



LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581
P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

TO: Board of Directors

FROM: Dan Schulz, Resources Coordinator *Dan*

DATE: July 21, 2021

SUBJECT: Recreation, Forestry & Wildlife Subcommittee Meeting Minutes

On Tuesday, July 20, 2021, the Recreation, Forestry and Wildlife Subcommittee met virtually at 5:30PM. Members participating were Chair-Anthony Schutz, Christine Lamberty, Lisa Lewis, Susan Seacrest, Ray Stevens, and John Yoakum. Other Zoomies were Deborah Eagan, Ariana Kennedy, Brian Schuele – Olsson, Dan Schulz, and Paul Zillig.

The first agenda item was consideration of the annual mentored hunt agreement with the Nebraska Game & Parks Commission on the Warner Wetlands (see attached). Schulz reported 64 hours were spent hunting last year and that no animals were harvested. Legal counsels review resulted in adding a non-discrimination clause to the agreement. The District has participated in the mentored hunt program since 2010.

It was moved by Lewis and seconded by Yoakum, to recommend that the Board of Directors approve the mentored hunt agreement with the Nebraska Game and Parks Commission on the District's Warner Wetland property.

Voting yay – Lamberty, Lewis, Schutz, Seacrest, and Stevens.

Not voting – Yoakum

Motion passed.

The second item was Ken Mohr's request for a property access agreement across the corner of the Homestead Trail Conservation Corridor near Roca, Nebraska (see attached map and photo). Schulz indicated Mohr had contacted the District in May about getting an agreement to use the existing driveway off state highway 55F to get to his walnut plantation. Staff reported the property is for sale and listed at \$75,000 for the 7.06-acre tract. The county's assessed value is \$4,700. The subcommittee discussed the District acquiring the property and Schulz indicated the process to acquire property was to have the property appraised which typically costs \$3,000-\$5,000, and using the appraised value as a basis to begin negotiations.

It was moved by Seacrest, seconded by Yoakum, and unanimously approved to recommend that the Board of Director approve a non-transferable access license agreement with Ken and Carolyn Mohr to cross the Homestead Conservation Corridor subject to legal counsel review.

Stevens made a motion, seconded by Lewis, to direct staff to inform Ken Mohr of the District's interest in purchasing the property and to initiate appraisal of the property.

Zillig indicated there is informal evidence or information available to determine market value besides having an appraisal completed.

Stevens and Lewis agreed to modify the motion which was unanimously approved directing staff to contact Ken Mohr about the District's interest in acquiring the property and to obtain evidence of value to determine market value and not initiate an appraisal.

The last agenda item was trail repair reports. Kennedy reported the final plans and specifications for the Oak Creek Trail repairs (bank stabilization/landslide) project are nearly complete by Olsson. This project will be advertised for bid in the first part of August, bid opening held in late August, and consideration for award of contract at the September Board of Directors meeting. It is anticipated this project will have reached substantial completion by end of this calendar year.

Schulz reported on the Homestead Trail bridge #9 closure and replacement. He indicated the bridge was closed as recommended by JEO the District's bridge

inspector. He gave some background on the site inspections of bridge #9 by Lynn Lightner, Ross Greathouse and Roger Figard who in their opinion indicated the bridge could be made safe for reopening by placing rock rip-rap to protect against further degradation of the south abutment. Schulz indicated District staff, Olsson and JEO met at bridge #9 today and were directed by Zillig to find out what the placement of rock rip-rap will achieve, what additional work (if any) would need to be done, the estimated cost and timeline to make bridge #9 safe for reopening. Olsson and JEO will provide that information in the next few days.

Staff expects the bridge #9 replacement with a concrete box culvert project will be ready for construction contract approval by the Board in October 2021. Schuele answered questions about the trail repair projects.

Schutz adjourned the meeting at 6:20PM.

MENTORED HUNT AGREEMENT

**Between Lower Platte South Natural Resources District
and
Nebraska Game and Parks Commission**

This Agreement expires May 31, 2022.

I. INTRODUCTION:

The entities listed above are interested in the Mentored Youth Hunting Program, and this Memorandum of Understanding (Agreement) outlines general hunt guidelines and the obligations and responsibilities of Lower Platte South Natural Resources District (NRD), and the Nebraska Game and Parks Commission (NGPC) regarding mentored archery hunting on Warner Wetlands properties located in Township 11 North, Range 7 East, Section 26 of Lancaster County ("Warner Wetlands Property").

II. PURPOSE:

The goals of the Nebraska Game and Parks Commission are to:

- Provide youth hands-on application of Hunter Education course principles and concepts;
- Teach youth, by example, the techniques, ethics and sportsmanship of hunting;
- Encourage the importance of practice and preparation;
- Instill in youth an excitement for bow hunting and outdoor related activities;
- Assist youth in developing a personal understanding of hunting success which rests in the experience rather than the harvest;
- Provide hunting opportunities for youth who otherwise lack a mentor and opportunity; and
- Utilize hunting as an appropriate conservation practice to manage game populations on private property.

The joint goal of NRD and NGPC is to manage the game populations on Warner Wetlands Property and provide local youth with educational based recreation through appropriate conservation practices.

III. RESPONSIBILITIES OF PARTIES:

A. NGPC RESPONSIBILITIES

1. Coordinate mentored youth archery deer and turkey hunts on Warner Wetlands Property
2. Develop hunt criteria, in concert with NRD, to include seasons and eligibility for youth and mentors under the Program.
3. Recruit, select and assign youth and mentors.
4. Develop mechanism for, and provide written permission to, selected youth and mentors to hunt Warner Wetlands Property.
5. Provide NRD with adequate signage.
6. Provide NRD with padlock & key as mutually agreed upon.
7. Provide NRD with list of selected hunters and hunters' vehicle descriptions and license plates.

8. Provide NRD with a list of assigned mentors and the youth they are assigned to mentor.
9. Nebraska Conservation Officers will patrol the area in the course of routine duties and respond to calls regarding problems relating to the Program.
10. Provide each authorized mentor a vehicle placard.
11. Complete Criminal History checks on all mentors participating in the Program.

B. NRD'S RESPONSIBILITIES

1. Work together with NGPC staff to develop hunt criteria under the Program, including seasons and eligibility for youth and mentors.
2. Identify designated hunting areas on Warner Wetlands Property (see attached map; exhibit A).
3. Erect and maintain signs provided by NGPC.
4. Seek prosecution of individuals, with assistance from NGPC personnel and local law enforcement agencies, found hunting without permission. NRD retains the right to decline or not pursue prosecution in individual cases.
5. Designate vehicle access and parking areas on Warner Wetlands Property.
6. Provide access during the youth hunting seasons and pre-hunt scout dates, as provided below, to selected youth hunters and mentors.
7. Deny access to Warner Wetlands Property for hunting purposes to all individuals except those listed as: (1) employees of NRD; (2) NGPC employees assigned, scheduled or authorized access by NRD or NGPC; (3) Selected mentors or youth, (4) Nebraska Conservation Officers or other security personnel, as outlined in this agreement; or (5) other persons based on mutual agreement between NGPC and NRD.

IV. LIABILITY:

NRD is entering into this agreement under provisions of Nebraska Revised Statutes § 13-910(13)(a) of the Political Subdivisions Tort Claims Act. This Act in part limit liability for recreational activities on land leased, owned or controlled by a political subdivision when those participating in such recreational activities have not provided monies for their participation to the landowner.

NRD is providing access to Warner Wetlands Property for youth mentored hunts without any form of compensation from the NGPC, its agents or volunteers and as such, shall have limited liability under Neb. Rev. Stat. § 13-910. All hunters accessing the NRD Property as part of the Mentored Youth Hunting Program shall carry volunteer liability insurance coverage as provided to them by NGPC.

Except as limited by Article XIII, Section 1 of the Nebraska Constitution, each party shall indemnify and hold harmless the other party and its principals, officers, and employees from and against all claims, demands, suits, actions, payments, liabilities, judgments and expenses (including court-ordered attorneys' fees), arising out of or resulting from the acts or omissions of their principals, officers, or employees in the performance of this Agreement. Liability includes any claims, damages, losses, and expenses arising out of or resulting from performance of this Agreement that results in any claim for damage whatsoever including any bodily injury, civil rights liability, sickness, disease **including COVID-19 or novel coronavirus**, or damage to or destruction of tangible property, including the loss of use resulting therefrom. Further, each party shall maintain a policy or policies, of insurance (or a self-insurance program) to cover any claims to the extent the parties are liable and not

subject to any limits on judgment. Nothing in this Agreement shall require either party to indemnify or hold harmless the other party from liability for the negligent or wrongful acts or omissions of said other party or its principals, officers, or employees.

V. PROGRAM OVERVIEW:

Youth Archery Deer & Turkey Program. Youth, 12 through 17 years of age who have successfully completed Bow Hunter Education and who reside in Douglas, Sarpy, Cass, Saunders, or Lancaster counties, will be mailed information packets by NGPC outlining the youth mentored hunt opportunities. If an excess number of youth apply for the hunt openings, youth new to the program will be given priority. Youth will be assigned a mentor by NGPC. Each mentor will be assigned youth hunters by NGPC. One youth must accompany the mentor to access Warner Wetlands Property during the hunting season; neither the mentor nor youth shall have access to Warner Wetlands Property without the other during the archery season unless mentors need to move stands or trail wounded game. Mentors shall be within 70 yards and visual range of their youth on Warner Wetlands Property for the first three outings and within 70 yards of their youth at all times for the archery program.

Other Hunting Programs. The NGPC will work with NRD to establish mentored youth hunting opportunities under the Program for waterfowl hunting.

VI. SEASONS

A. HUNTING SEASONS.

1. The archery deer hunt shall fall within the regular statewide archery deer season and/or the appropriate seasons choice deer season in accordance with the dates established in NGPC orders and rules and regulations, which dates shall run from September 1, 2021 – January 31, 2022, unless otherwise altered by the NGPC or NRD.
2. The archery turkey hunt shall fall within the regular statewide fall archery turkey season and the regular statewide spring archery turkey season established by NGPC orders and rules and regulations, which shall run from September 15, 2021 – January 31, 2022 & March 25 – May 31, 2022, unless otherwise altered by the NGPC or NRD.

B. SCOUTING TRIPS/PREPARATION. Mentors and their assigned youth shall have access to Warner Wetlands Property Saturdays and Sundays: August 1 – 31, 2021 for Fall Scouting Trips; March 4 – 25, 2022 for Spring Scouting Trips. Scouting Trips will take place from dawn to dusk to familiarize participants with the property, observe animal sign, select hunting areas and erect hunting stands or blinds. Mentors may invite their assigned youth’s parents to accompany the mentor and youth on one scouting trip prior to the Archery season opening date. Youth family members shall have no other access to NRD’s property.

C. CLOSING PROPERTY DURING SEASONS. NRD and the NGPC retain the right to close Warner Wetlands Property, or any portion of Warner Wetlands Property, during the Seasons, from hunting, as they deem appropriate. Specific hunt details will be developed jointly by NGPC, NRD, volunteers, mentors, and youth hunters. All hunting dates are to be mutually agreed upon by NRD and NGPC. NRD

reserves the right to exclude hunting on approved dates, at their discretion.

- D. **APPLICABLE LAWS.** During the Seasons, all applicable Nebraska laws and hunting rules, regulations and Commission Orders apply. All hunters and mentors must carry the required permits, stamps and certification in their possession while hunting. All participants must carry a picture ID on their person and willingly present such to any law enforcement personnel, security personnel or other NGPC staff, upon request. Additional conditions or restrictions must be adhered to by all hunters as developed by the NGPC and/or NRD.
- E. **ACCESS TO PROPERTY DURING SEASONS.** For purposes of the hunts under this Program, no other NGPC personnel shall have access to designated hunting areas on Warner Wetlands Property, except for Nebraska Conservation Officers, law enforcement personnel, NGPC Education Staff or persons assigned, scheduled or authorized by NRD.
- F. **YOUTH WATERFOWL PROGRAM:** The NGPC will coordinate efforts with trained mentors from a local waterfowl conservation organization to provide mentoring opportunity that will focus on Lancaster County youth, 12 through 15 years of age who have successfully completed Hunter Education. If an excess number of youth apply for the hunt openings, youth new to the program will be given priority. A youth must accompany each mentor to access Warner Wetlands property during the hunting season; neither the mentor nor youth shall have access without the other during the waterfowl season. Mentors shall be within unaided visual and verbal range of their youth at all times on the Warner Wetlands property. Participants may harvest any legal waterfowl species during its respective open season. All game harvested shall be reported to the NGPC Outreach Coordinator.

VII. GENERAL REQUIREMENTS AND GUIDELINES

- A. Participant youth hunters and mentors must attend a mandatory visit to Warner Wetlands Property, prior to hunting, to be held on a mutually agreed date between NRD, participants and NGPC.
- B. Mentors shall follow state hunting regulations pertaining to Accompaniment, being within unaided visual and verbal range of the youth hunter while on Warner Wetlands Property.
- C. The archery season shooting hours are one-half hour before sunrise to one-half hour after sunset for deer and one-half hour before sunrise to sunset for turkey. Youth hunters and their mentor may access Warner Wetlands Property one hour before shooting hours begin and depart one-half hour after shooting hours close. Hunters harvesting game near the close of shooting hours will remain on Warner Wetlands Property until the game is recovered or tracking efforts become futile.
- D. Participants, including youth hunter and mentor, shall only access Warner Wetlands Property through the designated entrances at Warner Wetlands Property.
- E. **Warner Wetlands:** Hunters shall access the site via 98th Street. All parking shall be conducted in designated areas approved by NRD.
- F. All participants entering or leaving Warner Wetlands Property shall display a placard provided by NGPC in a visible location on the vehicle.
- G. Hunting shall only be conducted in areas designated by NRD.
- H. All vehicles shall remain on NRD approved roadways while accessing Warner Wetlands Property, unless

NRD provides permission for off-road use and such use will not cause undue damage to roads. If NRD allows off-road travel, only ATV's will be allowed off-road for the retrieval of game or movement of stands. NRD shall not assist with stuck vehicles.

- I. NGPC will provide signage for Warner Wetlands Property which signs are to be erected and maintained by NRD.
- J. NRD agrees to seek prosecution of individuals, with assistance from NGPC personnel and local law enforcement agencies, found hunting without permission.
- K. Hunting stands and blinds must be removed from Warner Wetlands Property by the hunter, mentor or youth no later than January 31, 2022, weather permitting. The name of the hunter/owner must be permanently marked on each stand. NRD shall not have responsibility or liability for any stand or their use in cases pertaining to theft, personal injury or property damage.
- L. All game harvested shall be reported to the NGPC Outreach Coordinator.
- M. Participants in the Program may harvest either an antlered or antlerless deer on Warner Wetlands Property. If a mentor harvests an antlered deer during the mentored hunt, the mentor's following deer must be antlerless deer. Youth and mentors possessing a second archery deer permits may fill the second archery deer permit on the Property.
- N. The parties, in determining eligibility for participation in these programs administered by the NGPC, shall not discriminate on the basis of because of race, color, religion, national origin, ethnicity, disability, age, gender, gender identity, sexual orientation, genetic information, familial status, veteran status, marital status or political affiliation.

VIII. MEMORANDUM OF UNDERSTANDING CONTACTS:

- **Aaron Hershberger**, Outdoor Education Specialist, Nebraska Game and Parks Commission
 - 402-471-6144 office
 - 402-326-8452 cell
- **Dan Schulz**, Resources Coordinator, Lower Platte South Natural Resources District
 - 402-476-2729 office
 - 402-432-5727 cell

ATTEST

Nebraska Game and Parks Commission

Lower Platte South Natural Resources District

Signature

Signature

Title

Title

Date

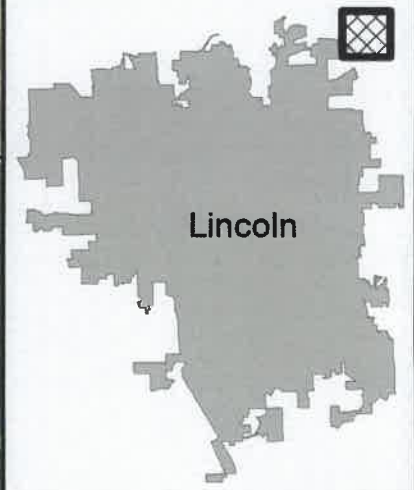
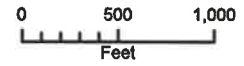
Date



Exhibit A

 Youth Mentor Archery Deer Hunt Area

Warner Wetlands North
Township 11 North
Range 7 East
Sections 26





Homestead Trail - LPSNRD Parcels near Roca



