

NEBRASKA LAWS

UAPPEAL

WOLVES, SKUNKS, FELINES, BEARS

BANS possession of wolves, skunks, felines and bears.

- GRANDFATHERED: those on 3/1/86
- EXEMPT:
 - Domestic cats
 - Zoo, park, refuge, wildlife area or nature center owned or operated by a government agency
 - AZA or ZAA zoos
 - bobcats or Canada lynx with captive wildlife permit used for breeding stock for sale for fur production

WILD BIRDS AND MAMMALS

Wild birds - birds native to, migrating to or through, or having established free-ranging populations in the State of Nebraska except the English sparrow, the European starling, and the common pigeon.

Wild mammals - mammals native to, migrating to or through, or having established free-ranging populations in the State of Nebraska except the fallow deer, the house mouse, the Norway rat, the black rat, the feral domestic dog, and the feral domestic cat.

BANS import, possession, retaining, and releasing prohibited species.

- LIST: Asian raccoon dog, white-tailed deer, mule deer, red deer and hybrids, and wild pigs along with bighorn and thornhorn sheep in Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, Sheridan and Sioux counties
- GRANDFATHERED:
 - Wild pigs on 10/30/92 and progeny (may sell outside state)
 - Immediately report escapes and capture in 10 days or are destroyed
 - Mule deer registered 7/24/02 and progeny on original property + up to 25% of adjacent property (may sell outside state)
 - Immediately report escapes and capture in 10 days or are destroyed

PERMIT required for keeping native wild birds and mammals in captivity.

- GRANDFATHERED: species possessed before being banned
 - If escapes, permit will be revoked and animal destroyed or disposed of
- EXEMPT:
 - Zoos

- Parks
- Refuges
- wildlife areas
- government nature centers
- USDA circuses

PERMIT required for sale of game.

- Aquaculture Permit
- Captive Wildlife Permit

BANS live possession of game birds and animals taken under hunting permit and live possession of furbearers taken under a fur harvesting permit.

(163 Nebraska Admin. Code Ch 4 001.02A8, 001.03A3)

PERMITS:

- Captive Wildlife Permit (purchase, possess, propagate, sell captive-born)
 - REQUIRED FOR: recall pen
 - EXEMPT: Dog training/field trial and allowed release
 - Need annual inventory report; sell only to other permit holders, outside state, field trial or dog training
- Captive Wildlife Auction permit (auction wildlife)
- Controlled Shooting Area Permit (propagate, preserve and shoot game birds on 80-2560 acres)
- Rehabilitation Permit
- Scientific Collectors Permit (take protected species for those purposes)
- Domesticated cervine permit

REQUIREMENTS:

- Allows purchase of species not on permit not prohibited at auction or sales if department notified in 10 days
- Must be confined to prevent escape and given humane treatment under USDA laws
- Proof of being from nonresident breeder, captive wildlife licensee or domesticated cervine herd
- Game birds allowed under dog training or field trial laws
- 10' high sheep-tight fence for ungulate pasture
- Assure overcrowding is avoided (may spay/neuter) – extras may be sent to captive wildlife permit or domesticated cervine animal facility, killed, hunted, or have parts sold
- May import with proof of origin
- Sales and purchase two part sales tags (equivalent for nonresidents)

Auctions:

- Record of name, address, social security number and permit number of consignor and purchaser
- Captive Wildlife Auction Permit for seller and appropriate permit for buyer
- USFWS Captive-bred Wildlife Permit or Endangered Species Permit (endangered/threatened)
- Permit or document to ship or transport for consignment
- Handle or process for consignment
- Notify department in 24 hours of unexplained diseases or death

LIST: 008.01B Legal Species:

Mammals:

- American badger
- American beaver
- Bobcat (commercial only)
- Eastern cottontail rabbit
- White-tailed deer (restricted)
- Mule deer (restricted)
- Gray fox
- Red fox
- Canada lynx (commercial only)
- Mink (excludes mutation)
- Muskrat
- Virginia opossum
- Raccoon
- North American river otter
- Bighorn sheep (restricted)
- Fox squirrel
- Gray squirrel
- Flying Squirrel
- Long-tailed weasel

Birds:

- American crow
- Ducks (wild federally protected)
- Geese (wild federally protected)
- Sharptail grouse
- Greater prairie chicken
- Migratory Bird Treaty Act birds
- Chukar partridge
- Hungarian partridge
- Ringneck pheasant
- Bobwhite quail
- Trumpeter swan
- Tundra swan

- Turkey (wild)

(Nebraska Rev. Statutes 37-202 to 37-247, 37-418, 37-477 to 37-482; 163 Nebraska Admin Code Ch. 1-006, Ch. 4-008)

ENDANGERED/THREATENED SPECIES

BANS export, take, possession, processing, sale, delivery, carrying, transport and shipment of US and state endangered species.

- EXEMPT: as allowed by rules

BANS take, export, possession, processing, sale, delivery, carrying, transport, or shipment of US and state threatened species.

- EXEMPT:
 - Accidental take of lake or pallid sturgeon through commercial operation if returned
 - Taking massasauga or timber rattlesnake to protect human health, livestock or pets
 - Cultivated ginseng and taking plants during agricultural operations

PERMITS may be issued for endangered and threatened species with special approval.

- EXEMPT:
 - domesticated cervine (cervid from facility with permit)
 - Zoo, park, refuge, wildlife area or nature center owned or operated by a government agency
 - AZA or ZAA zoos
 - Circuses

PERMITS:

- Captive Wildlife Auction Permit (auctions)
- Captive Wildlife Permit (purchase, possess, propagate, sell)

LISTS:

- Endangered:
 - Whooping crane
 - Eskimo curlew
 - Interior least tern
 - Black-footed ferret
 - Swift fox
 - Topeka shiner

- Pallid sturgeon
- Blacknose shiner
- Sturgeon chub
- American burying beetle
- Salt Creek tiger beetle
- Scaleshell mussel

- Threatened:
 - Mountain plover
 - Piping plover
 - Red knot
 - Thick-billed longspur
 - Southern flying squirrel
 - Northern long-eared bat
 - Lake sturgeon
 - Northern redbelly dace
 - Finescale dace
 - Massasauga
 - Timber rattlesnake

(Nebraska Rev. Statutes 37-202 to 37-247, 37-418, 37-477 to 37-482, 37-497, 37-801 to 811; 163 Nebraska Admin Code Ch. 1-006, Ch. 4-008)

NONGAME IN NEED OF MANAGEMENT/NATIVE HERPTILES

BANS take, possess, transport, export, process, sell or offer for sale, or ship nongame wildlife in need of conservation.

- EXEMPT: scientific collection permit

LEGAL to take 4/day and possess 16 black-tailed and white-tailed jackrabbits.

HERPTILE LIST:

- Smallmouth Salamander
- American Toad
- Great Plains Narrowmouth Toad
- Five-lined Skink
- Great Plains Skink
- Sagebrush Lizard
- Western Slender Glass Lizard
- Mountain Short-horned Lizard

- Western Worm Snake
- Timber Rattlesnake
- Prairie Kingsnake
- Speckled Kingsnake
- Eastern Glossy Snake
- Smooth Green Snake
- Graham's Crayfish Snake
- Plains Blackhead Snake
- Western Ribbon Snake
- Redbelly Snake
- Copperhead
- Terrestrial Garter Snake
- Blanding's Turtle
- Diamondback Water Snake

(Nebraska Rev. Statutes 37-202 to 37-247, 37-418, 37-477 to 37-482, 37-497, 37-801 to 811; 163 Nebraska Admin Code Ch. 1-006, Ch. 4-010)

NATIVE REPTILES AND AMPHIBIANS (REST)

BANS release of native reptiles and amphibians that have been transported over 100 yards without authorization.

BANS take, possess, transport, export, process, sell or offer for sale, or ship of native reptile or amphibian species other than game, endangered/threatened and nongame in need of management.

- EXEMPT:
 - export for scientific or educational purposes
 - as allowed bait dealers and fish dealers
 - In-state transport, possession, processing and sale of bait species (plains leopard frog and Northern leopard frog)
 - Unlimited imported species with bill of sale including sale, transport and possession
 - Take of 10 per species of listed 010.03A3 species and their transport and possession
 - Take 3/species of 010.03A4 species and their transport and possession

LIST:

- Take 10/species:
 - Blanchard's Cricket Frog
 - Boreal Chorus Frog
 - Great Plains Toad
 - Woodhouse's Toad
 - Plains Spadefoot
 - Six-lined Racerunner

- Prairie Lizard
- Eastern Racer
- Prairie Rattlesnake
- Ringneck Snake
- Northern Water Snake
- Bullsnake
- Plains Garter Snake
- Common Garter Snake
- Northern Painted Turtle
- False Map Turtle

- Take 3/Species:
 - Cope's Gray Treefrog
 - Gray Treefrog
 - Northern Prairie Skink
 - Many-lined Skink
 - Lesser Earless Lizard
 - Great Plains Rat Snake
 - Western Rat Snake
 - Western Fox Snake
 - Western Hognose Snake
 - Eastern Hognose Snake
 - Milk Snake
 - Coachwhip
 - Brown Snake
 - Lined Snake
 - Yellow Mud Turtle
 - Ornate Box Turtle
 - Smooth Softshell
 - Spiny Softshell
 - Slider

(Nebraska Admin Code Ch. 1-006, Ch. 4-010)

WILDLIFE EXPORT, RELEASE, COMMERCIALIZATION (GENERALLY)

Wildlife - any nondomesticated species of the animal kingdom, whether reared in captivity or not, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate and includes any part, product, egg, or offspring thereof or the dead body or parts thereof

LEGAL to export species legally obtained.

- Reptiles, amphibians, fish, mollusks, crustaceans have own regulations

LEGAL to release:

- Captured wildlife
- Pheasants, quail, partridge and mallards from captive wildlife permit or nonresident breeder if released in 14 days and banded
- Authorization to release wildlife transported over 100 yards or in captivity over 48 hours (fish, mollusk, crustaceans have own requirements)

LEGAL to commercially take the following from the wild.

- Furbearing animals (dead only)
- Reptiles and amphibians (as allowed by that section)
- Fish, mollusks and crustaceans (as allowed by fisheries and wildlife sections)
- Game animals and upland game birds (limited to sales of parts of roadkill deer, antelope and elk) and parts of animals found dead

(163 Nebraska Admin Code Ch. 4-008.08)

FALCONRY AND RAPTORS

Raptor - Accipitriformes, Falconiformes, or Strigiformes

PERMIT required to use raptors for falconry or other purposes.

- Raptor Permit for Falconry
- Raptor Permit for Wildlife Abatement
- Raptor Captive Propagation Permits (resident captive propagation)
- Raptor Collecting Permit (nonresident collection)

(Nebraska Admin Code Ch. 1-006, Ch. 4-009, 4-016)

EXOTIC ANIMAL AUCTION OR EXCHANGE VENUE ACT

(9) Exotic animal means any animal which is not commonly sold through licensed livestock auction markets pursuant to the Livestock Auction Market Act. Such animals shall include, but not be limited to, miniature cattle (bovine), miniature horses, miniature donkeys, sheep (ovine), goats (caprine), alpacas (camelid), llamas (camelid), pot-bellied pigs (porcine), and small mammals, with the exception of cats of the *Felis domesticus* species and dogs of the *Canis familiaris* species. The term also includes birds and poultry. The term does not

include beef and dairy cattle, calves, swine, bison, or domesticated cervine animals;

PERMIT required for exotic animal auctions or exchange venues at least 30 days before event.

- Need contract with veterinarian, records for 5 years, inspection
- BANS change of ownership of bovine, camelid, caprine, ovine, or porcine on premises during 24 hours before and 24 hours after except with certificate of veterinary inspection
- BANS beef or dairy cattle, calves, swine, bison, or domesticated cervine animals

(Nebraska Revised Statute 54-7,105, 54-2953; 163 Nebraska Admin. Code 4.008.04)

TAKE OF WILDLIFE

Allows commission to take from wild any wildlife that escapes, is diseased, needed for scientific study, dangerous to human or livestock health, damaging agricultural crops, or unsuitable to remain in the wild.

(Nebraska Rev. Statutes 37-353)

FISH, AMPHIBIANS, MOLLUSKS, CRUSTACEANS, SNAPPING TURTLES

Aquatic organism - fish, mollusk, crustacean, aquatic reptile, aquatic amphibian, aquatic insect, or other aquatic invertebrate. Aquatic organism includes the viable gametes, eggs or sperm, of an aquatic organism.

Baitfish – minnows (creek chub, red shiner, golden shiner, emerald shiner, river shiner, sand shiner, bigmouth shiner, fathead minnow, goldfish, stoneroller, brassy minnow, suckermouth minnow, longnose dace), white sucker, plains killifish, gizzard shad, alewife

Commercial fish - Black bullhead, freshwater drum, yellow perch

Sportfish – shovelnose sturgeon, paddlefish, goldeneye, American eel, Skipjack herring, catfish (blue, channel, flathead), pike (Grass pickerel, Northern pike, Muskellunge, Tiger muskellunge), trout (Cutthroat, rainbow, brown, brook, tiger, chinook salmon), Burbot, temperate bass (white, striped, striped hybrid), sunfish (green, orangespotted and redear sunfish and hybrids; pumpkinseed, rock bass, bluegill, smallmouth bass, spotted bass, largemouth bass, white and black crappie and hybrids), perch (sauger, saugeye, walleye)

LIST:

- **002.05 Species** (Legal for import by non-resident fish dealers, bait dealers, private aquaculturists)
 - BANS release

- **002.008 Species** (legal for take and commercial use)
 - EXCLUDES:
 - Commercial/nongame fish under Commercial Fishing Permit – commercial use
 - Baitfish, crayfish or tiger salamanders under Bait Dealer Permit – commercial
 - Game species under Aquaculture Permit – commercial
 - nonresident fish dealer
 - Commercial Fishing Permit (fish) OR Bait Dealer Permit (amphibians)
 - Annual report

- **003.04 Species** (commercial and other fish allowed under commercial fishing gear)

- **005.03 C & D Species** (aquatic organisms approved for import)

- **009 Species** (legal bait – baitfish and barred salamander, crayfish (ringed, papershell, northern, devil))

PERMITS:

- Scientific and Educational Permit (scientific, educational, or private wildlife management)
- Commercial Fishing Permit
- Bait Dealers Permit (sell baitfish, amphibians, crustaceans)
 - Required for residents 16+ and nonresidents of any age

- Nonresident Fish Dealers Permit (possess, buy, sell, transport, and ship live baitfish, fish, and bait)
 - Must acquire from out-of-state or aquaculture permit
 - ALL species must be listed on permit and need annual report

- Aquaculture Permit (raise, propagate and import aquatic organisms commercially)
 - Need annual reports, inspections

PROHIBITIONS:

- stocking fish, mollusks, amphibians and crustaceans in public waters without approval OR stock nongame fish in private waters connected to public waters
- selling as bait carp, carpsucker, buffalo, gar, quillback, or bowfin
- import or transport without authorization
- import of Salmonids
 - EXEMPT: research facility that follows requirements – may not remove live ones

- buying, sale, trade, barter or possession of live snakeheads (Channidae)
- possession and transport of live white perch, black carp, silver carp, bighead carp or yellow bass
- transport fish or baitfish in water from stream, river, pond, lake
- BANS buying, selling, bartering sportfish.
 - EXEMPT:
 - Import or from aquaculture facilities
 - Bullheads from private pond with commercial fishing permit
- BANS import and release of live wildlife.
 - EXEMPT:
 - Import for consumption
 - municipal, state, or federal museum, zoo, park, refuge, or wildlife area
 - import of fish, mollusks, reptiles, crustaceans, and amphibians for exhibition, aquarium or contained purposes

REQUIREMENTS:

- imported fish and eggs need VHS and SVCV inspection, LMBV for largemouth bass and Heterosporis for yellow perch plus Application for Importation and disease inspection report per shipment
- Imported legal bait fish need fish health inspection report, testing above, Application for Importation of Bait

Aquaculture:

- Need permanent screens if outlets to other waters
- BANS stocking salmonids with Bacterial Kidney Disease, Enteric Redmouth Disease or Furunculosis
- BANS stocking fish with VHS, IPN, IHN, EED, OMV, SVCV, Myxosoma, Whirling Disease or Heterosporis
- BANS release without permission
- BANS selling mosquitofish for stocking in state waters
- Must come from aquaculturalist, dealer or be imported
- Import - Application for Importation and fish inspection report 10 days prior
 - Bait need fish health inspection, testing for VHS and SVCV, Application for Importation of Bait

Bullfrogs:

- Fishing Permit required to take
- Take with hand, hand net, or hook and line if size limit; same plus archery or gig if no size

Snapping turtles:

- Take with hand, hand net, hook and line, bow and arrow or gaff
- BANS sale, trade, barter
- Private lands – also allows traps that allow surface breathing if checked every 24 hours and tagged along with private waterbody management

Mussels:

- Take with hand, hand net, or hook and line

Bait:

- LIMITED TO: individuals fishing, bait dealers, aquaculturists, nonresident fish dealers
- BANS sale, import and transport of species other than baitfish along with alewife and gizzard shad from water taken
- BANS sale of sportfish as bait except resale by bait dealer acquired from aquaculturist or nonresident fish dealer
- LIMIT: 100 baitfish and or 100 amphibians plus plains and Northern leopard frogs combined

(Nebraska Rev. Statutes 37-316 37-418, 37-465, 37-468, 37-4,104, 37-4,105, 37-505, 37-543, 37-547; 163 Nebraska Admin Code Chapter 2)

AQUATIC INVASIVE SPECIES

BANS possession and transport of Category 1 and 2 aquatic invasive species.

- EXEMPT: educational or scientific purposes permit

CATEGORIES:

- Category 1 – Potential Aquatic Invasive Species (not yet in state but high risk)
 - LIST: round goby, snakehead (Channa), black carp, quagga mussel, New Zealand mudsnail
- Category 2 - Priority Aquatic Invasive Species (limited presence)
 - LIST: silver carp, bighead carp, white perch, yellow bass, zebra mussel, waterflea, rusty crayfish, white river crayfish, red swamp crayfish
- Category 3 - Established Aquatic Invasive Species (well established)
 - LIST: common carp, European rudd, Chinese mystery snail, Japanese mystery snail, Asian clam, Western mosquitofish
- Category 4 - Aquatic Invasive Plant Species

(Nebraska Rev. Statutes 37-524, 37-547; 163 Nebraska Admin Code Chapter 2)

FERRETS FOR HUNTING

BANS using ferrets to hunt rabbit, squirrels or furbearing animals, placing in hole or ground or stone, wall, log or tree where such animals may be, or possession of ferrets in field or forest or vehicle entering or leaving hunting area.

(Nebraska Revised Statute 37-526, 37-623)

HYBRID DOGS (HEALTH LAW)

Require rabies vaccination within one year after vaccine is USDA approved.

- EXEMPT: research facilities and imports for less than 30 days

(Nebraska Rev. Statutes 71-4401 to 77-4412)

DANGEROUS DOGS ATTACKING “LIVESTOCK”

Domestic animal means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and **any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;**

The state also declares any dog to be a dangerous dog if it killed a domestic animal without provocation or was declared a potentially dangerous dog and injures or threatens the safety to domestic animals.

(Nebraska Revised Statute 54-617)

FELINE AND CANINE HYBRIDS (COMMERCIAL USE)

Dogs and cats wholly or in part domestic species are regulated under the:

- Commercial Dog and Cat Operator Inspection Act (commercial dog or cat breeders, dealers, boarding kennels, animal control facilities, animal shelters, animal rescues, and pet shops)
 - Specific to dogs and cats except animal control facilities and pet shops
- Dog and Cat Purchase Protection Act (protects buyers of dogs and cats)

(Nebraska Revised Statute 54-626)

DOMESTICATED CERVINE ANIMAL FACILITY

PERMIT (Domesticated Cervine Animal Facility Permit) required to possess, sell, buy and barter domesticated cervine.

- EXEMPT FROM PERMIT:
 - municipal, state, or federal zoo, park, refuge, or wildlife area
 - circus or animal exhibit
 - private, nonprofit zoological society

REQUIREMENTS:

- animal identification
- perimeter fence and handling facility
- Notify department in 24 hours of escape or entry of wild ones

(Nebraska Revised Statute 54-2303)

008-08A SPECIES IMPORT

LEGAL to import the species in 008-08A.

LEGAL to import ALL wildlife headed to:

- AZA facility
- city, village, state, or federal agency facility
- USDA exhibitor prior to 1/1/06
- USDA circus
- Transport through state

LIST: 008-08A Species

- Alpaca
- Blackbuck
- Dromedary camel
- Chinchilla
- Coatimundi except mountain coatis (Nasua)
- Degu (Octogon)
- Elands (Taurotragus)
- Elk
- Fallow deer
- Fox (Vulpes)
- Genet

- Gerbils (Gerbillus)
- Goats – all wild including mountain goat
- Guanaco
- Guinea pig
- Eurasian hedgehog (Erinaceus)
- Blanford's gerboa (greater gerboa)
- Llama
- Pere David's deer
- Reindeer
- Aoudad sheep
- Bighorn sheep
- Mouflon sheep
- Thinhorn sheep
- Sika deer
- Sugar glider (Petaurus)
- Himalayan taur (Hemitragus)
- Vicuna
- Eastern gray kangaroo (Macropus)
- Rock-Wallaby (Petrogale)
- Water buffalo
- Yak (domestic)
- Ratites
- Waterfowl
- Peafowl
- Game birds
- Cage and aviary birds (nonnative captive-bred) except monk parakeet

(Nebraska Admin Code Ch. 2; 163 Nebraska Admin Code Ch. 4-008)

IMPORT

Exotic animals require an entry permit and Certificate of Veterinary Examination. Camelids and bovids over 6 months need negative and Brucellosis within 60 days before. Equids follow regular horse rules. Psittacine birds must be free of psittacosis 60 days before.

Cervids need entry permit and certificate, permanent and visible ID, no more than 1 concentration point during last 90 days, brucellosis and TB 120-365 days after import (less than 6 months without dam), and need Brucellosis, TB and CWD testing.

Ratites under 8 weeks need VS Form 9-3, Permit to Ship Poultry and/or Hatching Eggs into Nebraska, and from NPIP flock. Those over 8 weeks need entry permit and CVI and from NPIP flock or negative for pullorum and typhoid within 90 days prior.

(Nebraska Rev. Statutes 37-524, 37-547 to 37-550; 23 Nebraska Admin Code Ch. 2)