

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: November 30, 2015

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

001 General Regulations Governing Wildlife Species

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-316, 37-353, 37-401, 37-403 through 37-406, 37-411, 37-413, 37-414, 37-418, 37-426 through 37-429, 37-447 through 37-453, 37-527, 37-455 through 37-461, 37-463, 37-464, 37-477 through 37-479, 37-482.01, 37-501 through 37-503, 37-508, 37-509, 37-512, 37-514, 37-520, 37-525, 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. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

001.01 Antelope, Deer, Elk, Mountain Lion, Mountain Sheep, Turkey

001.01A Applications

001.01A1 Except for those permits issued by lottery and auction (014, 037 and 003.12), application periods shall be established by the Commission for persons applying for antelope, deer, elk or turkey permits. All applications for the initial period must be received in the designated Commission offices by the terminal day and time of the identified application period.

001.01A2 Big Game/Limited Landowner Permits

Persons applying for a big game permit or a limited landowner permit for big game shall provide the following information to the

Title 163  
Chapter 4

Commission: full name, mailing address, date of birth, gender, height, weight, colors of hair and eyes, daytime phone number, and last four digits of social security number. Persons shall indicate the type of permit for which the application is made including weapon type and/or unit choice(s).

Additionally, persons applying for a limited landowner permit shall list the legal descriptions of the qualifying farm or ranch land. The limited landowner applicant shall also attest that they qualify as one of the following and indicate under which category: an owner/leaseholder of the qualifying land listed, a spouse of the owner/leaseholder of the qualifying land listed, a child of the owner/leaseholder of the qualifying land listed, or a sibling sharing ownership of the qualifying land listed.

All persons applying for a limited landowner elk permit shall provide the name of the owner or owners as listed on the title or deed for the qualifying property. Persons qualifying under an agricultural lease agreement must provide the name, address and phone number of the owner of the qualifying property; the agricultural purpose, the dates and duration of the lease. Persons qualifying as a spouse or child of an owner must provide the name, relationship, address and phone number of the owner. Persons qualifying as a spouse or child of a lease holder must provide the name, relationship, address and phone number of the lease holder; the name, address and phone number of the owner, the agricultural purpose of the lease, and the dates and duration of the lease. Information provided by the applicant shall be on a form provided by the Commission.

Persons shall provide, in the case of credit card payment, credit card number, card expiration date and/or verification number.

Application forms are available from the Commission and electronic applications are available at the Commission's website.

001.01A3 Preference

001.01A3a Any eligible resident who properly applies for and is denied a landowner antelope or non-landowner antelope or a landowner bull elk permit during the first application period shall receive a preference point, and one point shall be allowed for each year he or she is unsuccessful in the drawing. Any eligible nonresident who properly applies for and is denied a landowner antelope permit or a landowner bull elk permit during the first application period shall receive .9 of a preference point, and .9 of a point shall be allowed for each year he or she is unsuccessful in the drawing. Such preference points shall be used to determine priority in the permit drawing, with persons having the most points receiving the greatest priority. If two applicants submit a joint application, priority will be given based on the lower number of points possessed by either applicant. Persons who indicate a second choice for an antelope unit, and have points exceeding persons who indicate that unit for a first choice, shall have priority. Any person who is issued a Landowner bull elk or a firearm or muzzleloader buck or either sex antelope permit shall lose all preference points for that species permit.

001.01A3b Any person who properly applies for and is denied a draw unit deer permit during the first application period shall receive one preference point, and one point shall be awarded for each year the applicant is unsuccessful in the drawing. Such

preference points shall be used to determine priority in the permit drawing, with persons having the most points receiving the greatest priority. If two applicants submit a joint application, priority will be given based on the lower number of points possessed by either applicant. Any person who is issued a draw unit deer permit shall lose all preference points. Regardless of preference points accrued, residents shall have preference over nonresidents except for permits included in a nonresident permit quota

001.01A3c Any eligible resident who properly applies for and is denied a non-landowner bull elk permit during the first application period shall receive a bonus point, and one point shall be allowed for each subsequent year he or she is unsuccessful in the drawing. Such bonus points shall be used to determine the number of chances applicants have in the permit drawing, with each bonus point adding an additional entry in the drawing. If two applicants submit a joint application, the number of drawing entries will be based on the lower number of bonus points possessed by either applicant. Any person who is issued a non-landowner bull elk permit shall lose all bonus points for that permit.

001.01B It shall be unlawful:

001.01B1 to apply for, obtain, or possess more than one permit for antelope or elk or two permits which allow taking of antlered deer (includes specification of deer of either sex), in any calendar year, or to apply for, obtain, or possess more than three spring turkey permits or two fall turkey permits; or to apply for a permit unless eligible, or prior to the time of eligibility. Limitations on numbers of permits per individual shall not apply to special

depredation control season permits or lottery permits (003.12), and obtaining of such control season permits shall not affect eligibility for succeeding permits.

001.01B2 to take antelope, deer or mountain lion with a rifle smaller than 22 caliber or a rifle which delivers less than 900 foot-pounds of bullet energy at 100 yards except that a .357 magnum rifle or a .45 Colt rifle are legal, a muzzleloading rifle of less than 44 caliber, a muzzleloading musket other than a 62 caliber or larger firing a single slug, a shotgun other than a 20 gauge or larger firing a single slug, to take elk with a handgun or to take antelope, deer or mountain lion with any handgun or a muzzleloading handgun which delivers less than 400 foot-pounds of bullet energy at 50 yards; to take elk or mountain sheep with a rifle smaller than 25 caliber, or which delivers less than 1700 foot-pounds of bullet energy at 100 yards, or with a muzzleloading rifle of less than 45 caliber; to use any firearm capable of fully automatic fire, or semi-automatic firearm capable of holding more than 6 cartridges; to take antelope, deer, elk, mountain lion or mountain sheep with a full metal jacket or incendiary bullet; or to take turkeys with a rifle or while possessing or using shotgun shells containing shot other than sizes 2 through 7½ or containing a single slug; to take antelope, deer, elk, mountain lion, mountain sheep or turkey with a crossbow which has a draw weight of less than 125 pounds, with an electronically loaded, cocked, or fired crossbow, or with a crossbow not designed to be fired from the shoulder; to take mountain lion with archery equipment other than a longbow, recurve bow, compound bow, or crossbow; to take antelope, deer, elk, mountain sheep or turkey with archery equipment other than a longbow, recurve bow, compound bow, crossbow, or with a spear other than a hand thrown spear, or to hunt antelope, mountain lion, deer, elk, mountain sheep or turkey with any arrow or spear

containing poison or stupefying chemical, or with an arrow or spear that has an explosive tip, or with an arrow or spear with other than a sharpened hunting head with a blade of at least 7/16 inch radius from the center of the arrow or spear shaft, except that turkeys may also be hunted with a blunt (bludgeon) head with a diameter of at least 9/16 inch.

001.01B3 while hunting game animals and game birds to have attached to any air gun, firearm, crossbow, or bow any device capable of utilizing electricity to amplify natural ambient light or to project a visible light beam or image to a target. This restriction allows red dot and illuminated reticle sights and scopes, any sight that uses natural light or other light source to make the sight illuminated or enhance the sights visibility but prohibits night vision scopes (both light amplification types and projected light types such as infrared) and all other sights that project a visible light beam to the target.

001.01B4 during the November firearm deer season to hunt wildlife other than deer with a centerfire rifle or centerfire handgun, except that this shall not apply to a holder of a valid unfilled firearm deer permit while hunting in the unit for which the permit was issued or to a bona fide farmer or rancher who owns, or leases, or resides upon such farm or ranch land or a member of the immediate family of such farmer or rancher while hunting on such farm or ranch land.

001.01B5 to hunt antelope or deer, under authority of an archery permit while in possession of, or having under control, any firearm, or to hunt antelope or deer under authority of a muzzleloader permit while in possession of, or having under control, any breech-loading firearm, except that this shall not prohibit carrying a firearm within the enclosed portion of a vehicle.

001.01B6 to chase, run, or harass any antelope, deer, elk, mountain lion or mountain sheep with any motor vehicle or to shoot, shoot at, or take any antelope, deer, elk, mountain lion or mountain sheep from a motor vehicle while the vehicle is underway or moving.

001.01B7 to take antelope, deer, elk, mountain lion, mountain sheep or turkey in any area other than the management unit or season choice area for which the permit is issued.

001.01B8 to take any turkey which is perched in a tree, prior to sunrise or to use any live decoy or electronic call in attempting to take turkeys; or to take or attempt to take elk with electronic calls.

001.01B9 to establish, utilize, or maintain a baited area for ten (10) days prior to the opening of any big game (sheep, elk, mountain lion, deer, or pronghorn) or turkey season and throughout those entire seasons for the purpose of taking big game or turkey. A baited area is defined as an area within 200 yards of any location where bait (grains, fruits, vegetables, nuts, hay, minerals [including salt], or any food materials, commercial products containing food materials, or by-products of such materials) is placed or maintained for the purposes of hunting and that may serve as an attractant to big game or turkey. It shall be unlawful for a person within a baited area to hunt big game or turkey, or for a person to hunt or take big game or turkey that are within a baited area; these restrictions shall only apply to property included in the same ownership, control or lease of such location where bait is placed. An area shall be considered to be baited for ten (10) days following the removal of all bait. The Commission may, by special authorization, allow take otherwise prohibited by this regulation.

The use of scents alone, normal environmental conditions, accepted farming and ranching practices, forest management, wildlife food plantings, orchard management, or similar land management activities do not constitute baiting.

001.01B10 except as provided in 001.01D, (1) to fail to punch or notch the permit or bonus tag indicating date of kill and sex immediately after killing (punching/notching the permit or bonus tag automatically cancels the permit or bonus tag); (2) to fail to retain the canceled permit or bonus tag on the person of the hunter while in possession of any antelope, deer, elk, mountain lion or mountain sheep prior to successfully completing the check station process as described in 001.01B13, 001.01B14 and 037.08; (3) to fail to attach permit or bonus tag securely to a turkey immediately after the kill; (4) to fail to leave the canceled permit or bonus tag attached to the antelope, deer, elk, mountain lion or mountain sheep carcass; (5) to transport or possess any antelope, deer, elk, mountain lion, mountain sheep or turkey taken under authority of a permit or bonus tag unless the permit or bonus tag has been punched/notched as required and accompanies the animal as required.

001.01B11 to separate an antelope or deer carcass into smaller than quarters before successfully completing the check station process as described in 001.01B13 and 001.01B14; if delivery to a check station is required, head must accompany the carcass to the check station. Quarters shall mean four (4) legs with femur or scapula naturally attached and loins. Permit and check station seal number or check station verification number must be retained when transporting the carcass or a portion thereof to a point of permanent storage or processing. It shall be unlawful to transport an elk or portions thereof to a point of permanent storage or processing facility without first delivering the head and all edible portions to a check station. The check

station seal number must be retained when transporting the elk to a point of permanent storage or processing facility.

001.01B12 to possess any turkey unless the legs, thighs, and breast remain together until the bird is consumed or the bird arrives at the permanent abode of the possessor. The breast meat may be removed from the bone but must remain as two entire halves. Birds taken in the spring must have proof of sex consisting of 1) the legs with spurs naturally attached; 2) the beard naturally attached to the breast; or 3) the detached beard with at least  $\frac{1}{4}$ -inch of skin remaining at the attachment site and kept together with the leg, thighs, and breast.

001.01B13 for the permittee to fail or neglect to deliver any deer taken during November firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), or any antelope taken during the firearm or muzzleloader antelope season to a sealing and checking station prior to 1:00 p.m. of the day following the close of the season; for the permittee to fail or neglect to deliver any elk to a sealing and checking station within 48 hours of the time taken; for the permittee to fail or neglect to successfully complete the check station process as described in 001.01B14 within 48 hours of time taken for deer taken outside of the November Firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), or for antelope taken outside the October antelope season (Nebraska Game and Parks Commission Order C03, Section C03.02A1); for the permittee to fail or neglect to complete the check station process for antelope, deer or elk before the carcass leaves the state of Nebraska, for the permittee to fail or neglect to successfully complete the check station process as described in 001.01B14 for antelope taken with archery equipment within 48 hours of taking said animal but not later than 1:00 p.m. on the day following the close of any

portion of the season, provided if that day is January 1 the animal must be checked by 1:00 p.m. on January 2.

001.01B14 for the permittee to fail or neglect to record the seal number as provided by the check station on the permit for any eligible antelope or deer checked utilizing either telephone or Internet check stations. Deer taken under the authority of a valid permit outside the November firearm deer season (Nebraska Game and Parks Commission Order C03, Section C03.05A), and antelope taken under the authority of a valid permit outside the October antelope season (Nebraska Game and Parks Commission Order C03, Section C03.02A1), must be successfully checked through an authorized Commission telephone or Internet check station.

001.01B15 for any person other than the successful permittee to possess any antelope, deer, elk, mountain lion, mountain sheep, turkey or portion thereof, except under conditions set forth in 001.02A13.

001.01B16 for a farmer or rancher hunting under the provisions of section 37-403 to refuse to provide to a Conservation Officer, upon request, a signed statement stating that he or she is a bona fide farmer or rancher of the land upon which he or she is hunting.

001.01C As provided in 37-527, archers hunting antelope, deer, elk or mountain sheep shall be exempt from wearing hunter orange during the firearm seasons for antelope, elk or mountain sheep.

001.01D Permits Issued for Use on Mobile Electronic Devices

001.01D1 Turkey Permits

001.01D1a Cancellation: Except as provided below, it shall be unlawful to fail to

electronically cancel a mobile permit immediately after the kill. When lack of connectivity between the hunter's mobile device and the Commission's permit system prevents immediate electronic cancellation, the hunter must immediately document their name, permit number, time and date of kill; and such documentation must be kept with the carcass until the permit is electronically cancelled. Under these circumstances, the hunter must electronically cancel their permit immediately upon acquiring connectivity and no later than 12 hours after the time of kill.

001.01D1b Possession: A turkey harvested under the authority of a mobile permit must be accompanied by the hunter with a mobile device upon which the cancelled permit can be displayed until such time as the turkey arrives at the personal abode of the hunter or a commercial preservation facility. The turkey may be left unaccompanied by the hunter only if a document bearing the hunter's name, permit number, and time and date of permit cancellation (or time and date of kill if cancellation has not yet occurred under condition specified in 001.01D1a) is kept with the carcass. Other persons may take possession of the carcass only under conditions specified in 001.02A13.

001.02 Game Birds and Game Animals

001.02A It shall be unlawful to:

001.02A1 hunt migratory waterfowl without possessing a valid small game hunting permit, a habitat stamp, a Nebraska migratory waterfowl stamp, and a Federal migratory bird hunting stamp, provided the requirements for the Nebraska migratory waterfowl stamp shall begin January 1, 2006. This applies to any resident 16 years of

age or older and all nonresidents regardless of age.

001.02A2 take in one day, more than the lawful daily bag limit.

001.02A3 use recorded or amplified calls or sounds, or recorded or amplified imitations of calls or sounds when hunting game birds with the exception listed in 001.02A3a.

001.02A3a The use of recorded or amplified calls or sounds or recorded or amplified imitations of calls or sounds is allowed for the hunting of light geese when all other migratory game bird hunting seasons are closed, provided such use is approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 Code of Federal Regulations (CFR) Part 20, Subpart C, Section 20.21(g).

001.02A4 hunt any dove, snipe, rail, woodcock, coot, duck or goose with a shotgun capable of holding more than three shells in the magazine and chamber combined, unless it is plugged with a one piece filler incapable of removal without disassembling the shotgun with the exception listed in 001.02A4a.

001.02A4a During a light goose season when all other migratory game bird seasons are closed, light geese may be hunted with a shotgun capable of holding more than three shells provided such use is approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 Code of Federal Regulations (CFR) Part 20, Subpart C, Section 20.21(g).

001.02A5 use live decoys when hunting waterfowl.

001.02A6 hunt migratory species with a crossbow.

001.02A7 take any migratory species on, or over a baited area or by the use or aid of a baited area.

001.02A8 possess any wounded or live game bird or game animal taken by authority of a hunting permit.

001.02A9 possess rail, snipe, woodcock, coot or any species of duck or goose unless the head with plumage intact or one fully feathered wing remains attached to the carcass for species identification until such time as birds arrive at the personal abode of the possessor or commercial preservation facility.

001.02A10 possess greater than a possession limit of game birds or game animals taken by authority of a small game hunting permit.

001.02A11 shoot at quail other than when such bird is in flight.

001.02A12 possess pheasants or grouse unless one leg or head remains attached to the carcass, until such time as the birds arrive at the personal abode of the possessor or commercial preservation facility.

001.02A13 give, put, leave or retain the whole carcass or meat or flesh of any game birds or game animals at any place or in the custody of another person, cold storage, or processing facility except as specified in 001.14 and unless the game birds or game animals are tagged with the following information: (1) Name; (2) Phone number; (3) Permit number or seal number (if deer, antelope, elk, mountain lion or mountain sheep); (4) Estimated pounds of meat for deer, antelope, elk, mountain lion and mountain sheep; (5) Species of game birds or game animals and total number of each; and, if transferred by

gift; (6) Signature of donor and name of recipient and date of transfer.

001.02B Dog Training/Trials

For purposes of this section, sporting dog trials shall be as defined in 37-412 R.R.S. 1998.

For purposes of this section, dog training shall mean the use of dogs in a non-competitive process solely intended to enhance the hunting skills of dogs and shall not apply to dog trials as defined in 37-412 R.R.S. 1998 or to activities associated with or requiring a Controlled Shooting Area Permit (Section 015). Landowners, their lessees or guests may allow for or participate in the release and/or pursuit of pen-reared birds for dog training purposes on private land, only according to the provisions of this subsection. If any service relating to procurement or release of birds is provided by the landowner or lessee to bird harvesters, the landowner or lessee must qualify for and obtain a Commission-authorized Game Breeding and Controlled Shooting Area permit (015) for the lands to be used for dog training. The requirement to obtain a Game Breeding and Controlled Shooting Area permit shall not apply to persons conducting Commission-authorized field trials, youth-mentored hunts, or persons who have received designation as a "Private Dog Training Area" prior to November 12, 2004.

001.02B1 Dog Training

001.02B1a All game birds purchased and released for training purposes must be obtained from a Captive Wildlife Permit holder or licensed nonresident breeder; must be banded by the sponsor or trainer with official bands authorized by the Game and Parks Commission and any person who purchases game birds from the holder of a Captive Wildlife Permit or licensed nonresident breeder shall have in his or her possession a sales tag from the Captive

Wildlife Permit holder or sales receipt from the licensed nonresident permit holder listing the date, species and number of birds purchased. Sales tag or sales receipt must be returned to the Game and Parks Commission after the fourteen (14) day time frame (001.02B2).

001.02B1b All game birds purchased and released for dog training purposes, but not taken during the training session, shall be considered wild birds and subject to the rules and regulations covering taking of the same upon completion of the training session, provided that holders of a Captive Wildlife Permit may recapture birds.

001.02B1c Only pen-raised pheasants (hens only), quail, partridge, mallards, and pigeons may be purchased and released for dog training purposes.

001.02B1c(1) Limits for the harvest of game birds per dog during any training session are:

Hen Pheasants:	Two (2)
Quail:	Five (5)
Partridge:	Unlimited
Mallards:	Unlimited

001.02B1d A training session shall be confined to one day, defined as sunrise to sunset.

001.02B2 Game birds obtained under authority of this section may be kept in captivity without a Captive Wildlife Permit for a period not to exceed fourteen (14) days following date of purchase of those birds.

001.02C Dog Trials

001.02C1 Application for approval of Sporting Dog Trials shall be made in writing on forms provided by the Game and Parks Commission, and shall provide information as specified by the Commission.

001.02C2 All game birds purchased and released for field trials must be obtained from a Captive Wildlife Permit holder or licensed nonresident breeder; must be banded by the sponsor or trainer with official bands authorized by the Game and Parks Commission and any person who purchases game birds from the holder of a Captive Wildlife Permit or licensed nonresident breeder shall have in his or her possession a sales tag from a Captive Wildlife Permit holder or sales receipt from the licensed nonresident permit holder listing the date, species and number of birds purchased. Sales tag or sales receipt must be returned to the Game and Parks Commission after thirty (30) days (001.02C3).

001.02C3 Persons holding a valid Sporting Dog Trial authorization may hold pen-raised birds for a period not to exceed fourteen (14) days beyond the date of purchase of those birds.

001.02C4 Trials may be authorized by the Commission on any lands in the state, providing permission from the landowner is obtained.

001.02C5 Trials conducted on Commission administered lands shall be further subject to the other state regulations or requirements pertaining to those lands.

001.02C6 Authorization for trials may be revoked by the Commission at any time upon violation of these regulations, violation of game laws, or other just cause.

001.03 Fur Harvesting

001.03A It shall be unlawful:

001.03A1 to trap fur-bearing animals unless the traps are checked at least once every calendar day, except for metal spring traps and snares affixed to one way slide wire drowning sets, underwater snare sets which remain completely under water when fully extended and underwater body-gripping trap sets require traps to be checked at least once every 2 calendar days.

001.03A2 to trap or take any fur-bearing animal with any device other than a snare, or a metal spring trap with smooth jaws, or a box trap under the authority of a fur harvesting permit, except raccoon, red fox, gray fox, bobcat, badger, long-tailed weasel, striped skunk, mink and opossum may also be taken with a firearm or bow, and beavers, beaver dens and muskrats may be destroyed in any other legal manner elected under authorization of a damage permit.

001.03A3 to possess any live fur-bearing animal taken by authority of a fur harvesting permit.

001.03A4 in order to protect nongame birds as provided in section 37-805, for any person to place or maintain steel foot hold traps within 30 feet of sight exposed bait on any dryland set, provided that USDA-APHIS-Wildlife Services personnel are allowed to place or maintain traps within 30 feet of sight exposed bait when trapping for mountain lions. Sight exposed bait shall mean and include any bait composed of fish, animal flesh, fur, hide, entrails or feathers placed in plain view. A dryland set is defined as any set where traps or snares are not placed in or under water.

001.03A5 to set a body-gripping trap with jaw spread larger than five inches, except when

Title 163  
Chapter 4

placed under water or at least 6 feet above ground on any land owned or controlled by the Commission, including lands controlled for public access (018.14), land owned or controlled by the U.S. Army Corps of Engineers at Harlan County Reservoir, Waterfowl Production Area lands owned or controlled by the U.S. Fish and Wildlife Service.

001.03A6 to trap on any land in this state with a body-gripping trap with a jaw spread exceeding 8 inches unless such trap is placed completely under water, or at least 6 feet above ground.

001.03A7 to pursue or run raccoon or opossum for two (2) weeks prior to the taking seasons; provided that organized coonhound clubs may conduct United Kennel Club or American Coonhound Association Licensed or Sanctioned Field Trials during this period when approved by written authorization from the Commission, and with the understanding that no raccoons or other wildlife shall be killed or taken.

001.03A8 to trap on any dry land portion of Branched Oak Wildlife Management Area or Yankee Hill Wildlife Management Area prior to December 15 of each calendar year.

001.03A9 to set a snare trap during any upland game bird season on any land owned or controlled by the Commission, including lands controlled for public access (018.14), land owned or controlled by the U.S. Army Corps of Engineers at Harlan County Reservoir, or Waterfowl Production Area lands owned or controlled by the U.S. Fish and Wildlife Service, unless the snare is set completely under water.

001.03A10 for buyers to purchase furs unless complete records are kept on all furs bought or sold. The information required to be kept by the buyer shall be in accord with section 37-463. A current record of this information must be

immediately available upon demand by a conservation officer. Record books are available from the Commission.

001.03A11 for any person who has taken a bobcat (*Lynx rufus*) in Nebraska to fail or neglect to have the pelt of said bobcat registered and officially tagged by the Commission within 48 hours after the close of the bobcat harvest season and before the sale of said bobcat.

001.03A12 to set any trap for fur-bearing animals or coyotes unless such trap has the following information stamped or inscribed legibly onto the trap or onto a metal tag that is securely affixed to the trap: (1) the owner's or user's valid motor vehicle operator license number, or (2) the owner's or user's Nebraska state identification card number applied for at motor vehicle operator license examiner's offices. Individuals under 16 years of age may use the motor vehicle operator license number or Nebraska state identification card number of a parent or guardian.

001.03A13 for any person who has taken a gray fox (*Urocyon cinereoargenteus*) in Nebraska to fail or neglect to have the pelt of said gray fox registered and officially tagged by the Commission within 48 hours after the close of the gray fox harvest season and before the sale of said gray fox.

001.04 Nongame Species in Need of Conservation

001.04A It shall be unlawful:

001.04A1 to chase, run or harass any nongame species in need of conservation with any motor vehicle or any other motor driven conveyance, or to take such nongame species from a motor vehicle or motor driven conveyance while the vehicle or conveyance is underway or moving.

001.04A2 to take any nongame species of mammal in need of conservation with any device or by any means other than a snare, or metal spring trap with smooth jaws, live trap, shotgun, rifle, handgun, longbow, or with other devices or by other means as authorized by Commission regulations.

001.04A3 to possess any live nongame species in need of conservation without written authorization from the Commission as provided in 001.07 and 010.02.

001.04A4 for any person to export, process, transport, ship or receive for shipment any nongame species in need of conservation unless it was legally acquired and is not otherwise prohibited by Nebraska statute or Commission regulation.

001.04A5 to take any nongame species in need of conservation except during the open season, if any, that may be authorized by the Commission or as otherwise provided by State Statutes or by the Commission regulations; provided that any person accidentally trapping any nongame species in need of conservation during a closed season for such animal shall deliver the animal or pelt thereof to a Commission Conservation Officer or if the animal is alive and not disabled it shall be immediately released back to the wild. Failure to deliver such animal or pelt or release it back to the wild shall constitute prima facie evidence of the unlawful possession of such wildlife.

001.04A6 to possess any unmounted or untanned nongame species in need of conservation, except during the open season or as otherwise provided by State Statutes or by Commission regulations.

001.04A7 for any person in any one day to take or to have in possession at any time a greater number of nongame species in need of conservation of any one kind than as fixed by the Commission.

001.05 Use of Aircraft To Shoot Coyotes

001.05A It shall be unlawful:

001.05A1 for any permittee to shoot coyotes from an aircraft on land where there has not been a written landowner request filed with the Commission or with Wildlife Services, U.S. Department of Agriculture in Lincoln. Such written landowner requests for coyote aerial control shall contain the legal description of land, mileage from nearest town, and county where there are problems with coyotes damaging or posing a substantial threat to livestock or other domesticated animals. Forms are available from the Commission for submission of this information.

001.05A2 for any permittee to fail to submit quarterly reports of aerial coyote control activities within 15 days after each calendar quarter. Such quarterly reports shall be dated and shall contain the following information: the dates and county in which hunting occurred, the number of coyotes taken each day of the quarter, the name of the permittee completing the report and the names of any other permittees included in the report. Failure to submit such reports shall constitute automatic revocation of the coyote aerial shooting permit. Report forms are available from the Commission for submission of this information.

001.06 Cold Storage Regulations

001.06A All game birds and game animals delivered to a cold storage facility shall be tagged by the owner of the game in accordance with 001.02A13.

001.06B All cold storage facilities which store or process game shall be required to record for each person leaving game in their custody, the information

required in 001.02A13. Record sheets are available from the Commission for this purpose.

001.06C All cold storage records, tags and ledgers shall be open to inspection by any Conservation Officer.

001.07 Scientific and Educational Take Permits

001.07A The Commission may permit the take and collection of wildlife for strictly scientific or educational purposes, to enhance the conservation and survival of the species, or to substantially augment a scientific body of information.

001.07A1 Permits issued in accordance with 001.07A may permit any act otherwise prohibited by Chapter 4 Wildlife Regulations or Chapter 2 Fisheries Regulations provided such permits will be conditioned as to authorized activities, possession, species, numbers, location and methods of take.

001.07A2 Permits shall not be issued to persons other than those capable of demonstrating the requisite education, training, or professional experience, determined by the Commission, as necessary to carry-out, on a case-by-case basis, the scientific or educational activities so permitted.

001.07A3 Application for a permit must be made to the Nebraska Game and Parks Commission and the applicant must provide the following information: applicant name and personal description to include hair and eye colors, height, weight, date of birth, and gender. Other information required includes: the species and number requested to be collected and method of take, general locality and purpose of collection activity, and proposed disposition of specimens. Application forms are available from the Commission for submission of this information.

001.07A4 Permits must be carried by the person when engaged in collection or other permit activities. All persons engaged in permit activities must possess a permit. Sub-permits may be issued by the Nebraska Game and Parks Commission to assistants or associates of master permittees.

001.07A5 It shall be unlawful to take any wildlife under the authority of this permit without notifying the area conservation officer, district Law Enforcement Supervisor or if the officer and supervisor are not available, the Law Enforcement Division headquarters, at least 24 hours in advance.

001.07A6 It shall be unlawful to fail to accurately report all activities conducted under the authority of this permit by February 1 following expiration. This report must be provided to the Commission and shall include the following: species taken, common name and Scientific name, number of species taken, date and location (GPS or legal description) of take, and disposition of specimens (released, in collection, etc.). Forms are available to submit this information from the Commission.

001.07A7 Failure to comply with conditions of the permit or reporting requirements may result in revocation or nonrenewal of the permit as well as possible legal prosecution.

001.07A8 It shall be unlawful to sell, offer for sale, or barter any wildlife taken or held under the authority of this permit.

001.07A9 All species taken or held under the authority of this permit remain the property of the Nebraska Game and Parks Commission. Final disposition of all collected specimens shall be determined by the Commission.

001.08 Private Wildlife Management

001.08A Within the State of Nebraska and in accordance with the laws and regulations of municipalities, persons or their agents may remove wild birds and wild mammals which are causing damage to personal property or have entered a building. Fox squirrels and such wild mammals which are classified as furbearers may be euthanized only by those persons holding a valid Wildlife Damage Control permit (001.08A1) or who are acting under the authority of a municipality; provided the following species shall be protected and are exempt from private wildlife damage control as described in this section: mountain lions, lynx, bears, wolves, otters, bobcats, gray fox, swift fox, southern flying squirrel, deer, elk, bighorn sheep and antelope. Euthanization of non-exempt species must be performed using humane methods, and release of captured animals must be in accordance with 008.08C3.

001.08A1 Persons acting under 001.08A who are conducting wildlife damage control for profit must hold a valid Wildlife Damage Control Permit issued by the Nebraska Game and Parks Commission, provided that unprotected nongame wild mammals and wild birds may be removed and humanely euthanized without a Wildlife Damage Control Permit.

001.08A2 When issuing a Wildlife Damage Control Permit, the Nebraska Game and Parks Commission shall prescribe the methods, means, species, numbers, time limits, and locations authorized for control under the permit and shall require the submission of annual reports in a format outlined by the Game and Parks Commission summarizing damage control activities.

001.08B Damage Control Program for Deer, Antelope, Elk or Turkey

001.08B1 Landowners or tenants who are experiencing damage to real or personal property

caused by deer, antelope, elk or turkey may be authorized to destroy offending animals provided the following conditions are complied with:

001.08B1a A written notice has been filed with the Commission estimating the number of deer, antelope, elk or turkeys involved in the damage, the amount of real or personal property being damaged and the dates when the damage occurred or is recurring.

001.08B1b The damage site has been examined by a Conservation Officer or Wildlife Division staff who have determined that other methods of control are not effective. At such time a permit may be issued specifying the number of animals that may be removed, methods, care and disposition of the carcasses, other required mitigation efforts, location, time, dates (not to exceed 90 days) and the name(s) of person(s) authorized to kill the animals. These person(s) shall be 18 years of age or older and are subject to approval by the Commission.

001.08B1c The animal(s) shall be tagged with tags furnished by the Commission. The Commission shall be notified following the killing of the animal(s) within ten (10) days of the expiration date of the permit.

001.08B1d Such permits may be denied to persons who did not allow reasonable hunting for the species causing damage during the preceding season.

001.08B1e Permits may be revoked or denied for failure to comply with conditions of the permit (001.08B1b).

001.08B1f Commercial use of these permits is not allowed.

001.08B2 Special Depredation Seasons For Deer

001.08B2a The Secretary or his designee of the Game and Parks Commission is authorized to establish and implement a special deer depredation control season by executive order. A special season shall be authorized only when deer are causing significant damage to crops and when other methods for controlling damage are ineffective or not feasible. Significant damage shall mean losses have occurred and are continuing which exceed or will soon exceed five hundred dollars.

001.08B2b The area open to hunting shall not be larger than reasonably necessary to control problem deer. One or more landowners may be involved. No season shall be authorized for less than 10 permits.

001.08B2c Landowner(s) shall sign an agreement with the Game and Parks Commission identifying land open to hunting. Landowner(s) shall provide access to hunter(s) to take deer, but may impose restrictions, such as vehicle travel and closed area(s) and may exclude individual hunter(s) who violate these restrictions. Landowner(s) shall not charge a fee for hunting, but may charge for exceptional services provided. Use of the term landowner herein shall include land operator, if the two are different.

001.08B2d Persons may purchase more than one permit (if permits remain) for a special season at any time beginning one day prior to the season opening. Permits may be made available in the local area involved in the hunt.

001.08B2e Any special season shall be not less than 2 nor more than 10 days in length. Such season may be held only between December 15 and March 15. Shooting hours shall be from 30 minutes before sunrise to 30 minutes after sunset.

001.08B2f Each permit shall allow the taking of one antlerless deer.

001.08B2g All regulations pertaining to the general firearm season shall be in effect for any depredation control season, except that obtaining prior deer permit(s) shall not affect eligibility for control season permit(s).

001.08B2h Legal notice of season shall be published in a newspaper of general circulation and a news release shall be provided to media of general circulation and local media with circulation in area of special season. A copy of specific regulations shall be made available to the county attorney, sheriff, and county judge.

001.08B3 Permits may be issued to airport authorities and municipalities to remove or destroy a designated number of animals to mitigate public safety threats provided conditions of 001.08B1b and 001.08B1c are met.

001.08C Within the jurisdictional boundaries or area of operations of municipalities, airports, military airports, public or private golf courses or residential lakes where there is a direct threat to human health, or where take of Canada goose nests and eggs would resolve or prevent injury to people, property, or other interests, the Commission may issue a Wildlife Damage Control Permit to persons or their agents to take, destroy or relocate Canada geese and/or their nests or eggs.

001.08C1 Only those persons, boards, councils, or associations responsible for the overall operation of an area acting under 001.08C may be issued a permit.

001.08C2 Persons requesting a Wildlife Damage Control Permit for Canada geese must file a written notice with the Commission designating the number of geese and/or nests to be affected, health or damage concerns, methods previously used for control, activities to be undertaken, and identification of individuals who will conduct Canada goose control activities. The Commission shall prescribe the methods, means, numbers, time limits, and locations authorized for control by the permit and shall require the submission of annual reports to the Commission summarizing damage control activities. Such summary shall approximate the number of geese, eggs, and/or nests controlled, the methods utilized, and the timeframe activities were conducted.

001.08C3 Only persons listed in a Wildlife Damage Control Permit may carry out control activities. All persons engaged in permit activities must possess a copy of such permit.

001.08D Nothing in this section shall be construed to authorize the removal and taking of any species which is protected by provisions of 37-801 to 37-811, the Nongame and Endangered Species Conservation Act, the federal Endangered Species Act, as amended, 16 U.S.C. 661 et seq., the federal Bald and Golden Eagle Protection Act, as amended, 16 U.S.C. 668 et seq., the federal Migratory Bird Treaty Act, as amended, 16 U.S.C. 703 et seq., or rules and regulations adopted and promulgated pursuant to such provision, or any other federal or state law or regulation which has as its purpose the protection of endangered or threatened species.

001.08E Nothing in this section shall be construed to authorize the use of removal techniques otherwise prohibited by federal, county, or municipal law.

001.09 National Wildlife Refuges

001.09A Vehicle entrance and travel will be permitted only on designated, well defined trails. No vehicle travel is permitted beyond posted points, or off designated trails in the hills or meadows.

001.09B No overnight camping is permitted.

001.09C No open fires are permitted.

001.09D Valentine National Wildlife Refuge

001.09D1 The public hunting of pheasants, doves and grouse shall be permitted unless otherwise posted as closed to hunting. The open area shall include 70,085 acres or 98 percent of the Refuge. Hunting shall be in accordance with all applicable state regulations.

001.09D2 Duck hunting is permitted in accord with state regulations on Duck, Rice and Watts lakes.

001.09D3 Deer hunting is permitted in accordance with applicable state regulations, only on areas designated by signs as open to hunting.

001.09D4 For trapping or hunting of predators and fur-bearing animals, consult refuge manager.

001.09E Crescent Lake National Wildlife Refuge

001.09E1 Sport hunting is permitted only on areas designated by signs as being open to hunting. These areas comprising approximately 40,900 acres, are delineated on maps available at refuge headquarters. Sport hunting shall be in accordance with all applicable state regulations.

001.09F DeSoto National Wildlife Refuge

001.09F1 Reciprocal agreement with Iowa involving DeSoto National Wildlife Refuge: pursuant to section 37-315, persons who obtain Iowa hunting permits valid within DeSoto National Wildlife Refuge shall be permitted to hunt in the Nebraska portion of the DeSoto National Wildlife Refuge, under regulations specific to DeSoto National Wildlife Refuge.

001.10 Administration of the Harvest Information Program

001.10A All persons who hunt migratory game birds, except residents under 16 years of age, shall register annually with the Commission prior to hunting migratory game birds.

001.10B Each hunter shall register by stating his or her intent to hunt migratory game birds and by providing his or her name, address, date of birth and gender. Each hunter shall provide an estimate of his or her harvest, if any, of migratory game birds for the previous year.

001.10C Persons who register shall be provided with a registration number and shall possess this number while hunting migratory game birds. The registration number shall be recorded on the hunting permit or on another item carried by the hunter.

001.10D The registration number shall be shown immediately upon demand to any officer or person whose duty it is to enforce the Game Law. Any person hunting migratory game birds in the state without such registration number on or about his or her person shall be deemed to be without such registration number.

001.10E Registration numbers

001.10E1 Registration numbers issued January 1 through June 30 shall be valid through June 30 of the year issued.

001.10E2 Registration numbers issued July 1 through December 31 shall be valid through June 30 of the following year.

001.11 Taking of Wildlife by Commission Employees

All conservation officers, all wildlife managers employed by the Commission, and all other staff designated by the Commission or Commission Secretary shall be authorized to take any wildlife from the wild that has escaped captivity, is damaging agricultural crops, is suspected of being diseased or is creating a risk of disease exposure to other wildlife, is needed for scientific study, is seriously injured and in need of euthanization or is creating serious ecological threats to other wildlife or wildlife habitats. Taking of wildlife which does not pose an immediate threat but is considered dangerous to human or livestock health, or taking wildlife for any other purposes under the authority of 37-353, must be specifically authorized on a case-by-case basis by the Secretary of the Commission.

001.11A The taking of wildlife under this authority shall be documented as to purpose of taking, location, date, identification of person taking, and wildlife species. Such documentation shall be retained by the Commission for a period of no less than one year from the date of taking.

001.12 Novice Hunter Education Programs

001.12A Special events permitted by the Commission for novice hunter education programs may be held on private land for upland game birds between September 1 and March 30 of each year.

001.12A1 All participants in any novice hunter education event shall be of the ages 12 through

15 and must have successfully completed a recognized hunter education course.

001.12A2 Adults accompanying youth will not be allowed to harvest game.

001.12A3 All novice hunter education events shall be organized by a conservation organization or the Commission.

001.12A4 The organizing entity for each novice hunter education event shall apply for a permit from the Commission. The application shall state the species to be harvested, sponsoring organization, contact person for the event, number of participants, source of birds obtained from a licensed nonresident breeder or Captive Wildlife Permit holder and requested dates. Application forms are available to submit such information to the Commission.

001.12A5 The organizing entity for each novice hunter education event shall provide, with their permit request, the rules proposed for governing the hunt.

001.12B Organizations sponsoring novice hunter education events shall provide birds obtained from a licensed nonresident breeder or Captive Wildlife Permit holder, shall mark them with bands approved by the Commission, and shall retain receipts/sales tags in their possession. The Commission may waive the banding requirement if birds are obtained from Commission sources.

001.12C All birds taken during permitted novice hunter education events shall be accompanied by custody tags.

001.13 Validation of Stamps

To be valid, a Habitat Stamp and/or Nebraska Migratory Waterfowl Stamp must be signed across the face in ink by the holder, provided that this shall not apply to

stamps printed electronically or included as part of a fee-exempt permit.

001.14 Hunters Helping the Hungry Program

001.14A Participation of Deer Meat Processors

001.14A1 Qualifications

Meat processors may participate in the Hunters Helping the Hungry Program provided that:

001.14A1a they are a custom exempt processor inspected by the United States Department of Agriculture or the Nebraska Department of Agriculture.

001.14A1b they have successfully applied to participate using a form provided by the Nebraska Game and Parks Commission.

001.14A1c they have signed a contract with the Commission detailing the terms of their participation.

Meat processors may be disqualified from future participation if they or their employees fail to comply with the terms of their contracts or the statutes, rules, and regulations governing the Hunters Helping the Hungry Program or other provisions of the Game Law related to the possession, sale, or transportation of wildlife meat, parts, or products.

001.14A2 Recordkeeping

001.14A2a For each donated deer, meat processors shall record the date of donation; the donating hunter's name, phone number, and signature; the deer permit number; and the seal number the hunter received when checking the deer as described in 001.01B13 and 001.01B14, on forms provided by the Commission. Once the deer carcass has been accepted by the processor

and the above information recorded, the carcass becomes the property of the Hunters Helping the Hungry Program.

001.14A2b Participating processors may only transfer donated meat to recipients designated by the Commission. When processed meat is transferred to a recipient, meat processors shall record the date of transfer; the recipient's name, phone number, and signature; and the number of pounds of meat transferred on forms provided by the Commission.

001.14A3 Reimbursement

Participating processors shall be reimbursed for processing costs of each deer at a rate determined by the Commission. Reimbursement shall be based on completed forms specified in 001.14A2a provided by the processor to the Commission.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: December 31, 2012

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

002 Wild Turkey

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-314, 37-404, 37-414, 37-447, 37-452, 37-457, 37-502, 37-508, 37-527, 37-534, 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

002.01 Application Periods and Season Dates

002.01A Spring

002.01A1 Permit Application Periods: The second Monday in January at 1 p.m. CST until the end of the season.

002.01A2 Season Dates

002.01A2a Shotgun Season Dates: The Saturday closest to April 15 to May 31.

002.01A2b Archery Season Dates: March 25 through May 31.

002.01A3 Persons with this permit may hunt with weapons legally prescribed for archery turkey hunting (001.01B3) during the dates shown in 002.01A2b and with weapons legally prescribed for shotgun turkey hunting (001.01B2) during the dates shown in 002.01A2a.

002.01A4 Youth Spring Turkey

002.01A4a Season Dates: Persons with these permits may hunt with weapons legally prescribed for archery hunting (001.01B3) during the dates shown in 002.01A2b and with weapons prescribed for shotgun hunting season (001.01B2) during the dates shown in 002.01A2a and with weapons prescribed for shotgun hunting seasons (001.01B2) during the seven (7) days beginning on the Saturday closest to April 8.

002.01A4b Eligibility: Youth aged 15 and under. Youth age 16 may hunt on youth spring turkey permits provided they are age 15 when they apply and provided they are age 15 on the opening day of the archery season (002.01A2b) of the calendar year.

002.01B Fall

002.01B1 Permit Application Periods: The second Monday in August at 1 p.m. CST until the end of the season.

002.01B2 Season Dates for Archery and Shotgun:

002.01B2a September 15 through January 31.

002.01B3 Youth Fall Turkey

002.01B3a Season dates are the same as specified in 002.01B2.

002.01B3b Eligibility: Youth aged 15 and under. Youth age 16 may hunt on youth fall turkey permits provided they are age 15 when they apply and provided they are age 15 on the opening day of the season (002.01B2a) of the calendar year.

Title 163  
Chapter 4

002.02 Number of Permits Authorized for Issuance: Unlimited. Personal limits apply, see 001.01B1. Permits may be authorized to be included in species combination permits (003.12).

002.03 Area Open: Entire state except Federal or State sanctuaries and refuges, unless otherwise authorized.

002.04 Permit Bag Limit:

002.04A Spring: One male or bearded female turkey.

002.04B Fall: Two (2) turkeys.

002.05 Shooting Hours: 30 minutes before sunrise to sunset.

002.06 Hunter Orange: Shall not be required during spring turkey season. Hunter orange shall not be required during fall turkey season, except that it shall be required during the November firearm deer season.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: December 28, 2015

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, 37-529, 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

For rules regarding 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, 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, Deer Muzzleloader, and DeSoto National Wildlife Refuge Muzzleloader, as described in Nebraska Game and Parks Commission Order C03, Sections C03.04, C03.07, and C03.11C2, respectively.

#### 003.02 Application Periods

##### 003.02A Deer and Antelope

###### 003.02A1 Permit Applications:

Period 1: Second Monday in June beginning 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 and nonresidents may apply for one deer permit in the following draw units: Republican Mule Deer, Platte, Platte Mule Deer, Frenchman, and Frenchman Mule Deer. Residents and eligible resident and nonresident landowners may apply for one antelope permit in the following draw units: Banner North, Banner South, Box Butte East, Box Butte West, Cherry, Cheyenne, Dismal, Eastern Sandhills, Garden and North Sioux.

For application purposes, muzzleloader 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 2 (see below).

Applicants that were not issued a permit for any unit designated as draw units in the previous year will be given preference.

Period 2: Beginning the second Monday in July at 1 p.m. CST. Residents, nonresidents and eligible resident and nonresident landowners may purchase any remaining deer and antelope permits in any unit subject to availability and within permit limits described in 001.01B1.

003.02B Elk

003.02B1 Permit Applications for Residents (Other than Limited Landowner Permits):

Second Monday in June beginning 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 one permit.

Period 2: Beginning the second Monday in July 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 Limited Landowner Permit Applications for Residents and Nonresidents

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.

NGPC District Office	Elk Units
Alliance	Ash Creek, Bordeaux Creek, Hat Creek, North Platte River

Bassett	Niobrara River
Norfolk	Boyd
North Platte	Box Elder

Period 1: Third Monday in May beginning at 1 p.m. CST through the first Friday in June. Eligible resident and nonresident landowners may apply for one elk permit.

Period 2: Beginning the second Monday in July at 1 p.m. CST. Remaining elk permits are available to eligible resident and nonresident landowners.

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 (see Nebraska Game and Parks Commission Order C03, Section C03.11G1).

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.

003.04 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 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 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 One (1) shared-revenue auction permit is authorized for residents only, per calendar year.

003.04D2 Two (2) shared-revenue auction permits are authorized for residents or non-residents, per calendar year.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: April 30, 2009

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

004 THREATENED AND ENDANGERED SPECIES

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-316, 37-418, 37-540, 37-542, 37-548 through 37-549, and 37-801 through 37-811. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

004.01 ENDANGERED SPECIES

<u>Common Name</u>	<u>Scientific Name</u>	<u>Location</u> <sup>1</sup>
<u>Birds</u>		
*Whooping crane	<u>Grus americana</u>	Entire
*Eskimo curlew <sup>2</sup>	<u>Numenius borealis</u>	Entire
*Interior least tern	<u>Sternula antillarum athalassos</u>	Entire
<u>Mammals</u>		
*Black-footed ferret	<u>Mustela nigripes</u>	Entire
Swift fox	<u>Vulpes velox</u>	Entire
<u>Plants</u>		
*Blowout penstemon	<u>Penstemon haydenii</u>	Entire
**Colorado butterfly plant	<u>Gaura neomexicana ssp. coloradensis</u>	Entire
Saltwort	<u>Salicornia rubra</u>	Entire
<u>Fishes</u>		
*Topeka shiner	<u>Notropis topeka</u>	Entire
*Pallid sturgeon	<u>Scaphirhynchus albus</u>	Entire
Blacknose shiner	<u>Notropis heterolepis</u>	Entire
Sturgeon chub	<u>Macrhybopsis gelida</u>	Entire

Title 163  
Chapter 4

<u>Invertebrates</u>		
*American burying beetle	<u>Nicrophorus americanus</u>	Entire
*Salt Creek tiger beetle	<u>Cicindela nevadica lincolniana</u>	Entire
*Scaleshell mussel	<u>Leptodea leptodon</u>	Entire
*Also listed as endangered in Nebraska under the Federal Endangered Species Act.		
**Also listed as threatened in Nebraska under the Federal Endangered Species Act.		
<sup>1</sup> Portion of Nebraska where endangered or threatened.		
<sup>2</sup> Last reported Nebraska sighting was made in 1926, no documented sighting anywhere since 1962. Species likely extinct.		
<sup>3</sup> There are recent (not historical) records of this species in Nebraska. However, there are no known breeding populations and/or Nebraska does not provide an important stopover or migratory path for this species.		

004.02 THREATENED SPECIES

<u>Common Name</u>	<u>Scientific Name</u>	<u>Location</u> <sup>1</sup>
<u>Birds</u>		
Mountain plover	<u>Charadrius montanus</u>	Entire
**Piping plover	<u>Charadrius melodus</u>	Entire
**Red knot	<u>Calidris canutus rufa</u>	Entire
<u>Mammals</u>		
Southern flying squirrel	<u>Glaucomys volans</u>	Entire
River otter	<u>Lontra canadensis</u>	Entire
**Northern long-eared bat	<u>Myotis septentrionalis</u>	Entire
<u>Plants</u>		
**Ute ladies'-tresses orchid	<u>Spiranthes diluvialis</u>	Entire
**Western prairie fringed orchid	<u>Platanthera praeclara</u>	Entire
American Ginseng	<u>Panax quinquefolius</u>	Entire
Small white lady's-slipper	<u>Cypripedium candidum</u>	Entire
<u>Fishes</u>		
Lake sturgeon	<u>Acipenser fulvescens</u>	Entire
Northern redbelly dace	<u>Chrosomus eos</u>	Entire
Finescale dace	<u>Chrosomus neogaeus</u>	Entire
<u>Reptiles</u>		
Massasauga	<u>Sistrurus catenatus</u>	Entire
*Also listed as endangered in Nebraska under the Federal Endangered Species Act.		
**Also listed as threatened in Nebraska under the Federal Endangered Species Act.		
<sup>1</sup> Portion of Nebraska where endangered or threatened.		
<sup>3</sup> There are recent (not historical) records of this species in Nebraska. However,		

there are no known breeding populations and/or Nebraska does not provide an important stopover or migratory path for this species.

004.03 General Regulations

It shall be unlawful to:

004.03A Take, export, possess, process, sell or offer for sale, deliver, carry, transport, or ship by any means whatsoever any threatened species, except as specifically provided by state or federal law, with the following exceptions:

004.03A1 Accidental taking of any lake sturgeon or pallid sturgeon through commercial operations or by hook and line will not be considered unlawful if returned to the water immediately.

004.03A2 Accidental taking of river otter through legal furbearer trapping activity will not be considered unlawful if released immediately (if individual is viable) or remains are delivered to the Nebraska Game and Parks Commission.

004.03A3 Taking of massasauga will not be considered unlawful if it is done for the immediate protection of the health of humans, livestock or pets.

004.03A4 Possession, processing, sale or transport of cultivated (non-wild) ginseng, or wild ginseng that is legally harvested outside of Nebraska, shall not be considered unlawful.

004.03A5 Unintentional taking of plants resulting from normal agricultural practices shall not be considered unlawful.

004.03B Take by seine or trap any fish in any of the streams listed below:

Brush Creek west of Brownlee in Cherry County  
Cottonwood Creek in Keya Paha County  
East Holt Creek in Keya Paha County

Title 163  
Chapter 4

Gordon Creek west of Highway 61 in Cherry County  
Holt Creek in Keya Paha County  
Niobrara River east of Box Butte Reservoir and west of  
Highway 385 in Dawes County  
Taylor Creek west of Highway 81 in Madison County

The Commission is authorized under state law to permit any act otherwise prohibited by these regulations for scientific purposes or to enhance the propagation or survival of the affected species.

Habitat improvement and maintenance programs administered by the Commission may be utilized to provide incentives or otherwise assist landowners in the protection of species affected by these regulations.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: September 4, 2012

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

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

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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

005.01 Hunting Seasons

005.01A Rail (Sora and Virginia are the only species allowed to be hunted)

005.01A1 Open Season: September 1 through November 9, inclusive.

005.01A2 Daily Bag Limit: Ten (10) in the aggregate.

005.01A3 Possession limit: Thirty (30) in the aggregate

005.01A4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01A5 Open Area: Statewide except Federal or State refuges, unless otherwise specified.

005.01B Snipe

005.01B1 Open Season: September 1 through December 16, inclusive.

005.01B2 Daily Bag Limit: Eight (8).

005.01B3 Possession limit: Twenty-four (24).

005.01B4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01B5 Open Area: Statewide except Federal or State refuges, unless otherwise specified

005.01C Woodcock

005.01C1 Open Season: the Saturday closest to September 22 through the Monday closest to November 5.

005.01C2 Daily Bag Limit: Three (3).

005.01C3 Possession limit: Nine (9).

005.01C4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01C5 Open Area: Statewide except Federal or State refuges, unless otherwise specified.

005.01D Dove (Mourning, White-winged, and Eurasian Collared are the only species allowed to be hunted)

005.01D1 Open Season: September 1 through October 30, inclusive, for all legal species. Eurasian collared-doves may also be hunted October 31 through August 31, inclusive.

005.01D2 Daily Bag Limit: Fifteen (15) in the aggregate.

005.01D3 Possession limit: Forty-five (45) in the aggregate.

005.01D4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01D5 Open Area: Statewide except Federal or State refuges, unless otherwise specified.

005.01E Grouse (Greater prairie-chicken and Sharp-tailed are the only species allowed to be hunted; Zone Boundaries in 005.01E5).

005.01E1 Open Season: September 1, through January 31, inclusive.

005.01E2 Daily Bag Limit: Three (3) in the aggregate. Grouse taken in the East Zone (005.01E2b) must be legally tagged according to provisions of 005.01E6c.

005.01E3 Possession limit: Twelve (12) in the aggregate, no more than three (3) of which may be legally tagged grouse taken in the East Zone.

005.01E4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01E5 Area Open: Statewide, within Zones as delineated, except Federal or State sanctuaries or refuges unless otherwise authorized.

005.01E5a West Zone: That portion of Nebraska lying west of U.S. Hwy. 81.

005.01E5b East Zone: That portion of Nebraska lying east of U.S. Hwy. 81.

005.01E6 Special Permit: A special free permit is required for hunting grouse in the East Zone. Four hundred (400) permits will be made available, each allowing the harvest of three (3) grouse in the East Zone. Hunters may obtain no more than one (1) permit.

005.01E6a 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.

005.01E6b 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.

005.01E6c 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.

005.01F Pheasant

005.01F1 Open Seasons:

General - Last Saturday in October through January 31.

Youth - The Saturday and Sunday immediately preceding the opening of the general pheasant season.

005.01F1a Youth Eligibility: Youth 15 years of age or younger, and others as specified in 005.01F1b.

005.01F1b 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.

005.01F2 Daily Bag Limit:

General Season - Three (3) cocks.

Youth Season - Two (2) cocks for youth 15 years of age or younger, and one (1) cock for eligible adults as specified in 005.01F1b.

005.01F3 Possession Limit: Twelve (12) cocks.

005.01F4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01F5 Area Open: Statewide except Federal or State refuges, unless otherwise specified.

005.01G Quail

005.01G1 Open Seasons:

General - The last Saturday in October through January 31.

Youth - The Saturday and Sunday immediately preceding the opening of the general quail season.

005.01G1a Youth Eligibility: Youth 15 years of age or younger.

005.01G1b Adults accompanying youth will not be allowed to shoot quail.

005.01G2 Daily Bag Limit:

General Season - Six (6).

Youth Season - Two (2).

005.01G3 Possession Limit: Twenty-four (24).

005.01G4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01G5 Area Open: Statewide, except Federal or State sanctuaries or refuges unless otherwise authorized.

005.01H Partridge (Gray [Hungarian] and Chukar are the only species allowed to be hunted)

005.01H1 Open Seasons:

General - The last Saturday in October through January 31.

Youth - The Saturday and Sunday immediately preceding the opening of the general partridge season.

005.01H1a Youth Eligibility: Youth 15 years of age or younger.

005.01H1b Adults accompanying youth will not be allowed to shoot partridge.

005.01H2 Daily Bag Limit:

General Season - Three (3) birds in the aggregate for all partridge species.

Youth Season - Two (2) birds in the aggregate for all partridge species.

005.01H3 Possession Limit: Twelve (12) birds in the aggregate.

005.01H4 Shooting Hours: 30 minutes before sunrise to sunset.

005.01H5 Area Open: Statewide except Federal or State refuges, unless otherwise specified.

005.02 Cottontail Rabbit and Squirrel

005.02A Cottontail Rabbit

005.02A1 Open Season: September 1 through the last day of February, inclusive.

005.02A2 Daily Bag Limit: Seven (7).

005.02A3 Possession limit: Twenty-eight (28).

005.02A4 Shooting Hours: 30 minutes before sunrise to sunset.

005.02A5 Area Open: Statewide, except Federal or State refuges, unless otherwise specified.

005.02A6 Running: Running is defined as pursuing or chasing of these animals, but not the killing. Running season is provided for cottontail rabbits.

005.02A6a Cottontail rabbit running season shall be open year round.

005.02B Squirrel

005.02B1 Open Season: August 1 through January 31, inclusive.

005.02B2 Daily Bag Limit: Seven (7).

005.02B3 Possession limit: Twenty-eight (28).

005.02B4 Shooting Hours: 30 minutes before sunrise to sunset.

005.02B5 Area Open: Statewide, except Federal or State refuges, unless otherwise specified.

005.03 FURBEARER SEASONS

005.03A Area Open: Entire state except for Commission-owned or controlled lands, waters or marshes or areas closed by Federal, State or Municipal law. Provided that trapping is permitted on State Wildlife Management Areas and State Recreation Areas in accordance with general state trapping regulations and provided further that any such area or portion thereof may be closed to trapping by proper signs, or as noted in 018.06E, 018.16A1.

005.03B Hours Open Each Day: All hours, except opens at 12:01 a.m. opening day.

005.03C Daily Bag Limit: No limit.

005.03D Possession Limit: No limit.

005.03E Trapping and Hunting

005.03E1 Long-tailed Weasel, Red Fox, Gray Fox, Mink and Badger - Open Season: November 1 through the last day in February.

005.03E2 Bobcat - Open Season: December 1 through the last day in February.

005.03E3 Striped Skunk - Open Season: Year-round.

005.03E4 Raccoon and Virginia Opossum - Open Season: November 1 through the last day in February.

005.03E4a - Hunting Only - Open Season: September 1 through October 31.

005.03F Trapping Only

005.03F1 Beaver and Muskrat - Open Season: November 1 through March 31.

005.03G Running - Running season is provided for raccoon, Virginia opossum, bobcat and red fox.

Title 163  
Chapter 4

Running is defined as the pursuing or chasing of these animals but not killing except during the taking (hunting, trapping) season.

005.03G1 Raccoon and Virginia Opossum - Open Season: March 1 to the opening of the raccoon and opossum hunting season.

005.03G2 Bobcat - Open Season: March 1 to the opening of the bobcat taking season.

005.03G3 Red Fox - Open Season: March 1 to the opening of the red fox taking season.

005.03H 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.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 7, 2013

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

006 Coots, Ducks, Geese, Crow

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-314, 37-315, 37-405, 37-411, 37-428, 37-501, 37-508, 37-536, 37-563, 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

For rules regarding season dates, bag limits, hunting zones, and Conservation Orders, see Nebraska Game and Parks Commission Order C06 on the Commission's website: [outdoornebraska.gov](http://outdoornebraska.gov).

006.01 Youth Waterfowl Hunting Season

Eligibility: Youth 15 years of age or younger. Youth ages 12 through 15 must be accompanied by an adult at least 18 years old. Youth younger than 12 must be accompanied by an adult at least 19 years old who possesses a valid Nebraska Small Game Permit. In neither case, the adult will not be allowed to shoot ducks, geese, mergansers or coots.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: September 11, 2000

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

007 Nuisance Birds

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with 37-301, 37-563, R.R.S. 1998, 37-314, 37-504, 37-540, R.R.S. 1999. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

007.01 A nuisance bird shall include any bird or group of birds as listed in 007.02 causing depredation or threatening depredation.

007.02 Nuisance birds shall include grackles, magpies, blackbirds, crows, cowbirds, and great-horned owls.

007.03 A fee-exempt permit to possess, take, or control those birds as listed in 007.02 may be issued when a complaint is received that these birds are found committing or about to commit depredation or predation upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers or manner as to constitute a health hazard or nuisance. The permit shall designate the bird or birds to be controlled, location where control will be allowed, and methods of control to be employed as specified by the Commission staff.

007.04 General Regulations. It shall be lawful:

007.04A for any person to possess, take or control or attempt to take, possess, or control any depredating birds covered in these regulations provided a permit has been issued by the Commission specifying the circumstances under which control is to be permitted and the control methods which may be employed with the following exception:

007.04A1 crows may be taken during the prescribed hunting seasons with a regular small game hunting permit, and;

007.04A2 None of the birds taken or possessed including the plumage or parts thereof of such birds taken under the authority of either a depredation or small game hunting permit may be bought, sold or bartered.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: December 5, 2011

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

008 Keeping Wildlife in Captivity

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-308.01, 37-316, 37-412, 37-418, 37-463, 37-465, 37-471, 37-477 through 37-480, 37-483 through 37-485, 37-524, 37-524.01, 37-525, 37-548, 54-2317. For purposes of these regulations, unless stipulated below or context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

In addition to the definitions referred to in Chapter 37, Article 2 R.R.S., the following definitions shall apply for the purposes of section 008.

Captivity - Means a condition which limits or restricts the free egress or free range of wild birds, wild mammals or wildlife by the use of fences, barriers or restraints.

Cage and Aviary Birds - Means those captive-reared birds, not native to Nebraska, such as parrots, exotic finches, and canaries, which are adapted to live and breed in a cage. For purposes of this regulation, the monk parakeet (*Myiopsitta monachus*) is not a cage and aviary bird.

Hybrid - Means an animal produced by crossing species or subspecies.

008.01 General Regulations and Policies:

008.01A The commission may formulate plans for the disposition of wild cervidae found within a captive cervine facility in consultation with the Nebraska Department of Agriculture as provided for in 54-2317.

008.01B It shall be unlawful for any person or persons to retain any wild birds or wild mammals (as defined in Nebraska revised statute 37-245 and 37-246) in captivity except the following species may be kept under authority of a Captive Wildlife Permit, a Controlled Shooting Area Permit, a Rehabilitation Permit or a Scientific Collectors Permit, issued by the Nebraska Game and Parks Commission or under a captive cervine permit issued by the Nebraska Department of Agriculture, as specified under such permits, or under provisions as provided for in 008.01A, prior to the acquisition of said wild birds or wild mammals (for exception see 008.01C, 008.08C and 001.02B). Threatened and endangered species and species in need of conservation may be kept only with special permit provisions.

Badger - (*Taxidea taxus*)  
Beaver - (*Castor canadensis*)  
Bobcat\* - (*Lynx rufus*)  
Cottontail rabbit - (*Sylvilagus floridanus*)  
Crows - (*Corvus brachyrhynchos*)  
Deer - White-tailed (*Odocoileus virginianus*) (see 008.07)  
Mule - (*Odocoileus hemionus*) (see 008.07)  
Ducks - All wild species protected by Federal Regulations  
Fox-Gray - (*Urocyon cinereoargenteus*)  
Red - (*Vulpes vulpes*)  
Geese - All wild species protected by Federal Regulations  
Grouse - Sharptail (*Tympanuchus phasianellus*)  
Prairie Chicken (*Tympanuchus cupido*)  
Lynx\* - (*Lynx canadensis*)  
Migratory - All species protected by Migratory Bird Treaty Act  
Mink - (*Mustela vison*, except mutation)  
Muskrat - (*Ondatra zibethica*)  
Opossum - (*Didelphis virginiana*)  
Partridge - Hungarian (*Perdix perdix*)  
Chukar (*Alectoris chukar*)  
Pheasant - Ringneck or Common Pheasant (*Phasianus colchicus*)  
Quail - Bobwhite (*Colinus virginianus*)  
Raccoon - (*Procyon lotor*)  
River Otter - (*Lutra canadensis*)  
Sheep - Bighorn (*Ovis canadensis*) (see 008.07)  
Squirrel - Fox (*Sciurus niger*)  
Gray (*Sciurus carolinensis*)  
Flying (*Glaucomys volans*)

Swan - Trumpeter (Cygnus columbianus)  
Tundra (Cygnus buccinator)  
Turkey - All wild species (Meleagris gallopavo  
subspecies)  
Weasel - long-tailed (Mustela frenata)

\*For commercial purposes only - See section 37-477

008.01C It shall be unlawful to purchase or possess any species of wild birds or wild mammals protected by these regulations including eggs from these species without a permit, except that species not listed on the permit and otherwise not prohibited by these regulations may be purchased at an auction (as described in 008.04) or other sale provided that the Commission is notified within 10 days of acquisition.

008.01D Captive Wildlife Permits shall not be issued for wild birds or wild mammals which have been taken or removed from the wild.

008.01E If an animal held under authority of a grandfather provision escapes from captivity, the permit held by the owner shall be revoked and the animal will be destroyed or otherwise disposed of as determined by a Commission agent.

008.01F Suspension and Revocation of Permits: It shall be unlawful for wild birds or wild mammals to be kept in captivity unless they are confined in a manner reasonably designed to prevent escape and are given humane treatment, as defined in the USDA Animal and Plant Health Inspection Service code book, 1-1-1985 edition. A copy of the relevant section of the USDA publication will be provided upon request to any person applying to keep wild birds and wild mammals in captivity.

008.01F1 Upon finding that a permittee has violated any of the standards applicable to the issuance or maintenance of the permits, the Game and Parks Commission shall suspend or revoke the permit.

008.01F2 Such suspension or revocation shall not take effect until after a notice in writing has been provided to the permittee, and the permittee has been given an opportunity to reply to the notice and to correct the deficiency. Such notice must allow 30 days for reply. If the permittee

cannot correct the deficiency within 30 days after the reply deadline, the animals must be moved to an adequate facility.

008.01F3 Immediate Suspension and/or Revocation of Permit: If conditions under which animals are being kept are inhumane and their survival appears to be in jeopardy, immediate action may be taken. The permittee shall be advised that his permit is immediately revoked. If the permittee wishes to appeal the decision, he/she may request a hearing before the full body of the Commission at their next regular meeting.

008.02 It shall be unlawful to keep wild birds or wild mammals in captivity except in accordance with section 37-479, 37-524 and in accordance with the following:

008.02A The applicant must provide proof that the wild birds or wild mammals listed on the application are acquired from a licensed nonresident breeder or captive wildlife permittee or from the owner of a domesticated cervine herd licensed by the Department of Agriculture.

008.02B Game birds may be obtained and held as specified in 001.02B.

008.02C Fencing of the pasture in which ungulates are to be held must consist of a permanent sheep-tight fence at least ten (10) feet in height and constructed in such a manner as to prohibit escape of captive animals and the possible ingress of wild ungulates.

008.02D Satisfactory assurances must be provided that the wild birds or wild mammals will not be allowed to increase to levels where overcrowding will occur. This may be accomplished by having the females spayed or the males castrated to prevent reproduction from occurring. When normal reproduction does occur, removal of surplus animals shall be the responsibility of the permit holder. Disposal of the surplus animals shall be accomplished by any of the following means:

008.02D1 Captured alive and sold to a holder of a valid Captive Wildlife Permit which authorizes the keeping of ungulates in captivity, or, for cervidae only, captured alive and sold to a holder of a Domesticated Cervine Animal Facility Permit issued by the Department of Agriculture.

008.02D2 Killed under humane conditions.

008.02D3 Hunted at any time within the confines of a sheep-tight fence as described in 008.02C in accordance with the minimum weapon requirements established for the hunting of free ranging wild ungulates.

008.02D4 Meat, hide, antlers, horns or other parts may be shipped or disposed of in accordance with sections 37-477, 37-479 and 37-480.

008.03 Captive Wildlife Permit

It shall be unlawful:

008.03A to keep any wild birds or wild mammals in captivity without first obtaining a Captive Wildlife Permit from the Commission, except as provided in 001.02B and 008.08C. Application for such permit shall be on a form prescribed by the Commission and contain the name, address, social security number of the individual applying for the permit, as well as the location of facility; numbers of wild birds or wild mammals; source location of wild birds or wild mammals; sex and age of wild birds or wild mammals, if known; disease history, if requested; and purpose of holding wild birds or wild mammals. All Captive Wildlife Permits shall expire December 31 of the year in which issued.

008.03B to fail to file a report on forms provided by the Commission, with the Game and Parks Commission by Jan. 15 of each year listing the number and kinds of wild birds or wild mammals on hand and the number disposed of during a calendar year.

008.03C to buy and sell wild birds or wild mammals except that a Captive Wildlife Permit allows the permit holder to possess, raise and sell those species of wild birds or wild mammals specified on the permit that have been acquired without violation of any provision of the laws or regulations.

008.03D for a person who holds a Captive Wildlife Permit to sell live wild birds or wild mammals to any resident who does not hold a valid Captive Wildlife Permit (See 008.02F1 for exception.) or to a nonresident unless he/she has an appropriate permit from his/her state, if a permit is required by his/her

state, except that such wild birds may be sold to a person in charge of an authorized field trial or for purposes of dog training as defined in 001.02B.

008.04 Public Auctions:

It shall be unlawful:

008.04A for auction houses dealing in or selling captive wild birds or captive wild mammals not to record name, address, social security number and permit number of both consignor and purchaser of such wild birds or wild mammals. These records must be retained for one year following sale.

008.04B for any person, including nonresidents, to buy, sell or traffic in wild birds or wild mammals unless the seller possesses a Captive Wildlife Auction Permit and the buyer possesses the appropriate permit (Exception: See 008.01C, 008.02F1), i.e. Captive Wildlife Permit for residents of Nebraska and the appropriate permit from his/her state of residence, if a permit is required by his/her state for nonresidents of Nebraska; except that conducting an auction for meat, hide, antlers, horns or other parts shall be exempt from provisions of this sub-section.

008.04B1 for any person or entity, to conduct an auction for wild birds or wild mammals unless application has been made and a Captive Wildlife Auction Permit has been issued by the Commission. Such application shall state the applicant's name, address, social security number, date(s) of auction, species, numbers and ownership of wild birds or wild mammals to be auctioned and location of auction. If said auction is to be a consignment sale, the auction permit holder shall report the numbers and ownership of wild birds or wild mammals auctioned to the Game and Parks Commission within five (5) working days from the close of said auction. Such application shall be accompanied by a fifty dollar application fee and on a form prescribed by the Commission.

008.04C to sell or offer for sale any endangered or threatened species until a Captive-bred Wildlife Permit or Endangered Species Permit has been obtained from the U.S. Fish and Wildlife Service by all parties involved.

008.04D to ship or transport any species of wildlife that requires a permit for consignment at an auction, unless such animals are accompanied by the appropriate permit from the state of origin, or when a permit is not required, another document such as a health certificate which gives the state of origin.

008.04E to handle and process wild birds or wild mammals that require a permit for consignment at an auction. The Game and Parks Commission shall be notified by the permittee within 24 hours of the occurrence of any unexplained diseases or deaths occurring in animals held under a Captive Wildlife Auction Permit.

008.05 Entry Requirements: All captive wild birds or wild mammals may be legally shipped or transported into the state under the following conditions.

008.05A Said wild birds or wild mammals are accompanied by sufficient documentation indicating proof that such animals had been legal in state of origin (i.e., license numbers of appropriate state and federal permits).

008.06 Tag Requirements for Purchase and Sale:

It shall be unlawful for any person to buy or sell wild birds or wild mammals unless the two part sales tags obtained from the Game and Parks Commission bearing the name and address of the seller and the buyer together with the date, species, numbers and other pertinent data accompanies each transaction and the appropriate completed portion is returned to the Game and Parks Commission. Licensed nonresident breeders must provide an equivalent form.

008.07 Restricted Species

008.07A It shall be unlawful, except under provisions of 008.01A, for any person, partnership, association or corporation to import into the state, possess, retain in captivity, or release to the wild any of the species listed below, except that these species may be transported, in direct passage, through Nebraska in accordance with appropriate state and federal regulations.

008.07A1 Asian Raccoon Dog (Nyctereutes procyonoides) constitutes both economic and ecologic threat.

008.07A2 White-tailed Deer (*Odocoileus virginianus*) constitutes both economic and ecologic threat.

008.07A3 Mule Deer (*Odocoileus hemionus*) constitutes both economic and ecologic threat.

008.07A4 Red Deer (*Cervus elaphus elaphus*), or any of its hybrids constitute ecologic threat.

008.07A5 Wild Pig (All wild species in the family *Suidae*, including any *Suidae* exhibiting the morphological or behavioral characteristics of a wild pig, whether raised in captivity or not, including European wild boar) constitutes both economic and ecologic threat.

008.07A6 Bighorn and thinhorn sheep (*Ovis canadensis* and *Ovis dalli* or any of its subspecies) constitutes both economic and ecologic threat. Unlawful in Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sheridan and Sioux counties.

008.07B The following provisions shall apply to grandfathering possession of wild pigs, and mule deer held prior to this action.

008.07B1 Persons who possess wild pigs on October 30, 1992, may retain these animals and their progeny in captivity. It shall be unlawful to release the parent stock or the progeny to the wild. Escapes must be recaptured or otherwise destroyed within 10 days of escape. If the owner is unable to recapture the escapes, they shall be destroyed by the Game and Parks Commission at the owner's expense. Immediate notification of escapes must be given to the Game and Parks Commission. It shall be unlawful to sell, barter or give away wild pigs within the state of Nebraska, but they may be sold outside the state of Nebraska.

008.07B2 Persons who possess mule deer, registered with the Nebraska Department of Agriculture on July 24, 2002, may retain these animals and their progeny in captivity provided said animals are held only upon the property

where they were legally held captive prior to July 24, 2002 and upon immediately adjacent additions which total no more than 25% of the original property acreage, and only as long as said animals are owned by the person or persons holding title to said original animals on July 24, 2002. It shall be unlawful to release the parent stock or the progeny to the wild. Escapes must be recaptured or otherwise destroyed within 10 days of escape. If the owner is unable to recapture the escapes, they shall be destroyed by the Game and Parks Commission at the owner's expense. Immediate notification of escapes must be given to the Game and Parks Commission. It shall be unlawful to sell, barter or give away mule deer within the state of Nebraska, but they may be sold outside the state of Nebraska.

008.08 Wildlife Allowed to be Imported, Exported, Released or Commercialized.

008.08A Importation: the following wildlife may be imported:

Alpaca	<i>Lama pacos</i>
Blackbuck	<i>Antilope cericapra</i>
Camel	<i>Camelus dromedaries</i>
Chinchilla	<i>Chinchilla spp.</i>
Coatimundi	<i>Nasua spp.</i>
Degu	<i>Octodon spp.</i>
Eland	<i>Taurotragus spp.</i>
Elk	<i>Cervus elaphus Canadensis</i>
Fallow deer	<i>Dama dama</i>
Fox	<i>Vulpes spp.</i>
Genet	<i>Genetia spp.</i>
Gerbil	<i>Gerbillus spp.</i>
Goat, wild-all	<i>Capra aegagrus and C. hircus, or</i>
<i>Oreamnus americanus</i>	
Guanaco	<i>Lama guanicoe</i>
Guinea pig	<i>Cavia porcellus</i>
Eurasian Hedgehogs	<i>Erinaceus spp.</i>
Jerboa, greater	<i>Jaculus blandfordi</i>
Llama	<i>Lama glama</i>
Pere David's deer	<i>Elaphurus davidianus</i>
Reindeer	<i>Rangifer tarandus</i>
Sheep	
Aoudad	<i>Ammotragus lervia</i>
Bighorn	<i>Ovis candensis</i>
Mouflon	<i>Ovis Ammon</i>
Thinhorn	<i>Ovis dalli</i>

Title 163  
Chapter 4

Sika deer	<i>Cervus Nippon</i>
Sugar Glider(s)	<i>Petaurus spp.</i>
Tahr	<i>Hemitragus spp.</i>
Vicuna	<i>Vicugna vicugna</i>
Wallabies	<i>Macropus spp. &amp; Petrogale spp.</i>
Water buffalo	<i>Bubalus bubalis</i>
Yak	<i>Bos grunniens</i>
All Ratites	
All Waterfowl	
All Peafowl	
All Game Birds	
All Cage and Aviary Birds	

008.08A1 In addition to the wildlife listed in 008.08A, all wildlife immediately destined for reception at an American Zoological Association accredited facility, any facility operated by a city, village, state, or federal agency, a wildlife exhibit licensed by the United States Department of Agriculture, prior to January 1, 2006, or possessed by a circus licensed by the United States Department of Agriculture, or any wildlife transported in direct passage through Nebraska in accordance with appropriate federal and state regulations may be imported.

008.08B Exportation:

008.08B1 All legally acquired wildlife may be exported, provided the exportation of reptiles, amphibians, fish, mollusks, and crustaceans is governed by Chapter 4, Wildlife Regulations, Section 010 and Chapter 2, Fisheries Regulations, Sections 002, 005 and 009.

008.08C Release into the wild: the following wildlife may be released into the wild:

008.08C1 Wildlife which are intentionally or unintentionally captured by legal means may be released.

008.08C2 Pheasants, quail, partridge and mallards may be released into the wild. All game birds purchased and released must be obtained from a Captive Wildlife Permit holder or licensed nonresident breeder. Persons may hold legally acquired birds for a period not to exceed fourteen (14) days beyond the date of purchase prior to release without a Captive Wildlife

Permit. Banding of these birds is required according to provisions of 001.02B and 015.04B.

008.08C3 Without the authorization of the Commission, it shall be unlawful to release into the wild any wildlife other than fish, mollusks and crustaceans and those listed in 008.08C2 which has been transported from one location to another over a distance exceeding 100 yards or after such wildlife has been in captivity for a time period exceeding 48 hours.

008.08C3a Fish, mollusks and crustaceans may be released only as specified in Chapter 2, Fisheries Regulations.

008.08D Commercial exploitation of wildlife taken from the wild. The following animals taken from the wild in Nebraska may be commercially exploited:

008.08D1 Furbearing animals legally taken from the wild and possessed which are dead and parts thereof may be commercially exploited.

008.08D2 Reptiles and amphibians legally taken from the wild may be commercially exploited only as specified in Chapter 4, Wildlife Regulations, Section 010 and Chapter 2, Fisheries Regulations, Sections 002 and 009.

008.08D3 Fish, mollusks and crustaceans legally taken from the wild may be commercially exploited only as specified in Chapter 4, Wildlife Regulations, Section 010 and Chapter 2, Fisheries Regulations, Sections 002, 004 and 009.

008.08D4 Game animals and upland game birds discarded or found dead may be commercially exploited, only as specified in Chapter 4, Wildlife Regulations, 013.01D and 013.02.

008.08E Nothing in this Part shall be construed to authorize importation, exportation, take from the wild, release or commercialization of any wildlife which is otherwise prohibited or further restricted by federal law, state law, or local ordinance.

008.08F Species declared by the Commission to be an ecological and economic threat may be further restricted, see 008.07.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 7, 2013

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

009 Falconry

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-477, 37-497, 37-498, 37-701, 37-801 through 37-810. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

009.01 APPLICATION: A permit to take and possess raptors shall not be issued until a written application for a permit on forms provided by the Commission is received along with the required fee. Renewal of permits will depend on the condition that all reports required to be completed by a permittee have been submitted in accord with Commission regulations and State Law. Raptors taken or held under a falconry permit may only be trained for, and used in falconry. General or Master Falconers may use their birds in conservation education programs.

009.02 SPECIAL RAPTOR TRAINING SEASON:

009.02A Open from January 1 through December 31.

009.02B Game birds or game animals hunted or used in training, must be legally obtained from a licensed nonresident breeder or Captive Wildlife permittee. Game birds or game animals may be hunted during prescribed hunting seasons.

009.03 SPECIAL RAPTOR HUNTING SEASON FOR pheasant, Sharp-tailed grouse, prairie chicken, quail, partridge (Gray

[Hungarian] and Chukar), cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel.

009.03A OPEN SEASON: September 1 through March 31.

009.03B AREA OPEN: Entire state except where closed by Commission regulation and except Federal or State sanctuaries or refuges, unless otherwise authorized.

009.03C HOURS OPEN EACH DAY: 30 minutes before sunrise to sunset. Hunting outside this period for game birds and game animals identified in 009.03 is permitted only with written permission from the Commission.

009.03D DAILY BAG LIMIT: Pheasant, quail, Sharp-tailed grouse, prairie chicken, partridge (Gray [Hungarian] and Chukar) - Two (2) birds of either sex.

Cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel - Four (4).

009.03E POSSESSION LIMIT: Pheasant, quail, sharp-tailed grouse, prairie chicken, partridge (Gray [Hungarian] and Chukar) - Four (4) birds of either sex.

Cottontail rabbit, white-tailed and black-tailed jackrabbit and squirrel - Eight (8).

009.03F Bag and possession limits are not in addition to other hunting season limits.

009.04 RAPTOR HUNTING SEASON FOR MIGRATORY GAME BIRDS: Including ducks, geese, mergansers, coot, snipe, woodcock, rails (Sora and Virginia), dove (Mourning, White-winged, and Eurasian Collared), and crow.

009.04A AREA OPEN: According to Management Unit Boundaries as described in Nebraska Game and Parks Commission Order C06, Sections C06.01A5 (ducks and mergansers); C06.01B (coots); C06.01C1g (light geese); C06.01C2a(4), C06.01C2b(4), C06.01C2c(4),

Title 163  
Chapter 4

C06.01C2d(4), C06.01C2e(4), C06.01C2f (dark geese); C06.01C3d (white-fronted geese); and C06.01D3 (crow); and in 005.01B5 (snipe); 005.01C5 (woodcock); 005.01A5 (rails - Sora and Virginia); 005.01D5 (dove - Mourning, White-winged, and Eurasian collared).

009.04B HOURS OPEN EACH DAY: 30 minutes before sunrise to sunset.

009.04C DAILY BAG LIMIT: Three (3) birds singly or in the aggregate of either sex.

009.04D POSSESSION LIMIT: Three times the daily bag.

009.04E Bag and possession limits are not in addition to other hunting seasons.

009.04F OPEN SEASON FOR DUCKS, MERGANSERS, COOT (Zone and Management Unit boundaries as in Nebraska Game and Parks Commission Order C06, Sections C06.01A5 and C06.01G3)

009.04F1 Season Dates: Concurrent with those dates listed in Nebraska Game and Parks Commission Order C06, Sections C06.01A1, C06.01B1, C06.01F3 and C06.01G2.

009.04F2 Extended Season Dates:

Low Plains: February 25 through March 10.

Hunting of ducks, coots, and mergansers is not permitted on all lands owned, controlled or managed by the U.S. Fish and Wildlife Service, except: Harvard and Cottonwood Waterfowl Production Areas within the area defined in Nebraska Game and Parks Commission Order C06, Section (C06.01C1g(1)).

High Plains: No extended season dates.

009.04G OPEN SEASON FOR GEESE, SNIPE, WOODCOCK, RAILS (SORA AND VIRGINIA), DOVE (MOURNING, WHITE-WINGED, AND EURASIAN COLLARED), AND CROW: Hunting shall be conducted in accordance with season dates that are prescribed for the gun hunting seasons.

009.05 GENERAL REGULATIONS. It shall be unlawful:

009.05A for any permittee in the Apprentice Class to take or possess any raptor other than a red-tailed hawk (Buteo jamaicensis).

009.05B for any permittee in the Apprentice Class to possess more than one (1) raptor. For any permittee in the General Class to possess more than three (3) raptors. For any permittee in the Master Class to possess more than five (5) raptors.

009.05B1 It shall be unlawful for any non-resident falconer to exceed the possession limits outlined in 009.05B while in Nebraska.

009.05C for any permittee in the Apprentice Class to take young raptors not yet capable of flight (eyases).

009.05D for any General or Master Class permittee to take no more than two (2) young raptors not yet capable of flight (eyases) during any calendar year.

009.05E for any permittee to take eyass birds of the following species in Nebraska without written authorization from the Commission: Prairie Falcon, (Falco mexicanus), Sharp-shinned Hawk (Accipiter striatus), Northern Goshawk (Accipiter gentilis), Merlin (Falco columbarius), Red-shouldered Hawk (Buteo lineatus), or Ferruginous Hawk (Buteo regalis).

009.05F for any permittee to take a first year (passage) bird in Nebraska, except during a period from August 1 through January 31. It shall be lawful

for legally-possessed raptors that have escaped to be trapped at any time.

009.05G for any permittee to take a raptor over one year old, except American Kestrels (Falco sparverius) and Great-horned Owls (Bubo virginianus). Any raptor, other than endangered or threatened species, or a Bald Eagle, taken under a depredation permit may be used for falconry by permittees in the General or Master Class. A Master Falconer authorized to possess Golden Eagles for use in falconry may capture a Golden Eagle under the provisions in 50 CFR part 22.

009.05H for any permittee to keep any raptor in an indoor facility (mew) that does not have adequate perches, adequate sanitation, a secure door that can be easily closed, at least one window that is protected by suitable materials and which does not have an interior space of at least 250 cubic feet. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed within the enclosure. Heavy duty netting or other such materials may be used to cover the walls or roof of the enclosure.

009.05I for any permittee to keep more than one raptor in the same indoor facility unless each raptor is tethered or separated from other raptors by partitions and the area for each bird is large enough to allow the bird to fully extend its wings.

009.05J for any permittee to keep any raptor in an outdoor facility (weathering area) that is not fenced and covered with netting or wire or roofed to protect the birds from disturbance and an attack by predators, which does not have at least one perch of an acceptable design for each raptor, protection from excessive sun, wind, and inclement weather and which is not large enough to ensure the birds cannot strike the surrounding fence when flying from the perch. A raptor may be kept outside if they are under watch by

a designated individual in a weathering yard during falconry meets.

009.05K for any permittee to transport or hold a raptor in temporary facilities for more than 30 days and without providing an adequate perch and protection from extreme temperatures and excessive disturbance.

009.05L for any person holding a falconry permit to refuse to allow an authorized agent of the Commission to enter that person's premises at any reasonable hour to inspect any raptor held under the permit and to inspect the permittee's facilities and equipment.

009.05M for any nonresident who is in possession of a raptor permitted in another state that intends to establish residency in Nebraska, to possess raptors in captivity in Nebraska without a Nebraska raptor permit or without written authorization from the Commission.

009.05M1 Non-residents have thirty (30) days to submit their Nebraska raptor permit application once residency is established in Nebraska.

009.05N for any permittee to take, purchase, receive, or otherwise acquire, sell, barter, transfer, release to the wild, or otherwise dispose of any raptor without submitting a completed Acquisition/Disposition report, supplied by the Commission, within five (5) calendar days of the action/transaction.

009.05O for any permittee to possess a raptor under authority of a falconry permit unless the permittee has a properly completed Acquisition/Disposition report for each bird possessed.

009.05P for any permittee to take, possess, or transport any Peregrine Falcon (Falco peregrinus), Gyrfalcon (Falco rusticolus), Harris's Hawk (Parabuteo unicinctus), unless the bird is banded either by a seamless numbered band provided by the U.S. Fish and Wildlife Service or by a permanent, non-reusable band

provided by the Commission. No raptors removed from the wild may be banded with a seamless numbered band. The loss or removal of any band and subsequent rebanding must be reported by submitting an Acquisition/Disposition report and a request for a replacement band must be made to the Commission within five (5) working days of the loss or removal. Any band that is lost or removed must be replaced by a permanent, non-reusable band supplied by the Commission. If a health or injury problem exists for a raptor that is caused by the band, and is documented, the Commission may provide an exemption to the requirement for that raptor. A copy of the exemption must be in possession of the falconer when transporting or hunting with the raptor.

009.05Q for any permittee to sell, purchase, barter, or offer to sell, purchase or barter a raptor unless the raptor is captive-bred and is banded by a seamless, numbered band, supplied by the U.S. Fish and Wildlife Service.

009.05R for any permittee to intentionally or negligently release a raptor or raptor hybrid not indigenous to Nebraska permanently into the wild.

009.05S for any permittee to intentionally release a wild indigenous raptor to the wild without removing and surrendering its band, if such raptor has one, to the Commission within five (5) days of the release.

009.05T for any permittee to relocate a raptor in order to allow another person to care for his raptors without written authorization from the permittee accompanying the birds when they are transferred. The period of care may not exceed 30 days. The Commission must be informed in writing of this action by the permittee within three (3) days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them, and approximately how many days they will be in the care of the second person.

009.05U for any permittee to retain and exchange feathers that are molted or feathers from birds held in captivity that die, except for imping purposes.

009.05V for any permittee to purposely hunt any game bird or game animal with a raptor, except during the regular gun hunting seasons, Conservation Orders, or special raptor hunting seasons applying to that game species or during the raptor training season when game farm birds which are legally obtained from a licensed nonresident breeder or Captive Wildlife permittee are used, and to fail to comply with the bag and possession limits, hunting permits and stamp requirements, and all other regulations prescribed and fixed for the hunting seasons.

009.05W to intentionally take any protected bird with a raptor, unless the take is otherwise authorized by the Commission. Raptors may feed on any unintentionally taken animal, but said animal may not be taken into the hunter's possession with any purpose but to feed the raptor.

009.05X for any permittee 16 years of age or older to hunt migratory waterfowl with a raptor without possessing a valid small game hunting permit, a habitat stamp, a Nebraska migratory waterfowl stamp, and Federal migratory bird hunting stamp.

009.05Y for any person to possess and hunt with a raptor without possessing a copy of their Nebraska falconry permit or a valid falconry permit from another state or country.

009.05Z for any resident and non-resident falconer to possess and use raptors at any time to abate depredation problems caused by migratory birds and other wildlife unless a Master or General Class falconer permit is held, a federal abatement permit has been obtained and written permission from the Commission has been received.

009.06 REQUIRED PERMIT QUALIFICATIONS:

009.06A Permit Classes

009.06A1 Apprentice Class

009.06A1a Permittee shall be at least 12 years old.

009.06A1b An Apprentice permit holder shall have a General or Master Class falconer as a sponsor while holding the Apprentice Class permit. Sponsors shall meet qualifications outlined in 009.06A2d, 009.06A2e and 009.06A3b.

009.06A1c Should a sponsorship be terminated, the holder of an Apprentice permit must obtain a new sponsor within 30 days of termination or the Apprentice permit will be revoked.

009.06A2 General Class

009.06A2a Permittee shall be at least 16 years old.

009.06A2b Permittee shall have at least two (2) years of experience in the practice of falconry at the Apprentice level or its equivalent. The Commission shall determine the appropriate amount of experience, if any, required past the two (2) year minimum after consultation with the Apprentice's sponsor.

009.06A2c Evidence that the applicant has had a valid, unrevoked General or Master class falconry permit in another state within two (2) years of their application may be substituted for the Apprentice permit

requirement. Evidence that the applicant has had at least two (2) years of experience in the practice of falconry in another state at the Apprentice level or its equivalent may be substituted for the Apprentice permit requirement at the discretion of the Commission. The Commission shall determine the appropriate amount of experience, if any, required past the two (2) year minimum after consultation with the Apprentice's former sponsor.

009.06A2d A General Class falconer shall have two (2) years of experience at the General Class level before they may sponsor an Apprentice level falconer.

009.06A2e A General Class falconer may sponsor no more than two (2) Apprentice Level falconers at any one time.

009.06A3 Master Class

009.06A3a Permittee shall have at least five (5) years of experience in the practice of falconry at the General Class level or its equivalent.

009.06A3b A Master Class falconer may sponsor no more than two (2) Apprentice Level falconers at any one time.

009.06B Examination

009.06B1 An applicant for any raptor permit must answer correctly at least 80 percent of the questions on a supervised written examination provided and administered by the Commission, relating to basic biology, care, and handling of

raptors, literature, laws, regulations or other appropriate subject matter.

009.06B2 Re-examination will be required of any applicant who has failed to renew a falconry permit within a period of two years of its expiration date.

009.06C Facilities and Equipment

009.06C1 Because the primary consideration for raptor housing facilities is protection from the environment, predators, and undue disturbance, an indoor facility meeting the minimum standards as established in these regulations is required of all applicants for a falconry permit.

009.06C2 The following equipment shall be in possession of the applicant before a permit can be issued: jesses or the materials and equipment to make them, leash and swivel, bath container, appropriate scales or balances for weighing raptors.

009.06C3 All facilities and equipment shall be kept at or above the standards established by these regulations at all times when the permittee is in possession of any raptor.

009.07 RAPTOR COLLECTING PERMIT

General Regulations for the collection of Raptors. In addition to the unlawful restrictions described in 009.05A through 009.05Z, it shall be unlawful:

009.07A for any permittee to sell, trade, purchase or barter any wild raptor. Wild raptors may only be transferred.

009.07B for any permittee to take more than two wild raptors in any twelve month period.

009.08 RAPTOR COLLECTING PERMIT QUALIFICATIONS

009.08A A resident of another state must provide completed raptor collecting permit application and provide a copy of the home state falconry permit held prior to being issued a raptor collecting permit in Nebraska.

009.08B Raptor collecting permits will be issued at the discretion of the Commission.

009.08C An applicant must submit an Acquisition/Disposition report, to be supplied by the Commission, completed in accordance with the instructions on the form and within five (5) calendar days of collecting any wild raptor.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: December 29, 2006

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

010 Nongame Species In Need Of Conservation

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-4,105, 37-4,106, 37-546 through 37-549, 37-701, and 37-801 through 37-810. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

010.01 Mammals

White-tailed jackrabbit	Lepus townsendii
Black-tailed jackrabbit	Lepus californicus

010.01A Jackrabbit Hunting Seasons

010.01A1 Open Season: September 1 through the last day in February.

010.01A2 Area Open: That area of Nebraska lying west of line extending from the South Dakota-Nebraska border south along U.S. Highway 81 to the Nebraska-Kansas border, except Federal or State Sanctuaries, unless otherwise authorized.

010.01A3 Hours Open Each Day: 30 minutes before sunrise to sunset.

010.01A4 Daily Bag Limit: Four (4).

010.01A5 Possession limit at any time during or after the fourth day: Sixteen (16).

010.02 Reptile and Amphibian Species in Need of Conservation - The following reptile and amphibian species shall be considered nongame species in need of conservation. It shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship nongame wildlife in need of conservation unless authorized to do so by the Commission under the authority of a scientific collection permit.

Species with no take:

Smallmouth Salamander	<i>Ambystoma texanum</i>
American Toad	<i>Anaxyrus americanus</i>
Great Plains Narrowmouth Toad	<i>Gastrophryne olivacea</i>
Five-lined Skink	<i>Plestiodon fasciatus</i>
Great Plains Skink	<i>Plestiodon obsoletus</i>
Sagebrush Lizard	<i>Sceloporus graciosus</i>
Western Slender Glass Lizard	<i>Ophisaurus attenuatus</i>
Mountain Short-horned Lizard	<i>Phrynosoma hernandesi</i>
Western Worm Snake	<i>Carphophis vermis</i>
Timber Rattlesnake	<i>Crotalus horridus</i>
Prairie Kingsnake	<i>Lampropeltis calligaster</i>
Speckled Kingsnake	<i>Lampropeltis holbrooki</i>
Eastern Glossy Snake	<i>Arizona elegans</i>
Smooth Green Snake	<i>Liochlorophis vernalis</i>
Graham's Crayfish Snake	<i>Regina grahamii</i>
Plains Blackhead Snake	<i>Tantilla nigriceps</i>
Western Ribbon Snake	<i>Thamnophis proximus</i>
Redbelly Snake	<i>Storeria occipitomaculata</i>
Copperhead	<i>Agkistrodon contortrix</i>

Terrestrial Garter Snake	Thamnophis elegans
Blanding's Turtle	Emydoidea blandingii
Diamondback Water Snake	Nerodia rhombifer

010.03 Regulated Taking of Reptiles and Amphibians - The provisions of 010.03 apply to all species and subspecies of reptiles and amphibians native to Nebraska except those legally designated as Game species, Nongame Species in Need of Conservation, and Threatened or Endangered species. It shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship any reptile or amphibian species defined in this section except as provided in 010.03A. No exception to these prohibitions will be provided for export unless granted by the Commission for scientific research or education, or as may be specifically allowed in Commission regulations governing bait dealers or fish dealers as authorized in 37-4,105 and 37-4,106.

010.03A Exceptions - The following exceptions are provided to the prohibitions outlined in 010.03.

010.03A1 In-state transport, possession, processing, sale or offer of sale of the following species will be permitted in accordance with 37-4,105 and 37-4,106, and the regulations defined for bait and baitfish species in Chapter 2, Fisheries Regulations.

Bait Species:

Plains Leopard Frog	Lithobates blairi
Northern Leopard Frog	Lithobates pipiens

010.03A2 For those individual specimens or parts thereof legally obtained by purchase or consignment from outside of Nebraska, sale, offer of sale and associated transport, possession or processing will be permitted without regard to

limits or numbers for the species listed below in 010.03A3 and 010.03A4, provided that such authority shall be contingent upon a person's ability to provide proof of legal acquisition including bill of sale or consignment.

010.03A3 Take of individuals from the wild within Nebraska and associated in-state transport, possession, or processing will be permitted with a bag and possession limit of ten (10) individuals per species, or products derived from ten (10) individuals per species.

Species with Take Up to 10 Individuals:

Blanchard's Cricket Frog	<i>Acris blanchardi</i>
Boreal Chorus Frog	<i>Pseudacris maculata</i>
Great Plains Toad	<i>Anaxyrus cognatus</i>
Woodhouse's Toad	<i>Anaxyrus woodhousii</i>
Plains Spadefoot	<i>Spea bombifrons</i>
Six-lined Racerunner	<i>Aspidoscelis sexlineata</i>
Prairie Lizard	<i>Sceloporus consobrinus</i>
Eastern Racer	<i>Coluber constrictor</i>
Prairie Rattlesnake	<i>Crotalus viridis</i>
Ringneck Snake	<i>Diadophis punctatus</i>
Northern Water Snake	<i>Nerodia sipedon</i>
Bullsnake	<i>Pituophis catenifer</i>
Plains Garter Snake	<i>Thamnophis radix</i>
Common Garter Snake	<i>Thamnophis sirtalis</i>
Northern Painted Turtle	<i>Chrysemys picta</i>
False Map Turtle	<i>Graptemys pseudogeographica</i>

010.03A4 Take of individuals from the wild in Nebraska, and associated in-state transport,

possession, or processing will be permitted for the following species with a bag and possession limit of three (3) individuals per species, or products derived from three (3) individuals per species.

Species with Take Up to 3 Individuals:

Cope's Gray Treefrog	<i>Hyla chrysoscelis</i>
Gray Treefrog	<i>Hyla versicolor</i>
Northern Prairie Skink	<i>Plestiodon septentrionalis</i>
Many-lined Skink	<i>Plestiodon multivirgatus</i>
Lesser Earless Lizard	<i>Holbrookia maculata</i>
Great Plains Rat Snake	<i>Pantherophis emoryi</i>
Western Rat Snake	<i>Scotophis obsoletus</i>
Western Fox Snake	<i>Mintonius vulpinus</i>
Western Hognose Snake	<i>Heterodon nasicus</i>
Eastern Hognose Snake	<i>Heterodon platirhinos</i>
Milk Snake	<i>Lampropeltis triangulum</i>
Coachwhip	<i>Masticophis flagellum</i>
Brown Snake	<i>Storeria dekayi</i>
Lined Snake	<i>Tropidoclonion lineatum</i>
Yellow Mud Turtle	<i>Kinosternon flavescens</i>
Ornate Box Turtle	<i>Terrapene ornata</i>
Smooth Softshell	<i>Apalone mutica</i>
Spiny Softshell	<i>Apalone spinifera</i>
Slider	<i>Trachemys scripta</i>

010.03A5 Pertaining to the species identified in 010.03, the Commission may permit any act otherwise prohibited by these regulations by issuing a scientific collectors permit for scientific purposes or to enhance the propagation and survival of the affected species.

Title 163  
Chapter 4

010.04 Release of Reptiles and Amphibians - It shall be unlawful to release into the wild any live reptile or amphibian after such animal has been transported from one location to another over a distance exceeding 100 yards without the authorization of the Commission.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: December 15, 1999

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

011 Nontoxic Shot

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-315, 37-317, 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

011.01 It shall be unlawful, while taking waterfowl, to use or possess shotgun shells or shotgun ammunition loaded with or containing shot with other than shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 Code of Federal Regulations (CFR) Part 20 and as specified in 50 CFR Part 20.

011.02 It shall be unlawful, while taking any game bird or game animal on any state or federally owned or controlled areas managed primarily for waterfowl and designated by the Commission and posted as nontoxic shot areas for all hunting, to use or possess shotgun shells or shotgun ammunition loaded with or containing shot with other than shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 Code of Federal Regulations (CFR) Part 20, and as specified in 50 CFR Part 20.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 9, 1998

Title 163 - Nebraska Game and Parks Commission

Chapter 4 Wildlife Regulations

012 Threatened and Endangered Species Consultation

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with 37-301, 37-701, 37-801 through 37-810, R.R.S. 1998, 37-314, R.R.S. 1999. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

Rules related to the process of consultation between State agencies and departments and the Game and Parks Commission involving the effects of state actions on endangered and threatened species.

012.01 DEFINITIONS

012.01A Informal consultation - includes all contacts, correspondence, or discussions between the State agency or department and the Commission prior to formal consultation. This may involve, but is not limited to, the listed species (distribution, occurrence, habitat of listed species), the biological assessment, discussions on state actions or projects and their possible impacts on listed species.

012.01B Formal consultation - part of the consultation process which the State agency or department initiates after it is determined that its action may affect listed species or critical habitat. The formal consultation stage is initiated by a written request either from the State agency or department to the Commission or by written request from the Commission to the State agency or department, and results in a biological opinion written by the Commission.

012.01C Action - all activities, directly or indirectly causing modifications to land, water, or air, that are authorized, funded, or carried out, in whole or in part, by State agencies or departments that may affect listed species or their critical habitat.

012.01D Cumulative effects - direct and indirect effects of the State action under consideration together with the identifiable effects of actions that are interrelated or interdependent with the action. Indirect effects are those that are caused by the action and are later in time or farther in distance, but are still reasonably foreseeable. Interrelated actions are those that are part of a larger action. Interdependent actions are those that have no independent utility apart from the action.

012.01E Destruction or modification - a direct or indirect alteration of critical habitat which appreciably diminishes the value of that habitat for the survival or recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical.

012.01F Jeopardize the continued existence of - to engage in an action which reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of listed species within the State of Nebraska by reducing the reproduction, numbers, or distribution of a listed species or otherwise impacting the species.

012.01G Listed species - any species of wildlife which has been determined by the Commission to be endangered or threatened as defined in section 37-802 and under authority of section 37-806 of the Nongame and Endangered Species Conservation Act.

012.01H Proposed species - any species of wildlife that is proposed to be listed by the Commission under authority of section 37-806.

012.01I Reasonable and prudent alternatives by the

Commission - refers to alternative actions that can be implemented in a manner consistent with the intended primary purpose of the action and which the Commission believes would avoid the likelihood of jeopardizing the continued existence of listed species and prevent the destruction or modification of critical habitat.

012.01J Critical habitat - any air, land, or water area (exclusive of those existing man-made structures or settlements which are not necessary to the survival and recovery of a listed species), the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion. Before designating any area as critical habitat, the Commission would (1) provide a review period for comments from State agencies and departments and (2) conduct a public hearing.

012.01K Proposed critical habitat - means habitat proposed to be designated for any listed or proposed species by the Commission under section 37-806.

012.01L Biological opinion - a written report prepared by the Commission concluding whether an action will jeopardize the continued existence of a listed species or result in the destruction or modification of critical habitat. Included would be reasonable and prudent alternatives, if any, to an action that would jeopardize the continued existence of listed species or result in the destruction or modification of its critical habitat.

012.01M Biological assessment - an investigation conducted by a State agency or department resulting in a written report that identifies listed species occurring in the area of proposed action and contains specific information describing a proposed project, its location and purpose, and data addressing possible impacts to listed species.

012.02 THE CONSULTATION PROCESS

012.02A INFORMAL CONSULTATION - the process will normally begin with informal discussions and/or correspondence between the Commission and the State agency or department on questions involving listed species that arise with respect to an action. Each State agency or department should review its actions at the earliest possible time and determine whether any action may affect listed species or its critical habitat. The State agency or department should provide the Commission with information pertaining to the location of the proposed action, description of the action and its purpose and may request from the Commission information and advice on whether listed or proposed species may be present in the area affected by the proposed action. The Commission will respond within days of receipt of any written inquiry with a list of any such species that may be present and comments regarding possible affect of the proposed action.

012.02A1 If the State agency or department concludes that its action may affect a listed species or critical habitat, formal consultation should be initiated.

012.02A2 Reinitiation or continuation of informal consultation can be requested by the State agency or department or by the Commission if:

1. The identified action is subsequently modified in a manner which was not previously considered;
2. New information reveals impacts of the identified action that may affect listed species or critical habitat in a manner not previously considered;
3. A new species is listed or critical habitat determined that is found to occur in the area affected by the identified action.

012.02A3 The Commission believes that informal consultation is extremely important

and feels that many potential problems and formal consultations can be prevented through early discussion on an informal basis. However, informal consultation is not a substitute for formal consultation.

012.02B BIOLOGICAL ASSESSMENT - the investigation and report should identify any listed species occurring in the area of proposed action and should describe the effects, including cumulative effects that the action may have on such species. The assessment should be designed to provide for the early discovery of impacts of proposed actions, to discover information needs and to develop additional information if needed.

012.02B1 To provide sufficient information for the Commission to develop a biological opinion, the assessment should include, but not be limited to: name of the project and applicant; location, including map; description of the proposed project and its purpose; data addressing possible direct or indirect impacts to listed species; important dates, i.e., estimated beginning and completion of project; and any other relevant information obtained from other studies on environmental impacts.

012.02B2 When conducting a biological assessment, the State agency or department should:

1. Determine if listed or proposed species are present or occur seasonally and whether suitable habitat exists within the area for either expanding the existing population or for potential reintroduction of the species. This may require an on-site inspection or survey of the area that could be affected, and/or a review and understanding of information concerning the listed species distribution, habitat needs, and biological requirements.
2. Review and analyze the effects of the action on the listed species, in terms of individuals and populations including

consideration of the cumulative effects of the action on the listed species and their habitat. This may require the review of pertinent scientific literature and/or interviewing experts on the listed species at issue and others that possess knowledge relevant to evaluating effects of the action on the environment.

3. Analyze alternative actions that may provide conservation measures;
4. Conduct any studies or investigations necessary to fulfill the requirements of (1) through (3) above;
5. Review any other relevant information.

012.02B3 The Commission will provide assistance to the State agency or department in planning and conducting the biological assessment. This assistance will include providing biological data on the listed species and their habitat and furnishing information on the nature and scope of the work and the area to be studied, including recommendations on any studies or surveys that may be necessary. However, the Commission is not obligated to fund or conduct any such studies or survey. The Commission will also assist the state agency or department with interpretation of biological data and in evaluating possible impacts of an action on listed species.

012.02B4 To avoid the necessity of conducting biological assessments for every agency action, assessments would be necessary only when an action, proposed within the range of a listed species, will involve a significant, physical alteration or modification of habitat required by a listed species. An assessment may also be conducted by the State agency or department if it would assist them in their section 37-807 responsibilities. The fact that a biological assessment will not be completed for all actions does not mean that listed species included in an action for which there is no biological assessment are without

protection. State agencies and departments still have an obligation to review their actions to determine whether those actions may affect listed species or their critical habitat and to initiate formal consultation if they find that those actions may have an effect.

012.02B5 The Commission reserves the right to request that an agency conduct a biological assessment when insufficient information is available regarding an action and its potential impacts and to request any agency to enter into consultation.

012.02B6 The State agency or department in consultation with the Commission will determine when to initiate the biological assessment, the scope of the assessment, and the form or manner in which the assessment will be presented to the Commission. Once the biological assessment is initiated, it should be completed within 180 days, unless the agency and the Commission agree to a modified time period, and before the initiation of any State action which might have an irretrievable or an irreversible adverse effect on endangered or threatened species or their critical habitat.

012.02B7 The completed biological assessment shall be forwarded to the Commission along with a summary of the results of the assessment. This summary should include a discussion of the study methods and materials used and any problems encountered.

012.02B8 The State agency or department may use the biological assessment in determining whether formal consultation is required.

1. If the biological assessment indicates that there are no listed species or critical habitat present or if listed species or critical habitat are present but will not be affected by the action then the State agency or department need not initiate formal consultation and the consultation process is terminated.

2. If the biological assessment indicates that listed species or critical habitat are present and may be affected by the action, then the State agency or department should initiate formal consultation.

012.02B9 The Commission may use the results of the biological assessment in determining whether to request the State agency or department to initiate formal consultation or in formulating a biological opinion.

012.02C FORMAL CONSULTATION - If a State agency or department decides that its actions may affect listed species or critical habitat, the agency or department should initiate formal consultation. If a State agency or department decides that its actions will not affect listed species or critical habitat, formal consultation need not be initiated unless requested by the Commission.

012.02C1 Each State agency or department requesting formal consultation shall conduct the appropriate studies and provide the information necessary for an adequate review of the effects an action may have upon listed species or critical habitat. The Commission will provide relevant data and reports, and recommendations for additional studies or surveys. The Commission is not obligated to fund or conduct any such additional studies or surveys. The State agency or department may seek assistance from any source to obtain the information necessary for a review of the effects an action may have upon listed species or critical habitat. When the issuance of a permit or license or other form of state approval or authorization is the subject of the consultation, the Commission shall provide the applicant with the opportunity to submit information for consideration during the consultation.

012.02C2 A written request to initiate formal consultation will be submitted to the Commission by the State agency or department. Requests for formal consultation shall

include: (a) a description of the action to be considered; (b) a description of the specific area that may be affected by the action; (c) a description of any listed species or critical habitat that may be affected by the action; (d) a description of the manner in which the action may affect any listed species or critical habitat and an assessment of any cumulative effects; (e) reports on the biological assessment or on other environmental studies; and (f) any other relevant available information on the action, the affected listed species, or critical habitat. Any request for formal consultation may encompass, subject to the approval of the Commission, a number of similar individual actions within a given geographical area or administrative unit, or a segment of a comprehensive plan.

012.02C3 During the formal consultation, the Commission shall:

1. Review all relevant information provided by the State agency or department and information otherwise available. Such review may include an on-site inspection of the area affected by the action with representatives of the State agency or department or the applicant;
2. Evaluate the current status of the listed species or critical habitat;
3. Evaluate the impacts of the action and its cumulative effects on the listed species or critical habitat;
4. Formulate its opinion as to whether the action, taken together with its cumulative effects, will jeopardize the continued existence of listed species or result in the destruction or modification of critical habitat. In formulating its opinion, the Commission shall use the best scientific data currently available;
5. Discuss with the State agency or department and the applicant the

availability of reasonable and prudent alternatives that would avoid violation of section 37-807, and that the agency can take in implementing its action. The Commission will utilize the expertise of the State agency or department and the applicant in identifying these alternatives. If the Commission is unable to develop such alternatives, it will indicate that to the best of its knowledge, there are no reasonable and prudent alternatives;

6. Consider the long term implication of resource utilization similar to that of the action on the survival and recovery of the listed species; and
7. Recommend programs that should be carried out by the State agency or department to conserve the listed species at issue.

012.02C4 Within 90 days after initiation of the formal consultation phase, the Commission shall provide the State agency or department with a written biological opinion. The biological opinion shall include: a summary of the information on which the opinion is based; a detailed discussion of the impacts of the action on listed species or critical habitat; the Commission's conclusion whether the action will jeopardize the continued existence of a listed species or result in the destruction or modification of critical habitat, and recommendations. Any biological opinion may include additional suggestions for modifications in the action which would enhance the conservation and protection of a listed species or critical habitat.

012.02C5 The biological opinion shall conclude one of the following:

1. The action will promote the conservation of listed species or critical habitat. Additional formal consultation shall be unnecessary and the consultation process shall terminate unless mutually agreed to otherwise. The Commission, to the extent

feasible, may assist in carrying out such conservation programs if requested by the State agency or department.

2. The action will not jeopardize the continued existence of a listed species or result in the destruction or modification of critical habitat. Further consultation shall be unnecessary unless mutually agreed upon otherwise. Formal consultation is terminated upon the issuance of the biological opinion.
3. The action will jeopardize the continued existence of a listed species or result in the destruction or modification of critical habitat. The biological opinion shall include reasonable and prudent alternatives, if any, and further consultation shall be encouraged.
4. The Commission has determined that insufficient information exists concerning the listed species or critical habitat and/or the action. In this case, the Commission shall request an extension of the formal consultation. It is recommended that a State agency or department make no irreversible or irretrievable commitments of resources that would foreclose implementation of any reasonable and prudent alternative before additional and appropriate information is collected and prior to issuance of a biological opinion by the Commission.

12.02C5a If formal consultation is extended by mutual agreement, because of insufficient information, the State agency or department, with assistance as feasible from the Commission and other sources of expertise, shall then obtain additional information and conduct, as appropriate, surveys or studies to determine how the action may affect listed species or critical habitat. Upon receipt of the additional information, the Commission shall issue a biological

opinion at the end of the mutually agreed period.

12.02C5b If no extension is mutually agreed to, the Commission shall reach a conclusion on whether the agency action will jeopardize the continued existence of listed species or result in the destruction or modification of critical habitat.

012.02C6 The Commission may request a State agency or department to enter into formal consultation if he identifies any action of that agency which has not received prior formal consultation and that may affect listed species or critical habitat. When such a request is made, the Commission shall forward to the State agency or department a written explanation of the basis for the request.

012.02C7 When a particular action involves more than one State agency or department, these agencies may, upon notification of the Commission, fulfill their biological assessment, conference, and formal and informal consultation responsibilities through a single lead agency. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies would become involved, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the action.

012.02C8 The consultation process may continue after the issuance of a biological opinion, if necessary, to discuss alternatives to the action. The consultation process will continue when necessary to allow an opportunity to consider any reasonable and prudent alternatives and will terminate upon the Commission's receipt of a written notice from the State agency or department stating their determination to proceed with, modify, or forego the action. Formal consultation may be extended for any reason upon mutual agreement of the Commission and the State agency or department.

012.02C9 Following the issuance of a biological opinion, the State agency or department shall determine whether to proceed with the action in light of its section 37-807 obligations and the Commission's biological opinion. When reasonable and prudent alternatives are included in the opinion, the State agency or department shall notify the Commission in writing stating their determination to proceed with, modify, or forego the action, and which reasonable and prudent alternatives they are adopting.

012.02C10 Reinitiation of formal consultation may be requested by the State agency or department or by the Commission if:

1. New information reveals impacts of the identified action that may affect listed species or critical habitat in a manner not previously considered;
2. The identified action is subsequently modified in a manner which was not considered in the biological opinion; or
3. A new species is listed or critical habitat determined that may be affected by the identified action.

012.02D PROPOSED SPECIES AND PROPOSED CRITICAL HABITAT - in the event that the Commission may officially propose any species as an addition to the list of endangered and threatened species, the Commission shall inform the State agencies and departments with a written notice. Should the State agency or department, or the Commission, determine that such a species occurs in the action area and that the action by the State agency or department may affect such a species or the proposed critical habitat of any such species, it is highly recommended that the State agency or department confer with the Commission. Although conferring is not required under the Act, it might identify and resolve potential conflicts between an action and the conservation of proposed species and proposed critical habitat at an early point in the decision-making process. Potential impacts of the

action on the proposed species or proposed critical habitat would be discussed through informal discussion between the State agency or department and the Commission. By consolidating conferences on proposed species/critical habitat with consultations conducted on listed species/critical habitat, additional procedural steps can be avoided so as to reduce the potential for delay. The Commission does not intend that any of the formal requirements for consultation be imposed on State agencies or departments with respect to proposed species or proposed critical habitats.

012.03 The Game and Parks Commission hereby delegates authority to the Director to consult with other State agencies and departments, to prepare and provide biological opinions on the effects of State actions on endangered and threatened species and their critical habitat, and to otherwise assist them in complying with the Nongame and Endangered Species Conservation Act. The Director may delegate such authority to appropriate staff personnel. Consultation and assistance shall be conducted and provided to other State agencies or departments according to the framework and procedures hereby established.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 9, 1998

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

013 Roadkill Deer, Antelope, or elk and the Possession and Sale of Game Animals and Upland Game Birds.

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with 37-301, 37-448, 37-505, R.R.S. 1998, 37-314, 37-452, 37-482.01, R.R.S. 1999, 37-447, R.R.S. 2003, 37-530, R.R.S. 2004. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

013.01 Rules related to allowing Nebraska residents to possess deer, antelope, or elk that are killed on a roadway by a vehicle and to possess and sell game animals and upland game birds.

013.01A The following conditions shall apply to a Nebraska resident being allowed to take possession of a roadkill deer, antelope, or elk.

013.01A1 First choice - Individual involved in the accident.

013.01A2 Second choice - Public institution.

013.01A3 Third choice - Non-profit organization.

013.01A4 Fourth choice - Other individuals.

013.01B Any person who accidentally kills a deer, antelope, or elk with a motor vehicle may field dress and take possession of the animal at the time of the accident and remove it to his residence. Notification must be given to the Game and Parks Commission within 24 hours of the time the carcass is picked up and must be tagged by a Conservation Officer or other personnel designated by the

Title 163  
Chapter 4

Conservation Officer within 48 hours of the time of notification. Public institutions may be exempted from permit requirements at the discretion of the Commission. Tagging requirement for a two part tag to be furnished by the Commission shall be as follows:

013.01B1 Part 1 shall include the following and upon completion shall be mailed to the district office of the Game and Parks Commission: Name and address of permittee; date; location, date and time of accident; species, sex and age; validation time not to exceed 90 days; use to be made of carcass and hide; name of issuing agent.

013.01B2 Part 2 shall remain attached to the carcass while whole and shall be retained after processing. The following information shall be included: Type of animal (deer, antelope, or elk); name, address and signature of permittee; signature of issuing agent; regulations for possession and expiration date not to exceed 90 days.

013.01C It shall be unlawful to:

013.01C1 sell or trade any meat from a carcass. Deer, antelope, or elk meat once wrapped or processed may be given away by a person holding a salvage permit provided a receipt accompanies the meat with the following information: 1. Name and address of salvage permit holder; 2. Salvage permit number, and 3. Expiration date of salvage permit.

013.01C2 possess more than one roadkill carcass at any one time, except that this provision shall not apply to institutions or non-profit organizations.

013.01C3 possess a deer, antelope, or elk carcass that bears evidence of being shot.

013.01C4 process or cut up for preservation deer, antelope, or elk prior to obtaining a special salvage permit.

Title 163  
Chapter 4

013.01D The hide, hair, hooves, bones, horns and antlers of a roadkill deer, antelope, or elk may be sold.

013.01E Nothing in this section shall hinder authorized personnel from removal or clean-up of dead animals from public highway.

013.02 Possession and sale of game animal and upland game bird parts discarded or found dead.

013.02A Shed or dropped antlers and horns of deer, elk and antelope may be possessed and sold at any time.

013.02B Except as provided in 013.02A, the hides, hooves, antlers and horns of deer, elk and antelope found dead may be possessed but not sold, provided that the hides may not bear shot marks.

013.02C The skins, tails, feet and bones of squirrels and rabbits found dead may be possessed but not sold, provided that the skins may not bear shot marks.

013.02D The feathers, skins and bones of upland game birds found dead may be possessed but not sold, provided that the skins may not bear shot marks.



014.06 Application for Lottery Permits

014.06A Applications shall be accepted from Nebraska Residents only, from the third Monday in April beginning at 1 p.m. CST through the first Friday in August (receipt date at Game and Parks Commission office in Lincoln) during years when a lottery sheep permit is authorized (014.02). All valid applications accompanied by the required fee (Chapter 1, Section 006; Administration Regulations) shall be considered equally in a drawing. It is unlawful to submit more than one application per calendar year for a lottery sheep 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.

014.07 Orientation Session: Persons with sheep permits must attend an orientation session prior to hunting.

014.08 Guiding Requirement: Each permittee must be accompanied by a representative of the Commission while hunting unless written exemption is provided by a designee of the Director of the Game and Parks Commission.

014.09 Checking: Any mountain sheep which is taken must be presented to an official check station specified by the Commission on the same day it is killed, unless the check station is notified that day and arrangements are made for a later check. Sheep must be presented to the check station with the head naturally attached to the carcass; hind half may be detached from the front, provided evidence of sex is retained on the hind half. An identifying seal or plug will be attached to or inserted in one horn and this identification must remain permanently attached.

014.10 Weapons Allowed: Firearms and archery equipment as specified in 001.01B2.

014.11 Mountain sheep or mountain sheep parts may be donated to individuals or organizations for display or educational purposes under the authority of written authorization of the Commission. It shall be unlawful for

Title 163  
Chapter 4

mountain sheep or parts thereof which are possessed under this authorization to be sold, bartered, or given away except by authorization of the Commission. Mountain sheep or sheep parts shall be permanently marked with an identifying number. Priority of disposition shall be at the discretion of the Commission.

014.12 Except for meat and flesh, legally possessed parts from mountain sheep other than bighorn sheep (*Ovis canadensis*) may be bought, sold, bartered, or given away.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: December 5, 2011

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

015 Game Breeding and Controlled Shooting Areas

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-426, 37-484 through 37-496. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

015.01 Documentation:

015.01A The applicant must provide proof with the application that he or she controls, by ownership or lease, the land upon which the Controlled Shooting Area will be operated. If the land is leased, a copy of the lease must be submitted; the lease must be valid for a period extending at least five (5) years beyond the date of original application for lands included and the lease must stipulate that the landowner specifically gives permission to the applicant to operate a Controlled Shooting Area, and the lease must be accompanied by documents that verify that the lessor owns the land.

015.01A1 A commercial game breeding and controlled shooting area shall be defined as one which offers goods or services to clients for a fee or in trade, thereby generating income and/or profit.

015.01A2 A non-commercial game breeding and controlled shooting area shall be defined as one which offers goods or services to family, friends, or clients free of charge.

015.01B In the event of a change of ownership or a substantial change in the terms of the lease authorizing the operation of the Controlled Shooting

Area it shall be unlawful to fail to notify the Game and Parks Commission in writing of the change. Such notification must be made within 60 days of the change. Upon such notification, the Game and Parks Commission shall delete the affected land from the permit unless the operator of the Controlled Shooting Area provides proof as specified in 015.01A that he or she still controls the land.

015.02 Distance Requirements

015.02A No license shall be issued for any commercial area whose boundary lies within one mile of the boundary of any other commercial area so licensed.

015.02B No license shall be issued for any commercial area whose boundary lies within one mile of a federal game refuge.

015.03 Posting Requirements:

015.03A It shall be unlawful to post the Controlled Shooting Area in any manner other than as prescribed in sections 015.03A1, 015.03A2 and 015.03A3.

015.03A1 The licensee shall post both sides of any public road that traverses any part of the Controlled Shooting Area, all vehicular entrances, the perimeter of any inholding in the Controlled Shooting Area that is not a part of the area, and the entire outside perimeter of the area at intervals of not more than 1000 feet, with signs as follows: Signs shall be a minimum of 12 inches wide by 18 inches high. Lettering shall be all capital letters in black on a white background, with wording as specified. The words "CONTROLLED SHOOTING AREA" shall appear on three lines at the top of the sign in letters 1 ½ inches high. The words "PRIVATE HUNTING" shall appear on two lines in the middle of the sign in letters two inches high, and at the bottom of the sign shall appear the words "LICENSED BY THE NEBRASKA GAME AND PARKS COMMISSION PERMIT NO. \_\_\_\_\_" on three lines in letters ½ inch high. A facsimile, to scale, shall be provided to all Controlled Shooting Area licensees when the permit is granted. Signs must be made of metal, wood or rigid plastic. Signs must be replaced whenever the readability is impaired.

015.03A2 Where placement of signs interferes with normal farming practices the signs may be removed when not in operation. However, the licensee shall notify the Game and Parks Commission in writing of the period of time the Area will be closed, prior to removal of the signs. Signs must be replaced before the Controlled Shooting Area is reactivated.

015.04 Released Birds:

Birds to be released must be listed on the Game Breeding and Controlled Shooting Area permit.

It shall be unlawful to release any birds except pheasant, quail, partridge and mallard. Birds may be released only in accord with 37-488, 37-489, 37-492, 015.04 and 015.05.

015.04A Dog training and dog trial activities are permitted from April 2 through August 31 as described in 001.02B through 001.02C6. Birds released during this period for dog training and dog trials shall not count toward the 500 bird release requirement stated in 015.05A or 37-489.

015.04B Pigeons may be released for dog training purposes but shall not count towards the 500 bird release requirements stated in 015.05A or 37-489.

015.04C Acceptable Marking of Released Birds:

It shall be unlawful to release any bird less than 12 weeks old on the Controlled Shooting Area unless the bird has been marked prior to release by removal of the last joint of the hind toe (hallux) from one foot or by the attachment of a band provided by the Game and Parks Commission or by deformation of the nares, which results when the bird was raised with an anti-pecking device inserted into the nares.

015.04D Acceptable Marking of Transported Birds

Prior to being transported from a controlled shooting area, any game bird taken on such area shall be banded with a band provided by the Game and Parks Commission.

015.05 Standards for Release and Harvest of Birds:

015.05A It shall be unlawful for the licensee to release less than 500 birds between the date of issuance of the permit and April 1 of the license year.

For subsequent years, it shall be unlawful for the licensee to release less than 500 birds between July 1 and April 1 during the year that the permit is retained. Bird release must be substantiated by either submitting to the Game and Parks Commission proof of purchase of the birds or by an on-site inspection of the birds by Commission personnel whenever the birds are raised rather than purchased.

015.05B It shall be unlawful for the licensee to allow more birds of any given species to be harvested on the Controlled Shooting Area than the number of that species released. When harvest reaches the number released, hunting of that species must be discontinued until more birds of the same species are released. Those game bird species not specifically listed on the Controlled Shooting Area permit may only be hunted during the conventional hunting season in accord with the current year hunting regulation, i.e. limits shooting hours, sex restrictions, and the like; provided that anyone hunting these species must have either a resident or regular non-resident hunting license and required stamps - the \$11.00 Controlled Shooting Area hunting license does not apply to species not listed on the Controlled Shooting Area permit.

015.05C Shooting Hours shall be from 30 minutes before sunrise to sunset.

015.06 Records and Reports:

It shall be unlawful for the licensee to fail to maintain records of all releases and birds taken by species and names, permit types, and game taken by all hunters transporting birds from the area, on record forms provided for this purpose by the Game and Parks Commission. Records may be inspected during normal business hours by Commission personnel and must be submitted for the period July 1 through April 1 to the Commission headquarters in Lincoln, prior to April 30. A summary report form provided by the Commission must also accompany the detailed records when the books are submitted to the Commission. Failure to complete and submit required paperwork by the specified April 30 deadline will result in suspension, revocation or refusal to renew the Controlled Shooting Area permit.

015.07 License; refusal to issue or renew; suspension or revocation; grounds; notice; hearing.

The Commission may either refuse to issue or refuse to renew or may suspend or may revoke any Game Breeding and Controlled Shooting Area license if the Commission finds that such licensed area or the operator thereof is not complying or does not comply with or is operated in violation of sections 37-484 to 37-496 or Section 015, or in an unlawful or illegal manner.

015.07A Permit Suspension

015.07A1 Suspension shall mean the temporary cancellation of a permit for the time period equivalent to the amount of time necessary to correct the problem which resulted in a violation; suspensions may be lifted upon correction of the violation, and receipt of written confirmation by the Secretary of the Commission or his designee that the problem has been adequately addressed.

015.07A2 Grounds for Permit Suspension

015.07A2a One (1) written warning/ conviction for failure to submit required documents within allotted time frames.

015.07A2b One (1) written warning/ conviction for failure to have signs placed as per 37-487 or 015.03.

015.07A2c One (1) written warning/ conviction for failure to comply with regulations concerning the release of birds as per 37-488, 37-489, 37-492, 015.04 or 015.05.

015.07A3 Procedures for suspension or refusal to renew:

015.07A3a The licensee will be given at least fifteen days notice in writing of the reasons for the action of the Commission and an opportunity to appear in opposition to the action of the Commission before an Advisory Council of the Commission, designated by the Secretary of the Commission.

015.07A3b The Secretary shall designate an Advisory Council including, but not limited to, the Deputy Director, the Division Administrator of Wildlife and the Division Administrator of Law Enforcement.

015.07B Permit Revocation

015.07B1 Revocation shall mean the cancellation of a permit for a specified time period prescribed by the Secretary of the Commission not to exceed one year from the notice of revocation; the Secretary may refuse to renew a permit until such prescribed time has elapsed. The Secretary of the Commission shall refuse to issue a Game Breeding and Controlled Shooting Area permit if all the lawful requirements for application or operation are not met.

015.07B2 Grounds for Permit Revocation

015.07B2a One (1) written warning/conviction for failing to verify hunter's hunting license and habitat stamp (37-491) or for violations of operating hunts or purchasing/distributing birds while under suspension.

015.07B2b Two (2) written warnings/convictions for failing to release the required number of birds as specified in 37-488, 37-489 or 37-492, or for violations relating to the age of released birds, appropriate marking of such birds, failing to furnish required receipts, etc. as per 37-488, 015.04, or 015.05, within any five (5) year period.

015.07B2c Two (2) written warnings/convictions for allowing hunting of upland game birds or mallard ducks as per 37-490 or 015.04 within any five (5) year period.

015.07B2d Three (3) written warnings/convictions for any other regulation or statutory violation relating to the operation of a Game Breeding and Controlled Shooting Area within any ten (10) year period, except as provided in 015.07B2a through 015.07B2d.

015.07B3 Procedures for revocation or refusal to renew:

015.07B3a The licensee will be given at least fifteen days notice in writing of the reasons

Title 163  
Chapter 4

for the action of the Commission and an opportunity to appear in opposition to the action of the Commission before an Advisory Council of the Commission, designated by the Secretary of the Commission.

015.07B3b The Secretary shall designate an Advisory Council including, but not limited to, the Deputy Director, the Division Administrator of Wildlife and the Division Administrator of Law Enforcement.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 9, 1998

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

016 Captive Propagation of Raptors

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-314, 37-477, 37-497 through 37-4,103, 37-801 through 37-810. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

016.01 DEFINITIONS

016.01A Captive-bred - refers to raptors that are hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

016.01B Captivity, captive propagation, or propagation - means to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment.

016.01C Wild-produced - refers to raptors that hatched in the wild from parents that mated in the wild.

016.02 APPLICATION: A permit to propagate raptors in captivity shall not be issued until written application for a permit on forms specified by the Commission is received along with the required fee. Information collected through completion of the application will be used to make decisions on the issuance or denial of such permits. Renewal of permits will depend on the conditions that all

reports and records required to be completed by the permittee have been submitted in accord with Commission regulations and State Law, sections 37-497 through 37-4,103.

016.03 GENERAL REGULATIONS: It shall be unlawful:

016.03A for any permittee to take raptors or raptor eggs from the wild for propagation purposes without written authorization from the Commission. Should authorization to take raptors from the wild be granted, only nestlings may be taken for propagation purposes. The Commission shall grant approval or denial of a request to take raptors or raptor eggs from the wild for propagation purposes based on whether granting approval would have a significant effect on any wild population of raptors; whether suitable captive stock is available; and whether wild stock is needed to enhance the genetic variability of captive stock.

016.03B for any permittee to possess any more than four (4) wild-produced raptors at any one time under a propagation permit, without written authorization from the Commission. Replacement of a wild-produced raptor with a wild-produced raptor cannot be made until two (2) years from the date of the death, loss, escape or transfer of possession of any wild-produced raptor.

016.03C to use a raptor possessed for propagation purposes in the sport of falconry, unless such a raptor is transferred to and declared on a falconry permit.

016.03D to use a raptor held under a falconry permit for propagation purposes without written authorization from the Commission.

016.03E for any permittee to intentionally release any raptor, held for propagation purposes or that are

captive-bred, to the wild without written authorization from the Commission.

016.03F to sell, barter, purchase, or offer to sell, barter or purchase any raptor or raptor semen except by a person who holds a valid captive propagation permit or a falconry permit. A holder of a falconry permit may sell, barter or purchase only raptors that are captive-bred. A holder of a captive propagation permit may not sell, barter or purchase any raptor taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

016.04 Other Permit Restrictions:

016.04A All reports and records that must be submitted by the permittee to the U.S. Fish and Wildlife Service under a Federal captive propagation permit must be submitted to the Commission in the same format and on the same schedule as required by the Federal permit.

Title 163  
Chapter 4

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 9, 1998

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

017 Creation and Administration of Natural Areas Register

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with 37-301, 37-714 through 37-721, 37-801 through 37-810, R.R.S. 1998. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

017.01 DEFINITIONS

017.01A Registration - the voluntary commitment, without affecting a landowner's property rights or use of the land, for protection of specific natural heritage resources, and for inclusion of the area on the register.

017.01B Landowner - any individual(s) or land managing agency(s) who holds a real property right(s).

017.01C Natural heritage features (resources) - exemplary or rare plant community types; habitat supporting rare, threatened, endangered or special concern plant and animal species or seasonal concentrations of birds or other animals; relict flora or fauna.

017.02 CRITERIA FOR SELECTION OF CANDIDATE NATURAL AREAS  
FOR REGISTRY

017.02A Natural areas which may be candidates for inclusion in the register will be selected for further evaluation by the Commission and participating cooperators based on available evidence and criteria prescribed by the Commission.

017.02B Interested parties, including private individuals, organizations, and state and federal government agencies may propose natural areas for registration to the Commission for review of the national and statewide significance of their natural heritage features.

017.02C Areas proposed for registration will be examined and evaluated by the Commission and the participating cooperator to determine if they possess significant natural heritage resources. Areas that substantially satisfy at least one of the following criteria will be designated as candidates for registration. Areas that do not substantially satisfy at least one of the following criteria will not be considered for registration.

017.02C1 Exemplary or rare plant communities native to Nebraska - Plant communities are distinct and naturally recurring assemblage of populations of plants associated with each other and their physical environment. Examples of Nebraska's plant communities include tallgrass prairie, western coniferous woodland, and sandhills alkaline marsh. Exemplary occurrences are those that are relatively undisturbed and are representative of conditions present in Nebraska prior to white settlement. Rare communities are those that have few remaining occurrences.

017.02C2 Habitat supporting a rare, threatened, or endangered species, a nongame species in need of conservation, or other animal or plant species of concern - Rare species are those that are considered rare for Nebraska by the natural heritage database, because of destruction of their natural habitat; they are at the periphery of their range; they are relict species characteristic

of a time when Nebraska's climate was different than at present; or because of other factors. Threatened and endangered species are species designated as such by the Commission. A nongame species in need of conservation is a species designated by the Commission to be in need of conservation measures to insure its continued ability to perpetuate itself successfully. Species of concern are species occurring in low numbers whose current populations are stable and healthy, but there is concern for their long-term survival.

017.02C3 Habitat supporting seasonal concentrations or havens for birds or other animals - Examples include areas that harbor seasonal concentrations of migratory birds, colonial nesting birds, bat hibernacula, and unique geological features such as caves, bluffs, cliffs, or rocky outcroppings.

017.03 PROCEDURES FOR NOMINATION TO REGISTER

017.03A Candidate natural areas substantially satisfying at least one of the above listed criteria shall be further evaluated by the Commission as to the quality of their natural heritage resources. Nomination of natural areas for registration will be based on one or more of the following criteria:

017.03A1 Rareness of the natural heritage feature on a national, statewide, or regional scale - Rareness is the number of individuals or occurrences of a feature. All vertebrate and plant species, plant communities, and some invertebrate species found within the state have been assigned ranks based on rareness as established by the natural heritage database.

017.03A2 Excellence and completeness of the natural heritage features found in the natural area - How well do the features presently found in an area reflect the area's natural condition and how much has the area been disturbed by the activities of man?

017.03A3 Degree to which a natural area or

its natural heritage features are threatened with incompatible use - Current or future activities within or near the area, such as drainage, development, over-grazing, severe erosion, and cultivation, may threaten the quality or survivability of the natural area or natural heritage features. Preference will be given to the registration of areas threatened with incompatible use or from external disturbances, provided that the threats or disturbances can be restricted or eliminated.

017.03A4 Degree of protection afforded to similar features elsewhere in the state or ecological region - Some natural heritage features have few or no protected examples in the state or ecological region. Protecting examples of these features will be a registry priority.

017.03A5 Viability of the natural heritage features in the natural area - Viability refers to the long-term prospects for the continued existence of the natural area or natural heritage features. Important considerations in analyzing viability include the size of the natural area, presence of natural ecological functions and processes, and size and health of the animal and plant populations. Large natural areas are normally more viable than small areas. Large, healthy plant and animal populations are also more viable than small, unhealthy populations. Preference will be given to the registration of areas with high viability.

017.03B Following identification of a natural area suitable for registration and prior to nomination for registration, the Commission or a participating cooperator will inform the landowner of the areas unique natural heritage resource and offer the landowner the opportunity of area registration.

017.03C Prior to nomination for registration, the Commission will obtain voluntary written consent from the landowner to proceed with nomination. Written consent by the landowner will include the landowner's voluntary agreement to protect the

area's unique natural heritage features.

017.03D Upon voluntary written consent of the landowner, the area will be nominated for registration and submitted with nomination documents for consideration by the Commission.

017.04 REGISTER ADMINISTRATION

017.04A Following approval of a nominated natural area by the Commission, the natural area shall be added to the register. The landowner will be awarded a certificate of registration by the Commission that will include the landowners voluntary agreement to protect the natural area.

017.04B A natural area may be removed from the register by the landowner upon written notification to the Commission.

017.04C Based on a determination that the value of the area's natural heritage resource has been significantly reduced or no longer exists, the Commission may remove the area from the register with notification to the landowner.

017.04D The Commission or participating cooperator may provide the landowner advice, if necessary, on the proper management of a registered area for the protection of the natural heritage features for which the area was registered.

017.04E The Commission or participating cooperator may assist the landowner in management or monitoring activities to maintain the natural heritage features of the registered natural area. Such activities may include monitoring plant and animal populations, conducting prescribed burns and measuring success of management activities. The Commission or the participating cooperator is not obligated to fund the costs of any supplies, materials or equipment.

017.04F The Game and Parks Commission hereby delegates authority to the Director to identify and nominate natural areas for inclusion in the register, to administer removal of areas from the

Title 163  
Chapter 4

register and to provide assistance and advice to landowners in the management of registered natural areas. The Director may delegate such authority to appropriate staff personnel.

## NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: October 22, 2014

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

### 018 General Regulations Governing Administration and Use Of Property

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301 through 37-314, 37-308.01, 37-317, 37-330, 37-336, 37-412, 37-483, 37-536, 37-701, 60-6, 190, 60-680. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

#### 018.01 Camping Regulations for State Wildlife Management Areas

018.01A For purposes of these regulations, camping is defined as temporary lodging out-of-doors for hunting, fishing, or other outdoor activity, and presupposes the occupancy of a shelter designed for such purposes, such as a sleeping bag, tent, trailer, or other vehicle modified for such use. Camping equipment may not exceed 8' width and 40' length.

018.01B Camping is permitted on State Wildlife Management Areas, except where restricted by posting with appropriate signs, or where restricted by special area regulations.

018.01C Group type camping by youth groups, civic groups, clubs, organizations, and other similar groups, is authorized by written permission only.

018.01D Camping on State Wildlife Management Areas is permitted for a maximum of fourteen consecutive days within any thirty day period unless otherwise posted or restricted.

#### 018.02 Fires, Fireworks Regulations for State Wildlife Management Areas

018.02A Fires are permitted in fireplaces, grills, or fire rings where provided by the Commission; or in privately owned devices, such as gasoline or propane stoves, charcoal grills, or similar devices. Open fires not contained in the above mentioned facilities or devices are prohibited.

018.02B Management personnel of the Game and Parks Commission are specifically authorized to temporarily revoke permission for fires of any kind on State Wildlife Management Areas when it is determined that the use of fires could be hazardous to health, safety, or welfare of persons, property, or wildlife resources.

018.02C The use of fireworks of any kind on State Wildlife Management Areas is prohibited; provided that management personnel are authorized to use fireworks, scare devices, or similar materials for control or management of wildlife species.

018.03 Disorderly Conduct Regulations for State Wildlife Management Areas

018.03A Disorderly conduct is prohibited.

018.03B Disorderly conduct is committed when a person causes public alarm, nuisance, jeopardy or violence, or recklessly creates a risk thereof, by:

018.03B1 Engaging in fighting or threatening, or violent behavior; or

018.03B2 Using language, an utterance, or gesture, or engaging in a display or act which is obscene, physically threatening or menacing, or done in a manner which is likely to inflict injury or incite an immediate breach of the peace; or

018.03B3 Making noise which is unreasonable, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors which would govern the conduct of a reasonably prudent person under the circumstances; or

018.03B4 Creating or maintaining a hazardous or physically offensive condition.

018.03C Persons committing disorderly conduct may be evicted from the area.

018.04 Intoxication Regulations for State Wildlife Management Areas: Consumption of Alcohol, Open Alcohol Containers

018.04A Consumption of alcoholic beverages on lands designated as wildlife management areas by the Commission is permitted with the following exceptions:

018.04A1 Consumption is prohibited on all roadways and parking areas.

018.04A2 Consumption of alcohol may be prohibited on any State Wildlife Management Area or portions thereof with the use of appropriate signage.

018.04A3 Consumption is prohibited between the hours of 10:00 p.m. and 6:00 a.m.

018.04B Containers of alcoholic beverages whose single liquid capacity is greater than one gallon are prohibited.

018.05 Domestic Animal Regulations for State Wildlife Management Areas

018.05A It is unlawful to permit dogs to range at large on any State Wildlife Management Area, except dogs may be allowed to range while under the influence and control of a handler while hunting, and in accordance with 018.05C, 018.05D and 001.02B.

018.05B Household pets are permitted on State Wildlife Management Areas and are allowed to exercise, train, run or hunt provided they are under control of their handler, except under the provisions of 018.05C and 018.05D; provided they are physically restrained by leash, cage, crate, or other such device, except where restricted by the posting of appropriate signs, or where prohibited by special area regulations.

018.05C It is unlawful for anyone to exercise, run, train, or hunt with dogs on State Wildlife Management Areas during the period from May 1 through July 31 of each year, except on land areas designated and specifically posted with Authorized Dog Training Area signs. It shall further be unlawful for any Professional Dog Trainer, specific to his or her business activities, to exercise, run, or train dogs owned or controlled by him or her on State Wildlife Management Areas at any time. For purposes of these regulations, a Professional Dog Trainer is defined as a person who trains dogs for a personal gain or livelihood. Dog owners or handlers are further prohibited from exercising, running, training, or hunting with dogs on areas where these activities are prohibited by special regulations. Trainers are also governed by special regulations dealing with dog training and dog trials.

018.05D Training or exercising dogs on areas designated and posted as Dog Trial Areas is prohibited. Such areas are restricted for Field Trial Use only.

018.05E Grazing or ranging domestic livestock or poultry is prohibited without prior written authorization by the Commission.

018.05F Horseback riding is permitted on State Wildlife Management Areas, except where prohibited by appropriate signs.

018.06 Fishing, Hunting, Trapping, Target Shooting and General Entry Regulations for State Wildlife Management Areas

018.06A Fishing is permitted on all State Wildlife Management Areas subject to Chapter 2, Section 006, Fishing Regulations; provided that all or any portion of any area may be closed to fishing by the posting of appropriate signs.

018.06B Hunting or the use of firearms, bow and arrow, or other legal projectile device is permitted on State Wildlife Management Areas or portions thereof unless prohibited by appropriate signs, or where special area regulations restrict or prohibit these activities.

018.06C Target shooting or the shooting of Blue Rocks is permitted on State Wildlife Management Areas, unless these activities are restricted or prohibited by posted signs or by special area regulations. Blue Rock shooters may further be subject to Range Regulations as posted on designated areas. Possession or use of explosive or incendiary targets is prohibited.

018.06D The use of and/or possession of paint ball weapons of any type shall be prohibited on State Wildlife Management areas.

018.06E Except where restricted or prohibited by special area regulations, trapping is permitted on State Wildlife Management Areas in accordance with general State trapping regulations; provided that any area or portion thereof may be closed to trapping by appropriate signs.

018.06F General entry by foot onto State Wildlife Management Areas or portions thereof is permitted unless prohibited by appropriate signs, or where special area regulations restrict or prohibit entry.

#### 018.07 Traffic Regulations for State Wildlife Management Areas

018.07A It shall be unlawful for any person to operate a motorized vehicle on other than roadways, parking areas, or trails specifically designated for vehicle use, provided persons may operate all-terrain vehicles and snowmobiles over ice according to the provisions of this section. Nothing in this section shall prohibit management personnel from using these vehicles for emergency or management purposes or special authorized events according to 018.12.

018.07B Definitions: Motorized vehicles shall include, but not be limited to, trucks, automobiles, motorcycles, trail bikes, mini-bikes, four-wheel drive vehicles, all-terrain vehicles, snowmobiles, or any vehicle propelled by any of various power units that develop energy or impact motion; including but not limited to, combustion or electrical engines.

018.07B1 All-Terrain Vehicles: Any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of six hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or

saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.

018.07B2 Snowmobiles: A self-propelled vehicle designed for travel on snow or ice steered by skis or runners, and supported in part by skis, belts, or cleats.

018.07C It shall be unlawful for any person to operate any vehicle within the boundaries of any State Wildlife Management Area at a speed greater than is reasonable and prudent under the prevailing conditions, or in excess of any maximum posted speed limits.

018.07D It shall be the duty of each vehicle operator to obey all traffic regulatory signs as posted on each area.

#### 018.08 Over-Ice Use Regulations for State Wildlife Management Areas

018.08A All-terrain vehicles and snowmobiles (as defined in Part 018.07B) may be operated on the frozen lake surfaces of State Wildlife Management Areas except where prohibited by signing.

#### 018.08B Required Equipment

018.08B1 At least one head lamp and one tail lamp, each of minimum candle power as prescribed by the Department of Motor Vehicles.

018.08B2 A brake system maintained in good operating condition which shall conform to standards prescribed by the Department of Motor Vehicles.

018.08B3 An adequate muffler system in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust shall not emit or produce a sharp popping or crackling sound.

018.08B4 A bicycle safety flag which extends not less than five feet above ground attached to the rear of all-terrain vehicles. The safety flag shall be triangular in shape with an area of not less than thirty inches and be day-glow in color.

018.08B5 Snowmobiles must have a minimum of sixteen square inches of reflective material mounted on each side forward of the handlebars.

#### 018.08C Operation

018.08C1 The Director of the Game and Parks Commission and his designated representatives reserve the right to temporarily close areas or portions thereof to all-terrain and snowmobile activities for the following

reasons: insufficient lake ice (less than eight inches), safety, weather, resource protection, civil emergencies or other management considerations at the sole discretion of the Director.

018.08C2 The operation of all-terrain vehicles and snowmobiles on the frozen lake surface is at the sole risk of the operator. The Commission assumes no responsibility for safety of said operation.

018.08C3 All-terrain vehicle and snowmobile operators are responsible for inspecting frozen lake surfaces for sufficient ice thickness (minimum 8 inches) and for possible hidden hazards prior to any such operation. Operators are cautioned to be alert for soft ice caused by flowing springs, streams, and rivers and also caused by variations in temperature.

018.08C4 All-terrain vehicles and snowmobiles shall not be operated within any portion of a designated area which has been marked off or otherwise posted as closed to vehicle operation.

018.08C5 All-terrain vehicles and snowmobiles shall not be operated in any manner intended to or reasonably be expected to harass, drive or pursue any wildlife.

018.08C6 All-terrain vehicles and snowmobiles shall not be operated at speeds exceeding that which is safe and reasonable when passing within thirty (30) yards of any property, ice fishing shelter, boat ramp, immobile snowmobile or all-terrain vehicle, or a person walking on or fishing through the ice. In no case, shall any person or persons operate a vehicle so as to cause discomfort, hazard or damage to the person or property of others.

018.08C7 All-terrain vehicles and snowmobiles may be operated on the frozen lake surfaces of any State Wildlife Management Areas except where prohibited by signing. Operations shall occur only between the hours of 30 minutes before sunrise and 9:00 p.m., or as posted.

#### 018.08D Who May Operate

018.08D1 Any person operating an all-terrain vehicle or snowmobile on any State Wildlife Management Area shall be at least sixteen years of age and shall have a valid motor vehicle operator's license.

#### 018.08E Unlawful Acts

018.08E1 It shall be unlawful for any person to drive or operate any all-terrain vehicle or snowmobile in the following unsafe or harassing way:

018.08E2 At a rate of speed greater than reasonable or proper under existing conditions;

018.08E3 In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

018.08E4 While under the influence of intoxicating liquor or narcotics or habit-forming drugs; and,

018.08E5 Without a lighted head and tail lamp when required for safety.

018.08F In Case Of Accident

018.08F1 The operator of any all-terrain vehicle or snowmobile involved in a collision, accident, or other casualty shall give his or her name, address, and the number of such vehicle in writing to any injured person and to the owner of any property damaged in such collision, accident, or casualty.

018.08F2 When a collision, accident, or casualty involving an all-terrain vehicle or snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such vehicle shall file with the Department of Motor Vehicles a report of same as prescribed in D.M.V. regulations.

018.09 Swimming, Wading, Boating, and Water Skiing Regulations for State Wildlife Management Areas

018.09A Swimming is prohibited in all waters related to State Wildlife Management Areas, except on areas where facilities are specifically provided, or where posted signs permit this activity. Where permitted, swimming shall be at the sole risk of the participant.

018.09B Wading for the purpose of fishing or hunting is permitted on State Wildlife Management Areas at the sole risk of the participant, except that wading shall be prohibited on those areas that are posted with appropriate signs, or where prohibited by special area regulations.

018.09C Boating is permitted on State Wildlife Management Areas subject to restrictions as posted on each area, or as specified in state boating regulations, or as specified in special area regulations.

018.09D Water skiing is prohibited on State Wildlife Management Areas, except where permitted by special area regulations, or where designated as "Open Waters" in State Boating Regulations.

018.09E Flotation devices are prohibited on State Wildlife Management Areas; except float tubes designed for the purpose of fishing; provided that nothing herein shall prohibit the use of Coast Guard approved life preservers, life vests or belts, and similar devices for the purposes prescribed by the Nebraska Boating Laws and Regulations.

018.09F SCUBA Diving is permitted on Wildlife Management Areas except in waters and at times where such activity is expressly prohibited, or in the interest of public safety or health.

#### 018.10 Building and Property Regulations for State Wildlife Management Areas

Except otherwise provided in this subsection (018.10), the construction or maintenance of any building or other structure is prohibited.

018.10A The construction, destruction, injury, defacement, removal, or disturbance of any building, sign, equipment, monument, statue, marker, other structure, artifact, relic, historic or prehistoric feature, or other public property of any kind is prohibited on State Wildlife Management Areas; provided that the Commission and other authorized management personnel may issue special permission or authorization permitting such activities where it is in the best interest of the public and wildlife resources.

#### 018.10B Abandoned Property

018.10B1 Abandonment of any vehicle or other personal property is prohibited and such property may be impounded by the Wildlife Area Manager or Law Enforcement Officer.

018.10B1a Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Wildlife Area Manager is prohibited and any property so left may be impounded by the Wildlife Area Manager or Law Enforcement Officer. In the event unattended property interferes with the safe or orderly management of the Wildlife Management Area, it may be impounded by the Wildlife Area Manager or Law Enforcement Officer at any time, and such property shall be impounded at the expense of the owner.

018.10B2b Disposing of household or commercial garbage or trash brought as such from private property is prohibited.

018.10C Ice Fishing Shelters may be placed and used under proper permit on all State Wildlife Management Area Waters for the period ending February 10 of each year. The size of any ice fishing shelter shall not be larger than 54 inches in width by 96 inches in length with 8 inch wide runners that are 6 inches in

distance from the floor, and constructed of floatable materials. Ice Fishing Shelter Permits shall be \$5.00 each.

018.10C1 Fishing shelters must display on the outside door the name and address of the owner; and the permit number shall be affixed to the door of same in letters not less than 6 inches in height.

018.10C2 The door to any fishing shelter shall be constructed so that it can be opened from the outside at all times when in use, and the shelters may be locked when not in use. The Commission shall remove, burn, or otherwise destroy or dispose of such structures found on the ice after the time herein limited. The contents of any such structures left on the ice shall be seized by the Commission and held for a period of thirty days. After such period, shelters and articles which have not been claimed by the owner may be retained by the State for disposal through the State Property Officer.

018.10C3 The above regulations do not apply to temporary, portable shelters that are erected and removed from frozen surfaces daily.

018.10C4 Hole size made for ice fishing on any area shall not exceed 10 inches in diameter.

#### 018.10D Regulations for hunting blinds on State Wildlife Management Areas

018.10D1 Portable hunting blinds may be used on State Wildlife Management Areas, provided that no blind shall be used on areas posted as closed to such activity, or on areas that restrict this activity by special area regulations.

018.10D2 Except as provided for in 018.10D3 through 018.10D10, portable blinds shall be removed from the State Wildlife Management Area at the close of each hunting day. Portable blinds and other personal property remaining on a State Wildlife Management Area following the close of hunting each day may be considered abandoned, and shall be subject to removal and disposal as provided in 018.10B.

018.10D3 Seasonal waterfowl blinds may be installed and used on designated State Wildlife Management Areas at the following reservoirs: Lake McConaughy, Keith County; Enders, Chase County; Swanson, Hitchcock County; Red Willow, Frontier County; Medicine Creek, Frontier County; Elwood, Gosper County; Sherman, Sherman County; Merritt, Cherry County; Calamus, Garfield and Loup Counties; Lewis and Clark in Knox County; and on the Whitetail Wildlife Management Area in Colfax County.

Installation and use of such blinds shall be subject to the following regulations (018.10D4 through 018.10D10).

018.10D4 Seasonal waterfowl blinds must legibly display, on the door, the name and address of the owner, except at Lewis and Clark Lake where, in addition to the name and address of the owner, the phone number of the owner and the Corps of Engineers permit number for the blind will be displayed on the door of the blind as required by Corps of Engineers regulations.

018.10D5 The door to any seasonal waterfowl blind shall be constructed so that it can be opened from the outside at all times when not in use. Blinds may not be locked when not in use. This restriction shall not apply to Lewis and Clark Lake where unoccupied blinds may be locked.

018.10D6 Seasonal waterfowl blinds shall not be installed and used on areas of land or water posted with appropriate signs which prohibit such activity.

018.10D7 The first person to occupy a seasonal waterfowl blind each day shall be entitled to occupy the blind for that day, except at Lewis and Clark Lake as provided in 018.10D7a.

018.10D7a The holder (permittee) of an authorized Corps of Engineers blind permit who occupies the permitted blind prior to sunrise shall be entitled to occupy the blind for that day. Blind sites (the blind and its environs) not occupied by the permittee prior to sunrise shall be open for occupancy on a first come basis.

018.10D8 Persons who install seasonal waterfowl blinds on land or water of the wildlife management areas listed in 018.10D3, shall remove all blinds and materials before May 1 following the close of the waterfowl season.

018.10D9 Seasonal waterfowl blinds shall not be placed nor constructed prior to September 1 each year. Blind sites and hunting areas shall not be staked, marked or otherwise identified or claimed.

018.10D10 Seasonal waterfowl blinds on lands leased to the Commission by the Corps of Engineers at Lewis and Clark Lake (including Bazile Creek WMA and all other WMA lands under lease) shall be registered and permitted as required by Corps of Engineers regulations.

018.10E Portable Type Tree Stands shall not be installed, utilized or left in place from February 1 through August 15 on State Wildlife Management Areas. In addition, portable type tree steps that attach to the tree with chains or ropes, or that screw into the tree are permitted on these areas.

018.10E1 The construction or use of permanent or semi-permanent tree stands that attach to any tree with nails, screws, bolts or wire is prohibited.

018.10F The introduction, injury, disturbance, removal or destruction of any animal or plant matter and direct or indirect products thereof found on the premises including, but not limited to, petrified wood, flower, cane or fruit, egg, nest, den, or of any soil, rock or mineral formation is prohibited provided that the Commission and other authorized management personnel may issue special permission or authorization permitting otherwise prohibited activities where it is in the best interest of the public and wildlife resources. Lawfully conducted activities as described in 018.06 are allowed.

#### 018.11 Vending Regulations for State Wildlife Management Areas

018.11A The vending of various goods, services, products, or commodities is prohibited on all State Wildlife Management Areas, except by written permission or by concession as authorized by the Game and Parks Commission; and no area shall be used as a residence or headquarters by any person or group engaged in any commercial or professional activity, without first securing written permission from the Commission or authorized agent.

#### 018.12 Permits/Agreements - Special Events - Regulations and Permits for State Wildlife Management Areas

018.12A Sports events, pageants, reenactments, regattas, entertainments and the like, characterized as public spectator attractions or participant activities, are prohibited on State Wildlife Management Areas unless written permission has been given by the Commission. The Commission may enter into cooperative access agreements on Wildlife Management Areas with sponsoring entities or groups of more than one (1) person for the purpose of facilitating hunting or fishing by disabled persons as described in 37-217 or veterans as described in 37-420. Eligibility shall be determined by the Commission. Participants shall be required to provide documentation of eligibility on a form prescribed by the Commission. Such permits or agreements shall be authorized only after a finding that the issuance of such will not be inconsistent with the purposes for which the area is established and shall not unreasonably interfere with the rights of other area users. The permit or agreement may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for the protection of the area, wildlife, and other public use.

018.12B Public meetings, assemblies, gatherings, demonstrations, parades, religious services, and other expressions of views are prohibited on State Wildlife Management Areas unless written permission has been given by the Commission.

018.12C The filming, for commercial purposes, of still or moving pictures of lands, wildlife, and facilities, is prohibited unless written permission has been given by the Commission.

018.12D Applications for Special Occasion Permits shall be received by the Commission not later than thirty (30) days prior to the event, and shall list the following: The name of the applicant, the date, time, duration, nature, and place of the proposed activity, an estimate of the number of persons expected to attend, and a statement of the equipment and facilities to be used.

018.12E As a condition of the permit issuance, the Commission may require the filing of a bond with satisfactory surety payable to the State, to cover such costs as restoration, rehabilitation, and cleanup of the area used, and other costs resulting from the permittees' activity. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

#### 018.13 Special Hunt Regulations for State Wildlife Management Areas

018.13A Special hunts, conducted during general seasons, as authorized by the Commission, may be permitted on State Wildlife Management Areas, or portions thereof.

018.13B Special hunts will be subject to general hunting statutes, regulations, seasons, bag limits and other restrictions.

018.13C State Wildlife Management Areas or portions thereof, upon which special hunts are being conducted, may be closed to the general public for the duration of the special hunt, as posted by appropriate signs.

018.13D Special hunt participants shall be selected by drawing, lottery, nomination or other methods as deemed appropriate by the Commission. The Commission will designate a maximum number of participants and a cutoff date by which applications must be received.

018.13E Special rules pertaining to special hunts on individual State Wildlife Management Areas will be developed and posted by the Commission.

018.13F Rules pertaining to special hunts will be announced or advertised at least 30 days prior to the hunt.

#### 018.14 Lands Controlled For Public Access

The following applies to lands which are not designated as Wildlife Management Areas but are controlled for public access through agreement with other entities; areas with additional special provisions are listed in 018.15.

#### 018.14A Permitted Activities

018.14A1 Hunting is permitted on lands controlled for public access during legal hunting seasons and using legal methods for all huntable species, unless further restricted as posted with signs on individual areas or by Permission Access Form (018.15I1a or 018.15J1a). Trapping is permitted on lands controlled for public access during legal trapping seasons for all species in accordance with general state trapping regulations (001.03, 005.03), as they apply to Wildlife Management Area, unless further restricted as posted with signs on individual areas or by Permission Access Form (018.15I1a or 018.15J1a).

018.14A2 Hunting dogs are allowed on lands controlled for public access for hunting purposes only.

#### 018.14B Structures

018.14B1 Temporary portable blinds may be used on lands controlled for public access, unless further restricted as posted with signs on individual areas. Temporary blinds must be removed daily at the close of the hunting day.

018.14B2 Portable tree-stands may be placed and used on lands controlled for public access except where prohibited by signs. Portable type tree stands shall not be installed, utilized or left in place from February 1 through August 31. In addition, portable-type tree steps that attach to the tree with chains or ropes, or that screw into the tree, are permitted on these areas.

018.14B3 Abandonment of any vehicle or other personal property is prohibited and such property may be impounded.

018.14B3a Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of Commission staff is prohibited and any property so left may be impounded. In the event unattended property interferes with the safe or orderly management of the area, it may be impounded.

018.14B3b Disposing of household or commercial garbage or trash brought as such from private property is prohibited.

#### 018.14C Prohibited Activities

The following prohibitions apply only to those persons accessing these lands under privilege of a public access contract held by the Commission.

018.14C1 Use of motor vehicles related to hunting or trapping activities is prohibited except on trails specifically designated with signs for this activity.

018.14C2 Horseback riding is not a contracted activity and is therefore not permitted under these rules, except on any trails specifically designated with signs for this use.

018.14C3 The construction of or use of permanent or semi-permanent tree stands that attach to any tree with nails, screws, bolts or wire is not a contracted activity and is therefore not permitted under these rules.

018.14C4 The construction of or use of permanent or semi-permanent waterfowl blinds is not a contracted activity and is therefore not permitted under these rules, provided that permanent or semi-permanent waterfowl blinds may be constructed by the Nebraska Game and Parks Commission to facilitate youth hunts or other special hunts.

018.14C5 Dog training is not a contracted activity and is therefore not permitted under these rules.

018.14C6 Camping is not a contracted activity and is therefore not permitted under these rules.

018.14C7 Fishing is not a contracted activity and is therefore not permitted under these rules, except on specific areas designated with signs for this activity or by Permission Access Form (018.1511a).

018.14C8 Swimming is not a contracted activity and is therefore not permitted under these rules.

018.14C9 Target shooting is not a contracted activity and is therefore not permitted under these rules.

018.14C10 Boating is not a contracted activity and is therefore not permitted under these rules, except on specific areas designated with signs for this activity.

018.14C11 Possession and/or consumption of alcohol is prohibited on lands controlled for public access.

018.14C12 The vending of various goods, services, products, or commodities is not a contracted activity and is therefore not permitted under these rules.

018.15 Lands Controlled for Public Access with Additional Provisions

The following applies to lands which are not designated as Wildlife Management Areas but are controlled for public access through agreement with other entities; these are areas with additional special provisions.

018.15A Alliance Airport Authority Cooperative Management Unit includes the following lands in Box Butte County, exclusive of the area within the security fence surrounding the landing area of the airport:

The E1/2, the NW1/4, and the N1/2 of the SW1/4 of Sec. 13, and the NE1/4 of Sec. 24, all in T24N R48W; and Secs 17, 18, and 20, the S1/2 of Sec. 8, and the N1/2 of Sec. 19, all in T24N R47W.

018.15A1 Public Hunting Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15A1a and 018.15A1b.

018.15A1a It shall be unlawful to discharge rifles or handguns within the boundaries of Alliance Airport Authority Cooperative Management Unit situated in Box Butte County, Nebraska, provided that it shall not be unlawful to take game during open hunting seasons by either a muzzleloading rifle or a shotgun.

018.15B Powder Creek Public Access Area

018.15B1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15B1a.

018.15B1a Target shooting shall not be allowed.

018.15C Mitchell Valley Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: Lot 10 and ACCR Section 1, T22N, R56W (66 acres) and Lots 4 & 5 of E1/2 SW, SE1/4 (just those acres south of the North Platte River - 256.74 acres) all in Scotts Bluff County.

018.15C1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15C1a and 018.15C1b.

018.15C1a Use of centerfire rifles, rimfire rifles, and handguns is prohibited.

018.15C1b Target shooting is prohibited.

018.15D Vencil's Island Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and the Papio-Missouri Natural Resources District: Tax Lot 1A in Section 5, T13N, R10E, together with all accretions; Tax Lot D in Section 29, T14N, R10E, together with all accretions; Tax Lot 1 in Section 32, T14N, R10E, together with all accretions; a tract of land in Tax Lot 5 in Section 33, T14N, R10E, described as: beginning at the NW corner of said Section 33, thence East along the north line of said Section 33, a distance of 420.00 feet; thence southerly to a point on the south line of the NW1/4 of the NW1/4, being 410.00 feet east of the SW corner of the NW1/4; thence southwesterly to a point on the south line of the NW1/4, being 225 feet east of the west 1/4 corner of said Section 33; thence continuing southwesterly to the SW corner of the NW1/4 of the SW1/4 of said Section 33; thence continuing north along the west line of said Section 33 a distance of 3960 feet to the NW corner of said Section 33 and the point of beginning, together with all accretions thereto, all in Sarpy County.

018.15D1 Area Regulations: All Chapter 4, Section 018, Sub-Section 018.14 Lands Controlled for Public Access shall apply except as noted in 018.15D1a through 018.15D1c.

018.15D1a Public access and hunting is limited to youth-mentored hunts officially sanctioned by the Nebraska Game and Parks Commission for deer, turkey and waterfowl.

018.15D1a(1) Youth-mentored waterfowl hunts shall be allowed only during Youth Waterfowl Season.

018.15D1b Trapping is prohibited.

018.15D1c Use of rifles and handguns is prohibited.

018.15E Bead Mountain Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: NE, E1/2 SE 11-20-55 (240 acres); SE 2-20-55 (160 acres); W1/2 SW 1-20-55 (84.3 acres); SW NE, NW NW, S1/2 NW S1/2 12-20-55 (480 acres); PT E1/2 SE 31-21-54 (55.5 acres); SW 32-21-54 (148.82 acres); N1/2 1-20-55 (320 acres); PT NE, S1/2 NW, SW 2-20-55 (387.4 acres); NW, NW SW 11-20-55 (200 acres); S1/2 S1/2 3-20-55 (160 acres); E1/2 NE 9-20-55 (80 acres); N1/2 N1/2 SE 10-20-55 (400 acres); E1/2 EX NE NE SE 4-20-55 (275.9 acres); all in Scotts Bluff County.

018.15E1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15E1a and 018.15E1b.

018.15E1a Within the portion of the area so designated by signs, the use of rifles, handguns, muzzleloaders or shotguns using slugs is prohibited; this shall not prohibit hunting with shotguns using shot shells or hunting with archery equipment.

018.15E1b Target shooting is prohibited on the entire area.

018.15F Carter Canyon Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: Pt SW NE, W1/2 SE28-21-56 (108.4 acres); S1/2 SW, NE SW, SE NW (Lying S of CR) 28-21-56 (138 acres); NW, N1/2 SW 5-20-56 (240 acres); S1/2 SW 5-20-56 (80 acres); N1/2 NE, SW NE, NW, SW, W1/2 SE 6-20-56 (520 ACRES); SE NE, E1/2 SE 6-20-56 (128.66 acres); all 7-20-56 (639.07 acres); W1/2, PT W1/2 SE 8-20-56 (336.15 acres); NW, SW NE, W1/2 SE, E1/2 SW, E1/2 W1/2 SW, 33-21-56 (400 acres); Sec.32; W1/2 of SW 1/4 Sec 33, T21N R56W. Sec 1; E1/2 Sec 2; Sec 12; E1/2 Sec 11; Sec 13; E1/2 Sec 14, T20N R57W. Sec 18, T20N R56W, all in Scotts Bluff County. Sec 24, T20N R57W, W1/2, NE1/4 Sec 19, T20N R56W, E1/2 Sec 23, T20N R57W, all in Banner county.

018.15F1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15F1a.

018.15F1a Target shooting is prohibited on the entire area.

018.15G Montz Point Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Platte River Basin Environments, Inc.: 16 and 21-T21N-R57W (1280 acres); 28-T21N-R57W (640 acres); NE1/4NW1/4 33-T21N-R57W (40 acres); NW1/4NE1/4 33-T21N-R57W (40 acres); E1/2SE1/4 29-T21N-R57W (approx. 70 acres); total acres encompassing approximately 2,070 acres, all east of the Stegal Road and all in Scotts Bluff county.

018.15G1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 018.15G1a.

018.15G1a Target shooting is prohibited on the entire area.

018.15H Helmuth Marsh Public Access Area

The following lands are managed by agreement between the Nebraska Game and Parks Commission and Pheasants Forever, Inc.: Lots 7 and 11 of the NE 1/4 located in Section 11, Township 11 North, Range 6 East of the 6<sup>th</sup> Prime Meridian; Lancaster County, Nebraska total acres encompassing approximately 120 acres, five miles north of Lincoln and all in Lancaster County.

018.15H1 Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply.

018.15I Platte River Recovery Implementation Foundation Properties

These are lands managed by agreement between the Commission and the Platte River Recovery Implementation Foundation

018.15I1 Area Regulations: All Chapter 4, Sub-section 018.14, General Regulations Governing Administration and Use of Property - Lands Controlled for Public Access regulations shall apply except as noted in 018.15I1a through 018.15I1c.

018.15I1a A Permission Access Form provided by the Commission must be signed and accompany persons utilizing Platte River Recovery Implementation Foundation properties. The Permission Access Form shall include allowable dates, times, places and activities.

018.15I1a(1) Activities must be conducted in accordance with the specifications of the Permission Access Form.

018.15I1b Possession and/or consumption of alcohol is prohibited on the Platte River Recovery Implementation Foundation properties controlled for public access by the Commission.

018.15I1c Disorderly conduct is prohibited in accordance with 018.03B, 018.03B1, 018.03B2, 018.03B3, 018.03B4, and 018.03C.

018.15J Other Areas by Permission Access Form

018.15J1 Area Regulations: All Chapter 4, Sub-section 018.14, General Regulations Governing Administration and Use of Property – Lands Controlled for Public Access regulations shall apply except as noted in 018.15J1a.

Title 163  
Chapter 4

018.15J1a A Permission Access Form provided by the Commission must be signed and accompany persons utilizing Other Areas by Permission Access Form. The Permission Access Form shall include allowable dates, times, places, and activities.

018.15J1a(1) Activities must be conducted in accordance with the specifications of the Permission Access form.

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: August 6, 2014

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

019 Area-Specific Regulations

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-303 through 37-310, 37-312 through 37-314, 37-317, 37-308.01, 37-336, 37-447, 37-701, 37-704 through 37-709, 37-330, 60-677, 60-678, 60-680. 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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

Legal descriptions of areas referenced in this section are provided in Appendix A, unless otherwise noted.

019.01 Lake Babcock Waterfowl Refuge

019.01A Lake Babcock, Lake North and adjoining lands in Platte County, Nebraska, are hereby designated and established as a refuge, within, on and over the specific area posted or to be posted.

019.01B All hunting is hereby prohibited within such posted area.

019.01C The operation of all vessels is hereby prohibited upon the waters of the refuge during the open waterfowl season, except that portion of the refuge known as Lake North where vessels may be operated at any time during the year for the purpose of pleasure or fishing.

019.01D Representatives of the Loup River Public Power District may operate a vessel in any of the posted

waters at any time for essential maintenance or operation of the reservoir.

019.01E The Platte Valley Bowmen Archery Club is hereby granted permission to establish and operate a field archery range in the N  $\frac{1}{2}$  , NW  $\frac{1}{4}$  of Section 36, T18N, R1W, Platte County, Nebraska.

019.01F Fish may be taken by any otherwise legal means during the entire year in Lake North, but shall be prohibited in Lake Babcock during an open waterfowl season.

019.02 Bufflehead Wildlife Management Area

019.02A Public Hunting Regulations: It shall be unlawful to carry, possess or discharge firearms, or by any manner to take or disturb any wild birds or wild mammals at any time within the posted boundaries of the Bufflehead Wildlife Management Area in Buffalo County.

019.03 Burchard Lake Wildlife Management Area

019.03A It shall be unlawful to carry or possess firearms, or by any manner to take, injure, molest or disturb any wild birds or wild mammals at any time within the posted boundaries of the Burchard Lake Wildlife Management Area in Pawnee County.

019.03B The posted sanctuary portion of the Burchard Lake Wildlife Management Area shall be closed to boating and all other activities from October 15 through January 14, except that fishing from the bank along the entire perimeter of the lake, including ice fishing on the lake surface, is permitted throughout the year.

019.03C Camping and the use of trailers or other camping units is permitted only at designated locations.

019.04 Chat Canyon Wildlife Management Area

019.04A Area Regulations: All Chapter 4, Section 018, General Regulations Governing Administration and Use of Property - Wildlife Management Area regulations shall apply except as noted in 019.04A1.

019.04A1 All hunting is restricted to special hunts officially sanctioned by the Commission and elk hunting by those holding valid permits. An access permission form, provided by the Commission, shall be required for all officially sanctioned hunts. These permission forms must be signed and accompany person utilizing this area and shall restrict hunting access to the dates, times, species and specific locations on this area.

019.05 Clear Creek Wildlife Management Area

019.05A Establishment of the Clear Creek Wildlife Management Area: The Clear Creek Wildlife Management Area is defined as all of that land owned by the Central Nebraska Public Power and Irrigation District, and leased by the Nebraska Game and Parks Commission, located in portions of Sec. 36, T16N, R42W; Sec. 31, T16N, R41W; Sec. 1, T15N, R42W, Sec. 6 and 7, T15N, R41W; all in Garden County, and Sec. 32 and 33, T16N, R41W; Sec. 2, 3, 4, 5, 8, 9, 10, 11, 12, 13 and 14, T15N, R41W; all in Keith County, all located on the upper portion of Lake McConaughy and the North Platte River as posted.

019.05B Clear Creek Refuge:

019.05B1 That portion of the Clear Creek Wildlife Management Area so posted as a seasonal refuge and contained in Garden County and portions of Section 32, T16N, R41W; Sec. 5, 8, T15N, R41W in Keith County shall have the following special regulations:

019.05B2 From the Monday before Thanksgiving through February 15 of the following year, no unauthorized entry is allowed within the boundaries of the Clear Creek Refuge except for

Title 163  
Chapter 4

foot traffic by persons without weapons retrieving game.

019.05B3 From the Monday before Thanksgiving through February 15 of the following year, it shall be unlawful to take, molest, or disturb any wild birds or wild mammals within the boundaries of the seasonal refuge. During the remainder of the year, the Wildlife Management Area Regulations as contained in Chapter 4, Section 018 shall apply, provided that the portion of the Clear Creek Refuge contained within the Garden County State Game Refuge, described in 37-706, shall be open to hunting deer during all established deer seasons from September 1 through the Sunday before Thanksgiving.

019.05B4 It shall be unlawful to construct seasonal blinds for waterfowl hunting. Portable waterfowl hunting blinds may be used on this area and shall be removed at the end of the hunting day.

019.05B5 Portable tree stands shall not be installed, utilized or left in place from the Monday before Thanksgiving through August 15. In addition, portable tree steps that attach to the tree with chains or ropes, or that screw into the tree are permitted on this area.

019.05C That portion of the Clear Creek Wildlife Management Area not designated as refuge shall be subject to the provisions of Chapter 4, Section 018 and have the following special regulation:

019.05C1 Seasonal blinds for waterfowl hunting may be constructed or placed on lands or waters described above. Above structures must be removed by May 1 and the site restored to its original condition.

019.06 Cornhusker Farm Wildlife Management Area and Loup Public Power District Lands

019.06A It shall be unlawful to take game using centerfire, rimfire, or muzzleloading rifles or handguns, or to discharge those weapons for any other purpose, within the posted boundaries of the Cornhusker Farm Wildlife Management Area in Hall County, and the Loup Public Power District Lands in Nance and Platte counties.

019.07 Enders Reservoir Wildlife Management Area and State Waterfowl Refuge

019.07A The Enders Reservoir Wildlife Management Area in Chase County, contains land and water designated as a waterfowl refuge as posted. All Chapter 4, Section 018, General Wildlife Management Area Regulations apply to this Wildlife Management Area provided specific public use restrictions apply to the State Waterfowl Refuge as outlined below.

019.07B Enders Reservoir State Waterfowl Refuge: It shall be unlawful:

019.07B1 to take or disturb any waterfowl within the posted boundaries of the Enders Reservoir State Waterfowl Refuge. Hunting and trapping of other species (except waterfowl) is allowed in accordance with regular hunting season dates and regulations as specified in federal and state law. Additional restrictions apply to those areas designated as Cow Beach Recreation Access at Enders State Recreation Area (see Chapter 5, State Park Regulations, Section 008).

019.07B2 to boat, or operate a motorized vehicle within the posted boundaries of the Enders Reservoir State Waterfowl Refuge, beginning October 1 through the last day of February of each year. During the period of March 1 through September 30 of each year, vehicle traffic is allowed on roads and trails designated as open in accordance with regulations 018.07 (Chapter 4). Nothing in this section shall prohibit Commission personnel from entering the area for management, law enforcement or emergency purposes.

019.07B3 to allow dogs to run within the posted boundaries of the Enders Reservoir State Waterfowl Refuge except when used for lawful hunting or while on a leash under the control of a handler.

019.08 Flathead Wildlife Management Area

019.08A It shall be unlawful to take game using centerfire or rimfire rifles or handguns, or to discharge those weapons for any other purpose, within the posted boundaries of the Flathead Wildlife Management Area in Jefferson County.

019.09 Gifford Point Wildlife Management Area

019.09A General Regulations

019.09A1 Except as provided in 019.09B, all general regulations governing administration and use of property in accordance with Chapter 4, Wildlife Regulations, Section 018, will be in effect on this area.

019.09A2 From August 15 to the end of all valid deer seasons, the area is closed to all activities except deer hunting conducted by persons holding authorizations for the special deer hunt (019.09B).

019.09A3 No motorized vehicles are allowed on this area, except persons holding proof of special hunt authorizations may use motorized vehicles which are restricted to rocked or graveled roadways or parking lots as provided in 019.09A4.

019.09A4 Motorized vehicles may not be operated on other than rocked or graveled roadways or parking lots.

019.09B Hunting and Target Shooting

019.9B1 Deer hunting, during all valid deer seasons, will be conducted as a special hunt in accordance with general special hunt regulations (018.13).

019.09B1a Participation in special hunts shall be limited to 200 participants in total for all segments of the current deer hunting seasons. No access is allowed from August 15 through the end of all valid deer seasons except persons holding proof of special hunt authorization may access the area. Special hunt authorization is non-transferable.

019.09B1b Eligibility: Persons who have been issued a current statewide archery, statewide muzzleloader, statewide youth or applicable Season Choice Area deer permit are eligible to request authorization for participation in this special hunt.

019.09B1c Requests for special hunt participation reservations will be accepted in the Nebraska Game and Parks Commission Lincoln and Omaha offices during the period beginning July 1 through July 31.

019.09B1c(1) Persons requesting authorization shall provide, in writing, the following information: name, mailing address, date of birth, type of deer permit possessed and associated permit number.

019.09B1d Should requests exceed 200, a drawing will be held in the Nebraska Game & Parks Commission Lincoln office on the third weekday after July 31 at 3:00 p.m.

019.09B1d(1) In the absence of the necessity for a drawing, requests will be processed for participation on a

first come, first served basis  
(018.13D).

019.09B1e Buddy Requests: Two hunters who wish to ensure that both or neither will draw a Special Hunt Authorization may apply as buddies. Both requests must be submitted in the same envelope or simultaneously in person and specifically identified as a buddy request.

019.09B1f Successful special hunt requesters will be sent proof of hunt authorization to allow access as provided for in 019.09B1a.

019.09B2 Turkey hunting is prohibited, except archery hunting during the spring season is allowed in accord with statewide regulations.

019.09B3 The use or possession of centerfire or rimfire weapons is prohibited.

019.09B4 Target shooting is prohibited.

019.10 Kea Lake Wildlife Management Area

019.10A Public Hunting Regulations. It shall be unlawful to carry or possess firearms, or by any manner to take or disturb any wild birds or wild mammals at any time within the posted boundaries of the Kea Lake Wildlife Management Area in Buffalo County.

019.11 Kiowa Wildlife Management Area

019.11A That portion of the Kiowa Wildlife Management Area in Scotts Bluff County that is located in Section 33 and north of the Mitchell and Gering Canal shall be closed to all activities and all access from October 1 until the close of the Dark Goose Hunting Season each year.

019.12 Oak Glen Wildlife Management Area

019.12A It shall be unlawful to use rifles or handguns, except for .22 rimfire rifles, to take game, or to discharge rifles or handguns for any other purpose, within the boundaries of the Oak Glen Wildlife Management Area in Seward County, providing that it shall not be unlawful to take game by either a muzzleloading rifle or a shotgun using a single ball or slug, or shot.

019.13 Randall W. Schilling Wildlife Management Area

The Randall W. Schilling Wildlife Management Area is hereby defined as all that tract of land owned by the State of Nebraska, Game and Parks Commission, located in Cass County, together with and including any and all accretion land along the Missouri and Platte River frontages of the deeded land. Accretion acreage is specifically included within the boundary of the area referred to in these regulations, and the water line of the Platte and Missouri rivers at and on land accreting to the deeded acreage shall be the boundary of the Randall W. Schilling Wildlife Management Area as referred to in these regulations. The Schilling Wildlife Management Area consists of two subdivisions, the Controlled Hunting Area and the Public Hunting Area, as posted.

All Chapter 4, Section 018, General Wildlife Management Area regulations shall apply except those specifically listed under 019.13A and 019.13B.

019.13A Controlled Hunting Area Regulations:

019.13A1 Overnight camping shall not be allowed.

019.13A2 No motorized vehicles will be allowed on the Area between October 16 and April 1 unless approved by Nebraska Game and Parks Commission personnel.

019.13A3 Only shotguns using shot, bow and arrow, and crossbows shall be allowed.

019.13A4 Archery deer hunting is allowed on the Area unless posted.

019.13A5 The Area Manager shall have the authority to limit the number of hunters upon the Area.

019.13A6 Nothing in 019.13A shall prevent the Commission from conducting a special hunt as authorized by 018.13.

019.13B Public Hunting Area Regulations:

019.13B1 Only shotguns using shot, bow and arrow and crossbows shall be allowed.

019.14 Rock Glen Wildlife Management Area

019.14A All Chapter 4, Section 018, General Wildlife Management Area Regulations apply to Rock Glen Wildlife Management Area in Jefferson County with the exception(s) listed below:

019.14A1 Horses and horseback riding are prohibited on Rock Glen Wildlife Management Area, provided horseback riding may occur on trails designated for this use and only during the riding season beginning May 10 and running through October 22; during that portion of the riding season coinciding with turkey or deer season open on-site, riding is prohibited except for a period starting at 9:30 a.m. and ending at 3:30 p.m.

019.14A2 Horseback riding trails will be designated with a sign located on either edge of the trail; all horses must be within the corridor defined by signs. Nebraska Game and Parks Commission area managers may, at any time during the riding season, limit or suspend the use of trails for the purpose of land or wildlife management activities, or in the event that natural or unnatural events degrade the trail beyond acceptable limits. Groups of more than five (5) riders must obtain a special use permit as described at 018.12.

019.15 Sacramento-Wilcox Wildlife Management Area

All public use activities on the Sacramento-Wilcox Wildlife Management Area in Phelps County are subject to provisions of appropriate State or Federal Statutes and Regulations. The area is open to public hunting of all game species except on those areas that are posted with signs, and with the following provisions and exclusions.

019.15A Waterfowl Hunting Regulations

019.15A1 Duck and goose hunting on the area is limited to existing blinds and to such jump or pass shooting available when stationed at least 200 yards from any other party.

019.15A2 No more than four persons (including non-hunters), may occupy a blind or pit at any time, and construction or use of blinds other than those provided by the Commission is prohibited.

019.15B Refuge Regulations

It is unlawful to trespass on the refuge portion of the area from the beginning of the early teal hunting season (Commission Order C06.01G) through the end of the spring turkey shotgun season (002.01A2a) except to retrieve lawfully taken game birds, or to participate in hunting activities allowed during hunting seasons restricted to youth (005.01F1, 005.01G1, 005.01H1, 002.014A, Commission Order C06.01F).

019.15C Other Public Use Regulations

019.15C1 Hunting is prohibited within those areas designated and posted as closed to hunting.

019.15C2 Fishing is permitted unless posted against that activity.

019.15C3 Camping on the area is restricted to the designated camping area.

019.15C4 Fires are permitted only in fireplaces, grills, or fire rings where provided by the Commission, or in privately owned devices, such as gasoline or propane stoves, charcoal grills, or similar devices.

019.15C5 Dogs are permitted on the area, but must be accompanied by the handler, and under control at all times.

019.15C6 Motor vehicles are restricted to graveled or paved roads only.

019.16 Salt Valley Reservoirs

019.16A For the purpose of these regulations, the Salt Valley Reservoir Areas include: Bluestem State Recreation Area (SRA), and Wildlife Management Area (WMA), Branched Oak SRA/WMA, Conestoga SRA/WMA, Hedgefield WMA, Killdeer WMA, Olive Creek SRA/WMA, Pawnee Lake SRA/WMA, Stagecoach SRA/WMA, Teal WMA, Wagon Train SRA/WMA, and Yankee Hill WMA in Lancaster County, and Twin Lakes WMA in Seward County.

019.16B Waterfowl hunting is hereby prohibited on and over the following Salt Valley area as designated and posted: Conestoga Lake.

019.16C It shall be unlawful to take, molest, or disturb or attempt to take, molest, or disturb or have in possession any migratory waterfowl within areas posted with No Waterfowl Hunting signs.

019.16D Twin Lakes shall be closed to all access and public use from October 15 through December 31; provided archery deer hunting shall be allowed during established seasons as provided in (Commission Order C03.06).

019.16E It shall be unlawful to discharge any firearms at all times on intensively used areas such as boat

Title 163  
Chapter 4

launching ramps, picnic, parking and camping areas which are posted with appropriate signs.

019.16F It shall be unlawful to take game using centerfire or rimfire rifles or handguns, or to discharge those weapons for any other purpose, within the posted boundaries of Pawnee Lake. Target shooting with other weapons is also prohibited on the designated and posted portion of the area.

019.16G Firearms may be discharged on specified dog trial and dog training areas, or shooting ranges when designated by signs.

019.16H Hunting is prohibited on designated dog trial and dog training areas on the Salt Valley areas while hunting dog trials are in progress.

019.16I Overnight camping on Branched Oak, Hedgefield, Killdeer, Teal, Twin Lakes, Wildwood and Yankee Hill WMAs is restricted to three consecutive nights in a six consecutive day time period.

019.17 Wilkinson Wildlife Management Area

019.17A It shall be unlawful to take game using centerfire, rimfire, or muzzleloading rifles or handguns, or shotguns using a single ball or slug, or to discharge those weapons for any other purpose, within the boundaries of the Wilkinson Wildlife Management Area in Platte County.

**Appendix A**

Below are locations of Wildlife Management Areas (WMAs), State Recreation Areas (SRAs), and other areas referenced in this Section; areas include all or part of the listed sections of land as posted. Maps of areas owned, leased, or managed by the Nebraska Game and Parks Commission can be found on the Commission's website at [www.outdoornebraska.gov](http://www.outdoornebraska.gov).

<b>Area</b>	<b>County</b>	<b>Section(s)</b>	<b>Township</b>	<b>Range</b>
Bluestem SRA/WMA	Lancaster	24, 25, 26	8N	5E
		19, 30	8N	6E
Branched Oak SRA/WMA	Lancaster	4, 5	11N	5E
		18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34	12N	5E
	Seward	25, 36	12N	4E
Bufflehead WMA	Buffalo	9, 16	8N	15W
Burchard Lake WMA	Pawnee	4	2N	10E
Chat Canyon WMA	Cherry	33, 34, 35	33N	32W
Conestoga SRA/WMA	Lancaster	3, 4, 8, 9, 10	9N	5E
Cornhusker WMA	Hall	5, 8, 20, 29	11N	10W
		2	11N	11W
Enders Reservoir SRA/WMA	Chase	3, 4, 5, 6, 7, 8, 9, 10	5N	37W
		1, 2, 3, 12	5N	38W
		31, 32, 33	6N	37W
Flathead WMA	Jefferson	22, 23	2N	2E
Gifford Point WMA	Sarpy	16, 17, 18, 19, 20, 21	14N	14E
Hedgefield WMA	Lancaster	6	7N	8E
Kea Lake WMA	Buffalo	14	8N	16W
Killdeer WMA	Lancaster	8	8N	6E

Title 163  
Chapter 4

Kiowa WMA	Scotts Bluff	33	23N	57W
Lake Babcock and Lake North	Platte	1, 2	17N	1W
		5, 6	17N	1E
		25, 26, 35, 36	18N	1W
		29, 30, 31, 32	18N	1E
Loup Public Power District WMA	Nance	6	16N	4W
		27, 28, 32, 33, 34	17N	4W
Oak Glen WMA	Seward	28, 29, 32, 33	12N	4E
Olive Creek SRA/WMA	Lancaster	10, 14, 15, 23	7N	5E
Pawnee Lake SRA/WMA	Lancaster	4, 5, 6, 7, 8, 9, 16, 17	10N	5E
Randall W. Schilling WMA	Cass	5, 6, 7, 8, 17, 18	12N	14E
		36	13N	13E
		31	13N	14E
Rock Glen WMA	Jefferson	26, 34, 35	2N	3E
Sacramento-Wilcox WMA	Phelps	21, 22, 27, 28, 29, 33	5N	17W
Stagecoach SRA/WMA	Lancaster	4, 5, 8, 9	7N	7E
Teal WMA	Lancaster	20	7N	5E
Twin Lakes WMA	Seward	10, 14, 15, 22, 23	10N	4E
Wagon Train	Lancaster	23, 24, 25, 26, 36	8N	7E
Wilkinson WMA	Platte	30	18N	1W
		25, 26	18N	2W
Yankee Hill WMA	Lancaster	25	9N	5E
		19, 30	9N	6E

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date:

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. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

037.01 Management Unit Boundaries: Federal and state sanctuaries and refuges are closed, unless otherwise authorized.

037.01A Keya Paha

Keya Paha County and those parts of Boyd, Brown, Cherry, Holt, and Rock counties east of U.S. Hwy. 83, north of U.S. Hwy. 20, and west of U.S. Hwy. 281.

037.01B Pine Ridge

Those parts of Box Butte, Dawes, Sheridan, and Sioux counties north of the Niobrara River and west of NE Hwy. 27.

037.01C Prairie

Those parts of Nebraska not included in the Keya Paha, Pine Ridge, or Upper Platte units.

037.01D Upper Platte

Banner, Cheyenne, and Kimball counties and those parts of Deuel, Garden, Morrill, and Scotts Bluff counties south and west of a line commencing at the junction of U.S. Hwy. 26 with the Nebraska-Wyoming state line,

thence east on U.S. Hwy. 26 to State Link 62A, thence east on State Link 62A to U.S. Hwy. 385, thence south on U.S. Hwy. 385 to U.S. Hwy. 26, thence east on U.S. Hwy. 26 to NE Hwy. 27, thence south on NE Hwy. 27 to U.S. Hwy. 30, thence west on U.S. Hwy. 30 to U.S. Hwy. 385, thence south on U.S. Hwy. 385 to the Nebraska-Colorado state line.

037.02 Open Seasons:

037.02A Keya Paha: Closed.

037.02B Pine Ridge:

Season 1: January 1 through February 14, 2014, except the season shall immediately close if either the annual harvest quota or female sub-quota (037.03B) is reached prior to February 14.

Season 2: February 15 through March 31, 2014, except the season shall immediately close if either the annual harvest quota or female sub-quota (037.03B) is reached prior to March 31.

037.02C Prairie: January 1 through December 31, 2014.

037.02D Upper Platte: Closed.

037.03 Annual Harvest Quotas:

037.03A Keya Paha: Zero (0).

037.03B Pine Ridge:

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

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

037.03C Prairie: Unlimited quota.

037.03D Upper Platte: Zero (0).

037.04 Permits:

037.04A Keya Paha: Zero (0).

037.04B Pine Ridge:

Season 1: The Commission shall issue one (1) permit by lottery to a resident and one (1) permit by auction to a resident or nonresident. Any permittee who does not harvest a mountain lion during Season 1 may hunt during Season 2. If a permittee does not harvest a mountain lion during Season 1 or Season 2 their permit will remain valid during the open seasons of the next year in which a season is authorized in the Pine Ridge Unit.

Season 2: The Commission shall issue one hundred (100) permits by lottery. No person shall be issued more than one (1) permit per calendar year. Permits shall be issued to Nebraska residents only.

037.04C Prairie: No limit. No person shall be issued more than one (1) permit per calendar year. Permits shall be issued to Nebraska residents only.

037.04D Upper Platte: Zero (0).

037.05 Permit Bag Limit: One (1) mountain lion of either sex.

037.06 Shooting Hours: 30 minutes before sunrise to 30 minutes after sunset.

037.07 Application Periods:

037.07A Keya Paha, Pine Ridge and Upper Platte Units: Applications for lottery permits shall be accepted from 1:00 p.m. CST on the Tuesday following Labor Day through September 30 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.

037.07B Prairie Unit: Applications for permits shall be accepted from 1:00 p.m. CST on December 16, 2013, through December 31, 2014.

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 entire unfrozen carcass 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, unless the Commission has been notified and arrangements are made 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 shall collect two premolar teeth to allow determination of age and a tissue sample from each mountain lion 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 in a unit with a limited harvest quota without first confirming that the season is open each day by checking the Commission-provided toll-free number or season status website.

Title 163  
Chapter 4

037.10C hunt mountain lions with the aid of dogs, traps or bait, except that dogs may be used during Season 1 in the Pine Ridge Unit and during January 1 through March 31 in the Prairie Unit.

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 harvest a mountain lion within 24 hours of obtaining a mountain lion permit

037.10G obtain more than one mountain lion permit per calendar year