

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, public hearings conducted by the Nebraska Game and Parks Commission, will be held on October 22, 2021 at Mid-Plains Community College North Campus WW Woods Building 1101 Halligan Drive North Platte, NE prior to consideration and/or enactment of the following:

Pursuant to Neb. Rev. Stat. Sections §§ 37-301 through 37-313, 37-337 through 37-352, 37-434 through 37-446, 37-1001 through 37-1015, 37-1264 and 37-1266, 60-314 and 60-3,105, 60-680, 60-6,190, 60-6,334, and 60-6,353 through 60-6,362 a public hearing will be held at 8:30 AM to consider amendments to Title 163, Chapter 5, Section 001 General Regulations governing the administration and use of state park property to update technical language regarding Nebraska Resident Disabled American Veterans Permit pursuant to LB 336 (2020) and establish the fee for an annual non-resident park permit be two times the fee of a resident park permit pursuant to LB770 (2021).

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, 37-456.01, 37-529, 37-701, 37-706, 37-708, a public hearing will be held at 8:45 AM to consider amendments to Title 163 Chapter 4, Wildlife Regulations, Section 003, Antelope, Deer, Elk, to create procedures, forms, required documentation, and the number of antlerless elk harvests to qualify for a free-earned landowner elk permit.

Pursuant to the provisions of 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 9:00 a.m., to consider amendments to Commission Order C06, Sport Fishing, regarding daily bag limits, possession limits, length limits, and open areas.

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 or by written submission at the public hearing. 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, October 20, 2021 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 4, entitled REGULATIONS Wildlife, Section 003 – Antelope, Deer, Elk, to create procedures, forms, required documentation, and the number of antlerless elk harvests to qualify for a free-earned landowner 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 October 20th, 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 October 15, 2021.

FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Alicia Hardin
Chapter: 4	Date prepared: September 17, 2021
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.

003.05 Add a new Sub-section with the title, "Free-earned Landowner Elk Permit Program".

003.05A Add a new Part that defines that ten (10) antlerless harvests from general elk permits or special elk depredation seasons will qualify as specified in 37-456.01. Harvest occurring from damage control permits will not count towards antlerless harvests. Landowners or leaseholders must own or lease at least 80 acres of farm or rangeland for agricultural purposes. The landowner, leaseholder or their immediate family can qualify for the free-earned permit.

003.05A1 Add a new Sub-part that defines what will be needed on the form that the landowner will turn in to verify the antlerless harvests that occurred on the property they own or lease. The form will be due by the close of business on the 3rd Friday in February after the antlerless elk seasons to specified NGPC offices. Only harvests that occur during the most recent early and late antlerless season will be allowed on the form. Special depredation season antlerless harvests will be recorded within one month of the close of the season.

003.05A1a Add a new Division that states it is unlawful to falsely report antlerless harvests.

003.05A2 Add a new Sub-part that defines the free-earned permit will be designated to a hunter by the landowner or leaseholder by the last Friday in March. The form will

provide all the information needed to issue a permit.

003.05A2a Add a new Division that defines that the free-earned permit will be for an elk of either sex and may be taken on the lands owned or leased by the qualifying landowner during any open elk season, provided weapons legal for that season are used. Only antlerless elk may be taken during antlerless only seasons.

003.05A2b Add a new Division that states that the free-earned permit must be designated for the next elk season following the tenth (10th) qualifying antlerless harvest.

003.05A2c Add a new Division that allows the Secretary of the Game and Parks to refund permits if needed.

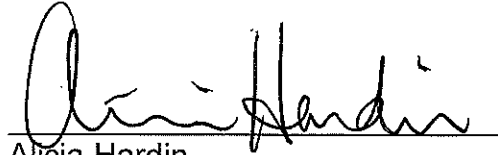
These regulations are to create procedures, forms, required documentation, and how many antlerless elk must be harvested to qualify for the free-earned elk permit as established by LB507 during the 2021 Legislative Session. The program will encourage more access for antlerless elk hunters, help landowners manage elk populations, and reward the landowners for allowing access.

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 17th day of September, 2021.

NEBRASKA GAME AND PARKS COMMISSION

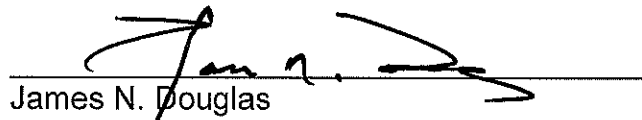
A handwritten signature in black ink, appearing to read "Alicia Hardin", written over a horizontal line.

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 17th day of September, 2021.

NEBRASKA GAME AND PARKS COMMISSION

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

James N. Douglas
Director

NEBRASKA GAME AND PARKS COMMISSION

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~August 30, 2019~~ April 29, 2021

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, 37.456.01, 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.

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 second Monday in June 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 may be made available to the next unsuccessful applicant(s) then may go to period 2.

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.

003.03 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

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.

business on the 3rd Friday in February after the elk season to the NGPC office referenced in 003.02B4a. Only harvests that occur during the most recent early and late antlerless season will be allowed on the form. Special depredation season antlerless harvests will be recorded within one month of the close of the season.

003.05A1(a) It shall be unlawful to falsely report antlerless harvests.

003.05A2 The free-earned permit must be designated to a hunter 003.05A on a form provided by the Commission by the last Friday in March. The form should include the following information: Name of the qualifying landowner or leaseholder, name of the designee, relationship to the landowner or leaseholder, legal descriptions of the qualifying farm or ranch land owned or leased, mailing address, date of birth, gender, height, weight, colors of hair and eyes, daytime phone number, and last four digits of social security number.

003.05A2(a) Harvest is limited to one (1) elk of either sex, and is limited to the lands owned or leased by the qualifying landowner 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.

003.05A2(b) The permit must be designated for the next elk season following the tenth (10th) qualifying antlerless harvest.

003.05A2(c) The Secretary of the Nebraska Game and Parks Commission may authorize or refund permits to accommodate administrative issues.