

LEGAL NOTICE

In accordance with Neb. Rev. Stat. 84-907, public hearings conducted by the Nebraska Game and Parks Commission, will be held on March 23, 2022 at the Lied Lodge in the Terrace Room 2700 Sylvan Rd. Nebraska City, 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, 37-315, 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 8:30 AM to consider amendments to Title 163, Chapter 4, Wildlife Regulations, Section 003, Antelope, Deer, Elk to give preference to residents to purchase non-draw unit deer and antelope permits before non-residents.

Pursuant to Neb. Rev. Stat. Sections §§37-314, 37-315, 37-405, 37-411, 37-428, 37-501, 37-508, 37-536, 37-563, 37-701 a public hearing will be held at 8:45 AM to consider amendments to Commission Order C06, Coots, Ducks, Geese, Crow, regarding changes in dates, bag limits, and zone boundaries.

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](http://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 March 21, 2022 by Sheri Henderson at the Lincoln office, 2200 North 33<sup>rd</sup> Street, Lincoln, NE 68503-0370.

Tim McCoy, Director

RECEIVED

FEB 16 2022

SECRETARY OF STATE



## FISCAL IMPACT STATEMENT

|   |                                  |
|---|----------------------------------|
| Agency: Nebraska Game and Parks Commission        |                                  |
| Title: 163  | Prepared by: Alicia Hardin       |
| Chapter: 4  | Date prepared: February 16, 2022 |
| 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)             |
| Increased Costs   | ( )          | ( )            | ( )              |
| Decreased Costs   | ( )          | ( )            | ( )              |
| Increased Revenue | ( )          | ( )            | ( )              |
| Decreased Revenue | ( )          | ( )            | ( )              |
| Indeterminable    | (X )         | ( )            | ( )              |

Provide an Estimated Cost & Description of Impact:

State Agency:       \$0  
 Political  
     Subdivision:     \$0  
 Regulated  
     Public:           \$0

If indeterminable, explain why: Based on historic permit sales, it is likely that the Pine Ridge permits will sell out to residents before non-residents are able to purchase them, but they could still purchase permits from other units and hunt, making this indeterminable.



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-part 003-02A1

Period 1: The references to which periods any forfeited permits go to is changed to Periods 7 and 8.

Period 2: change the date that residents and nonresidents may begin purchasing unlimited deer and antelope permits to the Second Monday in July.

Period 3: Create a new Period 3 that establishes the Tuesday following the second Monday in July as the date that residents may begin to purchase any limited deer permits.

Period 4: Create a new Period 4 that establishes the Wednesday following the second Monday in July as the date that residents may begin to purchase any limited antelope permits.

Period 5: Create a Period 5 that establishes the fourth Monday in July as the date that nonresidents may begin to purchase any limited deer permits.

Period 6: Create a Period 6 that establishes the Tuesday following the fourth Monday in July as the date that residents and nonresidents may begin to purchase any limited antelope permits.



Period 7: Create a Period 7 that establishes the first Monday in August as the date that residents and nonresidents may begin to purchase any remaining limited deer permits from any of the previous periods.

Period 8: Create a Period 8 that establishes the Tuesday following the first Monday in August as the date that residents and nonresidents may begin to purchase any remaining limited antelope permits from any of the previous periods.

These changes are being made to allow residents to purchase deer and antelope permits in non-draw units prior to non-residents, giving residents preference over non-residents.

Sub-parts 003.02A1, 003.02B1, 003.02B4, 003.04A5, 003.04C6, and 003.05A1 have minor changes to language to correct the reference of central standard time (CST) to the correct term of central daylight time (CDT) and spelling out numbers for consistency throughout the section.

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.

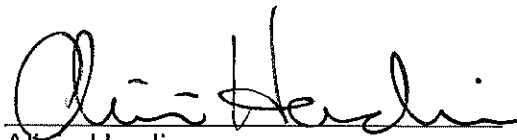
Changes in Text Between Notice and Adoption:





DATED the 16th day of February, 2022.

NEBRASKA GAME AND PARKS COMMISSION

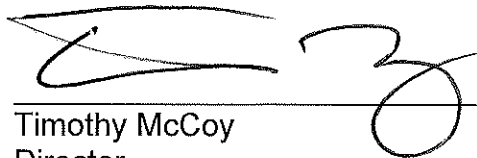
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Alcia Hardin  
Wildlife Division Administrator

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 16th day of February, 2022.

NEBRASKA GAME AND PARKS COMMISSION

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

Timothy McCoy  
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 003 – Antelope, Deer, Elk to give preference to residents to purchase non-draw unit deer and antelope permits before non-residents.

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 March 21st, 2022.

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 March 15, 2022.



REGULATIONS DOCKET  
Check List

AGENCY: NEBRASKA GAME AND PARKS COMMISSION

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

PROPOSED NEBRASKA ADMINISTRATIVE CODE CITATION: Title 163, Chapter 4,  
Section 003

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

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-301, 37-304, 37-308, 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.

ABSTRACT OF SUBJECT MATTER: Wildlife – Antelope, Deer, Elk.  
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                                   | <u>2/16/22</u> | _____             |
|                   | Governor Waiver  | _____          | _____             |
|                   | Rulemaking Hearing   | <u>3/23/22</u> | _____             |
|                   | Post-hearing Analyses and Revisions                            | _____          | _____             |
| Final Rule        | Agency Reviews & Approval                                      | _____          | _____             |
|                   | Attorney General Submission                                    | _____          | _____             |
|                   | Attorney General Approval                                      | _____          | _____             |
|                   | Governor Submission<br>Governor Approval                       | _____          | _____             |
| Completion        | Filing Date  | _____          | _____             |
|                   | Indexing Date  | _____          | _____             |
|                   | Publication  | _____          | _____             |
| or<br>Termination | Notice of Termination w/o<br>Rulemaking                        | _____          | _____             |
| Operative Date    | *If later than effective date<br>prescribed in 84-906 & 84-911 | _____          | _____             |



**SUBMIT TO GOVERNOR BEFORE SUBMITTING TO EXECUTIVE BOARD AND  
BEFORE PUBLIC HEARING DATE IS SET**

**PROPOSED REGULATION  
GPRO COVERPAGE  
(ATTACH TO PRE-REVIEW CHECKLIST)**

**Agency:** Nebraska Game and Parks Commission  
**Title, Chapter of Rules submitted:** Title 163, Chapter 4, Section 003  
**Subject:** 003 Antelope, Deer, Elk  
**Prepared by:** Alicia Hardin  
**Telephone:** 402-471-5448  
**Date submitted to Governor:** February 16, 2022

Projected dates for public hearings March 23, 2022

Projected deadline for final approval May 23, 2022

           A copy of the section of laws or federal regulations that triggered these changes is attached.

**FOR GOVERNOR'S OFFICE RECORDS**

**Advisor Assigned:**

**Date approved to proceed:**

**Options for proceeding:**

- a) No further contact with GPRO is necessary until final rules have been approved by the Attorney General.
- b) Contact Governor through GPRO concerning issues raised in Negotiated Rulemaking procedures.
- c) Submit Rules and Regulations Policy Review Checklist to Governor if rules are changed hereafter and a new public hearing is scheduled.
- d) Keep the Governor informed through GPRO as issues arise in negotiations, drafting sessions, advisory board meetings, and public hearings.
- e) Specific policy comments per Governor's instructions is attached.





**PROPOSED REGULATION  
POLICY PRE-REVIEW CHECKLIST**

**Agency:** Nebraska Game and Parks Commission

**Title, Chapter of Regulation:** Title 163, Chapter 4, Section 003

**Subject:** 003 – Antelope, Deer, Elk

**Prepared by:** Alicia Hardin

**Telephone:** 402-471-5448

**A. Policy Changes and Impacts**

1. What does the regulation do and whom does it impact? Provide a brief description of the proposed rule or regulation and its impact on state agencies, political subdivisions, and regulated persons or entities.

Changes to regulations are being made to allow residents to purchase deer and antelope permits in non-draw units prior to non-residents, giving residents preference over non-residents.

2. Describe changes being proposed to current policy and briefly provide rationale.

**Section 003.** Last approved date changed.

Sub-part 003-02A1

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Period 4: Create a new Period 4 that establishes the Wednesday following the second Monday in July as the date that residents may begin to purchase any limited antelope permits.

Period 5: Create a Period 5 that establishes the fourth Monday in July as the date that nonresidents may begin to purchase any limited deer permits.

Period 6: Create a Period 6 that establishes the Tuesday following the fourth Monday in July as the date that residents and nonresidents may begin to purchase any limited antelope permits.



Period 7: Create a Period 7 that establishes the first Monday in August as the date that residents and nonresidents may begin to purchase any remaining limited deer permits from any of the previous periods.

Period 8: Create a Period 8 that establishes the Tuesday following the first Monday in August as the date that residents and nonresidents may begin to purchase any remaining limited antelope permits from any of the previous periods.

These changes are being made to allow residents to purchase deer and antelope permits in non-draw units prior to non-residents, giving residents preference over non-residents.

Sub-parts 003.02A1, 003.02B1, 003.02B4, 003.04A5, 003.04C6, and 003.05A1 have minor changes to language to correct the reference of central standard time (CST) to the correct term of central daylight time (CDT) and spelling out numbers for consistency throughout the section.

B. Why is the rule necessary? Explain and provide an identification of authorizing statute(s) or legislative bill(s).

1. Update of regulation (repeal of obsolete statutes, reflect current policy, editing or technical language changes, etc.) – This change gives preference to residents over non-residents.
2. Annual changes -- cost of living, hunting season schedules, etc. – No.
2. Law was changed -- federal or state [Cite authorizing statute(s) or legislative bill(s)] – No.
3. Extension of established policy or program, new initiatives or changes in policy (within statutory authority) – These changes are within our current statutory authority, 37-314, 37-447, and 37-490 to give residents preference over non-residents.
4. Constituent initiated – No.
5. Financial needs -- increases/decreases in fees – No change.
6. Litigation requires changes in rules – No.
7. Addresses legal or constitutional concerns of Attorney General's office – No.
8. Implements federal or court mandate – No.
9. Other (explain) – N/A

C. What happens if these rules are not adopted?

Without the time separation for residents and nonresidents to purchase non-draw unit deer and antelope permits, the commission will not be able to give preference to resident hunters. Absent this change, nonresidents may buy permits that residents could have purchased.



D. Policy Checklist

1. Is this an update or editorial change reflecting essentially no change in policy? No change in policy
2. Does the policy in the proposed regulation reflect legislative intent? Yes.
3. Is the policy proposed in the regulation a state mandate on local government? No.
4. Is the policy proposed in the regulation a federal mandate on local government? No.

E. Fiscal Impact. In addition to completing the required Fiscal Impact Statement (a copy must be attached to this document), the agency must address the following:

1. Will the proposed regulation reduce, increase or have no change in resources -- funds, personnel or FTE? No change.
2. Have initial contacts been made with citizens or organizations that may be impacted by the proposed regulation? Big game meetings were held across the state in January of 2022 where stakeholders provide input about big game (not specific to these regulation changes). There were several comments from resident hunters stating that they wanted more preference over non-residents.
3. Does the proposed regulation impact another agency? No.
4. Will the proposed regulation reduce, increase, or have no change on reporting requirements of businesses? No change.
5. What is the agency's best estimate of the additional or reduced spending? No change.
6. Include a description of the impact that the proposed regulation will have on the number of state employees and how the agency intends to address proposed increases or decreases in FTE. No change.

F. Unique problems or issues and recommendations. None.

G. Who is expected to be affected, or to oppose or support the proposed regulation? Explain what initial informal contacts been made with organizations or citizens who may be affected by the regulation prior to the public hearing.

The Commission expects a majority of the stakeholders to support these regulation changes.



Big game meetings were held across the state in January of 2022 where stakeholders provide input about big game (not specific to these regulation changes). There were several comments from resident hunters stating that they wanted more preference over non-residents.

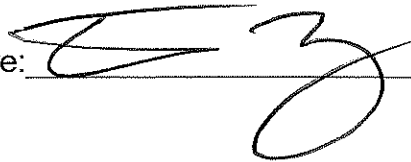
The Commission gave public notice soliciting public comment on the proposed changes prior to the public meeting.

H. Are these proposed rules a likely candidate for negotiated rule-making? No.

**Director's Verification of Review**

I have reviewed these proposals and verify that, at this stage of the regulation's development, these questions have been accurately addressed.

Director's Signature:

A handwritten signature in black ink, appearing to be 'E. J.', written over a horizontal line.

Date: February 16, 2022





## NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~April 29, 2021~~ December 9, 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](http://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 at 1 p.m. ~~CST~~ CDT 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~~ CDT. Internet applications must be received by 11:59 p.m. ~~CST~~ CDT. Residents and nonresidents may apply for a Preference Point or one deer permit in the following draw units: Platte Mule Deer Conservation Area, 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, North Sioux, Prairie Muzzleloader and North Sioux Muzzleloader.

For application purposes, ~~M~~muzzleloader ~~A~~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 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 ~~4<sup>th</sup>~~ ~~first~~ Friday in July.

Successful applicants will have until the ~~3<sup>rd</sup>~~ ~~third~~ 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 may be made available to the next unsuccessful applicant(s), then may go to periods ~~3~~ ~~7~~ and ~~4~~ ~~8~~.

Period 2: Beginning the ~~last~~ ~~second~~ Monday in July at 1 p.m. ~~CST~~ CDT. Residents, nonresidents and eligible resident and nonresident landowners may purchase any unlimited deer and antelope permits (described in Commission Order C03) within permit limits described in 001.01B1.

Period 3: Beginning the ~~first~~ ~~Monday~~ ~~Tuesday~~ following the ~~second~~ ~~Monday~~ in ~~August~~ ~~July~~ at 1 p.m. ~~CST~~ CDT. 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~~ ~~Wednesday~~ following the ~~first~~ ~~second~~ Monday in ~~August~~ ~~July~~ at 1 p.m. ~~CST~~ CDT. 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.

Period 5: Beginning the fourth Monday in July at 1 p.m. CDT. Nonresidents may purchase any limited deer permits (described in Commission Order C03) within permit limits described in 001.01B1.

Period 6: Beginning the Tuesday following the fourth Monday in July at 1 p.m. CDT. Nonresidents may purchase any limited antelope permits (described in Commission Order C03) within permit limits described in 001.01B1.

Period 7: Beginning the first Monday in August at 1 p.m. CDT. Residents and nonresidents may purchase any remaining limited deer permits from previous periods in any unit (described in Commission Order C03) subject to availability and within permit limits described in 001.01B1.

Period 8: Beginning the Tuesday following the first Monday in August at 1 p.m. CDT. Residents, nonresidents and eligible resident and nonresident landowners may purchase any remaining limited antelope permits from previous periods in any unit (described in Commission Order C03) 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~~ CDT 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~~ CDT. Internet applications must be received by 11:59 p.m. ~~CST~~ CDT. 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 4<sup>th</sup> first Friday in July.

Successful applicants will have until the 3<sup>rd</sup> third 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. CDT, 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.

003.02B4 Limited Landowner Permit and Preference Point Applications for Residents and Nonresidents

003.02B4a 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.

| <u>NGPC District Office</u> | <u>Elk Units</u>                                   |
|-----------------------------|--|
| Alliance                    | Ash Creek, Bordeaux, Hat Creek, North Platte River |
| Bassett Customer Service    | Niobrara East, Niobrara West                       |
| North Platte                | Box Elder  |

Period 1: Beginning the third Monday in May at 1 p.m. CST CDT 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 4<sup>th</sup> first Friday in July.

Successful applicants will have until the 3<sup>rd</sup> third 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 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. ~~CST~~ CDT. Remaining elk permits are available to eligible resident and nonresident landowners.

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

003.02B6 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~~ ~~CDT~~ 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 CDT** 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 Three (3) shared-revenue auction permits are authorized for residents or non-residents, per calendar year.



003.05 Free-earned Landowner Elk Permit Program.

003.05A Following the verification of ten (10) antlerless elk harvests as defined in 37-456.01, a qualifying landowner or leaseholder who owns or leases at least 80 acres of farm or ranch land for agricultural purposes or their immediate family shall qualify for an either sex elk permit.

003.05A1 On a form provided by the Commission, the qualifying landowner or leaseholder will provide the following information to record antlerless elk harvests: full name of the landowner or leaseholder, mailing address, legal descriptions of the qualifying farm or ranch land owned, legal descriptions and name of the owner of land leased, names of the hunters and seal numbers of all antlerless elk harvested on described land. Forms will be due by close of business on the 3<sup>rd</sup> **third** 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 (10<sup>th</sup>) qualifying antlerless harvest.

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

