

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, a public hearing, conducted by the Nebraska Game and Parks Commission, will be held on June 19, 2020, at the Nebraska Game and Parks Outdoor Education Center, located at 4703 North 44th Street, Lincoln, Nebraska, prior to consideration and/or enactment of the following:

Pursuant to the provisions of Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613, a public hearing will be held at 9:15 a.m., to consider amendments to Chapter 4, Wildlife Regulations, Section 037, Mountain Lions; regarding the management unit boundaries, season dates, annual harvest limit, permits authorized, application periods and checking requirements prior to the public hearing process.

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.

All interested persons may attend and testify orally at the public hearing, but are strongly encouraged to submit written testimony prior to the public hearing in order to protect public health and assist in compliance with restrictions on public gatherings. Interested persons or organizations may submit written comments prior to the hearing, which will be entered into the hearing record if they: 1) include a request to be included as part of the hearing record; 2) include the name and address of the person or organization submitting the comments; and 3) are received by 1:00 p.m. CT, June 17, 2020 by Sheri Henderson at the Lincoln office, 2200 North 33rd Street, Lincoln, NE 68503-0370.

James Douglas, Director

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission

Title: 163

Prepared by: Sandra Paice

Chapter: 4

Date prepared: May 14, 2020

Subject: Section 037, Mountain Lions

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: \$4,800.00 in potential revenue from sale of applications at least equal to the number of permit available. Staff recommends 320 permits for 2021.

Political
Subdivision: \$0

Regulated
Public: \$0

If indeterminable, explain why:

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 4 REGULATIONS Wildlife Regulations, Mountain Lions

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 037. Last Date Approved changed. Sub-part 037.01A1 deletes the Pine Ridge North Sub-unit boundary descriptions. Sub-part 037.01A2 deletes the Pine Ridge South Sub-unit boundary descriptions.

Part 037.02A deletes the Pine Ridge "North Sub-unit" from the title, changes the regulations citation and changes the open season dates for the Pine Ridge Unit. Part 037.02B deletes the Pine Ridge South Sub-unit and deletes the open season dates. Part 037.02C is renumbered to Part 037.02B, deletes "North Sub-unit" from the title, changes the regulation citation and changes the open season dates for the Pine Ridge Auxiliary Season. Part 037.02D deletes the Pine Ridge "South Sub-unit" and deletes the open season dates for the Auxiliary Season.

Part 037.03A deletes the "North Sub-unit" from the Pine Ridge title and changes the regulations citation. Part 037.03B deletes the "South Sub-unit" and deletes the annual harvest limit. Part 037.04A deletes the "North Sub-unit" from the title and changes the regulation citation. Part 037.04B deletes the Pine Ridge South Sub-unit and deletes the Pine Ridge South Sub-unit permits allowed to be issued for that unit. Part 037.04C is renumbered to Part 037.04B, deletes the reference to "North Sub-unit" Auxiliary Season, and changes the regulation citations. Part 037.04D deletes the Pine Ridge South Sub-unit Auxiliary Season.

Part 037.07A changes the Application Period for mountain lions from the Tuesday following Labor Day through September 27 to the first Monday in November through the second Wednesday in December.

Part 037.08 changes the checking requirements for mountain lions that the unfrozen lion must be presented to a Commission representative within 24 hours and that the mountain lion must be checked in the Pine Ridge Management Unit.

Sub-part 037.10C changes the regulation citation. Sub-part 037.10F is new language that provides that it is unlawful to separate a mountain lion carcass into portions smaller

than the head and quarters with proof of gender, naturally attached, before successfully completing the check station process; it also clarifies that "quarters" shall mean four legs with femur or scapula naturally attached and loins. Sub-part 037.14F (old) is renumbered to Sub-part 037.10G.

The regulations allow residents an opportunity to hunt mountain lions in the Pine Ridge Management Unit in the state of Nebraska with open seasons, annual harvest limits, an updated application period, updated checking requirements, clarified regulation on the check station process and potential use of auxiliary seasons. Due to the reduction in harvest limit, there will be a reduction in permits available and the sub-units have been combined into one unit.

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 May, 2020.

NEBRASKA GAME AND PARKS COMMISSION

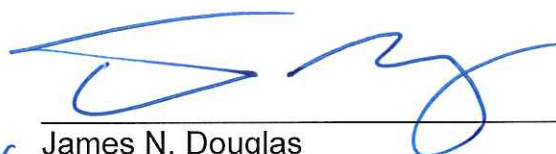


Alicia Hardin
Wildlife Division Administrator

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 14th day of May, 2020.

NEBRASKA GAME AND PARKS COMMISSION


for _____
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 4, entitled REGULATIONS Wildlife – Mountain Lions, regarding the management unit boundaries, season dates, annual harvest limit, permits authorized, application periods and checking requirements 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 June 18, 2020.

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 June 11, 2020.

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 037

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

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613.

ABSTRACT OF SUBJECT MATTER: Chapter 4, Wildlife Regulations: Section 037, Mountain Lions

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>5/14/20</u>	_____
	Governor Waiver	_____	_____
	Rulemaking Hearing	<u>6/19/20</u>	_____
	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	_____	_____

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~August 15, 2018~~ August 30, 2019

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

037 Mountain Lions

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613. 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.

037.01 Management Unit Boundaries: Federal and state sanctuaries and refuges are closed, unless otherwise authorized.

037.01A Pine Ridge

Those parts of Box Butte, Dawes, Sheridan, and Sioux counties north of the Niobrara River and west of NE Hwy. 27.

037.01A1 Pine Ridge North Sub-unit

~~Those parts of Dawes, Sheridan, and Sioux counties north of NE Hwy. 20 and west of NE Hwy. 27.~~

037.01A2 Pine Ridge South Sub-unit

~~Those parts of Box Butte, Dawes, Sheridan, and Sioux counties north of the Niobrara River, south of NE Hwy. 20, and west of NE Hwy. 27.~~

037.02 Open Seasons:

037.02A Pine Ridge ~~North Sub-unit (037.01A1)~~

Season 1: January 2 through February ~~29~~ 28, 2020 2021, except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03A) is reached.

037.02B ~~Pine Ridge South Sub-unit (037.01A2):~~

~~Season 1: January 2 through February 29, 2020, except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03B) is reached.~~

037.02C 037.02B Pine Ridge North Sub-unit (037.01A1)

Auxiliary Season: The auxiliary season will open March ~~45~~ 13 through March 31, ~~2020~~ 2021, if the annual harvest limit or female sub-limit (037.03A) was not reached during Season 1 (037.02A), except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03A) is reached prior to March 31.

~~037.02D Pine Ridge South Sub-unit (037.01A2)~~

~~Auxiliary Season: The auxiliary season will open March 15 through March 31, 2020, if the annual harvest limit or female sub-limit (037.03B) was not reached during Season 1 (037.02B), except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03B) is reached prior to March 31.~~

037.03 Annual Harvest Limits:

037.03A Pine Ridge North Sub-unit (037.01A1):

Four (4) mountain lions, with a sub-limit of two (2) females.

~~037.03B Pine Ridge South Sub-unit (037.01A2):~~

~~Four (4) mountain lions, with a sub-limit of two (2) females.~~

037.04 Permits:

037.04A Pine Ridge North Sub-unit (037.01A1):

Season 1: The Commission shall issue three hundred and twenty (320) permits by lottery. No person shall be issued more than one (1) permit per calendar year. Permits shall be issued to Nebraska residents only.

~~037.04B Pine Ridge South Sub-unit (037.01A2):~~

~~Season 1: The Commission shall issue three hundred twenty (320) permits by lottery. No person shall be issued more than one (1) permit per calendar year. Permits shall be issued to Nebraska residents only.~~

037.04C 037.04B Pine Ridge North Sub-unit Auxiliary Season:

If the annual harvest limit or female sub-limit (037.03A) have not been met by the end of the Pine Ridge North Sub-unit (037.01A1) Season 1 (037.02A), unsuccessful permittees may apply to convert their permit to a Pine Ridge North Auxiliary Season (037.02C 037.02B) permit. A number of auxiliary permits equal to the number of animals remaining in the harvest limit ~~for the sub-unit~~ will be issued by lottery.

037.04D Pine Ridge South Sub-unit Auxiliary Season:

If the annual harvest limit or female sub-limit (037.03B) have not been met by the end of the Pine Ridge North Sub-unit (037.01A2) Season 1 (037.02B), unsuccessful permittees may apply to convert their permit to a Pine Ridge South Auxiliary Season (037.02D) permit. A number of auxiliary permits equal to the number of animals remaining in the harvest limit for the sub-unit will be issued by lottery.

037.05 Permit Bag Limit: One (1) mountain lion of either sex.

037.06 Shooting Hours: Sunrise to sunset.

037.07 Application Periods:

037.07A Pine Ridge: Applications for lottery permits shall be accepted from 1:00 p.m. CST on the Tuesday following Labor Day through September 27 first Monday in November through the second Wednesday in December prior to each open season. Mail applications must be received in the Commission's Lincoln headquarters office by 5 p.m. CST, and internet applications must be received by 11:59 p.m. CST. All valid applications accompanied by the required fee (Administration Regulations, Chapter 1, Section 006) shall be considered equally in a random drawing. It shall be unlawful to submit more than one application per calendar year for a mountain lion permit. If more than one such application is submitted by or for any person, all of that person's applications shall be excluded from the drawing and the accompanying fees shall be forfeited.

037.08 Checking: Any mountain lion harvested must be reported to the Commission within eight (8) hours of recovering the animal using a phone number or website specified by the Commission or in person at a district office during normal business hours. The entire unfrozen carcass mountain lion, with proof of gender naturally attached, must be presented to a Commission representative within 24 hours of the time it is killed to allow for inspection and attachment of an official harvest seal. Once notified of harvest, the Commission may make arrangements for a later check. The permittee shall furnish the Commission with the date and location of kill prior to the attachment of the harvest seal. The harvest seal must remain attached to the mountain lion until the pelt is tanned, mounted or otherwise preserved. The Commission may collect a tissue sample from each mountain lion harvested. Mountain lions must be checked in the Pine Ridge Management Unit (037.01A).

037.09 Weapons Allowed: Firearms and archery equipment as specified in 001.01B2.

037.10 It shall be unlawful to:

037.10A harvest or attempt to harvest a mountain lion with a spotted coat (kitten) or any mountain lion accompanying another mountain lion.

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037.10B hunt mountain lions without first confirming that the harvest limit or female sub-limit has not been met, and the season is open each day by checking the Commission-provided toll-free number or season status website.

037.10C hunt mountain lions with the aid of dogs, traps or bait, with the exception that dogs may be used during an auxiliary season (037.02C, 037.02D 037.02B), if an auxiliary season is held.

037.10D fail to check or report any mountain lion taken as prescribed in 037.08.

037.10E falsely check or report the harvest of any mountain lion.

037.10F to separate a mountain lion carcass into portions smaller than the head, and quarters with proof of gender naturally attached, before successfully completing the check station process (037.08). Quarters shall mean four (4) legs with femur or scapula naturally attached and loins.

037.10F 037.10G obtain more than one mountain lion permit per calendar year.