NEBRASKA ADMINISTRATIVE CODE

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Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

002 Non-resident Fish Dealers and Exportation, Importation and Possession Regulations. The following regulations are prescribed by the Nebraska Game and Parks Commission, State of Nebraska, in addition to State Statutes in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-314, 37-316, 37-468, 37-482.01, 37-524, 37-545, 35-546, 37-547,and 37-548.. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 206-234 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 It shall be unlawful for any person, except employees of the Nebraska Game and Parks Commission to stock any species of fish, mollusks, amphibians and crustaceans in any public waters of this state or lands in the state, without written approval of the Commission, or to stock any nongame fish in any private waters of this State which overflows into or connects in any way to public waters.

002.02 It shall be unlawful to sell or offer any carp, carpsucker, buffalo, gar, quillback, or bowfin for use as bait.

002.03 No person, either resident or nonresident, shall import or transport in any manner live amphibians, (as listed in Section 009) any live fish, mollusks and crustaceans into this State for any purpose without prior written authorization from the Fisheries Division of the Nebraska Game and Parks Commission:

002.03A It shall be unlawful to buy, sell, trade or barter any aquatic organism not listed on the non-resident fish dealer permit.

002.03B It shall be unlawful to import all live fish of the Salmonid family (trout, char, and salmon). An "Application for Importation" form for fertilized eggs or gametes, of the Salmonid family, plus a current (within previous 12 months) disease inspection report of the supplying facility and its fish shall be submitted to the Fisheries Division, Nebraska Game and Parks Commission, not less than 10 days prior to each importation. Any facility from which eggs or gametes of the Salmonid family are to be imported must be inspected annually and found to be free of Viral Hemorrhagic Septicemia (VHS), Infectious Pancreatic Necrosis (IPN), Infectious Hematopoietic Necrosis (IHN), Epizootic Epitheliotropic Disease (EED), Virus Disease of *Oncorhynchus masau* (OMV), Spring Viremia of Carp (SVCV), *Renibacterium salmoninarum* (Bacterial Kidney Disease - BKD), or *Myxobolus (Myxosoma) cerebralis* (Whirling Disease - WHD)

002.03C It shall be unlawful for anyone to buy, sell, trade, barter or possess live fish species of the family Channidae (snakeheads).

002.03D All facilities from which fertilized eggs, gametes or live fish are imported into the state shall be inspected and found free of Viral Hemorrahgic Septicemia (VHS)and Spring Viremia of Carp (SVCV). Largemouth bass shall be inspected and found free of Largemouth Bass Virus (LMBV) and live yellow perch shall be inspected and found free of Heterosporis.

002.03E An "Application for Importation" fertilized eggs, gametes, or live fish, plus a current (within previous 12 months) disease inspection report of the supplying facility and its fish shall be submitted to the Fisheries Division, Nebraska Game and Parks Commission not less than 10 days prior to each importation.

002.03E1 Legal bait fish as listed in Section 009 may be imported into this State for use as bait provided the facility from which they are being imported meets the following criteria. 1)Licensed facility must provide a fish health inspection report with a disease free status to the Fisheries Division of the Nebraska Game and Parks Commission. 2) Testing shall be conducted for Viral Hemorrahgic Septicemia (VHS) and Spring Viremia of Carp (SVCV). 3) An "Application for Importation of Bait" form shall be submitted prior to any

importation to the Fisheries Division of the Nebraska Game and Parks Commission. An approval for importation will be granted for a specified period of time up to six months. 4) Approval and a copy of the latest fish health inspection report shall be carried on the transport vehicle during any importations into the state.

Importations may be subject to random inspections by employees of the Nebraska Game & Parks Commission. An adequate sample shall be surrendered for testing if requested.

Failure to comply with these criteria shall result in the non-resident fish dealer permit being revoked.

002.03E2 All disease inspections shall be conducted by methods and procedures acceptable to the Commission. The most recent publication of the "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens" published by the Fish Health Section of the American Fisheries Society should be used as a guideline. Inspections shall be conducted by an individual certified as a Fish Health Inspector or Fish Pathologist or as approved by the Commission.

002.04 It shall be unlawful for nonresident fish dealers to fail to provide a written report by January 15th of the year following the permit expiration.

002.04A It shall be unlawful to fail to report the date, number, species, size and name of the purchaser for all fish mollusks, amphibians and crustaceans transported into Nebraska. Reports shall be on approved forms or as furnished by the Fisheries Division, Nebraska Game and Parks Commission.

002.04B Failure to comply with this regulation will disqualify the permittee for issuance of a subsequent permit for three years following failure to report.

002.05 The following live fish, mollusks, amphibians and crustaceans and their viable gametes have been determined by the Commission to not cause economic or ecological harm or be injurious to human beings, agriculture, horticulture, forestry or wildlife resources. They, therefore, may be imported into the state by permitted non-resident fish dealers,

bait dealers and/or private aquaculturists, but not intentionally released to the wild.

Family	Scientific Name	Common Name
FISH		
Paddlefish	*Polyodon spathula*	paddlefish
Catfish	*Ictalurus furcatus*	blue catfish
	Ictalurus punctatus	channel catfish
	Pylodictis olivaris	flathead catfish
	Ameiurus melas	black bullhead
	Ameiurus natalis	yellow bullhead
Pike	*Esox americanus*	grass pickerel
	Esox lucius	northern pike
	Esox masquinongy	muskellunge
Trout*	*Oncorhynchus clarki*	cutthroat trout
*(Eggs only)	*Oncorhynchus mykiss*	rainbow trout
	Oncorhynchus tshawtshca	chinook salmon
	Salmo trutta	brown trout
	Salvelinus fontinalis	brook trout
Temperate bass	*Morone chrysops*	white bass
	Morone saxatilis	striped bass
Sunfish	*Ambloplites rupestris*	rock bass
	Lepomis cyanellus	green sunfish
	Lepomis gibbosus	pumpkinseed
	Lepomis humilis	orangespotted sunfish
	Lepomis macrochirus	bluegill
	Lepomis microlophus	redear sunfish
	Micropterus dolomieu	smallmouth bass
	Micropterus punctulatus	spotted bass
	Micropterus salmoides	largemouth bass
	Pomoxis annularis	white crappie
	Pomoxis nigromaculatus	black crappie
Perch	*Sander vitreus vitreus*	walleye
	Sander canadensis	sauger
	Perca flavescens	yellow perch

Minnow	*Semotilus atromaculatus*	creek chub
	Cyprinella lutrensis	red shiner
	Notemigonus crysoleucas	golden shiner
	Notropis atherinoides	emerald shiner
	Notropis blennius	river shiner
	Notropis stramineus	sand shiner
	Notropis dorsalis	bigmouth shiner
	Pimephales promelas	fathead minnow
	Carassius auratus	goldfish
	Campostoma anomalum	stoneroller
	Hybognathus hankinsoni	brassy minnow
	Phenacobius mirabilis	suckermouth minnow
	Rhinichthyes cataractae	longnose dace
Gar	*Lepisosteus osseus*	longnose gar
	Lepisosteus platostomus	shortnose gar
Sucker	*Carpiodes carpio*	river carpsucker
	Carpiodes cyprinus	quillback
	Ictiobus bubalus	smallmouth buffalo
	Ictiobus cyprinellus	bigmouth buffalo
	Catostomus commersoni	white sucker
Topminnow	*Fundulus zebrinus*	plains killifish
Herring	*Dorosoma cepedianum*	gizzard shad
	Alsoa pseudoharengus	alewife

NOTE: This includes all hybrids of the above species.

CRUSTACEANS

Crayfish	*Orconectes neglectus*	ringed crayfish
	Orconectes immunis	papershell crayfish
	Orconectes virilis	northern crayfish
	Cambarus diogenes	devil crayfish

002.06 Request for additions to list of fish, mollusks, amphibians and crustaceans for importation into Nebraska (list 002.05). The above list of species approved for import may be amended or modified upon showing of substantial evidence that additional species will not cause economic or ecological harm. Any person desiring to add a species to this list must provide written responses to the following questions:

002.06A What species are you proposing to be added to the import list? Common and scientific names must be provided.

002.06B What is the purpose of the importation? What native species are available that could serve the purpose?

002.06C What safeguards against the importation of disease or parasites that could harm native species have been instituted? Would any diseases or parasites affect domestic species?

002.06D Would the species be able to establish a self-sustaining population in Nebraska? If no, explain.

002.06E What positive and negative ecological impacts are there? What could the impact be if the species escaped to the wild? Would it harm other wild or domestic species?

002.06F List all consequences of the importation of this species that would be positive and negative to humans?

002.06G Would the benefits of the importation exceed the risks? In what ways?

002.06H Provide evidence that the species is being acquired legally for importation into Nebraska. Such evidence can include a receipt from the legal sale of a commercially raised species or, in the case of a species acquired from the wild in another state, a copy of the laws or regulations indicating that such take and export is legal.

002.07 Request for deletions from the list of fish, mollusks, amphibians and crustaceans for importation into Nebraska (list 002.05). Any person desiring that a species be deleted from this list must provide written responses to the following questions:

002.07A What species do you wish to be deleted from list 002.05? Common and scientific names must be provided.

002.07B For what reason(s) do you feel the species should be removed from the importation list? For example, is the species causing economic or ecological harm?

002.08 The following dead or live fish, mollusks, amphibians and crustaceans meet the criteria in 002.09 and may be taken from the wild

and commercially exploited within the state or exported from the state, provided that a permit is first obtained from the Fisheries Division, Nebraska Game and Parks Commission as outlined in 002.8A through 002.8D.

Family	**Scientific Name**	**Common Name**
FISH		
Catfish	*Ameiurus melas*	black bullhead
	Ameiurus natalis	yellow bullhead
Drum	*Aplodinotus grunniens*	freshwater drum
Gar	*Lepisosteus osseus*	longnose gar
	Lepisosteus platostomus	shortnose gar
Herring	*Dorosoma cepedianum*	gizzard shad
Minnow	*Cyprinus carpio*	common carp
	Ctenopharyngodon idella	grass carp
	Hypophthalmichthyes molitris	silver carp
	Hypopthalmichthyes nobilis	bighead carp
Perch	*Perca flavescens*	yellow perch
Sucker	*Carpiodes carpio*	river carpsucker
	Carpiodes cyprinus	quillback
	Catostomus commersoni	white sucker
	Ictiobus bubalus	smallmouth buffalo
	Ictiobus cyprinellus	bigmouth buffalo
AMPHIBIANS		
~~Frogs~~	~~*Rana blairi*~~	~~plains leopard frog~~
	~~*Rana pipiens*~~	~~northern leopard frog~~
Salamander	*Ambystoma tigrinum*	tiger salamander

002.08A Application shall be made on a form furnished by the Fisheries Division, Nebraska Game and Parks Commission in order to obtain a Commercial Fishing Permit (Chapter 2, Section 003) for fish species and a Bait Dealer Permit (Chapter 2, Section 009) for the amphibians listed above.

002.08B The permit shall expire on December 31 following the date of issuance.

002.08C The permittee shall report the sale, take or export of any species listed above to the Fisheries Division, Nebraska Game and Parks Commission quarterly on forms provided by the Fisheries Division.

002.08D The Fisheries Division, Nebraska Game and Parks Commission may refuse to issue or may revoke a permit if the permittee fails to supply the required information or if false information is provided on the application or report forms.

002.09 Any person desiring to add a species to the list in 002.08 must provide written responses to the following questions:

002.09A What species do you wish to take from the wild for commercial purposes or for export from the state? Common and scientific names must be provided.

002.09B Provide evidence that the proposed species meets the criteria for S-4 or S-5 as outlined in 002.11.

002.09C Provide evidence that the proposed species can be commercially exploited or exported without detrimental impact to the population in Nebraska.

002.10 Requests for deletions from the lists of fish, mollusks, amphibians and crustaceans approved for commercial exploitation and export from Nebraska (002.08). Any person desiring that a species be deleted from these lists must provide substantial evidence in writing as follows:

002.10A What species are you recommending to be deleted from list 002.08? Common and scientific names must be provided.

002.10B Is evidence available to indicate that the commercial exploitation or export of the species is detrimental to the population in Nebraska? If available, provide such evidence.

002.10C If removal from lists 002.08 is for the purpose of prohibiting commercial exploitation or export, provide evidence that the species meets criteria S-1, S-2, or S-3 in 002.11.

002.11 The following criteria were used to develop list 002.08.

S1 = Critically imperiled in state because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because of some factor(s) making it especially vulnerable to extirpation from the state.

S2 = Imperiled in state because of rarity (6 to 20 occurrences or few remaining individuals or acres) or because of some factor(s) making it very vulnerable to extirpation from the state.

S3 = Rare or uncommon in state (on the order of 21 to 100 occurrences).

S4 = Apparently secure in state, with many occurrences.

S5 = Demonstrably secure in state under present conditions.

002.12 This shall not prevent the commercial exploitation of commercial or nongame fish taken under the authority of a commercial fishing permit outlined in 37-543 and 37-4,104 and Commission Fisheries Regulations (Chapter 2, Section 003), nor shall it prevent the commercial exploitation of baitfish, crayfish or tiger salamanders taken under the authority of a bait dealers permit as specified in 37-546 and 37-4,105 and Commission regulations (Chapter 2, Section 009), nor shall it prevent the commercial exploitation of game species propagated or raised under the authority of an aquaculture permit as specified in 37-471, 37-472, and 37-474 and Commission regulations (Chapter 2, Sec. 005), nor shall it prevent the legal activities of a valid nonresident fish dealer outlined in 37-505, 37-4,106 and Commission regulations (Chapter 2, Section 002).