

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, public hearings conducted by the Nebraska Game and Parks Commission, will be held on June 11, 2021 at the Central Building, Chadron State Park 15951 Hwy 385, Chadron, NE prior to consideration and/or enactment of the following:

Pursuant to Neb. Rev. Stat. Sections §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613, a public hearing will be held at 8:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 037 Mountain Lions, to hold a harvest season in 2022

Pursuant to Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701, a public hearing will be held at 8:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 005 Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels, regarding checking requirements for a river otter trapping season, incidental take of river otters, and clarifying when adults can hunt with youth during special youth pheasant releases.

Pursuant to Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701, a public hearing will be held at 9:00 AM to consider amendments to Commission Order C05: Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels to allow for a river otter season dates and a bag limit, and clarify when raccoon and opossum running season end.

Pursuant to Neb. Rev. Stat. §§ 37-301, 37-304, 37-305, 37-308, 37-314, 37-315, 37-344, 37-411, 37-426, 37-4104, 37-4107, 37-4109, 37-4111, 37-501 through 37-504, 37-508 and 37-543 through 37-545 a public hearing will be held at 9:15 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 2, entitled Fisheries Regulations, Section 006 Sport Fishing Regulations, regarding rules relating to Sport Fish definitions, bag, possession and length limits, snapping turtles, mussels, transport and possession, archery fishing, Paddlefish, underwater spearfishing, set lines, limb lines, ice fishing, snagging, refuge lakes, border waters, legal nets, and special areas.

Pursuant to Neb. Rev. Stat. §§ Section 37-301 through 37-314, 37-308.01, 37-317, 37-330, 37-336, 37-412, 37-483, 37-536, 37-701, 60-6, 190, 60-680, a public hearing will be held at 9:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 018 General Regulations Governing Administration and Use of Property, regarding adding an additional area that the Commission will control for public access on behalf of Pheasants Forever, Inc., in Lancaster County.

Pursuant to 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, 37-455 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 9:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 001 General Regulations Governing Wildlife Species, regarding carrying a handgun while hunting big game and turkey with archery or muzzleloader equipment, clarifying language regarding baited areas, and expanding special depredation seasons to include deer, elk, and antelope.

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.

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

All interested persons may attend and testify orally at the public hearing, but are strongly encouraged to submit written testimony prior to the public hearing in order to protect public health and assist in compliance with restrictions on public gatherings. Interested persons or organizations may submit written comments prior to the hearing, which will be entered into the hearing record if they: 1) include a request to be included as part of the hearing record; 2) include the name and address of the person or organization submitting the comments; and 3) are received by 1:00 p.m. CT, June 9, 2020 by Sheri Henderson at the Lincoln office, 2200 North 33rd Street, Lincoln, NE 68503-0370.

James Douglas, Director

NOTICE OF RULEMAKING COMMENT PERIOD

NOTICE is hereby given that the Nebraska Game and Parks Commission is accepting written comments on working drafts of proposed amendments, Title 163, Nebraska Administrative Code Chapter 2, entitled FISHERIES REGULATIONS, Sport Fishing Regulations, Section 006 –Rules relating to Sport Fish definitions, bag, possession and length limits, snapping turtles, mussels, transport and possession, archery fishing , Paddlefish, underwater spearfishing, set lines, limb lines, ice fishing, snagging, refuge lakes, border waters, legal nets, and special areas.

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 N. 33rd, P.O. Box 30370, Lincoln NE 68503, or FAX 402/471-4992. The comment period will close on June 9th, 2021 at 1 p.m. Central Time.

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) 471-5539 or, for persons with hearing impairments, (402) TDD or Nebraska Relay System, (800) 833-7352 TDD by no later than June 4, 2021.

DRAFT FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Dean Rosenthal
Chapter: 2	Date prepared: May 6, 2021
Subject: Section 006 Sport Fishing Regulations	Telephone: 402/471-5495

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: 2 REGULATIONS Fisheries – Sport Fishing Regulations

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Dean Rosenthal, Fisheries Division Administrator

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

I. Summary: Changes made to existing regulations.

II. Overview of Purposes and Changes Made

The addition of language regarding the applying and buying preference points was from the passage of LB287 during the 2020 Legislative session. These additions specify that the applicants must apply and pay for their preference points during the application time periods. This option is for applicants that want to gain a preference point and do not want to draw a permit in that year, unsuccessful applicants in the drawings will still earn their preference points as they have in the past.

Additional language was added to clarify permit/tag requirements for the area below Gavins Point Dam in the area that is legally in Nebraska.

The changes update the list of fishing areas that restrict the possession or use of live baitfish. It is also unlawful to have in possession any live fish other than those legally harvested from the water body. This is to minimize the risk of the introduction of invasive fish species into these new or newly renovated waters.

Section 006. Last approved date changed.

Sub-part 006.03C1 Adds "or purchasing a preference point".

Sub-part 006.03C2 Deletes "earned" at the end of the sentence.

Sub-part 006.03C5 Deletes "sold on a first come, first-served basis to residents only starting at 1:00 p.m. on CDT on the 3rd Monday in April" and adds "made available to the next resident unsuccessful applicant(s)"

Sub-part 006.03C7 Adds "a preference point" and deletes "and" and also deletes ", and one additional point shall be added or awarded for each year he or she is unsuccessful in the drawing" and deletes "any person who does not apply at least once during five consecutive years shall lose all accumulated points".

Sub-part 006.03C8 Adds "or preference point"

Sub-part 006.03C15 was added with the following language "In the waters of the Missouri River, a South Dakota resident tag/permit is valid from immediately below Gavins Point Dam to 0.6 miles downstream but a South Dakota non-resident tag/permit is not valid in that area."

Sub-part 006.07D1 Adds "or purchasing a preference point".

Sub-part 006.07D2 Deletes "earned" at the end of the sentence.

Sub-part 006.07D5 Deletes "sold on a first come, first-served basis to residents only starting at 1:00 p.m. on CDT on the 3rd Monday in August" and adds "made available to the next resident unsuccessful applicant(s)"

Sub-part 006.07D7 Adds "a preference point" and deletes "and" and " beginning in 2007" and also deletes ", and one additional point shall be added or awarded for each year he or she is unsuccessful in the drawing" and ", and any person who does not apply at least once during five (5) consecutive years shall lose all accumulated points".

Sub-part 006.07D8 Adds "preference point".

Sub-part 006.07D11 was added with the following language "In the waters of the Missouri River, a South Dakota resident tag/permit is valid from immediately below Gavins Point Dam to 0.6 miles downstream but a South Dakota non-resident tag/permit is not valid in that area."


Sub-section 006.12 adds Defair Lake WMA, Grant County; adds "Lake" to the name Big Elk (WP 7) and adds "Portal Lake" to (WP 6) and deletes "(West Papillion 6)" in the list of fishing areas that restrict the possession or use of live baitfish.

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 6th day of May, 2021.

NEBRASKA GAME AND PARKS COMMISSION

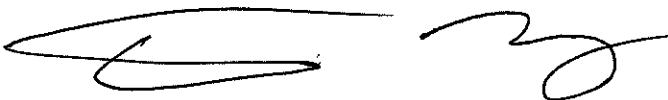


Dean Rosenthal, Division Administrator

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

DATED the 6th day of May, 2021.

NEBRASKA GAME AND PARKS COMMISSION



for James N. Douglas, Director

NEBRASKA GAME AND PARKS COMMISSION

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~April 5, 2019~~ December 4, 2020

Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

006 SPORT FISHING REGULATIONS

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-305, 37-308, 37-314, 37-315, 37-344, 37-411, 37-426, 37-4,104, 37-4,107, 37-4,109, 37-4,111, 37-501 through 37-504, 37-508 and 37-543 through 37-545. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 207 through 247 of the Game Law, are used.

For areas open, season dates, bag limits, possession limits, and length limits see Nebraska Game and Parks Commission Order C06, Sport Fishing, on the Commission's website: outdoornebraska.gov.

Definitions: In addition to the definitions provided in Chapter 37, the following shall apply to this Section.

INLAND WATERS shall include all waters of the State, excluding waters of the Missouri River.

WATERS OF THE MISSOURI RIVER shall include all that portion of the Missouri River within Nebraska and all reservoirs, oxbows, sloughs, chutes, backwaters, and marshes, which have annual surface water connections to the river, and the first 300 yards upstream from the mouth of all tributary streams.

STATEWIDE shall include both inland waters and waters of the Missouri River.

State Recreation Area shall be referred to as SRA.

Wildlife Management Area shall be referred to as WMA.

SPORT FISH shall be defined as the following species:

Family	Scientific Name	Common Name
Sturgeon	<i>Scaphirhynchus platyrhynchus</i>	Shovelnose sturgeon
Paddlefish	<i>Polyodon spathula</i>	Paddlefish
Mooneye	<i>Hiodon alosoides</i>	Goldeneye

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Freshwater eel	<i>Anguilla rostrata</i>	American eel
Herring	<i>Alosa chrysochloris</i>	Skipjack herring
Catfish	<i>Ictalurus furcatus</i> <i>Ictalurus punctatus</i> <i>Pylodictis olivaris</i>	Blue catfish Channel catfish Flathead catfish
Pike	<i>Esox americanus</i> <i>Esox lucius</i> <i>Esox masquinongy</i> <i>Esox masquinongy</i> x <i>Esox lucius</i>	Grass pickerel Northern pike Muskellunge Tiger muskellunge
Trout	<i>Oncorhynchus clarki</i> <i>Oncorhynchus mykiss</i> <i>Oncorhynchus tshawytscha</i> <i>Salmo trutta</i> <i>Salvelinus fontinalis</i> <i>Salmo trutta</i> x <i>Salvelinus fontinalis</i>	Cutthroat trout Rainbow trout Chinook salmon Brown trout Brook trout Tiger trout
Cod	<i>Lota lota</i>	Burbot
Temperate bass	<i>Morone chrysops</i> <i>Morone saxatilis</i> <i>Morone chrysops</i> x <i>M. saxatilis</i>	White bass Striped bass Striped bass hybrid
Sunfish	<i>Ambloplites rupestris</i> <i>Lepomis cyanellus</i> <i>Lepomis gibbosus</i> <i>Lepomis humilis</i> <i>Lepomis macrochirus</i> <i>Lepomis microlophus</i> <i>Lepomis species</i> <i>Micropterus dolomieu</i> <i>Micropterus punctulatus</i> <i>Micropterus salmoides</i> <i>Pomoxis annularis</i> <i>Pomoxis nigromaculatus</i> <i>Pomoxis annularis</i> x <i>P. nigromaculatus</i>	Rock bass Green sunfish Pumpkinseed Orangespotted sunfish Bluegill Redear sunfish Sunfish hybrids Smallmouth bass Spotted bass Largemouth bass White crappie Black crappie Crappie hybrid
Perch	<i>Sander canadense</i> <i>Sander vitreus</i> x <i>canadense</i> <i>Sander vitreus</i>	Sauger Saugeye Walleye

BAITFISH shall be defined as those listed in Section 009.

006.01 BAG, POSSESSION AND LENGTH LIMITS:

006.01A Daily bag limit shall be defined as the number of fish, bullfrogs, snapping turtles, or mussels that may be taken by all legal methods (combined) from midnight to the following midnight. Any organism that is not to be counted in the bag limit must be returned immediately into the water with as little injury as possible. Any organism placed on a stringer or in a container, or not returned immediately into the water must be counted in the bag. Any fish in possession while on the water or fishing will be subject to length and bag limits that apply to the water being fished.

006.01B Possession limit shall be defined as the number of fish, bullfrogs, snapping turtles, or mussels that an individual may have in physical control and/or storage.

006.01C Length limit shall be defined as the approved length an individual organism can be harvested, being it either a maximum or minimum length or a protected length range (slot).

006.01D It shall be unlawful to:

006.01D1 give, put or leave any fish, bullfrogs, snapping turtles or mussels at any place or in the custody of another person unless they are tagged by the angler with the following information: (1) Name of owner; (2) Address; (3) Phone number; (4) Date of birth; (5) Permit number; (6) Species of fish; (7) Total number of fish and pounds of fillets; (8) Date taken; and (9) Signature of owner and name of recipient if gifted.

006.01D2 To take bullfrogs by any means other than hand, hand net, or hook and line in areas with a size limit; or to take bullfrogs by any means other than hand, hand net, hook and line, archery or gig in areas without a size limit.

006.01E SNAPPING TURTLES:

006.01E1 It shall be unlawful to take snapping turtles except by hand, hand net, hook and line, bow and arrow or gaff.

006.01E2 It shall be unlawful to sell, offer for sale, trade or barter for any snapping turtle.

006.01E3 In waters located entirely on private land, snapping turtles may also be taken as described in Section 004 and with legal traps as described in 006.01E4.

006.01E4 Legal trap(s) shall allow turtles to reach the surface to breathe; must be personally checked every 24 hours; and must be tagged with a metal tag listing the owner's name, address, and fishing permit number or driver's license number. Traps containing a throat or funnel shall be constructed of netting that is at least four (4) inches square mesh.

006.01E5 The take of any turtle(s) exceeding the daily bag limits shall be released immediately.

006.01F MUSSELS (clams):

006.01F1 It shall be unlawful to take mussels (clams) except by hand, hand net or hook and line.

006.02 TRANSPORTATION AND POSSESSION

006.02A It shall be unlawful to:

006.02A1 Possess or transport any live white perch, black carp, silver carp, bighead carp, grass carp and yellow bass.

006.02A2 Transport any fish or bait fish in water from any stream, river, pond or lake.

006.02A3 Possess fish that are subject to a length limit while wading or on the water with more than the gills, viscera, and scales having been removed.

006.02A4 Possess bullfrogs while frogging with more than the viscera removed.

006.02A5 Possess or transport fish that are subject to a bag and possession limit, but not a length limit, if the fillets have not been retained in one piece. Fish may be filleted prior to transport; however, the fillets must be kept in one piece until eaten so that bag and/or possession limits can be determined.

006.03 ARCHERY FISHING

006.03A The taking of game fish by archery (bow and arrow and crossbow) is allowed during specified seasons and in areas open to archery fishing. It shall be unlawful to:

006.03A1 Archery fish with a bow or crossbow that is capable of being electronically or pneumatically loaded, cocked, or fire, or with a crossbow not designed to be fired from the shoulder.

006.03A2 Fish with an arrow that has more than one point which shall be barbed.

006.03A3 Fish with arrows that are not attached to the bow at the time the arrow is released.

006.03B The use of crossbows is not allowed from the Gavins Point Dam downstream to the U.S. Hwy. 81 bridge.

PADDLEFISH:

006.03C It shall be unlawful to take paddlefish by archery without the possession of a paddlefish permit and an open paddlefish tag in addition to a valid Nebraska fishing permit as required. Those anglers with a non-resident paddlefish permit must also possess a valid non-resident Nebraska fishing permit.

006.03C1 Applications: Anglers applying for a paddlefish permit or purchasing a preference point must provide the following information: name, address, daytime telephone number, last four digits of their Social Security Number, date of birth, gender, hair color, eye color, height, and weight. Application forms to submit such information to the Commission are available at the Commission headquarters, at all District Offices, on the Commission website, and in the Fishing Guide. The application period will run from 1 P.M. CDT March 1 to March 14. Mail applications must be received in the Lincoln office, Nebraska Game and Parks Commission, by 5 p.m. CDT on March 14; internet applications must be received by 11:59 p.m. CDT on March 14.

006.03C2 Permits will be distributed to eligible applicants through a random drawing based on preference points earned.

006.03C3 Applicants supplying valid email addresses will be notified when the draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be made available by March 20th. Successful applicants will have until April 5th to complete the purchase of their awarded permits.

006.03C4 Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit.

006.03C5 Unpaid or unawarded permits remaining after the drawing will be ~~sold on a first-come, first-served basis to residents only starting at 1:00 p.m. on CDT on the 3rd Monday in April~~ made available to the next resident unsuccessful applicant(s).

006.03C6 The Secretary of the Nebraska Game and Parks Commission may refund or authorize permits or restore preference points to accommodate administrative issues.

006.03C7 Preference Points: Any eligible person who properly applies for a preference point or and is denied a paddlefish permit during the application period, shall receive a preference point, ~~and one additional point shall be added or awarded for each year he or she is unsuccessful in the drawing.~~ 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 (buddy permit), priority will be given based on the lowest number of points possessed by either applicant. Any person who is issued a paddlefish permit shall lose all accumulated preference points ~~and any person who does not apply at least once during five consecutive years shall lose all accumulated points.~~

006.03C8 An individual may not submit more than one application for an archery paddlefish permit or preference point during any archery paddlefish application period.

006.03C9 Two anglers may submit a joint application (buddy permit) but both must be either residents or non-residents. A resident cannot submit a joint application with a non-resident.

006.03C10 An individual must be 12 years old by June 1st to apply for an archery paddlefish permit.

006.03C11 Ninety-five percent (95%) of the paddlefish permits available (rounded to the nearest whole number) will be reserved for residents. If the number of residents applying for permits exceeds the number of permits available, any of the five percent (5%) of the permits reserved for non-residents remaining after the first application period will be issued to resident anglers identified by the random draw.

006.03C12 Any paddlefish landed must be tagged immediately in the dorsal fin with the angler's tag. Any paddlefish tag that is locked shut prior to attachment, altered, or modified shall be voided and not replaced.

006.03C13 After completion of the fishing trip and upon leaving the Missouri River, an angler can process harvested paddlefish down to two (2) whole fillets. Both the closed paddlefish tag and permit would need to remain with the fillets.

006.03C14 Paddlefish may be taken by archery on waters of the Missouri River only on that portion downstream from the Gavins Point Dam to the mouth of the Big Sioux River at mile marker 734, except for a closed area immediately below Gavins Point Dam downstream to a line that extends from the east end of the south cement wall of the discharge canal northwest to the east end of the north wall of the stilling basin.

006.03C15 In the waters of the Missouri River, a South Dakota resident tag/permit is valid from immediately below Gavins Point Dam to 0.6 miles downstream but a South Dakota non-resident tag/permit is not valid in that area.

006.04 SURFACE WATER SPEARFISHING:

006.04A Any device used for surface spearing shall be barbed.

006.05 UNDERWATER SPEARFISHING:

006.05A It shall be unlawful to underwater spearfish within 100 yards (300 feet) of any designated swimming or water ski jump area, boat dock, boat ramp, or spillway.

006.05B Only hand spears, rubberband-powered spear guns, compressed air, and spring-loaded power spear guns are legal. Spear guns may be attached to a float or buoy using any length of line.

006.05C All spears shall be attached to a shooting line with a maximum length of twenty feet.

006.05D The Diver's Flag shall be displayed on the water on a float or buoy during any diving or underwater spearfishing. Any diver or underwater spear fisherman shall not exceed a distance of greater than 150 feet from the Diver's Flag. The flag shall be square and not less than 12" square. The color shall be red background and with white diagonal stripe one-fifth (1/5) of the flag width. The diagonal stripe shall extend from the top of the hoist to the bottom of the flag.

006.05E It is unlawful to display the Divers Flag when diving or underwater spearfishing is not in progress.

006.05F Recognition of the Divers Flag by regulation will not be construed as conferring any rights or privileges on its users nor be construed as restricting the use of the water so marked. Operators of boats shall exercise precaution commensurate with conditions indicated.

006.05G Underwater spearfishing regulations shall not apply to authorized agents of the Nebraska Game and Parks Commission when engaged in experimental studies or fish management projects.

006.05H Upon written approval of the Director, specified species and specified waters may be opened for a limited time to underwater spearfishing for special events, and for fish management purposes.

006.06 SET LINES, LIMB LINES AND ICE FISHING

JUG LINES shall be defined as a free-floating line that contains fishing hooks entirely supported by flotation.

LIMB AND/OR SET LINES shall be defined as a fishing line that contains up to five (5) fish hooks attached to a fixed object in a river, stream or canal.

006.06A It shall be unlawful to use jug lines in any waters of the state.

006.06B It shall be unlawful to use set lines or limb lines in any pond, lake or reservoir and within one-half mile of an inlet or outlet.

006.06C The angler's name, address, fishing permit number and/or driver's license number shall be attached legibly to all limb and set lines.

006.06C1 Limb and set lines need to be checked every twenty-four (24) hours and unused lines removed.

006.06D It shall be unlawful to use more than five (5) lines while ice fishing and it shall be unlawful to use more than two (2) hooks on each line while ice fishing.

006.06E Each ice fishing line used must be under the direct supervision and within the unaided observation of the angler.

006.07 SNAGGING:

006.07A Paddlefish harvested by snagging may be possessed only on that section of the Missouri River where paddlefish harvest is allowed during the open season.

006.07B Only one (1) hook per line may be used when snagging. Hook size must be no larger than one-half (½) inch from point to shank.

006.07C It shall be unlawful to use a gaff hook or other penetrating device while landing snagged paddlefish.

006.07D All snaggers must obtain, and have in their possession while fishing, a paddlefish permit and an open paddlefish tag in addition to a valid Nebraska fishing permit to be actively snagging. Those anglers with a non-resident paddlefish permit must also possess a valid non-resident Nebraska fishing permit.

006.07D1 Applications: Anglers applying for a paddlefish permit **or purchasing a preference point** must provide the following information: legal name, address, daytime telephone number, last four digits of their Social Security number, date of birth, gender, hair color, eye color, height, and weight. Application forms to submit such information to the Commission are available at the Commission headquarters, at all District Offices, on the Commission website, and in the Fishing Guide. The application period will

run from 1 p.m. CDT July 1 to July 14. Mail applications must be received in the Lincoln office, Nebraska Game and Parks Commission, by 5 p.m. CDT on July 14; internet applications must be received by 11:59 p.m. CDT on July 14.

006.07D2 Permits will be distributed to eligible applicants through a random drawing based on preference points earned.

006.07D3 Applicants supplying valid email addresses will be notified when the draw is complete. Those not providing valid email addresses will be responsible to monitor their status on-line. Results of the draw will be made available by July 20th. Successful applicants will have until August 5th to complete the purchase of their awarded permits.

006.07D4 Permits awarded but unpaid will result in the applicant losing their preference points and forfeiting the permit.

006.07D5 Unpaid or unawarded permits remaining after the drawing will be sold on a first-come, first-served basis to residents only starting at 1:00 p.m. CDT on the 3rd Monday in August. made available to the next resident unsuccessful applicant(s).

006.07D6 The Secretary of the Nebraska Game and Parks Commission may refund or authorize permits or restore preference points to accommodate administrative issues.

006.07D7 Preference points: Any eligible person who properly applies for a preference point or and is denied a paddlefish permit during the application period beginning in 2007 shall receive a preference point, and one additional point shall be added or awarded for each year he or she is unsuccessful in the drawing. 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 (buddy permit), the priority will be given based on the lowest number of points possessed by either applicant. Any person who is issued a paddlefish permit shall lose all accumulated preference points, and any person who does not apply at least once during five (5) consecutive years shall lose all accumulated points.

006.07D8 An individual may not submit more than one application for a paddlefish snagging permit or preference point during any paddlefish snagging application period.

006.07D9 Two anglers may submit a joint application (buddy permit) but both must be either residents or non-residents. A resident cannot submit a joint application with a non-resident.

006.07D10 An individual must be 12 years old by October 1 to apply for a paddlefish snagging permit.

006.07D11 In the waters of the Missouri River, a South Dakota resident tag/permit is valid from immediately below Gavins Point Dam to 0.6 miles downstream but a South Dakota non-resident tag/permit is not valid in that area.

006.07E Ninety-five percent (95%) of the paddlefish permits available will be reserved for residents. If the number of residents applying for permits exceeds the number of permits available, any of the five percent (5%) of the permits reserved for non-residents remaining after the application period, will be issued to resident anglers identified by the random draw.

006.07F A paddlefish must be tagged immediately in the dorsal fin upon addition to the creel with the anglers paddlefish tag. Any paddlefish tag that is locked shut prior to attachment, altered, or modified shall be voided and not replaced.

006.07F1 A snagger must cast for and hook their own fish.

006.07F2 After completion of the fishing trip and upon leaving the Missouri River, an angler can process the harvested paddlefish down to two (2) whole fillets. Both the closed paddlefish tag and permit would need to remain with the fillets.

006.08 REFUGE LAKES:

VALENTINE NATIONAL WILDLIFE REFUGE LAKES (Cherry County):

006.08A The possession or use of live or dead baitfish and the possession of any fish not taken from these waters is unlawful. However, frozen or dead smelt and legal fish harvested from these waters may be used for bait.

CRESCENT LAKE NATIONAL WILDLIFE REFUGE LAKES (Garden County):

006.08B The possession or use of live or dead baitfish and the possession of any fish not taken from these waters is unlawful. However, frozen or dead smelt and legal fish harvested from these waters may be used for bait.

006.08C DESOTO NATIONAL WILDLIFE REFUGE: Sport fishing by hook and line and archery is permitted as designated by refuge regulations. The use of trot lines and float lines is unlawful. All fishermen shall conform with the regulations of the State in which they are licensed, either Nebraska or Iowa.

006.09 BORDER WATERS:

006.09A Any person possessing a valid fishing license or permit issued by the state of South Dakota, Iowa or Missouri, or who is legally exempted from those license or permit requirements, without further permit or license, may fish for any species except paddlefish with hook and line, bow and arrow and surface spears in the flowing portions and backwaters, sloughs and chutes that draw water from the Missouri River proper within the boundary of Nebraska adjacent to the state where they possess a valid fishing license or permit or are exempted from having one. These anglers may also fish with hook and line, bow and arrow, and surface spears in the Nebraska portion of any oxbow lakes through which a state boundary passes for a state where they possess a valid fishing license or permit or are exempted from having one. Any person possessing a valid fishing license or permit issued by the state of Iowa or Missouri or is legally exempted from those license or permit requirements without further permit or license, may fish all waters of the Hamburg Bend WMA and the Nebraska portion of the Missouri River between the Hamburg Bend chute entrance structure (River Mile 555.5) and chute exit structure (River Mile 552.1).

Except that in the tailwaters of Gavins Point Dam from the dam to 0.6 miles downstream, a non-resident Nebraska fishing permit is required of persons who are not residents of Nebraska or South Dakota when fishing from boat or either bank.

006.09A1 All reciprocal privileges in Section 006.09A shall be contingent upon a grant of like privileges by the appropriate neighboring state to the permitted, licensed or exempted hook and line, bow and arrow, or surface spearfishing anglers of Nebraska.

006.09A2 Regulations regarding method of take, size, bag and possession limits of the more restrictive state between the licensing state and the State of Nebraska shall apply in South Dakota, Iowa and Missouri boundary waters.

006.09A3 Anglers fishing the border waters between Nebraska and South Dakota, Iowa, or Missouri are allowed one (1) daily bag limit of fish from these border waters per day as defined in regulations regardless of the number of permits held or state(s) in which they are held.

006.09A4 Anglers licensed, permitted, or exempted in South Dakota, Iowa or Missouri may fish from or attach devices or equipment to land under the jurisdiction of Nebraska adjacent to the state where they possess a valid fishing license or permit or are exempted from having one.

006.10 **LEGAL NETS, TRAPS AND OTHER DEVICES:** It shall be unlawful to possess or use any and all nets, traps, electrical gear capable of stunning fish, or other devices except legal baitfish methods of take described in Section 009.04 or under authorization of special permits as follows:

006.10A Commercial Fishing Permit

006.10B Private Pond Authorization

006.10C Salvage

006.10D Scientific Collections

006.10E Landing nets, made of non-metallic mesh used only for the landing of fish caught on hook and line.

006.10F Legal turtle traps as described in Section 006.01E.

006.11 SPECIAL AREAS: Special area regulations are in effect on the following areas:

006.11A TWO RIVERS SRA (Douglas County)

006.11A1 A daily trout fishing tag is required to possess trout on the Two Rivers SRA (fee \$6.00).

006.11A2 FEE FISHING AREA: Lake No. 5 within the Two Rivers SRA (Douglas County) is designated as a special trout fishing area, subject to the following regulations:

006.11A2a Each angler shall wear the trout tag or tags, on their person in a conspicuous place while fishing during the time period of March 1 through June 30.

006.11A2b Each angler shall be limited to the use of one (1) rod and reel or fishing pole. Archery fishing, snagging and spearing are prohibited.

006.11A2c All fish, live or dead, are prohibited as bait.

006.11A2d Each angler shall keep their fish on a separate stringer or container under their control.

006.11A2e Each trout caught shall be counted in the bag limit, and no trout caught shall be returned to the water.

006.11A2f Each angler shall report their catch at the Administration Building and return their tag or tags each day when finished.

006.11B TROUT SPAWNING STREAMS tributary to the North Platte River and McConaughy Reservoir (Sioux, Scotts Bluff, Morrill, Garden and Keith counties): it shall be unlawful to possess a net or seine of any type except legal landing nets

that shall have a maximum diameter of 12 inches, a maximum depth of 15 inches and a maximum handle length of three (3) feet on the following streams.

Dry Sheep Creek	Cedar Creek
Wildhorse Creek	Spotted Tail Creek
Stuckenhole Creek	Dry Spotted Tail Creek
Nine Mile Creek	Otter Creek
Tub Spring Creek	Clear Creek
Winters Creek	Lonergan Creek

006.12 On the following fishing areas it shall be unlawful to have in possession or use live baitfish, while fishing on that waterbody. While on that waterbody, it shall also be unlawful to have in possession any live fish other than those legally harvested from that water body, which may be also used for bait. These waterbodies are as follows:

LAKE	COUNTY
Heartwell Park Lake	Adams County
Clear Lake	Brown County
Cottonmill Lake	Buffalo County
Ravenna Lake	Buffalo County
Yanney Park Lake	Buffalo County
Chalkrock Lake WMA	Cedar County
Rat and Beaver WMA	Cherry County
Ansley City Lake	Custer County
Arnold Lake	Custer County
Melham Lake	Custer County
Victoria Springs Lake SRA	Custer County
Kramper Lake	Dakota County
Kirkpatrick Lake	Dawson County
Lake Helen	Dawson County
Lexington City Lake	Dawson County
Bennington Lake	Douglas County
Flanagan Lake	Douglas County

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Glenn Cunningham Lake	Douglas County
Rock Creek Lake SRA	Dundy County
Avocet WMA	Grant County
<u>Defair Lake WMA</u>	<u>Grant County</u>
Frye Lake WMA	Grant County
Bethphage Pond	Kearney County
Conestoga Lake SRA	Lancaster County
Hedgefield Lake WMA	Lancaster County
Holmes Lake	Lancaster County
Olive Creek Lake SRA	Lancaster County
Stagecoach Lake SRA	Lancaster County
Wildwood Lake	Lancaster County
Yankee Hill Lake WMA	Lancaster County
North Platte I-80 City Lake	Lincoln County
Skyview Lake	Madison County
Ta-Ha-Zouka Park Lake	Madison County
Duck Creek Recreation Area	Nemaha County
Lincoln Park Pond	Nuckolls County
Iron Horse Trail Lake	Pawnee County
Holdrege City Lake	Phelps County
Wilbur Reservoir	Saline County
Big Elk <u>Lake</u> (WP 7)	Sarpy County
Prairie Queen Recreation Area	Sarpy County
Wehrspann Lake	Sarpy County
<u>Portal Lake (WP 6)</u> (West Papillion 6)	Sarpy County
Lake Wanahoo	Saunders County
Meadowlark Lake	Seward County
Bowman Lake	Sherman County
Pibel Lake	Wheeler County

REGULATIONS DOCKET

Check List

AGENCY: NEBRASKA GAME AND PARKS COMMISSION

AGENCY CONTACT: Sheri Henderson, Division of Administration, NE GAME AND PARKS COMMISSION, 2200 North 33rd, P.O. Box 30370, Lincoln NE 68503

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

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

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

ABSTRACT OF SUBJECT MATTER: Sport Fishing Regulations – Rules relating to establishing regulations dealing with sport fishing.

Timetable/Status

Stage	Action	Proposed Date	Effective Date(s)
Pre-Rule	Drafting internal reviews		
	Advance notice comment period		
	Negotiated Rulemaking		
Proposed Rule	Notice of Rulemaking Hearing	05/06/2021	
	Governor Waiver		
	Rulemaking Hearing	06/11/2021	
	Post-hearing Analyses and Revisions		
Final Rule	Agency Reviews & Approval		
	Attorney General Submission		
	Attorney General Approval		
	Governor Submission		
	Governor Approval		
Completion	Filing Date		
	Indexing Date		
	Publication		
	or Termination Notice of Termination w/o Rulemaking		
Operative Date	*If later than effective date prescribed in 84-906 & 84-911		