

## 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 17, 2022 at the Holiday Inn Express 2605 Plum Creek Parkway Lexington, NE prior to consideration and/or enactment of the following:

Pursuant to Neb. Rev. Stat. Sections §§ 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, 37-457, 37-527, 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 8:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 001 – General Regulations Governing Wildlife Species to add options for landowners to identify the land they own or lease after January 2023. Proposed amendments would make it unlawful to possess night vision scopes while hunting game animals and game birds. Clarify language to allow elk hunters to hunt with a centerfire rifle during the November firearm deer season. Add language to make it illegal to create a baited area on lands owned or controlled by the Nebraska Game and Parks Commission. Make it mandatory to check all turkeys after February 1, 2023. Allow antelope taken during the October firearm season to be checked in using the telephone or internet check station process. Clarify language that animals trapped must be removed when checking traps. Adding the U.S. Forest Service to federal lands where it is unlawful to set body-gripping traps with a jaw spread larger than five inches with exceptions. Changing the novice hunter education program for upland game birds to be open to all ages and extend the dates. Clarify language in the Hunters Helping the Hungry program on record keeping and reimbursement processes.

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 8:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, entitled Wildlife Regulations, Section 037 Mountain Lions to make changes to season and auxiliary dates and adjust the number of permits issued during the lottery.

Pursuant to Neb. Rev. Stat. Sections §§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 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 2, entitled Fisheries Regulations, Sport Fishing 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.

Pursuant to Neb. Rev. Stat. Sections §§37-314, 37-404, 37-414, 37-447, 37-457, 37-502, 37-508, 37-527, 37-534, 37-701, a public hearing will be held at 9:15 AM to consider amendments to Wildlife Commission Orders C02, Wild Turkey regarding changes to personal permit limits for the spring season, and changes to fall bag limits and season dates.

Pursuant to Neb. Rev. Stat. Sections §§37-314, 37-404, 37-414, 37-447, 37-457, 37-502, 37-508, 37-527, 37-534, 37-701, a public hearing will be held at 9:30 AM to consider amendments to Wildlife Commission Orders C05, Game Birds (not including turkey, coots and migratory waterfowl), furbearers, cottontail rabbit and squirrels regarding increasing the river otter season-closing trigger number.

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 June 15, 2022 by Sheri Henderson at the Lincoln office, 2200 North 33<sup>rd</sup> Street, Lincoln, NE 68503-0370.

Tim McCoy, Director

## FISCAL IMPACT STATEMENT

Agency: Nebraska Game and Parks Commission	
Title: 163	Prepared by: Alicia Hardin
Chapter: 4	Date prepared: May 13, 2022
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)	(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 – 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 approved date changed.

037.02A language is added to this subpart to end the season at the end of February. This language will allow the season to occur these same dates regardless of the year.

037.02B language is added to this subpart to change the dates of the auxiliary season to be open the Saturday closest to March 13<sup>th</sup> and go through the end of March. This language will allow the season to occur during this time period whenever an auxiliary season is warranted regardless of the year.

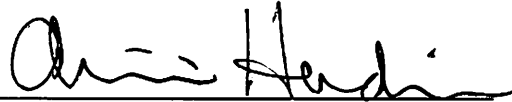
037.04A language is changed in this subpart to make the amount of permits issued by lottery to be 200. The number of permits allowed was reduced to accommodate the higher success rate of hunters than originally calculated.

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 13th day of May, 2022.

NEBRASKA GAME AND PARKS COMMISSION

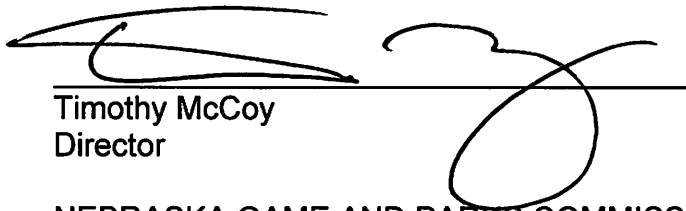


Alicia Hardin  
Wildlife Division Administrator

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

DATED the 13th day of May, 2022.

NEBRASKA GAME AND PARKS COMMISSION



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 037 – Mountain Lions to make changes to season and auxiliary dates and adjust the number of permits issued during the lottery.

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 15th, 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 June 7, 2022.

## NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~July 22, 2020~~ September 22, 2021

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<sup>nd</sup> through the end of February ~~28th, 2022~~, 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 the Saturday closest to March 13<sup>th</sup> through end of March ~~31, 2022~~, 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 two~~ hundred and twenty (~~200 320~~) 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.