

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~December 5, 2011~~ December 31, 2012

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

015 Game Breeding and Controlled Shooting Areas

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-426, 37-484 through 37-496. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

015.01 Documentation:

015.01A The applicant must provide proof with the application that he or she controls, by ownership or lease, the land upon which the Controlled Shooting Area will be operated. If the land is leased, a copy of the lease must be submitted; the lease must be valid for a period extending at least five (5) years beyond the date of original application for lands included and the lease must stipulate that the landowner specifically gives permission to the applicant to operate a Controlled Shooting Area, and the lease must be accompanied by documents that verify that the lessor owns the land.

015.01A1 A commercial game breeding and controlled shooting area shall be defined as one which offers goods or services to clients for a fee or in trade, thereby generating income and/or profit.

015.01A2 A non-commercial game breeding and controlled shooting area shall be defined as one which offers goods or services to family, friends, or clients free of charge.

015.01B In the event of a change of ownership or a substantial change in the terms of the lease authorizing the operation of the Controlled Shooting Area it shall be unlawful to fail to notify the Game and Parks Commission in writing of the change. Such notification must be made within 60 days of the change. Upon such notification, the Game and Parks Commission shall delete the affected land from the permit unless the operator of the Controlled Shooting Area provides proof as specified in 015.01A that he or she still controls the land.

015.02 Distance Requirements

015.02A No license shall be issued for any commercial area whose boundary lies within one mile of the boundary of any other commercial area so licensed.

015.02B No license shall be issued for any commercial area whose boundary lies within one mile of a federal game refuge.

015.03 Posting Requirements:

015.03A It shall be unlawful to post the Controlled Shooting Area in any manner other than as prescribed in sections 015.03A1, 015.03A2 and 015.03A3.

015.03A1 The licensee shall post both sides of any public road that traverses any part of the Controlled Shooting Area, all vehicular entrances, the perimeter of any inholding in the Controlled Shooting Area that is not a part of the area, and the entire outside perimeter of the area at intervals of not more than 1000 feet, with signs as follows: Signs shall be a minimum of 12 inches wide by 18 inches high. Lettering shall be all capital letters in black on a white background, with wording as specified. The words "CONTROLLED SHOOTING AREA" shall appear on three lines at the top of the sign in letters 1 ½ inches high. The words "PRIVATE HUNTING" shall appear on two lines in the middle of the sign in letters two inches high, and at the bottom of the sign shall appear the words "LICENSED BY THE NEBRASKA GAME AND PARKS COMMISSION PERMIT NO. _____" on three lines in letters ½ inch high. A facsimile, to scale, shall be provided to all Controlled Shooting Area licensees when the permit is granted. Signs must be made of metal, wood or rigid plastic. Signs must be replaced whenever the readability is impaired.

015.03A2 Where placement of signs interferes with normal farming practices the signs may be removed when not in operation. However, the licensee shall notify the Game and Parks Commission in writing of the period of time the Area will be closed, prior to removal of the signs. Signs must be replaced before the Controlled Shooting Area is reactivated.

015.04 Released Birds:

Birds to be released must be listed on the Game Breeding and Controlled Shooting Area permit.

It shall be unlawful to release any birds except pheasant, quail, partridge and mallard. Birds may be released only in accord with 37-488, 37-489, 37-492, 015.04 and 015.05.

015.04A Dog training and dog trial activities are permitted from April 2 through August 31 as described in 001.02B through 001.02C6. Birds released during this

period for dog training and dog trials shall not count toward the 500 bird release requirement stated in 015.05A or 37-489.

015.04B Pigeons may be released for dog training purposes but shall not count towards the 500 bird release requirements stated in 015.05A or 37-489.

015.04C Acceptable Marking of Released Birds:

It shall be unlawful to release any bird less than 12 weeks old on the Controlled Shooting Area unless the bird has been marked prior to release by removal of the last joint of the hind toe (hallux) from one foot or by the attachment of a band provided by the Game and Parks Commission or by deformation of the nares, which results when the bird was raised with an anti-pecking device inserted into the nares.

015.04D Acceptable Marking of Transported Birds

Prior to being transported from a controlled shooting area, any game bird taken on such area shall be banded with a band provided by the Game and Parks Commission.

015.04E It shall be unlawful to buy and sell wild birds except that a Game Breeding and Controlled Shooting Area Permit allows the permit holder to possess, raise and sell those species of wild birds specified on the permit that have been acquired without violation of any provision of the laws or regulations.

015.04F It shall be unlawful for a person who holds a Game Breeding and Controlled Shooting Area Permit to sell live wild birds to any resident who does not hold a valid Game Breeding and Controlled Shooting Area Permit or a Captive Wildlife Permit or to a nonresident unless he/she has an appropriate permit from his/her state, if a permit is required by his/her state, except that such wild birds may be sold to a person in charge of an authorized field trial or for purposes of dog training as defined in 001.02B.

015.05 Standards for Release and Harvest of Birds:

015.05A It shall be unlawful for the licensee to release less than 500 birds between the date of issuance of the permit and April 4 15 of the license year. For subsequent years, it shall be unlawful for the licensee to release less than 500 birds between July 1 and April 4 15 during the year that the permit is retained. Bird release must be substantiated by either submitting to the Game and Parks Commission proof of purchase of the birds or by an on-site inspection of the birds by Commission personnel whenever the birds are raised rather than purchased.

015.05B It shall be unlawful for the licensee to allow more birds of any given species to be harvested on the Controlled Shooting Area than the number of that species released. When harvest reaches the number released, hunting of that

species must be discontinued until more birds of the same species are released. Those game bird species not specifically listed on the Controlled Shooting Area permit may only be hunted during the conventional hunting season in accord with the current year hunting regulation, i.e. limits shooting hours, sex restrictions, and the like; provided that anyone hunting these species must have either a resident or regular non-resident hunting license and required stamps - the ~~\$11.00~~ Controlled Shooting Area hunting license does not apply to species not listed on the Controlled Shooting Area permit.

015.05C Shooting Hours shall be from 30 minutes before sunrise to sunset.

015.06 Records and Reports:

It shall be unlawful for the licensee to fail to maintain records of all ~~sales of or~~ releases and birds taken by species and names, permit types, and game taken by all hunters transporting birds from the area, on record forms provided for this purpose by the Game and Parks Commission. Records may be inspected during normal business hours by Commission personnel and must be submitted for the period July 1 through April ~~4~~ 15 to the Commission headquarters in Lincoln, prior to ~~April 30~~ May 15. A summary report form provided by the Commission must also accompany the detailed records when the books are submitted to the Commission. Failure to complete and submit required paperwork by the specified ~~April 30~~ May 15 deadline will result in suspension, revocation or refusal to renew the Controlled Shooting Area permit.

015.07 License; refusal to issue or renew; suspension or revocation; grounds; notice; hearing.

The Commission may either refuse to issue or refuse to renew or may suspend or may revoke any Game Breeding and Controlled Shooting Area license if the Commission finds that such licensed area or the operator thereof is not complying or does not comply with or is operated in violation of sections 37-484 to 37-496 or Section 015, or in an unlawful or illegal manner.

015.07A Permit Suspension

015.07A1 Suspension shall mean the temporary cancellation of a permit for the time period equivalent to the amount of time necessary to correct the problem which resulted in a violation; suspensions may be lifted upon correction of the violation, and receipt of written confirmation by the Secretary of the Commission or his designee that the problem has been adequately addressed.

015.07A2 Grounds for Permit Suspension

015.07A2a One (1) written warning/ conviction for failure to submit required documents within allotted time frames.

015.07A2b One (1) written warning/ conviction for failure to have signs placed as per 37-487 or 015.03.

015.07A2c One (1) written warning/ conviction for failure to comply with regulations concerning the release of birds as per 37-488, 37-489, 37-492, 015.04 or 015.05.

015.07A3 Procedures for suspension or refusal to renew:

015.07A3a The licensee will be given at least fifteen days' notice in writing of the reasons for the action of the Commission and an opportunity to appear in opposition to the action of the Commission before an Advisory Council of the Commission, designated by the Secretary of the Commission.

015.07A3b The Secretary shall designate an Advisory Council including, but not limited to, the Deputy Director, the Division Administrator of Wildlife and the Division Administrator of Law Enforcement.

015.07B Permit Revocation

015.07B1 Revocation shall mean the cancellation of a permit for a specified time period prescribed by the Secretary of the Commission not to exceed one year from the notice of revocation; the Secretary may refuse to renew a permit until such prescribed time has elapsed. The Secretary of the Commission shall refuse to issue a Game Breeding and Controlled Shooting Area permit if all the lawful requirements for application or operation are not met.

015.07B2 Grounds for Permit Revocation

015.07B2a One (1) written warning/conviction for failing to verify hunter's hunting license and habitat stamp (37-491) or for violations of operating hunts or purchasing/distributing birds while under suspension.

015.07B2b Two (2) written warnings/ convictions for failing to release the required number of birds as specified in 37-488, 37-489 or 37-492, or for violations relating to the age of released birds, appropriate marking of such birds, failing to furnish required receipts, etc. as per 37-488, 015.04, or 015.05, within any five (5) year period.

015.07B2c Two (2) written warnings/ convictions for allowing hunting of upland game birds or mallard ducks as per 37-490 or 015.04 within any five (5) year period.

015.07B2d Three (3) written warnings/ convictions for any other regulation or statutory violation relating to the operation of a Game Breeding and Controlled Shooting Area within any ten (10) year period, except as provided in 015.07B2a through 015.07B2d.

015.07B3 Procedures for revocation or refusal to renew:

015.07B3a The licensee will be given at least fifteen days' notice in writing of the reasons for the action of the Commission and an opportunity to appear in opposition to the action of the Commission before an Advisory Council of the Commission, designated by the Secretary of the Commission.

015.07B3b The Secretary shall designate an Advisory Council including, but not limited to, the Deputy Director, the Division Administrator of Wildlife and the Division Administrator of Law Enforcement.