

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

FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Alicia Hardin
Chapter: 4	Date prepared: May 6, 2021
Subject: Section <u>005</u> , Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels	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 Regulations, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Alicia Hardin, Wildlife Division Administrator

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

I. Summary - Changes made to existing regulations.

II. Overview of Purposes and Changes Made

Section 005. Last Date Approved changed. Per guidance from the Governor's Policy Research Office, the last sentence in the statutory citation paragraph is deleted due to redundancy in statute.

Sup-part 005.02A2 Adds language to allow adults accompanying youth during special hunts to shoot pheasants where the areas have Commission signage posted.

Part 005.06C is added with the title "River Otter"

Sub-Part 005.06C1 is added to describe the checking requirements for a river otter season.

Sub-Part 005.06C2 is added to explain requirements for checking on the river otter season status prior to setting traps.

Sub-Part 005.06.C3 is added to clarify what trappers should do if they incidentally take a river otter.

The regulation changes clarify when adults are allowed to hunt with youth during youth special hunts and allows resident and non-resident fur harvesters an opportunity to trap river otters by providing checking requirements and how to handle river otters incidentally trapped.

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

Changes in Text Between Notice and Adoption:

DATED the 6th day of May, 2021.

NEBRASKA GAME AND PARKS COMMISSION

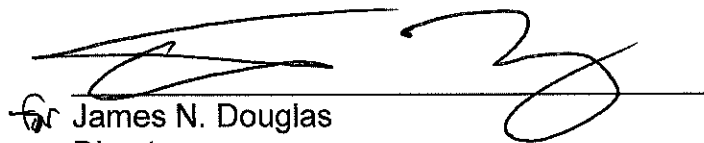


Alicia Hardin
Wildlife Division Administrator

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

DATED the 6th day of May, 2021.

NEBRASKA GAME AND PARKS COMMISSION



James N. Douglas
Director

NEBRASKA GAME AND PARKS COMMISSION

NOTICE OF RULEMAKING
COMMENT PERIOD

NOTICE is hereby given that the Nebraska Game and Parks Commission is accepting written comments on working drafts of proposed amendments, Title 163, Nebraska Administrative Code Chapter 4, entitled REGULATIONS Wildlife, 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.

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 June 9th, 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 June 4, 2021.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~October 7, 2013~~ October 26, 2017

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

005 Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, and Cottontail Rabbit

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. ~~These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.~~

For season dates, bag limits, possession limits, open areas and shooting hours see Nebraska Game and Parks Commission Order C05, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels on the Commission's website: outdoornebraska.gov.

005.01 Grouse (Greater prairie-chicken and Sharp-tailed are the only species allowed to be hunted.

005.01A Special Permit Eligibility: Persons who have been issued a valid Nebraska small game hunting permit are eligible to apply for a special permit. Residents 12 through 15 years of age who have successfully completed a state-certified Hunter Education course, as well as persons who may legally hunt small game in the State of Nebraska without a valid small game hunting permit, are also eligible to apply.

005.01B Application Period and Procedure: Permits valid for the current calendar year may be applied for no sooner than July 15 of that year. Permits will be distributed to eligible applicants on a first-come, first-served basis, with permit requests accepted at the Lincoln Game and Parks office by mail, phone, or over-the-counter. Permit requests must include the applicant's name, address, and valid small game hunting permit number (or, for residents 12 through 15 years of age, their Hunter Education Certificate number). Persons who may legally hunt small game in the State of Nebraska without a valid small game hunting permit may provide documentation of such status with their application in lieu of a permit number.

005.01C Tagging: It shall be unlawful to fail or neglect to tag a grouse taken in the East Zone immediately after killing, with the tag furnished by the Nebraska Game

and Parks Commission, or to transport or possess any grouse taken in the East Zone unless the tag is attached to the carcass.

005.02 Pheasant

005.02A1 Youth Eligibility: Youth 15 years of age or younger, and others as specified in 005.02A2.

005.02A2 Adults accompanying youth will not be allowed to shoot pheasants, except on Wildlife Management Areas where special hunts have been declared according to 018.13 and other areas posted by Commission signage.

005.03 Quail

005.03A1 Youth Eligibility: Youth 15 years of age or younger.

005.03A2 Adults accompanying youth will not be allowed to shoot quail.

005.04 Partridge (Gray [Hungarian] and Chukar are the only species allowed to be hunted)

005.04A1 Youth Eligibility: Youth 15 years of age or younger.

005.04A2 Adults accompanying youth will not be allowed to shoot partridge.

005.05 Cottontail Rabbit

005.05A Running: Running is defined as pursuing or chasing of these animals, but not the killing. Running season is provided for cottontail rabbits. See C05.0116 for cottontail running season.

005.06 FURBEARER SEASONS

005.06A Running is defined as the pursuing or chasing of these animals but not killing except during the taking (hunting, trapping) season. See C05.02G for running seasons for raccoon, Virginia opossum, bobcat and red fox.

005.06B Pursuant to this sub-section and Nebraska Statute 37-225, fur harvesting shall mean to chase or pursue or take or attempt to take any furbearers during their respective open trapping and/or hunting seasons.

005.06C River Otter

005.06C1 Checking: Any river otter harvested must be reported to the Commission within 24 hours of harvesting the animal using a phone number or website specified by the Commission or in person at a district office during normal business hours. The river otter must be registered and

officially tagged by the Commission within two business days after harvest. The permittee shall furnish the Commission with the date and location of kill prior to the attachment of the harvest seal.

005.06C2 Daily season status check: Each day, before setting traps for river otters, permittees must confirm that the harvest limit has not been met, and the season is open by checking the Commission-provided phone number or season status website.

005.06C3 Any incidental take a of river otter outside of the river otter harvest season, or beyond daily or season bag limits, shall be unlawful unless the animal is immediately released if viable, or the harvester reports the take within 24 hours and turns the carcass over to the Nebraska Game and Parks Commission.