

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~December 3, 2008~~ April 30, 2009

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

~~004 Regulations governing the protection, conservation, and management of endangered and threatened wildlife species.~~

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> ¹
<u>Birds</u>		
*Whooping crane	<u>Grus americana</u>	Entire
*Eskimo curlew ^{1,2}	<u>Numenius borealis</u>	Entire
*Interior least tern	<u>Sterna albifrons athalassos</u> <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>		
Hayden*Blowout penstemon	<u>Penstemon haydenii</u>	Entire
**Colorado Bbutterfly Pplant	<u>Gaura neomexicana</u> <u>ssp. coloradensis</u>	Entire
Saltwort	<u>Salicornia rubra</u>	Entire
<u>Fishes</u>		

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*Topeka S shiner	<u>Notropis topeka</u>	Entire
*Pallid S sturgeon	<u>Scaphirhynchus albus</u>	Entire
Blacknose S shiner	<u>Notropis heterolepis</u>	Entire
Sturgeon E chub	<u>Macrhybopsis gelida</u>	Entire
<u>Invertebrates</u>		
*American B burying B beetle	<u>Nicrophorus americanus</u>	Entire
*Salt Creek F tiger B beetle	<u>Cicindela nevadica lincolniana</u>	Entire
*Scaleshell M mussel	<u>Leptodea leptodon</u>	Entire
*Also on the U.S. Endangered List. Also listed as endangered in Nebraska under the Federal Endangered Species Act.		
**Also listed as threatened in Nebraska under the Federal Endangered Species Act.		
¹Portion of Nebraska where endangered or threatened.		
²Last reported Nebraska sighting was made in 1926, no documented sighting anywhere since 1962. Species may be very near extinction likely extinct.		
²Portion of Nebraska where endangered or threatened.		
³There 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> ¹
<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>Lutra Lontra canadensis</u>	Entire
**Northern long-eared bat	<u>Myotis septentrionalis</u>	Entire
<u>Plants</u>		
**Ute L adies'-tresses orchid	<u>Spiranthes diluvialis</u>	Entire
**Western P prairie F fringed Ø orchid	<u>Platanthera praeclara</u>	Entire
American Ginseng	Panax <u>quinquefolium</u> Panax <u>quinquefolius</u>	Entire
Small W white L ady's- S slipper	<u>Cypripedium candidum</u>	Entire
<u>Fishes</u>		
Lake sturgeon	<u>Acipenser fulvescens</u>	Entire
Northern redbelly dace	<u>Phoxinus Chrosomus eos</u>	Entire
Finescale dace	<u>Phoxinus Chrosomus neogaeus</u>	Entire

Reptiles		
Massasauga	<u>Sistrurus catenatus</u>	Entire
Plants		
**Ute Ladies' tresses orchid	Spiranthes diluvialis	Entire
**Western Prairie Fringed Orchid	Platanthera praeclara	Entire
Ginseng	<u>Panax quinquefolium</u> <u>quinquefolius</u>	Entire
Small White Lady's Slipper	<u>Cypripedium candidum</u>	Entire
*Also on the U.S. Endangered List Also listed as endangered in Nebraska under the Federal Endangered Species Act.		
**Also on the U.S. Threatened List Also listed as threatened in Nebraska under the Federal Endangered Species Act.		
²¹ Portion of Nebraska where endangered or threatened.		
³ 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.

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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
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.