

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

RIN 1018-AE14

**Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations and Final Regulatory Alternatives for the 1997-98 Duck Hunting Season**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; Supplemental.

**SUMMARY:** The Fish and Wildlife Service (hereinafter the Service) is proposing to establish the 1997-98 early-season hunting regulations for certain migratory game birds. The Service annually prescribes frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed in early seasons. Early seasons generally open prior to October 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. These frameworks are necessary to allow State selections of final seasons and limits and to allow recreational harvest at levels compatible with population status and habitat conditions. This supplement to the proposed rule also provides the Service's final regulatory alternatives for the 1997-98 duck hunting season.

**DATES:** The comment period for proposed early-season frameworks will end on August 5, 1997; and for late-season proposals on September 4, 1997. The Service will hold a public hearing on late-season regulations August 7, 1997, starting at 9 a.m.

**ADDRESSES:** The Service will hold a public hearing August 7 in the Department of the Interior's Auditorium, 1849 C Street, NW., Washington, DC. Parties should submit written comments on these proposals and/or a notice of intention to participate in the late-season hearing to the Chief, Office of Migratory Bird Management (MBMO), U.S. Fish and Wildlife Service, room 634—Arlington Square, Washington, DC 20240. The public may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Paul R. Schmidt, Chief, MBMO, U.S. Fish and Wildlife Service, (703) 358-1714.

**SUPPLEMENTARY INFORMATION:****Regulations Schedule for 1997**

On March 13, 1997, the Service published in the **Federal Register** (62 FR 12054) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 6, 1997, the Service published in the **Federal Register** (62 FR 31298) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks and the proposed regulatory alternatives for the 1997-98 duck hunting season. The June 6 supplement also provided detailed information on the 1997-98 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings.

This document is the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations and deals specifically with proposed frameworks for early-season regulations and the final regulatory alternatives for the 1997-98 duck hunting season. It will lead to final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 1997-98 season. The Service has considered all pertinent comments received through July 8, 1997, in developing this document. In addition, new proposals for certain early-season regulations are provided for public comment. Comment periods are specified above under **DATES**. The Service will publish final regulatory frameworks for early seasons in the **Federal Register** on or about August 20, 1997.

This supplemental proposed rulemaking consolidates further changes in the original framework proposals published in the March 13 **Federal Register**. The regulations for early waterfowl hunting seasons proposed in this document are based on the most current information available about the status of waterfowl populations and habitat conditions on the breeding grounds.

**Presentations at Public Hearing**

Five Service employees presented reports on the status of various migratory bird species for which early hunting seasons are proposed. These reports are briefly reviewed below.

Dr. John Bruggink, Eastern Shore and Upland Game Bird Specialist, reported on the 1997 status of the American woodcock. The 1996 recruitment index for the Eastern Region (1.3 immatures

per adult female) was 24 percent below the long-term regional average; the recruitment index for the Central Region (1.3 immatures per adult female) also was 24 percent below the long-term regional average. No changes ( $P \leq 0.1$ ) from 1996 levels were detected in the number of woodcock displaying during the 1997 Singing-ground Survey. Trends from the Singing-ground Survey during 1987-97 were negative (-3.6 and -4.4 percent per year for the Eastern and Central regions, respectively;  $P < 0.01$ ). There were long-term (1968-97) declines ( $P < 0.01$ ) of 2.5 percent per year in the Eastern Region and 1.7 percent per year in the Central Region.

Dr. Graham W. Smith, Chief, Population and Habitat Assessment Section, presented information on 1997 habitat conditions for waterfowl, preliminary estimates of duck abundance, and harvests during the 1996 September special teal seasons. Weather conditions throughout the north central U.S. and most of Canada were cool and moist this spring. Palmer Drought Indices for May 1997 in the north central U.S. and the portions of the prairie provinces of Canada indicated moderate to extreme wetness, similar to conditions in May 1996. The pond estimate for the north central U.S. and prairie Canada was 7.6 million, nearly identical to the estimate for last year. This year's pond count was the third highest recorded, and was 56 percent above the long-term average. Throughout most of the survey area, habitat conditions for nesting waterfowl were good to excellent. There were 2.4 million ponds in the north central U.S. this spring, a figure similar to that of last year but 71 percent above the long-term average. Habitat conditions were good to excellent in much of prairie Canada. Water was abundant, and flooded basins and vegetation around pond margins in some areas. Nevertheless, most areas had sufficient cover for nesting birds. Overall, the pond estimate for prairie Canada was 5.1 million, the third highest recorded and 48 percent above the long-term average. In more northern areas, habitat conditions were ideal for nesting ducks. Generally, water levels in lakes and other impoundments were above average, and cover was abundant around their margins. In Alaska, the breakup of ice generally was earlier than normal. However, breakup on the North Slope was later than average. Generally, conditions in Alaska were favorable for waterfowl. In the eastern survey area, weather in May was wet and cool. Snow persisted into late May and early June in some areas, and spring-like conditions were delayed by about 2

weeks. Above-average runoff inundated many habitats, and caused birds to settle in sites less suitable for successful nesting.

This year the preliminary estimate of total ducks was a record high at 42.6 million birds. Populations of mallard, gadwall, American wigeon, northern shoveler, and northern pintail increased relative to last year. Numbers of green- and blue-winged teal, redhead, canvasback, and scaup were similar to those of last year. Of these species, all but northern pintail and scaup are above long-term averages. The preliminary estimate of the size of the blue-winged teal population this spring is 6.1 million birds, compared to 6.4 million last year.

The 1997 estimate is the second highest recorded, and is 44 percent above the long-term average. The 1996 September teal season in the Mississippi and Central Flyways resulted in the harvest of about 430,000 blue-winged teal, the second consecutive year of record-high harvest for the teal season. The harvest estimate is about 150,000 birds higher than during the 1970's and early 1980's, a period with teal seasons and relatively liberal hunting regulations. However, band-recovery information suggests that harvest rates of blue-winged teal during 1996-97 were similar to or lower than those which occurred during the 1970's and early 1980's.

Mr. David Sharp, Central Flyway Representative, reported on the status and harvests of sandhill cranes. The Mid-Continent Population appears to have stabilized following dramatic increases in the early 1980's. The Central Platte River Valley 1997 preliminary spring index, uncorrected for visibility, was 357,248. This index is 12 percent higher than 1996's index of 318,514. The photo-corrected 3-year average for the 1994-96 period was 441,127, which was also 12 percent above the previous year's 3-year running average and within the established population-objective range of 343,000-465,000 cranes. All Central Flyway States, except Nebraska, elected to allow crane hunting in portions of their respective States in 1996-97; about 21,300 Federal permits were issued and approximately 7,300 permittees hunted one or more times. The number of permittees and active hunters were similar to the previous year's seasons. About 17,030 cranes were harvested in 1996-97, a 17 percent decrease from the previous year's record high estimate. Harvests from Alaska, Canada and Mexico are estimated to be less than 10,000 for 1996-97 sport-hunting seasons. The total North American sport harvest was estimated to be about

29,808. The fall pre-migration survey for the Rocky Mountain Population was 16,938, which is 6 percent larger than the 1995 estimate. Limited special seasons were held during 1996 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming, and resulted in an estimated harvest of 448 cranes.

Mr. James R. Kelley, Jr., Wildlife Biologist, reviewed the status of several populations of Canada geese for which the Service is proposing September seasons. In Alaska, five subspecies of Canada geese are hunted including Dusky Canada geese and Cackling Canada geese. Numbers of Dusky Canada geese, which nest primarily in the Copper River Delta of Alaska, have declined steadily since an earthquake in 1964 altered their nesting habitat and resulted in lowered recruitment rates. The January 1995 population index revealed approximately 8,500 geese. Unfortunately, no survey was conducted in January 1996. In 1997, new methodologies were utilized to develop an index to this population. The index from the new method indicated 11,200 geese in January 1997. It should be noted that the 1995 and 1997 estimates are not directly comparable due to differences in methodologies. The Service remains concerned about the continued poor status of this population. The December 1996 survey of Cackling Canada geese could not be completed due to weather and logistical problems. However, this population grew at a rate of approximately 14 percent per year during 1986-95. The 3 other subspecies of Canada geese hunted in Alaska are thought to be at or above objective levels. In the Pacific Flyway, the Rocky Mountain Population of Canada geese decreased 19 percent from 1996 to a level of 91,700 geese. The December 1996 composite index of Great Plains and Western Prairie Populations of Canada geese in the Central Flyway was 453,400 birds, which represents a 12 percent increase from 1995. The population of Mississippi Flyway giant Canada geese has increased at a rate of about 5 percent per year during the last 10 years. In some areas, numbers of giant geese have increased to record-high levels. The situation is similar in the northeastern U.S., where the "resident" goose population has more than doubled since 1989 to nearly 933,000 birds. The Service is concerned about the rapid growth rate and large sizes of resident Canada goose populations in parts of the Atlantic and Mississippi Flyways. In some regions, the management of these large populations of resident geese is

confounded by the presence of other populations, which are below population objectives. A case in point is the migratory population of Atlantic Canada geese which nests in northern Quebec and winters in the Atlantic Flyway. The number of breeding pairs of Atlantic Canada geese declined from 118,000 in 1988 to only 29,000 in 1995. In 1996 the number of breeding pairs increased 58 percent to a level of 46,000. The Service recognizes the challenge facing management agencies which are striving to increase migrant populations, while simultaneously attempting to control resident populations.

Mr. David Dolton, Western Shore and Upland Game Bird Biologist, presented the mourning dove population status. The report summarized call-count information gathered over the past 32 years. Trends were calculated for the most recent 2 and 10-year intervals and for the entire 32-year period. Between 1996 and 1997, the average number of doves heard per route declined in the Eastern Management Unit and increased in the Central Unit. No change was evident in the Western Management Unit. Over the most recent 10 years, significant downward trends were found in dove populations in the Eastern and Central Units. No trend was indicated for the Western Unit. Over the entire 32-year period, a significant downward trend was found in the Central and Western Units while no trend was indicated in the Eastern Unit.

Mr. Dolton also presented the status of white-winged doves. In Arizona, the 1997 call-count index of 31.0 doves heard per route was essentially the same as the index of 31.1 doves per route in 1996. In the Lower Rio Grande Valley of Texas, the total number of whitewings estimated to be breeding in Cameron, Willacy, Hidalgo, and Starr counties was about 389,000. This is about the same as the 1996 estimate of 392,000. Additionally, about 24,000 whitewings were estimated to be nesting in West Texas, 67,000 in the Lake Corpus Christi area, and 635,000 nesting throughout a 13-county area in Upper South Texas. Whitewings are continuing to increase in density and distribution. For example, in San Antonio, whitewing numbers have gone from 174,000 in 1989 to 271,000 in 1997. The remainder of South Texas has increased from 95,000 in 1989 to 364,000 in 1997. New sightings of whitewings have been reported during the past year in Wichita Falls and Amarillo. Last year, whitewings were 60 miles south of Wichita Falls and about 100 miles south of Amarillo.

Next, Mr. Dolton reported on white-tipped doves in Texas. In 1997, an average of 0.61 whitetips were heard per stop on 348 rural brush locations. This is 28 percent below that recorded in 1996.

Last, Mr. Dolton presented information on band-tailed pigeons. For the Coastal Population, the Breeding Bird Survey indicated that there was a significant decline between 1968 and 1996. There has also been a significant decline over the most recent 10-year period, 1986–96. Late August mineral spring counts conducted in Oregon at 10 selected sites indicated that the pigeon population decreased 1 percent between 1995 and 1996 from 9,753 to 8,874. Washington's call-count survey showed a nonsignificant increase of 36 percent between 1995 and 1996. A nonsignificant decline is evident in the population from 1975–96. However, there has been a significant increase over the most recent 5 years, 1992–96. Bag limits and season lengths continue to be restricted. In Oregon, the 1995 harvest estimate was 2,100 birds while, in California, it was 18,300. For the Interior Population, Breeding Bird Survey data indicated a stable population between 1968 and 1996 with no trend being evident. The same was true for the most recent 10-year period. The combined harvest for the Four-corners States in 1996 was 723 birds. This was less than the 1,600 taken in 1995 and well below the harvest in earlier years which ranged up to 6,000 birds.

#### Comments Received at Public Hearing

Bill Goudy, representing the Ruffed Grouse Society, commented that the Service's recommendation regarding woodcock was disturbing because of the potential loss of hunting opportunity. He believed that the data used to make the decision were flawed, therefore any decision based on these data was also flawed. He further commented that the proposed reduction in the daily bag limit was not a serious concern for most hunters, but that States such as Minnesota and Michigan will be concerned about the framework opening date. He urged the Service to consider allowing States the use of zoning to lessen the impact associated with the proposed reduction in days.

Charles Kelley, Director of the Game and Fish Division of the Alabama Department of Conservation and Natural Resources, commended the Service for the implementation of a youth waterfowl hunting day. He further asked that the Service work with the States to address the woodcock habitat problem.

#### Written Comments Received

The preliminary proposed rulemaking, which appeared in the March 13 **Federal Register**, opened the public comment period for migratory game bird hunting regulations. The supplemental proposed rule, which appeared in the June 6 **Federal Register**, defined the public comment period for the Service's proposed regulatory alternatives for the 1997–98 duck hunting season. The public comment period for the proposed alternatives ended July 3, 1997. Early-season comments and comments pertaining to the proposed regulatory alternatives are summarized below and numbered in the order used in the March 13 **Federal Register**. Only the numbered items pertaining to early seasons items and the proposed regulatory alternatives for which written comments were received are included.

The Service received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

#### General

*Written Comments:* Several individuals from Tennessee and Mississippi recommended either a noon or 1:00 p.m. closing time for duck hunting, citing positive benefits to the duck population and law enforcement.

An individual from Minnesota urged elimination of the 4:00 p.m. closing time in Minnesota.

#### 1. Ducks

The categories used to discuss issues related to duck harvest management are as follows: (A) General Harvest Strategy, (B) Framework Dates, (C) Season Length, (D) Closed Seasons, (E) Bag Limits, (F) Zones and Split Seasons, and (G) Special Seasons/Species Management. Only those categories containing substantial recommendations are included below.

##### A. Harvest Strategy Considerations

On March 13, 1997, the Service published for public comment recommendations from the Adaptive Harvest Management (AHM) technical working group regarding modification of the regulatory alternatives for duck hunting (62 FR 12054). On June 6, 1997, the Service published the proposed

regulatory alternatives for the 1997–98 duck hunting season (62 FR 31298). Significant proposed changes from the alternatives utilized in 1996–97 included: (1) addition of a "very restrictive" alternative; (2) additional days and a higher total-duck daily bag limit in the "moderate" and "liberal" alternatives; and (3) an increase in the daily bag limit of hen mallards in the "moderate" and "liberal" alternatives.

*Council Recommendations:* All four Flyway Councils generally endorsed the regulatory alternatives recommended by the AHM technical working group that were identified in the March 13, 1997, **Federal Register**. Modifications recommended by the Councils were identified and discussed in the June 6, 1997, **Federal Register**. The recommendations are reiterated below and modified where necessary based on subsequent comments received from the Flyway Councils.

The Atlantic Flyway Council originally endorsed the four regulatory alternatives for the Atlantic Flyway, with the exception of the total duck bag limit and hen mallard bag limit restrictions (see further discussion in *E. Bag Limits*). In a subsequent letter, the Council expressed preference for the AHM working group's originally recommended overall daily bag limits (with the exception of hen mallard restrictions) over those proposed by the Service in the June 6 **Federal Register**. The Council considers the 1997–98 alternatives as interim pending the final development and experimentation with population models for eastern mallards. However, the Council was not opposed to holding these alternatives constant for a period of years once a satisfactory set of alternatives is developed for the Flyway.

The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council endorsed the regulatory alternatives for the Mississippi Flyway for the 1997–98 season, with the Lower-Region Regulations Committee also recommending an experimental later framework closing date (see further discussion in *B. Framework Dates*).

The Central Flyway Council endorsed the regulatory alternatives with the exception of recommending a harvest strategy for pintails and an earlier framework opening date for northern states (see further discussions in *B. Framework Dates* and *G. Special Seasons/Species Management, ii. Pintails*).

The Pacific Flyway Council endorsed the working group's recommended alternatives with several modifications. The Council recommended minor

changes in season length and the hen mallard bag limit and adoption of an interim pintail harvest strategy (see further discussion in *C. Season Length*, *E. Bag Limits* and *G. Special Seasons/Species Management*, ii. Pintails).

**Public-Hearing Comments:** Mr. Robert McDowell, representing the Atlantic Flyway Council, conveyed the Flyway's commitment to Adaptive Harvest Management and endorsed the Service's regulatory packages for 1997. However, he asked that the packages for the Atlantic Flyway be considered interim until the completion of eastern mallard models in 1998. Further, he asked that the Service consider dropping the hen restriction on mallards for the liberal package since there is no historical precedent in the Atlantic Flyway and no biological data to suggest that there would be any negative impacts to the mallard population.

**Written Comments:** The New Jersey Division of Fish, Game and Wildlife (New Jersey) endorsed the Service's proposed alternatives for the 1997-98 season with the total daily bag limits (with the exception of hen mallard restrictions) originally recommended by the AHM working group. New Jersey considers the 1997-98 alternatives as interim pending the final development and experimentation with population models for eastern mallards. However, New Jersey was not opposed to holding these alternatives constant for a period of years once a satisfactory set for the Flyway is agreed upon.

The Minnesota Department of Natural Resources (Minnesota) and the Wisconsin Department of Natural Resources supported the alternatives proposed by the AHM technical working group. Minnesota's support of the alternatives is based on their firm support of the AHM process, which should bring more science, better decisions and less politics into the regulations-setting process, although they believe that the proposed "liberal" alternative essentially changes the allocation of harvest, providing additional opportunity to mid-latitude and southern States while limiting Minnesota hunter opportunities due to typical freeze-up dates.

The Missouri Department of Conservation (Missouri) supported the working group's recommendations and further supported any change among the various options that provided a consistent, science-based approach to waterfowl management. Missouri further commented that the strengths of AHM are the shared objectives and improved use of available information. Missouri believes that State and region-

specific proposals generated outside the AHM process jeopardize these improvements in the decision-making process. In a subsequent comment, Missouri expressed belief that the Service's June 6 **Federal Register** was a balance among State and Flyway preferences and that no set of regulatory alternatives would provide the degree of resource protection desired by some or the amount of hunting opportunity preferred by others. They further hoped that the Service and the Flyways could continue to address the priority needs for AHM without allowing distractions such as frameworks, zones/split seasons and special seasons to stall progress.

The South Carolina Department of Natural Resources supported the AHM working group's recommended alternatives.

The Texas Parks and Wildlife Department (Texas) requested that the Service extend the comment period on the regulatory alternatives to allow the four Flyway Councils time to meet and reflect on the proposed options, as well as discuss their respective interests in future AHM priorities. Texas believes that the guidance and support from the Central Flyway Council to the Service will improve when the Council has the opportunity to meet again and review the options.

The Indiana Department of Natural Resources affirmed their approval of the proposed alternatives for the 1997-98 season. They believed that the alternatives were biologically sound and should aid in providing a better understanding of the impacts of regulations on harvest. They further felt that any changes to the alternatives that could affect the predictive capability of the models would not be in the best interest of the AHM process at this time.

Governor Kirk Fordice of Mississippi supported the recommendations of the Lower-Region Regulations Committee of the Mississippi Flyway Council. He further supported the "liberal" alternative's days and bag limit but was concerned that the alternative offered little additional benefits to extreme northern States and extreme southern States, while providing additional benefits to mid-latitude States.

The North American Waterfowl Federation (NAWF) supported the development and implementation of AHM in setting waterfowl regulations but did not support the proposed liberalizations regarding increases in season lengths and bag limits. NAWF believed that extensive changes were premature and did not provide adequate consideration for population impacts. NAWF pointed out that several species of waterfowl had not yet reached

population goals and that additional harvest did not appear justified. NAWF was also not aware of any initiative or substantial interest among the duck hunting public for an expansion of hunting opportunities and questioned whether the interests of hunters were being represented.

The Delta Wildlife Foundation and the Delta Outfitters Association of Mississippi and the Alabama Waterfowl Association expressed support for the recommendations of the Lower-Region Regulations Committee of the Mississippi Flyway Council.

The Louisiana Wildlife Federation supported the establishment of a "more" or "most" liberal alternative for those years when duck reproduction was high and the population could support additional harvest.

Delta Waterfowl strongly supported the utilization of AHM in the setting of waterfowl regulations and complimented the Service for developing a process driven by biological parameters. Delta Waterfowl supported the addition of a "very restrictive" alternative and the total bag limit increases under the "moderate" and "liberal" alternatives. However, they did not support the proposed season-length increases for the "moderate" and "liberal" alternatives, citing concern for species such as pintail and scaup, the growing discrepancy with harvest distribution between northern and southern regions of the flyways, and the lack of interest in such changes from the hunting public.

The Nevada Waterfowl Association suggested that most hunters would prefer lower bag limits with no species restrictions instead of more liberal bag limits and season lengths.

The LaCrosse County Conservation Alliance of Wisconsin recommended that the four alternatives consist of season lengths/bag limits of 30/3, 40/4, 50/5, and 60/6.

The Humane Society of the United States (HSUS) strongly opposed the increased bag limits in the "moderate" and "liberal" alternatives and the addition of a fourth alternative, "very restrictive". HSUS believed these proposals were designed to stimulate hunter interest, maximize license sales, and satisfy state wildlife management agencies.

Several individuals from Louisiana fully supported the proposed alternatives.

Several individuals from Alabama expressed support for the recommendations of the Lower Region Regulations Committee of the Mississippi Flyway Council.

Several individuals from Alabama, Colorado, Illinois, Michigan, Minnesota, Mississippi and Wisconsin believed that the AHM process was far too liberal with respect to the proposed bag limits and season lengths. They believed that these frameworks were ill-advised, inappropriate, and short-sighted. Another individual from Minnesota questioned the AHM process, citing the fact that harvest had increased each year under AHM. He further questioned the need for a "super-liberal" alternative and believed that States would be unwilling to actually use the "conservative" alternative.

Individuals from Alabama, Tennessee and Louisiana expressed support for the "liberal" alternative, while other commenters from California and Kansas supported any expansion of hunting opportunity.

Several individuals from Minnesota and one individual from Louisiana suggested keeping the "liberal" alternative at 50 days with a 5-bird daily bag limit. Other commenters from Arkansas, California, Iowa, Kentucky, Minnesota, Pennsylvania, Wisconsin preferred longer seasons and smaller daily bag limits to current seasons and higher bag limits.

An individual from Minnesota urged support for a 30- to 40-day season and a 3- to 5-bird daily bag limit, depending on water conditions.

The California Waterfowl Association supported the addition of a "very restrictive" alternative and proposals for extended season lengths under the "moderate" and "liberal" alternatives.

An individual from Kansas strongly supported the addition of a "very restrictive" alternative as a management tool, while a commenter from California believed that this alternative was critical to maintaining wetland habitat in California. Another commenter from Tennessee questioned the need for a fourth alternative.

Individuals from Oregon and Tennessee were concerned about potential increases in mallard harvest given the population status of mallards and recent season liberalizations.

Several individuals from Ohio, California, and Pennsylvania opposed all increases in either daily bag limits or season lengths on moral grounds, with some calling for overall reductions in hunting opportunities.

**Service Response:** For the 1997-98 regular duck hunting season, the Service will utilize the four regulatory alternatives detailed in the accompanying table. Alternatives are specified for each Flyway and are designated as "VERY RES" for the very restrictive, "RES" for the restrictive,

"MOD" for the moderate, and "LIB" for the liberal alternative. The Service is convinced that these alternatives will be successful at providing maximum hunting opportunity, while not jeopardizing the ability of duck species to attain population goals when habitat conditions are adequate. The Service will propose a specific regulatory alternative when survey data on waterfowl population and habitat status are available.

#### *B. Framework Dates*

**Council Recommendations:** The Atlantic Flyway Council was concerned that extensions of framework dates had the potential to affect all States in all Flyways, including reducing the frequency with which "liberal" and "moderate" regulatory alternatives would be selected. They were also concerned that the traditional allocation of duck harvest in the U.S. could be altered. They strongly urged the Service to seek a thorough and scientific review by each Flyway Council before taking any action on framework modifications.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the Service allow an experimental January 31 framework closing date, as long as it does not affect regulations/framework alternatives in non-participatory States.

The Central Flyway Council recommended a framework opening date of the Saturday nearest September 23 in North Dakota, South Dakota, Montana, Wyoming, Colorado, and Nebraska.

**Written Comments:** The State of North Dakota provided a concurrent resolution urging the Service to adopt a framework opening date of September 20.

The Alabama Department of Conservation and Natural Resources recommended a framework closing date of January 31 under the "liberal" and "moderate" alternatives. In lieu of this option, they suggested an experimental season of 3 to 5 years for a limited number of States in order to determine any resulting detrimental effects from the later framework closing date.

The Louisiana Department of Wildlife and Fisheries, the Alabama Department of Conservation and Natural Resources, and the Mississippi Department of Wildlife, Fisheries, and Parks supported the recommendation of the Lower-Region Regulations Committee of the Mississippi Flyway Council for extending the framework closing date to January 31 for the 1997-98 hunting season. They believed that this was an excellent opportunity for the Service to conduct a study regarding the framework extension. In a subsequent

letter, they supported the "liberal" alternative's days and bag limit, but were very concerned that the alternative offered little additional benefit to extreme northern States and extreme southern States, while providing additional benefit to mid-latitude States. They estimated that a January 31 framework closing date would result in, at most, an increased harvest of 18,500 mallards in Alabama, Louisiana, and Mississippi. Lastly, they believe that present framework dates do not afford their hunters the same hunting opportunities as hunters in mid-latitude States because their States do not have the opportunity to select a hunting season that coincides with the greatest number of birds available to the hunting public.

Senators Trent Lott and Thad Cochran of Mississippi urged support for extending the framework closing date to January 31 in Mississippi with the same number of days and bag limit as other States in the Mississippi Flyway.

Senator Richard Shelby of Alabama urged support for extending the framework closing date to January 31 in Alabama. Senator Shelby believed the current season deprives Alabama hunters of their best opportunity to harvest ducks.

Senator Mary Landrieu of Louisiana supported the recommendation of the Lower-Region Regulations Committee of the Mississippi Flyway Council for extending the framework closing date to January 31 for the 1997-98 hunting season.

Representatives Bennie G. Thompson, Mike Parker, Gene Taylor, Charles Pickering, and Roger Wicker of Mississippi supported the recommendation of the Lower-Region Regulations Committee of the Mississippi Flyway Council for extending the framework closing date to January 31 with the same number of days and bag limit as other States in the Mississippi Flyway.

The Mississippi State Senate adopted a resolution urging the Mississippi U.S. Congressional Delegation to express to the Service the need and support for a duck hunting framework closing date of January 31 for the Mississippi Flyway. The resolution stated that peak duck populations in Mississippi occur from late December through January, a January 31 framework closing date would not adversely impact the survival rate of ducks, and Mississippi hunters were denied the same opportunity to hunt ducks afforded to hunters in the northern and central portions of the Mississippi Flyway.

State Representatives Dick Livingston and Tom Cameron and State Senators

Lynn Posey and Neely Carlton of Mississippi requested a January 31 framework closing date for the Lower Region of the Mississippi Flyway beginning in the 1997-98 hunting season.

State Representative Michael J. Michot of Louisiana requested a January 31 framework closing date for Louisiana for the 1997-98 hunting season.

Governor Kirk Fordice of Mississippi requested a January 31 framework closing date for the Lower Region of the Mississippi Flyway beginning in the 1997-98 hunting season. Governor Fordice stated that the present framework does not afford Mississippi hunters the same hunting opportunities as hunters in mid-latitude States since Mississippi does not have the opportunity to hunt when the greatest number of birds are available to the hunting public.

The City of Grenada, Mississippi, urged consideration of a season ending after the first week in February so as to allow Mississippi hunters the same hunting opportunities afforded other States in the Mississippi Flyway.

The Delta Wildlife Foundation of Mississippi supported the recommendations of the Lower-Region Regulations Committee of the Mississippi Flyway Council for extending the framework closing date to January 31 for the 1997-98 hunting season. They supported the "liberal" alternative's days and bag limit, but were concerned that the alternative offered little additional benefits to extreme northern States and extreme southern States, while providing additional benefits to mid-latitude States. They estimated that a January 31 framework closing date would result in, at most, an increased harvest of 18,500 mallards in Alabama, Louisiana, and Mississippi. Lastly, they believe that the present framework does not afford their hunters the same hunting opportunities as hunters in mid-latitude States since their States do not have the opportunity to select a hunting season that coincides with the greatest number of birds available to the hunting public.

The Mississippi Wildlife Federation expressed support for a later framework closing date in January, citing the fact that Mississippi overwinters the third largest number of waterfowl in the Mississippi Flyway, but only ranks 11th out of 14 States in the Flyway in waterfowl harvest.

The Delta Outfitters Association of Mississippi requested that a January 31 framework closing date be approved for the Lower Region of the Mississippi Flyway beginning with the 1997-98 hunting season.

The Alabama Waterfowl Association supported a January 31 framework closing date in Alabama.

One hundred and eighty-three individual commenters and 128 petitioners from Mississippi recommended either a later framework closing date or an extension to January 31. Most commenters believed the majority of waterfowl do not arrive in Mississippi until mid- to late-January after the current season closes. Further, many cited the opinion that due to the Service's unfair frameworks policy, southern waterfowlers are not given the same hunting opportunities as those given to hunters in northern States.

Twenty-three individuals and 11 petitioners from Mississippi recommended a framework closing date extension to February 9. Three individuals from Mississippi recommended a season running through the middle of February.

Thirty-three individuals and eight petitioners from Alabama urged the Service to extend the framework closing date to at least January 31 in Alabama.

The Louisiana Wildlife Federation supported modifying the framework closing date to allow hunting through the last weekend in January, provided that the late-season disturbance was not shown to be an impediment to the overall population or to achieving the NAWMP goals. Twenty-six individuals from Louisiana recommended a duck hunting season closing either at the end of January or in early February.

Commenters from Tennessee also requested a later framework closing date. Three individuals urged the Service to extend the framework closing date to at least January 31 in Tennessee while four other individuals thought the season should be extended until the end of February. One individual simply requested later seasons, while another suggested changing the framework closing date to either the Sunday nearest January 20 or January 20, whichever was later.

Individuals from other States also requested modifications to the framework dates. Individuals in Ohio, Texas, and Virginia recommended a closing date of January 31, while commenters in California, New Jersey, and Florida asked for the season to end later. Individuals in Washington and California recommended closing dates in mid- to late February. Three individuals in Michigan and Minnesota requested a framework opening date of the last Saturday in September rather than the Saturday nearest October 1.

An individual from Montana questioned the Service's conclusions regarding the Iowa early duck season.

Specifically, he questioned whether looking at total season harvest was the best way to evaluate the effects of Iowa's experimental seasons (1979-84).

The Minnesota Department of Natural Resources (Minnesota) expressed serious concerns about the proposals to extend framework opening and closing dates, stating that the proposed changes would alter the current distribution of duck harvest within and among Flyways. Minnesota commented that shifting hunting opportunity further to the south through a framework extension would be unacceptable to Minnesota and would allow a reallocation of harvest by default.

The Wisconsin Department of Natural Resources (Wisconsin) did not support modification of the frameworks at this time. Wisconsin stated, however, that if the Service were to seriously consider changing the framework closing date, it must also consider changes to the framework opening date. Wisconsin believed that extending the framework date to the end of January without modifying the opening framework dates would only serve to widen the gap in hunting opportunities currently offered in the Mississippi Flyway. Wisconsin further recommended that the Service establish a timetable and a process to allow a thorough discussion of the implications of framework modification for all Flyways.

Although supporting the proposed alternatives, the Missouri Department of Conservation (Missouri) believed the 1996-97 regulations provided excellent hunting opportunity and would prefer retaining these options rather than any additional wholesale changes in frameworks. Missouri was concerned that the potential biological impacts of framework extensions had not been adequately considered and that a rigorous evaluation would be necessary. Missouri further believed that this was not a high priority for AHM at this time and questioned whether issues of harvest allocation should even be a part of the AHM process, stating that these issues were largely social, not technical. In a subsequent comment letter, Missouri was pleased that the Service adopted the AHM working group's recommendations concerning framework dates and agreed with the assessment that issues of harvest, allocation of hunting opportunity, and biological impacts must be addressed when considering future framework proposals. Missouri continued to question whether frameworks were among the most pressing needs for AHM at this time.

The Virginia Department of Game and Inland Fisheries opposed any

lengthening of the season framework as proposed by the Central Flyway Council and Lower-Region Regulations Committee of the Mississippi Flyway Council. Although sympathetic with the desire of these Flyways to maximize hunting opportunities, they felt that a change of this magnitude requires a thorough review and discussion of the implication for all flyways.

The Georgia Department of Natural Resources voiced concern over the framework extensions proposed by the Central Flyway Council and Lower-Region Regulations Committee of the Mississippi Flyway Council. They believed the increase in the harvest due to the extended frameworks and the potential that this action would lead to more restrictive and variable harvest strategies throughout all Flyways was inappropriate. They further urged the Service to adhere to the 1996 joint Flyway Council recommendation to maintain traditional allocation of hunting opportunities when considering changes to regulatory alternatives. They were also concerned about the potential effect of framework extensions on other species of ducks, such as wood ducks and black ducks and that the potential effects on other species should be closely weighed before considering any framework changes. They requested the Service review framework extensions in a thorough and scientific manner and that the issue receive a thorough review through the Flyway Council process before any changes are considered or implemented.

The Florida Game and Fresh Water Fish Commission (Florida) supported the Service's decision not to extend framework closing dates for the 1997-98 season. Florida further commented that if framework dates were extended, those extension should be made equally available to all Flyways. However, they believed that adjusting framework dates could influence the relative allocation of harvest among States, the size of the harvest, and the population dynamics of waterfowl. Florida believed that this issue merits further evaluation by the Service and the Flyway Councils and asked the AHM working group to evaluate framework extensions for use with the "liberal" alternative.

The Delaware Division of Fish and Wildlife (Delaware) concurred with the Service's position on the framework extension issue and requested that no such changes be granted until all four Flyway Councils had adequate time to address the issue. Delaware further commented that the framework extensions proposed by the Central Flyway Council and Lower-Region Regulations Committee of the

Mississippi Flyway Council were counter to the 1996 joint Flyway Council recommendation to maintain traditional allocation of hunting opportunities when considering changes to the AHM regulatory alternatives.

The New Jersey Division of Fish, Game and Wildlife (New Jersey) was concerned that any duck hunting framework extensions had the potential to affect all States in all Flyways, including reducing the frequency with which "liberal" and "moderate" regulatory alternatives would be selected. They were also concerned that the traditional allocation of duck harvest in the U.S. could be altered. They strongly urged the Service to seek a thorough and scientific review by each Flyway Council before taking any action on framework modifications.

The Massachusetts Division of Fisheries and Wildlife (Massachusetts) opposed the extensions of frameworks at this time. Massachusetts believed that the proposed September openings and January 31 framework closing date would impact States throughout the Flyways and has not been adequately examined. Massachusetts was particularly concerned about species such as wood ducks.

The Arizona Game and Fish Department concurred with the Service's June 6 **Federal Register** not to extend the framework closing date to January 31. They believed that although additional harvest likely would occur, such an extension would not be beneficial to the pintail population and would complicate the evaluation of regulatory changes already proposed.

Several individuals from Tennessee and Louisiana expressed strong opposition to extending the framework closing date past January 20, citing concerns for the conditions of the ducks and the lack of hunting opportunity later in January.

The California Waterfowl Association expressed concerns about the impacts of either earlier framework opening dates or later framework closing dates.

Individuals in Pennsylvania and Iowa believed the season in their respective States closed too early. Individuals in California and Oregon expressed support for extending the hunting season.

**Service Response:** In 1995, the Service established AHM framework opening and closing dates of the Saturday nearest October 1 to the Sunday nearest January 20 for the Pacific, Central, and Mississippi Flyways, and fixed dates of October 1 to January 20 for the Atlantic Flyway (60 FR 50045). In 1996, the Service denied requests for a January 31 closing date in Mississippi, but

recognized that the suitability of all aspects of the regulatory alternatives, including framework dates, should be investigated by the AHM technical working group. All four Flyway Councils, in joint recommendations dated July 28, 1996, assigned a high priority to refining the AHM regulatory alternatives and asked the technical working group to draft recommendations prior to the 1997 regulatory cycle. In the fall of 1996, the technical working group circulated a questionnaire to all States seeking input regarding concerns with the current regulatory alternatives. Fifty-four percent of States nationwide believed the current framework dates of approximately October 1 to January 20 were satisfactory, while 32 percent believed the dates were too constrained. Overall, States ranked framework dates as the sixth most important regulatory issue, after issues involving season lengths, bag limits, and the number of regulatory alternatives. The Service recognizes that questionnaires received from Central and Mississippi Flyway States indicated a somewhat higher level of dissatisfaction with established framework dates than the national average.

After extensive deliberation and consideration of input by States and Flyway Councils, the AHM technical working group recommended no change in framework dates from those established in 1995 (62 FR 12054). The Service's Migratory Bird Regulations Committee reviewed the working group's recommendations with the Flyway Council Regulations Consultants at the January 23, 1997, meeting and there were no indications that framework dates of approximately October 1 to January 20 would not be satisfactory to most States. On April 22, 1997, representatives from the Service met with Flyway Council Chairmen and Regulations Consultants to consider the Flyway Councils' recommendations for the AHM regulatory alternatives. Representatives from the Atlantic, Central, and Pacific Flyway Councils, and from the Upper-Region Regulations Committee of the Mississippi Flyway Council, agreed that framework dates should not be extended beyond those currently in use for the 1997-98 season; however, the representatives agreed the issue should be reviewed further by the AHM working group and all four Flyway Councils. Because changes in framework dates have the potential to affect all States (whether or not they set their seasons as early or late as possible), the Service believes that the issue must receive a fair and



comprehensive hearing among all stakeholders. To date, this has not occurred. Therefore, the Service will continue to use framework dates of approximately October 1 to January 20 for all AHM regulatory alternatives for the 1997-98 hunting season, as identified in the June 6 proposed rule.

In considering future requests for either earlier or later framework dates, such as those described above, the Service will focus on the following issues:

(1) Possible changes in the size of the harvest.

Experience with hunting seasons opening more than a few days before October 1 or after January 20 is limited. Mississippi experimented with a January 31 closing date during 1979-84, and Iowa was permitted an opening date for a small portion of their regular duck season of approximately September 20 during 1979-87 and 1994-96 in lieu of an early teal season. Based on a recent Service assessment, harvests of mallards and total ducks were higher in years with framework extensions in both States, relative to surrounding States where a framework extension was not available. If results from these States are representative, then proposals to extend framework dates in the Central Flyway and the Lower Region of the Mississippi Flyway would be expected to increase the harvest of midcontinent mallards by approximately 13 percent. This increase would be in addition to the 10-15 percent increase in mallard harvest expected from the proposed increase in season length under the "liberal" alternative. Based on this assessment, adoption of the Central and Mississippi Flyway proposals would lead to a more conservative harvest strategy for all States, whether or not they could take advantage of the extended framework dates. Current projections suggest that the frequency of "liberal" regulations could be reduced by as much as one-half, and that the frequency of "very restrictive" and "restrictive" regulations could double. The Service currently is preparing a final report on this assessment, which should be available by September 1, 1997.

(2) Re-allocation of hunting opportunity and harvest within and among Flyways.

Based on the survey conducted by the AHM technical working group, most States are satisfied with the distribution of hunting opportunity within and among Flyways. Nationwide, concerns regarding allocation of hunting opportunity among States ranked last among those concerns with the current AHM regulatory alternatives. Also, all

Flyway Councils passed a joint recommendation (July 28, 1996) asking the Service to maintain traditional allocations of hunting opportunity among Flyways when considering changes to the AHM regulatory alternatives. The Service agrees with the Flyway Councils that resolving outstanding disputes over allocation will require development of an appropriate framework for discussion and that progress is unlikely prior to promulgation of regulations for the 1997 hunting season.

(3) The potential for negative physiological impacts on ducks.

The Service reiterates its concerns that hunting disturbance in late winter may interfere with important biological functions such as pair-bonding and inhibit nutrient acquisition necessary for successful migration and reproduction (61 FR 50664). Information from a recent study of late-winter mate loss among captive-reared mallards by Mississippi State University has not alleviated these concerns because results are preliminary and cannot necessarily be applied to free-ranging mallards or other species.

The Service is concerned about public comments that hunters in the southern Mississippi Flyway are not afforded the same hunting opportunities as their northern counterparts. States of the southern Mississippi Flyway collectively enjoy hunter success (as measured by seasonal duck harvest per hunter) that is higher than that in any region of the country. Moreover, hunter success in the Mississippi Flyway is about twice as high in southern States as in northern and mid-latitude States, and this discrepancy has been increasing over time. Of the six States with the highest hunter success in the country (i.e., States above the 90th percentile for the 1979-95 average), four (Louisiana, Arkansas, Mississippi, and Tennessee) are located in the southern Mississippi Flyway. These statistics do not seem to support the contention that hunters in the southern Mississippi Flyway are not afforded the same opportunity as their counterparts in mid-latitude and northern States.

In summary, the Service is not, at this time, extending framework dates beyond those currently in use. However, the Service seeks further clarification from the Flyway Councils, States, and the public regarding the relative importance of this issue and requests comments concerning the three issues described above. The Service believes strongly that potential changes to framework dates must be approached in a methodical and comprehensive manner, and with due consideration of

both biological and sociological impacts.

#### C. Season Length

*Council Recommendations:* The Pacific Flyway Council recommended the "restrictive" regulatory alternative for their Flyway be modified from 59 days to 60 days.

*Written Comments:* The Alabama Department of Conservation and Natural Resources recommended the "very restrictive" alternative be 23 days rather than 20 days to allow for 4 full weekends of hunting.

The Missouri Department of Conservation supported the proposed change from 59 to 60 days in the "restrictive" alternative for the Pacific Flyway.

The California Waterfowl Association supported the addition of 1 day to the "restrictive" alternative in the Pacific Flyway.

Several individuals from Minnesota opposed increases in the season length under the "liberal" alternative, arguing that it would only benefit the southern States in the Mississippi Flyway.

An individual from Louisiana believed that seasons should be lengthened by 5 to 10 days.

Individuals from Kansas and Washington believed that season lengths should be extended as opposed to additional birds in the daily bag limit.

An individual from Oregon believed that season lengths did not need to be any longer. Another individual from Oregon expressed support for lengthening the seasons.

*Service Response:* The Service concurs with the request for 60 days in the "restrictive" alternative for the Pacific Flyway. This season length would allow those States opting to split their seasons into 2 segments to open on a Saturday and close on a Sunday in each segment, as has been traditional in the Pacific Flyway. The Service notes that this option becomes increasingly important to States as season length decreases and would not be a primary consideration under more liberal seasons. Other proposals for modifications to season lengths in the proposed regulatory alternatives were not compelling.

#### E. Bag Limits

*Council Recommendations:* The Mississippi, Central, and Pacific Flyway Councils endorsed the AHM working group's recommendations, and subsequent Service proposals, for total duck bag limits. The Atlantic Flyway Council originally recommended a uniform total duck bag limit of 4 in all Atlantic Flyway regulatory alternatives



to minimize the frequency of changes. However, in lieu of the Service's June 6 proposal (i.e., 3 birds in the "very restrictive" and "restrictive" alternatives and 4 birds in the "moderate" and "liberal" alternatives), the Atlantic Flyway Council preferred the AHM working group's original recommendations for total duck bag limits at the June 25, 1997, public meeting.

All Flyway Councils supported the basic mallard daily bag limits as recommended by the working group, and eventually proposed by the Service, in each of the regulatory alternatives. However, the Atlantic and Pacific Flyway Councils recommended modifications to the hen mallard daily bag limit in the "liberal" alternative. The Atlantic Flyway Council recommended that there be no hen mallard restrictions and the Pacific Flyway Council recommended a daily bag limit of 3 hen mallards instead of 2.

*Written Comments:* The New Jersey Division of Fish, Game and Wildlife recommended that there be no hen mallard restrictions in the "liberal" alternative.

The South Carolina Department of Natural Resources (South Carolina) recommended the Service adopt the 6-bird daily bag limits recommended by the AHM working group and retain hen mallard restrictions outlined in the "moderate" and "liberal" regulations alternatives. South Carolina further believed that restricting the bag limit to 4 under the "moderate" and "liberal" alternatives unnecessarily restricts hunter opportunity.

The Georgia Department of Natural Resources (Georgia) supported the intent of the Atlantic Flyway Council's recommendation of a uniform 4-bird daily bag limit to simplify regulations, improve learning of harvest strategies, and maintain hunter numbers during years of low duck populations. However, in lieu of a uniform 4-bird limit, Georgia expressed support for the original AHM working group recommendations.

The New York State Department of Environmental Conservation (New York) affirmed their continued support for the Atlantic Flyway Council's recommendation of a uniform 4-bird daily bag limit in all alternatives. However, in the interim, in lieu of a uniform 4-bird limit, New York expressed support for the Service's June 6 **Federal Register** proposal. New York believed that a 6-bird daily bag limit would add to communication challenges to implementing AHM in the Atlantic Flyway.

The Florida Game and Fresh Water Fish Commission (Florida) strongly opposed the bag limits proposed by the Service for the Atlantic Flyway in the June 6 **Federal Register**. Florida was disappointed that the Service did not adopt the Atlantic Flyway Council's recommendation of a uniform 4-bird daily bag limit. Florida further believed that the Service's proposed regulatory alternatives penalizes the Atlantic Flyway in the two "liberal" alternatives without compensation in the two restrictive alternatives. In lieu of a uniform 4-bird limit, Florida preferred the original AHM working group recommendations for the 1997-98 hunting season.

The Delaware Division of Fish and Wildlife (Delaware) supported the season lengths and four regulatory alternatives for the 1997-98 season but expressed disappointment that the Service did not adopt the Atlantic Flyway Council's recommended 4-bird uniform daily bag limit. Delaware believed that providing a uniform 4-bird bag would increase hunter satisfaction and retain hunter interest in duck hunting and would provide a clearer picture of the effects of season length changes. In lieu of a uniform 4-bird limit, Delaware supported the original AHM working group recommendations for the 1997-98 hunting season. Delaware also reiterated their support for no mallard hen restrictions under the "moderate" and "liberal" alternatives.

The Massachusetts Division of Fisheries and Wildlife (Massachusetts) was disappointed with the Service's proposed bag limits in the Atlantic Flyway. Based on some of their research surveys, they recommended season length/bag limits of 20/2, 30/3, 45/4, and 60/5 for the four regulatory alternatives. Massachusetts also continued to support the removal of mallard hen restrictions in the daily bag limit and disagreed with the Service's reasoning for the proposed 2-hen bag limit. Massachusetts contends that increasing the daily bag limit for hens from 2 to 4 would increase the harvest by only 3.6 percent.

The Alabama Waterfowl Association recommended a 5-bird daily bag limit with no more than 4 mallards and 1 hen mallard.

The California Waterfowl Association supported the working group's recommendation of adding a second hen mallard to the daily bag limits under the "moderate" and "liberal" alternatives. They further recommended adding a third hen mallard under the Pacific Flyway's "liberal" alternative.

The Save Hens Alliance did not support an increase in the hen mallard daily bag limit, indicating that hen restrictions have had a positive effect on yearly breeding stocks. They further pointed out that a high percentage of hens surviving until the last few weeks of the season could be expected to return to breeding areas. As an alternative, they recommended that an extra drake mallard be added to the mallard daily bag limit.

The Great Outdoors, L.L.C., urged the Service to not tease the dedicated duck hunter with regulations that are not sustainable. They stated that the rebound in duck populations is due to a reversal in weather patterns, habitat improvements like the Conservation Reserve Program, and restrictions on season length and bag limits. They further pointed out that hunters are not requesting these liberalizations in seasons and believed that liberalizations in the shooting of hens was not ethical. They also believed that the increased use of zone/split seasons by States has increased the potential for higher harvests. Finally, they encouraged the Service to exercise common sense, restraint, and ethics, which are the foundations upon which sportsmanship is based.

Delta Waterfowl strongly opposed the proposed increase in the hen mallard bag limit under the "moderate" and "liberal" alternatives. They believed that increasing harvest on hen mallards was not warranted, that it would not be in the best interest of addressing the social aspect of waterfowl regulations, that the hunting public does not support this change.

The LaCrosse County Conservation Alliance of Wisconsin recommended that the hen mallard daily bag limit remain at 1 hen in the "liberal" alternative.

The Humane Society of the United States (HSUS) questioned the proposed bag limits for species other than mallards in the "restrictive" and "very restrictive" alternatives. HSUS believed that if mallards declined to the extent that these alternatives were adopted and the Service was correct in its assertion that mallards are good indicators of the population status of other species, then these bag limits should be set at zero until more data are available on these species.

Individual comments regarding overall bag limits and hen mallard restrictions varied widely. Several individuals from Louisiana preferred additional birds in the daily bag limit rather than additional days of season length. Other individuals from Alabama, Louisiana, California, Illinois, Indiana,

Kansas, Minnesota, Nebraska, New Mexico, Pennsylvania, Tennessee, Texas, Virginia, Wisconsin, and Wyoming saw no reason to increase bag limits beyond 5 birds per day. While most supported additional days in the "moderate" and "liberal" alternatives, most believed that current bag limits provided plenty of hunter opportunity. Other individuals from Arkansas, Minnesota, and Missouri were against any increase in the daily bag limit, while several commenters from Alabama, Connecticut, Massachusetts, Michigan, Missouri, Tennessee, and Wisconsin were in favor of a reduced 4-bird daily bag limit. One individual from Wisconsin supported a 3-bird daily bag limit, while individuals from Florida and Missouri supported a 6-bird daily bag limit.

Thirty individuals from Arkansas, Illinois, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Pennsylvania, Tennessee, Virginia, Wisconsin, and Wyoming were strongly opposed to any increase in the daily bag limit for hen mallards.

Individuals from California and Nevada expressed support for no internal bag-limit restrictions, while an individual from Oregon recommended holding bag limits at the "restrictive" alternative level. Another commenter suggested a nation-wide 3-bird daily bag limit.

**Service Response:** The Service concurs with the Atlantic Flyway Council and others who requested, in lieu of a constant 4-bird bag, a return to total bag limits in the Atlantic Flyway that were originally recommended by the AHM working group (i.e., 3 birds in the "very restrictive" and "restrictive" alternatives and 6 birds in the "moderate" and "liberal" alternatives).

Regarding mallard hen restrictions, the Service does not support the changes in hen restrictions recommended by the Atlantic and Pacific Flyway Councils. Although the role of sex-specific bag limits in regulating mallard harvests, total mortality, and recruitment is uncertain, sex-specific bag limits for mallards have been used since the early 1970's. Lower female (relative to male) bag limits (hen restrictions) have been used during 1972-96 in the Central Flyway, since 1976 in the Mississippi Flyway, and beginning in 1985 in the Atlantic and Pacific Flyways. These differential regulations were intended to direct harvest pressure away from females and thus increase annual survival of females relative to males in the population.

Recent analysis of the effects of mallard hen restrictions have shown

these restrictions to have been effective in decreasing the harvest of females relative to males. The Service continues to support the use of regulations for mallards that emphasize protection of females while allowing optimum recreational opportunity on males. Therefore, the Service believes that it would be premature to remove hen restrictions completely without further investigation of the potential biological and social consequences of such changes. Further, the Service is concerned about the potential of synergistic effects of removing all hen restrictions on the harvest of similar appearing species like mottled ducks or black ducks.

Despite these concerns, the Service supports a moderate increase in the female mallard bag limit in the "moderate" and "liberal" alternatives. Even more liberal hen bag limits have been used frequently in the past when populations were relatively high and no detrimental resource impacts were apparent. Hunters are free to exercise self-imposed ethical constraints, but the Service finds no biological justification at this time for opposing these moderate increases in female mallard bag limits.

#### *G. Special Seasons/Species Management*

##### *i. Canvasbacks*

**Council Recommendations:** The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended the Service continue its use of the Office of Migratory Bird Management's January 1994 "Draft—Canvasback Harvest Management: An Interim Strategy" to guide the 1997-98 regulatory decisions on canvasback.

**Written Comments:** Individuals from California, Michigan, and North Carolina requested a 2-bird daily bag limit for canvasbacks.

##### *ii. Pintails*

**Council Recommendations:** The Atlantic Flyway Council originally did not endorse the "Proposed Interim Strategy for Northern Pintail Harvest Regulations" circulated for Councils' review in February of this year. However, the Council subsequently commented that the revised interim pintail harvest strategy appeared to be a reasonable stepping stone to adaptive harvest management of pintails and allowed for a greater growth rate than the original proposal. The Council reiterated its concern that the final AHM pintail model be a true continental model addressing all stocks of pintails.

The Upper-Region Regulations Committee of the Mississippi Flyway Council, and the Central Flyway

Council did not endorse the Pacific Flyway Council's "Proposed Interim Strategy for Northern Pintail Harvest Regulations" as circulated for Councils' review in February of this year.

The Central Flyway Council recommended an interim, prescriptive method for determining pintail daily bag limits based on the breeding population size. The pintail limit would be 1 with a breeding population below 3.0 million; 2 with a breeding population between 3.0 and 4.5 million; 3 with a breeding population between 4.5 and 5.6 million; and equal to the overall daily bag limit with a breeding population above 5.6 million.

The Pacific Flyway Council recommended adoption of a revised "Proposed Interim Harvest Strategy." The Council's revised interim strategy included several modifications intended to address the concerns expressed by the other Flyway Councils and by the Service technical review. The revised interim strategy was presented to the Service and the other three Flyway Councils at the April 22, 1997, AHM meeting in Arlington, VA, and presented in the June 6 **Federal Register**.

At the June 26 meeting of the Service Regulations Committee, all four Flyway Council representatives gave conditional endorsement to the Pacific Flyway's April 22, 1997, revised interim pintail strategy with the additional constraints proposed by the Service in the June 6 **Federal Register**.

The revised strategy is based on a mathematical model of the continental pintail population, which assumes that:

- (1) the size of the continental population can be effectively monitored through spring surveys in the northcentral U.S., Central Canada, and Alaska,
- (2) mortality due to hunting is additive to natural mortality,
- (3) harvest in Canada and Alaska is relatively constant from one year to the next,
- (4) crippling loss is constant and proportional to the size of the retrieved harvest,
- (5) recruitment of young birds can be reasonably predicted based on the distribution of breeding pintails, and
- (6) harvest of pintails can be reasonably predicted based on the length of the season and pintail bag limit in each Flyway.

The model predicts allowable harvest of pintails in the lower 48 States based on the current size of the pintail breeding population, anticipated recruitment, anticipated natural mortality, anticipated mortality due to hunting, and the desired size of the population in the following spring.

**Public-Hearing Comments:** Mr. Robert McDowell, representing the Atlantic

Flyway Council, commented that the interim pintail harvest strategy appeared to be reasonable but reiterated the Flyway's concerns that a true continental model be developed which addressed all stocks, including those wintering in the Atlantic Flyway.

*Written Comments:* The Arizona Game and Fish Department supported the pintail strategy proposed by the Pacific Flyway Council and the Service.

The Missouri Department of Conservation questioned the value of an interim pintail strategy for 2 to 3 years until the development of an adaptive approach; however, they supported the Service's compromise.

The New Jersey Division of Fish, Game and Wildlife (New Jersey) commented that the revised interim pintail harvest strategy appeared to be a reasonable stepping stone to adaptive harvest management of pintails and allowed for a greater growth rate than the original proposal. New Jersey was concerned that the final AHM pintail model should be a true continental model addressing all stocks of pintails.

The California Waterfowl Association urged adoption of a pintail interim AHM model for determining alternative daily bag limits for the 1997-98 hunting season.

The Nevada Waterfowl Association suggested increasing the daily bag limit on male pintails for the last third of the season to help reduce the high male to female ratio.

An individual from Louisiana recommended a daily bag limit of 2 pintails, only 1 of which could be a hen, under the "liberal" alternative.

An individual from Oregon was concerned about potential increases in pintail harvest given the population status of pintails and an individual in Louisiana believed that the pintail season should be closed since the population had not recovered despite good breeding conditions. Another individual from Michigan urged the Service to treat the pintail as it had the canvasback.

*Service Response:* The Service remains concerned about the overall status of the continental population of northern pintails. The pintail breeding population in May 1997, was estimated to be 3,558,000, a 30 percent increase from last year. The breeding population of northern pintails has doubled from the low of 1,803,400 in 1991, but remains 20 percent below the long-term average and 43 percent below the population objective established in the North American Waterfowl Management Plan.

The Service recognizes the value of developing a strategy for determining

pintail hunting regulations that is technically sound and explicitly promotes growth of the pintail population. The Service believes that ultimately pintail hunting regulations should be guided by a formal AHM process. This year, a cooperative effort began to develop the needed technical foundation for a more formal incorporation of pintails into the AHM process. The Service recognizes and greatly appreciates the support for this effort provided by the Flyway Councils and participating non-governmental organizations. However, since it likely will require about three more years to complete the development and implementation of this new process, the Service believes there is merit in adopting an interim prescriptive strategy for the management of pintail harvest until the species can be fully addressed by the AHM process.

In the July 22, 1996, **Federal Register** (61 FR 37994), the Service indicated that the adoption of any interim strategy would be dependent on how the strategy addressed three key concerns: (1) explicit harvest-management objectives, (2) comprehensive model development for continental pintails, and (3) a consideration of the regulatory constraints imposed by the adaptive harvest strategy for mid-continent mallards. We believe that the strategy recommended by the Pacific Flyway Council more satisfactorily addresses these elements than does the strategy recommended by the Central Flyway. Therefore, the Service proposed in the June 6 **Federal Register** to adopt the revised interim harvest strategy proposed by the Pacific Flyway Council, with the following modifications: (1) the maximum pintail daily bag limit under any regulatory alternative in any Flyway would be limited to 3 pintails, and (2) that this interim strategy will be replaced by a more fully adaptive approach at the earliest opportunity. Further, we believe the interim pintail harvest strategy should be thoroughly reviewed in about 3 years, regardless of whether a more adaptive approach is available at that time. The Service will employ the interim pintail prescription proposed by the Pacific Flyway and the additional constraints listed above to determine appropriate pintail bag limits in all Flyways beginning in the 1997-98 hunting season.

The technical details of the Strategy are available by writing directly to MBMO at the address indicated under the caption **ADDRESSES**.

### *iii. September Teal Seasons*

*Council Recommendations:* The Lower-Region Regulations Committee of

the Mississippi Flyway Council recommended the continuance of the experimental September teal/wood duck seasons in Kentucky and Tennessee for the 1997-98 season with no change from the 1996-97 season frameworks.

The Central Flyway Council recommended a 3-year experimental teal harvest strategy in the Central Flyway based on the breeding population of blue-winged teal. When the 3-year running average breeding population of blue-winged teal is 4.7 million or greater, the Council's recommended harvest strategy would consist of two changes to the current September teal season frameworks. First, in those Central Flyway States currently allowed a September teal season, an additional 7 days of hunting (for a total of 16 days) and 1 additional teal (for a total of 5 teal) would be allowed. Second, for Central Flyway production States, the recommended harvest strategy would provide for a season of up to 7 days, beginning no earlier than September 20, and a daily bag limit of 4 ducks, 3 of which must be teal. The Council further recommended that the Service work with the States to cooperatively develop an experimental design and criteria to adequately evaluate the proposed expansion of teal harvest.

*Written Comments:* The Kansas Department of Wildlife and Parks (Kansas), Nebraska Game and Parks Commission (Nebraska), North Dakota Game and Fish Department (North Dakota), Oklahoma Department of Wildlife Conservation (Oklahoma), South Dakota Department of Game, Fish and Parks (South Dakota), and Texas Parks and Wildlife Department (Texas) supported the Central Flyway proposal for September teal seasons. Kansas and Texas commented that additional harvest provided by the proposed season expansion will not be excessive or negatively impact future teal populations. Kansas and Texas indicated that ongoing work associated with implementation of the Adaptive Harvest Management Program should not preclude completion of this management initiative. Kansas said they are willing to satisfy requirements associated with evaluation and monitoring associated with implementation of this proposed strategy. Kansas, Oklahoma and Texas indicated that this strategy will encourage the development and maintenance of wetland habitat and promote hunting by youth hunters. Nebraska pointed out that their duck breeding population was 17 percent above the most recent five-year average and would appreciate the additional

opportunity that would be provided by the Central Flyway proposal. North Dakota, South Dakota, and Wyoming indicated that approval of the Central Flyway proposal would provide additional opportunity for northern States at a time when teal populations are at an all-time high. North Dakota commented that implementation of this proposal is currently appropriate because the Central Flyway preseason duck banding program will provide information for evaluations. North Dakota pointed out that their blue-winged teal population estimate for this year is 115 percent above the long-term average.

Several individuals recommended higher daily bag limits for teal given the current population level. Two individuals from Texas recommended a 5-teal daily bag limit while an individual from Missouri recommended a 6-teal limit. Another individual from Texas questioned why the Service was reluctant to increase the teal season length and bag limit.

*Service Response:* It is important that any proposal for expanding the current teal season include a comprehensive evaluation plan and be coordinated within and among the Flyways. Identifying the full scope of any expansion is important, because it will dictate how extensive the evaluation plan must be.

The Central Flyway proposal does not include an evaluation plan. As previously stated, the evaluation plan must include study objectives, experimental design, decision criteria, and identification of data needs. The evaluation plan should address not only potential impacts to teal populations, but also impacts to nontarget species and the ability of hunters to comply with special-season regulations. Further, the September teal season bag limit should be limited to teal and not expanded to include other species, as was contained in the Central Flyway's proposal.

In an effort to further define what would comprise an acceptable evaluation plan, the Service suggests that any plan should consider the following: (1) description of the population dynamics of teal (e.g., how the populations respond to changes in the environment, harvest pressure, etc.), (2) current and predicted harvest pressure on teal, (3) the levels of regulations to be considered, (4) the harvest allocation among and within (i.e., production vs. nonproduction states) Flyways, (5) the acceptable attempt rate at nontarget species (i.e., the rate at which hunters attempt to shoot ducks other than teal), and (6)

staff and financial resources to conduct the evaluation.

*iv. September Duck Seasons*

*Council Recommendations:* The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that Iowa be allowed to open the second segment of their split duck season no earlier than October 10, instead of October 15.

*Service Response:* Although this is primarily a late-season issue, the Service understands Iowa's concern for reaching a decision on the issue at this time. The Service concurs with this minor change in Iowa's framework.

*vi. Youth Hunt*

*Council Recommendations:* The Atlantic Flyway Council recommended the continuance of the youth waterfowl hunt day and requested the Service announce their intent in June. The Council further recommended that ducks, coots, mergansers, moorhens, brant and snow geese be open to harvest on the special day and requested clarification of whether youth may participate in other open migratory bird hunting seasons on that day.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that youth waterfowl hunt day bag limits be the same as the regular-season bag limits and include ducks, geese, and coots, with framework dates 14 days outside the regular duck-season framework dates instead of 10.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the inclusion of geese and coots in a 2-day youth waterfowl hunting season, with framework dates 14 days outside of the regular duck-season framework dates instead of 10.

The Pacific Flyway Council recommended continuation of the youth hunt that allows States to select outside the general season and frameworks.

*Public-Hearing Comments:* Mr. Robert McDowell, representing the Atlantic Flyway Council, encouraged the Service to make an early announcement regarding the Youth Waterfowl Hunt Day and asked to include Atlantic brant, snow geese, and moorhens along with ducks as legal game.

*Written Comments:* The New Jersey Division of Fish, Game and Wildlife encouraged the Service to make an early announcement of their intention to hold another youth hunting day. They also recommended that ducks, moorhens, brant and snow geese be open to harvest on the special day.

An individual from Wisconsin supported the establishment of a special

youth hunt for the 1997-98 hunting season. Another commenter from Nebraska thanked the Service for the establishment of the youth hunt last year.

*Service Response:* The Service appreciates the recommendations from the Flyway Councils regarding the continuation of a youth waterfowl hunting day for this hunting season. While the Service recognizes that there will be those organizations and individuals opposed to the establishment of this day on the basis of general opposition to hunting as a desirable outdoor recreational activity, the Service reiterates its belief that recreational sport hunting is a proper and compatible use of a renewable natural resource. The Service is further directed by various legislation to regulate the hunting of migratory waterfowl and views its role as one of permitting recreational harvest opportunities consistent with long-term resource conservation for all Americans. As part of this objective, the Service believes a well-educated and properly trained hunting constituency is in the best interest of the resource and views a youth hunting day as an educational opportunity to help ensure safe, high-quality hunting for future generations of Americans. The Service believes that this proposal is consistent with its responsibility to provide general education and training in the wise recreational uses of our nation's valuable wildlife resources and provides the best and safest learning environment for our youth who are interested in hunting.

Regarding the Councils' recommendation on the framework dates, the Service agrees that the period 14 days prior to and after the outside framework dates for the regular duck season provides sufficient flexibility for States to provide this opportunity to their constituents.

The Service recognizes the potential opportunity that inclusion of geese in the youth waterfowl hunt might provide. However, due to season closures and restrictions in place to protect certain populations of Canada geese in various parts of the country, the Service believes this complication is not appropriate at this point but is certainly a matter for consideration in future regulatory cycles. Further, this proposal does not preclude the inclusion of geese from the daily bag if the goose season is open at the time of the special youth hunt.

Therefore, the Service believes this opportunity should be offered during the 1997-98 hunting season and proposes the following guidelines:

(1) States may select 1 day per duck-hunting zone, designated as "Youth Waterfowl Hunting Day", in addition to their regular duck seasons.

(2) The day must be held outside any regular duck season on either a weekend, holiday, or other non-school day when youth hunters would have the maximum opportunity to participate.

(3) The day could be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season.

(4) The daily bag limit may include ducks, mergansers, coots, moorhens, and gallinules and would be the same as that allowed in the regular season. Flyway species restrictions would remain in effect.

(5) Youth hunters must be 15 years of age or younger.

(6) An adult at least 18 years of age must accompany the youth hunter into the field. This adult could not duck hunt but may participate in other seasons that are open on the special youth day.

#### 4. Canada Geese

##### A. Special Seasons

*Council Recommendations:* The Atlantic Flyway Council recommended a 3-year experimental September Canada goose season in New Jersey with a framework closing date of the first Saturday in October. The Council also recommended an experimental framework closing date of October 5 for the Long Island, New York, 1997 September Canada Goose Season.

The Pacific Flyway Council recommended several modifications to the existing special September goose seasons. The Council recommended expansion of the Washington September Canada goose hunt zone to include all of Washington for 7 consecutive days. In California, the Council recommended the establishment of a new 9-day season, with a 2-bird daily bag and possession limit, in Humboldt County, California. Harvest of up to 200 birds would be controlled through a regulated permit system. In Oregon, the Council recommended that the framework in Clatsop, Columbia, Multnomah, Washington, Clackamas, Marion, Yamhill, Polk, Linn, Benton, Lane, Lincoln, and Tullamook Counties be 14 consecutive days between September 1 and 20 with a daily bag and possession limit of 5 and 10 birds, respectively.

*Public-Hearing Comments:* Mr. Robert McDowell, representing the Atlantic Flyway Council, reiterated support for New Jersey's request for extension of the special September Canada goose season to the first Saturday in October and New York's request to extend to October 5 and cited that all criteria have been met. These additional days would increase the harvests of resident geese and help to reduce nuisance complaints.

*Written Comments:* The Maryland Department of Natural Resources opposed the extension of the framework closing date in New Jersey's September Canada goose season to the first Saturday in October. They believed that there will be an insufficient number of migrant neckbanded geese in the migrant population to evaluate the impacts of this proposed change. They further believed that due to potential differences in vulnerability to harvest between resident and migrant geese, the addition of hunting days in early October could lead to even higher than expected migrant goose harvest.

The New Jersey Division of Fish, Game and Wildlife supported the modification of the framework closing date in New Jersey to the first Saturday in October. They estimated that the additional days would allow hunters to harvest an additional average of 1,600 resident Canada geese which would help slow population growth and reduce the number and severity of nuisance goose complaints. In response to Maryland's comments, they pointed out several other techniques for assessing migrant harvest during special seasons, such as the continuing telemetry studies and the initiation of Atlantic Population (AP) preseason breeding ground banding in 1997. New Jersey contends that use of these data sets will greatly enhance the understanding of arrival dates of AP geese and will replace the dependence on the disappearing migrant neck bands. New Jersey further pointed out that their proposal meets the criteria established by the Atlantic Flyway Council and the Service for special Canada goose seasons targeting resident Canada geese.

*Service Response:* At the request of the Atlantic Flyway Council, the Service temporarily extended framework closing dates in the Atlantic Flyway on resident geese in 1996 to September 25, without evaluation in most areas, and on an experimental basis to September 30 in New Jersey and North Carolina. Presently, New Jersey has completed only one year of its agreed upon 3-year evaluation.

Although extending the framework closing dates into early October in New Jersey and New York would increase harvests of resident geese and help to alleviate nuisance problems, the Service believes that further evaluation is needed before all parties are comfortable that the harvest of migrant geese will not exceed 10 percent of the harvest. Also, the Service is concerned that sample sizes of neck-banded migrant geese are no longer sufficient to estimate the percentage of migrant geese in the early seasons with any degree of

reliability. Both New Jersey's and New York's proposals indicate that the harvests of migrant geese increases rather dramatically after October 1 and there is little capability to measure precisely the percentage of migrant harvest. Thus, the Service does not support New Jersey's request until it completes its 3-year evaluation. However, based on the observations presented, the Service would support New York extending its season on Long Island from September 25 until September 30 on a 3-year experimental basis.

With respect to the Pacific Flyway Councils' recommendations, the Service supports the change to a 7-day Statewide season in Washington and the new season proposal for California, as both of these recommendations conform to the existing Service criteria for special Canada goose seasons. The Service also endorses the proposal for a 14 day experimental season in Oregon between September 1 and 20. The Service notes that a 3 year evaluation of that portion of the season occurring after September 15 is required. The Service is particularly concerned about possible impacts on Dusky Canada geese. The Service specifically requires monitoring be conducted for the presence of neck banded dusky Canada geese throughout the hunt area during this period as a part of the experimental evaluation. Additionally, the Service requires Oregon to submit an annual report of their evaluation by July 15 each year describing the results of this monitoring program. These results will be reviewed prior to continuation of the experiment during the 3-year experimental period and modifications of the area open to hunting during this period will be required if Dusky Canada geese are found to be present during the season.

##### B. Regular Seasons

*Council Recommendations:* The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended Michigan and Wisconsin be allowed to open their regular Canada goose season as early as September 7, 1997, in Michigan's Upper Peninsula and September 20, 1997, in Wisconsin.

*Service Response:* The Service concurs.

#### 9. Sandhill Cranes

*Council Recommendations:* The Central Flyway and Pacific Flyway Councils recommended that in Montana, sandhill cranes in Wheatland County and that portion of Sweet Grass County north of I-90 be delineated as Rocky Mountain Population sandhill cranes. Thus, management of these

cranes, including harvest, would be guided by the Rocky Mountain Population Sandhill Crane Management Plan, rather than the Mid-Continent Population Sandhill Crane Management Plan.

*Service Response:* The Service agrees with this minor change.

#### 14. Woodcock

*Council Recommendations:* The Atlantic Flyway Council recommended framework dates of October 6 to January 31, a 30-day season and 3-bird daily bag limit. The Council urged the Service to make assessment of the relative effects of harvest and habitat on woodcock populations a high priority.

The Mississippi Flyway Council recommended adoption of an interim woodcock harvest strategy for the Central region until such time as Regional Woodcock Management Plans and a long-term harvest strategy are completed. The interim harvest strategy would consist of the following:

The following harvest restrictions would be implemented when the cumulative change since 1968 in the number of woodcock heard in the Singing-ground Survey exceeds 51 percent for the Central Management Region:

(1) Season framework dates would be the Saturday nearest September 22 through January.

(2) The daily bag limit would be reduced from 5 to 3 birds.

*Public-Hearing Comments:* Mr. Robert McDowell, representing the Atlantic Flyway Council, expressed reluctant support for the recommendation for more restrictive framework dates and season lengths for woodcock. However, he indicated that given the proposed September 20 opening framework in the Mississippi and Central Flyway States, perhaps October 1, rather than October 6, would be a more appropriate opening date for the Atlantic Flyway. He encouraged the Service to assess the relative roles of harvest and habitat changes in woodcock population declines.

Mr. Charles D. Kelley, representing the Southeastern Association of Fish and Wildlife Agencies, acknowledged the problem with declining woodcock populations and encouraged the Service to work with the States to address the problem of diminishing woodcock habitat.

Mr. William H. Goudy, representing the Ruffed Grouse Society, expressed concern about the lost recreational opportunity that will result from reduced season lengths and bag limits, particularly in the Mississippi Flyway.

Although the change in bag limits would be acceptable, he regretted the loss in days. He indicated that the population data on which the Service bases its decisions is flawed and subject to criticism and that there is no information on what effects the changes in regulations will have. He expressed support for the expanded use of zones for woodcock hunting.

*Public-Hearing Comments:* Mr. Robert McDowell, representing the Atlantic Flyway Council, stressed that the decline in woodcock numbers was of great concern and supported the proposed harvest restrictions, but questioned the ability to assess the role of harvest in woodcock population dynamics.

*Written Comments:* The New Jersey Division of Fish, Game, and Wildlife supported the Atlantic Flyway Council's recommended framework dates of October 6 to January 31, a 30-day season and 3-bird daily bag limit. Although they believed that the population declines were the result of habitat changes and harvest played little or no role in the declines, they realized that the data bases regarding woodcock populations are not adequate to assess the role of harvest in woodcock population dynamics. They further urged the Service to make assessment of the relative effects of harvest and habitat on woodcock populations a high priority.

The Louisiana Wildlife Federation (LWF) urged the Service to reconsider and allow for a 65-day season and a 5-bird daily bag limit in the Central Region. The LWF was concerned that the proposed reductions would reduce participation and needed support for woodcock conservation.

Two individuals from Michigan and one from Ohio supported more restrictive woodcock hunting regulations with two indicating that restrictions were overdue. They also noted the importance of habitat management.

Three individuals from Wisconsin and one from Michigan supported reducing the bag limit from 5 to 3 birds but expressed concerns about other possible regulatory changes. Three of these individuals indicated a shorter season would be acceptable but felt that the framework opening date should remain September 15, noting that hunting opportunity in northern areas would be affected disproportionately by a later framework opening date.

An individual from Wisconsin felt that changes in regulations should only be made when it is certain that they will help the population. He also indicated

the season should begin before October 1 and that it should not be shorter than 45 days.

An individual from Michigan indicated that based on his personal observations, woodcock populations have not declined. He felt that an opening date later than September 15 would take away the best time to hunt and suggested different opening and closing dates based on latitude. Another individual from Michigan implied that regulations should not be changed unless hunting mortality is causing the population declines. She also listed a number of questions related to woodcock population ecology she believes the Service should answer, presumably before changing regulations.

An individual from Kentucky thought that reducing the woodcock harvest would help a little but would not solve the problem. He noted the importance of habitat management.

Seventeen individuals from Louisiana, one individual from Pennsylvania, and one from Vermont opposed changes in regulations, generally citing habitat changes and/or weather as the causes of the woodcock population decline. Many of these individuals were concerned that more restrictive regulations would reduce the number of woodcock hunters and thus, support for woodcock conservation. Four of these individuals indicated that the Service should improve its ability to monitor woodcock populations before restricting hunting regulations.

An individual from Louisiana was not opposed to restrictions provided that accurate data indicate that hunting pressure is the major cause of the population declines.

Three individuals from Texas opposed more restrictive hunting regulations based on the presumption that the Singing-ground Survey is statistically flawed and potentially biased.

*Service Response:* Woodcock populations have declined significantly since the 1960s, and in recent years reproductive success has been poor. The Service is very concerned about the ongoing declines in woodcock populations. Although hunting mortality is not believed to be the major force driving the declines, the Service believes some restrictions to woodcock harvest management are appropriate given the current status and trends of woodcock populations and the limited information on the role of hunting mortality and other factors in woodcock population dynamics. While habitat changes appear to be the primary cause of the woodcock population declines, other factors, including hunting

mortality, may be contributing to the declines, and the importance of these factors may increase as populations, reproductive success, and the habitat base decline. Thus, the Service believes that hunting regulations should be commensurate with woodcock population status and rates of decline. A combination of changes in framework dates, bag limits, and season length are necessary in order to achieve a significant reduction in harvest that is shared throughout the range of the woodcock.

Therefore, in response to continuing long-term declines in the woodcock population, the Service is proposing several framework changes. In the Eastern Region, the Service concurs with the recommendation from the Atlantic Flyway Council and proposes framework dates of October 6 through January 31, season length of 30 days, and a daily bag limit of 3 birds. New Jersey may continue to select 2 zones with a reduced season length of 24 days in each zone. In the Central Region, the Service proposes framework dates of the Saturday nearest September 22 (September 20 this year) through January 31, a reduced season length of 45 days (from 65 days), and a bag limit reduction from 5 to 3 birds.

The Service's proposal is intended to reduce harvest, but not reduce the number of participatory hunters. The proposed restrictions represent a compromise to achieve a reduction in harvest while still allowing reasonable recreational opportunity.

The Service also acknowledges that existing woodcock surveys are somewhat limited compared to surveys for some other migratory bird species, and believes this is one of the reasons a cautious approach to harvest management is appropriate. Although the Service always seeks to improve its monitoring programs whenever practical, woodcock populations are inherently difficult to monitor because of the bird's inconspicuous nature and preference for areas with dense vegetation. Although some aspects of the Singing-ground Survey may warrant scrutiny and/or improvement, the current survey provides the only index to changes in abundance of breeding populations of woodcock and the results are used with confidence to guide the decision-making process. Improved information on total woodcock harvest and hunter success will be available when the Harvest Information Program, currently being implemented by the Service and State wildlife agencies, is fully implemented. Unfortunately, this information is not likely to clarify the

relationship between hunting mortality and population status.

The Service notes that a 30-day season with an October 1 framework opening date would result in little or no reduction in harvest in the northern states in the Atlantic Flyway, where much of the harvest in the Flyway occurs. Thus, the Service concurs with the original October 6 recommendation by the Atlantic Flyway Council, which was not predicated on the establishment of specific regulations in the Mississippi and Central flyways.

The Service believes zoning has the potential to increase the harvest of woodcock, and therefore does not support the expanded use of zoning at a time when more restrictive woodcock hunting regulations are being established to bring harvest opportunities to a level more commensurate with current woodcock population status.

The Service seeks active participation by the Flyway Councils to address the major factors behind long-term population declines, and to develop a long-term harvest strategy for woodcock.

#### **17. White-winged and White-tipped Doves**

*Council Recommendations:* The Central Flyway Council recommended removing the restriction of no more than 6 white-winged doves in the aggregate daily bag limit during the regular mourning dove season in Texas.

*Service Response:* The Service supports removing the restriction on the number of white-winged doves allowed within the aggregate daily bag limit during the regular dove season in Texas. White-winged doves have been expanding their distribution and density northward in Texas. Populations have doubled since 1989 with an estimated 702,000 whitewings nesting in a 17-county area north of the Lower Rio Grande Valley (LRGV) which, historically, was the only area occupied by the birds. No increase in harvest is expected for whitewings in the LRGV. In the remainder of the State, a harvest increase of 15 percent is projected.

#### **18. Alaska**

*Council Recommendations:* The Pacific Flyway Council recommended an experimental tundra swan season in the Kotzebue Sound region of Alaska's Game Management Unit (GMU 23), which would be consistent with the Pacific Flyway Management Plan's harvest and permit guidelines for the Western Population of [Tundra] swans, and current guidelines for conducting experimental seasons (3-year evaluation). The recommended season

framework would be September 1 - October 31 with a 3-swan per season limit (by sequential permit) and a maximum of 300 permits in the GMU.

The Pacific Flyway Council recommended an increase in Alaska's dark goose daily bag and possession limits from 4 and 8 to 6 and 12, respectively in GMU 9(D) and the Unimak Island portion of Unit 10.

The Pacific Flyway Council recommended an increase in Alaska's falconry bag limits to 6 daily and 12 in possession for migratory birds in the aggregate. Restrictive species limits would not be applied.

*Service Response:* The Service concurs with the proposal to offer an experimental Tundra swan season in GMU 23 consistent with the management plan and hunt guidelines in the Flyway Management plan. The Service also supports the change in the dark goose bag and possession limits in Units 9(D) and the Unimak Island portion of Unit 10. The Service finds no compelling rationale for the request to alter the falconry bag and possession limits in Alaska and will maintain the existing national falconry bag and possession limits in all States.

#### **23. Other**

##### **A. Compensatory Days**

*Council Recommendations:* The Atlantic Flyway Council requested the Service grant compensatory days for States in their Flyway that are closed to waterfowl hunting statewide on Sunday by State law. The Council's requested compensatory days would apply to waterfowl seasons only and not to other migratory game birds. The compensatory request includes the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia. The Council believes that allowing granting this request at this time will allow integration of these changes into AHM evaluations of harvest rates in the Flyway and selection of appropriate regulatory alternatives.

*Public-Hearing Comments:* Mr. Robert McDowell, representing the Atlantic Flyway Council, offered to modify the Flyway's original request for compensatory days to states closed to Sunday hunting by restricting it to only those states with existing statewide prohibitions in place prior to its implementation. This action prevents any states from enacting new laws to close Sunday hunting in order to be eligible for compensatory days.

*Written Comments:* The South Carolina Department of Natural



Resources asserted that Sunday closures of waterfowl hunting are State issues and should not be addressed by the Service. South Carolina further asserted that if the Service grants compensatory days to States that are currently closed on Sundays by State law, then compensatory days should also be granted to States that enact Sunday closures in the future.

The Delaware Division of Fish and Wildlife recommended that the Service grant compensatory days in lieu of Sunday hunting on a 1 for 1 basis to restricted States with no penalty to unrestricted States.

The Maryland Department of Natural Resources (Maryland) requested that the Service grant compensatory days to the 10 Atlantic Flyway States that are closed to waterfowl hunting on Sunday by State law. They believe that compensatory days would enable these States to equally share in the recreational benefits derived from the Atlantic Flyway's waterfowl resource. Maryland supported the Federal closure of Sunday in Maryland for the taking of wild waterfowl if the Service deemed this approach necessary to provide compensatory days. However, Maryland further requested the Service give consideration to the current Sunday hunting exception Maryland grants falconers.

The New Jersey Division of Fish, Game and Wildlife (New Jersey) requested the Service grant compensatory days for States in their Flyway that are closed to waterfowl hunting statewide on Sunday by State law. New Jersey's requested compensatory days would apply to waterfowl seasons only and not to other migratory game birds. The compensatory request includes the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia.

**Service Response:** In 1995, the Service committed to working with the Atlantic Flyway Council to review and better clarify the issue of compensatory days for those States prohibiting Sunday hunting in an attempt to resolve this long-standing issue. In the past, the Service has maintained the policy that this problem is an individual State issue, to be resolved by each State removing their self-imposed restrictions. However, recognizing the difficulties involved with changing State law, the Service is sympathetic to the loss of hunting opportunity that results from the existing prohibitions on Sunday hunting. A recent Service assessment suggests that compensatory days for Sunday closures will result in a slight

percent increase in the harvest rates of mallards breeding in eastern Canada and the northeastern U.S., which would be accompanied by a small percent decrease in average breeding population size. A similar effect is expected on other species, although a formal assessment for all duck species is not yet available. Thus, after examining the various technical and policy concerns, the Service believes that any additional harvest impacts can be adjusted by changing regulatory frameworks where needed and that various administrative and procedural concerns can be managed. Therefore, during the 1997-98 hunting season, the Service proposes to offer compensatory days to States in accordance to the following guidelines:

(1) Only States in the Atlantic Flyway that prohibit Sunday hunting *Statewide* by State law prior to 1997 are eligible (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia).

(2) All Sundays will be closed to all take (including extended falconry) of migratory waterfowl (including mergansers and coots) by Federal rulemaking. Other migratory game species are not eligible for compensatory days.

(3) Season days must run consecutively within prescribed framework dates and season length, excluding the Sunday closure, and conform to existing split-season criteria. Total season days (including extended falconry) must not exceed 107 days.

#### Public Comment Invited

The Service intends that adopted final rules be as responsive as possible to all concerned interests, and wants to obtain the comments and suggestions from all interested areas of the public, as well as other governmental agencies. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. However, special circumstances involved in the establishment of these regulations limit the amount of time the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service believes allowing comment periods past the dates specified is contrary to public interest.

#### Comment Procedure

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process, whenever practical. Accordingly, interested persons may participate by submitting written comments to the Chief, MBMO, at the address listed under the caption **ADDRESSES**. The public may inspect comments during normal business hours at the Service's office address listed under the caption **ADDRESSES**. The Service will consider all relevant comments received and will try to acknowledge received comments, but may not provide an individual response to each commenter.

#### 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). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES**.

#### Endangered Species Act Consideration

As in the past, the Service will design 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 are presently under way 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 will be included in a biological opinion and may cause modification of some regulatory measures proposed in this document. The final frameworks will reflect any modifications. The Service's biological opinions resulting from its Section 7 consultation are public documents and will be 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 13, 1997, **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) in 1996 documenting the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between \$254 and \$592 million at small businesses. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. This proposed rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Service examined these proposed regulations under the Paperwork Reduction Act of 1995. The various information collection requirements are utilized in the formulation of migratory game bird hunting regulations. OMB has approved these information collection requirements and assigned clearance numbers 1018-0015 and 1018-0023.

#### 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 proposed 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.

The rules that eventually will be promulgated for the 1997-98 hunting season are authorized under 16 U.S.C. 703-711, 16 U.S.C. 712, and 16 U.S.C. 742 a-j.

Dated: July 16, 1997.

**Joseph E. Doddridge,**

*Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.*

#### Proposed Regulations Frameworks for 1997-98 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposed frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select for

certain migratory game birds between September 1, 1997, and March 10, 1998.

#### General

*Dates:* All outside dates noted below are inclusive.

*Shooting and Hawking (taking by falconry) Hours:* Unless otherwise specified, from one-half hour before sunrise to sunset daily.

*Possession Limits:* Unless otherwise specified, possession limits are twice the daily bag limit.

*Area, Zone, and Unit Descriptions:* Geographic descriptions are contained in a later portion of this document.

*Compensatory Days in the Atlantic Flyway:* In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia, where Sunday hunting is prohibited statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

#### Special September Teal Season

*Outside Dates:* Between September 1 and September 30, an open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

*Hunting Seasons and Daily Bag Limits:* Not to exceed 9 consecutive days, with a daily bag limit of 4 teal.

*Shooting Hours:* One-half hour before sunrise to sunset, except in Arkansas, Illinois, Indiana, Missouri, and Ohio, where the hours are from sunrise to sunset.

#### Special September Duck Seasons

Florida: An experimental 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate.

Kentucky and Tennessee: In lieu of a special September teal season, an experimental 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks.

Iowa: Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks which are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 20). The daily bag and

possession limits will be the same as those in effect last year, but are subject to change during the late-season regulations process. The remainder of the regular duck season may not begin before October 10.

#### Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyway)

*Outside Dates:* Between September 15 and January 20.

*Hunting Seasons and Daily Bag Limits:* Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate of the listed sea-duck species, of which no more than 4 may be scoters.

*Daily Bag Limits During the Regular Duck Season:* Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and must be included in the regular duck season daily bag and possession limits.

*Areas:* In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina and Virginia; and provided that any such areas have been described, delineated, and designated as special sea-duck hunting areas under the hunting regulations adopted by the respective States.

#### Special Early Canada Goose Seasons

##### Atlantic Flyway

##### General Seasons

Canada goose seasons of up to 15 days during September 1-15 may be selected for the Montezuma Region of New York; the Lake Champlain Region of New York and Vermont; the Counties of Caroline, Cecil, Dorchester, and Talbot in Maryland; Delaware; and Crawford County in Pennsylvania. Seasons not to exceed 20 days during September 1-20 may be selected for the Northeast Hunt Unit of North Carolina. Seasons may not exceed 25 days during September 1-25 in the remainder of the Flyway, except

Georgia and Florida, where the season is closed. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

*Daily Bag Limits:* Not to exceed 5 Canada geese.

#### Experimental Seasons

Experimental Canada goose seasons of up to 30 days during September 1–30 may be selected by New Jersey, New York (Long Island Zone), North Carolina (except in the Northeast Hunt Unit), and South Carolina. Experimental Canada goose seasons of up to 25 days during September 1–25 may be selected in Crawford County, Pennsylvania. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

*Daily Bag Limits:* Not to exceed 5 Canada geese.

#### Mississippi Flyway

##### General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected, except in the Upper Peninsula in Michigan, where the season may not extend beyond September 10, and in the Michigan Counties of Huron, Saginaw and Tuscola, where no special season may be held. The daily bag limit may not exceed 5 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

#### Central Flyway

##### General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected. The daily bag limit may not exceed 5 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

#### Pacific Flyway

##### General Seasons

Wyoming may select an 8-day season on Canada geese between September 1–15. This season is subject to the following conditions:

1. Where applicable, the season must be concurrent with the September portion of the sandhill crane season.
2. All participants must have a valid State permit for the special season.
3. A daily bag limit of 2, with season and possession limits of 4 will apply to the special season.

Oregon may select an experimental special Canada goose season of up to 15 days during the period September 1–20. Daily bag limits may not exceed 5

Canada geese. At a minimum, Oregon must provide an annual evaluation of the number of Dusky Canada geese present in the hunt zone during the period September 16–20 and agree to adjust seasons as necessary to avoid any potential harvest of Dusky Canada geese.

Washington may select a special Canada goose season of up to 15 days during the period September 1–15. Daily bag limits may not exceed 3 Canada geese.

Idaho may select a 15-day season in the special East Canada Goose Zone, as described in State regulations, during the period September 1–15. All participants must have a valid State permit and the total number of permits issued may not exceed 110 for this zone. The daily bag limit is 2.

Idaho may select a 7-day Canada Goose Season during the period September 1–15 in Nez Perce County, with a bag limit of 4. All participants must have a valid State permit and the total number of permits is not to exceed 200 for the season in Nez Perce County.

California may select a 9-day season in Humboldt County during the period September 1–15.

Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

#### Regular Goose Seasons

Regular goose seasons may open as early as September 20 in Wisconsin and September 27 in the Upper Peninsula of Michigan. Season lengths and bag and possession limits will be the same as those in effect last year, but are subject to change during the late-season regulations process.

#### Sandhill Cranes

##### Regular Seasons in the Central Flyway:

*Outside Dates:* Between September 1 and February 28.

*Hunting Seasons:* Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

*Daily Bag Limits:* 3 sandhill cranes.

*Permits:* Each person participating in the regular sandhill crane seasons must have a valid Federal sandhill crane hunting permit in their possession while hunting.

#### Special Seasons in the Central and Pacific Flyways:

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population subject to the following conditions:

*Outside Dates:* Between September 1 and January 31.

*Hunting Seasons:* The season in any State or zone may not exceed 30 days.

*Bag limits:* Not to exceed 3 daily and 9 per season.

*Permits:* Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

*Other provisions:* Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils. Seasons in the Park-Big Horn Unit in Wyoming and Idaho are experimental.

#### Common Moorhens and Purple Gallinules

*Outside Dates:* Between September 1 and January 20 in the Atlantic Flyway, and between September 1 and the Sunday nearest January 20 (January 18) in the Mississippi and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks and no frameworks are provided in this document.

*Hunting Seasons and Daily Bag Limits:* Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

#### Rails

*Outside Dates:* States included herein may select seasons between September 1 and January 20 on clapper, king, sora, and Virginia rails.

*Hunting Seasons:* The season may not exceed 70 days, and may be split into 2 segments.

*Daily Bag Limits:*

Clapper and King Rails - In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails - In the Atlantic, Mississippi, and Central

Flyways and the Pacific-Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 daily and 25 in possession, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

### Common Snipe

*Outside Dates:* Between September 1 and February 28, except in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, where the season must end no later than January 31.

*Hunting Seasons and Daily Bag Limits:* Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

### American Woodcock

*Outside Dates:* States in the Atlantic Flyway may select hunting seasons between October 6 and January 31. States in the Central and Mississippi Flyways may select hunting seasons between the Saturday nearest September 22 (September 20) and January 31.

*Hunting Seasons and Daily Bag Limits:* Seasons may not exceed 30 days in the Atlantic Flyway and 45 days in the Central and Mississippi Flyways. The daily bag limit is 3. Seasons may be split into two segments.

*Zoning:* New Jersey may select seasons in each of two zones. The season in each zone may not exceed 24 days.

### Band-tailed Pigeons

*Pacific Coast States (California, Oregon, Washington, and Nevada)*

*Outside Dates:* Between September 15 and January 1.

*Hunting Seasons and Daily Bag Limits:* Not more than 9 consecutive days, with bag and possession limits of 2 and 2 band-tailed pigeons, respectively.

*Permit Requirement:* The appropriate State agency must issue permits or participate in the Migratory Bird Harvest Information Program.

*Zoning:* California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 7.

*Four-Corners States (Arizona, Colorado, New Mexico, and Utah)*

*Outside Dates:* Between September 1 and November 30.

*Hunting Seasons and Daily Bag Limits:* Not more than 30 consecutive days, with a daily bag limit of 5 band-tailed pigeons.

*Permit Requirement:* The appropriate State agency must issue permits or participate in the Migratory Bird Harvest Information Program.

*Zoning:* New Mexico may select hunting seasons not to exceed 20 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

### Mourning Doves

*Outside Dates:* Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

*Eastern Management Unit (All States east of the Mississippi River, and Louisiana)*

*Hunting Seasons and Daily Bag Limits:* Not more than 70 days with a daily bag limit of 12, or not more than 60 days with a daily bag limit of 15.

*Zoning and Split Seasons:* States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. The hunting seasons in the South Zones of Alabama, Florida, Georgia, Louisiana, and Mississippi may commence no earlier than September 20. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

*Central Management Unit (Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)*

*Hunting Seasons and Daily Bag Limits:* Not more than 70 days with a daily bag limit of 12, or not more than 60 days with a daily bag limit of 15.

*Zoning and Split Seasons:* States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited mourning dove season may be held concurrently with that special season (see white-winged dove frameworks).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between September 20 and January 25.

C. Each zone may have a daily bag limit of 12 doves (15 under the alternative) in the aggregate, no more than 2 of which may be white-tipped

doves, except that during the special white-winged dove season, the daily bag limit may not exceed 10 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves.

D. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

*Western Management Unit (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington)*

*Hunting Seasons and Daily Bag Limits:* Idaho, Nevada, Oregon, Utah, and Washington - Not more than 30 consecutive days with a daily bag limit of 10 mourning doves (in Nevada, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate).

Arizona and California - Not more than 60 days which may be split between two periods, September 1-15 and November 1-January 15. In Arizona, during the first segment of the season, the daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. During the remainder of the season, the daily bag limit is restricted to 10 mourning doves. In California, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

### White-winged and White-tipped Doves

*Hunting Seasons and Daily Bag Limits:*

Except as shown below, seasons in Arizona, California, Florida, Nevada, New Mexico, and Texas must be concurrent with mourning dove seasons.

Arizona may select a hunting season of not more than 30 consecutive days, running concurrently with the first segment of the mourning dove season. The daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves.

In Florida, the daily bag limit may not exceed 12 mourning and white-winged doves (15 under the alternative) in the aggregate, of which no more than 4 may be white-winged doves.

In the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

In New Mexico, the daily bag limit may not exceed 12 mourning and white-winged doves (15 under the alternative) in the aggregate.

In Texas, the daily bag limit may not exceed 12 doves (15 under the alternative) in the aggregate, of which not more than 2 may be white-tipped doves.

In addition, Texas may also select a hunting season of not more than 4 days for the special white-winged dove area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 10 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves.

### Alaska

*Outside Dates:* Between September 1 and January 26.

*Hunting Seasons:* Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of five zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

*Closures:* The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain. The hunting season is closed on Aleutian Canada geese, emperor geese, spectacled eiders, and Steller's eiders.

#### *Daily Bag and Possession Limits:*

Ducks - Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. The basic limits may include no more than 1 canvasback daily and 3 in possession.

In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, common and king eiders, oldsquaw, harlequin, and common and red-breasted mergansers, singly or in the aggregate of these species.

Light Geese - A basic daily bag limit of 3 and a possession limit of 6.

Dark Geese - A basic daily bag limit of 4 and a possession limit of 8.

Dark-goose seasons are subject to the following exceptions:

1. In Units 9(e) and 18, the limits for Canada geese are 1 daily and 2 in possession.

2. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16. Middleton Island is closed to the taking of Canada geese.

3. In Unit 10 (except Unimak Island), the taking of Canada geese is prohibited.

4. In Unit 9(D) and the Unimak Island portion of Unit 10, the limits for Canada geese are 6 daily and 12 in possession.

Brant - A daily bag limit of 2.

Common snipe - A daily bag limit of 8.

Sandhill cranes - A daily bag limit of 3.

Tundra Swans - Open seasons for tundra swans may be selected subject to the following conditions:

1. All seasons are by registration permit only.

2. All season Framework dates are September 1 - October 31.

3. In GMU 18, no more than 500 permits may be issued during the operational season. No more than 3 tundra swans permits may be issued per hunter and permits must be issued sequentially one at a time, upon filing a harvest report.

4. In GMU 22, no more than 300 permits may be issued during the operational season authorizing each permittee to take 1 tundra swan per season.

5. In GMU 23, no more than 300 permits may be issued during the experimental season. No more than 3 tundra swans permits may be issued per hunter and permits must be issued sequentially, one at a time, upon filing a harvest report. The experimental season evaluation must adhere to the guidelines for experimental seasons as described in the Pacific Flyway Management Plan for the Western Population of (Tundra) Swans.

### Hawaii

*Outside Dates:* Between October 1 and January 31.

*Hunting Seasons:* Not more than 60 days (70 under the alternative) for mourning doves.

*Bag Limits:* Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

### Puerto Rico

#### *Doves and Pigeons:*

*Outside Dates:* Between September 1 and January 15.

*Hunting Seasons:* Not more than 60 days.

*Daily Bag and Possession Limits:* Not to exceed 10 Zenaïda, mourning, and white-winged doves in the aggregate. Not to exceed 5 scaly-naped pigeons.

*Closed Areas:* There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

#### *Ducks, Coots, Moorhens, Gallinules, and Snipe:*

*Outside Dates:* Between October 1 and January 31.

*Hunting Seasons:* Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

#### *Daily Bag Limits:*

Ducks - Not to exceed 5.

Common moorhens - Not to exceed 6.

Common snipe - Not to exceed 8.

*Closed Seasons:* The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

*Closed Areas:* There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

### Virgin Islands

#### *Doves and Pigeons:*

*Outside Dates:* Between September 1 and January 15.

*Hunting Seasons:* Not more than 60 days for Zenaïda doves.

*Daily Bag and Possession Limits:* Not to exceed 10 Zenaïda doves.

*Closed Seasons:* No open season is prescribed for ground or quail doves, or pigeons in the Virgin Islands.

*Closed Areas:* There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

#### *Local Names for Certain Birds:*

Zenaïda dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; Common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

#### *Ducks*

*Outside Dates:* Between December 1 and January 31.

*Hunting Seasons:* Not more than 55 consecutive days.

*Daily Bag Limits:* Not to exceed 5.

*Closed Seasons:* The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

### Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

*Extended Seasons:* For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons shall not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

**Framework Dates:** Seasons must fall between September 1 and March 10.

**Daily Bag and Possession Limits:**

Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

**Regular Seasons:** General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29(k). Regular-season bag and possession limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

**Area, Unit, and Zone Descriptions**

Central Flyway portion of the following States consists of:

Colorado: That area lying east of the Continental Divide.

Montana: That area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties.

New Mexico: That area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Wyoming: That area lying east of the Continental Divide and excluding the Great Divide Portion.

The remaining portions of these States are in the Pacific Flyway.

**Mourning and White-winged Doves**

**Alabama**

South Zone - Baldwin, Barbour, Coffee, Conecuh, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone - Remainder of the State.

**California**

White-winged Dove Open Areas - Imperial, Riverside, and San Bernardino Counties.

**Florida**

Northwest Zone - The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone - Remainder of State.

**Georgia**

Northern Zone - That portion of the State lying north of a line running west to east along U.S. Highway 280 from Columbus to Wilcox County, thence southward along the western border of Wilcox County; thence east along the southern border of Wilcox County to the

Ocmulgee River, thence north along the Ocmulgee River to Highway 280, thence east along Highway 280 to the Little Ocmulgee River; thence southward along the Little Ocmulgee River to the Ocmulgee River; thence southwesterly along the Ocmulgee River to the western border of the Jeff Davis County; thence south along the western border of Jeff Davis County; thence east along the southern border of Jeff Davis and Appling Counties; thence north along the eastern border of Appling County, to the Altamaha River; thence east to the eastern border of Tattnall County; thence north along the eastern border of Tattnall County; thence north along the western border of Evans to Candler County; thence west along the southern border of Candler County to the Ochoopee River; thence north along the western border of Candler County to Bulloch County; thence north along the western border of Bulloch County to U.S. Highway 301; thence northeast along U.S. Highway 301 to the South Carolina line.

South Zone - Remainder of the State.

**Louisiana**

North Zone - That portion of the State north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell and Interstate Highway 10 from Slidell to the Mississippi State line.

South Zone - The remainder of the State.

**Mississippi**

South Zone - The Counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Pearl River, Perry, Pike, Stone, and Walthall.

North Zone - The remainder of the State.

**Nevada**

White-winged Dove Open Areas - Clark and Nye Counties.

**Texas**

North Zone - That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I-10 at Fort Hancock; east along I-10 to I-20; northeast along I-20 to I-30 at Fort Worth; northeast along I-30 to the Texas-Arkansas State line.

South Zone - That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to San Antonio; then east on I-10 to Orange, Texas.

Special White-winged Dove Area in the South Zone - That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to

Uvalde; south on U.S. 83 to TX 44; east along TX 44 to TX 16 at Freer; south along TX 16 to TX 285 at Hebbronville; east along TX 285 to FM 1017; southwest along FM 1017 to TX 186 at Linn; east along TX 186 to the Mansfield Channel at Port Mansfield; east along the Mansfield Channel to the Gulf of Mexico.

Area with additional restrictions - Cameron, Hidalgo, Starr, and Willacy Counties.

Central Zone - That portion of the State lying between the North and South Zones.

**Band-tailed Pigeons**

**California**

North Zone - Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone - The remainder of the State.

**New Mexico**

North Zone - North of a line following U.S. 60 from the Arizona State line east to I-25 at Socorro and then south along I-25 from Socorro to the Texas State line.

South Zone - Remainder of the State.

**Washington**

Western Washington - The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

**Woodcock**

**New Jersey**

North Zone - That portion of the State north of NJ 70.

South Zone - The remainder of the State.

**Special September Goose Seasons**

**Atlantic Flyway**

**Connecticut**

North Zone - That portion of the State north of I-95.

**Maryland**

Eastern Unit - Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, St. Marys, Somerset, Talbot, Wicomico, and Worcester Counties, and those portions of Baltimore, Howard, and Prince Georges Counties east of I-95.

Western Unit - Allegany, Carroll, Frederick, Garrett, Montgomery, and Washington Counties, and those portions of Baltimore, Howard, and Prince Georges Counties east of I-95.

**Massachusetts**

Western Zone - That portion of the State west of a line extending south from the Vermont border on I-91 to MA 9, west on MA 9 to MA 10, south on MA

10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone - That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I-95 to U.S. 1, south on U.S. 1 to I-93, south on I-93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I-195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge shall be in the Coastal Zone.

Coastal Zone - That portion of Massachusetts east and south of the Central Zone.

#### *New Hampshire*

Early-season Hunt Unit - Cheshire, Hillsborough, Rockingham, and Strafford Counties.

#### *New York*

Lake Champlain Zone - The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone - That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I-95, and their tidal waters.

Western Zone - That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I-81, and south along I-81 to the Pennsylvania border, except for the Montezuma Zone.

Montezuma Zone - Those portions of Cayuga, Seneca, Ontario, Wayne, and Oswego Counties north of U.S. Route 20, east of NYS Route 14, south of NYS Route 104, and west of NYS Route 34.

Northeastern Zone - That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I-81, south along I-81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I-87, north along I-87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone - The remaining portion of New York.

#### *North Carolina*

Northeast Hunt Unit - Counties of Bertie, Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

#### *South Carolina*

Early-season Hunt Unit - Clarendon County and those portions of Orangeburg County north of SC Highway 6 and Berkeley County north of SC Highway 45 from the Orangeburg County line to the junction of SC Highway 45 and State Road S-8-31 and west of the Santee Dam.

#### *Mississippi Flyway*

#### *Illinois*

Northeast Canada Goose Zone - Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties.

North Zone: That portion of the State outside the Northeast Canada Goose Zone and north of a line extending east from the Iowa border along Illinois Highway 92 to Interstate Highway 280, east along I-280 to I-80, then east along I-80 to the Indiana border.

Central Zone: That portion of the State outside the Northeast Canada Goose Zone and south of the North Zone to a line extending east from the Missouri border along the Modoc Ferry route to Modoc Ferry Road, east along Modoc Ferry Road to Modoc Road, northeasterly along Modoc Road and St. Leo's Road to Illinois Highway 3, north along Illinois 3 to Illinois 159, north along Illinois 159 to Illinois 161, east along Illinois 161 to Illinois 4, north along Illinois 4 to Interstate Highway 70, east along I-70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to I-70, then east along I-70 to the Indiana border.

#### *Iowa*

North Zone: That portion of the State north of a line extending east from the Nebraska border along State Highway 175 to State 37, southeast along State 37 to U.S. Highway 59, south along U.S. 59 to Interstate Highway 80, then east along I-80 to the Illinois border.

South Zone: The remainder of Iowa.

#### *Minnesota*

Twin Cities Metropolitan Canada Goose Zone -

A. All of Hennepin and Ramsey Counties.

B. In Anoka County, all of Columbus Township lying south of County State Aid Highway (CSAH) 18, Anoka County; all of the cities of Ramsey, Andover, Anoka, Coon Rapids, Spring Lake Park, Fridley, Hilltop, Columbia Heights, Blaine, Lexington, Circle Pines, Lino Lakes, and Centerville; and all of the city of Ham Lake except that portion lying north of CSAH 18 and east of U.S. Highway 65.

C. That part of Carver County lying north and east of the following described line: Beginning at the northeast corner of San Francisco Township; thence west along the north boundary of San Francisco Township to the east boundary of Dahlgren Township; thence north along the east boundary of Dahlgren Township to U.S. Highway 212; thence west along U.S. Highway 212 to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line.

D. In Scott County, all of the cities or Shakopee, Savage, Prior Lake, and Jordan, and all of the Townships of Jackson, Louisville, St. Lawrence, Sand Creek, Spring Lake, and Credit River.

E. In Dakota County, all of the cities of Burnsville, Eagan, Mendota Heights, Mendota, Sunfish Lake, Inver Grove Heights, Apple Valley, Lakeville, Rosemount, Farmington, Hastings, Lilydale, West St. Paul, and South St. Paul, and all of the Township of Nininger.

F. That portion of Washington County lying south of the following described line: Beginning at County State Aid Highway (CSAH) 2 on the west boundary of the county; thence east on CSAH 2 to U.S. Highway 61; thence south on U.S. Highway 61 to State Trunk Highway (STH) 97; thence east on STH 97 to the intersection of STH 97 and STH 95; thence due east to the east boundary of the state.

Northwest Goose Zone (included for reference only, not a special September Goose Season Zone) - That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Four Goose Zone - That portion of the state encompassed by a line extending north from the Iowa border along U.S. Interstate Highway 35 to the south boundary of the Twin Cities Metropolitan Canada Goose Zone, then west and north along the boundary of



the Twin Cities Metropolitan Canada Goose Zone to U.S. Interstate 94, then west and north on U.S. Interstate 94 to the North Dakota border.

Two Goose Zone - That portion of the state to the north of a line extending east from the North Dakota border along U.S. Interstate 94 to the boundary of the Twin Cities Metropolitan Canada Goose Zone, then north and east along the Twin Cities Metropolitan Canada Goose Zone boundary to the Wisconsin border, except the Northwest Goose Zone and that portion of the State encompassed by a line extending north from the Iowa border along U.S. Interstate 35 to the south boundary of the Twin Cities Metropolitan Canada Goose Zone, then east on the Twin Cities Metropolitan Canada Goose Zone boundary to the Wisconsin border.

#### *Tennessee*

Middle Tennessee Zone - Those portions of Houston, Humphreys, Montgomery, Perry, and Wayne Counties east of State Highway 13; and Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Moore, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson Counties.

Cumberland Plateau Zone - Bledsoe, Bradley, Clay, Cumberland, Dekalb, Dentress, Grundy, Hamilton, Jackson, Marion, McMinn, Meigs, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Van Buren, Warren, and White Counties.

East Tennessee Zone - Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Sevier, Sullivan, Unicoi, Union, and Washington Counties.

#### *Wisconsin*

Early-Season Subzone A - That portion of the State encompassed by a line beginning at the Lake Michigan shore in Sheboygan, then west along State Highway 23 to State 67, southerly along State 67 to County Highway E in Sheboygan County, southerly along County E to State 28, south and west along State 28 to U.S. Highway 41, southerly along U.S. 41 to State 33, westerly along State 33 to County Highway U in Washington County, southerly along County U to County N, southeasterly along County N to State 60, westerly along State 60 to County Highway P in Dodge County, southerly along County P to County O, westerly along County O to State 109, south and west along State 109 to State 26, southerly along State 26 to U.S. 12, southerly along U.S. 12 to State 89,

southerly along State 89 to U.S. 14, southerly along U.S. 14 to the Illinois border, east along the Illinois border to the Michigan border in Lake Michigan, north along the Michigan border in Lake Michigan to a point directly east of State 23 in Sheboygan, then west along that line to the point of beginning on the Lake Michigan shore in Sheboygan.

Early-Season Subzone B - That portion of the State between Early-Season Subzone A and a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

#### *Central Flyway*

##### *South Dakota*

Unit A - Deuel, Hamlin, Codington, and Day Counties.

Unit B - Brookings, Clark, Kingsbury, and Lake Counties and those portions of Moody County west of I-29 and Miner County east of SD Highway 25.

#### *Pacific Flyway*

##### *Idaho*

East Zone - Bonneville, Caribou, Fremont and Teton Counties.

##### *Oregon*

Northwest Zone - Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties.

Southwest Zone - Coos, Curry, Douglas, Jackson, Josephine, and Klamath Counties.

East Zone - Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union and Wasco Counties.

##### *Washington*

Southwest Zone - Clark, Cowlitz, Pacific, and Wahkiakum Counties.

East Zone - Asotin, Benton, Columbia, Garfield, Klickitat, and Whitman Counties.

##### *Wyoming*

Bear River Area - That portion of Lincoln County described in State regulations.

Salt River Area - That portion of Lincoln County described in State regulations.

Farson-Edon Area - Those portions of Sweetwater and Sublette Counties described in State regulations.

Teton Area - Those portions of Teton County described in State regulations.

## **Ducks**

### *Mississippi Flyway*

#### *Iowa*

North Zone: That portion of the State north of a line extending east from the Nebraska border along State Highway 175 to State 37, southeast along State 37 to U.S. Highway 59, south along U.S. 59 to Interstate Highway 80, then east along I-80 to the Illinois border.

South Zone: The remainder of Iowa.

## **Sandhill Cranes**

### *Central Flyway*

#### *Colorado*

Regular-Season Open Area - The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

#### *Kansas*

Regular Season Open Area - That portion of the State west of a line beginning at the Oklahoma border, north on I-35 to Wichita, north on I-135 to Salina, and north on U.S. 81 to the Nebraska border.

#### *New Mexico*

Regular-Season Open Area - Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Middle Rio Grande Valley Area - The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Southwest Zone - Sierra, Luna, and Dona Ana Counties.

#### *Oklahoma*

Regular-Season Open Area - That portion of the State west of I-35.

#### *Texas*

Regular-Season Open Area - That portion of the State west of a line from the International Toll Bridge at Brownsville along U.S. 77 to Victoria; U.S. 87 to Placedo; Farm Road 616 to Blessing; State 35 to Alvin; State 6 to U.S. 290; U.S. 290 to Austin; I-35 to the Texas-Oklahoma border.

#### *North Dakota*

Regular-Season Open Area - That portion of the State west of U.S. 281.

#### *South Dakota*

Regular-Season Open Area - That portion of the State west of U.S. 281.

#### *Montana*

Regular-Season Open Area - The Central Flyway portion of the State except that area south of I-90 and west of the Bighorn River.

#### *Wyoming*

Regular-Season Open Area - Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Riverton-Boysen Unit - Portions of Fremont County.

Park and Bighorn County Unit -  
Portions of Park and Bighorn Counties.

*Pacific Flyway*

*Arizona*

Special-Season Area - Game  
Management Units 30A, 30B, 31, and  
32.

*Montana*

Special-Season Area - See State  
regulations.

*Utah*

Special-Season Area - Rich County.

*Wyoming*

Bear River Area - That portion of  
Lincoln County described in State  
regulations.

Salt River Area - That portion of  
Lincoln County described in State  
regulations.

Eden-Farson Area - Those portions of  
Sweetwater and Sublette Counties  
described in State regulations.

*All Migratory Game Birds in Alaska*

North Zone - State Game Management  
Units 11-13 and 17-26.

Gulf Coast Zone - State Game  
Management Units 5-7, 9, 14-16, and 10  
- Unimak Island only.

Southeast Zone - State Game  
Management Units 1-4.

Pribilof and Aleutian Islands Zone -  
State Game Management Unit 10 -  
except Unimak Island.

Kodiak Zone - State Game  
Management Unit 8.

*All Migratory Birds in the Virgin Islands*

Ruth Cay Closure Area - The island of  
Ruth Cay, just south of St. Croix.

*All Migratory Birds in Puerto Rico*

Municipality of Culebra Closure Area  
- All of the municipality of Culebra.

Desecheo Island Closure Area - All of  
Desecheo Island.

Mona Island Closure Area - All of  
Mona Island.

El Verde Closure Area - Those areas  
of the municipalities of Rio Grande and  
Loiza delineated as follows: (1) All  
lands between Routes 956 on the west  
and 186 on the east, from Route 3 on the  
north to the juncture of Routes 956 and  
186 (Km 13.2) in the south; (2) all lands  
between Routes 186 and 966 from the  
juncture of 186 and 966 on the north, to  
the Caribbean National Forest Boundary

on the south; (3) all lands lying west of  
Route 186 for one kilometer from the  
juncture of Routes 186 and 956 south to  
Km 6 on Route 186; (4) all lands within  
Km 14 and Km 6 on the west and the  
Caribbean National Forest Boundary on  
the east; and (5) all lands within the  
Caribbean National Forest Boundary  
whether private or public.

Cidra Municipality and adjacent areas  
- All of Cidra Municipality and portions  
of Aguas, Buenas, Caguas, Cayer, and  
Comerio Municipalities as encompassed  
within the following boundary:  
beginning on Highway 172 as it leaves  
the municipality of Cidra on the west  
edge, north to Highway 156, east on  
Highway 156 to Highway 1, south on  
Highway 1 to Highway 765, south on  
Highway 765 to Highway 763, south on  
Highway 763 to the Rio Guavate, west  
along Rio Guavate to Highway 1,  
southwest on Highway 1 to Highway 14,  
west on Highway 14 to Highway 729,  
north on Highway 729 to Cidra  
Municipality boundary to the point of  
beginning.

BILLING CODE 4310-55-F

## FINAL REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 1997-98 SEASON

	ATLANTIC FLYWAY				MISSISSIPPI FLYWAY				CENTRAL FLYWAY (a)				PACIFIC FLYWAY (b)(3)			
	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB
Beginning Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Oct. 1
Closing Date	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Jan. 20
Season Length	20	30	45	60	20	30	45	60	25	39	60	74	38	60	86	107
Daily Bag Possession	3 6	3 6	6 8	6 8	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	4 8	4 8	7 14	7 14
Species/Bag Limits within the Overall Daily Bag Limit																
Mallard (Total/Female)	3/1	3/1	4/2	4/2	2/1	2/1	4/1	4/2	3/1	3/1	5/1	5/2	3/1	3/1	5/2	7/2
Pintail	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Black Duck	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
H. Merganser	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Cinnamon Teal	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Redhead	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Wood Duck	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Whistling Ducks	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Harlequin	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Mottled Duck	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway with the exception of season length. Additional days would be allowed under the various options as follows:

very restrictive - 8, restrictive - 12, moderate and liberal - 23. Under all options, additional days must be added after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway with the exception of season length. Under all options except the liberal option, an additional 7 days would be allowed.

(c) In the Columbia Basin Mallard Management Unit, all regulations would be the same as the remainder of the Pacific Flyway with the exception of season length. Under all options except the liberal option, an additional 7 days would be allowed.

(d) In Alaska, framework dates, bag limits, and season length would be different from the remainder of the Pacific Flyway. The bag limit would be 5-7 under the very restrictive and restrictive options, and 8-10 under the moderate and liberal options.

There would be no restrictions on pintails, and canvasback limits would follow those for the remainder of the Pacific Flyway. Under all options, season length would be 107 days and framework dates would be Sep 1 - Jan 26.