

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](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 7, 2023 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 5, 2023
Subject: : Section <u>005</u> , Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, and Cottontail Rabbit	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 Regulations, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, and Cottontail Rabbit

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 005.** Last approved date changed.

005.06C1 the sub part has language deleted that requires trappers to report harvest of a river otter within 24 hours of the harvest. Language added that otters must be tagged by the Commission within 2 business days after the close of the river otter season and before the sale or transfer of the otter.

005.06C2 this sub part which has language covering the daily season status check, has been deleted.

005.06C3 this sub part will be renumbered to 005.06C2

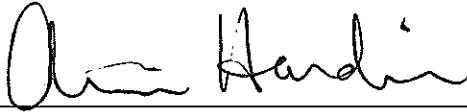
These changes help to simplify the otter harvest. This is due to the proposed elimination of the harvest closing trigger of otters (in Commission Orders C05).

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

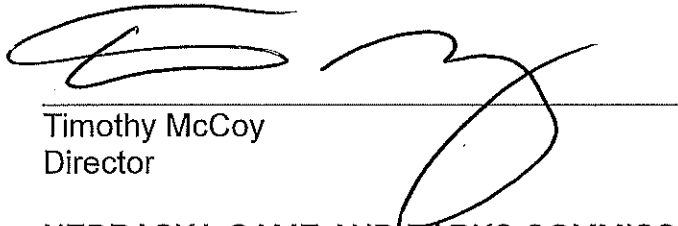


Alicia Hardin  
Wildlife Division Administrator

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 005 – Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, and Cottontail Rabbit to make changes to the reporting and daily status checking requirements for a river otter harvest.

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 005

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

LEGAL AUTHORITY FOR RULES: Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701.

ABSTRACT OF SUBJECT MATTER: Wildlife – Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, and Cottontail Rabbit

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: ~~October 26, 2017~~ September 22, 2021

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

005 Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, and Cottontail Rabbit

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-314, 37-315, 37-502, 37-701. 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, possession limits, open areas and shooting hours see Nebraska Game and Parks Commission Order C05, Game Birds (not including turkey, coots and migratory waterfowl), Furbearers, Cottontail Rabbit and Squirrels on the Commission's website: [outdoornebraska.gov](http://outdoornebraska.gov).

005.01 Grouse (Greater prairie-chicken and Sharp-tailed are the only species allowed to be hunted).

005.01A Special Permit Eligibility: Persons who have been issued a valid Nebraska small game hunting permit are eligible to apply for a special permit. Residents 12 through 15 years of age who have successfully completed a state-certified Hunter Education course, as well as persons who may legally hunt small game in the State of Nebraska without a valid small game hunting permit, are also eligible to apply.

005.01B Application Period and Procedure: Permits valid for the current calendar year may be applied for no sooner than July 15 of that year. Permits will be distributed to eligible applicants on a first-come, first-served basis, with permit requests accepted at the Lincoln Game and Parks office by mail, phone, or over-the-counter. Permit requests must include the applicant's name, address, and valid small game hunting permit number (or, for residents 12 through 15 years of age, their Hunter Education Certificate number). Persons who may legally hunt small game in the State of Nebraska without a valid small game hunting permit may provide documentation of such status with their application in lieu of a permit number.

005.01C Tagging: It shall be unlawful to fail or neglect to tag a grouse taken in the East Zone immediately after killing, with the tag furnished by the Nebraska Game and Parks Commission, or to transport or possess any grouse taken in the East Zone unless the tag is attached to the carcass.

005.02 Pheasant

005.02A1 Youth Eligibility: Youth 15 years of age or younger, and others as specified in 005.02A2.

005.02A2 Adults accompanying youth will not be allowed to shoot pheasants, except on Wildlife Management Areas where special hunts have been declared according to 018.13 and other areas posted by Commission signage.

005.03 Quail

005.03A1 Youth Eligibility: Youth 15 years of age or younger.

005.03A2 Adults accompanying youth will not be allowed to shoot quail.

005.04 Partridge (Gray [Hungarian] and Chukar are the only species allowed to be hunted)

005.04A1 Youth Eligibility: Youth 15 years of age or younger.

005.04A2 Adults accompanying youth will not be allowed to shoot partridge.

005.05 Cottontail Rabbit

005.05A Running: Running is defined as pursuing or chasing of these animals, but not the killing. Running season is provided for cottontail rabbits. See C05.0116 for cottontail running season.

005.06 FURBEARER SEASONS

005.06A Running is defined as the pursuing or chasing of these animals but not killing except during the taking (hunting, trapping) season. See C05.02G for running seasons for raccoon, Virginia opossum, bobcat and red fox.

005.06B Pursuant to this sub-section and Nebraska Statute 37-225, fur harvesting shall mean to chase or pursue or take or attempt to take any furbearers during their respective open trapping and/or hunting seasons.

005.06C River Otter

005.06C1 Checking: Any river otter harvested ~~must be reported to the Commission within 24 hours of harvesting the animal using a phone number or website specified by the Commission or in person at a district office during normal business hours. The river otter~~ must be registered and officially tagged by the Commission within two business days after ~~harvest the close of the river otter season and before the sale or transfer of said otter.~~ The permittee shall furnish



Title 163  
Chapter 4

the Commission with the date and location of kill prior to the attachment of the harvest seal.

~~005.06C2~~ Daily season status check: Each day before setting traps for river otters, permittees must confirm that the harvest limit has not been met, and the season is open by checking the Commission-provided phone number or season status website.

005.06C32 Any incidental take of a river otter outside of the river otter harvest season, or beyond daily or season bag limits, shall be unlawful unless the animal is immediately released if viable, or the harvester reports the take within 24 hours and turns the carcass over to the Nebraska Game and Parks Commission.