay: None. Motion carried.

I hereby certify the foregoing is a true and correct copy of action taken by the Nebraska Game and Parks Commission at its meeting held April 19, 2018.


James N. Douglas, Director

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