

and other pleadings that consist only of legal argument) must be verified by the person offering the statement, in the following manner:

I, [Name and Title of Witness], verify under penalty of perjury, under the laws of the United States of America, that all information supplied in connection with this application is true and correct. Further, I certify that I am qualified and authorized to file this application or pleading. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

[Signature and Date]

(f) If completion of a transaction requires the transfer of operating authorities or registrations from one or more parties to others, the parties shall comply with relevant procedures of the Office of Motor Carriers of the U.S. Department of Transportation, and comply with ministerial requirements of relevant State procedures.

PARTS 1187 AND 1188—[REMOVED]

4. Under the authority of 49 U.S.C. 721 and 14303, parts 1187 and 1188 are removed.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AE96

Migratory Bird Harvest Information Program; Participating States for the 1998-99 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) herein amends the Migratory Bird Harvest Information Program (Program) regulations. The Service requires all States except Hawaii to participate in the Program annually, beginning with the 1998-99 hunting season. This regulatory action will continue to require all licensed hunters who hunt migratory game birds in participating States to register as migratory game bird hunters and provide their name, address, and date of birth to the State licensing authority.

Hunters will be required to have evidence of current participation in the Program on their person while hunting migratory game birds in participating States. The quality and extent of information about harvests of migratory game birds must be improved in order to better manage these populations. Hunters' names and addresses are necessary to provide a sample frame for voluntary hunter surveys to improve harvest estimates for all migratory game birds. States will gather migratory bird hunters' names and addresses and the Service will conduct the harvest surveys.

DATES: This rule takes effect on September 1, 1998.

FOR FURTHER INFORMATION CONTACT: Paul I. Padding, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 10815 Loblolly Pine Drive, Laurel, Maryland 20708-4028, (301)497-5980, FAX (301)497-5981.

SUPPLEMENTARY INFORMATION: This final rule expands the Program to include all States except Hawaii, beginning in the 1998-99 hunting season.

Background

The purpose of this cooperative Program is to annually obtain a nationwide sample frame of migratory bird hunters, from which representative samples of hunters will be selected and asked to participate in voluntary harvest surveys. State wildlife agencies will provide the sample frame by annually collecting the name, address, and date of birth of each licensed migratory bird hunter in the State. To reduce survey costs and to identify hunters who hunt less commonly-hunted species, States will also request that each migratory bird hunter answer a series of questions to provide a brief summary of his or her migratory bird hunting activity for the previous year. States are required to ask each licensed migratory bird hunter approximately how many ducks (0, 1-10, or more than 10), geese (0, 1-10, or more than 10), doves (0, 1-30, or more than 30), and woodcock (0, 1-30, or more than 30) he or she bagged the previous year, and whether he or she hunted coots, snipe, rails, and/or gallinules the previous year. States that have band-tailed pigeon hunting seasons are also required to ask migratory bird hunters whether they intend to hunt band-tailed pigeons during the current year. States are not required to ask questions about species that are not hunted in the State (for example, Maine does not allow dove hunting, therefore, the State of Maine is not required to ask migratory bird hunters how many doves they bagged

the previous year). States will send this information to the Service, and the Service will sample hunters and conduct national hunter activity and harvest surveys.

A notice of intent to establish the Program was published on June 24, 1991 (56 FR 28812). A final rule establishing the Program and initiating a 2-year pilot phase in three volunteer States (California, Missouri, and South Dakota) was published on March 19, 1993 (58 FR 15093). The pilot phase was completed following the 1993-94 migratory bird hunting seasons in California, Missouri, and South Dakota. A State/Federal technical group was formed to evaluate Program requirements, the different approaches used by the pilot States, and the Service's survey procedures during the pilot phase. Changes incorporated into the Program as a result of the technical group's evaluation were specified in an October 21, 1994 final rule (59 FR 53334), that initiated the implementation phase of the Program. Implementation of the Program began with the addition of one State in 1994, three States in 1995 (60 FR 43318), ten States in 1996 (61 FR 46350), and five States in 1997 (62 FR 45706). Final implementation of the Program will be accomplished with the addition of 27 States (all except Hawaii) in this final rule.

All licensed hunters who hunt migratory game birds in participating States are required to have a Program validation, indicating that they have identified themselves as migratory bird hunters and have provided the required information to the State wildlife agency. Hunters must provide the required information to each State in which they hunt migratory birds. Validations are printed on, written on, or attached to the annual State hunting license or on a State-specific supplementary permit. The State may charge hunters a handling fee to compensate hunting-license agents and to cover the State's administrative costs. The Service's survey design calls for hunting-record forms to be distributed to hunters selected for the survey before they forget the details of their hunts. Because of this design requirement, States have only a short time to obtain hunter names and addresses from license vendors and to provide those names and addresses to the Service. Currently, participating States must send the required information to the Service within 30 calendar days of issuance of the migratory bird hunting authorization.

The Service has requested the cooperation of participating States to facilitate obtaining harvest estimates for

hunters who are exempted from a permit requirement and those that are also exempted from State licensing requirements. This includes several categories of hunters such as junior hunters, senior hunters, landowners, and other special categories. Because exemptions and the methods for obtaining harvest estimates for exempt groups vary from State to State, the Service will incorporate these methods into individual memoranda of understanding with participating States. Excluding from the Program those hunters who are not required to obtain an annual State hunting license also excludes their harvest from the estimates. The level of importance of the excluded harvest on the resulting estimates depends on how many hunters are excluded and on the number of birds they bag. If the level of importance is significant, excluding these hunters will result in serious bias. Minimum survey standards are being developed for exempted categories. States may require exempted hunters to obtain permits (e.g., Maryland required exempted hunters to obtain permits upon entry to the Program in 1994).

Review of Comments and the Service's Response

The Service received comments on the proposed rule from two States. Missouri expressed strong support for the Program, calling it an exemplary model of mutual cooperation between the States and the Service. Florida also supported the Program's objectives but expressed several concerns about the Program's information collection requirements.

1. Type of Information Provided by Hunters

Comments: Florida stated that the questions they ask migratory bird hunters, which were approved by the Service prior to Florida's implementation of the Program in 1997, included one more response category for ducks and doves than the number of categories specified by the Service. They also noted that in 1997, the Service approved Florida's request to ask hunters whether they hunted woodcock the previous year rather than how many woodcock they bagged. They requested clarification of the questions they are now required to ask migratory bird hunters.

Service Response: The Service does not require a specific format for the questions that ask migratory bird hunters approximately how many ducks, geese, doves, and woodcock they bagged the previous year. However, the format a State chooses must enable the

State to assign hunters' answers to the categories specified by the Service before the State sends the data to the Service. Florida's current format that includes an additional response category meets that criterion and does not need to be changed. The Service has agreed that States such as Florida, that are at the periphery of the woodcock range and that have less than 1,000 active woodcock hunters annually, may elect to ask hunters whether they hunted woodcock the previous year in lieu of asking how many woodcock they bagged. Thus, Florida's current woodcock question format also meets the Service's requirements and does not need to be changed.

2. Impact of Procedures on Hunters and Hunting License Vendors

Comment: Florida stated that the Program places an additional burden on both hunters and hunting license vendors. Migratory bird hunters and license vendors in Florida have expressed dissatisfaction with this burden, particularly the additional questions that all migratory bird hunters are asked to complete. Although Florida recognizes that hunters' responses to those questions provide the Service with useful information, they noted that the benefits to the Service come at increased costs to the States in the form of printing costs, vendor training and implementation time, and confusion and dissatisfaction on the part of hunters and vendors. They requested a critical review of the Program, including a quantitative assessment of the benefits of the required questions as compared to the monetary and social costs assumed by the States.

Service Response: The Service recognizes that this Program imposes an additional burden on States, hunters, and license vendors; that burden is quantified in this document under the caption Regulatory Flexibility Act. The Service believes, based on the experiences of States that have participated in the Program for two or more years, that dissatisfaction will dissipate as hunters and license vendors become more accustomed to the Program. The Service does not have a current assessment of the benefits derived from responses to the questions that States are required to ask migratory bird hunters, and the Service agrees that such an assessment should be included in the critical review of the Program that will be undertaken after all States have participated in the Program for at least one year.

NEPA Consideration

In compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), and the Council on Environmental Quality's regulation for implementing NEPA (40 CFR 1500-1508), the Service prepared an Environmental Assessment (EA) on the establishment of the Program and options considered in the "Environmental Assessment: Migratory Bird Harvest Information Program." This EA is available to the public at the location indicated under the **FOR FURTHER INFORMATION CONTACT** caption. Based on review and evaluation of the information in the EA, the Service has determined that amending 50 CFR 20.20 to require all States except Hawaii to participate in the Program annually, beginning with the 1998-99 migratory bird hunting season would not be a major Federal action that would significantly affect the quality of the human environment.

Regulatory Flexibility Act

On June 14, 1991, the Assistant Secretary for Fish and Wildlife and Parks concluded that the rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will affect about 3,300,000 migratory game bird hunters when it is fully implemented. It will require licensed migratory game bird hunters to identify themselves and to supply their names, addresses, and birth dates to the State licensing authority. Additional information will be requested in order that they can be efficiently sampled for a voluntary national harvest survey. Hunters will be required to have evidence of current participation in the Program on their person while hunting migratory game birds.

In total, the Service estimates that the Program information collection will impose costs on society on the order of \$4.1 million per year. The Service estimates that hunters will require about 112,000 hours to complete Program forms. At the wage rate, this time is estimated to be valued at \$1.5 million (the average estimated cost of time to an individual is less than \$0.50). The cost to the States to process and forward the Program information is estimated to be \$2.6 million. Service payments of \$0.10 per hunter name will mitigate the impact of this requirement on State wildlife budgets to some extent. Several States are imposing additional fees on migratory bird hunter registrations to cover their additional costs. However,

the Service notes that the Program costs less than two tenths of one percent of the \$3.1 billion migratory bird hunters spent in 1996 for travel, equipment, and hunting rights.

Collection of Information: Migratory Bird Harvest Information Program

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)), the Service has received approval for this collection of information, with approval number 1018-0015. The information to be collected includes: the name, address, and date of birth of each licensed migratory bird hunter in each participating State. Each licensed migratory bird hunter will also be asked to provide a brief summary of his or her migratory bird hunting activity for the previous year. Hunters' names, addresses, and other information will be used to provide a sample frame for voluntary hunter surveys to improve harvest estimates for all migratory game birds. The Service needs and uses the information to improve the quality and extent of information about harvests of migratory game birds in order to better manage these populations.

All information is to be collected once annually from licensed migratory bird hunters in participating States by the State license authority. Participating States are required to forward the hunter information to the Service within 30 calendar days of issuance of the migratory bird hunting authorization. Recent information from participating States indicates that the annual reporting and record-keeping burden for this collection of information averages 2 minutes per response for 3,300,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and record-keeping burden for this collection is estimated to be 112,000 hours.

The Department considered comments by the public on this collection of information in: (1) Evaluating whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) Evaluating the accuracy of the Department's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhancing the quality, usefulness, and clarity of the information to be collected; and (4) Minimizing the burden of the collection of information

on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques. Comments and suggestions on the information collection requirements should be sent to the Office of Information and Regulatory Affairs; OMB, Attention: Interior Desk Officer, Washington, DC 20503; and a courtesy copy to the Service Information Collection Clearance Officer, ms-224 ARLSQ, Fish and Wildlife Service, 1849 C Street, NW., Washington, DC 20240.

Executive Order 12866

This rule was not subject to OMB review under Executive Order 12866.

Unfunded Mandates

The Service has determined and certifies pursuant to 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 governments or private entities.

Civil Justice Reform

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

Regulations Promulgation

Under 5 U.S.C. 553(d)(3), at least 30 days is required for a rule to become effective unless an agency has good cause to make it sooner. All participating States have prepared for a September 1 implementation date of the Program. Generally, migratory game bird hunting seasons may begin as early as September 1, 1998, and since migratory game bird hunters are required to have a Program validation on their person while hunting migratory game birds in these States, the Service believes good cause exists to make this rule effective on September 1, 1998.

List of Subjects in 50 CFR Part 20

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

For the reasons set out in the preamble, 50 CFR part 20 is amended as set forth below.

PART 20—MIGRATORY BIRD HUNTING

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

Authority: 16 U.S.C. 703-711, 16 U.S.C. 712, and 16 U.S.C. 742 a-j.

2. Amend § 20.20 by revising paragraphs (a), (b), and (e) to read as follows:

§ 20.20 Migratory Bird Harvest Information Program.

(a) *Information collection requirements.* The collections of information contained in § 20.20 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018-0015. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The information will be used to provide a sampling frame for the national Migratory Bird Harvest Survey. Response is required from licensed hunters to obtain the benefit of hunting migratory game birds. Public reporting burden for this information is estimated to average 2 minutes per response for 3,300,000 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus the total annual reporting and record-keeping burden for this collection is estimated to be 112,000 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, ms-224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018-0015, Washington, DC 20503.

(b) *General provisions.* Each person hunting migratory game birds in any State except Hawaii must have identified himself or herself as a migratory bird hunter and given his or her name, address, and date of birth to the respective State hunting licensing authority and must have on his or her person evidence, provided by that State, of compliance with this requirement.

* * * * *

(e) *State responsibilities.* The State hunting licensing authority will ask each licensed migratory bird hunter in the respective State to report approximately how many ducks, geese, doves, and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year, and, in States that have band-tailed pigeon hunting seasons, whether he or she intends to hunt band-tailed pigeons during the current year.

Dated: August 26, 1998.

Donald Barry,

*Assistant Secretary for Fish and Wildlife and
Parks.*

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