

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: ~~January 15, 2008~~ July 15, 2009

Title 163 - Nebraska Game and Parks Commission

Chapter 4 - Wildlife Regulations

008 Keeping Wildlife in Captivity

The following regulations are prescribed by the Game and Parks Commission, State of Nebraska in accordance with Neb. Rev. Stat. §§ 37-301, 37-304 through 37-314, 37-308.01, 37-411, 37-421, 37-426, 37-428, ~~37-460,~~ 37-463, 37-465, 37-471, 37-477 through 37-480, 37-524, 37-548, ~~37-562,~~ 54-2317. For purposes of these regulations, unless stipulated below or context otherwise requires, the definitions found in Chapter 37, sections 202 through 247 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

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

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

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

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

008.01 General Regulations and Policies:

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

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

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

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

*For commercial purposes only - See section 37-477

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

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

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

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

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

008.01F2 Such suspension or revocation shall not take effect until after a notice in writing has been provided to the permittee, and the permittee has been given an

opportunity to reply to the notice and to correct the deficiency. Such notice must allow 30 days for reply. If the permittee cannot correct the deficiency within 30 days after the reply deadline, the animals must be moved to an adequate facility.

008.01F3 Immediate Suspension and/or Revocation of Permit: If conditions under which animals are being kept are inhumane and their survival appears to be in jeopardy, immediate action may be taken. Charges will be filed with the appropriate County Attorney for violation of Nebr. Revised Statute 28-1001 (Cruelty to Animals) and the permittee shall be advised that his permit is immediately revoked. If the permittee wishes to appeal the decision, he/she may request a hearing before the full body of the Commission at their next regular meeting.

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

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

008.02B Wild birds or wild mammals must be healthy and free from disease.

008.02C Wild birds or wild mammals must be placed in a semi-natural environment where they will have substantial freedom of movement.

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

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

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

008.02F1 Captured alive and sold to a holder of a valid Captive Wildlife Permit which authorizes the keeping of ungulates in captivity, or, for cervidae only, captured alive and sold to a holder of a Domesticated Cervine Animal Facility Permit issued by the Department of Agriculture.

008.02F2 Killed under humane conditions.

008.02F3 Hunted at any time within the confines of a sheep-tight fence as described in 008.02E in accordance with the minimum weapon requirements established for the hunting of free ranging wild ungulates.

008.02F4 Meat, hide, antlers, horns or other parts may be shipped or disposed of in accordance with sections 37-477, 37-479 and 37-480.

008.03 Captive Wildlife Permit

It shall be unlawful:

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

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holding wild birds or wild mammals. All Captive Wildlife Permits shall expire December 31 of the year in which issued.

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

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

008.03D for a person who holds a Captive Wildlife Permit to sell live wild birds or wild mammals to any resident who does not hold a valid Captive Wildlife Permit (See 008.02F1 for exception.) or to a nonresident unless he/she has an appropriate permit from his/her state, if a permit is required by his/her state, except that such wild birds may be sold to a person in charge of an authorized field trial or for purposes of dog training as defined in 001.02B.

008.04 Public Auctions:

It shall be unlawful:

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

008.04B for any person, including nonresidents, to buy, sell or traffic in wild birds or wild mammals unless the seller possesses a Captive Wildlife Auction Permit and the buyer possesses the appropriate permit (Exception: See 008.01C, 008.02F1), i.e. Captive Wildlife Permit for residents of Nebraska and the appropriate permit from his/her state of residence, if a permit is

required by his/her state for nonresidents of Nebraska; except that conducting an auction for meat, hide, antlers, horns or other parts shall be exempt from provisions of this sub-section.

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

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

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

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

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

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

008.06 Tag Requirements for Purchase and Sale:

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

008.07 Restricted Species

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

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

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

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

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

008.07A5 Wild Pig (All wild species in the family *Suidae*, including any *Suidae* exhibiting the morphological or behavioral characteristics of a wild pig, whether raised in captivity or not, including European wild

boar) constitutes both economic and ecologic threat.

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

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

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

008.07B2 Persons who possess mule deer, registered with the Nebraska Department of Agriculture on July 24, 2002, may retain these animals and their progeny in captivity provided said animals are held only upon the property where they were legally held captive prior to July 24, 2002 and upon immediately adjacent additions which total no more than 25% of the original property acreage, and only as long as said animals are owned by the person or persons holding title to said original animals on July 24, 2002. It shall be unlawful to release the parent stock or the progeny to the wild. Escapes must be recaptured or otherwise destroyed within 10 days of escape. If the owner is unable to recapture the escapes, they shall be destroyed by the Game and Parks Commission at the owners expense. Immediate notification of escapes

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must be given to the Game and Parks Commission. It shall be unlawful to sell, barter or give away mule deer within the state of Nebraska, but they may be sold outside the state of Nebraska.

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

008.08A Importation: the following wildlife may be imported:

Alpaca	<i>Lama pacos</i>
Blackbuck	<i>Antilope cericapra</i>
Camel	<i>Camelus dromedarius</i>
Chinchilla	<i>Chinchilla spp.</i>
Coatimundi	<i>Nasua spp.</i>
Degu	<i>Octodon spp.</i>
Eland	<i>Taurotragus spp.</i>
Elk	<i>Cervus elaphus canadensis</i>
Fallow deer	<i>Dama dama</i>
Fox	<i>Vulpes spp.</i>
Genet	<i>Genetia spp.</i>
Gerbil	<i>Gerbillus spp.</i>
Goat, wild-all	<i>Capra aegagrus and C. hircus ,</i> or <i>Oreamnus americanus</i>
Guanaco	<i>Lama guanicoe</i>
Guinea pig	<i>Cavia porcellus</i>
Eurasian Hedgehogs	<i>Erinaceus spp.</i>
Jerboa, greater	<i>Jaculus blandfordi</i>
Llama	<i>Lama glama</i>
Pere David's deer	<i>Elaphurus davidianus</i>
Reindeer	<i>Rangifer tarandus</i>
Sheep	
Aoudad	<i>Ammotragus lervia</i>
Bighorn	<i>Ovis candensis</i>
Mouflon	<i>Ovis Ammon</i>
Thinhorn	<i>Ovis dalli</i>
Sika deer	<i>Cervus nippon</i>
Sugar Glider(s)	<i>Petaurus spp.</i>
Tahr	<i>Hemitragus spp.</i>
Vicuna	<i>Vicugna vicugna</i>
Wallabies	<i>Macropus spp. & Petrogale spp.</i>
Water buffalo	<i>Bubalus bubalis</i>
Yak	<i>Bos grunniens</i>
All Ratites	
All Waterfowl	
All Peafowl	
All Game Birds	

All Cage and Aviary Birds

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

008.08B Exportation:

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

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

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

008.08C2 Pheasants, quail, partridge and mallards may be released into the wild. All game birds purchased and released must be obtained from a Captive Wildlife Permit holder or licensed nonresident breeder. Persons may hold legally acquired birds for a period not to exceed fourteen (14) days beyond the date of purchase prior to release without a Captive Wildlife Permit. Banding of these birds is required according to provisions of 001.02B and 015.04B.

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

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

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

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

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

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

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

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

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