NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~May 28, 2008~~ October 2, 2008

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, 37-427, 37-429, 37-447 through 37-453, 37-455, 37.455.01, 37-456 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 Sheep, Turkey

001.01A Applications

001.01A1 Except for those permits issued by lottery and auction (014 and ~~003.11~~ 003.12), application periods shall be established by the Commission for persons applying for antelope, deer, elk or turkey permits. The initial application period for antelope and elk is for residents only. 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 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 provide the legal descriptions of the qualifying farm or ranch land. The limited landowner applicant shall also attest that they qualify as either the owner/leaseholder of the land listed or as the spouse or child residing in the same household of the owner/leaseholder of the land listed.

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 person who properly applies for and is denied an antelope 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. 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 permit shall lose all preference points, and any person who does not apply at least once during five successive years shall lose all accumulated points.

001.01A3b Any resident who did not obtain a deer permit for any unit designated as a draw unit in the previous year may be given preference over those who did.

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 or deer with a rifle smaller than 22 caliber or a rifle which delivers less than 900 foot-pounds of bullet energy at 100 yards, 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, or a crossbow which has a draw weight of less than 125 pounds; to take elk with a handgun or to take antelope or deer 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 26 caliber, or which delivers less than 2000 foot-pounds of bullet energy at 100 yards, ~~or with a bullet less than 100 grains~~ or with a muzzleloading rifle of less than ~~50~~ 45 caliber; to use any firearm capable of fully automatic fire, or semi-automatic firearm capable of holding more than 6 cartridges; or to take antelope, deer, elk or mountain sheep with a full metal jacket or incendiary bullet or to take turkeys while possessing or using shotgun shells containing shot other than sizes 2 through 7½ or containing a single slug.

001.01B3 to take antelope, deer, or turkey under authority of an archery permit with any weapon other than a conventional longbow ~~or compound bow,~~ having a pull of 40 pounds or

more at or before 28 inch draw or a compound bow with a draw weight of 30 pounds or more; or to take elk or mountain sheep with a bow having a pull of less than 50 pounds at or before 28 inch draw (bow shall mean "longbow", a weapon made of a strip of wood or other elastic material with a cord to connect the two ends when bent, and by means of which an arrow is propelled when drawn, held, and released by hand; mechanical arrow release may be used), except that any person who is incapable of drawing a long bow because of permanent physical impairment, which renders the person incapable of drawing a long bow, shall be permitted to use a crossbow or draw locking device (001.01B5) for hunting deer, antelope and turkey during the regular archery seasons. The disabling condition described above must be verified in writing by a physician. A copy of the medical certificate, signed by a physician, must be furnished to the Commission by the applicant. The applicant shall also provide the following information: full name, mailing address, last four digits of the social security number, age height, weight, and color of hair and eyes. Application forms are available to submit such information to the Commission. If the application is approved a permit will be issued for use of a crossbow or draw locking device, which must be carried by the permittee while hunting with such device. Any application authorizations issued prior to 1989 are invalid.

001.01B4 while hunting antelope, deer, elk, mountain sheep or turkey, to have attached to a firearm or bow any device capable of utilizing electricity to amplify natural ambient light or to project a light beam or image to a target. This restriction allows "red dot" and illuminated reticle sights and scopes, but prohibits "night vision" scopes (both light amplification types and projected light types such as infrared) and all other sights that project light including laser sights.

001.01B5 to use any device secured to or supported by the bow for the purpose of

maintaining the bow at full draw or in firing position except that persons with an approved crossbow authorization (001.01B3) may use such a device attached to a legal bow (001.01B3) in lieu of a crossbow.

001.01B6 to hunt antelope, deer, elk, mountain sheep or turkey with any arrow containing poison or stupefying chemical, or arrow that has an explosive tip, or with an arrow with other than a sharpened hunting head with a blade of at least 7/16 inch radius from the center of the arrow shaft and a total cutting edge of at least three inches, except that turkeys may also be hunted with a blunt (bludgeon) head with a diameter of at least 9/16 inch.

001.01B7 during the November ~~nine (9) day~~ firearm deer season~~, beginning the Saturday closest to November 13,~~ to hunt wildlife other than deer with a centerfire rifle or centerfire handgun, ~~any weapon other than a shotgun, .22 or smaller rimfire rifle or .22 or smaller rimfire 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.

001.01B8 to hunt turkey under authority of a shotgun permit with any weapon other than a shotgun, or to hunt antelope, deer, or turkey under authority of an archery permit while in possession of, or having under control, any firearm or crossbow (exception on crossbow stated in regulation 001.01B3), or to hunt 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.

001.01B9 to chase, run, or harass any antelope, deer, elk or mountain sheep with any

motor vehicle or to shoot, shoot at, or take any antelope, deer, elk or mountain sheep from a motor vehicle while the vehicle is underway or moving.

001.01B10 to take antelope, deer, elk, mountain sheep or turkey in any area other than the management unit or season choice area for which the permit is issued.

001.01B11 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.

001.01B12 to take mountain sheep, elk, deer or pronghorn within 200 yards of a site which is included in the same ownership as the site of take and upon which feed, feed supplement, or bait has been placed within the last sixty (60) days except for those instances where said food, supplement or bait has been placed in the active operation of husbandry for domesticated livestock other than domesticated cervidae and provided that the Commission may, by special permit, allow take otherwise prohibited by these regulations.

001.01B13 (1) to fail to punch or notch the permit or special tag indicating date of kill and sex immediately after killing (punching/notching the permit or special tag automatically cancels the permit or special tag); (2) to fail to retain the canceled permit or special tag on the person of the hunter while in possession of any antelope, deer, elk or mountain sheep prior to successfully completing the check station process as described in 001.01B16 and 001.01B17; (3) to fail to attach permit or special tag securely to a turkey immediately after the kill; (4) to fail to leave the canceled permit or special tag inserted in the ear canal of the antelope, deer, elk, or mountain sheep carcass; (5) to transport or possess any antelope, deer, elk, mountain sheep or turkey taken under authority of a permit or special tag unless the permit or

special tag has been punched/notched as required and accompanies the animal as required.

001.01B14 to separate an elk, antelope or deer carcass into smaller than quarters before successfully completing the check station process as described in 001.01B16 and 001.01B17; if delivery to a check station is required, head and hide must accompany the carcass to the check station, and evidence of sex must be attached to each hind quarter. 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.

001.01B15 to possess any turkey unless one leg or head remains attached to the carcass until such time as the bird arrives at the personal abode of the possessor or at a commercial processing facility, or to possess any bearded female turkey taken during the spring season unless the beard is attached.

001.01B16 for the permittee to fail or neglect to deliver any deer taken during ~~the nine (9) day~~ November firearm deer season (003.05A), or firearm antelope 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 001.01B17 for deer taken with muzzleloading equipment prior to 1:00 p.m. on January 2 following the close of the season; for the permittee to fail or neglect to successfully complete the check station process as described in 001.01B17 for deer or antelope taken with archery equipment within 72 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; for the permittee to fail or neglect to successfully complete the check

station process as described in 001.01B17 for deer taken under the authority of a Season Choice permit in January prior to 1:00 p.m. on the day following the close of the season.

001.01B17 for the permittee to fail or neglect to record the check station verification number on the permit for any eligible deer checked utilizing either telephone or Internet check stations. Deer taken under the authority of a valid permit outside the ~~nine (9) day~~ November firearm deer season (003.05A) must be presented to an authorized Commission check station for checking and sealing, or must be successfully checked through an authorized Commission telephone or Internet check station.

001.01B18 to possess antelope, deer, elk or mountain sheep meat ~~after August 1 of each year that was taken~~ more than ~~two years previously~~ 18 months after the closing date of the last season of the permit year in which the animal was taken , except those deer, elk or antelope possessed under authority of a road killed salvage permit (meat from these animals may be possessed for ~~90 days~~ 9 months after salvage permit is issued), or to possess any turkey ~~taken during the spring season later than September 30 of the same year, or to possess any turkey taken during the fall season later than March 31 of the year following the season during which it was taken~~ in the spring after the beginning of the spring turkey season of the following year, or to possess any turkey taken in the fall after the beginning of the fall turkey season of the following year.

001.01B19 for any person other than the successful permittee to possess any antelope, deer, elk, mountain sheep, turkey or portion thereof, except under conditions set forth in ~~001.02A14~~ 001.02A13.

001.01B20 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 ~~Depredation~~ Damage Control Program for Deer, Antelope, Elk or Turkey

001.01C1 Landowners or tenants who are experiencing ~~agricultural crop depredations~~ 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:

001.01C1a A written notice has been filed with the Commission ~~designating~~ estimating the number of deer, antelope, elk or turkeys involved in the ~~depredation~~ damage, ~~the agricultural crop~~ the amount of real or personal property being damaged and the dates when the damage occurred or is recurring.

001.01C1b The damage site has been examined by a Conservation Officer or Wildlife ~~Manager~~ Division staff who ~~has~~ have determined that other methods of control are not effective. ~~and the landowner-tenant is to be allowed to kill a designated number of animals~~. At such time a permit may be issued specifying the number of ~~deer~~ animals that may be removed, methods, care and disposition of the carcasses, other required mitigation efforts, location, time, dates (not to exceed ~~30~~ 90 days) and the name(s) of person(s) authorized to kill the ~~deer~~ animals. These person(s) shall be 18 years of age or older and are subject to approval by the Commission.

001.01C1c ~~The landowner-tenant may be required as a condition of the permit to field dress (remove entrails from) the dispatched animal(s)~~. 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.

~~001.01C1d Animals that are killed as a result of the depredation control effort shall be utilized in accordance with section 37-560~~.

~~001.01C1e~~ 001.01C1d Such permits may be denied to persons who did not allow reasonable hunting ~~of deer~~ for the species causing damage during the preceding season.

001.01C1e Permits may be revoked or denied for failure to comply with conditions of the permit (001.01C1b).

001.01C1f Commercial use of these permits is not allowed.

001.01C2 Special Depredation Seasons For Deer

001.01C2a 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.

001.01C2b 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.

001.01C2c Landowner(s) shall sign an agreement with the Game and Parks Commission stating land open to hunting. Landowner(s) shall not deny access to any hunter(s), 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.

001.01C2d 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.

001.01C2e 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.

001.01C2f Each permit shall allow the taking of one deer of either sex.

001.01C2g 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).

001.01C2h 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.

001.01C3 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 001.01C1b and 001.01C1c are met.

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, Section 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, Section 21(b).

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 game birds or game animals taken by authority of a small game hunting permit beyond August 1 following the close of the season on such game.

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 remove from or destroy natural or planted vegetation on state-owned areas.~~

~~001.02A14~~ 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 unless the game birds or game animals are tagged with the following information: (1) Name; (2) Address; (3) Phone

number; (4) Date of birth; (5) Permit number or seal number (if deer, antelope, elk or mountain sheep); (6) Estimated pounds of meat for deer, antelope, elk and mountain sheep; (7) Species of game birds or game animals and total number of each; (8) Date taken; and, if transferred by gift; (1) Signature of donor and name of recipient.

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 Recall Pen permit may recapture birds according to 001.02D.

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 thirty (30) 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.

001.02D Use of Recall Pens

001.02D1 Sporting dog trainers, who desire to use a recall pen, shall make application on a form entitled "Application for Recall Pen Permit". The application shall provide information as specified by the Game and Parks Commission.

001.02D2 The owner of any recall pen shall place his name, address, telephone number, and

recall pen permit number on each recall pen in a manner that provides for clear and immediate visual identification.

001.02D3 All game birds used in a recall pen must be purchased from a licensed nonresident breeder or Captive Wildlife permittee, and must be banded by the owner with leg bands provided by the Game and Parks Commission at a fee of $ 0.10 per band.

001.02D4 Sporting dog trainers shall not use a recall pen without having a valid recall pen permit in their possession.

001.02D5 All recall pen permits shall expire on December 31 of each calendar year.

001.02D6 It shall be the duty of recall pen operators to immediately release all wild birds that might accidentally enter recall pens. Failure to do so is cause for revocation of recall pen permits, seizure of recall pens and prosecution.

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 slidewire drowning sets, underwater snare sets which remain completely under water when fully extended and underwater conibear type 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 37-802, 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-ADC 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 conibear type trap with jaw spread larger than five inches, except when 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 (~~018.16~~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. ~~, and road right-of-way~~.

001.03A6 to trap on any land in this state with a conibear type 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 dryland 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 (~~018.16~~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 10.02.

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 ~~001.02A14~~ 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 ~~001.02A14~~ 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. Permits shall remain valid through the calendar year; to continue permitted activities, a new application must be submitted and a new permit issued each year. 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 consistent with 008.08C3 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.

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 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.

001.08B1 Only those persons, boards, councils, or associations responsible for the overall operation of an area acting under 001.08B may be issued a permit.

001.08B2 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.

001.08B3 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.

001.08C 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.

001.08D 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 Administration of Firearm, Bow Hunter Education, and Apprentice Hunter Education Exemption Programs

001.13A The Commission shall administer hunter and bow hunter education programs and issue Apprentice Hunter Education Exemptions as prescribed in 37-413 and 37-414.

001.13A1 Firearm and bow hunter education certificates of successful completion may only be issued by persons trained and currently authorized by the Commission.

001.13A1a Certificates of successful completion shall only be issued to persons who have completed the accredited training program as approved by the Commission.

001.13A2 The Commission may assign a unique number associated with a certificate for an Apprentice Hunter Education Exemption or hunter/bow hunter education. The unique number, when made part of an electronic license issued by the Commission, shall serve

as proof of successful completion of hunter or bow hunter education training or Apprentice Hunter Education Exemption certificate.

001.13A3 The Commission may accept as proof of successful completion for required firearm or bow hunter education training any certificate of successful completion recognized by the Commission that utilizes standards established by the International Hunter Education Association provided that the certificate of completion uniquely identifies the individual.

001.13A4 An Apprentice Hunter Education Exemption Certificate or renewal may only be applied for by eligible individuals who provide the required fee and the following information: full name, mailing address, date of birth, gender, height, weight, colors of hair and eyes, last four digits of their social security number and daytime phone number.

001.13A4a Renewal applications for an Apprentice Hunter Education Exemption Certificate may only be made in the calendar year immediately following issuance of the original certificate.

001.13A5 It shall be unlawful for any person to provide false information or any false statement pursuant to section 001.013.

001.14 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.