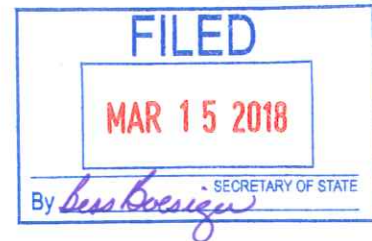


LEGAL NOTICE



In accordance with Neb. Rev. Stat. 84-907, a public hearing, conducted by the Nebraska Game and Parks Commission, will be held April 19, 2018, in the Buffalo Barracks Room at Fort Robinson State Park, located at 3200 Highway 20, Crawford, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. 37-301, 37-304, 37-314, 37-317, 37-404, 37-447, 37-449, 37-450, 37-453, 37-455, 37-455.01, 37-456, 37-701, 37-706, and 37-708., a public hearing will be held at 8:30 a.m., to consider amendments to Commission Order C03, Antelope, Deer, Elk; regarding changes to permit numbers, season dates, bag limits, and areas open.

Pursuant to the provisions of Neb. Rev. Stat. 37-301, 37-314, 37-477, 37-497, 37-498, 37-701, 37-801 through 37-810, a public hearing will be held at 8:45 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 009, Falconry; regarding the creation of a passage peregrine falcon trapping season.

Copies of the proposed Commission Order Changes shall be available for public inspection at the Game and Parks Commission website at www.outdoornebraska.gov .

Copies of the proposed regulations and the Fiscal Impact Statement shall be available for public inspection at the Game and Parks Commission office and the Office of the Secretary of State.

James Douglas, Director

**SUBMIT TO GOVERNOR BEFORE SUBMITTING TO EXECUTIVE BOARD AND
BEFORE PUBLIC HEARING DATE IS SET**

**PROPOSED REGULATION
GPRO GOVERPAGE
(ATTACH TO PRE-REVIEW CHECKLIST)**

Agency: Nebraska Game and Parks Commission
Title, Chapter of Rules submitted: Title 163, Chapter 4, Section 009
Subject: 009 Falconry
Prepared by: Sandra Paice
Telephone: 402-471-5432
Date submitted to Governor: March 15, 2018

Projected dates for public hearings April 19, 2018

Projected deadline for final approval June 19, 2018

 A copy of the section of laws or federal regulations that triggered these changes is attached.

FOR GOVERNOR'S OFFICE RECORDS

Advisor Assigned:

Date approved to proceed:

Options for proceeding:

- a) No further contact with GPRO is necessary until final rules have been approved by the Attorney General.
- b) Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.
- c) Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.
- d) Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.
- e) Specific policy comments per Governor's instructions is attached.

**PROPOSED REGULATION
POLICY PRE-REVIEW CHECKLIST**

Agency: Nebraska Game and Parks Commission
Title, Chapter of Regulation: Title 163, Chapter 4, Section 009
Subject: 009 Falconry
Prepared by: Sandra Paice
Telephone: 402-471-5432

A. Policy Changes and Impacts

1. What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impact on state agencies, political subdivisions, and regulated persons or entities.

The Nebraska Game and Parks Commission has authority under Neb. Rev. Stat. §§ 37-497 to create a passage peregrine trapping season. Federal authority that allows for a passage peregrine falcon trapping season was provided through Federal Register Vol. 82, No. 174 dated September 11, 2017; CFR 21.29; and the allocation of take in the Central Flyway was determined by the Central Flyway Council's Recommendation 16 dated August 29, 2017. The changes to these regulations provide clarification to falcon permittees that any wild peregrine falcon may not be taken without written authorization from the Game and Parks Commission. New language added to the regulations provides for a passage peregrine falcon trapping season. A "passage peregrine falcon" is an immature peregrine falcon that is less than one year old. The regulations provide for the application process for both residents and non-residents; the available number of falcons that may be taken in any one season; and how the written authorization or permits will be issued, either by total applications being lower than the available take number, or, if the applications exceed the available take number, then written authorization or permits will be determined by a drawing.

2. Describe changes being proposed to current policy and briefly provide rationale.

Regulation changes provide clear information to any falcon permittee that no peregrine falcon may be taken from the wild without written authorization from the Game and Parks Commission. New language has been added to provide for a passage peregrine falcon trapping season. Authority has been given for this season from Federal Register, Vol. 82, No. 174 dated September 11, 2017; the Central Flyway Council's Recommendation 16 dated August 29, 2017; and 50 CFR 21.29. The changes provide for the application process for residents and non-residents; the available number of falcons that may be taken in any one season; and how the written authorization or permits will be issued, either by total applications being lower than the available take number, or, if the applications exceed the available take number, then written authorization or permits will be determined by a drawing.

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B. Why is the rule necessary? Explain and provide an identification of authorizing statute(s) or legislative bill(s).

1. Update of regulation (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.) - Yes
2. Annual changes -- cost of living, hunting season schedules, etc. - No
3. Law was changed -- federal or state [Cite authorizing statute(s) or legislative bill(s)] - No
4. Extension of established policy or program, new initiatives or changes in policy (within statutory authority) - Recent initiative providing authority to the state of Nebraska to create this season.
5. Constituent initiated - No
6. Financial needs -- increases/decreases in fees - No
7. Litigation requires changes in rules - No
8. Addresses legal or constitutional concerns of Attorney General's office - No
9. Implements federal or court mandate - No
10. Other (explain) - None

C. What happens if these rules are not adopted?

Those individuals wishing to acquire written authorization or a permit to trap a passage peregrine falcon will not be afforded the opportunity to do so.

D. Policy Checklist

1. Is this an update or editorial change reflecting essentially no change in policy? Yes
2. Does the policy in the proposed regulation reflect legislative intent? Yes
3. Is the policy proposed in the regulation a state mandate on local government? Is it funded? No
4. Is the policy proposed in the regulation a federal mandate on local government? No Is it funded? No

E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:

1. Will the proposed regulation reduce, increase or have no change in resources -- funds, personnel or FTE? No change.
2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation? Yes
3. Does the proposed regulation impact another agency? No.
4. Will the proposed regulation reduce, increase, or have no change on reporting requirements of businesses? No change

5. What is the agency's best estimate of the additional or reduced spending? If there is none, please note. If receipt of federal funds is contingent upon approval of the proposed regulation, then indicate the amount and nature of the federal funds affected, and enclose laws or correspondence from federal officials substantiating the information. None
6. Include a description of the impact that the proposed regulation will have on the number of state employees and how the agency intends to address proposed increases or decreases in FTE. None.

F. Unique problems or issues and recommendations.

None.

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts been made with organizations or citizens who may be affected by the regulation prior to the public hearing.

The Commission expects support of the majority of stakeholders for the proposed regulations. The Commission gave public notice soliciting public comment on the proposed changes prior to the public meeting.

H. Are these proposed rules a likely candidate for negotiated rulemaking? Explain. Has the process been completed? If so, explain how the issues were addressed.

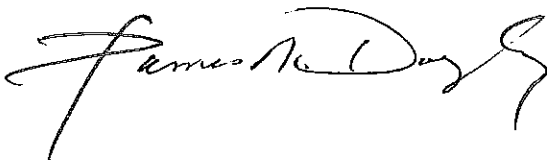
No.

Director's Verification of Review

I have reviewed these proposals and verify that, at this stage of the regulation's development, these questions have been accurately addressed.

Director's Signature:

Date: March 15, 2018



DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Sandra Paice
Chapter: 4	Date prepared: March 15, 2018
Subject: Section 009, Falconry	Telephone: 402/471-5432

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
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 : 4 REGULATIONS Wildlife Regulations, Falconry

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Alicia Hardin, Wildlife 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 rule-making process.

- I. Summary: Changes made to existing regulations.
- II. Overview of Purposes and Changes Made

Section 009. The Last Approved Date is changed. Sub-part 009.09AA is new language that clarifies that any wild Peregrine Falcon may not be taken without written authorization from the Nebraska Game and Parks Commission. Sub-section 009.09, is new language that provides for a passage peregrine falcon trapping season. A "passage peregrine falcon" is an immature peregrine falcon that is less than one year old. Authority for creating this season is provided through Federal Register Vol. 82, No. 174 dated September 11, 2017; CFR 21.29; and the allocation of take in the Central Flyway was determined by the Central Flyway Council's Recommendation 16 dated August 29, 2017.

The new regulations provide for the application process for both residents and non-residents; the available number of falcons that may be taken in any one season; and how the written authorization or permits will be issued, either by total applications being lower than the available take number, or, if the applications exceed the available take number, then written authorization or permits will be determined by a drawing. Section 009 ends on page 4-009-10.

The new regulations allow residents and non-residents a new opportunity to acquire written authorization or a permit for the take on one (1) passage peregrine falcon annually. A passage peregrine falcon can only be trapped by a licensed falconer and any trapped bird would be subsequently possessed and used in the sport of falconry.

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:

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DATED the 15th day of March, 2018.

NEBRASKA GAME AND PARKS COMMISSION



Alicia Hardin
Wildlife Division Administrator

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

DATED the 15th day of March, 2018.

NEBRASKA GAME AND PARKS COMMISSION



James N. Douglas
Director

NEBRASKA GAME AND PARKS COMMISSION

MAR 15 2018

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 4, entitled REGULATIONS Wildlife – Falconry regarding the creation of a passage peregrine falcon trapping season, 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 Wildlife, Nebraska Game and Parks Commission, 2200 N. 33rd, P.O. Box 30370, Lincoln NE 68503, or FAX 402/471-5528. The comment period will close on April 19, 2018.

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 April 12, 2017.

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REGULATIONS DOCKET
Check List

AGENCY: NEBRASKA GAME AND PARKS COMMISSION

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

PROPOSED NEBRASKA ADMINISTRATIVE CODE CITATION: Title 163, Chapter 4
Section 009

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

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-301, 37-314, 37-477, 37-497, 37-498, 37-701, 37-801 through 37-810.

ABSTRACT OF SUBJECT MATTER: Chapter 4, Wildlife Regulations: Section 009, Falconry.
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	<u>3/15/18</u>	_____
	Governor Waiver	_____	_____
	Rulemaking Hearing	<u>4/19/18</u>	_____
	Post-hearing Analyses and Revisions	_____	_____
Final Rule	Agency Reviews & Approval	_____	_____
	Attorney General Submission	_____	_____
	Attorney General Approval	_____	_____
	Governor Submission	_____	_____
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	_____	_____

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NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~October 7, 2013~~ May 8, 2014

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

009 Falconry

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-477, 37-497, 37-498, 37-701, 37-801 through 37-810. 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.

009.01 APPLICATION: A permit to take and possess raptors shall not be issued until a written application for a permit on forms provided by the Commission is received along with the required fee. Renewal of permits will depend on the condition that all reports required to be completed by a permittee have been submitted in accord with Commission regulations and State Law. Raptors taken or held under a falconry permit may only be trained for, and used in falconry. General or Master Falconers may use their birds in conservation education programs.

009.02 SPECIAL RAPTOR TRAINING SEASON:

009.02A Open from January 1 through December 31.

009.02B Game birds or game animals hunted or used in training, must be legally obtained from a licensed nonresident breeder or Captive Wildlife permittee. Game birds or game animals may be hunted during prescribed hunting seasons.

009.03 SPECIAL RAPTOR HUNTING SEASON FOR pheasant, Sharp-tailed grouse, prairie chicken, quail, partridge (Gray [Hungarian] and Chukar), cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel.

009.03A OPEN SEASON: September 1 through March 31.

009.03B AREA OPEN: Entire state except where closed by Commission regulation and except Federal or State sanctuaries or refuges, unless otherwise authorized.

009.03C HOURS OPEN EACH DAY: 30 minutes before sunrise to sunset. Hunting outside this period for game birds and game animals identified in 009.03 is permitted only with written permission from the Commission.

009.03D DAILY BAG LIMIT: Pheasant, quail, Sharp-tailed grouse, prairie chicken, partridge (Gray [Hungarian] and Chukar) - Two (2) birds of either sex.

Cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel - Four (4).

009.03E POSSESSION LIMIT: Pheasant, quail, sharp-tailed grouse, prairie chicken, partridge (Gray [Hungarian] and Chukar) - Four (4) birds of either sex.

Cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel - Eight (8).

009.03F Bag and possession limits are not in addition to other hunting season limits.

009.04 RAPTOR HUNTING SEASON FOR MIGRATORY GAME BIRDS: Including ducks, geese, mergansers, coot, snipe, woodcock, rails (Sora and Virginia), dove (Mourning, White-winged, and Eurasian Collared), and crow.

009.04A AREA OPEN: According to Management Unit Boundaries as described in Nebraska Game and Parks Commission Order C06, Sections C06.01A5 (ducks and mergansers); C06.01B (coots); C06.01C1g (light geese); C06.01C2a(4), C06.01C2b(4), C06.01C2c(4), C06.01C2d(4), C06.01C2e(4), C06.01C2f (dark geese); C06.01C3d (white-fronted geese); and C06.01D3 (crow); and in 005.01B5 (snipe); 005.01C5 (woodcock); 005.01A5 (rails - Sora and Virginia); 005.01D5 (dove - Mourning, White-winged, and Eurasian collared).

009.04B HOURS OPEN EACH DAY: 30 minutes before sunrise to sunset.

009.04C DAILY BAG LIMIT: Three (3) birds singly or in the aggregate of either sex.

009.04D POSSESSION LIMIT: Three times the daily bag.

009.04E Bag and possession limits are not in addition to other hunting seasons.

009.04F OPEN SEASON FOR DUCKS, MERGANSERS, COOT (Zone and Management Unit boundaries as in Nebraska Game and Parks Commission Order C06, Sections C06.01A5 and C06.01G3)

009.04F1 Season Dates: Concurrent with those dates listed in Nebraska Game and Parks Commission Order C06, Sections C06.01A1, C06.01B1, C06.01F3 and C06.01G2.

009.04F2 Extended Season Dates:

Low Plains: February 25 through March 10.

Hunting of ducks, coots, and mergansers is not permitted on all lands owned, controlled or managed by the U.S. Fish and Wildlife Service, except: Harvard and Cottonwood Waterfowl Production Areas within the area defined in Nebraska Game and Parks Commission Order C06, Section (C06.01C1g(1)).

High Plains: No extended season dates.

009.04G OPEN SEASON FOR GEESE, SNIPE, WOODCOCK, RAILS (SORA AND VIRGINIA), DOVE (MOURNING, WHITE-WINGED, AND EURASIAN COLLARED), AND CROW: Hunting shall be conducted in accordance with season dates that are prescribed for the gun hunting seasons.

009.05 GENERAL REGULATIONS. It shall be unlawful:

009.05A for any permittee in the Apprentice Class to take or possess any raptor other than a red-tailed hawk (Buteo jamaicensis).

009.05B for any permittee in the Apprentice Class to possess more than one (1) raptor. For any permittee in the General Class to possess more than three (3) raptors. For any permittee in the Master Class to possess more than five (5) raptors.

009.05B1 It shall be unlawful for any non-resident falconer to exceed the possession limits outlined in 009.05B while in Nebraska.

009.05C for any permittee in the Apprentice Class to take young raptors not yet capable of flight (eyases).

009.05D for any General or Master Class permittee to take no more than two (2) young raptors not yet capable of flight (eyases) during any calendar year.

009.05E for any permittee to take eyass birds of the following species in Nebraska without written authorization from the Commission: Prairie Falcon, (Falco mexicanus), Sharp-shinned Hawk (Accipiter striatus), Northern Goshawk

(Accipiter gentilis), Merlin (Falco columbarius), Red-shouldered Hawk (Buteo lineatus), or Ferruginous Hawk (Buteo regalis).

009.05F for any permittee to take a first year (passage) bird in Nebraska, except during a period from August 1 through January 31. It shall be lawful for legally-possessed raptors that have escaped to be trapped at any time.

009.05G for any permittee to take a raptor over one year old, except American Kestrels (Falco sparverius) and Great-horned Owls (Bubo virginianus). Any raptor, other than endangered or threatened species, or a Bald Eagle, taken under a depredation permit may be used for falconry by permittees in the General or Master Class. A Master Falconer authorized to possess Golden Eagles for use in falconry may capture a Golden Eagle under the provisions in 50 CFR Part 22.

009.05H for any permittee to keep any raptor in an indoor facility (mew) that does not have adequate perches, adequate sanitation, a secure door that can be easily closed, at least one window that is protected by suitable materials and which does not have an interior space of at least 250 cubic feet. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed within the enclosure. Heavy duty netting or other such materials may be used to cover the walls or roof of the enclosure.

009.05I for any permittee to keep more than one raptor in the same indoor facility unless each raptor is tethered or separated from other raptors by partitions and the area for each bird is large enough to allow the bird to fully extend its wings.

009.05J for any permittee to keep any raptor in an outdoor facility (weathering area) that is not fenced and covered with netting or wire or roofed to protect the birds from disturbance and an attack by predators, which does not have at least one perch of an acceptable design for each raptor, protection from excessive sun, wind, and inclement weather and which is not large enough to ensure the birds cannot strike the surrounding fence when flying from the perch. A raptor may be kept outside if they are under watch by a designated individual in a weathering yard during falconry meets.

009.05K for any permittee to transport or hold a raptor in temporary facilities for more than 30 days and without providing an adequate perch and protection from extreme temperatures and excessive disturbance.

009.05L for any person holding a falconry permit to refuse to allow an authorized agent of the Commission to enter that person's premises at any reasonable hour

to inspect any raptor held under the permit and to inspect the permittee's facilities and equipment.

009.05M for any nonresident who is in possession of a raptor permitted in another state that intends to establish residency in Nebraska, to possess raptors in captivity in Nebraska without a Nebraska raptor permit or without written authorization from the Commission.

009.05M1 Non-residents have thirty (30) days to submit their Nebraska raptor permit application once residency is established in Nebraska.

009.05N for any permittee to take, purchase, receive, or otherwise acquire, sell, barter, transfer, release to the wild, or otherwise dispose of any raptor without submitting a completed Acquisition/Disposition report, supplied by the Commission, within five (5) calendar days of the action/transaction.

009.05O for any permittee to possess a raptor under authority of a falconry permit unless the permittee has a properly completed Acquisition/Disposition report for each bird possessed.

009.05P for any permittee to take, possess, or transport any Peregrine Falcon (Falco peregrinus), Gyrfalcon (Falco rusticolus), Harris's Hawk (Parabuteo unicinctus), unless the bird is banded either by a seamless numbered band provided by the U.S. Fish and Wildlife Service or by a permanent, non-reusable band provided by the Commission. No raptors removed from the wild may be banded with a seamless numbered band. The loss or removal of any band and subsequent rebanding must be reported by submitting an Acquisition/Disposition report and a request for a replacement band must be made to the Commission within five (5) working days of the loss or removal. Any band that is lost or removed must be replaced by a permanent, non-reusable band supplied by the Commission. If a health or injury problem exists for a raptor that is caused by the band, and is documented, the Commission may provide an exemption to the requirement for that raptor. A copy of the exemption must be in possession of the falconer when transporting or hunting with the raptor.

009.05Q for any permittee to sell, purchase, barter, or offer to sell, purchase or barter a raptor unless the raptor is captive-bred and is banded by a seamless, numbered band, supplied by the U.S. Fish and Wildlife Service.

009.05R for any permittee to intentionally or negligently release a raptor or raptor hybrid not indigenous to Nebraska permanently into the wild.

009.05S for any permittee to intentionally release a wild indigenous raptor to the wild without removing and surrendering its band, if such raptor has one, to the Commission within five (5) days of the release.

009.05T for any permittee to relocate a raptor in order to allow another person to care for his raptors without written authorization from the permittee accompanying the birds when they are transferred. The period of care may not exceed 30 days. The Commission must be informed in writing of this action by the permittee within three (3) days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them, and approximately how many days they will be in the care of the second person.

009.05U for any permittee to retain and exchange feathers that are molted or feathers from birds held in captivity that die, except for imping purposes.

009.05V for any permittee to purposely hunt any game bird or game animal with a raptor, except during the regular gun hunting seasons, Conservation Orders, or special raptor hunting seasons applying to that game species or during the raptor training season when game farm birds which are legally obtained from a licensed nonresident breeder or Captive Wildlife permittee are used, and to fail to comply with the bag and possession limits, hunting permits and stamp requirements, and all other regulations prescribed and fixed for the hunting seasons.

009.05W to intentionally take any protected bird with a raptor, unless the take is otherwise authorized by the Commission. Raptors may feed on any unintentionally taken animal, but said animal may not be taken into the hunter's possession with any purpose but to feed the raptor.

009.05X for any permittee 16 years of age or older to hunt migratory waterfowl with a raptor without possessing a valid small game hunting permit, a habitat stamp, a Nebraska migratory waterfowl stamp, and Federal migratory bird hunting stamp.

009.05Y for any person to possess and hunt with a raptor without possessing a copy of their Nebraska falconry permit or a valid falconry permit from another state or country.

009.05Z for any resident and non-resident falconer to possess and use raptors at any time to abate depredation problems caused by migratory birds and other wildlife unless a Master or General Class falconer permit is held, a federal abatement permit has been obtained and written permission from the Commission has been received.

009.05AA for any permittee to take any wild Peregrine Falcon in Nebraska without written authorization from the Commission.

009.06 REQUIRED PERMIT QUALIFICATIONS:

009.06A Permit Classes

009.06A1 Apprentice Class

009.06A1a Permittee shall be at least 12 years old.

009.06A1b An Apprentice permit holder shall have a General or Master Class falconer as a sponsor while holding the Apprentice Class permit. Sponsors shall meet qualifications outlined in 009.06A2d, 009.06A2e and 009.06A3b.

009.06A1c Should a sponsorship be terminated, the holder of an Apprentice permit must obtain a new sponsor within 30 days of termination or the Apprentice permit will be revoked.

009.06A2 General Class

009.06A2a Permittee shall be at least 16 years old.

009.06A2b Permittee shall have at least two (2) years of experience in the practice of falconry at the Apprentice level or its equivalent. The Commission shall determine the appropriate amount of experience, if any, required past the two (2) year minimum after consultation with the Apprentice's sponsor.

009.06A2c Evidence that the applicant has had a valid, unrevoked General or Master class falconry permit in another state within two (2) years of their application may be substituted for the Apprentice permit requirement. Evidence that the applicant has had at least two (2) years of experience in the practice of falconry in another state at the Apprentice level or its equivalent may be substituted for the Apprentice permit requirement at the discretion of the Commission. The Commission shall determine the appropriate amount of experience, if any, required past the two (2) year minimum after consultation with the Apprentice's former sponsor.

009.06A2d A General Class falconer shall have two (2) years of experience at the General Class level before they may sponsor an Apprentice level falconer.

009.06A2e A General Class falconer may sponsor no more than two (2) Apprentice Level falconers at any one time.

009.06A3 Master Class

009.06A3a Permittee shall have at least five (5) years of experience in the practice of falconry at the General Class level or its equivalent.

009.06A3b A Master Class falconer may sponsor no more than two (2) Apprentice Level falconers at any one time.

009.06B Examination

009.06B1 An applicant for any raptor permit must answer correctly at least 80 percent of the questions on a supervised written examination provided and administered by the Commission, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

009.06B2 Re-examination will be required of any applicant who has failed to renew a falconry permit within a period of two years of its expiration date.

009.06C Facilities and Equipment

009.06C1 Because the primary consideration for raptor housing facilities is protection from the environment, predators, and undue disturbance, an indoor facility meeting the minimum standards as established in these regulations is required of all applicants for a falconry permit.

009.06C2 The following equipment shall be in possession of the applicant before a permit can be issued: jesses or the materials and equipment to make them, leash and swivel, bath container, appropriate scales or balances for weighing raptors.

009.06C3 All facilities and equipment shall be kept at or above the standards established by these regulations at all times when the permittee is in possession of any raptor.

009.07 RAPTOR COLLECTING PERMIT

General Regulations for the collection of Raptors. In addition to the unlawful restrictions described in 009.05A through 009.05Z, it shall be unlawful:

009.07A for any permittee to sell, trade, purchase or barter any wild raptor. Wild raptors may only be transferred.

009.07B for any permittee to take more than two wild raptors in any twelve month period.

009.08 RAPTOR COLLECTING PERMIT QUALIFICATIONS

009.08A A resident of another state must provide completed raptor collecting permit application and provide a copy of the home state falconry permit held prior to being issued a raptor collecting permit in Nebraska.

009.08B Raptor collecting permits will be issued at the discretion of the Commission.

009.08C An applicant must submit an Acquisition/ Disposition report, to be supplied by the Commission, completed in accordance with the instructions on the form and within five (5) calendar days of collecting any wild raptor.

009.09 Passage Peregrine Falcon trapping season

009.09A Applications: Resident falconers may apply for written permission and non-residents may apply for a Raptor Collecting Permit annually to take one (1) passage Peregrine Falcon. To be considered, all requests and applications must be received by August 1 of the trapping year and authorizations and permits will be issued no later than September 19 by the Commission.

009.09B Available Take: The overall number of passage Peregrine Falcons that may be taken and not to be exceeded in the Central Flyway during any one year shall be determined by the U.S. Fish and Wildlife Service. The Central Flyway Council will determine the number of passage Peregrine Falcons each state within the Central Flyway will be allotted.

009.09C Preference: Applications for written permission submitted by resident falconers may be preferred and issued over applications for Raptor Collecting Permits submitted by non-residents. If the total number of applications from residents and non-residents combined does not exceed the available take, then all requests for written permission and Raptor Collecting Permits may be issued.

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If the number of applications for written permission submitted by resident falconers exceeds the available take, all resident applications may be considered equally in a drawing. If the total number of applications submitted by non-residents for a Raptor Collecting Permit exceeds the remaining available take once resident applications have been considered and filled, then all non-resident applications for a Raptor Collecting Permit may be considered equally in a drawing.