

In accordance with Neb. Rev. Stat. 84-907, public hearings will be conducted by the Nebraska Game and Parks Commission on June 9, 2023, at the Alma Municipal Golf Course 102 Dick Brown Memorial Dr. Alma, 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 8:15AM to consider amendments to Title 163, Nebraska Administrative Code, Chapter 4 Wildlife Regulations Section 037 Mountain Lions; to add areas open to harvest, harvest limits, adjust the number of permits that may be issued during the lottery, and clarify checking requirements.

Pursuant to Neb. Rev. Stat. Sections §§ 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 8:30 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 2, Fisheries Regulations Section 006 Sportfish, to allow archery paddlefish permit holders to harvest paddlefish in the stilling basin below Gavin's Point Dam, except that the north wall of the spillway will remain closed to archery paddlefish fishing.

Pursuant to Neb. Rev. Stat. Sections §§ 37-314, 37-315, 37-502, 37-701, a public hearing will be at 8:45 AM to consider amendments to Title 163, Nebraska Administrative Code Chapter 4, Wildlife Regulations Section 005 Wildlife-Game birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit to change the reporting and daily status checking requirements for a river otter harvest.

Pursuant to Neb. Rev. Stat. Sections §§ 37-314, 37-315, 37-502, 37-701 a public hearing will be held at 9:00AM to consider amendments to Commission Order C05, Game Birds (not including turkey, coots and migratory waterfowl), furbearers, cottontail rabbit and squirrels to eliminate the harvest closing trigger for river otters.

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 June 7, 2023 by Sheri Henderson at the Lincoln office, 2200 North 33rd 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 5, 2023
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	()	()	()
Decreased Revenue	()	()	()
Indeterminable	(X)	()	()

Provide an Estimated Cost & Description of Impact:

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

If indeterminable, explain why: Due to the increase in opportunity with the additional Niobrara Unit, there could be more applicants.

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.

037.01B This part was added with language outlining the new Niobrara mountain lion unit boundaries.

037.02A This part has language added to include the Niobrara unit as having an open season, and specifics about when Season 1 closes, including a reference being added as to where the harvest limits for the Niobrara unit can be found.

037.02B This part has language added to include the Niobrara unit as being eligible for an auxiliary season if all the requirements are met. A reference was also added to show where the Niobrara harvest limit and female sub-limit are located.

037.03B This part was added to include the harvest limit and female sub-limit for the Niobrara unit.

037.04A This part has language added that includes the Niobrara unit and explains how the number of permits may be issued is based on the harvest limit multiplied by 80 in each unit with an open season.

037.04B This part has language changed to include the Niobrara unit and explains how the auxiliary permits will be issued if an auxiliary season occurs.

037.08 This sub section has language changed to clarify that mountain lions must be checked in the management unit where they are harvested.


The regulations allow residents an opportunity to hunt mountain lions in the Pine Ridge and the Niobrara Management Units in the state of Nebraska with open seasons, annual harvest limits, updated permit allocation and clarified checking requirements. The newly added Niobrara unit has a population that is resilient and can sustain a harvest. All harvest recommendations are in accordance with the Commission's Mountain Lion Management Plan.

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 5th day of May, 2023.

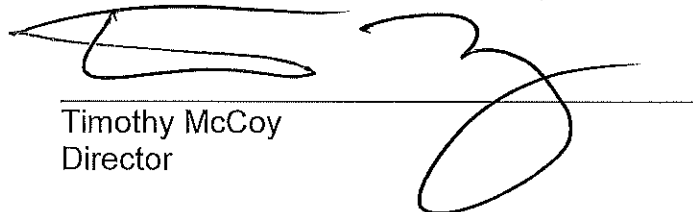
NEBRASKA GAME AND PARKS COMMISSION


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 5th day of May, 2023.

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 add areas open to harvest, harvest limits, adjust the number of permits that may be issued during the lottery, and clarify checking requirements.

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 7th, 2023.

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 May 30, 2023.

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 037

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, 37-228, 37-404, 37-405, 37-411, 37-426, 37-452, 37-473, 37-613.

ABSTRACT OF SUBJECT MATTER: Wildlife – Mountain Lions
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>5/5/23</u>	_____
	Governor Waiver	_____	_____
	Rulemaking Hearing	<u>6/8/23</u>	_____
	Post-hearing Analyses and Revisions	_____	_____
Final Rule	Agency Reviews & Approval	_____	_____
	Attorney General Submission	_____	_____
	Attorney General Approval	_____	_____
	Governor Submission Governor Approval	_____	_____
Completion	Filing Date	_____	_____
	Indexing Date	_____	_____
	Publication	_____	_____
or Termination	Notice of Termination w/o Rulemaking	_____	_____
Operative Date	*If later than effective date prescribed in 84-906 & 84-911	_____	_____

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~September 22, 2024~~ July 22, 2022

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.

037.01B Niobrara

Those parts of Brown, Cherry, Keya Paha, Rock, and Sheridan counties included within a line commencing with NE Hwy 27 and the Nebraska-South Dakota state line; south to 448 Trail; east to 423 Trail; south and east to Anderson Road; east and north to Fawn Lake Road; east to Clifford Creek Road; east to NE Hwy 61; north to the Snake River; east to Merritt Reservoir State Recreation Area boundary; south to Snake River Road; south and east to NE Hwy 97; south to Kennedy Road; east to NE Spur 16B; north and east to U.S. Hwy 83; south to West Wood Lake Road; east to U.S. Hwy 20; east to NE Hwy 137; north to the Nebraska-South Dakota state line.

037.02 Open Seasons:

037.02A Pine Ridge (037.01A) and Niobrara (037.01B)

Season 1: January 2nd through the end of February, except the season shall immediately close if either the annual harvest limit or female sub-limit (037.03A, 037.03B) is reached.

037.02B Pine Ridge (037.01A) and Niobrara (037.01B)

Auxiliary Season: The auxiliary season will open the Saturday closest to March 13th through end of March, if the annual harvest limit or female sub-limit (037.03A, 037.03B) 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, 037.03B) 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.

037.03B Niobrara (037.01B):

Two (2) mountain lions, with a sub-limit of one (1) female.

037.04 Permits:

037.04A Pine Ridge (037.01A) and Niobrara (037.01B):

Season 1: The Commission ~~shall~~ may issue ~~two hundred (200)~~ up to eighty (80) permits by lottery for each mountain lion in the harvest limit (037.03) for each unit with an open season 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 (037.01A) and Niobrara (037.01B) Auxiliary Season:

If the annual harvest limit or female sub-limit (037.03A) ~~has~~ has 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 an ~~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) where they were harvested.**

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.