

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 20**

RIN 1018-AD69

**Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996-97 Late Season**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** This rule prescribes special late season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This responds to tribal requests for Service recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of seasons and bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

**EFFECTIVE DATE:** This rule takes effect on September 28, 1996.

**ADDRESSES:** The public may inspect comments received during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The public should send communications regarding the documents to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Room 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service (703) 358-1714.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 16, 1996, Federal Register (61 FR 42730), the U. S. Fish and Wildlife Service (Service) proposed special migratory bird hunting regulations for the 1996-97 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, Federal Register (50 FR 23467).

The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

- (1) on-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);
- (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and
- (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 - September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the March 22, 1996, Federal Register (61 FR 11986), the Service requested that tribes desiring special hunting regulations in the 1996-97 hunting season submit a proposal including details on:

- (1) requested season dates and other regulations to be observed;
- (2) harvest anticipated under the requested regulations;
- (3) methods that will be employed to measure or monitor harvest;
- (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and
- (5) tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. The Service has successfully used the guidelines since the 1985-86 hunting season. The Service finalized the guidelines beginning with the 1988-89 hunting season in the August 18, 1988, Federal Register (53 FR 31612).

Although the proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season hunting was addressed in the rulemaking published in the Federal Register on August 30, 1996 (61 FR 46352). As a

general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about October 1 or later each year and have a primary emphasis on waterfowl.

This year, the Service's annual breeding duck survey estimated total ducks in the traditional survey area was 37.5 million, an increase of 5 percent from that in 1995 and 16 percent higher than the long-term average. The total duck fall flight forecast is approximately 89.5 million birds, compared to 77 million last year. This estimate is the highest recorded since calculations were initiated in 1970 and 16 percent higher than last year. As a result, the Service has responded by proposing Flyway frameworks similar to those of last season for the 1996-97 waterfowl hunting season (August 15, 1996, Federal Register, 61 FR 42506). The tribal seasons established below generally reflect the Flyway frameworks.

**Tribal Proposals**

For the 1996-97 migratory bird hunting season, the Service proposed regulations for 22 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes have both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 16 tribes made proposals with late seasons. Ten tribes were represented in the early-season regulations. Comments and revised proposals received to date are addressed in the following section. The comment period for the proposed rule, published on August 16, 1996, closed on August 26, 1996.

**Public Comments On Tribal Proposals**

The Service received a letter from the Wisconsin Department of Natural Resources (WIDNR), dated August 26, 1996, concerning the proposed seasons for the Oneida Tribe of Indians of Wisconsin. The WIDNR generally supported the season proposals by the Oneidas. The WIDNR did not, however, support a September 1 duck season opening date and felt that tribal seasons and bag limits should be generally consistent with State seasons. Additionally, WIDNR believed that tribal members should not be exempt from the requirement to purchase a Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp) and the 3-shotgun shell limit.

As we have previously responded regarding other tribal proposals, we believe it is necessary to place the Oneida's proposal in the proper context. Generally, Flyway frameworks are liberally interpreted when application is made to tribal regulations. This results from the special status of Native Americans and specific treaty rights. We continue to believe that current populations of birds can support the tribe's limited harvest. Further, we note that the Oneida's September 15 opening date for ducks meets the Service's established general framework for approval of tribal duck seasons. This date should provide ample time for even late broods and molting ducks to be flighted.

Regarding WIDNR's beliefs that tribes should not be exempt from the purchase of a Duck Stamp or the 3-shotgun shell limit requirement, WIDNR must recognize that the tribal regulation-development process is a "good faith" effort on the part of the Service and the tribes to reach mutually agreeable regulations, always with the interest of the resource paramount. For the same reasons as stated above, the Service has accepted the Oneida's proposal.

The Service addressed earlier-received comments regarding tribally proposed regulations in the August 30, 1996, early-season final rule.

In summary, this rule amends section 20.110 of 50 CFR to make current for the late 1996-97 migratory bird hunting season the regulations that will apply on Federal Indian reservations, off-reservation trust lands and ceded lands.

#### NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSER 88-14)," filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, Federal Register (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment titled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service. Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES**.

#### Endangered Species Act Considerations

As in the past, the Service designs hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons

and the protection and conservation of endangered and threatened species. Consultations were conducted to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. The Service's biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBMO, at the address indicated under the caption **ADDRESSES**.

#### Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the March 22, 1996, Federal Register, the Service reported measures it took to comply with requirements of the Regulatory Flexibility Act and E.O. 12866. One measure was to prepare a Small Entity Flexibility Analysis (Analysis) documenting the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between \$258 and \$586 million at small businesses in 1996. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Department examined these regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

#### Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the tribes would have insufficient time to communicate these seasons to their

member and non-tribal hunters and to establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), prescribes final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

#### Unfunded Mandates

The Service has determined and certifies in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State government or private entities.

#### Civil Justice Reform—Executive Order 12988

The Department, in promulgating this final rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

#### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 20, 1996.

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks.

Accordingly, Part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

#### PART 20—[AMENDED]

1. The authority citation for Part 20 continues to read as follows:

Authority: 16 U.S.C. 703-712 and 16 U.S.C. 742 a-j. (Editorial Note: The following annual hunting regulations provided for by § 20.110 of 50 CFR Part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.)

2. Section 20.110 is amended by revising paragraphs (a), (c), (d), (e), (g), (j), and (k); and by adding paragraphs (l), (m), (n), (o), (p), (q), (r), (s), and (t) to read as follows:

**§ 20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.**

(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters)

**Doves**

*Season Dates:* Open September 1, close September 15, 1996; then open November 16, close January 15, 1997.

*Daily Bag and Possession Limits:* For the early season, daily bag limit is 10 mourning or 10 white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

**Ducks (including mergansers)**

*Season Dates:* Begin October 13, end November 10, 1996; then open December 7, 1996, close January 5, 1997.

*Daily Bag and Possession Limits:* 4 ducks, including no more than 2 pintails, 2 redheads, 1 Mexican duck and 1 canvasback. The possession limit is twice the daily bag limit.

**Coots and Common Moorhens**

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots and common moorhens, singly or in the aggregate. The possession limit is twice the daily bag limit.

**Geese**

*Season Dates:* Begin October 19, 1996, end January 19, 1997.

*Daily Bag and Possession Limits:* 5 geese, including no more than 2 dark (Canada) geese and 3 white (snow, blue, Ross's) geese. The possession limit is 5.

*General Conditions:* All persons 12 years and older must possess a valid Colorado River Indian Reservation hunting permit before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

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(c) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

**Ducks**

*Michigan, 1836 Treaty Zone:*

*Season Dates:* Open September 15, close November 30, 1996.

*Daily Bag Limit:* 7 ducks, which may include no more than 1 pintail, 1 canvasback, 1 black duck, 2 wood ducks, 2 redheads, and 2 hen mallards.

**Canada Geese**

*Michigan, 1836 Treaty Zone:*

*Season Dates:* Open September 1, close November 30, 1996, and open January 1, close February 7, 1997.

*Daily Bag Limit:* 5 geese.

**Other Geese (Brant, Blue, Snow, and White-fronted)**

*Michigan, 1836 Treaty Zone:*

*Season Dates:* Begin October 1, end November 30, 1996.

*Daily Bag Limit:* 5 geese.

*General Conditions:* Persons twelve years and older must possess a valid Grand Traverse Band Tribal license before taking any wildlife. All other basic regulations contained in 50 CFR part 20 are valid. Other tribal regulations apply, and may be obtained at the tribal office in Suttons Bay, Michigan.

(d) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

**Ducks**

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close November 7, 1996.

*Daily Bag Limit:* 20 ducks, including no more than 10 mallards; only 5 of which may be hen mallards; 4 black ducks; 4 redheads, 4 pintails and 2 canvasbacks.

*Michigan, 1842 Treaty Zone:*

*Season Dates:* Begin September 28, end November 16, 1996.

*Daily Bag Limit:* 5 ducks, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 2 redheads.

*Michigan, 1836 Treaty Zone:*

*Season Dates:* North Zone, begin September 28 and end November 16, 1996; Middle Zone, begin October 5 and end November 23, 1996; South Zone, begin October 12 and end November 30, 1996.

*Daily Bag Limit:* 5 ducks, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 2 redheads.

**Mergansers**

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close November 7, 1996.

*Daily Bag Limit:* 5 mergansers, including no more than 1 hooded merganser.

*Michigan, 1842 Treaty Zone:*

*Season Dates:* Same as ducks.

*Daily Bag Limit:* 5 mergansers, including no more than 1 hooded merganser.

*Michigan, 1836 Treaty Zone:*

*Season Dates:* Same as ducks.

*Daily Bag Limit:* 5 mergansers, including no more than 1 hooded merganser.

**Canada Geese**

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close December 1, 1996.

*Daily Bag Limit:* 10 geese, minus the number of blue, snow or white-fronted geese taken.

*Michigan, 1842 Treaty Zone:*

*Season Dates:* Open September 1, close September 10, 1996.

*Daily Bag Limit:* 5 geese.

*Michigan, 1836 Treaty Zone:*

*Season Dates:* Open September 1, close September 10, 1996, except for that small portion of the ceded territory which coincides with the State of Michigan's Southern Zone will open September 1 and close on September 15.

*Daily Bag Limit:* 5 geese.

*Michigan, 1842 Treaty Zone:*

*Season Dates:* Begin September 28, end October 17, 1996.

*Daily Bag Limit:* 5 geese.

*Michigan, 1836 Treaty Zone:*

*Season Dates:* North Zone, begin September 28 and end October 17, 1996; Middle Zone, begin October 5 and end October 24, 1996; South Zone, begin October 14 and end November 30, 1996.

*Daily Bag Limit:* 1 goose in the South Zone and 2 in the North and Middle Zones.

**Other Geese (Blue, Snow, and White-fronted)**

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close December 1, 1996.

*Daily Bag Limit:* 10 geese, minus the number of Canada geese taken.

*Michigan, 1842 Treaty Zone:*

*Season Dates:* Begin September 28, end November 16, 1996.

*Daily Bag Limit:* 7 geese, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

*Michigan, 1836 Treaty Zone:*

*Season Dates:* North Zone, begin September 28 and end November 16, 1996; Middle Zone, begin October 5 and end November 23, 1996; South Zone, begin October 19 and end December 13, 1996.

*Daily Bag Limit:* 7 geese, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

### Coots and Common Moorhens (Gallinules)

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close November 7, 1996.

*Daily Bag Limit:* 20 coots and common moorhens, singly or in the aggregate.

*Michigan, 1842 Treaty Zone:*

*Season Dates:* Same as ducks.

*Daily Bag Limit:* 20 coots and moorhens, singly or in the aggregate.

*Michigan, 1836 Treaty Zone:*

*Season Dates:* Same as ducks.

*Daily Bag Limit:* 20 coots and moorhens, singly or in the aggregate.

### Sora and Virginia Rails

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close November 7, 1996.

*Daily Bag Limit:* 25 sora and Virginia rails, singly or in the aggregate. The possession limit is 25.

*Michigan, 1842 and 1836 Zones:*

*Season Dates:* Open September 15, close November 14, 1996.

*Daily Bag and Possession Limits:* 25 sora and Virginia rails, singly or in aggregate. The possession limit is 25.

### Common Snipe

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 15, close November 7, 1996.

*Daily Bag Limit:* 8 snipe.

*Michigan, 1842 and 1836 Zones:*

*Season Dates:* Open September 15, close November 14, 1996.

*Daily Bag Limit:* 8 snipe.

### Woodcock

*Wisconsin and Minnesota 1837 and 1842 Zones:*

*Season Dates:* Open September 3, close November 30, 1996.

*Daily Bag Limit:* 5 woodcock.

*Michigan, 1842 and 1836 Zones:*

*Season Dates:* Open September 15, close November 14, 1996.

*Daily Bag Limit:* 5 woodcock.

*General Conditions:* (1) While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

(2) Except as otherwise noted, tribal members must comply with tribal codes that are no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by Service final rules adopted in response to a proposed rule, these amended regulations parallel Federal requirements, 50 CFR Part 20, and shooting hour regulations in 50 CFR Part 20, subpart K, as to hunting

methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

(3) Tribal members in each zone must comply with State regulations providing for closed and restricted waterfowl hunting areas.

(4) Minnesota and Michigan--Duck Blinds and Decoys. Tribal members hunting in Minnesota must comply with tribal codes that contain provisions parallel to M. S. 100.29, Subd. 18 (duck blinds and decoys). Tribal members hunting in Michigan must comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

(5) Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit.

(6) Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands are considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with Sec. NR 19.12, Wis. Adm. Code. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

(e) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)

### Band-tailed Pigeons

*Season Dates:* Open September 1, close September 30, 1996.

*Daily Bag and Possession Limits:* 5 and 10 pigeons, respectively.

### Mourning Doves

*Season Dates:* Open September 1, close September 30, 1996.

*Daily Bag and Possession Limits:* 10 and 20 doves, respectively.

### Ducks

*Season Dates:* Begin September 28, end December 29, 1996.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 1 female mallard, 1 pintail, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

### Dark Geese

*Season Dates:* Begin September 28, 1996, end January 5, 1997.

*Daily Bag and Possession Limits:* 2 and 4 geese, respectively.

### Coots and Common Moorhens

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots and moorhens, singly or in the aggregate.

*General Conditions:* Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the stamp face. Special regulations established by the Navajo Nation also apply on the reservation.

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(g) Point No Point Treaty Tribes, Kingston, Washington (Tribal Members and Non-tribal Hunters)

### Mourning Doves

*Season Dates:* Open September 1, close September 15, 1996.

*Daily Bag and Possession Limits:* 10 and 20 doves, respectively.

### Snipe

*Season Dates:* Open September 1, close December 16, 1996.

*Daily Bag and Possession Limits:* 8 and 16 snipe, respectively.

### Ducks (including Mergansers)

*Season Dates:* Begin September 28, 1996, end December 29, 1996.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The season is closed on wood ducks and harlequin ducks. The possession limit is twice the daily bag limit.

### Geese

*Season Dates:* Begin September 28, 1996, end January 5, 1997.

*Daily Bag and Possession Limits:* 4 geese, including not more than 3 light geese. The season is closed on Aleutian Canada geese and cackling Canada geese. The possession limit is twice the daily bag limit.

### Brant

*Season Dates:* Begin January 4, end January 19, 1997.

*Daily Bag and Possession Limits:* 2 and 4 brant, respectively.

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(j) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Non-tribal Hunters)

#### *Tribal Members*

#### *Ducks/Coot*

*Season Dates:* Open September 15, 1996, and close February 1, 1997.

*Daily Bag and Possession Limits:* 6 and 12 ducks, respectively; except that bag and possession limits are restricted for blue-winged teal, canvasback, harlequin, pintail and wood duck to those established for the Pacific Flyway by final Federal frameworks, to be announced.

#### *Geese*

*Season Dates:* Open September 15, 1996, and close February 1, 1997.

*Daily Bag and Possession Limits:* 6 and 12 geese, respectively; except that the bag limits for brant and cackling and dusky Canada geese are those established for the Pacific Flyway in accordance with final Federal frameworks, to be announced. The tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting.

#### *Snipe*

*Season Dates:* Open September 15, 1996, and close February 1, 1997.

*Daily Bag and Possession Limits:* 6 and 12 snipe, respectively.

#### *Non-tribal Hunters*

#### *Ducks*

*Season Dates:* Begin October 19, 1996, end January 19, 1997.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

#### *Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots.

#### *Geese*

*Season Dates:* Begin October 12, 1996, end January 19, 1997.

*Daily Bag and Possession Limits:* 4 geese, including 4 dark geese but no more than 3 light geese. The possession limit is twice the daily bag limit.

#### *Brant*

*Season Dates:* Begin January 4, end January 19, 1997.

*Daily Bag and Possession Limits:* 2 and 4 brant, respectively.

#### *Snipe*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 8 and 12 snipe, respectively.

*General Conditions:* All waterfowl hunters, members and non-members, must obtain and possess while hunting a valid hunting permit from the Tulalip tribes. Also, non-tribal members sixteen years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a validated Federal Migratory Bird Hunting and Conservation Stamp and a validated State of Washington Migratory Waterfowl Stamp. All Tulalip tribal members must possess while hunting, or accompanying another, their valid tribal identification card. All hunters are required to adhere to a number of other special regulations enforced by the tribes and available at the tribal office.

(k) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)

#### *Band-tailed Pigeons*

*Season Dates:* Open September 6, close September 15, 1996.

*Daily Bag and Possession Limits:* 3 and 6 pigeons, respectively.

#### *Mourning Doves*

*Season Dates:* Open September 6, close September 15, 1996.

*Daily Bag and Possession Limits:* 8 and 16 doves, respectively.

*General Conditions:* All non-tribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands must possess a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all non-tribal hunters hunting band-tailed pigeons must possess a White Mountain Special Band tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

#### *Ducks (Including Mergansers)*

*Season Dates:* Begin November 9, 1996, end January 19, 1997.

*Daily Bag and Possession Limits:* 3 ducks, including no more than 1 female mallard, 1 redhead, 2 canvasbacks and 1 pintail. The possession limit is twice the daily bag limit.

#### *Coots, Moorhens and Gallinules*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots, moorhens, and gallinules, singly

or in the aggregate. The possession limit is twice the daily bag limit.

#### *Canada Geese*

*Season Dates:* Same as ducks.

*Bag and Possession Limits:* 2 and 4 geese, respectively.

*General Conditions:* (1) The area open to hunting in the above seasons consists of: the entire length of the Black and Salt Rivers forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. The remaining reservation waters are closed to waterfowl hunting during the 1996–97 hunting season.

(2) Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

(3) See other special regulations established by the White Mountain Apache Tribe that apply on the reservation, available from the reservation Game and Fish Department.

(l) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Nontribal Hunters)

#### *Ducks (including mergansers)*

*Season Dates:* Begin September 28, end December 29, 1996.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

#### *Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* The daily bag and possession limit is 25.

#### *Geese*

##### *Dark*

*Season Dates:* Begin September 28, 1996, end January 5, 1997.

*Daily Bag and Possession Limits:* 4 and 8 geese, respectively.

##### *White*

*Season Dates:* Begin September 28, 1996, end January 5, 1997.

*Daily Bag and Possession Limits:* 3 and 6 geese, respectively.

*General Conditions:* Nontribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR Part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face.

Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

(m) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nontribal Hunters)

#### Ducks

*Season Dates:* Begin October 26, end December 22, 1996.

*Daily Bag and Possession Limits:* 5 ducks, including no more than 1 female mallard, 1 mottled duck, 1 canvasback, 1 redhead, 1 pintail, and 2 wood ducks. The possession limit is twice the daily bag limit.

#### Mergansers

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 5 mergansers, including no more than 1 hooded merganser. The possession limit is twice the daily bag limit.

#### Dark Geese

*Canada, Brant and White-fronted Geese*

*Season Dates:* Begin October 5, 1996, end January 5, 1997.

*Daily Bag and Possession Limits:* 2 dark geese, including no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

#### Light Geese

*Season Dates:* Begin October 5, 1996, end January 5, 1997.

*Daily Bag and Possession Limits:* 10 and 20 geese, respectively.

*General Conditions:* The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and nontribal hunters must comply with basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

(n) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)

#### Ducks (including mergansers)

*Season Dates:* Begin October 5, end November 30, 1996.

*Daily Bag and Possession Limits:* The daily bag limit is 7, including no more

than 1 female mallard, 2 pintails and 2 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Geese

The 1996-97 goose season is closed.

*General Conditions:* Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(o) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal and Nontribal Hunters)

#### Non-tribal Hunters

#### Ducks

*Season Dates:* Begin October 1, 1996, end January 19, 1997. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays and for a continuous period in the month of December for a total of 68 days. Nontribal hunters should contact the tribe for more detail on hunting days.

*Daily Bag and Possession Limits:* 6 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

#### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 4 geese, including 4 dark geese but not more than 3 light geese. The possession limit is twice the daily bag limit.

*General:* Hunters must observe all State and Federal regulations, such as those contained in 50 CFR Part 20 and including the possession of a validated Migratory Bird Hunting and Conservation Stamp.

#### Tribal Members

#### Ducks

*Season Dates:* Begin October 1, 1996, end January 31, 1997.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

#### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 4 geese, including 4 dark geese but not

more than 3 light geese. The possession limit is twice the daily bag limit.

*General:* Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

(p) Klamath Tribe, Chiloquin, Oregon (Tribal Members)

#### Ducks

*Season Dates:* Begin October 1, 1996, end January 31, 1997.

*Daily Bag and Possession Limits:* 9 and 16 ducks, respectively.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots.

#### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 6 and 12 geese, respectively.

*General:* The Klamath Tribe provides regulations enforcement authority in its game management officers, biologists and wildlife technicians, and has a court system with judges that hear cases and set fines.

(q) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)

#### Ducks (including mergansers)

*Season Dates:* Begin October 10, end December 31, 1996.

*Daily Bag and Possession Limits:* 5 ducks, including no more than 1 pintail, 1 mottled duck, 1 redhead, 1 canvasback, 2 wood ducks, 1 female mallard and 1 hooded merganser. The possession limit is twice the daily bag limit.

#### Geese

##### Dark Geese

*Season Dates:* Begin October 7, end December 31, 1996.

*Daily Bag and Possession Limits:* 2 geese, including no more than 1 white-fronted goose (or 1 brant). The possession limit is twice the daily bag limit.

##### White Geese

*Season Dates:* Same as dark geese.

*Daily Bag and Possession Limits:* 10 and 20 geese, respectively.

*General Conditions:* All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR Part 20, including the use of steel shot. Nontribal hunters must possess a validated Migratory Waterfowl Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must

adhere to when hunting in areas subject to control by the tribe.

(r) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)

#### Ducks (including Mergansers)

*Season Dates:* Begin October 8, 1996, end January 8, 1997.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 10 and 20 coots, respectively.

#### Geese

*Season Dates:* Begin October 8, 1996, end January 13, 1997.

*Daily Bag and Possession Limits:* 4 geese, including not more than 3 light geese and 2 white-fronted geese. The possession limit is twice the daily bag limit.

#### Common Snipe

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 8 and 16 snipe, respectively.

*General Conditions:* Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations

established by the Shoshone-Bannock Tribes also apply on the reservation.

(s) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

#### Ducks (including mergansers)

*Season Dates:* Begin September 28, 1996, end February 18, 1997.

*Daily Bag and Possession Limits:* 10 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 28 coots.

#### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 7 geese, including 7 dark geese but no more than 6 light geese. The possession limit is twice the daily bag limit.

#### Brant

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 5 and 10 brant, respectively.

*General Conditions:* The Swinomish Tribal Community has established additional special regulations for on-reservation hunting. Tribal hunters should consult the tribal office for additional information.

(t) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)

#### Ducks (including Mergansers)

*Season Dates:* Begin October 19, end December 30, 1996.

*Daily Bag and Possession Limits:* 5 ducks, including no more than 1 female mallard, 2 redheads, 1 pintail, 1 hooded merganser, and 2 wood ducks. The possession limit is twice the daily bag limit.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 15 and 30 coots, respectively.

#### Dark Geese

*Season Dates:* Begin November 2, 1996, end January 31, 1997.

*Daily Bag and Possession Limits:* 2 geese, including no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

#### White Geese

*Season Dates:* Same as dark geese.

*Daily Bag and Possession Limits:* 10 and 20 geese, respectively.

*General Conditions:* (1) The waterfowl hunting regulations established by this final rule apply to tribal and trust lands within the external boundaries of the reservation.

(2) Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

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