LEGAL NOTICE

FILED
SEP 14 2017
SECRETARY OF STATE

In accordance with Neb. Rev. Stat. 84-907, a public hearing, conducted by the Nebraska Game and Parks Commission, will be held Friday, October 20, 2017, at the Innovation Space at Kiewit University, 1450 Mike Fahey Street, Omaha, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. 37-301, 37-304, 37-305, 37-308, 37-314, 37-315, 37-344, 37-411, 37-426, 37-4,104, 37-4,107, 37-4,109, 37-4,111, 37-501 through 37-504, 37-508 and 37-543 through 37-545, a public hearing will be held at 8:30 a.m., to consider the implementation of statutory authority for the Commission to create new Commission Order C06, Sport Fishing Regulations, that will contain open seasons, daily bag limits, possession limits, length limits and open areas.

Pursuant to the provisions of Neb. Rev. Stat. 37-301, 37-304, 37-305, 37-308, 37-314, 37-315, 37-344, 37-411, 37-426, 37-4,104, 37-4,107, 37-4,109, 37-4,111, 37-501 through 37-504, 37-508 and 37-543 through 37-545, a public hearing will be held at 8:45 a.m., to consider amendments to Chapter 2, Fisheries Regulations, Section 006, Sport Fishing Regulations, regarding the deletion of open seasons, daily bag limits, possession limits, length limits and open areas which are included in Commission Order C06. Section 006 will contain definition of terms; bag, possession and length limits on snapping turtles; bag, possession and length limits on mussels; unlawful actions regarding transportation and possession; crossbow use while archery fishing; application requirements, permits and tagging for paddlefish; required device for surface water spearfishing; regulations for underwater fishing; set lines, limb lines and ice fishing regulations; regulations for snagging; use of live or baitfish on Valentine National Wildlife Refuge lake; use of live or baitfish on Crescent Lake National Wildlife Refuge lake; regulations for the DeSoto National Wildlife Refuge; regulations regarding border waters; legal nets, traps and other devices; and special area regulations.

Pursuant to the provisions of Neb. Rev. Stat. 37-304 and 37-314, a public hearing will be held at 9:00 a.m., to consider amendments to Commission Order C05, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels, regarding changes in shooting hours.

Copies of the proposed regulations and fiscal impact statements shall be available for public inspection at the Game and Parks Commission office and the Office of the Secretary of State.

James Douglas, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Sandra Paice
Chapter: 2	Date prepared: September 14, 2017
Subject: Section 006, Sport Fishing Regulations	Telephone: 402/471-5432

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	( )
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	(X)
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & Description of Impact:

State Agency: $0

Political Subdivision: $0

Regulated Public: $0

If indeterminable, explain why:

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 2 REGULATIONS Fisheries – Sport Fishing Regulations

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Dean Rosenthal, Fisheries Division Administrator

The Nebraska Game and Parks Commission is amending the above-referenced regulations as provided by law, and hereby submits this explanatory statement to accompany the regulation and describe their purposes and the changes made during the rulemaking process.

I. Summary: Changes made to existing regulations.

II. Overview of Purposes and Changes Made

Section 006. Last approved date changed. According to Neb. Rev. Stat. §§ 37-304 and 37-314, authority is provided to the Nebraska Game and Parks Commission to create Commission Orders that do not process through the regulation stages of Attorney General, Governor's Policy Research Office and Secretary of State. These regulations will contain definition of terms; bag, possession and length limits on snapping turtles; bag, possession and length limits on mussels; unlawful actions regarding transportation and possession; crossbow use while archery fishing; application requirements, permits and tagging for paddlefish; required device for surface water spearfishing; regulations for underwater fishing; set lines, limb lines and ice fishing regulations; regulations for snagging; use of live or baitfish on Valentine National Wildlife Refuge lake; use of live or baitfish on Crescent Lake National Wildlife Refuge lake; regulations for the DeSoto National Wildlife Refuge; regulations regarding border waters; legal nets, traps and other devices; and special area regulations.

After the statutory citation paragraph, information is provided that the following information is contained within the new Commission Order C06, Sport Fishing on the Commission's website and the website address is provided.

Sub-section 006.01 pertaining to areas open for sport fishing is deleted and moved to Commission Order C06. Sub-section 006.02 pertaining to seasons allowed for sport fishing is deleted and moved to Commission Order C06. Sub-section 006.03 is renumbered to Sub-section 006.01. Parts 006.03A through 006.03D is renumbered to Parts 006.01A through 006.01D. Sub-part 006.03D1 is renumbered to Sub-part 006.01D1. Part 006.03E regarding trout is deleted and moved to Commission Order C06. Part 006.03F regarding black bass is deleted and moved to Commission Order C06. Part 006.03G regarding striped bass, white bass, and striped bass hybrid is deleted and moved to Commission Order C06. Part 006.03H regarding channel catfish is deleted and moved to Commission Order C06. Part 006.03I regarding flathead catfish is deleted and moved to Commission Order C06. Part 006.03J regarding blue catfish is deleted and moved to Commission Order C06. Part 006.03K regarding walleye, sauger, and saugeye is deleted and moved to Commission Order C06. Part 006.03L regarding northern pike is deleted and moved to Commission Order C06. Part

006.03N regarding muskellunge, muskellunge x northern pike hybrid is deleted and moved to Commission Order C06. Part 006.03O regarding paddlefish is deleted and moved to Commission Order C06. Part 006.03P regarding baitfish, tiger salamander (barred), plains leopard frog and northern leopard frog is deleted and moved to Commission Order C06. Part 006.03Q regarding shovelnose sturgeon is deleted and moved to Commission Order C06. Part 006.03R regarding pallid sturgeon, lake sturgeon, bowfin, and American eel is deleted and moved to Commission Order C06. Part 006.03S regarding bullfrogs is deleted and moved to Commission Order C06. Sub-part 006.03S1 regarding bullfrog season is deleted and moved to Commission Order C06. Sub-part 006.02S2 regarding unlawful take of bullfrogs is renumbered to Part 006.01E. Sub-part 006.03S3 regarding bullfrog length is renumbered to Sub-part 006.01E1. Part 006.03T regarding bag, possession and length limits for snapping turtles is renumbered to Part 006.01F. Sub-part 006.03T1 regarding unlawful take of snapping turtles is renumbered to Sub-part 006.01F1. Sub-part 006.03T2 regarding unlawful selling, trading or bartering for snapping turtles is renumbered to Sub-part 006.01F2. Sub-part 006.03T3 regarding snapping turtles on private land is renumbered to Sub-part 006.01F3 and the regulations citation is renumbered as well. Sub-part 006.03T4 regarding legal traps for snapping turtles is renumbered to Sub-part 006.01F4. Sub-part 006.03T5 regarding snapping turtle bag limit is renumbered to Sub-part 006.01F5. Part 006.03U regarding panfish (this includes black crappie, white crappie, bluegill, yellow perch, rock bass, green sunfish, pumpkinseed sunfish, orange-spotted sunfish and redear sunfish) is deleted and moved to Commission Order C06. Part 006.03V regarding bullheads is deleted and moved to Commission Order C06. Part 006.03W regarding all other game fish and nongame fish is deleted and moved to Commission Order C06. Part 006.03X regarding bag, possession and length limits on mussels is renumbered to Part 006.01G. Sub-part 006.03X1 regarding unlawful take of mussels is renumbered to Sub-part 006.01G1. Sub-part 006.03X2 regarding area to harvest mussels is deleted and moved to Commission Order C06.

Part 006.03Y is renumbered to Sub-section 006.02. Sub-part 006.03Y1 regarding unlawful transport is renumbered to Part 006.02A. Sub-part 006.03Y2 regarding unlawful possession of fish subject to length limit is renumbered to Part 006.02B. Sub-part 006.03Y3 regarding unlawful possession of bullfrogs is renumbered to Part 006.02C. Sub-part 006.03Y4 regarding unlawful possession or transport of filled fish is renumbered to Part 006.02D.

Sub-section 006.04 is renumbered to Sub-section 006.03. Part 006.04A regarding the archery fishing season on inland waters is deleted and moved to Commission Order C06. Part 006.04B regarding the archery fishing season on the Missouri River is deleted and moved to Commission Order C06. An un-numbered paragraph regarding the use of crossbows on Gavins Point Dam is numbered to Part 006.03A. Part 006.04C regarding unlawful arrows for archery fishing is renumbered to Part 006.03B. Part 006.04D regarding use of a crossbow for archery fishing is renumbered to Part 006.03C. Part 006.04E regarding Commission areas closed to archery fishing is deleted and moved to Commission Order C06. Part 006.04F regarding archery paddlefish is deleted and moved to Commission Order C06. Part 006.04G regarding unlawful take of paddlefish is renumbered to Part 006.03D. Sub-part 006.04G1 regarding paddlefish applications is renumbered to Sub-part 006.03D1. Sub-part 006.04G2 regarding paddlefish permits are drawn randomly is renumbered to Sub-part 006.03D2. Sub-part 006.04G3 regarding paddlefish preference points is renumbered to Sub-part 006.03D3. Sub-part 006.04G4 regarding the limit of paddlefish applications is

renumbered to Sub-part 006.03D4. Sub-part 006.04G5 regarding paddlefish buddy applications is renumbered to Sub-part 006.03D5. Sub-part 006.04G6 regarding age for paddlefish applications is renumbered to Sub-part 006.03D6. Part 006.04H is deleted and moved to Commission Order C06. Sub-part 006.04H1 regarding paddlefish applications reserved for residents is renumbered to Sub-part 006.03D7. Part 006.04I regarding paddlefish tagging is renumbered to Sub-part 006.03D8. Part 006.04J regarding paddlefish processing before leaving the lake is renumbered to Sub-part 006.03D9. Part 006.04K regarding paddlefish taken by archery on the Missouri River is renumbered to Sub-part 006.03D10.

Sub-section 006.05 is renumbered to Sub-section 006.04. Part 006.05A regarding areas open for surface water spearfishing is deleted and moved to Commission Order C06. Sub-part 006.05A1 regarding device definition for spearfishing is renumbered to Part 006.04A. Sub-section 006.06 is renumbered to Sub-section 006.05. Part 006.06A regarding lakes open to underwater spearfishing is deleted and moved to Commission Order C06. Part 006.06B regarding lakes open to underwater spearfishing is deleted and moved to Commission Order C06. Part 006.06C regarding lakes open to underwater spearfishing is deleted and moved to Commission Order C06. Part 006.06D regarding unlawful underwater spearfishing is renumbered to Part 00605A. Part 006.06E regarding legal weapons for underwater spearfishing is renumbered to Part 006.05B. Part 006.06F regarding legal weapons for underwater spearfishing is renumbered to Part 006.05C. Part 006.06G regarding requirements for the Diver's Flag during diving or underwater spearfishing is renumbered to Part 006.05D. Part 006.06H regarding unlawful display of the Diver's Flag is renumbered to Part 006.05E. Part 006.06I regarding recognition of the Diver's Flag is renumbered to Part 006.05F. Part 006.06J regarding underwater spearfishing regulations shall not apply to authorized agents of NGPC when conducting experimental activities is renumbered to Part 006.05G. Part 006.06K regarding special permission for underwater spearfishing is renumbered to Part 006.05H.

Sub-section 006.07 is renumbered to Sub-section 006.06. Part 006.07A regarding unlawful use of jug lines is renumbered to Part 006.06A. Part 006.07B regarding unlawful use of set lines or limb lines is renumbered to Part 006.06B. Part 006.07C regarding anglers contact information attached to all limb lines and set lines is renumbered to Part 006.06C. Sub-part 006.07C1 regarding times to check limb and set lines is renumbered to Sub-part 006.06C1. Part 006.07D regarding unlawful use of lines is renumbered to Part 006.06D. Part 006.07E regarding ice fishing line is renumbered to Part 006.06E.

Sub-section 006.08 is renumbered to Sub-section 006.07. Part 006.08A regarding seasons for snagging is deleted and moved to Commission Order C06. Sub-part 006.08A1 regarding paddlefish harvested by snagging is renumbered to Part 006.07A. Sub-part 006.08A2 regarding hooks used for snagging is renumbered to Part 006.07B. Sub-part 006.08A3 regarding unlawful use of a gaff hook when snagging is renumbered to Part 006.07C. Part 006.08B regarding harvest quotas is deleted and moved to Commission Order C06. Part 006.08C regarding special permit for snagging paddlefish is renumbered to Part 006.07D. Sub-part 006.08C1 regarding applications for snagging paddlefish is renumbered to Sub-part 006.07D1. Sub-part 006.08C2 regarding random drawing of permits for snagging paddlefish is renumbered to Sub-part 006.07D2. Sub-part 006.08C3 regarding preference points for paddlefish snagging permits is renumbered to Sub-part 006.07D3. Sub-part 006.08C4 regarding the limit of

applications one can submitted for paddlefish snagging is renumbered to Sub-part 006.07D4. Sub-part 006.08C5 regarding buddy applications for snagging paddlefish is renumbered to Sub-part 006.07D5. Sub-part 006.08C6 regarding age for application of permit for snagging paddlefish is renumbered to Sub-part 006.07D6. Part 006.08D regarding paddlefish snagging applications reserved for residents is renumbered to Part 006.07E. Part 006.08E regarding tagging of paddlefish snagged is renumbered to Part 006.07F. Sub-part 006.08E1 regarding snaggers casting their own hooks is renumbered to Sub-part 006.07F1. Sub-part 006.08E2 regarding processing paddlefish that are snagged upon leaving the Missouri River is renumbered to Sub-part 006.07F2.

Sub-section 006.09 is renumbered to Sub-section 006.08. Part 006.09A regarding unlawful fishing in the Valentine National Wildlife Refuge is deleted and moved to Commission Order C06. Newly numbered Part 006.08A is an un-numbered paragraph that has been given the proper number. Part 006.09B regarding lawful fishing dates in the Crescent Lake National Wildlife Refuge is deleted and moved to Commission Order C06. Newly numbered Part 006.08B is an un-numbered paragraph that has been given the proper number. Part 006.09C regarding lawful fishing dates in the North Platte National Wildlife Refuge is deleted and moved to Commission Order C06. Part 006.09D regarding sport fishing on the DeSoto National Wildlife Refuge is renumbered to Part 006.08C.

Sub-section 006.10 is renumbered to Sub-section 006.09. Part 006.10A regarding rules for persons possessing fishing licenses from South Dakota, Iowa or Missouri is renumbered to Part 006.09A. Sub-part 006.10A1 regarding reciprocal privileges is renumbered to Sub-part 006.09A1 and the regulation citation is changed to reflect the renumbering within the Section. Sub-part 006.10A2 regarding regulations on method of take, size, bag and possession limits from the more restrictive state is renumbered to Sub-part 006.09A2. Sub-part 006.10A3 regarding fishing in border waters is renumbered to Sub-part 006.09A3. Sub-part 006.10A4 regarding those holding permits in South Dakota, Iowa or Missouri may attach devices or equipment to land under Nebraska's jurisdiction is renumbered to Sub-part 006.09A4.

Sub-section 006.11 regarding legal nets, traps and other devices is renumbered to Sub-section 006.10. Part 006.11A is renumbered to Part 006.10A. Part 006.11B is renumbered to Part 006.10B. Part 006.11C is renumbered to Part 006.10C. Part 006.11D is renumbered to Part 006.10D. Part 006.11E is renumbered to Part 006.10E. Part 006.11F is renumbered to Part 006.10F and the regulation citation is updated to the new number. Sub-section 006.12 regarding special areas is renumbered to Sub-section 006.11. Part 006.12A is renumbered to Part 006.11A. Sub-part 006.12A1 regarding daily trout fishing tag requirement for Two Rivers State Recreation Area (SRA) is renumbered to Sub-part 006.11A1. Sub-part 006.12A2 regarding fee fishing area in Lake No. 5 at Two Rivers SRA is renumbered to Sub-part 006.11A2. Division 006.12A2a regarding daily trout harvest at Two Rivers SRA is deleted and moved to Commission Order C06. Division 006.12A2b regarding open seasons at Two Rivers SRA is deleted and moved to Commission Order C06. Division 006.12A2c regarding anglers wearing the daily trout tag while fishing at Two Rivers SRA is renumbered to Division 006.11A2a. Division 006.12A2d regarding children allowed to fish with adults at Two Rivers SRA is deleted and moved to Commission Order C06. Division 006.12A2e regarding legal equipment for anglers while fishing at Two Rivers SRA is renumbered to Division 006.11A2b. Division 006.12A2f regarding prohibited bait while fishing at Two Rivers SRA is renumbered to Division 006.11A2c. Division 006.12A2g

regarding anglers keeping their fish on separate stringers while fishing at Two Rivers SRA is renumbered to Division 006.11A2d. Division 006.12A2h regarding trout caught is counted as the bag limit while fishing at Two Rivers SRA is renumbered to Division 006.11A2e. Division 006.12A2i regarding anglers reporting their catch while fishing at Two Rivers SRA is renumbered to Division 006.11A2f. Part 006.12B regarding trout spawning streams is renumbered to Part 006.11B. Part 006.12C regarding Eugene T. Mahoney State Park, Baright Lake is renumbered to Part 006.11C. Sub-part 006.12C1 regarding regulations allowing children under 16 to fish at Mahoney State Park is renumbered to Sub-part 006.11C1. Part 006.12D regarding Sherman Reservoir fishing is deleted and moved to Commission Order C06. Part 006.12E regarding Schramm Park fishing is deleted and moved to Commission Order C06. Part 006.12F regarding Platte River State Park, Jenny Newman Lake is renumbered to Part 006.11D. Sub-part 006.12F1 regarding regulations allowing children under 16 to fish at Platte River State Park is renumbered to Sub-part 006.11D1. Sub-part 006.12F2 regarding possession of fish at Platte River State Park is deleted and moved to Commission Order C06. Part 006.12G regarding regulations for Lake McConaughy is deleted and moved to Commission Order C06. Part 006.12H regarding regulations for Blue Lake is deleted and moved to Commission Order C06. Part 006.12I regarding regulations for Kea West WMA Lake is deleted and moved to Commission Order C06. Part 006.12J regarding regulations for East Hershey WMA lake is deleted and moved to Commission Order C06. Part 006.12K regarding regulations for West Brady WMA lake is deleted and moved to Commission Order C06. Sub-section 006.13 regarding fishing areas that do not allow possession or use of live baitfish is renumbered to Sub-section 006.12. Draft regulations for Section 006 end on page 2-006-32.

According to Neb. Rev. Stat. §§ 37-304 and 37-314, authority is provided to the Commission to create Commission Orders for all sections of regulations. The enactment of these regulation changes reflects the creation of a Commission Order to more effectively manage the sport fishing program. Open seasons, bag limits, possession limits, minimum length limits, and Areas Open for sport fishing in Nebraska is deleted from regulations and included in the newly created Commission Order C06. Regulations will contain definition of terms; bag, possession and length limits on snapping turtles; bag, possession and length limits on mussels; unlawful actions regarding transportation and possession; crossbow use while archery fishing; application requirements, permits and tagging for paddlefish; required device for surface water spearfishing; regulations for underwater fishing; set lines, limb lines and ice fishing regulations; regulations for snagging; use of live or baitfish on Valentine National Wildlife Refuge lake; use of live or baitfish on Crescent Lake National Wildlife Refuge lake; regulations for the DeSoto National Wildlife Refuge; regulations regarding border waters; legal nets, traps and other devices; and special area regulations.

The proposed regulation is consistent with the legislative intent established by Section 84-907.09. The proposed regulation is not the result of any state or federal mandate, rendering a state or federal funding mechanism not applicable. The Commission will solicit public comment prior to the date of the public hearing. The Commission did not use the Negotiated Rule-Making Act in developing the proposed regulation.

Changes in Text Between Notice and Adoption:

DATED the 14th day of September, 2017.

NEBRASKA GAME AND PARKS COMMISSION

Dean Rosenthal
Fisheries Division Administrator

I hereby adopt this explanation statement as the statement of the Nebraska Game and Parks Commission concerning the purposes of this rulemaking action and of the changes made during the process.

DATED the 14th day of September, 2017.

NEBRASKA GAME AND PARKS COMMISSION

James N. Douglas
Director

NEBRASKA GAME AND PARKS COMMISSION

NOTICE OF RULEMAKING
COMMENT PERIOD

NOTICE is hereby given that the Nebraska Game and Parks Commission is accepting written comments on working drafts of proposed amendments, Title 163, Nebraska Administrative Code Chapter 2, entitled REGULATIONS Fisheries, Section 006 – Sport Fishing Regulations, the removal of open seasons, daily bag limits, possession limits, length limits and areas open, which under statutory authority, will be included in new Commission Order C06 prior to the public hearing process.

All interested persons are invited to obtain draft copies of the proposed regulations from and submit their written comments to Sandra Paice, Division of Administration, Nebraska Game and Parks Commission, 2200 N. 33rd, P.O. Box 30370, Lincoln NE 68503, or FAX 402/471-4992. The comment period will close on October 23, 2015.

If auxiliary aids or reasonable accommodations are needed to review the drafts or participate in this process, please call the above-named person at (402) 471-5432 or, for persons with hearing impairments, (402) TDD or Nebraska Relay System, (800) 833-7352 TDD by no later than October 16, 2015.

REGULATIONS DOCKET
Check List

AGENCY: NEBRASKA GAME AND PARKS COMMISSION
AGENCY CONTACT: Sandra Paice, Division of Fisheries, NE GAME AND PARKS COMMISSION, 2200 N. 33rd, P.O. Box 30370, Lincoln NE 68503

PROPOSED NEBRASKA ADMINISTRATIVE CODE CITATION: Title 163, Chapter 2, Section 006

PROPOSED NAME OR TOPIC AREA OF REGULATIONS: See "Abstract of Subject Matter" below

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-301, 37-304, 37-305, 37-308, 37-314, 37-315, 37-344, 37-411, 37-426, 37-4,104, 37-4,107, 37-4,109, 37-4,111, 37-501 through 37-504, 37-508 and 37-543 through 37-545.

ABSTRACT OF SUBJECT MATTER: Fisheries – Commercial Fishing Regulations

Timetable/Status

Stage	Action	Proposed Date	Effective Date(s)
Pre-Rule	Drafting internal reviews		
	Advance notice comment period		
	Negotiated Rulemaking		
Proposed Rule	Notice of Rulemaking Hearing	09/14/17	
	Governor Waiver		
	Rulemaking Hearing	10/20/17	
	Post-hearing Analyses and Revisions		
Final Rule	Agency Reviews & Approval		
	Attorney General Submission		
	Attorney General Approval		
	Governor Submission		
	Governor Approval		
Completion	Filing Date		
	Indexing Date		
	Publication		
or Termination	Notice of Termination w/o Rulemaking		
Operative Date	*If later than effective date prescribed in 84-906 & 84-911		