

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, public hearings conducted by the Nebraska Game and Parks Commission, will be held on January 13, 2021 in the 3rd floor conference room at Nebraska Game and Parks Commission Headquarters 2200 N 33rd Street., Lincoln, NE prior to consideration and/or enactment of the following:

Pursuant to Neb. Rev. Stat. Sections 37-301 through 37-316, 37-353, 37-401, 37-403 through 37-406, 37-411, 37-413, 37-414, 37-418, 37-426 through 37-429, 37-447 through 37-453, 37-455 through 37-461, 37-463, 37-464, 37-477 through 37-479, 37-482.01, 37-497, 37-498, 37-501 through 37-503, 37-508, 37-509, 37-512, 37-514, 37-520, 37-525, 37-527, 37-529, 37-532, 37-534, 37-537, 37-540, 37-547, 37-560, 37-563, 37-701, 37-708, 37-802 through 37-811, a public hearing will be held at 9:00 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 001—General Regulations Governing Wildlife Species, to allow for the enactment of the Special Landowner Deer Season and the purchase of a bonus point or a preference point; changes to general application requirements, personal limits, shot sizes allowed for turkeys, checking requirements for antelope taken during the muzzleloader season, management of furbearers associated with damage control permits, and tagging time limits for bobcats and grey fox; and changes to who needs to register for the Harvest Information Program.

Pursuant to Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-315, 37-317, 37-404, 37-406, 37-409, 37-447, 37-449, 37-450, 37-452, 37-453, 37-455, 37-455.01, 37-456, 37-529, 37-701, 37-706, 37-708, a public hearing will be held at 9:15 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 003—Antelope, Deer and Elk, allowing the enactment of the Special Landowner Deer Season and the purchase of a bonus or a preference point; and changes to draw units, how forfeited permits may be handled, stagger when over-the-counter permits go on sale, and allow for one more resident or non-resident shared-revenue elk permit.

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, January 11, 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: Alicia Hardin
Chapter: 4	Date prepared: December 9, 2020
Subject: Section <u>001</u> , General Regulations Governing Wildlife Species	Telephone: 402/471-5448

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 – General Regulations Governing
Wildlife Species

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 rulemaking process.

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

Section 001. Last approved date changed.

Sub-part 001.01A2 Add the title “Special Landowner Deer Season”. After the list of what is required on a big game application include the sentence “A preference or a bonus point application shall include the species for which the point should be applied.” Move language from the bottom of the sub-part to the middle, “Persons shall provide, in the case of credit card payment, credit card number, card expiration date”, delete “and/or” and add the language “and zip code of the credit card billing location,” to clarify what is needed to verify a credit card charge.

Division 001.01A2a is created for the limited landowner application requirements, no other changes were made.

Sub-division 001.01A2a(1) is added with the following language, “Additionally, Special Landowner Deer Season applications must include the names of immediate family that are designated to hunt and attest that no more than two of these designees are under 19 and no more than two are 19 or over on a form provided by the Commission.”

The addition of language for the Special Landowner Deer Season is the result of the passage of LB126 during the 2020 Legislative session. These additions specify the information needed on the application for this season.

Division 001.01A2b is created for the limited landowner elk permits and the language “Additionally,” is added.

Division 001.01A3a adds the language “or for each preference point purchased” in two locations to clarify another way to add a preference point for antelope or elk permits both for residents and non-residents.

Division 001.01A3b adds the language, “or for each preference point purchased” to clarify another way to add a preference point for a deer draw unit.

Division 001.01A3c adds the language, “or for each bonus point purchased” to clarify another way to add a bonus point for a non-landowner elk permit.

The addition of language regarding preference or bonus points was from the passage of LB287 during the 2020 Legislative session. These additions specify the information needed during the application process and how the points will be applied. This option is for applicants that want to gain a preference or bonus point and do not want to draw a permit in that year, unsuccessful applicants in the drawings will still earn their preference or bonus points as they have in the past.

Sub-part 001.01B1 delete language that sets personal limits for spring and fall turkey permits as this is included in orders (Commission Orders C02 Wild Turkeys). Adds language to clarify that an applicant can only apply for one permit or one preference point or one bonus point per species in a draw application period per calendar year. Add the word “auction” to the list of permits that have exceptions to the personal limitations, and correct the reference to auction/lottery permits in Section 003.

Sub-part 001.01B2 delete and add language to clarify that any shot size larger than size 2 will be unlawful to use in a shotgun to hunt a turkey. This will allow smaller sized shot to be legally used for turkey hunting.

Sub-part 001.01B13 changes language to clarify that only the October Firearm antelope need to be taken to a sealing and checking station.

Sub-part 001.01B14 changes language to clarify that only the October Firearm antelope need to be taken to a sealing and checking station, antelope taken during the muzzleloader season shall be checked using the internet and telephone check system.

Sub-part 001.03A2 Delete the word “and” and add the phrase “and other furbearers authorized for take by a damage control permit”, delete “elected under authorization of a damage” and replace with “authorized by that” to allow for other furbearers to be added to the potential list of animals that may be authorized on a damage control permit.

Sub-part 001.03A11 delete “48 hours” and replace it with “two business days” to allow bobcats to be tagged by Commission staff during regular business hours.

Sub-part 001.03A13 delete “48 hours” and replace it with “two business days” to allow gray fox to be tagged by Commission staff during regular business hours.

Part 001.08A add “spotted skunks”, clarify “Canada” lynx, and delete “otters and bobcats” as species exempt for private wildlife damage control.

Sub-part 001.08A2 add "Furbearers or portions thereof may not be transferred to another person or sold under the authority of this permit" to the end of the specifications that are found on a Wildlife Damage Control Permit. This clarifies that a damage control permit does not allow the sale or transfer of furbearers or any portion of them.

Sub-part 001.08B8 is renumbered.

Division 001.08B8a is renumbered.

Division 001.08B8b is renumbered.

Division 001.08B8c is renumbered.

Division 001.08B8d is renumbered.

Division 001.08B8e is renumbered.

Division 001.08B8f is renumbered.

Division 001.08B8g is renumbered.

Division 001.08B8h is renumbered.

Sup-part 001.08B9 is renumbered, and references are corrected with the renumbering of other sub-parts.

Part 001.10A is rewritten to clarify that all residents 16 and over and all non-residents shall register annually with the Commission prior to hunting migratory game birds. Language is added to clarify that residents under 16 that are participating in the second tier of the two tier duck hunting program must also register annually. This will allow the Commission to identify and collect information from individuals that are participating in the second tier of the two tier duck hunting program.

Section 001 ends on page 4-001-24.

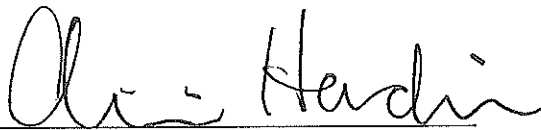
These changes will allow the Commission to enact the Special Landowner Deer Season and the purchase of a bonus point or a preference point. The changes also allow us to clarify general application requirements, personal limits, shot sizes for turkey hunting, checking requirements for antelope taken during the muzzleloader season, management of furbearers associated with damage control permits, and tagging time limits for bobcats and grey fox. The changes also allow us to manage who needs to register for the Harvest Information Program to evaluate an upcoming pilot program to recruit new duck hunters.

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 a public hearing. The Commission did not use the Negotiated Rulemaking Act in developing the proposed regulation.

Changes in Text Between Notice and Adoption:

DATED the 9th day of December, 2020.

NEBRASKA GAME AND PARKS COMMISSION

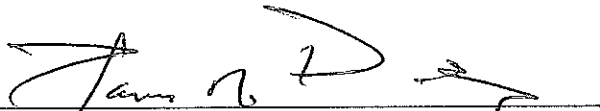


Alicia Hardin
Wildlife Division Administrator

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

DATED the 9th day of December, 2020.

NEBRASKA GAME AND PARKS COMMISSION



James N. Douglas
Director

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~May 22, 2020~~ October 26, 2020

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

001 General Regulations Governing Wildlife Species

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-316, 37-353, 37-401, 37-403 through 37-406, 37-411, 37-412, 37-413, 37-414, 37-418, 37-426 through 37-429, 37-447 through 37-453, 37-527, 37-455 through 37-461, 37-463, 37-464, 37-477 through 37-479, 37-482.01, 37-497, 37-498, 37-501 through 37-503, 37-508, 37-509, 37-512, 37-514, 37-520, 37-525, 37-527, 37-529, 37-532, 37-534, 37-537, 37-540, 37-547, 37-560, 37-563, 37-701, 37-708, 37-802 through 37-811. 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.

001.01 Antelope, Deer, Elk, Mountain Lion, Mountain Sheep, Turkey

001.01A Applications

001.01A1 Except for those permits issued by lottery and auction (014, 037 and 003.04), application periods shall be established by the Commission for persons applying for antelope, deer, elk or turkey permits. All applications for the initial period must be received in the designated Commission offices by the terminal day and time of the identified application period.

001.01A2 Big Game/Limited Landowner/Special Landowner Deer Season Permits

Persons applying for a big game permit or a limited landowner permit for big game shall provide the following information to the Commission: full name, mailing address, date of birth, gender, height, weight, colors of hair and eyes, daytime phone number, and last four digits of social security number. Persons shall indicate the type of permit for which the application is made including weapon type and/or unit choice(s). A preference or a bonus point application shall include the species for which the point should be applied.

Persons shall provide, in the case of credit card payment, credit card number, card expiration date, and/or verification number, and zip code of the credit card billing location.

Application forms are available from the Commission and electronic applications are available at the Commission's website.

001.01A2a Additionally, persons applying for a limited landowner permit to hunt deer, antelope or turkey shall list the legal descriptions of the qualifying farm or ranch land and identify the ownership status of lands used to establish them as a qualifying landowner/leaseholder or immediate family of a qualifying landowner/leaseholder. The limited landowner applicant shall also attest that they are either the qualifying landowner/leaseholder or immediate family of a qualifying landowner/leaseholder, if qualifying as the immediately family of a qualifying landowner/leaseholder the name of the qualifying landowner/leaseholder and relationship shall also be provided.

001.01A2a(1) Additionally, Special Landowner Deer Season applications must include the names of immediate family that are designated to hunt and attest that no more than two of these designees are under 19 and no more than two are 19 or over on a form provided by the Commission.

001.01A2b Additionally, ~~A~~all persons applying for a limited landowner elk permit shall provide the name of the owner or owners as listed on the title or deed for the qualifying property. Persons qualifying under an agricultural lease agreement must provide the name, address and phone number of the owner of the qualifying property; the agricultural purpose, the dates and duration of the lease. Persons qualifying as immediate family of an owner must provide the name, relationship, address and phone number of the owner. Persons qualifying as immediate family of a lease holder must provide the name, relationship, address and phone number of the lease holder; the name, address and phone number of the owner, the agricultural purpose of the lease, and the dates and duration of the lease. Information provided by the applicant shall be on a form provided by the Commission.

~~Persons shall provide, in the case of credit card payment, credit card number, card expiration date and/or verification number.~~

~~Application forms are available from the Commission and electronic applications are available at the Commission's website.~~

001.01A3 Preference

001.01A3a Any eligible resident who properly applies for and is denied a landowner antelope or non-landowner antelope or a landowner bull elk permit during the first application period shall receive a preference point, and one point shall be allowed for each year he or she is unsuccessful in the drawing or for each preference point purchased. Any eligible nonresident who properly applies for and is denied a landowner antelope permit or a landowner bull elk

permit during the first application period shall receive .9 of a preference point, and .9 of a point shall be allowed for each year he or she is unsuccessful in the drawing or for each preference point purchased. Such preference points shall be used to determine priority in the permit drawing, with persons having the most points receiving the greatest priority. If two applicants submit a joint application, priority will be given based on the lower number of points possessed by either applicant. Persons who indicate a second choice for an antelope unit, and have points exceeding persons who indicate that unit for a first choice, shall have priority. Any person who is issued a Landowner bull elk or a firearm or muzzleloader buck or either sex antelope permit shall lose all preference points for that species permit.

001.01A3b Any person who properly applies for and is denied a draw unit deer permit during the first application period shall receive one preference point, and one point shall be awarded for each year the applicant is unsuccessful in the drawing or for each preference point purchased. Such preference points shall be used to determine priority in the permit drawing, with persons having the most points receiving the greatest priority. If two applicants submit a joint application, priority will be given based on the lower number of points possessed by either applicant. Any person who is issued a draw unit deer permit shall lose all preference points. Regardless of preference points accrued, residents shall have preference over nonresidents except for permits included in a nonresident permit quota.

001.01A3c Any eligible resident who properly applies for and is denied a non-landowner bull elk permit during the first application period shall receive a bonus point, and one point shall be allowed for each subsequent year he or she is unsuccessful in the drawing or for each bonus point purchased. Such bonus points shall be used to determine the number of chances applicants have in the permit drawing, with each bonus point adding an additional entry in the drawing. If two applicants submit a joint application, the number of drawing entries will be based on the lower number of bonus points possessed by either applicant. Any person who is issued a non-landowner bull elk permit shall lose all bonus points for that permit.

001.01B It shall be unlawful:

001.01B1 to apply for, obtain, or possess more than one permit for antelope or elk or two permits which allow taking of antlered deer (includes specification of deer of either sex), in any calendar year, or to apply for, obtain, or possess more than three spring turkey permits or two fall turkey permits; or to apply for a permit unless eligible, or prior to the time of

eligibility; to apply for more than one permit or one preference point or one bonus point per species in a draw application period per calendar year. Limitations on numbers of permits per individual shall not apply to special depredation control season permits, auction or lottery permits (003.1204), and obtaining of such control season permits shall not affect eligibility for succeeding permits.

001.01B2 to take antelope, deer or mountain lion with a rifle smaller than 22 caliber or a rifle which delivers less than 900 foot-pounds of bullet energy at 100 yards except that a .357 magnum rifle or a .45 Colt rifle are legal, a muzzleloading rifle of less than 44 caliber, a muzzleloading musket other than a 62 caliber or larger firing a single slug, a shotgun other than a 20 gauge or larger firing a single slug, to take elk with a handgun or to take antelope, deer or mountain lion with any handgun or a muzzleloading handgun which delivers less than 400 foot-pounds of bullet energy at 50 yards; to take elk or mountain sheep with a rifle smaller than 25 caliber, or which delivers less than 1700 foot-pounds of bullet energy at 100 yards, or with a muzzleloading rifle of less than 45 caliber; to use any firearm capable of fully automatic fire, or semi-automatic firearm capable of holding more than 6 cartridges; to take antelope, deer, elk, mountain lion or mountain sheep with a full metal jacket or incendiary bullet; or to take turkeys with a rifle or while possessing or using shotgun shells containing shot other than sizes 2 through 7½ larger than size 2 - or containing a single slug; to take antelope, deer, elk, mountain lion, mountain sheep or turkey with a crossbow which has a draw weight of less than 125 pounds, with an electronically loaded, cocked, or fired crossbow, or with a crossbow not designed to be fired from the shoulder; to take mountain lion with archery equipment other than a longbow, recurve bow, compound bow, or crossbow; to take antelope, deer, elk, mountain sheep or turkey with archery equipment other than a longbow, recurve bow, compound bow, crossbow, or with a spear other than a hand thrown spear, or to hunt antelope, mountain lion, deer, elk, mountain sheep or turkey with any arrow or spear containing poison or stupefying chemical, or with an arrow or spear that has an explosive tip, or with an arrow or spear with other than a sharpened hunting head with a blade of at least 7/16 inch radius from the center of the arrow or spear shaft, except that turkeys may also be hunted with a blunt (bludgeon) head with a diameter of at least 9/16 inch.

001.01B3 while hunting game animals and game birds to have attached to any air gun, firearm, crossbow, or bow any device capable of utilizing electricity to amplify natural ambient light or to project a visible light beam or image to a target. This restriction allows red dot and illuminated reticle sights and scopes, any sight that uses natural light or other light source to make the sight illuminated or enhance the sights visibility but prohibits night vision scopes (both light amplification types and projected light types such as infrared) and all other sights that project a visible light beam to the target.

001.01B4 during the November firearm deer season to hunt wildlife other than deer or antelope with a centerfire rifle or centerfire handgun, except that this shall not apply to a holder of a valid unfilled firearm deer or antelope permit while hunting in the unit for which the permit was issued or to a bona fide farmer or rancher who owns, or leases, or resides upon such farm or ranch land or a member of the immediate family of such farmer or rancher while hunting on such farm or ranch land.

001.01B5 to hunt antelope or deer, under authority of an archery permit while in possession of, or having under control, any firearm, or to hunt antelope or deer under authority of a muzzleloader permit while in possession of, or having under control, any breech-loading firearm, except that this shall not prohibit carrying a firearm within the enclosed portion of a vehicle.

001.01B6 to chase, run, or harass any antelope, deer, elk, mountain lion or mountain sheep with any motor vehicle or to shoot, shoot at, or take any antelope, deer, elk, mountain lion or mountain sheep from a motor vehicle while the vehicle is underway or moving.

001.01B7 to take antelope, deer, elk, mountain lion, mountain sheep or turkey in any area other than the management unit or season choice area for which the permit is issued.

001.01B8 to take any turkey which is perched in a tree, prior to sunrise or to use any live decoy or electronic call in attempting to take turkeys; or to take or attempt to take elk with electronic calls.

001.01B9 to establish, utilize, or maintain a baited area for ten (10) days prior to the opening of any big game (sheep, elk, mountain lion, deer, or pronghorn) or turkey season and throughout those entire seasons for the purpose of taking big game or turkey. A baited area is defined as an area within 200 yards of any location where bait (grains, fruits, vegetables, nuts, hay, minerals [including salt], or any food materials, commercial products containing food materials, or by-products of such materials) is placed or maintained for the purposes of hunting and that may serve as an attractant to big game or turkey. It shall be unlawful for a person within a baited area to hunt big game or turkey, or for a person to hunt or take big game or turkey that are within a baited area; these restrictions shall only apply to property included in the same ownership, control or lease of such location where bait is placed. An area shall be considered to be baited for ten (10) days following the removal of all bait. The Commission may, by special authorization, allow take otherwise prohibited by this regulation.

The use of scents alone, normal environmental conditions, accepted farming and ranching practices, forest management, wildlife food plantings, orchard management, or similar land management activities do not constitute baiting.

001.01B10 except as provided in 001.01D, (1) to fail to punch or notch the permit or bonus tag indicating date of kill and sex immediately after killing (punching/notching the permit or bonus tag automatically cancels the permit or bonus tag); (2) to fail to retain the canceled permit or bonus tag on the person of the hunter while in possession of any antelope, deer, elk, mountain lion or mountain sheep prior to successfully completing the check station process as described in 001.01B13, 001.01B14 and 037.08; (3) to fail to attach permit or bonus tag securely to a turkey immediately after the kill; (4) to fail to leave the canceled permit or bonus tag attached to the antelope, deer, elk, mountain lion or mountain sheep carcass; (5) to transport or possess any antelope, deer, elk, mountain lion, mountain sheep or turkey taken under authority of a permit or bonus tag unless the permit or bonus tag has been punched/notched as required and accompanies the animal as required.

001.01B11 to separate an antelope or deer carcass into smaller than quarters before successfully completing the check station process as described in 001.01B13 and 001.01B14; if delivery to a check station is required, head must accompany the carcass to the check station. Quarters shall mean four (4) legs with femur or scapula naturally attached and loins. Permit and check station seal number or check station verification number must be retained when transporting the carcass or a portion thereof to a point of permanent storage or processing. It shall be unlawful to transport an elk or portions thereof to a point of permanent storage or processing facility without first delivering the head and all edible portions to a check station. The check station seal number must be retained when transporting the elk to a point of permanent storage or processing facility.

001.01B12 to possess any turkey unless the legs, thighs, and breast remain together until the bird is consumed or the bird arrives at the permanent abode of the possessor. The breast meat may be removed from the bone but must remain as two entire halves. Birds taken in the spring must have proof of sex consisting of 1) the legs with spurs naturally attached; 2) the beard naturally attached to the breast; or 3) the detached beard with at least ¼-inch of skin remaining at the attachment site and kept together with the leg, thighs, and breast.

001.01B13 for the permittee to fail or neglect to deliver any deer taken during November firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), or any antelope taken during the October firearm or muzzleloader antelope season to a sealing and checking station prior to 1:00 p.m. of the day following the close of the season; for the permittee to fail or neglect to deliver any elk to a sealing and checking station within 48 hours of the time taken; for the permittee to fail or neglect to successfully complete the check station process as described in 001.01B14 within 48 hours of time taken for deer taken outside of the November Firearm deer season (Nebraska Game and Parks

Commission Order C03, Section C03.05A), or for antelope taken outside the October firearm antelope season (Nebraska Game and Parks Commission Order C03, Section C03.02A1); for the permittee to fail or neglect to complete the check station process for antelope, deer or elk before the carcass leaves the state of Nebraska, for the permittee to fail or neglect to successfully complete the check station process as described in 001.01B14 for antelope taken with archery equipment within 48 hours of taking said animal but not later than 1:00 p.m. on the day following the close of any portion of the season, provided if that day is January 1 the animal must be checked by 1:00 p.m. on January 2. However, the Director may, in the interest of public health, determine that physical check stations are not prudent during the November firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), or the October firearm or muzzleloader antelope season (Nebraska Game and Parks Commission Order C03, Section C03.02A1), or any elk season. For each such season that the Director has determined it is not prudent to offer physical check stations, it shall be illegal for the permittee to fail or neglect to successfully complete the check station process as described in 001.01B14 within 48 hours of time taken but not later than 1:00 p.m. on the day following the close of any portion of the season, provided if that day is January 1 the animal must be checked by 1:00 p.m. on January 2.

001.01B14 for the permittee to fail or neglect to record the seal number as provided by the check station on the permit for any eligible antelope or deer checked utilizing either telephone or Internet check stations. Deer taken under the authority of a valid permit outside the November firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), and antelope taken under the authority of a valid permit outside the October firearm antelope season (Nebraska Game and Parks Commission Order C03, Section C03.02A1), must be successfully checked through an authorized Commission telephone or Internet check station. Deer taken under the authority of a valid permit during the November firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), antelope taken under the authority of a valid permit during the October firearm or muzzleloader antelope season (Nebraska Game and Parks Commission Order C03, Section C03.02A1), and elk taken during any season, where a determination has been made by the Director that physical check stations are not prudent for that particular season as described in 001.01B13, must be successfully checked through an authorized Commission telephone or internet check station.

001.01B15 for any person other than the successful permittee to possess any antelope, deer, elk, mountain lion, mountain sheep, turkey or portion thereof, except under conditions set forth in 001.02A13.

001.01B16 for a farmer or rancher hunting under the provisions of section 37-403 to refuse to provide to a Conservation Officer, upon request, a

signed statement stating that he or she is a bona fide farmer or rancher of the land upon which he or she is hunting.

001.01C As provided in 37-527, archers hunting antelope, deer, elk or mountain sheep shall be exempt from wearing hunter orange during the firearm seasons for antelope, elk or mountain sheep.

001.01D Permits Issued for Use on Mobile Electronic Devices

001.01D1 Turkey Permits

001.01D1a Cancellation: Except as provided below, it shall be unlawful to fail to electronically cancel a mobile permit immediately after the kill. When lack of connectivity between the hunter's mobile device and the Commission's permit system prevents immediate electronic cancellation, the hunter must immediately document their name, permit number, time and date of kill; and such documentation must be kept with the carcass until the permit is electronically cancelled. Under these circumstances, the hunter must electronically cancel their permit immediately upon acquiring connectivity and no later than 12 hours after the time of kill.

001.01D1b Possession: A turkey harvested under the authority of a mobile permit must be accompanied by the hunter with a mobile device upon which the cancelled permit can be displayed until such time as the turkey arrives at the personal abode of the hunter or a commercial preservation facility. The turkey may be left unaccompanied by the hunter only if a document bearing the hunter's name, permit number, and time and date of permit cancellation (or time and date of kill if cancellation has not yet occurred under condition specified in 001.01D1a) is kept with the carcass. Other persons may take possession of the carcass only under conditions specified in 001.02A13.

001.02 Game Birds and Game Animals

001.02A It shall be unlawful to:

001.02A1 hunt migratory waterfowl without possessing a valid small game hunting permit, a habitat stamp, a Nebraska migratory waterfowl stamp, and a Federal migratory bird hunting stamp, provided the requirements for the Nebraska migratory waterfowl stamp shall begin January 1, 2006. This applies to any resident 16 years of age or older and all nonresidents regardless of age.

001.02A2 take in one day, more than the lawful daily bag limit.

001.02A3 use recorded or amplified calls or sounds, or recorded or amplified imitations of calls or sounds when hunting game birds with the exception listed in 001.02A3a.

001.02A3a The use of recorded or amplified calls or sounds or recorded or amplified imitations of calls or sounds is allowed for the hunting of light geese when all other migratory game bird hunting seasons are closed, provided such use is approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 Code of Federal Regulations (CFR) Part 20, Subpart C, Section 20.21(g).

001.02A4 hunt any dove, snipe, rail, woodcock, coot, duck or goose with a shotgun capable of holding more than three shells in the magazine and chamber combined, unless it is plugged with a one piece filler incapable of removal without disassembling the shotgun with the exception listed in 001.02A4a.

001.02A4a During a light goose season when all other migratory game bird seasons are closed, light geese may be hunted with a shotgun capable of holding more than three shells provided such use is approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 Code of Federal Regulations (CFR) Part 20, Subpart C, Section 20.21(g).

001.02A5 use live decoys when hunting waterfowl.

001.02A6 hunt migratory species with a crossbow.

001.02A7 take any migratory species on, or over a baited area or by the use or aid of a baited area.

001.02A8 possess any wounded or live game bird or game animal taken by authority of a hunting permit.

001.02A9 possess rail, snipe, woodcock, coot or any species of duck or goose unless the head with plumage intact or one fully feathered wing remains attached to the carcass for species identification until such time as birds arrive at the personal abode of the possessor or commercial preservation facility.

001.02A10 possess greater than a possession limit of game birds or game animals taken by authority of a small game hunting permit.

001.02A11 shoot at quail other than when such bird is in flight.

001.02A12 possess pheasants or grouse unless one leg or head remains attached to the carcass, until such time as the birds arrive at the personal abode of the possessor or commercial preservation facility.

001.02A13 give, put, leave or retain the whole carcass or meat or flesh of any game birds or game animals at any place or in the custody of another person, cold storage, or processing facility except as specified in 001.14 and unless the game birds or game animals are tagged with the following information: (1) Name; (2) Phone number; (3) Permit number or seal number (if deer, antelope, elk, mountain lion or mountain sheep); (4) Estimated pounds of meat for deer, antelope, elk, mountain lion and mountain sheep; (5) Species of game birds or game animals and total number of each; and, if transferred by gift; (6) Signature of donor and name of recipient and date of transfer.

001.02B Dog Training/Trials

For purposes of this section, sporting dog trials shall be as defined in 37-412.

For purposes of this section, dog training shall mean the use of dogs in a non-competitive process solely intended to enhance the hunting skills of dogs and shall not apply to dog trials as defined in 37-412 or to activities associated with or requiring a Controlled Shooting Area Permit (Section 015). Landowners, their lessees or guests may allow for or participate in the release and/or pursuit of pen-reared birds for dog training purposes on private land, only according to the provisions of this subsection. If any service relating to procurement, sale or release of birds is provided by the landowner or lessee to bird harvesters, the landowner or lessee must qualify for and obtain a Commission-authorized Game Breeding and Controlled Shooting Area permit (015) for the lands to be used for dog training. The requirement to obtain a Game Breeding and Controlled Shooting Area permit shall not apply to persons conducting Commission-authorized field trials, youth-mentored hunts, or persons who have received designation as a "Private Dog Training Area" prior to November 12, 2004.

001.02B1 Dog Training

001.02B1a All game birds purchased and released for training purposes must be obtained from a Captive Wildlife Permit holder, a Game Breeding and Controlled Shooting Area Permit holder or licensed nonresident breeder; must be banded by the sponsor or trainer with official bands authorized by the Game and Parks Commission and any person who purchases game birds from the holder of a Captive Wildlife Permit, Game Breeding and Controlled Shooting Area Permit holder or licensed nonresident breeder shall have in his or her possession a sales tag from the Captive Wildlife Permit holder or sales receipt from the licensed nonresident permit holder listing the date, species and number of birds purchased.

Sales tag or sales receipt must be returned to the Game and Parks Commission after the fourteen (14) day time frame (001.02B2).

001.02B1b All game birds purchased and released for dog training purposes, but not taken during the training session, shall be considered wild birds and subject to the rules and regulations covering taking of the same upon completion of the training session, provided that holders of a Captive Wildlife Permit or a Game Breeding and Controlled Shooting Area Permit may recapture birds.

001.02B1c Only pen-raised pheasants (hens only), quail, partridge, mallards, and pigeons may be purchased and released for dog training purposes.

001.02B1c(1) Limits for the harvest of game birds per dog during any training session are:

Hen Pheasants:	Two (2)
Quail:	Five (5)
Partridge:	Unlimited
Mallards:	Unlimited

001.02B1d A training session shall be confined to one day, defined as sunrise to sunset.

001.02B2 Game birds obtained under authority of this section may be kept in captivity without a Captive Wildlife Permit or a Game Breeding and Controlled Shooting Area Permit for a period not to exceed fourteen (14) days following date of purchase of those birds.

001.02C Dog Trials

001.02C1 Application for approval of Sporting Dog Trials shall be made in writing on forms provided by the Game and Parks Commission, and shall provide information as specified by the Commission.

001.02C2 All game birds purchased and released for field trials must be obtained from a Captive Wildlife Permit holder, a Game Breeding and Controlled Shooting Area Permit holder or licensed nonresident breeder; must be banded by the sponsor or trainer with official bands authorized by the Game and Parks Commission and any person who purchases game birds from the holder of a Captive Wildlife Permit, a Game Breeding and Controlled Shooting Area Permit holder or licensed nonresident breeder shall have in his or her possession a sales tag from a Captive Wildlife Permit holder, a Game Breeding and Controlled Shooting Area Permit holder or sales receipt from the licensed nonresident permit holder listing the date, species and number of birds purchased. Sales tag or sales

receipt must be returned to the Game and Parks Commission after thirty (30) days (001.02C3).

001.02C3 Persons holding a valid Sporting Dog Trial authorization may hold pen-raised birds for a period not to exceed fourteen (14) days beyond the date of purchase of those birds.

001.02C4 Trials may be authorized by the Commission on any lands in the state, providing permission from the landowner is obtained.

001.02C5 Trials conducted on Commission administered lands shall be further subject to the other state regulations or requirements pertaining to those lands.

001.02C6 Authorization for trials may be revoked by the Commission at any time upon violation of these regulations, violation of game laws, or other just cause.

001.03 Fur Harvesting

001.03A It shall be unlawful:

001.03A1 to trap fur-bearing animals unless the traps are checked at least once every calendar day, except for metal spring traps and snares affixed to one way slide wire drowning sets, underwater snare sets which remain completely under water when fully extended and underwater body-gripping trap sets require traps to be checked at least once every 2 calendar days.

001.03A2 to trap or take any fur-bearing animal with any device other than a snare, or a metal spring trap with smooth jaws, or a box trap under the authority of a fur harvesting permit, except raccoon, red fox, gray fox, bobcat, badger, long-tailed weasel, striped skunk, mink and opossum may also be taken with a firearm or bow, and beavers, beaver dens, and muskrats and other furbearers authorized for take by a damage control permit may be destroyed in any other legal manner elected under authorization of a damage authorized by that permit.

001.03A3 to possess any live fur-bearing animal taken by authority of a fur harvesting permit.

001.03A4 in order to protect nongame birds as provided in section 37-805, for any person to place or maintain steel foot hold traps within 30 feet of sight exposed bait on any dryland set, provided that USDA-APHIS-Wildlife Services personnel are allowed to place or maintain traps within 30 feet of sight exposed bait when trapping for mountain lions. Sight exposed bait shall mean and include any bait composed of fish, animal

flesh, fur, hide, entrails or feathers placed in plain view. A dryland set is defined as any set where traps or snares are not placed in or under water.

001.03A5 to set a body-gripping trap with jaw spread larger than five inches, except when placed under water or at least 6 feet above ground on any land owned or controlled by the Commission, including lands controlled for public access (018.14), land owned or controlled by the U.S. Army Corps of Engineers at Harlan County Reservoir, Waterfowl Production Area lands owned or controlled by the U.S. Fish and Wildlife Service.

001.03A6 to trap on any land in this state with a body-gripping trap with a jaw spread exceeding 8 inches unless such trap is placed completely under water, or at least 6 feet above ground.

001.03A7 to pursue or run raccoon or opossum for two (2) weeks prior to the taking seasons; provided that organized coonhound clubs may conduct United Kennel Club or American Coonhound Association Licensed or Sanctioned Field Trials during this period when approved by written authorization from the Commission, and with the understanding that no raccoons or other wildlife shall be killed or taken.

001.03A8 to trap on any dry land portion of Branched Oak Wildlife Management Area or Yankee Hill Wildlife Management Area prior to December 15 of each calendar year.

001.03A9 to set a snare trap during any upland game bird season on any land owned or controlled by the Commission, including lands controlled for public access (018.14), land owned or controlled by the U.S. Army Corps of Engineers at Harlan County Reservoir, or Waterfowl Production Area lands owned or controlled by the U.S. Fish and Wildlife Service, unless the snare is set completely under water.

001.03A10 for buyers to purchase furs unless complete records are kept on all furs bought or sold. The information required to be kept by the buyer shall be in accord with section 37-463. A current record of this information must be immediately available upon demand by a conservation officer. Record books are available from the Commission.

001.03A11 for any person who has taken a bobcat (*Lynx rufus*) in Nebraska to fail or neglect to have the pelt of said bobcat registered and officially tagged by the Commission within **48 hours two business days** after the close of the bobcat harvest season and before the sale of said bobcat.

001.03A12 to set any trap for fur-bearing animals or coyotes unless such trap has the following information stamped or inscribed legibly onto the trap or onto a metal tag that is securely affixed to the trap: (1) the owner's

or user's valid motor vehicle operator license number, or (2) the owner's or user's Nebraska state identification card number applied for at motor vehicle operator license examiner's offices. Individuals under 16 years of age may use the motor vehicle operator license number or Nebraska state identification card number of a parent or guardian.

001.03A13 for any person who has taken a gray fox (*Urocyon cinereoargenteus*) in Nebraska to fail or neglect to have the pelt of said gray fox registered and officially tagged by the Commission within **48 hours two business days** after the close of the gray fox harvest season and before the sale of said gray fox.

001.04 Nongame Species in Need of Conservation

001.04A It shall be unlawful:

001.04A1 to chase, run or harass any nongame species in need of conservation with any motor vehicle or any other motor driven conveyance, or to take such nongame species from a motor vehicle or motor driven conveyance while the vehicle or conveyance is underway or moving.

001.04A2 to take any nongame species of mammal in need of conservation with any device or by any means other than a snare, or metal spring trap with smooth jaws, live trap, shotgun, rifle, handgun, longbow, or with other devices or by other means as authorized by Commission regulations.

001.04A3 to possess any live nongame species in need of conservation without written authorization from the Commission as provided in 001.07 and 010.02.

001.04A4 for any person to export, process, transport, ship or receive for shipment any nongame species in need of conservation unless it was legally acquired and is not otherwise prohibited by Nebraska statute or Commission regulation.

001.04A5 to take any nongame species in need of conservation except during the open season, if any, that may be authorized by the Commission or as otherwise provided by State Statutes or by the Commission regulations; provided that any person accidentally trapping any nongame species in need of conservation during a closed season for such animal shall deliver the animal or pelt thereof to a Commission Conservation Officer or if the animal is alive and not disabled it shall be immediately released back to the wild. Failure to deliver such animal or pelt or release it back to the wild shall constitute prima facie evidence of the unlawful possession of such wildlife.

001.04A6 to possess any unmounted or untanned nongame species in need of conservation, except during the open season or as otherwise provided by State Statutes or by Commission regulations.

001.04A7 for any person in any one day to take or to have in possession at any time a greater number of nongame species in need of conservation of any one kind than as fixed by the Commission.

001.05 Use of Aircraft To Shoot Coyotes

001.05A It shall be unlawful:

001.05A1 for any permittee to shoot coyotes from an aircraft on land where there has not been a written landowner request filed with the Commission or with Wildlife Services, U.S. Department of Agriculture in Lincoln. Such written landowner requests for coyote aerial control shall contain the legal description of land, mileage from nearest town, and county where there are problems with coyotes damaging or posing a substantial threat to livestock or other domesticated animals. Forms are available from the Commission for submission of this information.

001.05A2 for any permittee to fail to submit quarterly reports of aerial coyote control activities within 15 days after each calendar quarter. Such quarterly reports shall be dated and shall contain the following information: the dates and county in which hunting occurred, the number of coyotes taken each day of the quarter, the name of the permittee completing the report and the names of any other permittees included in the report. Failure to submit such reports shall constitute automatic revocation of the coyote aerial shooting permit. Report forms are available from the Commission for submission of this information.

001.06 Cold Storage Regulations

001.06A All game birds and game animals delivered to a cold storage facility shall be tagged by the owner of the game in accordance with 001.02A13.

001.06B All cold storage facilities which store or process game shall be required to record for each person leaving game in their custody, the information required in 001.02A13. Record sheets are available from the Commission for this purpose.

001.06C All cold storage records, tags and ledgers shall be open to inspection by any Conservation Officer.

001.07 Scientific and Educational Take Permits

001.07A The Commission may permit the take and collection of wildlife for strictly scientific or educational purposes, to enhance the conservation and survival of the species, or to substantially augment a scientific body of information.

001.07A1 Permits issued in accordance with 001.07A may permit any act otherwise prohibited by Chapter 4 Wildlife Regulations or Chapter 2 Fisheries Regulations provided such permits will be conditioned as to authorized activities, possession, species, numbers, location and methods of take.

001.07A2 Permits shall not be issued to persons other than those capable of demonstrating the requisite education, training, or professional experience, determined by the Commission, as necessary to carry-out, on a case-by-case basis, the scientific or educational activities so permitted.

001.07A3 Application for a permit must be made to the Nebraska Game and Parks Commission and the applicant must provide the following information: applicant name and personal description to include hair and eye colors, height, weight, date of birth, and gender. Other information required includes: the species and number requested to be collected and method of take, general locality and purpose of collection activity, and proposed disposition of specimens. Application forms are available from the Commission for submission of this information.

001.07A4 Permits must be carried by the person when engaged in collection or other permit activities. All persons engaged in permit activities must possess a permit. Sub-permits may be issued by the Nebraska Game and Parks Commission to assistants or associates of master permittees.

001.07A5 It shall be unlawful to take any wildlife under the authority of this permit without notifying the area conservation officer, district Law Enforcement Supervisor or if the officer and supervisor are not available, the Law Enforcement Division headquarters, at least 24 hours in advance.

001.07A6 It shall be unlawful to fail to accurately report all activities conducted under the authority of this permit by February 1 following expiration. This report must be provided to the Commission and shall include the following: species taken, common name and Scientific name, number of species taken, date and location (GPS or legal description) of take, and disposition of specimens (released, in collection, etc.). Forms are available to submit this information from the Commission.

001.07A7 Failure to comply with conditions of the permit or reporting requirements may result in revocation or nonrenewal of the permit as well as possible legal prosecution.

001.07A8 It shall be unlawful to sell, offer for sale, or barter any wildlife taken or held under the authority of this permit.

001.07A9 All species taken or held under the authority of this permit remain the property of the Nebraska Game and Parks Commission. Final disposition of all collected specimens shall be determined by the Commission.

001.08 Private Wildlife Management

001.08A Within the State of Nebraska and in accordance with the laws and regulations of municipalities, persons or their agents may remove wild birds and wild mammals which are causing damage to personal property or have entered a building. Fox squirrels and such wild mammals which are classified as furbearers may be euthanized only by those persons holding a valid Wildlife Damage Control permit (001.08A1) or who are acting under the authority of a municipality; provided the following species shall be protected and are exempt from private wildlife damage control as described in this section: mountain lions, spotted skunks, Canada lynx, bears, wolves, otters, bobcats, gray fox, swift fox, southern flying squirrel, deer, elk, bighorn sheep and antelope. Euthanization of non-exempt species must be performed using humane methods, and release of captured animals must be in accordance with 008.08C3. Persons or their agents holding a permit for wildlife abatement in 008.08A3 may flush, haze, or take birds, or other wildlife, that pose a risk to human health or safety.

001.08A1 Persons acting under 001.08A who are conducting wildlife damage control or wildlife abatement for profit must hold a valid Wildlife Damage Control Permit issued by the Nebraska Game and Parks Commission, provided that unprotected nongame wild mammals and wild birds may be removed and humanely euthanized without a Wildlife Damage Control Permit.

001.08A2 When issuing a Wildlife Damage Control Permit, the Nebraska Game and Parks Commission shall prescribe the methods, means, species, numbers, time limits, and locations authorized for control under the permit and shall require the submission of annual reports in a format outlined by the Game and Parks Commission summarizing damage control activities. Furbearers or portions thereof may not be transferred to another person or sold under the authority of this permit.

001.08A3 A Raptor Permit for wildlife abatement shall not be issued until a written application for a permit on forms provided by the Commission is received along with the required fee.

001.08A3a Raptor Permits for wildlife abatement are subject to obtaining and keeping a Federal Abatement Permit from the United States Fish and Wildlife Service.

001.08A3b Copies of all federal abatement reporting forms and records must be supplied to the Commission when they are reported to the United States Fish and Wildlife Service. Renewal of

permits will depend on the condition that all reports required to be completed by a permittee have been submitted in accordance with Commission regulations and State Law.

001.08A3c In order to obtain a Raptor Permit for wildlife abatement, the individual must have already obtained and maintained a master class Raptor Permit for falconry (Chapter 4, Section 009).

001.08A3d An unlimited number of captive bred raptors may be possessed under a Raptor Permit for wildlife abatement.

001.08B Damage Control Program for Deer, Antelope, Elk or other Game Birds

001.08B1 The Commission may authorize any individual(s) recommended by a property owner to destroy deer, antelope, elk or other gamebirds that are damaging the property owner's real or personal property. All authorized individuals and property owners shall comply with the terms of any permit issued, including the methods of take.

001.08B2 A permit may be issued specifying the number of animals that may be removed, methods, location, time, dates (not to exceed 90 days) and the name(s) of person(s) authorized to kill the animals.

001.08B3 Game birds: Permit(s) may be issued under the following circumstances: economic loss, personal property damage, and disease concerns. Methods allowed under this permit may include: baiting, trapping and shooting.

001.08B4 All wildlife taken pursuant to this Part shall be tagged. The Commission shall be notified following the killing of the animal(s) after the expiration date of the permit.

001.08B5 Permits may be denied to persons who did not allow reasonable hunting for the species causing damage.

001.08B6 Permits may be revoked or denied for failure to comply with conditions of the permit (001.08B2).

001.08B7 Commercial use of these permits is not allowed.

001.08B28 Special Depredation Seasons For Deer

001.08B28a The Secretary or his designee of the Game and Parks Commission is authorized to establish and implement a special deer depredation control season by executive order. A special season shall be authorized only when deer are causing significant damage to crops and when other methods for

controlling damage are ineffective or not feasible. Significant damage shall mean losses have occurred and are continuing which exceed or will soon exceed five hundred dollars.

001.08B28b The area open to hunting shall not be larger than reasonably necessary to control problem deer. One or more landowners may be involved. No season shall be authorized for less than 10 permits.

001.08B28c Landowner(s) shall sign an agreement with the Game and Parks Commission identifying land open to hunting. Landowner(s) shall provide access to hunter(s) to take deer, but may impose restrictions, such as vehicle travel and closed area(s) and may exclude individual hunter(s) who violate these restrictions. Landowner(s) shall not charge a fee for hunting, but may charge for exceptional services provided. Use of the term landowner herein shall include land operator, if the two are different.

001.08B28d Persons may purchase more than one permit (if permits remain) for a special season at any time beginning one day prior to the season opening. Permits may be made available in the local area involved in the hunt.

001.08B28e Any special season shall be not less than 2 nor more than 10 days in length. Such season may be held only between December 15 and March 15. Shooting hours shall be from 30 minutes before sunrise to 30 minutes after sunset.

001.08B28f Each permit shall allow the taking of one antlerless deer.

001.08B28g All regulations pertaining to the general firearm season shall be in effect for any depredation control season, except that obtaining prior deer permit(s) shall not affect eligibility for control season permit(s).

001.08B28h Legal notice of season shall be published in a newspaper of general circulation and a news release shall be provided to media of general circulation and local media with circulation in area of special season. A copy of specific regulations shall be made available to the county attorney, sheriff, and county judge.

001.08B39 Permits may be issued to airport authorities and municipalities to remove or destroy a designated number of animals to mitigate public safety threats provided the conditions of 001.08B4 001.08B1b and 001.08B1c are is met.

001.08C Within the jurisdictional boundaries or area of operations of municipalities, airports, military airports, public or private golf courses or residential lakes where there is a direct threat to human health, or where take of Canada goose nests and eggs would resolve or prevent injury to people, property, or other interests, the Commission may issue a Wildlife Damage Control Permit to persons or their agents to take, destroy or relocate Canada geese and/or their nests or eggs. Landowner's, homeowner's associations, public land managers, or local governments in the lower 48 states or the District of Columbia may also register for the U.S. Fish and Wildlife Service resident Canada goose nest and egg depredation order to destroy Canada goose eggs and/or nests.

001.08C1 Only those persons, boards, councils, or associations responsible for the overall operation of an area acting under 001.08C may be issued a Wildlife Damage Control Permit for Canada geese.

001.08C2 Persons requesting a Wildlife Damage Control Permit for Canada geese must file a written notice with the Commission designating the number of geese and/or nests to be affected, health or damage concerns, methods previously used for control, activities to be undertaken, and identification of individuals who will conduct Canada goose control activities. The Commission shall prescribe the methods, means, numbers, time limits, and locations authorized for control by the permit and shall require the submission of annual reports to the Commission summarizing damage control activities. Such summary shall approximate the number of geese, eggs, and/or nests controlled, the methods utilized, and the timeframe activities were conducted. Persons registering for the U.S. Fish and Wildlife Service resident Canada goose nest and egg depredation order must register with the U.S. Fish and Wildlife Service.

001.08C3 Only persons listed in a Wildlife Damage Control Permit or those registered for the U.S. Fish and Wildlife Service resident Canada goose nest and egg depredation order may carry out control activities. All persons engaged in permit activities must possess a copy of such permit.

001.08D Nothing in this section shall be construed to authorize the removal and taking of any species which is protected by provisions of 37-801 to 37-811, the Nongame and Endangered Species Conservation Act, the federal Endangered Species Act, as amended, 16 U.S.C. 661 et seq., the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq., or rules and regulations adopted and promulgated pursuant to such provision, or any other federal or state law or regulation which has as its purpose the protection of endangered or threatened species.

001.08E Nothing in this section shall be construed to authorize the use of removal techniques otherwise prohibited by federal, county, or municipal law.

001.09 National Wildlife Refuges

001.09A Vehicle entrance and travel will be permitted only on designated, well defined trails. No vehicle travel is permitted beyond posted points, or off designated trails in the hills or meadows.

001.09B No overnight camping is permitted.

001.09C No open fires are permitted.

001.09D Valentine National Wildlife Refuge

001.09D1 The public hunting of pheasants, doves and grouse shall be permitted unless otherwise posted as closed to hunting. The open area shall include 70,085 acres or 98 percent of the Refuge. Hunting shall be in accordance with all applicable state regulations.

001.09D2 Duck hunting is permitted in accord with state regulations on Duck, Rice and Watts lakes.

001.09D3 Deer hunting is permitted in accordance with applicable state regulations, only on areas designated by signs as open to hunting.

001.09D4 For trapping or hunting of predators and fur-bearing animals, consult refuge manager.

001.09E Crescent Lake National Wildlife Refuge

001.09E1 Sport hunting is permitted only on areas designated by signs as being open to hunting. These areas comprising approximately 40,900 acres, are delineated on maps available at refuge headquarters. Sport hunting shall be in accordance with all applicable state regulations.

001.09F DeSoto National Wildlife Refuge

001.09F1 Reciprocal agreement with Iowa involving DeSoto National Wildlife Refuge: pursuant to section 37-315, persons who obtain Iowa hunting permits valid within DeSoto National Wildlife Refuge shall be permitted to hunt in the Nebraska portion of the DeSoto National Wildlife Refuge, under regulations specific to DeSoto National Wildlife Refuge.

001.10 Administration of the Harvest Information Program

001.10A All persons residents 16 and over and non-residents who hunt migratory game birds shall register annually with the Commission prior to hunting migratory game birds, except additionally residents under 16 years of age that select and participate in the second tier of the two tier duck hunting program shall register annually with the Commission prior to hunting migratory game birds.

001.10B Each hunter shall register by stating his or her intent to hunt migratory game birds and by providing his or her name, address, date of birth and gender. Each hunter shall provide an estimate of his or her harvest, if any, of migratory game birds for the previous year.

001.10C Persons who register shall be provided with a registration number and shall possess this number while hunting migratory game birds. The registration number shall be recorded on the hunting permit or on another item carried by the hunter.

001.10D The registration number shall be shown immediately upon demand to any officer or person whose duty it is to enforce the Game Law. Any person hunting migratory game birds in the state without such registration number on or about his or her person shall be deemed to be without such registration number.

001.10E Registration numbers

001.10E1 Registration numbers issued January 1 through June 30 shall be valid through June 30 of the year issued.

001.10E2 Registration numbers issued July 1 through December 31 shall be valid through June 30 of the following year.

001.11 Taking of Wildlife by Commission Employees

All conservation officers, all wildlife managers employed by the Commission, and all other staff designated by the Commission or Commission Secretary shall be authorized to take any wildlife from the wild that has escaped captivity, is damaging agricultural crops, is suspected of being diseased or is creating a risk of disease exposure to other wildlife, is needed for scientific study, is seriously injured and in need of euthanization or is creating serious ecological threats to other wildlife or wildlife habitats. Taking of wildlife which does not pose an immediate threat but is considered dangerous to human or livestock health, or taking wildlife for any other purposes under the authority of 37-353, must be specifically authorized on a case-by-case basis by the Secretary of the Commission.

001.11A The taking of wildlife under this authority shall be documented as to purpose of taking, location, date, identification of person taking, and wildlife species. Such documentation shall be retained by the Commission for a period of no less than one year from the date of taking.

001.12 Novice Hunter Education Programs

001.12A Special events permitted by the Commission for novice hunter education programs may be held on private land for upland game birds between September 1 and March 30 of each year.

001.12A1 All participants in any novice hunter education event shall be of the ages 12 through 15 and must have successfully completed a recognized hunter education course.

001.12A2 Adults accompanying youth will not be allowed to harvest game.

001.12A3 All novice hunter education events shall be organized by a conservation organization or the Commission.

001.12A4 The organizing entity for each novice hunter education event shall apply for a permit from the Commission. The application shall state the species to be harvested, sponsoring organization, contact person for the event, number of participants, source of birds obtained from a licensed nonresident breeder, a Game Breeding and Controlled Shooting Area Permit holder or Captive Wildlife Permit holder and requested dates. Application forms are available to submit such information to the Commission.

001.12A5 The organizing entity for each novice hunter education event shall provide, with their permit request, the rules proposed for governing the hunt.

001.12B Organizations sponsoring novice hunter education events shall provide birds obtained from a licensed nonresident breeder, a Game Breeding and Controlled Shooting Area Permit holder or Captive Wildlife Permit holder, shall mark them with bands approved by the Commission, and shall retain receipts/sales tags in their possession. The Commission may waive the banding requirement if birds are obtained from Commission sources.

001.12C All birds taken during permitted novice hunter education events shall be accompanied by custody tags.

001.13 Validation of Stamps

To be valid, a Habitat Stamp and/or Nebraska Migratory Waterfowl Stamp must be signed across the face in ink by the holder, provided that this shall not apply to stamps printed electronically or included as part of a fee-exempt permit.

001.14 Hunters Helping the Hungry Program

001.14A Participation of Deer Meat Processors

001.14A1 Qualifications

Meat processors may participate in the Hunters Helping the Hungry Program provided that:

001.14A1a they are a custom exempt processor inspected by the United States Department of Agriculture or the Nebraska Department of Agriculture.

001.14A1b they have successfully applied to participate using a form provided by the Nebraska Game and Parks Commission.

001.14A1c they have signed a contract with the Commission detailing the terms of their participation.

Meat processors may be disqualified from future participation if they or their employees fail to comply with the terms of their contracts or the statutes, rules, and regulations governing the Hunters Helping the Hungry Program or other provisions of the Game Law related to the possession, sale, or transportation of wildlife meat, parts, or products.

001.14A2 Recordkeeping

001.14A2a For each donated deer, meat processors shall record the date of donation; the donating hunter's name, phone number, and signature; the deer permit number; and the seal number the hunter received when checking the deer as described in 001.01B13 and 001.01B14, on forms provided by the Commission. Once the deer carcass has been accepted by the processor and the above information recorded, the carcass becomes the property of the Hunters Helping the Hungry Program.

001.14A2b Participating processors may only transfer donated meat to recipients designated by the Commission. When processed meat is transferred to a recipient, meat processors shall record the date of transfer; the recipient's name, phone number, and signature; and the number of pounds of meat transferred on forms provided by the Commission.

001.14A3 Reimbursement

Participating processors shall be reimbursed for processing costs of each deer at a rate determined by the Commission. Reimbursement shall be based on completed forms specified in 001.14A2a provided by the processor to the 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, Section 001 – General Regulations Governing Wildlife Species, to allow for the enactment of the Special Landowner Deer Season and the purchase of a bonus point or a preference point. Changes allowing the clarification of general application requirements, personal limits, shot sizes allowed for turkeys, checking requirements for antelope taken during the muzzleloader season, management of furbearers associated with damage control permits, and tagging time limits for bobcats and grey fox, and changes to who needs to register for the Harvest Information Program.

All interested persons are invited to obtain draft copies of the proposed regulations from and submit their written comments to Sheri Henderson, Division of Administration, Nebraska Game and Parks Commission, 2200 North 33rd, P.O. Box 30370, Lincoln, NE 68503, or FAX 402/471-5528. The comment period will close at 1p.m. CT on January 11th, 2021.

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 January 6th, 2021.

FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Alicia Hardin
Chapter: 4	Date prepared: December 9, 2020
Subject: Section <u>003</u> , Antelope, Deer, Elk	Telephone: 402/471-5448

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 – Antelope, Deer, Elk

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 rulemaking process.

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

Section 003. Last approved date changed.

Sub-Section 003.01 Adds the title "Special Landowner Deer Season" in the list seasons.

Sup-part 003.02A1 Adds "and Preference Point" to the title. After Period 1: add "Beginning the" and delete "beginning". Add "a Preference Point or", delete "Republican Mule Deer", "Platte" and "Frenchman" from Period 1. Add "Conservation Area" to Platte Mule Deer and Frenchman Mule Deer in Period 1. Add Prairie Muzzleloader and North Sioux Muzzleloader to Period 1. In the second paragraph delete period 2 and replace it with period 4. Rearrange the location of the sentence "Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit" to a different location within the sub-part. Add language that allows the next unsuccessful applicant to be awarded the forfeited permit and any remaining permits may go to periods 3 and 4. In period 2 change the date to the last Monday in July and specify that this is for unlimited deer and antelope permits. Add "Period 3: Beginning the first Monday in August at 1 p.m. CST. Residents and nonresidents may purchase any limited deer permits (described in Commission Order C03) in any unit subject to availability and within permit limits described in 001.01B1." Add "Period 4: Beginning the Tuesday following the first Monday in August at 1 p.m. CST. Residents, nonresidents and eligible resident and nonresident landowners may purchase any limited antelope permits (described in Commission Order C03) in any unit subject to availability and within permit limits described in 001.01B1."

Sup-part 003.02A3 adds the language "Preference point applicants may apply and pay for a preference point during the time period and as described in 003.02A1."

Sup-part 003.02B1 Adds "or Bonus Point" to the title. Add "In Period 1: Beginning the second", delete "beginning". Add "a Bonus Point or". Rearrange the phrase "Permits awarded but unpaid will result in the applicant losing their bonus points and forfeiting the permit" to a different location within the sub-part. Add language that allows the next unsuccessful applicant to be awarded the forfeited permit and any remaining permits may

go to period 2. In Period 2, change the date to the “Wednesday after the” first Monday in August.

Sub-part 003.02B3 adds the language “Bonus point applicants may apply and pay for a bonus point during the time period and as described in 003.02B1.”

Sub-part 003.02B4 renumber this sub-part and add “and Preference Point” to the title.

Division 003.02B4a renumber this division, underline “Elk Units” delete “District” and underline “NGPC Office”, and delete “Norfolk”. In Period 1, add “Beginning the third”, and add “a Preference Point or”. Rearrange the phrase “Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit” to a different location within the Division. Add language that allows the next unsuccessful applicant to be awarded the forfeited permit and any remaining permits may go to period 2. In Period 2, change the date to the “Wednesday after the” first Monday in August.

Sub-part 003.02B5 has been renumbered.

Sub-part 003.02B6 has been added to say “Preference Point Applicants may apply and pay for a preference point during the time period and as described in 003.02B4a.” This addition allows applicants to apply and pay for a preference point for elk during the normal draw unit application time period. This would be for applicants that want to gain a preference point and do not want to draw a permit in that year. This addition was from the passage of LB287 during the 2020 Legislative session.

Sub-part 003.03A has added language to include “and the Special Landowner Deer Season” to exceptions for archers to wear hunter orange and added a reference to Commission orders C03.09.

Sub-part 003.04D1 is deleted

Sub-part 003.04D1 is renumbered, “two (2)” is deleted and “Three (3)” is added. Section 003 ends on page 4-003-3.

The addition of language for the Special Landowner Deer Season is the result of the passage of LB126 during the 2020 Legislative session. These additions specify the weapons that will be allowed during the season, the application period and that archers will be exempt from wearing hunter orange during the season.

Changes and clarifications to deer and antelope draw units clarify what time periods applicants will need to follow.

Changes are being made on how forfeited permits will be handled in draw units for deer, antelope and elk to specify that they will first be offered to the next unsuccessful applicant(s) prior to allowing the remaining permits to be put on sale over-the-counter. The dates that over-the-counter permits go on sale is being staggered to prevent the permit system from being overwhelmed by high traffic.

The addition of language regarding applying and buying preference or bonus points was from the passage of LB287 during the 2020 Legislative session. These additions specify that applicants must apply and pay for their preference or bonus points during the draw

unit application time periods. This option is for applicants that want to gain a preference or bonus point and do not want to draw a permit in that year, unsuccessful applicants in the drawings will still earn their preference or bonus points as they have in the past.

Changes to the shared-revenue elk permit creates three shared-revenue elk auction permits that are authorized for residents or non-residents, per calendar year, which allows conservation partners one more potential auction permit that allows both residents and non-residents to bid.

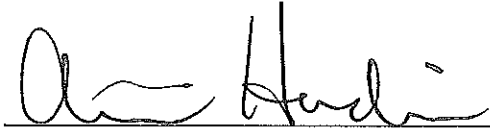
The changes to these regulations allow the enactment of the Special Landowner Deer Season and the purchase of a bonus or a preference point. The changes also allow for the clarification of draw units, how forfeited permits may be handled, staggers when over-the-counter permits go on sale, and allows for one more resident or non-resident shared-revenue elk permit.

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 a public hearing. The Commission did not use the Negotiated Rulemaking Act in developing the proposed regulation.

Changes in Text Between Notice and Adoption:

DATED the 9th day of December, 2020.

NEBRASKA GAME AND PARKS COMMISSION

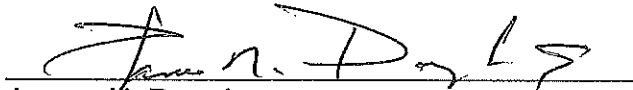
A handwritten signature in cursive script, appearing to read "Alicia Hardin", written over a horizontal line.

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 rulemaking action and of the changes made during the process.

DATED the 9th day of December, 2020.

NEBRASKA GAME AND PARKS COMMISSION

A handwritten signature in cursive script, appearing to read "James N. Douglas", written over a horizontal line.

James N. Douglas
Director

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~April 5, 2019~~ August 30, 2019

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

003 Antelope, Deer, Elk

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, 37-315, 37-317, 37-404, 37-406, 37-409, 37-447, 37-449, 37-450, 37-452, 37-453, 37-455, 37-455.01, 37-456, 37-529, 37-701, 37-706, 37-708. 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.

For season dates, bag limits, and hunting zones, see Nebraska Game and Parks Commission Order C03 on the Commission's website: outdoornebraska.gov.

003.01 Weapons Allowed

003.01A Firearm, muzzleloader, and archery equipment as specified in 001.01B2 and 001.01B3 for Antelope Firearm, Deer Firearm, Youth Deer, Landowner Deer, Special Landowner Deer Season, Statewide Whitetail Buck, River Antlerless, Mule Deer Conservation Area, and Elk permits as described in Nebraska Game and Parks Commission Order C03, Sections C03.02, C03.05, C03.08, C03.09, C03.10, C03.11G, C03.11H, and C03.12, respectively. Season-specific weapon restrictions also apply; see Nebraska Game and Parks Commission Order C03, Sections C03.05C, C03.08A, C03.09A, C03.10A, C03.11G1, C03.11H, and C03.12A2.

003.01B Archery equipment as specified in 001.01B2 and 001.01B3 for Antelope Archery and Deer Archery as described in Nebraska Game and Parks Commission Order C03, Sections C03.03 and C03.06, respectively.

003.01C Muzzleloading equipment as specified in 001.01B2 and 001.01B3 for Antelope Muzzleloader, and Deer Muzzleloader, as described in Nebraska Game and Parks Commission Order C03, Sections C03.04 and C03.07, respectively.

003.02 Application Periods

003.02A Deer and Antelope

003.02A1 Permit and Preference Point Applications:

Period 1: Beginning the ~~Second~~ Monday in June beginning at 1 p.m. CST through the fourth Friday in June. Mail applications must be received in the Lincoln office of the Nebraska Game and Parks Commission by 5 p.m. CST. Internet applications must be received by 11:59 p.m. CST. Residents and nonresidents may apply for a Preference Point or one deer permit in the following draw units: Republican Mule Deer, Platte, Platte Mule Deer Conservation Area, Frenchman, and Frenchman Mule Deer Conservation Area. Residents and eligible resident and nonresident landowners may apply for a Preference Point or one antelope permit in the following draw units: Banner North, Banner South, Box Butte East, Box Butte West, Cherry, Cheyenne, Dismal, Eastern Sandhills, Garden, and North Sioux, Prairie Muzzleloader and North Sioux Muzzleloader.

For application purposes, muzzleloader antelope permits shall be classed as firearm permits, and provisions for application for these permits shall be the same as prescribed in 001.01A. Unsold North Sioux Muzzleloader Landowner permits may be made available as North Sioux Firearm Landowner permits beginning in Period 2 4 (see below).

Applicants that were not issued a permit for any unit designated as draw units in the previous year will be given preference.

Applicants supplying valid email addresses will be notified when draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be available on or before the 1st Friday in July.

Successful applicants will have until the 3rd Friday in July to complete the purchase of their awarded permits. Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit. Any permits that remain unpaid will be allowed to go to period 2. forfeited permits may be made available to the next unsuccessful applicant(s), then may go to periods 3 and 4.

Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit.

Period 2: Beginning the first- last Monday in August July at 1 p.m. CST. Residents, nonresidents and eligible resident and nonresident landowners may purchase any remaining unlimited deer and antelope permits

(described in Commission Order C03) in any unit subject to availability and within permit limits described in 001.01B1.

Period 3: Beginning the first Monday in August at 1 p.m. CST. Residents and nonresidents may purchase any limited deer permits (described in Commission Order C03) in any unit subject to availability and within permit limits described in 001.01B1.

Period 4: Beginning the Tuesday following the first Monday in August at 1 p.m. CST. Residents, nonresidents and eligible resident and nonresident landowners may purchase any limited antelope permits (described in Commission Order C03) in any unit subject to availability and within permit limits described in 001.01B1.

003.02A2 The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits or restore preference points to accommodate administrative issues.

003.02A3 Preference point applicants may apply and pay for a preference point during the time period and as described in 003.02A1.

003.02B Elk

003.02B1 Permit or Bonus Point Applications for Residents (Other than Limited Landowner Permits):

Period 1: Beginning the ~~S~~second Monday in June beginning at 1 p.m. CST through the fourth Friday in June. Mail applications must be received in the Lincoln office of the Nebraska Game and Parks Commission by 5 p.m. CST. Internet applications must be received by 11:59 p.m. CST. Residents may apply for a Bonus Point or one permit.

Applicants supplying valid email addresses will be notified when draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be available on or before the 1st Friday in July.

Successful applicants will have until the 3rd Friday in July to complete the purchase of their awarded permits. Permits awarded but unpaid will result in the applicant losing their bonus points and forfeiting the permit. Any forfeited permits that remain unpaid will be allowed to- may be made available to the next unsuccessful applicant(s) then may go to period 2.

Permits awarded but unpaid will result in the applicant losing their bonus points and forfeiting the permit.

Period 2: Beginning the Wednesday after the first Monday in August at 1 p.m., residents may purchase any remaining permits in any unit subject to availability and within permit limits described in 001.01B1.

An applicant shall not be issued an antlerless elk permit more than once every five (5) years.

003.02B2 The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits or restore bonus points to accommodate administrative issues.

003.02B3 Bonus point applicants may apply and pay for a bonus point during the time period and as described in 003.02B1.

003.02B34 Limited Landowner Permit and Preference Point Applications for Residents and Nonresidents

003.02B34a Landowner elk applications must be received by the local Nebraska Game and Parks Commission District Office as specified for each elk unit by 5 p.m. local time at the close of the application period.

NGPC Office	Elk Units
Alliance	Ash Creek, Bordeaux, Hat Creek, North Platte River
Bassett Customer Service	Niobrara East, Niobrara West
Norfolk	
North Platte	Box Elder

Period 1: Beginning the Third Monday in May beginning at 1 p.m. CST through the first Friday in June. Eligible resident and nonresident landowners may apply for a Preference Point or one elk permit.

Applicants supplying valid email addresses will be notified when draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be available on or before the 1st Friday in July.

Successful applicants will have until the 3rd Friday in July to complete the purchase of their awarded permits. Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit. Any forfeited permits that remain unpaid will may be made available to the next unsuccessful applicant(s) then may be allowed to go to period 2.

~~Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit.~~

Period 2: Beginning the Wednesday after the first Monday in August at 1 p.m. CST. Remaining elk permits are available to eligible resident and nonresident landowners.

003.02B4 003.02B5 The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits or restore preference points to accommodate administrative issues.

003.02B5 003.02B6 Preference Point Applicants may apply and pay for a preference point during the time period and as described in 003.02B4a.

003.03 Special Regulations and Youth Eligibility

003.03A Hunter orange shall not be required of archers hunting deer with weapons described for archery hunting (001.01B2 and 001.01B3) during the River Antlerless Season and the Special Landowner Deer Season (see Nebraska Game and Parks Commission Order C03, Section C03.11G1 and C03.09).

003.03B Youth Antelope Archery Permits

003.03B1 Eligibility: Resident and nonresident youth aged 12 through 15. Youth age 16 may hunt on youth antelope permits provided they are age 15 when they apply and provided they are age 15 on August 20 of the calendar year.

003.03B2 Hunting seasons and bag limits as specified for Antelope Archery (See Nebraska Game and Parks Commission Order C03, Section C03.03) are in effect.

003.03C Youth Deer Permits

003.03C1 Eligibility: Resident and nonresident youth aged 10 through 15. Youth age 16 may hunt on youth deer permits provided they are age 15 when they apply and provided they are age 15 on September 15 of the calendar year.

003.03C2 Hunting seasons and bag limits as specified for Youth Deer Season (See Nebraska Game and Parks Commission Order C03, Section C03.08) are in effect.

003.03D Special check-in requirements for deer units designated as "Earn-A-Buck"

Hunters are required to check an antlerless deer taken under the authority of the unit permit before checking a buck on the unit permit in the same calendar year.

003.03D1 The definition of a buck is a deer having at least one antler that is six (6) inches or more in length. An antlerless deer is defined as a deer having no antlers or antlers no more than six (6) inches in length.

003.04 Lottery and Auction Permits

Persons selected to receive an auction permit shall be determined by the highest bid. Persons selected to receive a lottery permit shall be determined by random drawing.

003.04A Combination Antelope, Deer, Turkey Permit

The Commission may authorize permit(s) which allow the harvest of one (1) antelope, one (1) deer, and two (2) turkeys (two (2) in the fall season, two (2) in the spring season, or one (1) in each season) taken in any open area during any Commission authorized seasons corresponding for each species with weapons legal for that season. The Combination Permit is valid until filled during hunting seasons beginning in the year of issuance and seasons beginning in the subsequent calendar year. The following provisions apply:

003.04A1 Antelope

One (1) antelope of either sex, in total, may be taken statewide during any open antelope season provided weapons legal for that season are used. Bucks with horns longer than the ears may not be taken during doe/fawn only seasons.

003.04A2 Deer

One (1) deer of either sex, in total, may be taken statewide during any open deer season provided weapons legal for that season are used. Only antlerless deer (See Commission Order C03.05D) may be taken during antlerless only seasons.

003.04A3 Turkey

Two (2) turkeys, in total, may be taken statewide during any open turkey seasons provided weapons legal for that season are used. Only toms and bearded hens may be taken in the spring season.

003.04A4 Three (3) permits are authorized per calendar year, including one (1) shared-revenue auction permit for residents and non-residents, one (1) Commission lottery permit for residents only, and one (1) Commission lottery permit for non-residents only.

003.04A5 For lottery permits, applications shall be accepted from January 2 beginning at 1 p.m. CST through the first Friday in July (receipt date at Game and Parks Commission office in Lincoln) during years when at least one lottery Combination Antelope, Deer, Turkey Permit is authorized under 003.04A4. All valid applications accompanied by the required fee (Chapter 1, Section 006; Administration Regulations) shall be considered equally in one drawing for each permit authorized. Applicants may submit multiple applications for lottery permits.

003.04B Combination Deer and Turkey Permit

The Commission may authorize permit(s) which allow the harvest of one (1) deer and two (2) turkeys (two (2) in the fall season, two (2) in the spring season, or one (1) in each season) taken in any open area during any Commission authorized seasons corresponding for each species with weapons legal for that season. The Combination Permit is valid until filled during hunting seasons in the year of issuance and seasons beginning in the subsequent calendar year. The following provisions apply:

003.04B1 Deer

One (1) deer of either sex, in total, may be taken statewide during any open deer season provided weapons legal for that season are used. Only antlerless deer (See Commission Order C03.05D) may be taken during antlerless only seasons.

003.04B2 Turkey

Two (2) turkeys, in total, may be taken statewide during any open turkey seasons provided weapons legal for that season are used. Only toms and bearded hens may be taken in the spring season.

003.04B3 Four (4) permits are authorized per calendar year, including four (4) shared-revenue auction permits for residents or non-residents.

003.04C Combination Antelope, Deer, Elk, Turkey Permit

The Commission may authorize permit(s) which allow the harvest of one (1) antelope, one (1) deer, one elk and two turkeys (two (2) in the fall season, two (2) in the spring season, or one (1) in each season) taken in any open area during any Commission authorized seasons corresponding for each species with weapons legal for that season. The Combination Permit is valid until filled during hunting seasons beginning in the year of issuance and seasons beginning in the subsequent calendar year. The following provisions apply:

003.04C1 Antelope

One (1) antelope of either sex, in total, may be taken statewide during any open antelope season provided weapons legal for that season are used. Bucks with horns longer than the ears may not be taken during doe/fawn only seasons.

003.04C2 Deer

One (1) deer of either sex, in total, may be taken statewide during any open deer season provided weapons legal for that season are used. Only antlerless deer (See Commission Order C03.05D) may be taken during antlerless only seasons.

003.04C3 Elk

One (1) elk of either sex, in total, may be taken statewide during any open elk season provided weapons legal for that season are used. Only antlerless elk (See Commission Order C03.12D) may be taken during antlerless only seasons.

003.04C4 Turkey

Two (2) turkeys, in total, may be taken statewide during any open turkey seasons provided weapons legal for that season are used. Only toms and bearded hens may be taken in the spring season.

003.04C5 Two (2) permits are authorized per calendar year, including, one (1) Commission lottery permit for residents only, and one (1) Commission lottery permit for residents and non-residents.

003.04C6 Applications shall be accepted from January 2 beginning at 1 p.m. CST through the first Friday in July (receipt date at Game and Parks Commission office in Lincoln) during years when at least one (1) lottery Combination Antelope, Deer, Elk, Turkey permit is authorized under 003.04C5. All valid applications accompanied by the required fee (Chapter 1, Section 006; Administration Regulations) shall be considered equally in one drawing for each permit authorized. It is unlawful to submit more than one application per calendar year for the resident-only lottery Combination Antelope, Deer, Elk, Turkey permit. If more than one such application is submitted by or for any person, all of his/her applications shall be excluded from the drawing and accompanying lottery fees shall be forfeited. Applicants may submit multiple applications for the lottery permit authorized for residents and nonresidents.

003.04D Statewide Elk

The Commission may authorize permit(s) which allow the harvest of one (1) bull elk taken in any open area during any Commission authorized bull elk season.

003.04D1 ~~One (1) shared-revenue auction permit is authorized for residents only, per calendar year.~~

003.04D21 ~~Two (2)~~ Three (3) shared-revenue auction permits are authorized for residents or non-residents, per calendar year.

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, Section 003 – Antelope, Deer and Elk, allowing the enactment of the Special Landowner Deer Season and the purchase of a bonus or a preference point. Allowing for the clarification of draw units, how forfeited permits may be handled, staggering when over-the-counter permits go on sale, and allow for one more resident or non-resident shared-revenue elk permit.

All interested persons are invited to obtain draft copies of the proposed regulations from and submit their written comments to Sheri Henderson, Division of Administration, Nebraska Game and Parks Commission, 2200 North 33rd, P.O. Box 30370, Lincoln, NE 68503, or FAX 402/471-5528. The comment period will close at 1p.m. CT on January 11th, 2021.

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 January 6th, 2021.

