



LOWER PLATTE SOUTH natural resources district

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Agenda Item #9

MEMORANDUM

TO: Board of Directors

FROM: Dan Schulz, Resources Coordinator

DATE: July 15, 2020

SUBJECT: Minutes-Recreation, Forestry & Wildlife Subcommittee Meeting

On Tuesday, July 14, 2020, the Recreation, Forestry and Wildlife Subcommittee held a virtual meeting at 4:30PM. Virtualizing in and/or calling in were Chair-Anthony Schutz, Gary Aldridge, Deb Eagan, Luke Peterson, Mark Spangler, Ray Stevens and Sarah Wilson. Others participating were Ariana Kennedy, David Potter, Larry Ruth and Dan Schulz.

The meeting's agenda item was consideration of the Mentor Youth Hunt Agreement with the Nebraska Game and Parks Commission. Schutz provided some opening remarks. Staff addressed questions about past participation by youth and mentors, and the request for more information dealing with covid-19 protocols by the mentor hunt participants. Also discussed was the agreements reference to the District as Lower Platte South Natural **Resource** District when the correct spelling should have been **Resources** (needed an s added). Attached is a copy of the draft agreement and a map of the Warner Community Wetland Management Area.

It was moved by Eagan, seconded by Peterson and unanimously approved to recommend that the Lower Platte South NRD Board of Directors approve the Mentored Hunt Agreement between the Lower Platte South NRD and the Nebraska Game and Parks Commission for mentored archery hunting on the Warner Community Wetland Management Area provided that the agreement is changed to add an S to Resource in every Lower Platte South Natural Resource District written in the agreement.

Staff indicated it would contact the Nebraska Game & Parks Commission to change the Mentor Hunt Agreement by adding an S after Resource in all written Lower Platte South Natural Resource Districts, provide a copy of last years mentored hunt agreement report and request the Covid-19 protocols the Nebraska Game & Parks Commission will use for the youth mentor hunt.

Schutz adjourned the subcommittee meeting at 4:50PM.

MENTORED HUNT AGREEMENT

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

This Agreement expires May 31, 2021.

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.
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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.
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 or trespassing in general. 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, 2020 – January 15, 2021, 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, 2020 – January 31, 2021 & March 25 – May 31, 2021, 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, 2020 for Fall Scouting Trips; March 4 – 25, 2021 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 an opportunity that will focus on Lancaster 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
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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 or trespassing in general.
- K. Hunting stands and blinds must be removed from Warner Wetlands Property by the hunter, mentor or youth no later than January 31, 2021, 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.

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

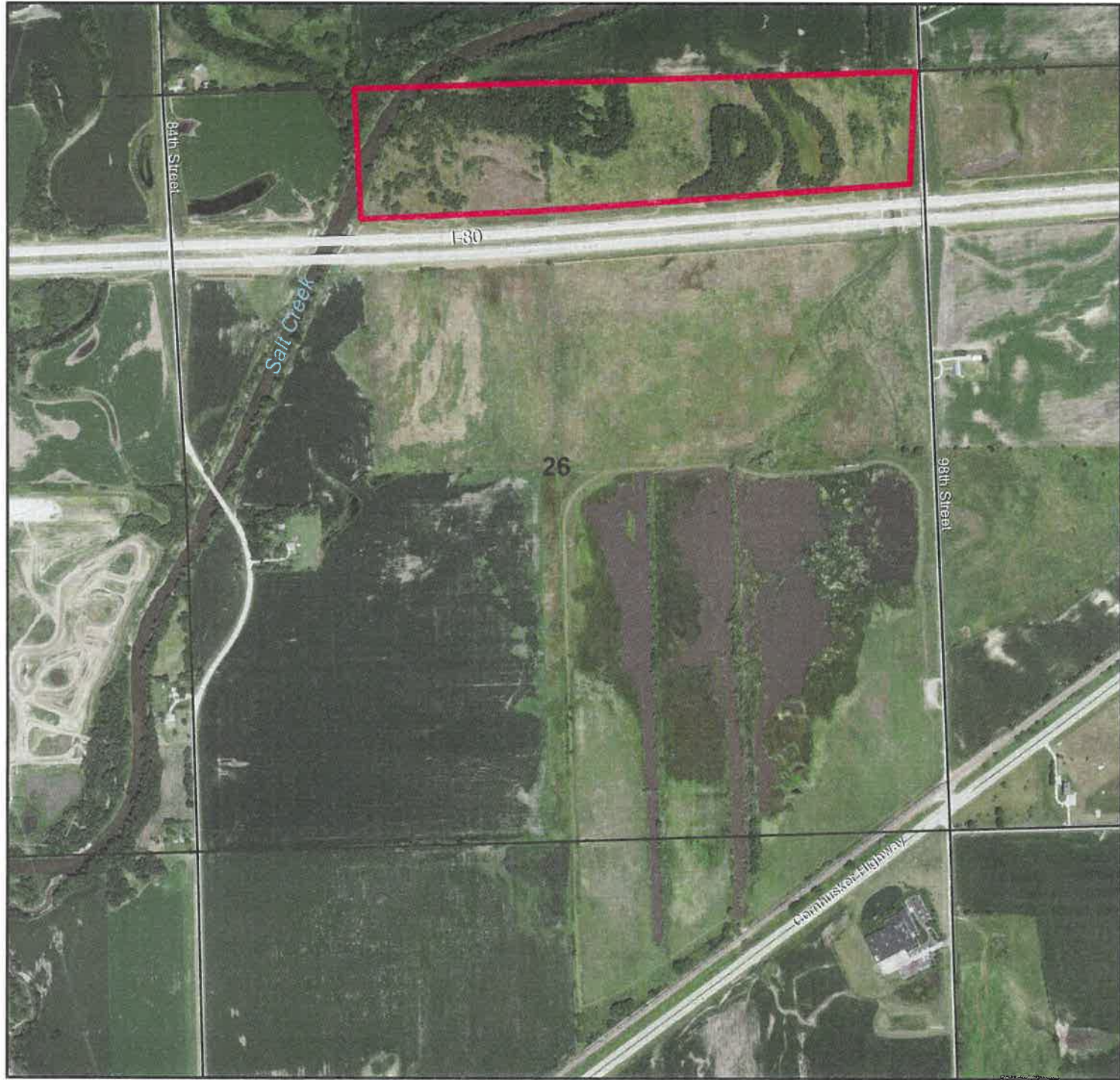
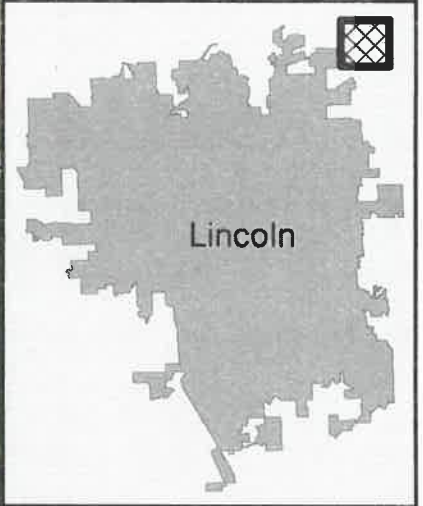
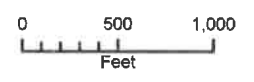
Date

Date

Exhibit A

 Youth Mentor
Archery Deer
Hunt Area

Warner
Wetlands
North
Township 11 North
Range 7 East
Sections 26





2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641

Mentored Youth Archery Program – 2019/20 Season
Lower Platte South Natural Resources District – Warner Wetlands

This report includes bow hunting during the statewide Archery Season & portion of the Late Antlerless Season on the *Warner Wetlands* property in Lancaster County as part of the Nebraska Game and Parks Commission's Mentored Youth Archery Program.

Two trained, adult Mentors that were assigned 6 youth hunters for the 2019/2020 season utilized the *Warner Wetlands* property. This accounted for:

- 63 Volunteer Hours
 - 12 Hunts
 - Pre-Season scouting and post season work
- 0 harvested deer
- Countless smiles and a decent amount of laughter, too

Volunteer hours and deer harvest decreased from the 2018/19 season due to health-issues affecting the lead Mentor on the *Warner Wetlands* property for a portion of the season. This was the first year in which no deer were harvested on the area.

Thank you to the Lower Platte South NRD for the continued support of access for this very impactful program.

Aaron Hershberger,
Nebraska Game and Parks Commission
Outdoor Education Specialist & Mentor Hunt Program Coordinator
aaron.hershberger@nebraska.gov

Donna Reid

Subject: FW: Board Meeting Agenda Item RF&W
Attachments: NRD2020_DRAFT.docx; Warner_Wetland_2019.pdf; RF&W Minutes 7-14-20.docx; RF&W Minutes 7-14-20.docx

From: Hershberger, Aaron [<mailto:Aaron.Hershberger@nebraska.gov>]
Sent: Wednesday, July 15, 2020 9:55 AM
To: Dan Schulz <dschulz@lpsnrd.org>
Cc: Ariana Kennedy <ariana.kennedy@lpsnrd.org>; Stewart, Brynn <brynn.stewart@nebraska.gov>
Subject: RE: Youth Mentor Hunt: Agreement

Morning, Dan...

Appreciate the update and continuing support of this impactful program.

We have added the "s" to "Resources" in the agreement (good catch) and have attached an updated copy here. Also attached is an end of season report here. Generally these have been part of an email, but I have created a bit more formal and easier to share document.

Our "Covid-19" protocols and guidelines for the Mentored Youth Archery Program are in the process of approval. I can share more details once they have been approved. They will follow our the agency's current 'Operational Guidelines for Staff/Public Safety During the Covid-10 Pandemic' and will include protocols for use of PPE's, Social Distancing, and the usage of equipment (*i.e. bow hunting gear*) to protect both the adult Mentor, youth hunters, staff and others that may be present during the implementation of the program (*i.e. parent*). The guidelines will allow for adaption of changing recommendations and guidelines from state and regional health experts.

Let me know if you have any questions.

Aaron, NGPC
aaron.hershberger@nebraska.gov

From: Dan Schulz [<mailto:dschulz@lpsnrd.org>]
Sent: Tuesday, July 14, 2020 5:23 PM
To: Hershberger, Aaron <Aaron.Hershberger@nebraska.gov>
Cc: Kennedy, Ariana <ariana.kennedy@lpsnrd.org>
Subject: RE: Youth Mentor Hunt: Agreement

Aaron,

The subcommittee recommended approval at the July 22, 2020, Board of Directors meeting provided:

- Where the agreement states Lower Platte South Natural Resource District is changed in every location to add an s to resource so it reads Lower Platte South Natural Resources District
- Some explanation as to how the Commission is going to address covid-19 protocols during the agreement for youth, mentors and staff working in the mentor hunt program and in the field during scouting/hunting
- A report on last year's participants, mentors and their success etc. at the Warner wetlands

I thought I could locate a copy of your report but could not find it. Could you send the 2019 report to me so I can include it with the subcommittee minutes tomorrow?

Please contact me if you need clarification.

Thanks,

Dan

From: Hershberger, Aaron [<mailto:Aaron.Hershberger@nebraska.gov>]

Sent: Friday, June 26, 2020 11:33 AM

To: Dan Schulz <dschulz@lpsnrd.org>

Subject: Youth Mentor Hunt: Agreement

Dan...

Hope all is well in your world this Friday. Time to start planning for the fall and the 2020/21 hunting seasons for our young archers. I have attached a DRAFT agreement for this year's program on *Warner Wetlands* for your review. Beyond the date edits to reflect the calendar and seasons, we have added some language on illness to the document to better address the world in which we now live. These are highlighted in yellow.

Once we get this to a point of satisfaction for both of us, we can begin the signature process. If you have any questions, do not hesitate to ask.

Thank you again for your support of this outreach effort and making it possible...

Aaron Hershberger

Nebraska Game and Parks Commission

402-471-6144

aaron.hershberger@nebraska.gov