

MEMORANDUM

TO: Programs, Projects, and Operations Subcommittee

FROM: Justin Novak, Project Manager

SUBJECT: Mentored Youth Hunt Agreement with Nebraska Game & Parks

DATE: December 27, 2022

In 2005, the Nebraska Game & Parks entered into an agreement to allow hunting on property owned by the District (Vencil's Island). The agreements last for 5 years and was last signed in January 2018 and will expire in January 2023.

The District has been working with the Game & Parks to look at ways to improve hunting success and identify new areas that would work for their program. There are 2 updates to the old agreement that could help with this below:

1. Allowing a muzzle loader season (December 1-December 31) or current seasons set by the Game & Parks at Vencil's Island only.
2. Adding new property to the agreement along the R613-R616 levee systems, where there have been buyouts along the river. This would be for archery only seasons.

Management recommends that the Subcommittee recommend to the Board of Directors that the General Manager be authorized to execute the proposed Youth Mentored Hunt Agreement with the Nebraska Game & Parks Commission, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.

MENTORED HUNT AGREEMENT

**Between Papio-Missouri River Natural Resources District
and
Nebraska Game and Parks Commission**

This Agreement expires five (5) years from the signed date.

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 the Papio-Missouri River Natural Resources District (NRD), and the Nebraska Game and Parks Commission (NGPC) regarding mentored hunting on the NRD's Vencils Island tract located on the convergence of the Platte and Elkhorn Rivers (Vencils Island) and the R613-R616 Missouri River Levee Tracts located along the Missouri River (River Levee Tracts). Both properties being located in Sarpy County and more fully described in (6) Exhibits attached to this Agreement.

II. PURPOSE:

The NRD owns the Vencils Island & River Levee Tracts (Exhibits A-F). These tract areas create public use value and interest for youth hunts and related purposes.

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 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.

The joint goal of NRD and NGPC is to manage the game populations on Vencils Island and the River Levee Tracts and provide local youth with educational based recreation through appropriate conservation practices.

III. RESPONSIBILITIES OF PARTIES:

A. NGPC RESPONSIBILITIES

1. Coordinate mentored youth waterfowl, archery deer, muzzleloader deer and archery turkey hunts on Vencils Island; and archery deer and archery turkey hunts on River Levee Tracts.
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 Vencils Island and River Levee Tracts.
5. Provide NRD with adequate signage. Coordinate with NRD for their use.
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 Vencils Island and River Levee Tracts.
3. Coordinate the use of 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 Vencils Island and River Levee Tracts.
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 Vencils Island and River Levee Tracts 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 limits 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 the Vencils Island and River Levee Tracts 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 Vencils Island and River Levee Tracts 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 and 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:

Vencils Island and River Levee Tracts Youth Archery Deer & Turkey Program. Youth, 12 through 17 years of age who have successfully completed Bow Hunter Education and who reside in surrounding counties, will be notified by NGPC outlining the youth mentored hunt opportunities. 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 Vencils Island and/or River Levee Tracts during the hunting season; neither the mentor nor youth shall have access to Vencils Island nor River Levee Tracts without the other during the hunting season unless mentors need to move stands or trail wounded game. Mentors shall be within 70 yards and visual range of their youth on Vencils Island for the first three outings and within 70 yards of their youth at all times for the archery program.

Vencils Island Youth Muzzleloader Deer Program. Youth, 12 through 17 years of age who have successfully completed Hunter Education and who reside in surrounding counties, will be notified by NGPC outlining the youth mentored hunt opportunities. 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 Vencils Island during the hunting season; neither the mentor nor youth shall have access to Vencils Island without the other during the muzzleloader season unless mentors need to move stands or trail wounded game. Mentors shall be within 70 yards of their youth at all times on Vencils Island for the Muzzleloader program.

Vencils Island Youth Waterfowl Program. Youth (11 through 15 years of age), who have successfully completed Hunter Education and who reside in surrounding counties will be eligible to participate in the Youth Waterfowl Hunting Program using shotguns to hunt waterfowl. Youth will be assigned mentors by NGPC and/or its partners. Each mentor will be assigned youth hunters. At least one youth must accompany the mentor to access Vencils Island during the scouting period and/or hunting season; neither the mentor nor youth shall have access to Vencils Island without the other except when a mentor needs to make improvements or to prepare for the hunt. Mentors shall be within 70 yards of their youth at all times on Vencils Island for the waterfowl program.

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 regulations, which dates shall run from **September 1 – January 15** 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 regulations, which shall run from **September 15 – January 31 & March 25 – May 31**, unless otherwise altered by the NGPC or NRD.
 3. The muzzleloader deer hunt shall fall within the regular statewide muzzleloader deer season in accordance with the dates established in NGPC orders and regulations, which dates shall run from **December 1 – 31**, unless otherwise altered by the NGPC or NRD
 4. The waterfowl hunt shall fall within the appropriate teal, duck and goose seasons established by NGPC orders and regulations.
- B. SCOUTING TRIPS/PREPARATION. Mentors and their assigned youth shall have access to Vencils Island and River Levee Tracts in August for Fall Scouting Trips, and March for Spring Scouting Trips. Scouting Trips will take place from dawn to dusk to familiarize participants with the properties, 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 season opening date. Youth family members shall have no other access to Vencils Island or River Levee Tracts, as part of this program.
- C. CLOSING PROPERTIES DURING SEASONS. NRD and the NGPC retain the right to close the Vencils Island and/or River Levee Tracts, or any portion of either properties, 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. Additional conditions or restrictions must be adhered to by all hunters as developed by the NGPC and/or NRD.
- E. ACCESS TO VENCILS ISLAND AND RIVER LEVEE TRACTS DURING SEASONS. For purposes of the hunts under this Program, no other NGPC personnel shall have access to designated hunting areas on Vencils Island or River Levee Tracts, except for Nebraska Conservation Officers, law enforcement personnel, NGPC Education Staff or persons assigned, scheduled or authorized by NRD.

VII. GENERAL REQUIREMENTS AND GUIDELINES

- A. New mentors must attend a mandatory visit to Vencils Island and/or River Levee Tracts, prior to hunting, to be held on a mutually agreed date between the NRD, participants and NGPC.

- B. The archery season and muzzleloader season shooting hours are one-half hour before sunrise to one-half hour after sunset for one-half hour before sunrise to sunset for turkey and waterfowl. Youth hunters and their mentor may access Vencils Island and River Levee Tracts 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 site until the game is recovered or tracking efforts become futile.
- C. Participants, including youth hunter and mentor, shall only access Vencils Island and River Levee Tracts through the NRD designated entrances.
- D. All participants entering or leaving Vencils Island and/or River Levee Tracts shall display a placard provided by NGPC in a visible location on the vehicle.
- E. Hunting shall only be conducted in areas designated by the NRD.
- F. All vehicles shall remain on NRD approved roadways while accessing Vencils Island and River Levee Tracts, unless the 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 nor be responsible for any damage to vehicles used on the Vencils Island and River Levee Tracts.
- G. NGPC will provide signage for Vencils Island and River Levee Tracts which signs are to be erected and maintained by the NRD.
- H. 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.
- I. Hunting stands and blinds must be removed from Vencils Island and River Levee Tracts by the hunter, mentor or youth no later than January 30, 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.
- J. All game harvested shall be reported to the NGPC Outreach Coordinator.
- K. Participants in the Program may harvest either an antlered or antlerless deer on Vencils Island and River Levee Tract. If a mentor harvests an antlered deer during the mentored hunt, the mentor's following deer must be an antlerless deer. Youth and mentors possessing a second archery deer permit may fill the second archery deer permit on Vencils Island and River Levee Tracts.

VIII. MEMORANDUM OF UNDERSTANDING CONTACTS:

- **Aaron Hershberger**, Outdoor Education Specialist, Nebraska Game and Parks Commission
 - (402) 471-6144 office
 - (402) 326-8452 cell
- **Justin Novak**, Project Manager, Papio-Missouri River Natural Resources District
 - (402) 315-1707 office
 - (402) 616-0969 cell

ATTEST

Nebraska Game and Parks Commission

Papio-Missouri River Natural Resources District

Signature

Signature

Title

Title

Date

Date

Property Detail Report

Parcel ID: 010629742



Parcel Information

Situs:

Owner: Papio-Missouri River Natural
Resources District
8901 S 154th St
Omaha, NE 68138

Legal: Tax Lot 5 20-13-14 (88.20 ac)
Tax District: 1-46Ef
Approx. Size: 88.20 ac
PLSS: NW-20-13-14



Services

School District: Bellevue
Fire District: Bellevue Fire
Law: Sarpy County Sheriff
Electricity: OPPD
Wastewater: Bellevue

Environmental

Basin(s): Missouri River ~100.0%
Floodway: FW ~100.0%
Flood Zone(s):
AE ~100.0%



Zoning

Zoning:
AG - Agriculture (Bellevue) ~100.0%
Future Land Use:
PARK - Park (Bellevue) ~100.0%
AICUZ:
Approach Zone APZ II ~17.8%
Noise Zone 2 (65dB) ~48.8%
Noise Zone 3 (70dB) ~26.1%

This report was dynamically assembled from various layers of geographical information, some of which is not maintained by Sarpy County. This report may or may not accurately represent the source parcel completely and correctly. Any reliance on this data is at the sole risk of the user.

Property Detail Report

Parcel ID: 010629661



Parcel Information

Situs:

Owner: Papio-Missouri River Natural
Resources District
8901 S 154th St
Omaha, NE 68138

Legal: Tax Lots 6 & 7 17-13-14 (25.56 ac)
Tax District: 1-46Ef
Approx. Size: 25.56 ac
PLSS: SW-17-13-14

Services

School District: Bellevue
Fire District: Bellevue Fire
Law: Sarpy County Sheriff
Electricity: OPPD
Wastewater: Bellevue

Environmental

Basin(s): Missouri River ~100.0%
Floodway: FW ~100.0%
Flood Zone(s):
AE ~100.0%



Zoning

Zoning:
AG - Agriculture (Bellevue) ~100.0%
Future Land Use:
PARK - Park (Bellevue) ~100.0%
AICUZ:
Approach Zone APZ II ~100.0%
Noise Zone 3 (70dB) ~12.5%
Noise Zone 4 (75dB) ~87.5%

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Property Detail Report

Parcel ID: 011266511



Parcel Information

Situs:

Owner: Papio-Missouri River Natural
Resources District
8901 S 154th St
Omaha, NE 68138

Legal: Tax Lot 2 30-13-14 (34.78 ac)
Tax District: 1-46Ef
Approx. Size: 34.78 ac
PLSS: NE-30-13-14



Services

School District: Bellevue
Fire District: Bellevue Fire
Law: Sarpy County Sheriff
Electricity: OPPD

Environmental

Basin(s): Missouri River ~100.0%
Floodway: FW ~99.0%
Flood Zone(s):
AE ~99.0%
Area w/Reduced Flood Risk Due to Levee
~1.0%

Southern Sarpy Wastewater System

Development Zone:
Urban Reserve () ~99.8%



Zoning

Zoning:
AG - Agriculture (Bellevue) ~99.9%
Future Land Use:
PARK - Park (Bellevue) ~99.9%

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Property Detail Report

Parcel ID: 011067535

Parcel Information

Situs:

Owner: Papio Natural Resources District
8901 S 154th St
Omaha, NE 68138

Legal: Tax Lot 1A 5-13-10 (78.42 ac)
Tax District: 37Gf
Approx. Size: 78.42 ac
PLSS: NE-05-13-10

Services

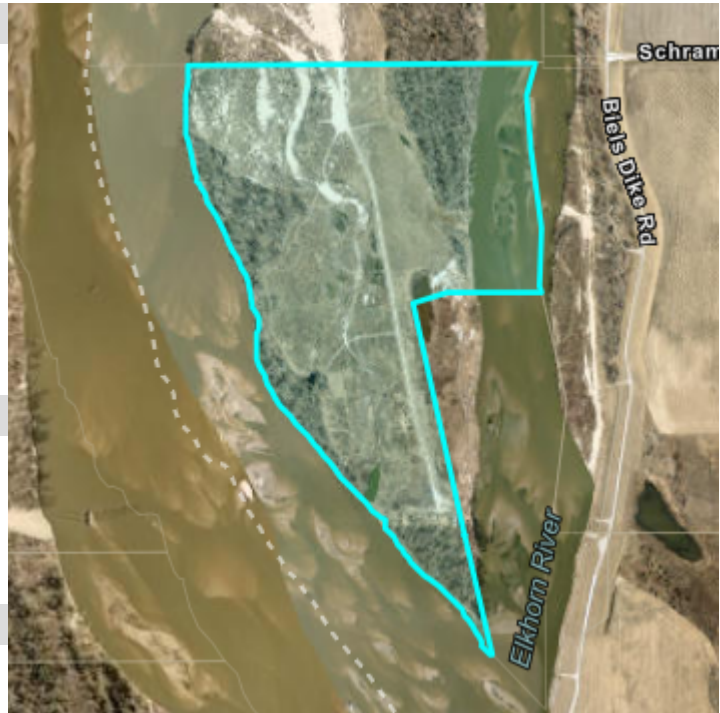
School District: Gretna
Fire District: Gretna Fire
Law: Sarpy County Sheriff
Electricity: OPPD

Environmental

Basin(s): Elkhorn River ~57.6%Platte River
~42.4%

Floodway: FW ~100.0%

Flood Zone(s):
AE ~100.0%



Zoning

Zoning:
AG - Agricultural Farming District (Sarpy) ~87.6%
Zoning Overlay:
Conservation District (Sarpy) ~100.0%
Future Land Use:
AG - Agriculture (Sarpy) ~100.0%
Growth Management Zone:
Conservation Zone (Sarpy) ~100.0%

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Property Detail Report

Parcel ID: 011067470

Parcel Information

Situs:

Owner: Papio Natural Resources District
8901 S 154th St
Omaha, NE 68138

Legal: Tax Lot 1 32-14-10 (253.82 ac)
Tax District: 37Gf
Approx. Size: 253.82 ac
PLSS: SE-32-14-10

Services

School District: Gretna
Fire District: Gretna Fire
Law: Sarpy County Sheriff
Electricity: OPPD

Environmental

Basin(s): Platte River ~64.7%Elkhorn River
~35.3%

Floodway: FW ~100.0%

Flood Zone(s):
AE ~100.0%



Zoning

Zoning:
AG - Agricultural Farming District (Sarpy) ~100.0%
Zoning Overlay:
Conservation District (Sarpy) ~100.0%
Future Land Use:
AG - Agriculture (Sarpy) ~100.0%
Growth Management Zone:
Conservation Zone (Sarpy) ~100.0%

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Property Detail Report

Parcel ID: 010395512

Parcel Information

Situs:

Owner: Papio-Missouri River Natural
Resources District
8901 S 154th St
Omaha, NE 68138

Legal: Tax Lot D 29-14-10 (26.90 ac)
Tax District: 37Gf
Approx. Size: 26.90 ac
PLSS: SE-29-14-10

Services

School District: Gretna
Fire District: Gretna Fire
Law: Sarpy County Sheriff
Electricity: OPPD

Environmental

Basin(s): Elkhorn River ~56.7%Platte River
~43.3%

Floodway: FW ~100.0%

Flood Zone(s):
AE ~100.0%



Zoning

Zoning:
AG - Agricultural Farming District (Sarpy) ~100.0%
Zoning Overlay:
Conservation District (Sarpy) ~100.0%
Future Land Use:
AG - Agriculture (Sarpy) ~100.0%
Growth Management Zone:
Conservation Zone (Sarpy) ~100.0%

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