

**Responses to Comments and Questions
From the June 6, 2018 Information Meeting
On the OHV Park/ATV Riding Area**

1. Require everyone to have ATV insurance.
 - a. State law currently does not require ATV vehicles to carry ATV insurance. If ATV insurance would be required, a third-party would have to monitor for this, however, it is unclear what actions could be taken if insurance was not carried by an ATV operator or rider.
2. Is there a third-party interested? Is the Loup River part of the park?
 - a. There have been interested parties who have indicated interest in being the third-party monitor/manager working with Loup Power District. Loup Power District will have a meeting with all interested in being the third-party monitor/manager in the near future. The Loup River is not included as part of the OHV Park, however, Loup Power District allows ATV riding activities to occur on the Loup River property owned by Loup Power District (that is not leased to other entities).
3. Aware of the problems that have existed in the area. Several rules should be implemented, including noise level restriction, no alcohol, gate closure. It would be nice to have the Nebraska Game and Parks Commission (NGPC) take over this area. If a park sticker could be required, it might help in hiring law enforcement to enforce rules. Also need to require insurance on all vehicles using the OHV Park/ATV riding area.
 - a. A third-party monitor/manager would be required to monitor and enforce the rules. Again, without law enforcement present, unsure as to how the rules could be enforced, so this would be up to the third-party monitor/manager. For the NGPC to open and run the park, several different things would need to happen, including (1) the NGPC willingness to run the area and (2) a change in the property included in the license, which Loup Power District would have to file with the Federal Energy Regulatory Commission (FERC), which could reopen the entire license to review. Additionally, the District uses this area for dredging operations during the year. A park sticker would have to be monitored by the third-party monitor/manager, however, unsure if making individuals pay for a park sticker would open liability issues up to the third-party monitor/manager and Loup Power District.
4. Could the OHV Park/ATV riding area land be owned by NGPC, with Loup Power District having rights for operation? This could create revenue for the entire state.
 - a. As stated previously, the NGPC would have to have the willingness to run the area and monitor this. In addition, this would require Loup Power District to file for a formal change to the license at the FERC, which could reopen the entire license for review, which the District would resist at this time.

5. If the OHV Park/ATV riding area is reopened, will there be security, will insurance be required, will helmets be required, will hours differ and who will maintain the area? Also, how can people be sued if release forms are signed?
 - a. All of the above questions will need to be answered and will be the responsibility of a third-party monitor/manager. Loup Power District does not anticipate any changes in the rules, which have been posted at the OHV Park/ATV riding area for several years. Any party can sue another party, for any reason; however, the courts will be the ultimate determination of any outcome. Loup Power District is protected by the Political Subdivision Tort Claim Act and will do whatever is necessary to protect itself from lawsuits and other legal action.
6. With the use of UTVs, could a person use them at the OHV Park/ATV riding area if they are over the 65 inch limit? Please require each rider to have insurance.
 - a. The 65 inch limit was set due to gate and trail width restrictions and discussion with previous third-party monitor/managers of the OHV Park/ATV riding area. Loup Power District does not anticipate this changing in the future. Requiring insurance will be up to the third-party monitor/manager, however, as stated previously, monitoring and enforcing this will be difficult.
7. Could a third-party monitor/manager put someone at the gate to check coolers for alcohol?
 - a. Officially, Loup Power District does not allow alcohol at any of its properties, including those used for recreation. To monitor for this would be up to any third-party monitor/manager; however the difficulty would be in the enforcement of any action by a third-party monitor/manager.
8. What are the damages by having extra water flow in the Loup River?
 - a. The extra water flows in the Loup River are there to protect the fisheries in the Loup River during all conditions. In addition, the restriction of water flow into the canal during the period from March 1 through June 30 is to send more water down the Loup River to create sandbar habitat for the piping plover and interior least tern, which are both threatened and endangered species. This can create less riding area, with deep channels and the potential for quickly changing river levels. This could result in damage to equipment and injury to those riding in the Loup River.
9. There need to be volunteers on most occasions, especially on weekends. Volunteers should wear vest and act as a "safety patrol" to discourage rule breakers.
 - a. This would be up to the third-party monitor/manager and whether they would want to have these services available. As stated previously, Loup Power District is unsure how enforcement of the rules could be implemented and enforced, but that would be up to the third-party monitor/manager.

10. For the wildlife, can Loup Power District fence off the area like is done at Lake McConaughy? Loup Power District could post signs explaining to stay out of the area and have additional bird information.
 - a. Fencing off areas for threatened and endangered species would cost Loup Power District additional manpower and money. The third-party monitor/manager would need to take the time to fence off these areas and post signs, keeping people aware of the threatened and endangered species. If these species begin to occupy these areas, this could eliminate most of the trails at the OHV Park/ATV riding area. In addition, if fences were put around nests, they would have to be removed for dredging operation.
11. Can the third-party monitor/manager get the ability to enforce rules? Can there be a trail patrol?
 - a. Loup Power District is unaware of how any third-party, other than law enforcement, can enforce any rules associated with the OHV Park/ATV riding area. The third-party monitor/manager can have trail patrol, if they so desire.
12. How will people who ride in the Loup River who enter from outside the OHV Park/ATV riding area, affect the ATV riding area if they cause problems? How are you going to handle spectators for spontaneous events?
 - a. Individuals, who enter the OHV Park/ATV riding area from outside the OHV Park/ATV riding area, will have to be controlled by the third-party monitor/manager. As stated at the meeting, due to liability concerns, the Loup Power District will not allow spontaneous or attempted organized events at the OHV Park/ATV riding area. If these events occur, Loup Power District will have no choice but to close the OHV Park/ATV riding area.
13. Does trespassing at the OHV Park/ATV riding area work both ways, such as riding in this area when the OHV Park/ATV riding area is closed?
 - a. This will be up to the third-party monitor/manager as Loup Power District does not have the resources to manage this. As stated previously, enforcement of any rules and policies will have to be done by a third-party monitor/manager. However, the District will report abuses of the posted rules to the respective authorities if they occur.
14. All remaining comments were comments of thanks for the meeting and willingness to help out if needed.
 - a. The District appreciates all of these comments and will provide any information to the third-party monitor/manager for future use.