

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, 37-4,104, 37-4,107, 37-4,109, 37-4,111, 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>037</u> , Mountain Lions	Telephone: 402/471-5448

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	()	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	(X)	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency: \$4,800.00 in potential revenue from sale of applications at least equal to the number of permit available. Staff recommends 320 permits for 2022.

Political Subdivision: \$0

Regulated Public: \$0

If indeterminable, explain why:

TITLE: 163, NEBRASKA GAME AND PARKS COMMISSION

CHAPTER: 4 REGULATIONS Wildlife Regulations, Mountain Lions

ACTION: Amendments to Existing Regulations

EXPLANATORY STATEMENT

Prepared by: Alicia Hardin, Wildlife Division Administrator

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

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

Section 037.

Last Date Approved changed.

Part 037.02A changes the open season dates for the Pine Ridge Unit.

Part 037.02B, changes the open season dates for the Pine Ridge Auxiliary Season.

The regulations allow residents an opportunity to hunt mountain lions in the Pine Ridge Management Unit in the state of Nebraska with calendar date adjustments to the season dates.

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:

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 037 – Mountain Lions, regarding the season dates prior to the public hearing.

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: ~~August 30, 2019~~ July 22, 2020

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

037 Mountain Lions

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 37-308.01, 37-314, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used.

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

037.01A Pine Ridge

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

037.02 Open Seasons:

037.02A Pine Ridge (037.01A)

Season 1: January 2 through February 28, 20~~21~~22, except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03A) is reached.

037.02B Pine Ridge (037.01A)

Auxiliary Season: The auxiliary season will open March ~~12~~13 through March 31, 20~~21~~22, if the annual harvest limit or female sub-limit (037.03A) was not reached during Season 1 (037.02A), except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03A) is reached prior to March 31.

037.03 Annual Harvest Limit:

037.03A Pine Ridge (037.01A):

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

037.04 Permits:

037.04A Pine Ridge (037.01A):

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

037.04B Pine Ridge Auxiliary Season:

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

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

037.06 Shooting Hours: Sunrise to sunset.

037.07 Application Periods:

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

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

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

037.10 It shall be unlawful to:

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

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

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

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

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

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

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

