

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—ADMINISTRATIVE PROVISIONS

Subpart A—Introduction

- Sec.
25.11 Purpose of regulations.
25.12 What do these terms mean?
25.13 Other applicable laws.

Subpart B—Administrative Provisions

- 25.21 When and how do we open and close areas of the National Wildlife Refuge System to public access and use or continue a use?
25.22 Lost and found articles.
25.23 What are the general regulations and information collection requirements?

Subpart C—Public Notice

- 25.31 General provisions.

Subpart D—Permits

- 25.41 Who issues refuge permits?
25.42 Permits required to be exhibited on request.
25.43 Who may terminate or revoke a permit and why?
25.44 How do we grant permits for easement area uses?
25.45 Appeals procedure.

Subpart E—Fees and Charges

- 25.51 General provisions.
25.52 Designation.
25.53 Establishment of single visit entrance fees.
25.54 Posting and public notification.
25.55 Refuge admission permits.
25.56 Enforcement.
25.57 Exceptions and exemptions.

Subpart F—Concessions

- 25.61 General provisions.

Subpart G—Safety Regulations

- 25.71 Public safety.
25.72 Reporting of accidents.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 7151, 3901 *et seq.*; and Pub. L. 102-402, 106 Stat. 1961.

SOURCE: 41 FR 9166, Mar. 3, 1976, unless otherwise noted.

Subpart A—Introduction

§ 25.11 Purpose of regulations.

(a) The regulations in this subchapter govern general administration of units of the National Wildlife Refuge System, public notice of changes in U.S. Fish and Wildlife Service policy regarding Refuge System units, issuance of permits required on Refuge System units and other administrative aspects involving the management of various units of the National Wildlife Refuge System. The regulations in this subchapter apply to areas of land and water held by the United States in fee title and to property interests in such land and water in less than fee, including but not limited to easements. For areas held in less than fee, the regulations in this subchapter apply only to the extent that the property interest held by the United States may be affected. The regulations in this subchapter also apply to and govern those areas of the Rocky Mountain Arsenal over which management responsibility has been transferred to the U.S. Fish and Wildlife Service under the Rocky Mountain Arsenal Act of 1992 (Pub. L. 102-402, 106 Stat. 1961), before their establishment as a refuge and inclusion in the National Wildlife Refuge System.

(b) All national wildlife refuges are maintained for the primary purpose of developing a national program of wildlife and ecological conservation and rehabilitation. These refuges are established for the restoration, preservation, development and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources.

[41 FR 9166, Mar. 3, 1976, as amended at 51 FR 7574, Mar. 5, 1986; 62 FR 47375, Sept. 9, 1997]

§ 25.12 What do these terms mean?

(a) As used in the rules and regulations in this subchapter:

Authorized official means any Federal, State or local official empowered to enforce provisions of this subchapter C.

Big game means large game animals, including moose, elk, caribou, reindeer, musk ox, deer, bighorn sheep, mountain goat, pronghorn, bear, and pecary, or such species as the separate States may so classify within their boundaries.

Compatibility determination means a written determination signed and dated by the Refuge Manager and Regional Chief, signifying that a proposed or existing use of a national wildlife refuge is a compatible use or is not a compatible use. The Director makes this delegation through the Regional Director.

Compatible use means a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge.

Comprehensive conservation plan means a document that describes the desired future conditions of a refuge or planning unit and provides long-range guidance and management direction to achieve the purposes of the refuge; helps fulfill the mission of the Refuge System; maintains and, where appropriate, restores the ecological integrity of each refuge and the Refuge System; helps achieve the goals of the National Wilderness Preservation System; and meets other mandates.

Conservation, and *Management* mean to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants utilizing, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Such methods and procedures include, consistent with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

Coordination area means a wildlife management area made available to a State by cooperative agreement between the U.S. Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 4 of the Fish and Wildlife Coordination Act (16 U.S.C. 664 or by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 *et seq.*). The States manage coordination areas but they are part of the National Wildlife Refuge System. The compatibility standard does not apply to coordination areas.

Director means the Director, U.S. Fish and Wildlife Service or the authorized representative of such official.

Easement means a less than fee interest in land or water acquired and administered by the U.S. Fish and Wildlife Service for the purpose of maintaining fish and wildlife habitat.

Fish, *Wildlife*, and *Fish and wildlife* mean any member of the animal kingdom in a wild, unconfined state, whether alive or dead, including a part, product, egg, or offspring of the member.

Migratory bird means and refers to those species of birds listed under § 10.13 of this chapter.

National wildlife refuge, and *Refuge* mean a designated area of land, water, or an interest in land or water located within the National Wildlife Refuge System but does not include coordination areas.

National Wildlife Refuge System, and *System* mean all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as wildlife refuges, wildlife ranges, wildlife management areas, waterfowl production areas, coordination areas, and other areas for the protection and conservation of fish and wildlife including those that are threatened with extinction as determined in writing by the Director or so directed by Presidential or Secretarial order. The determination by the Director may not be delegated.

National Wildlife Refuge System mission, and *System mission* mean to administer a national network of lands and

waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Nontoxic shot means steel shot or other shot approved pursuant to 50 CFR 20.134.

Plant means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

Purpose(s) of the refuge means the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a national wildlife refuge, national wildlife refuge unit, or national wildlife refuge subunit. For refuges that encompass Congressionally designated wilderness, the purposes of the Wilderness Act are additional purposes of the wilderness portion of the refuge.

Refuge management activity means an activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge, or the National Wildlife Refuge System mission. Service-authorized agents include contractors, cooperating agencies, cooperating associations, refuge support groups, and volunteers.

Refuge management economic activity means a refuge management activity on a national wildlife refuge which results in generation of a commodity which is or can be sold for income or revenue or traded for goods or services. Examples include: Farming, grazing, haying, timber harvesting, and trapping.

Regional Chief means the official in charge of the National Wildlife Refuge System within a Region of the U.S. Fish and Wildlife Service or the authorized representative of such official.

Refuge Manager means the official directly in charge of a national wildlife refuge or the authorized representative of such official. In the case of a national wildlife refuge complex, this refers to the official directly in charge of the complex.

Refuge use, and *Use of a refuge* mean a recreational use (including refuge actions associated with a recreational use or other general public use), refuge management economic activity, or other use of a national wildlife refuge by the public or other non-National Wildlife Refuge System entity.

Regional Director means the official in charge of a Region of the U.S. Fish and Wildlife Service or the authorized representative of such official.

Secretary means the Secretary of the Interior or the authorized representative of such official.

Service, *We*, and *Us* mean the U.S. Fish and Wildlife Service, Department of the Interior.

Sound professional judgment means a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), and other applicable laws. Included in this finding, determination, or decision is a refuge manager's field experience and knowledge of the particular refuge's resources.

State, and *United States* mean one or more of the States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

Waterfowl production area means any wetland or pothole area acquired pursuant to section 4(c) of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718d(c)), owned or controlled by the United States and administered by the U.S. Fish and Wildlife Service as a part of the National Wildlife Refuge System.

Wildlife-dependent recreational use, and *Wildlife-dependent recreation* mean a use of a national wildlife refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation. The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), specifies that these are the six priority general public uses of the National Wildlife Refuge System.

§ 25.13

50 CFR Ch. I (10–1–02 Edition)

Wildlife management area means a general term used in describing a variety of areas that are managed for wildlife purposes which may be included in the National Wildlife Refuge System.

You means the public.

(b) Unless otherwise stated the definitions found in 50 CFR 10.12 also apply to all of subchapter C of this title 50.

[41 FR 9166, Mar. 3, 1976, as amended at 51 FR 7574, Mar. 5, 1986; 60 FR 62040, Dec. 4, 1995; 64 FR 14150, Mar. 24, 1999; 65 FR 62480, Oct. 18, 2000]

§ 25.13 Other applicable laws.

Nothing in this subchapter shall be construed to relieve a person from any other applicable requirements imposed by a local ordinance or by a statute or regulation of any State or of the United States.

Subpart B—Administrative Provisions

§ 25.21 When and how do we open and close areas of the National Wildlife Refuge System to public access and use or continue a use?

(a) Except as provided below, all areas included in the National Wildlife Refuge System are closed to public access until and unless we open the area for a use or uses in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) and this subchapter C. See 50 CFR 36 for details on use and access restrictions, and the public participation and closure process established for Alaska national wildlife refuges. We may open an area by regulation, individual permit, or public notice, in accordance with § 25.31 of this subchapter.

(b) We may open a national wildlife refuge for any refuge use, or expand, renew, or extend an existing refuge use only after the Refuge Manager determines that it is a compatible use and not inconsistent with any applicable law. Lands subject to the patent restrictions imposed by Section 22(g) of the Alaska Native Claims Settlement Act are subject to the compatibility requirements of Parts 25 and 26 of 50 CFR except as otherwise provided in paragraph (b)(1) of this section.

(1) We will complete compatibility determinations for uses of Alaska Native Claims Settlement Act 22(g) lands in compliance with the following requirements:

(i) Refuge managers will work with 22(g) landowners in implementation of these regulations. The landowners should contact the Refuge Manager in advance of initiating a use and request a compatibility determination. After a compatibility determination is requested, refuge managers have no longer than ninety (90) days to complete the compatibility determination and notify the landowner of the finding by providing a copy of the compatibility determination or to inform the landowner of the specific reasons for delay. If a refuge manager believes that a finding of not compatible is likely, the Refuge Manager will notify the landowner prior to rendering a decision to encourage dialog on how the proposed use might be modified to be compatible.

(ii) Refuge managers will allow all uses proposed by 22(g) landowners when the Refuge Manager determines the use to be compatible with refuge purposes.

(iii) Compatibility determinations will include only evaluations of how the proposed use would affect the ability of the refuge to meet its mandated purposes. The National Wildlife Refuge System mission will not be considered in the evaluation. Refuge purposes will include both pre-ANILCA purposes and those established by ANILCA, so long as they do not conflict. If conflicts arise, ANILCA purposes will take precedence.

(iv) A determination that a use is not compatible may be appealed by the landowner to the Regional Director. The appeal must be submitted in writing within forty-five (45) days of receipt of the determination. The appeals process provided for in 50 CFR 36.41(i) (3) through (5) will apply.

(v) Compatibility determinations for proposed uses of 22(g) lands will only evaluate the effects of the use on the adjacent refuge lands, and the ability of that refuge to achieve its purposes, not on the effects of the proposed use to the 22(g) lands.

(vi) Compatibility determinations for 22(g) lands that a use is compatible are

not subject to re-evaluation unless the use changes significantly, significant new information is made available that could affect the compatibility determination, or if requested by the landowner.

(vii) Refuge comprehensive conservation plans will not include 22(g) lands, and compatibility determinations affecting such lands will not be automatically re-evaluated when the plans are routinely updated. (viii) Refuge special use permits will not be required for compatible uses of 22(g) lands. Special conditions necessary to ensure a proposed use is compatible may be included in the compatibility determination and must be complied with for the use to be considered compatible.

(c) The Refuge Manager may temporarily allow or initiate any refuge use without making a compatibility determination if necessary to protect the health and safety of the public or any fish or wildlife population.

(d) When we add lands to the National Wildlife Refuge System, the Refuge Manager will identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of those lands, existing wildlife-dependent recreational public uses (if any) determined to be compatible that we will permit to continue on an interim basis, pending completion of the comprehensive conservation plan for the national wildlife refuge. We will make these compatibility determinations in accordance with procedures in § 26.41 of this subchapter.

(e) In the event of a threat or emergency endangering the health and safety of the public or property or to protect the resources of the area, the Refuge Manager may close or curtail refuge uses of all or any part of an opened area to public access and use in accordance with the provisions in § 25.31, without advance notice. See 50 CFR 36.42 for procedures on closing Alaska national wildlife refuges.

(f) We will re-evaluate compatibility determinations for existing wildlife-dependent recreational uses when conditions under which the use is permitted change significantly, or if there is significant new information regarding the effects of the use, or concurrently with the preparation or revision of a com-

prehensive conservation plan, or at least every 15 years, whichever is earlier. In addition, a refuge manager always may re-evaluate the compatibility of a use at any time.

(g) Except for uses specifically authorized for a period longer than 10 years (such as right-of-ways), we will re-evaluate compatibility determinations for all existing uses other than wildlife-dependent recreational uses when conditions under which the use is permitted change significantly, or if there is significant new information regarding the effects of the use, or at least every 10 years, whichever is earlier. In addition, a refuge manager always may re-evaluate the compatibility of a use at any time.

(h) For uses in existence on November 17, 2000 that were specifically authorized for a period longer than 10 years (such as right-of-ways), our compatibility re-evaluation will examine compliance with the terms and conditions of the authorization, not the authorization itself. We will frequently monitor and review the activity to ensure that the permittee carries out all permit terms and conditions. However, the Service will request modifications to the terms and conditions of these permits from the permittee if the Service determines that such changes are necessary to ensure that the use remains compatible. After November 17, 2000 no uses will be permitted or re-authorized, for a period longer than 10 years, unless the terms and conditions for such long-term permits specifically allows for modifications to the terms and conditions, if necessary to ensure compatibility. We will make a new compatibility determination prior to extending or renewing such long-term uses at the expiration of the authorization. When we prepare a compatibility determination for re-authorization of an existing right-of-way, we will base our analysis on the existing conditions with the use in place, not from a pre-use perspective.

(i) When we re-evaluate a use for compatibility, we will take a fresh look at the use and prepare a new compatibility determination following the procedure outlined in 50 CFR 26.41.

[65 FR 62481, Oct. 18, 2000]

§ 25.22

§ 25.22 Lost and found articles.

Lost articles or money found on a national wildlife refuge are to be immediately turned in to the nearest refuge office.

§ 25.23 What are the general regulations and information collection requirements?

The Office of Management and Budget has approved the information collection requirements contained in subchapter C, parts 25, 32, and 36 under 44 U.S.C. 3501 *et seq.* and assigned the following clearance numbers: Special Use Permit Applications on National Wildlife Refuges in Alaska (SUP-AK), clearance number 1018-0014; Special Use Permit Applications on National Wildlife Refuges Outside Alaska (SUP), clearance number 1018-0102. See § 36.3 of this subchapter for further information on Special Use Permit Applications on National Wildlife Refuges in Alaska. We are collecting the information to assist us in administering these programs in accordance with statutory authorities that require that recreational uses be compatible with the primary purposes for which the areas were established. We require the information requested in the application form for the applicant to obtain a benefit. We estimate the public reporting burden for the SUP application form to be 30 minutes per response. This includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222 ARLSQ, Washington, DC 20240 (1018-0014 or 1018-0102).

[65 FR 56400, Sept. 18, 2000]

Subpart C—Public Notice

§ 25.31 General provisions.

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public

50 CFR Ch. I (10-1-02 Edition)

may be notified by any of the following methods, all of which supplement this subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of § 26.33 of this subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted or curtailed public access, use, or recreational activity.

Subpart D—Permits

§ 25.41 Who issues refuge permits?

We authorize the refuge manager of the facility where an activity is to take place to issue permits required by this subchapter C unless the regulations in this subchapter C require the applicant to obtain the applicable permit from the Director or Secretary. In those situations, the refuge manager will so inform the applicant, giving the applicant all necessary information as to how and where to apply.

[67 FR 58942, Sept. 18, 2002]

§ 25.42 Permits required to be exhibited on request.

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

§ 25.43 Who may terminate or revoke a permit and why?

The refuge manager may terminate or revoke a permit at any time for non-compliance with the terms of the permit or of the regulations in this subchapter C; for nonuse; for violation of any law, regulation, or order applicable to the refuge; or to protect public health or safety or the resources of a national wildlife refuge.

[67 FR 58943, Sept. 18, 2002]

§ 25.44 How do we grant permits for easement area uses?

(a) The provisions of this subsection shall govern the regulation of activities that affect easement interests acquired by the United States. All other provisions of subchapter C shall apply to activities within such easement areas, but only to the extent that those provisions are directly or indirectly related to the protection of those easement interests expressly acquired by the United States which are specified in the easement agreement itself, and are not inconsistent with the provisions of this subsection.

(b) We require permits for use of easement areas administered by us where proposed activities may affect the property interest acquired by the United States. Applications for permits will be submitted in writing to the Regional Director or a designee. We may grant special use permits to owners of servient estates, or to third parties with the owner's agreement, by the Regional Director or a designee, upon written determination that such permitted use is compatible. If we ultimately determine that the requested use will not affect the United States' interest, the Regional Director will issue a letter of non-objection.

(c) In instances where the third applicant is a governmental entity which has acquired a partial interest in the servient estate by subsequent condemnation, a special use permit may be granted to the governmental entity without the servient estate owner's agreement if the regional director or his or her designee determines:

(1) The permitted use is compatible; and

(2) The permitted use is consistent with the partial property interests obtained through condemnation.

(d) Regulations pertaining to rights-of-way in easement areas are contained in 50 CFR part 29.21.

[51 FR 7575, Mar. 5, 1986, as amended at 65 FR 62482, Oct. 18, 2000]

§ 25.45 Appeals procedure.

(a) *Who may appeal.* Any person who is adversely affected by a refuge manager's decision or order relating to the person's permit granted by the Service,

or application for permit, within the National Wildlife Refuge System. This section does not apply to permits or applications for rights-of-way. See § 29.22 for the hearing and appeals procedure on rights-of-way.

(b) *Preliminary procedure.* Prior to making any adverse decision or order on a permit or application for permit, the refuge manager shall notify the permittee or applicant orally or in writing of the proposed action and its effective date. The permittee or applicant shall have twenty (20) days after notification in which to present to the refuge manager, orally or in writing, a statement in opposition to the proposed action or date. The permittee or applicant shall be notified in writing within twenty (20) days after receipt of the statement in opposition, of the refuge manager's final decision or order.

(c) *Appeals, how taken.* If the refuge manager still intends to proceed with the proposed action, the permittee or applicant shall have thirty (30) days from the postmarked date of the refuge manager's final decision or order in which to file a written appeal to the appropriate area manager. The appellant (permittee or applicant) shall be notified in writing within thirty (30) days from the postmarked date of the appeal of the area manager's decision. The appellant shall have (30) days from the postmarked date of the area manager's decision to further appeal in writing to the appropriate regional director.

(d) *Decision of regional director.* The regional director's decision shall be final and issued in writing to the appellant within thirty (30) days from the postmarked date of the appeal.

(e) *Oral presentation.* The appellant shall be provided an opportunity for oral presentation before the area manager or the regional director within the respective thirty (30) day appeal periods.

(f) *Addresses.* The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each decision or order.

(g) *Suspension pending appeal.* Compliance with any decision or order of a refuge manager shall not be suspended by reason of an appeal having been

§ 25.51

taken unless such suspension is authorized in writing by the area manager or regional director (depending upon the official before whom the appeal is pending), and then only upon a determination by these officials that such suspension will not be detrimental to the interests of the United States or upon submission and acceptance of a bond deemed adequate to indemnify the United States from loss or damage.

[42 FR 64120, Dec. 22, 1977. Redesignated at 51 FR 7575, Mar. 5, 1986]

Subpart E—Fees and Charges

SOURCE: 52 FR 29860, Aug. 12, 1987, unless otherwise noted.

§ 25.51 General provisions.

Reasonable charges and fees may be established for public recreational use of and, except in Alaska, entrance onto national wildlife refuges. Regulations regarding recreational use fees are contained in 36 CFR part 71. Regulations regarding entrance fees are contained in this subpart E.

§ 25.52 Designation.

To be designated as an "Entrance Fee Area", a unit of the National Wildlife Refuge System must be found to demonstrate that:

(a) The level of visitation for recreational purposes is high enough to justify the collection of fees for admission permits for economic reasons;

(b) There is a practical mechanism in existence for implementing and operating a system of collecting fees for admission permits; and

(c) Imposition of a fee for admission permits is not likely to result in undue economic hardship for a significant number of visitors to the unit.

§ 25.53 Establishment of single visit entrance fees.

Entrance fees established for single visit permits at a designated Entrance Fee Area shall consider the following criteria with regard to the local area within which the refuge is located:

(a) The direct and indirect cost to the Government.

(b) The benefits to the permit holder.

50 CFR Ch. I (10–1–02 Edition)

(c) The public policy or interest served.

(d) The comparable fees charged by non-Federal public agencies.

(e) The economic and administrative feasibility of fee collection.

§ 25.54 Posting and public notification.

The public shall be notified that an entrance fee is charged through refuge publications and posted designation signs in accordance with § 25.31 of this part.

§ 25.55 Refuge admission permits.

(a) Unless otherwise provided, persons entering an Entrance Fee Area shall obtain and be in possession of a valid admission permit.

(b) The following five types of permits allowing entrance onto an Entrance Fee Area will be available for issue or purchase at such area and, except for refuge-specific permits, at Fish and Wildlife Service Regional and Washington, DC Offices, and at other locations as may be designated.

(1) Single visit permit with a charge not to exceed \$3 per person or \$7.50 per noncommercial vehicle (single visit can be defined as 1–15 days, dependent upon a determination of the period of time reasonably and ordinarily necessary for such a visit at a particular refuge unit).

(2) Golden Eagle Passport.

(3) Golden Age Passport.

(4) Golden Access Passport.

(5) Federal Migratory Bird Hunting and Conservation (Duck) Stamp. To be valid, the Duck Stamp must be current and bear the signature of the holder on the front.

§ 25.56 Enforcement.

Permits issued or used for entrance onto Entrance Fee Areas are non-transferable. Failure to pay the entrance fee, to display upon request of an authorized official a valid permit, or to comply with other entrance fee provisions, rules or regulations, will be subject to the penalties prescribed in 50 CFR 28.31.

§ 25.57 Exceptions and exemptions.

At Entrance Fee Areas:

(a) Special admission permits for uses, such as group activities, may be issued.

(b) No entrance fee shall be charged for persons under 16 years of age.

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway established as part of the National Federal Aid System (defined in 23 U.S.C. 101), which is commonly used by the public as a means of travel between two places which are outside the Entrance Fee Area.

(d) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has a property interest if such land is within any Entrance Fee Area.

(e) Persons accompanying the holder of a valid single visit permit, Federal Duck Stamp or Golden Eagle, Age, or Access Passport in a single, private, noncommercial vehicle shall be entitled to general entrance.

(f) Where entry is by any means other than single, private, noncommercial vehicle, the spouse, children, or parents accompanying the holder of a valid single visit permit, Federal Duck Stamp or Golden Eagle, Age, or Access Passport shall be entitled to general entrance.

Subpart F—Concessions

§ 25.61 General provisions.

Public use facilities may be operated by concessionaires or cooperators under appropriate contact or legal agreement on national wildlife refuges where there is a demonstrated justified need for services or facilities including, but not limited to, boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related service.

Subpart G—Safety Regulations

§ 25.71 Public safety.

Persons using national wildlife refuges shall comply with the safety requirements which are established under the provisions of this subchapter C for each individual refuge and with

any safety provisions which may be included in leases, agreements, or use permits.

§ 25.72 Reporting of accidents.

Accidents involving damage to property, injury to the public or injury to wildlife that occur within the boundaries of any national wildlife refuge are to be reported as soon as possible, but in no event later than 24 hours after the accident, by the persons involved, to the refuge manager or other personnel on duty at the national wildlife refuge headquarters. This report does not relieve persons from the responsibility of making any other accident reports which may be required.

PART 26—PUBLIC ENTRY AND USE

Subpart A—Introduction

Sec.

26.11 Purpose of regulations.

Subpart B—Public Entry

26.21 General trespass provision.

26.22 General exception for entry.

26.23 Exception for entry to the headquarters office.

26.24 Exception for entry when accompanied by refuge personnel.

26.25 Exception for entry to persons with an economic use privilege.

26.26 Exception for entry for use of emergency shelter.

26.27 Exception for entry on designated routes of travel.

Subpart C—Public Use and Recreation

26.31 General provisions.

26.32 Recreational uses.

26.33 Special regulations.

26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

26.35 Cabin sites.

26.36 Public assemblies and meetings.

26.41 What is the process for determining if a use of a national wildlife refuge is a compatible use?

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 715i; Pub. L. 96-315 (94 Stat. 958) and Pub. L. 98-146 (97 Stat. 955).

SOURCE: 41 FR 9167, Mar. 3, 1976, unless otherwise noted.

Subpart A—Introduction

§ 26.11 Purpose of regulations.

The regulations in this part govern the circumstances under which the public can enter and use a national wildlife refuge.

Subpart B—Public Entry

§ 26.21 General trespass provision.

(a) No person shall trespass, including but not limited to entering, occupying, using, or being upon, any national wildlife refuge, except as specifically authorized in this subchapter C or in other applicable Federal regulations.

(b) No unconfined domestic animals, including but not limited to dogs, hogs, cats, horses, sheep and cattle, shall be permitted to enter upon any national wildlife refuge or to roam at large upon such an area, except as specifically authorized under the provisions of § 26.34, § 27.91 or § 29.2 of this subchapter C.

§ 26.22 General exception for entry.

(a) Any person entering or using any national wildlife refuge will comply with the regulations in this subchapter C, the provisions of any special regulations and any other official notification as is appropriate under § 25.31.

(b) A permit shall be required for any person entering a national wildlife refuge, unless otherwise provided under the provisions of subchapter C. The permittee will abide by all the terms and conditions set forth in the permit.

§ 26.23 Exception for entry to the headquarters office.

The headquarters office of any national wildlife refuge is open to public access and admission during regularly established business hours.

§ 26.24 Exception for entry when accompanied by refuge personnel.

A permit is not required for access to any part of a national wildlife refuge by a person when accompanied by refuge personnel.

§ 26.25 Exception for entry to persons with an economic use privilege.

Access to and travel upon a national wildlife refuge by a person granted economic use privileges on that national wildlife refuge should be restricted to a specified area in accordance with the provisions of their agreement, lease, or permit.

§ 26.26 Exception for entry for use of emergency shelter.

A permit is not required for access to any national wildlife area for temporary shelter or temporary protection in the event of emergency conditions.

§ 26.27 Exception for entry on designated routes of travel.

A permit is not required to enter, travel on, and exit from any national wildlife refuge on public waters and roads, and such roads, trails, footpaths, walkways, or other routes and areas which are designated for public use under the provisions of this subchapter C.

Subpart C—Public Use and Recreation

§ 26.31 General provisions.

Public recreation will be permitted on national wildlife refuges as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other authorized Federal operations.

§ 26.32 Recreational uses.

Recreational uses such as, but not limited to, sightseeing, nature observation and photography, interpretive centers and exhibits, hunting and fishing, bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities may be permitted on national wildlife refuges. When such uses are permitted the public will be notified under the provisions of this subchapter C.

§ 26.33 Special regulations.

(a) Special regulations shall be issued for public use, access, and recreation within certain individual national wildlife refuges where there is a need to amend, modify, relax or make more stringent the regulations contained in this subchapter C. The issued special regulations will supplement the provisions in this part 26.

(b) Special recreational use regulations may contain the following items:

- (1) Recreational uses authorized.
- (2) Seasons, period, or specific time of use.
- (3) Description of areas open to recreation.
- (4) Specific conditions or requirements.
- (5) Other provisions.
- (6) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER and may be codified in the Code of Federal Regulations. They shall be issued in compliance with procedures contained in the Departmental Manual.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

VIRGINIA

Back Bay National Wildlife Refuge

ACCESS

(a) *Access qualifications and specifications.* (1) As provided for in Pub. L. 96-315, permanent, full-time residents who can furnish to the refuge manager, Back Bay NWR, adequate proof of continuous and continuing residency, commencing prior to December 31, 1979, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina, as long as they remain permanent, full-time residents. The south boundary of the area for access consideration is defined as a straight east-west line extending from Currituck Sound to the Atlantic Ocean and passing through a point 1,600 feet due south of the Currituck lighthouse. "Residence" means a place of general abode; "Place of general abode" means a person's principal, actual dwelling place in fact,

without regard to intent. A "dwelling" means a residential structure occupied on a year-round basis by the permit applicant and shall not include seasonal or part-time dwelling units such as beach houses, vacation cabins, or structures which are intermittently occupied.

(2) As provided for in Pub. L. 98-146, "Up to 15 additional permits shall be granted to those persons meeting any one of the following conditions:"

(i) A resident as of July 1, 1982, who held a valid Service access permit for improved property owners at any time during the period from July 29, 1976, through December 31, 1979.

(ii) Anyone in continuous residency since 1976, in the area bounded on the north by the refuge boundary, and on the south by a straight line passing through a point in the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.

(iii) Any permanent, full time resident as of April 1, 1983, residing in the area outlined in paragraph (a)(2)(ii) of this section and not otherwise eligible, who can substantiate to the Secretary of the Interior that access is essential to their maintaining a livelihood; so long as they maintain full-time continuous employment in the Norfolk, Virginia, area may qualify for access.

(3) The burden of proving that the prospective permittee meets these criteria shall be on the applicant by presentation of adequate documentation to the refuge manager. Permittees may be required to submit additional documentation of their eligibility to the refuge manager in order to maintain access. Permits will be issued only to those who legally qualify for them.

(4) Only one permit will be issued per family. All permits issued will be terminated in the event that alternate access becomes available during the permit period.

(5) Permits are issued for the purpose of providing ingress and egress across the refuge beach to the permittee's residence. Personal access is limited to permittees, their families, relatives, and guests while being transported in the permittee's vehicle. "Personal access" means private, non-commercial

§ 26.34

50 CFR Ch. I (10-1-02 Edition)

use. Permits are not transferable by sale or devise.

(6) All vehicle occupants must provide positive identification upon the request of any refuge official.

(b) *Routes of travel.* Access to, and travel along, the refuge beach by motorized vehicles may be allowed between the dune crossing at the key card operated gate near the refuge headquarters, and the south boundary of the refuge only after a permit has been issued or authorization provided by the refuge manager. Travel along the refuge beach by motorized vehicle shall be below the high tide line, within the intertidal zone, to the maximum extent practicable. This may require permittees to adjust their travel times to avoid high tides which would require the use of the emergency storm access/evacuation route over the east dike.

(c) *Number of trips allowed.* Permittees and members of their immediate families residing with them are limited to a total of two round trips per day per household.

(d) *Hours of travel.* Travel along the designated route is permitted 24 hours per day from October 1 through April 30. Travel is restricted to the hours of 5:00 a.m. to 12:00 midnight from May 1 through September 30.

(e) *Medical emergencies.* Private vehicles used in a medical emergency will be granted access. A "medical emergency" means any condition that threatens human life or limb unless medical treatment is immediately obtained.

The vehicle operator is required to provide the refuge manager with a doctor's statement confirming the emergency within 36 hours after the access has occurred.

(f) *Military, fire or emergency vehicles.* Military, fire, emergency or law enforcement vehicles used for emergency purposes may be granted access. Vehicles used by an employee/agent of the Federal, State or local government, in the course of official duty other than for emergency purposes, may be granted access upon advance request to the refuge manager. Continuous or recurring use of the refuge beach for other than emergency purposes shall require the issuance of a permit from the refuge manager.

(g) *Public utility vehicles.* Public utility vehicles used on official business will be granted access. A permit specifying the times and types of access will be issued by the refuge manager. A "public utility vehicle" means any vehicle owned or operated by a public utility company enfranchised to supply Outer Banks residents with electricity or telephone service.

(h) *Essential commercial service vehicles.* (1) Essential commercial service vehicles on business calls during the hours of 8 a.m.-5 p.m. Monday through Friday will be granted access, only upon prior approval of the refuge manager when responding to a request from a permittee. Such requests may be verbal or in writing. Access by essential commercial service vehicles will be granted only after all other reasonable alternatives to access through the refuge have been exhausted as determined by the refuge manager.

(2) "Commercial service vehicle" means any vehicle owned or operated by or on behalf of an individual, partnership, or corporation that is properly licensed to engage entirely in the business of furnishing emergency repair services, including but not limited to plumbing, electrical, and repairs to household appliances.

(3) Emergency situations. The refuge manager, upon reasonable notification, will be able to authorize essential service/emergency repair access, outside the prescribed time periods, for emergency situations should they arise.

(i) *False Cape State Park employees.* False Cape State Park and Virginia Game Commission employees who are residents in the park will be considered as permanent, full-time residents as defined in §26.34(a) with access privileges identical to those of other permittees with beach access privileges.

(j) *Commercial fishermen, businesses and their employees.* (1) Commercial fishermen who have verified that their fishing operations on the Outer Banks of Virginia Beach, Virginia, or Currituck County, North Carolina, have been dependent since 1972 on ingress and egress to or across the refuge are granted permits for access. Travel through the refuge by commercial fishermen from Currituck County, North Carolina, will be permitted only when

directly associated with commercial fishing operations. Drivers and passengers on trips through the refuge are limited to commercial fishing crew members. A *commercial fisherman* means one who harvests finfish by gill net or haul seine in the Atlantic Ocean, and who has owned and operated a commercial fishing business continuously since 1972. Commercial permits are not transferable by sale or devise. The level of commercial permittee travel across the refuge shall not increase above the average yearly levels maintained in the 1985–1987 period.

(2) Other businesses who have verified that their business operations on the Outer Banks of Currituck County, North Carolina, have been dependent since 1972 on ingress and egress to or across the refuge will be granted permits for access in accordance with the limitations outlined in paragraph (j)(1) of this section.

(3) Each commercial fisherman or other business may be granted a maximum of five designated employees to travel the refuge beach for commercial fishing or other business-related purposes only. Commercial fishing employees may carry only other commercial fishing employees as passengers. Other business employees may carry only other employees of that business. The hauling of trailers associated with the conduct of commercial fishing or other business activities is authorized.

(4) Employees of commercial fishermen and/or other businesses who apply for access permits shall have the burden of proving, by the presentation of appropriate documentation to the refuge manager, that they are an “employee” for purposes of this section of the regulations. Appropriate documentation is defined as the submission of standardized and verifiable employment forms including: Signed W-2 and W-4 forms, IRS form #1099, official earnings statements for specified periods, employee income tax withholding submissions to State and Federal tax offices (e.g., IRS form W-3 with W-2s attached), State unemployment tax information or other proof of actual employment. Documentation for each employee must be submitted in advance of access being granted, or, for new employees, within 30 days of their start-

ing date. Failure to provide verification of employment for new employees within 30 days will result in termination of access privileges.

(k) *Suspension or waiver of rules.* (1) In an emergency, the refuge manager may suspend any or all of the foregoing restrictions on vehicular travel and announce each suspension by whatever means are available. In the event of adverse weather conditions, the refuge manager may close all or any portion of the refuge to vehicular traffic for such periods as deemed advisable in the interest of public safety.

(2) The refuge manager may make exceptions to access restrictions, if they are compatible with refuge purposes, for qualified permittees who have demonstrated to the refuge manager a need for additional access relating to health or livelihood.

(3) The refuge manager may grant one-time use authorization for vehicular access through the refuge to individuals, not otherwise qualified above, who have demonstrated to the refuge manager that there is no feasible alternative to the access requested. Authorization for access under this provision will not be based on convenience to the applicant.

(4) Medical access waiver permits may be issued under the following conditions:

(i) The Regional Director may grant access to non-eligible permanent residents who can show proof that their physical health is such that life-threatening situations may result from more arduous travel conditions. The submission of substantiating medical records is required to be considered for a medical access waiver.

(ii) All medical access waiver permittees will be required to prove that their medical condition is or continues to be such that a life-threatening situation would result from more arduous travel conditions. Such proof shall be required prior to the issuance of an access permit, and at 3-year intervals thereafter.

(iii) A second medical opinion will be required by the Regional Director prior to the issuance or re-issuance of any such permit. This second opinion will be provided for at Service expense, by a government designated physician.

(iv) No additional medical access waiver permits will be issued after December 31, 1987.

(v) Previous holders of medical access waiver permits will retain access subject to paragraph (k)(4) (ii) and (iii) of this section.

(1) *Violation of rules.* Violators of these special regulations pertaining to Back Bay NWR are subject to legal action as prescribed by 50 CFR 25.43 and part 28, including suspension or revocation of all permits issued to the violator or responsible permittee. The refuge manager may deny access permits to applicants who, during the 2 years immediately preceding the date of application, have formally been charged and successfully prosecuted for three or more violations of these or other regulations in effect at Back Bay NWR. Individuals whose vehicle access privileges are suspended, revoked, or denied may, within 30 days, file a written appeal of the action to the Assistant Regional Director-Refuges and Wildlife, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, in accordance with 50 CFR 25.45(c).

(m) *Other access rules.* (1) No permit will remain in effect beyond December 31 of the year in which it was issued. Permits may be renewed upon the submission of appropriate updated information relating to the permit, and a signed statement that the conditions under which the previous permit was issued have not changed. In the event of any changes of conditions under which the permit is granted, the permittee shall notify the refuge manager in writing within 30 days. Failure to report changes may result in suspension/revocation of the permit.

(2) Vehicles shall be operated on the refuge beach only by the permittee or other authorized drivers. Permit holders shall not tow, transport or operate vehicles owned by non-permit holders through the refuge. Non-commercial permit holders may tow utility and boat trailers when being used for their personal use only. Any towed vehicle shall have advance approval from the refuge manager prior to being brought through the refuge. This access privilege is not to be used for any commercial purpose.

(3) The refuge manager may prescribe restrictions as to the types of vehicles to be permitted to ensure public safety and adherence to all applicable rules and regulations.

(4) A magnetic card will be issued to each authorized driver only for his or her operation of the computer controlled gate. No more than two cards will be issued per family. Only one vehicle will be permitted to pass for each gate opening. Unauthorized use of the magnetic card may result in suspension of the permit. A fee will be charged to replace lost or misplaced cards. Malfunctioning cards will be replaced at no charge.

(5) Access is granted for the purpose of travel to and from the permittee's residence and/or place of business. Access is not authorized for the purpose of transporting individuals for hire, or for the transport of prospective real estate clients to or from the Outer Banks of North Carolina, or for any other purpose not covered in this rule.

GENERAL RULES

(n) *Entry on foot, bicycle or motor vehicle.* Entry on foot, bicycle, or by motor vehicle on designated routes is permitted one-half hour before sunrise to one-half hour after sunset for the purposes of nature observation and study, photography, hiking, surf fishing, and bicycling.

(o) *Beach-oriented uses.* Designated areas of the refuge beach are open to wildlife/wildlands-oriented recreation only as outlined in paragraph (n) of this section. Entry to the beach is via designated access points only.

(p) *Parking.* Limited parking at the refuge office/visitor contact station is permitted only in designated spaces. Parking is available on a first-come, first-serve basis for persons engaged in wildlife/wildlands-oriented recreation only as outlined in paragraph (n) of this section.

(q) *Fires.* All fires are prohibited.

(r) *Pets.* Dogs and other pets, on a hand-held leash not exceeding 10 feet in length, are permitted from October 1 through March 31.

(s) *Other general rules.* (1) Pedestrians and vehicular traffic in the sand dunes are prohibited.

(2) Use by all groups exceeding 10 individuals will require a Special Use Permit, issued by the refuge manager.

(3) Registered motor vehicles and motorized bicycles (mopeds) are permitted on the paved refuge access road and parking lot at refuge headquarters. All other motorized vehicular use is prohibited, except as specifically authorized pursuant to this rule.

(4) The information collection requirement contained in this rule has been approved by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*, and has been assigned the number 1018-0014. The information being collected is used to determine eligibility for issuing a vehicular access permit and a response is required to obtain a benefit.

[52 FR 35715, Sept. 23, 1987]

EDITORIAL NOTE: For FEDERAL REGISTER citations to regulations affecting temporary and special regulations on national wildlife refuges, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 26.35 Cabin sites.

(a) There shall be no new private cabin site permits issued for national wildlife refuges. All appropriate provisions of 43 CFR part 21 apply to the phaseout of existing permits on national wildlife refuges.

(b) No new government owned cabin site permits for private recreational purposes shall be issued nor shall existing permits be renewed.

§ 26.36 Public assemblies and meetings.

(a) Public meetings, assemblies, demonstrations, parades and other public expressions of view may be permitted within a national wildlife refuge open to public use, provided a permit therefore has been issued by the refuge manager.

(b) Any application for such permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(c) The refuge manager may issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or

(2) The activity will present a clear and present danger to public health or safety, or undue disturbance to the other users or resources of the area; or

(3) The activity is of such nature that it cannot be reasonably accommodated in the particular national wildlife refuge; or

(4) The activity conflicts with the purposes of the national wildlife refuge.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the national wildlife refuge for the purpose for which it is maintained. It may also contain reasonable limitations on the time and area within which the activity is permitted.

§ 26.41 What is the process for determining if a use of a national wildlife refuge is a compatible use?

The Refuge Manager will not initiate or permit a new use of a national wildlife refuge or expand, renew, or extend an existing use of a national wildlife refuge, unless the Refuge Manager has determined that the use is a compatible use. This section provides guidelines for making compatibility determinations, and procedures for documenting compatibility determinations and for periodic review of compatibility determinations. We will usually complete compatibility determinations as part of the comprehensive conservation plan or step-down management plan process for individual uses, specific use programs, or groups of related uses described in the plan. We will make all compatibility determinations in writing.

(a) *What information do we include in a compatibility determination?* All compatibility determinations will include the following information:

- (1) The proposed or existing use;
- (2) The name of the national wildlife refuge;
- (3) The authorities used to establish the national wildlife refuge;
- (4) The purpose(s) of the national wildlife refuge;

Pt. 27

50 CFR Ch. I (10–1–02 Edition)

(5) The National Wildlife Refuge System mission;

(6) The nature and extent of the use including the following:

(i) What is the use? Is the use a priority public use?;

(ii) Where would the use be conducted?;

(iii) When would the use be conducted?;

(iv) How would the use be conducted?; and

(v) Why is the use being proposed?.

(7) An analysis of costs for administering and managing each use;

(8) The anticipated impacts of the use on the national wildlife refuge's purposes and the National Wildlife Refuge System mission;

(9) The amount of opportunity for public review and comment provided;

(10) Whether the use is compatible or not compatible (does it or will it materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge);

(11) Stipulations necessary to ensure compatibility;

(12) A logical explanation describing how the proposed use would, or would not, materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purpose(s) of the national wildlife refuge;

(13) The Refuge Manager's signature and date signed; and

(14) The Regional Chief's concurrence signature and date signed.

(15) The mandatory 10- or 15-year re-evaluation date.

(b) *Making a use compatible through replacement of lost habitat values or other compensatory mitigation.* We will not allow compensatory mitigation to make a proposed refuge use compatible, except by replacement of lost habitat values as provided in paragraph (c) of this section. If we cannot make the proposed use compatible with stipulations we cannot allow the use.

(c) *Existing right-of-ways.* We will not make a compatibility determination and will deny any request for maintenance of an existing right-of-way which will affect a unit of the National Wildlife Refuge System, unless: the design adopts appropriate measures to avoid

resource impacts and includes provisions to ensure no net loss of habitat quantity and quality; restored or replacement areas identified in the design are afforded permanent protection as part of the national wildlife refuge or wetland management district affected by the maintenance; and all restoration work is completed by the applicant prior to any title transfer or recording of the easement, if applicable. Maintenance of an existing right-of-way includes minor expansion or minor realignment to meet safety standards.

(d) *Termination of uses that are not compatible.* When we determine an existing use is not compatible, we will expeditiously terminate or modify the use to make it compatible. Except with written authorization by the Director, this process of termination or modification will not exceed 6 months from the date that the compatibility determination is signed.

[65 FR 62482, Oct. 18, 2000]

PART 27—PROHIBITED ACTS

Subpart A—Introduction

Sec.

27.11 Purpose of regulations.

Subpart B—Taking Violations

27.21 General provisions.

Subpart C—Disturbing Violations: With Vehicles

27.31 General provisions regarding vehicles.

27.32 Boats.

27.33 Water skiing.

27.34 Aircraft.

Subpart D—Disturbing Violations: With Weapons

27.41 General provisions.

27.42 Firearms.

27.43 Weapons other than firearms.

Subpart E—Disturbing Violations: Against Plants and Animals

27.51 Disturbing, injuring, and damaging plants and animals.

27.52 Introduction of plants and animals.

Subpart F—Disturbing Violations: Against Nonwildlife Property

27.61 Destruction or removal of property.

U.S. Fish and Wildlife Serv., Interior

§ 27.31

- 27.62 Search for and removal of objects of antiquity.
- 27.63 Search for and removal of other valued objects.
- 27.64 Prospecting and mining.
- 27.65 Tampering with vehicles and equipment.

Subpart G—Disturbing Violations: Light and Sound Equipment

- 27.71 Motion or sound pictures.
- 27.72 Audio equipment.
- 27.73 Artificial lights.

Subpart H—Disturbing Violations: Personal Conduct

- 27.81 Alcoholic beverages.
- 27.82 Possession and delivery of controlled substances.
- 27.83 Indecency and disorderly conduct.
- 27.84 Interference with persons engaged in authorized activities.
- 27.85 Gambling.
- 27.86 Begging.

Subpart I—Other Disturbing Violations

- 27.91 Field trials.
- 27.92 Private structures.
- 27.93 Abandonment of property.
- 27.94 Disposal of waste.
- 27.95 Fires.
- 27.96 Advertising.
- 27.97 Private operations.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); Sec. 5, 43 Stat. 651 (16 U.S.C. 725); Sec. 5, Stat. 449 (16 U.S.C. 690d); Sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); Sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); Sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); 49 Stat. 383 as amended; Sec. 4, 76 Stat. (16 U.S.C. 460k); Sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 685, 752, 690d); 16 U.S.C. 715s).

SOURCE: 41 FR 9168, Mar. 3, 1976, unless otherwise noted.

Subpart A—Introduction

§ 27.11 Purpose of regulations.

The regulations in this part 27 govern those acts by the public which are prohibited at all times except as permitted in this part, part 26, and part 25, subpart D—Permits.

[42 FR 56954, Oct. 31, 1977]

Subpart B—Taking Violations

§ 27.21 General provisions.

No person shall take any animal or plant on any national wildlife refuge,

except as authorized under 50 CFR 27.51 and parts 31, 32, and 33 of this subchapter C.

Subpart C—Disturbing Violations: With Vehicles

§ 27.31 General provisions regarding vehicles.

Travel in or use of any motorized or other vehicles, including those used on air, water, ice, snow, is prohibited on national wildlife refuges except on designated routes of travel, as indicated by the appropriate traffic control signs or signals and in designated areas posted or delineated on maps by the refuge manager and subject to the following requirements and limitations:

(a) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(b) No operator of a vehicle shall be under the influence of intoxicating beverages or controlled substances.

(c) Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the travel way is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

(d) The vehicle speed limit shall not exceed 25 m.p.h. except as otherwise legally posted.

(e)(1) Every motor vehicle shall at all time be equipped with a muffler in good working order, and which cannot be removed or otherwise altered while the vehicle is being operated on a national wildlife refuge. To prevent excessive or unusual noise no person shall use a muffler cut-out, bypass, or

§ 27.32

similar device upon a motor vehicle. A vehicle that produces unusual or excessive noise or visible pollutants is prohibited.

(2) A refuge manager, by posting of appropriate signs or by marking on a map which shall be available at the refuge headquarters, may require that any motor vehicle operating in the designated area shall be equipped with a spark arrestor that meets Standard 5100-1a of the U.S. Forest Service, Department of Agriculture which standard includes the requirements that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and that such spark arrestor has been warranted by its manufacturer as meeting the above mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturers recommendations.

(f) The operation of a vehicle which does not bear valid license plates and is not properly certified, registered, or inspected in accordance with applicable State laws is prohibited.

(g) Driving or permitting another person to drive a vehicle without valid license is prohibited. A valid driver's or operator's license must be displayed upon the request of any authorized official.

(h) Stopping, parking or leaving any vehicle, whether attended or unattended, upon any road, trail, or fire lane so as to obstruct the free movement of other vehicles is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized official.

(i) All persons shall obey the lawful order or signal of any authorized official directing, controlling, or regulating the movement of traffic.

(j) Load, weight and width limitations, as may be necessary, shall be prescribed and the public advised under provisions of §25.31. Such limitations must be complied with by the operators of all vehicles.

(k) A motor vehicle involved in an accident is not to be moved until an authorized official arrives at the scene

50 CFR Ch. I (10-1-02 Edition)

of the accident, unless such vehicle constitutes a traffic or safety hazard.

(1) A motor vehicle shall not be operated at anytime without proper brakes and brake lights, or from sunset to sunrise without working headlights and taillights which comply with the regulations for operation on the roads of the State within whose boundaries the refuge is located.

(m) Such other requirements which are established under the provisions of this subchapter C.

§ 27.32 Boats.

(a) The use of boats in national wildlife refuges is prohibited except as may be authorized under and subject to the requirements set forth below.

(b) When the use of boats is permitted on any national wildlife refuge, the public will be notified under the provisions of this subchapter C and the following operational requirements and limitations will apply:

(1)(i) In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, titles 33 and 46 CFR, are applicable on navigable waters of the United States.

(ii) Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a national wildlife refuge or portion thereof is located shall govern boating and the operation and use of boats. Such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

(2) No operator or person in charge of any boat shall operate or knowingly permit any other person to operate a boat in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person, property or wildlife.

(3) No person shall operate or be in actual physical control of a boat while under the influence of intoxicating beverages or controlled substances.

(4) No person shall operate a boat in a manner which will unreasonably interfere with other boats or with free and proper navigation of the waterways of the areas. Anchoring in heavily

traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(5) No person shall operate a boat on refuge waters that has a marine head (toilet) unless it conforms to Environmental Protection Agency regulations regarding sewage discharge.

(6) Every sailboat when underway from sunset to sunrise shall carry and exhibit a bright white light visible all around the horizon for a distance of two miles.

(7) Leaving any boat unattended, outside of designated mooring or beaching areas, for a period in excess of 72 hours without written permission of the refuge manager is prohibited and any boat so left may be impounded by the refuge manager.

(8) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the refuge manager.

§ 27.33 Water skiing.

When water skiing is permitted upon national wildlife refuge waters, the public will be notified under the provisions of this subchapter C and the following requirements and limitations will apply:

(a) Water skiing is permitted only during daylight hours and during periods posted or otherwise designated under the provisions of this subchapter C.

(b) When a skier is in "tow" there must be two persons in the boat at all times, with one person not operating the boat, acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear U.S. Coast Guard approved ski belts, life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any designated swimming area.

§ 27.34 Aircraft.

The unauthorized operation of aircraft, including sail planes, and hang gliders, at altitudes resulting in harassment of wildlife, or the unauthorized landing or take-off on a national wildlife refuge, except in an emergency, is prohibited. National wildlife refuge boundaries are designated on update FAA aeronautical charts.

Subpart D—Disturbing Violations: With Weapons

§ 27.41 General provisions.

Carrying, possessing, or discharging firearms, fireworks, or explosives on national wildlife refuges is prohibited unless specifically authorized under the provisions of this subchapter C.

§ 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

(a) Persons using firearms for public hunting under the provisions of 50 CFR part 32.

(b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of subchapter C.

(c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.

(d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trials, and other special purposes.

[46 FR 47230, Sept. 25, 1981]

§ 27.43 Weapons other than firearms.

The use or possession of cross bows, bows and arrows, air guns, spears, gigs, or other weapons on national wildlife refuges is prohibited except as may be authorized under the provision of this subchapter C.

[46 FR 47230, Sept. 25, 1981]

**Subpart E—Disturbing Violations:
Against Plants and Animals**

§ 27.51 Disturbing, injuring, and damaging plants and animals.

(a) Disturbing, injuring, spearing, poisoning, destroying, collecting or attempting to disturb, injure, spear, poison, destroy or collect any plant or animal on any national wildlife refuge is prohibited except by special permit unless otherwise permitted under this subchapter C.

(b) [Reserved]

§ 27.52 Introduction of plants and animals.

Plants and animals or their parts taken elsewhere shall not be introduced, liberated, or placed on any national wildlife refuge except as authorized.

**Subpart F—Disturbing Violations:
Against Nonwildlife Property**

§ 27.61 Destruction or removal of property.

The destruction, injury, defacement, disturbance, or the unauthorized removal of any public property including natural objects or private property on or from any national wildlife refuge is prohibited.

§ 27.62 Search for and removal of objects of antiquity.

No person shall search for or remove from national wildlife refuges objects of antiquity except as may be authorized by 43 CFR part 3.

§ 27.63 Search for and removal of other valued objects.

(a) No person shall search for buried treasure, treasure trove, valuable semi-precious rocks, stones, or mineral specimens on national wildlife refuges unless authorized by permit or by provision of this subchapter C.

(b) Permits are required for archeological studies on national wildlife refuges in accordance with the provisions of this subchapter C.

§ 27.64 Prospecting and mining.

Prospecting, locating, or filing mining claims on national wildlife refuges

is prohibited unless otherwise provided by law. See § 29.31 for provisions concerning mineral leasing.

[41 FR 9168, Mar. 3, 1976, as amended at 44 FR 42976, July 23, 1979]

§ 27.65 Tampering with vehicles and equipment.

Tampering with, entering, or starting any motor vehicle, boat, equipment or machinery or attempting to tamper with, enter, or start any motor vehicle, boat, equipment or machinery on any national wildlife refuge without proper authorization is prohibited.

**Subpart G—Disturbing Violations:
Light and Sound Equipment**

§ 27.71 Motion or sound pictures.

The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR part 5.

§ 27.72 Audio equipment.

The operation or use of audio devices including radios, recording and playback devices, loudspeakers, television sets, public address systems and musical instruments so as to cause unreasonable disturbance to others in the vicinity is prohibited.

§ 27.73 Artificial lights.

No unauthorized person shall use or direct the rays of a spotlight or other artificial light, or automotive headlights for the purpose of spotting, locating, or taking any animal within the boundaries of any national wildlife refuge or along rights-of-way for public or private roads within a national wildlife refuge.

**Subpart H—Disturbing Violations:
Personal Conduct**

§ 27.81 Alcoholic beverages.

Entering or remaining in any national wildlife refuge when under the influence of alcohol, to a degree that may endanger oneself or other persons or property or unreasonably annoy persons in the vicinity, is prohibited.

§ 27.82 Possession and delivery of controlled substances.

(a) Definitions for the purpose of this section:

(1) The term *controlled substance* means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) or any drug or substance added to these schedules pursuant to the terms of the Controlled Substance Act.

(2) The term *practitioner* means a physician, dentist, veterinarian, scientific investigator, pharmacist, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term *delivery* means the actual, attempted or constructive transfer and/or distribution of a controlled substance, whether or not there exists an agency relationship.

(b) Offenses. (1) The delivery of any controlled substance on a national wildlife refuge is prohibited, except that distributed by a practitioner in accordance with applicable law.

(2) The possession of a controlled substance on a national wildlife refuge is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a national wildlife refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a national wildlife refuge is prohibited.

§ 27.83 Indecency and disorderly conduct.

Any act of indecency or disorderly conduct as defined by State or local laws is prohibited on any national wildlife refuge.

§ 27.84 Interference with persons engaged in authorized activities.

Disturbing, molesting, or interfering with any employee of the United States or of any local or State government engaged in official business, or with any private person engaged in the pursuit of an authorized activity on any national wildlife refuge is prohibited.

§ 27.85 Gambling.

Gambling in any form, or the operation of gambling devices, for money or otherwise, on any national wildlife refuge is prohibited.

§ 27.86 Begging.

Begging on any national wildlife refuge is prohibited. Soliciting of funds for the support or assistance of any cause or organization is also prohibited unless properly authorized.

Subpart I—Other Disturbing Violations**§ 27.91 Field trials.**

The conducting or operation of field trials for dogs on national wildlife refuges is prohibited except as may be authorized by special permit.

§ 27.92 Private structures.

No person shall without proper authority construct, install, occupy, or maintain any building, log boom, pier, dock, fence, wall, pile, anchorage, or other structure or obstruction in any national wildlife refuge.

§ 27.93 Abandonment of property.

Abandoning, discarding, or otherwise leaving any personal property in any national wildlife refuge is prohibited.

§ 27.94 Disposal of waste.

(a) The littering, disposing, or dumping in any manner of garbage, refuse sewage, sludge, earth, rocks, or other debris on any national wildlife refuge except at points or locations designated by the refuge manager, or the draining or dumping of oil, acids, pesticide wastes, poisons, or any other types of chemical wastes in, or otherwise polluting any waters, water holes,

§ 27.95

streams or other areas within any national wildlife refuge is prohibited.

(b) Persons using a national wildlife refuge shall comply with the sanitary requirements established under the provisions of this subchapter C for each individual refuge; the sanitation provisions which may be included in leases, agreements, or use permits, and all applicable Federal and State laws.

§ 27.95 Fires.

On all national wildlife refuges persons are prohibited from the following:

(a) Setting on fire or causing to be set on fire any timber, brush, grass, or other inflammable material including camp or cooking fires, except as authorized by the refuge manager or at locations designated for that purpose or as provided for under §26.33(c) of this subchapter C.

(b) Leaving a fire unattended or not completely extinguished;

(c) Throwing a burning cigarette, match, or other lighted substance from any moving conveyance or throwing of same in any place where it may start a fire; and

(d) Smoking on any lands, including roads, or in any buildings which have been designated and/or posted with no smoking signs.

§ 27.96 Advertising.

Except as may be authorized, posting, distributing, or otherwise displaying private or public notices, advertisements, announcements, or displays of any kind in any national wildlife refuge, other than business designations on private vehicles or boats is prohibited.

§ 27.97 Private operations.

Soliciting business or conducting a commercial enterprise on any national wildlife refuge is prohibited except as may be authorized by special permit.

PART 28—ENFORCEMENT, PENALTY, AND PROCEDURAL REQUIREMENTS FOR VIOLATIONS OF PARTS 25, 26, AND 27

Subpart A—Introduction

Sec.

28.11 Purpose of regulations.

50 CFR Ch. I (10–1–02 Edition)

Subpart B—Enforcement Authority

28.21 General provisions.

Subpart C—Penalty Provisions

28.31 General penalty provisions.

28.32 Penalty provisions concerning fires and timber.

Subpart D—Impoundment Procedures

28.41 Impoundment of abandoned property.

28.42 Impounding of domestic animals.

28.43 Destruction of dogs and cats.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended (16 U.S.C. 685); sec. 5, 43 Stat. 651 (16 U.S.C. 725); sec. 5, 45 Stat. 449 (16 U.S.C. 690d); sec. 10, 45 Stat. 1224 (16 U.S.C. 715i); sec. 4, 48 Stat. 402, as amended (16 U.S.C. 664); sec. 2, 48 Stat. 1270 (43 U.S.C. 315a); sec. 4, 76 Stat. 654 (16 U.S.C. 460k); sec. 4, 80 Stat. 927 (16 U.S.C. 668dd) (5 U.S.C. 301).

SOURCE: 41 FR 9171, Mar. 3, 1976, unless otherwise noted.

Subpart A—Introduction

§ 28.11 Purpose of regulations.

The regulations in this part govern the enforcement, penalty and procedural requirements for violations of parts 25, 26, and 27.

Subpart B—Enforcement Authority

§ 28.21 General provisions.

Refuge managers and other authorized personnel are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.2) to protect fish and wildlife and their habitat and prevent their disturbance, to protect Service lands, property, facilities, or interests therein and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State, and local laws and regulations: The provisions of this subchapter C and any special regulations issued pursuant thereto; and the prohibitions and restrictions as posted.

[41 FR 9171, Mar. 3, 1976, as amended at 44 FR 42976, July 23, 1979; 51 FR 7575, Mar. 5, 1986]

Subpart C—Penalty Provisions**§ 28.31 General penalty provisions.**

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this subchapter C, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under the subchapter C shall be subject to the penalty provisions of this section.

(b) Failure of any person, utilizing the resources of any national wildlife refuge or enjoying any privilege of use thereon for any purpose whatsoever, to comply with any of the provisions, conditions, restrictions, or requirements of this subchapter C or to comply with any applicable provisions of Federal or State law may render such person liable to:

(1) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k-3; Sec. 4, 80 Stat. 927, as amended, 16 U.S.C. 668dd(e); Sec. 7, 60 Stat. 1080, 16 U.S.C. 666a; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41.)

(2) [Reserved]

§ 28.32 Penalty provisions concerning fires and timber.

(a) Any person violating sections 1855-1856 of the Criminal Code (18 U.S.C. 1855-1856) as they pertain to fires on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

(b) Any person violating sections 1852-1853 of the Criminal Code (18 U.S.C. 1852-1853) as they pertain to timber on national wildlife refuge lands of the United States shall be subject to civil action and to the penalty provisions of the law.

Subpart D—Impoundment Procedures**§ 28.41 Impoundment of abandoned property.**

Any property abandoned or left unattended without authority on any national wildlife refuge for a period in excess of 72 hours is subject to removal. The expense of the removal shall be

borne by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1959, as amended (40 U.S.C. 484m), and regulations issued thereunder. Former owners may apply within 3 years for reimbursement for such property, subject to disposal and storage costs and similar expenses, upon sufficient proof of ownership.

§ 28.42 Impounding of domestic animals.

(a) Any animal trespassing on the lands of any national wildlife refuge may be impounded and disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served in person with written receipt obtained or delivery by certified mail with return receipt requested. In the event of his failure to remove the impounded animal within five (5) days from receipt of such notice, it will be sold or otherwise disposed of as prescribed in this section.

(c) If the owner is unknown, no disposition of the animal shall be made until at least fifteen (15) days have elapsed from the date of a legal notice of the impounding has been posted at the county courthouse and 15 days after the second notice published in a newspaper in general circulation in the county in which the trespass took place.

(d) The notice shall state when and where the animal was impounded and shall describe it by brand or earmark or distinguishing marks or by other reasonable identification. The notice shall specify the time and place the animal will be offered at public sale to the highest bidder, in the event it is not claimed or redeemed. The notice shall reserve the right of the official conducting the sale to reject any and all bids so received.

(e) Prior to such sale, the owner may redeem the animal by submitting proof of ownership and paying all expenses of

§ 28.43

the United States for, capturing, impounding, advertising, care, forage, and damage claims.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is an amount less than the claim of the United States, the animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States. Upon the sale of any animal in accordance with this section, the buyer shall be issued a certificate of sale.

(g) In determining the claim of the Federal Government in all livestock trespass cases on national wildlife refuges, the value of forage consumed shall be computed at the commercial unit rate prevailing in the locality for that class of livestock. In addition, the claim shall include damages to national wildlife refuge property injured or destroyed, and all the related expenses incurred in the impounding, caring for and disposing of the animal. The salary of Service employees for the time spent in and about the investigations, reports, and settlement or prosecution of the case shall be prorated in computing the expense. Payment of claims due the United States shall be made by certified check or postal money order payable to the U.S. Fish and Wildlife Service.

§ 28.43 Destruction of dogs and cats.

Dogs and cats running at large on a national wildlife refuge and observed by an authorized official in the act of killing, injuring, harassing or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

PART 29—LAND USE MANAGEMENT

Subpart A—General Rules

Sec.

29.1 May we allow economic uses on national wildlife refuges?

29.2 Cooperative land management.

29.3–29.4 [Reserved]

29.5 Fees.

Subpart B—Rights-of-Way General Regulations

29.21 What do these terms mean?

50 CFR Ch. I (10–1–02 Edition)

29.21–1 Purpose and scope.

29.21–2 Application procedures.

29.21–3 Nature of interest granted.

29.21–4 Terms and conditions.

29.21–5 Construction.

29.21–6 Disposal, transfer or termination of interest.

29.21–7 What payment do we require for use and occupancy of national wildlife refuge lands?

29.21–8 Electric power transmission line rights-of-way.

29.21–9 Rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

29.22 Hearing and appeals procedures.

Subpart C—Mineral Operations

29.31 Mineral ownerships in the United States.

29.32 Mineral rights reserved and excepted.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 1270, sec. 4, 76 Stat. 645; 5 U.S.C. 301, 16 U.S.C. 668dd, 685, 725, 690d, 715i, 664, 43 U.S.C. 315a, 16 U.S.C. 460k; 80 Stat. 926.

SOURCE: 31 FR 16026, Dec. 15, 1966, unless otherwise noted.

Subpart A—General Rules

§ 29.1 May we allow economic uses on national wildlife refuges?

We may only authorize public or private economic use of the natural resources of any national wildlife refuge, in accordance with 16 U.S.C. 715s, where we determine that the use contributes to the achievement of the national wildlife refuge purposes or the National Wildlife Refuge System mission. We may authorize economic use by appropriate permit only when we have determined the use on a national wildlife refuge to be compatible. Persons exercising economic privileges on national wildlife refuges will be subject to the applicable provisions of this subchapter and of other applicable laws and regulations governing national wildlife refuges. Permits for economic use will contain such terms and conditions that we determine to be necessary for the proper administration of the resources. Economic use in this section includes but is not limited to grazing livestock, harvesting hay and stock feed, removing timber, firewood or other natural products of the soil,

U.S. Fish and Wildlife Serv., Interior

§ 29.21-1

removing shell, sand or gravel, cultivating areas, or engaging in operations that facilitate approved programs on national wildlife refuges.

[65 FR 62483, Oct. 18, 2000]

§ 29.2 Cooperative land management.

Cooperative agreements with persons for crop cultivation, haying, grazing, or the harvest of vegetative products, including plantlife, growing with or without cultivation on wildlife refuge areas may be executed on a share-in-kind basis when such agreements are in aid of or benefit to the wildlife management of the area.

§§ 29.3-29.4 [Reserved]

§ 29.5 Fees.

Fees and charges for the grant of privileges on wildlife refuge areas and for the sale of products taken therefrom, where not otherwise prescribed by law or regulation, shall be set at a rate commensurate with fees and charges for similar privileges and products made by private land owners in the vicinity or in accordance with their local value. Fees or rates of charge for products and privileges may be based either on a monetary exchange or on a share in kind of the resource or product.

Subpart B—Rights-of-Way General Regulations

§ 29.21 What do these terms mean?

Compatible use means a proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge. The term “inconsistent” in section 28(b)(1) of the Mineral Leasing Act of 1920 (30 U.S.C. 185) means a use that is not compatible.

Department means U.S. Department of the Interior unless otherwise specified.

National Wildlife Refuge System land means lands and waters, or interests therein, administered by the Secretary

as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas.

Other lands means all other lands, or interests therein, and waters administered by the Secretary through the U.S. Fish and Wildlife Service which are not included in National Wildlife Refuge System lands, e.g., administrative sites, research stations, fish hatcheries, and fishery research stations.

Project Manager means the officer in charge of the land under administration by the U.S. Fish and Wildlife Service.

[34 FR 19907, Dec. 19, 1969, as amended at 39 FR 5490, Feb. 13, 1974; 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983; 51 FR 7575, Mar. 5, 1986; 65 FR 62483, Oct. 18, 2000]

§ 29.21-1 Purpose and scope.

The regulations in this subpart prescribe the procedures for filing applications and the terms and conditions under which rights-of-way over and across the lands administered by the U.S. Fish and Wildlife Service may be granted.

(a) *National Wildlife Refuge System lands*. Applications for all forms of rights-of-way on or over such lands shall be submitted under authority of Pub. L. 89-669, (80 Stat. 926; 16 U.S.C. 668dd) as amended, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93-153, following application procedures set out in § 29.21-2. No right-of-way will be approved unless it is determined by the Regional Director to be compatible. See § 29.21-8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21-9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(b) *National Wildlife Refuge System lands—easement interest*. Applications for all forms of rights-of-way across lands in which the United States owns

§ 29.21-2

only an easement interest may be submitted to the Regional Director in letter form. No map exhibit is required, however, the affected land should be described in the letter or shown on a map sketch. If the requested right-of-way will not adversely affect the United States' interest, the Regional Director may issue a letter stating that the interest of the United States to the right-of-way easement would not be affected provided there would be no objection to a right-of-way by the fee owner. If the interest of the United States will be affected, application for the right-of-way must be submitted in accordance with procedures set out in § 29.21-2.

(c) *Other lands outside the National Wildlife Refuge System.* Rights-of-way on or over other lands will be granted in accordance with controlling authorities cited in 43 CFR part 2800, or for oil and gas pipelines under section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449; 30 U.S.C. 185) as amended by Pub. L. 93-153. See § 29.21-8 for additional requirements applicable to rights-of-way for electric power transmission lines and § 29.21-9 for additional requirements applicable to rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any other refined product produced therefrom. Applications will be submitted in accordance with procedures set out in § 29.21-2.

[34 FR 19907, Dec. 19, 1969, as amended at 36 FR 2402, Feb. 4, 1971; 39 FR 5490, Feb. 13, 1974; 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983]

§ 29.21-2 Application procedures.

(a) *Application.* (1) No special form of application is required. The application should state the purpose for which the right-of-way is being requested together with the length, width on each side of the centerline, and the estimated acreage. Applications, including exhibits, shall be filed in triplicate with the Regional Director for the region in which the State is located. A list of States in each region and the addresses of the Regional Directors are contained in paragraph (c) of this section.

(2)(i) All applications filed pursuant to this subpart in the name of individuals, corporations, or associations must be accompanied by a nonreturnable application fee. No application fee will be required of (A) State of local governments or agencies or instrumentalities thereof except as to rights-of-way, easements or permits under section 28 of the Mineral Leasing Act of 1920, as amended by Pub. L. 93-153, or (B) Federal Government agencies.

(ii) Application fees will be in accordance with the following schedule:

(A) For linear facilities (e.g., powerlines, pipelines, roads, etc.).

Length	Payment
Less than 5 miles	\$50 per mile or fraction thereof.
5 to 20 miles	\$500.
20 miles and over	\$500 for each 20 miles or fraction thereof.

(B) For nonlinear facilities, \$250 for each 40 acres or fraction thereof.

(C) Where an application includes both linear and nonlinear facilities, payment will be the aggregate of amounts under paragraphs (a)(2)(ii)(A) and (B) of this section.

(D) When an application is received, the Regional Director will estimate the costs expected to be incurred in processing the application. If the estimated costs exceed the payments under paragraph (a)(2)(ii) (A), (B), or (C) of this section by an amount greater than the cost of maintaining actual cost records, the Regional Director shall require the applicant to make periodic payments in advance of the incurrence of such costs by the United States except for the last payment which will reflect final reimbursement for actual costs of the United States in processing the application. Overpayments may be refunded or adjusted by the Regional Director as appropriate.

(E) The Regional Director shall, on request by an applicant or prospective applicant, give an estimate based on the best available cost information, of the costs which would be incurred by the United States in processing an application. However, reimbursement will not be limited to the estimate of the Regional Director if the actual costs exceed the estimate. Prospective applicants are encouraged to consult with the Regional Director in advance

of filing an application in regard to probable costs and other requirements.

(3)(i) By accepting an easement or permit under this subpart, the holder agrees to reimburse the United States for reasonable costs incurred by the Fish and Wildlife Service in monitoring the construction, operation, maintenance, and termination of facilities within or adjacent to the easement or permit area. No reimbursement of monitoring costs will be required of (A) State or local governments or agencies or instrumentalities thereof except as to right-of-way, easements, or permits granted under section 28 of the Mineral Leasing Act of 1920 as amended by Pub. L. 93-153, or (B) Federal Government agencies.

(ii) Within 60 days of the issuance of an easement or permit the holder must submit a nonreturnable payment in accordance with the following:

(A) For linear facilities e.g., powerlines, pipelines, roads, etc.).

Length	Payment
Less than 5 miles	\$20 per mile or fraction thereof.
5 to 20 miles	\$200.
20 miles and over	\$200 for each 20 miles or fraction thereof.

(B) For nonlinear facilities, \$100 for each 40 acres or fraction thereof.

(C) Where an easement or permit includes both linear and nonlinear facilities, payment will be the aggregate amounts under paragraph (a)(3)(2)(ii) (A) and (B) of this section.

(D) When an easement or permit is granted the Regional Director shall estimate the costs, based on the best available cost information, expected to be incurred by the United States in monitoring holder activity. If the estimated costs exceed the payments under paragraph (a)(3)(2) (ii), (A), (B), or (C) of this section by an amount which is greater than the cost of maintaining actual cost records for the monitoring process, the Regional Director shall require the holder to make periodic payments of the estimated reimbursable costs prior to the incurrence of such costs by the United States. Overpayments may be refunded or adjusted by the Regional Director as appropriate.

(E) Following the termination of an easement or permit, the former holder will be required to pay additional

amounts to the extent the actual costs to the United States have exceeded the payments required by paragraphs (a)(3)(ii)(A), (B), and (C) of this section.

(4) All applications filed pursuant to this subpart must include a detailed environmental analysis which shall include information concerning the impact of the proposed use of the environment including the impact on air and water quality; scenic and esthetic features; historic, architectural, archeological, and cultural features; wildlife, fish and marine life, etc. The analysis shall include sufficient data so as to enable the Service to prepare an environmental assessment and/or impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and comply with the requirements of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), Executive Order 11593 "Protection and Enhancement of the Cultural Environment" of May 13, 1971 (36 FR 8921), and "Procedures for the Protection of Historic and Cultural Properties" (36 CFR, part 800). Concerning the National Environmental Policy Act, the Regional Director may, at his discretion, rely on an environmental assessment or impact statement prepared by a "lead agency."

(b) *Maps.* A map or plat must accompany each copy of the application and must show the right-of-way in such detail that the right-of-way can be accurately located on the ground. Ties to Service land boundary corner monuments or some prominent cultural features which can be readily recognized and recovered should be shown where the right-of-way enters and leaves Service project land together with courses and distances of the centerline. The width of the right-of-way on each side of the centerline together with the acreage included within the right-of-way or site must also be shown. If the right-of-way or site is located wholly within Service project land, a tie to a Government corner or prominent cultural feature which can be readily recognized and recovered should be shown.

(c) *Regional or Area Director's Addresses.*

§ 29.21-3

(1) For the States of California, Hawaii, Idaho, Nevada, Oregon and Washington:

Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland Oregon 97232.

(2) For the States of Arizona, New Mexico, Oklahoma, and Texas:

Regional Director, U.S. Fish and Wildlife Service, 500 Gold Avenue, P.O. Box 1306, Albuquerque, New Mexico 87103.

(3) For the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin:

Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

(4) For the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and Virgin Islands:

Regional Director, U.S. Fish and Wildlife Service, Richard B. Russell, Federal Building, Suite 1200, 75 Spring Street, S.W., Atlanta, Georgia 30303.

(5) For the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia:

Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 03158.

(6) For the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming:

Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

(7) For the State of Alaska:

Regional Director, U.S. Fish and Wildlife Service, 1101 E. Tudor Road, Anchorage, Alaska 99503.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43917, Aug. 31, 1977; 44 FR 42976, July 23, 1979; 48 FR 31655, July 11, 1983]

§ 29.21-3 Nature of interest granted.

(a) Where the land administered by the Secretary is owned in fee by the United States and the right-of-way is compatible with the objectives of the area, permit or easement may be ap-

proved and granted by the Regional Director. Generally an easement or permit will be issued for a term of 50 years or so long as it is used for the purpose granted, or for a lesser term when considered appropriate. For rights-of-way granted under authority of section 28 of the Mineral Leasing Act of 1920, as amended, for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, the grant may be for a term not to exceed 30 years and the right-of-way may not exceed 50 feet, plus the area occupied by the pipeline and its related facilities unless the Regional Director finds, and records the reasons for his finding, that, in his judgment, a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, etc. However, a temporary permit supplementing a right-of-way may be granted for additional land needed during construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

(b) Unless otherwise provided, no interest granted shall give the grantee any right whatever to remove any material, earth, or stone for construction or other purpose, except that stone or earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43918, Aug. 31, 1977]

§ 29.21-4 Terms and conditions.

(a) Any right-of-way easement or permit granted will be subject to outstanding rights, if any, in third parties.

(b) An applicant, by accepting an easement or permit agrees to such terms and conditions as may be prescribed by the Regional Director in the granting document. Such terms and conditions shall include the following, unless waived in part by the Regional Director, and may include additional

special stipulations at his discretion. See § 29.21-8 for special requirements for electric powerlines and § 29.21-9 for special requirements for oil and gas pipelines.

(1) To comply with State and Federal laws applicable to the project within which the easement or permit is granted, and to the lands which are included in the right-of-way, and lawful existing regulations thereunder.

(2) To clear and keep clear the lands within the easement or permit area to the extent and in the manner directed by the project manager in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such a manner as to decrease the fire hazard and also in accordance with such instructions as the project manager may specify.

(3) To prevent the disturbance or removal of any public land survey monument or project boundary monument unless and until the applicant has requested and received from the Regional Director approval of measures the applicant will take to perpetuate the location of aforesaid monument.

(4) To take such soil and resource conservation and protection measures, including weed control on the land covered by the easement or permit as the project manager in charge may request.

(5) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near lands to be occupied under the easement or permit area, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(6) To rebuild and repair such roads, fences, structures, and trails as may be destroyed or injured by construction work and upon request by the Regional Director, to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(7) To pay the United States the full value for all damages to the lands or

other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person or property arising from the occupancy or use of the lands under the easement or permit, except where the easement or permit is granted hereunder to a State or other governmental agency which has no legal power to assume such a liability with respect to damages caused by it to lands or property, such agency in lieu thereof agrees to repair all such damages. Where the easement or permit involves lands which are under the exclusive jurisdiction of the United States, the holder or his employees, contractors, or agents of the contractors, shall be liable to third parties for injuries incurred in connection with the easement or permit area. Grants of easements or permits involving special hazards will impose liability without fault for injury and damage to the land and property of the United States up to a specified maximum limit commensurate with the foreseeable risks or hazards presented. The amount of no-fault liability for each occurrence is hereby limited to no more than \$1,000,000.

(8) To notify promptly the project manager in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States in advance of construction such sum of money as the project manager may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(9) That all or any part of the easement or permit granted may be terminated by the Regional Director, for failure to comply with any or all of the terms or conditions of the grant, or for abandonment. A rebuttable presumption of abandonment is raised by deliberate failure of the holder to use for any continuous 2-year period the easement or permit for the purpose for which it was granted or renewed. In the event of noncompliance of abandonment, the Regional Director will notify in writing the holder of the easement or permit of his intention to suspend or terminate such grant 60 days from the

date of the notice, stating the reasons therefor, unless prior to that time the holder completes such corrective actions as are specified in the notice. The Regional Director may grant an extension of time within which to complete corrective actions when, in his judgment, extenuating circumstances not within the holder's control such as adverse weather conditions, disturbance to wildlife during breeding periods or periods of peak concentration, or other compelling reasons warrant. Should the holder of a right-of-way issued under authority of the Mineral Leasing Act, as amended, fail to take corrective action within the 60-day period, the Regional Director will provide for an administrative proceeding pursuant to 5 U.S.C. 554, prior to a final Departmental decision to suspend or terminate the easement or permit. In the case of all other right-of-way holders, failure to take corrective action within the 60-day period will result in a determination by the Regional Director to suspend or terminate the easement or permit. No administrative proceeding shall be required where the easement or permit terminates under its terms.

(10) To restore the land to its original condition to the satisfaction of the Regional Director so far as it is reasonably possible to do so upon revocation and/or termination of the easement or permit, unless this requirement is waived in writing by the Regional Director. Termination also includes permits or easements that terminate under the terms of the grant.

(11) To keep the project manager informed at all times of his address, and, in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

(12) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

(13) That the grant of the easement or permit shall be subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or dis-

posal by the United States of the land affected thereby. The applicant agrees and consents to the occupancy and use by the United States, its grantees, permittees, or lessees of any part of the easement of permit area not actually occupied for the purpose of the granted rights to the extent that it does not interfere with the full and safe utilization thereof by the holder. The holder of an easement or permit also agrees that authorized representatives of the United States shall have the right of access to the easement or permit area for the purpose of making inspections and monitoring the construction, operation and maintenance of facilities.

(14) That the easement or permit herein granted shall be subject to the express covenant that any facility constructed thereon will be modified or adapted, if such is found by the Regional Director to be necessary, without liability or expense to the United States, so that such facility will not conflict with the use and occupancy of the land for any authorized works which may hereafter be constructed thereon under the authority of the United States. Any such modification will be planned and scheduled so as not to interfere unduly with or to have minimal effect upon continuity of energy and delivery requirements.

(15) That the easement or permit herein granted shall be for the specific use described and may not be construed to include the further right to authorize any other use within the easement or permit area unless approved in writing by the Regional Director.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43918, Aug. 31, 1977]

§ 29.21-5 Construction.

(a) If construction is not commenced within two (2) years after date of right-of-way grant, the right-of-way may be canceled by the Director of the U.S. Fish and Wildlife Service at his discretion.

(b) Proof of construction: Upon completion of construction, the applicant shall file a certification of completion with the Regional Director.

[42 FR 43919, Aug. 31, 1977]

§ 29.21-6 Disposal, transfer or termination of interest.

(a) *Change in jurisdiction over and disposal of lands.* The final disposal by the United States of any tract of land traversed by a right-of-way shall not be construed to be a revocation of the right-of-way in whole or in part, but such final disposition shall be deemed and taken to be subject to such right-of-way unless it has been specifically canceled.

(b) *Transfer of easement or permit.* Any proposed transfer, by assignment, lease, operating agreement or otherwise, of an easement or permit must be filed in triplicate with the Regional Director and must be supported by a stipulation that the transferee agrees to comply with and be bound by the terms and conditions of the original grant. A \$25 nonreturnable service fee must accompany the proposal. No transfer will be recognized unless and until approved in writing by the Regional Director.

(c) *Disposal of property on termination of right-of-way.* In the absence of any agreement to the contrary, the holder of the right-of-way will be allowed 6 months after termination to remove all property or improvements other than a road and useable improvements to a road, placed thereon by him; otherwise, all such property and improvements shall become the property of the United States. Extensions of time may be granted at the discretion of the Regional Director.

[31 FR 16026, Dec. 15, 1966, as amended at 42 FR 43919, Aug. 31, 1977]

§ 29.21-7 What payment do we require for use and occupancy of national wildlife refuge lands?

(a) Payment for use and occupancy of lands under the regulations of this subpart will be required and will be for fair market value as determined by appraisal by the Regional Director. At the discretion of the Regional Director, the payment may be a lump sum payment or an annual fair market rental payment, to be made in advance. If any Federal, State or local agency is exempted from such payment by and any other provision of Federal law, such agency shall otherwise compensate the Service by any other means agreeable to the Regional Director, including,

but not limited to, making other land available or the loan of equipment or personnel, except that any such compensation shall relate to, and be consistent with the objectives of the National Wildlife Refuge System. The Regional Director may waive such requirement for compensation if he finds such requirement impracticable or unnecessary.

(b) When annual rental payments are used, such rates shall be reviewed by the Regional Director at any time not less than 5 years after the grant of the permit, right-of-way, or easement or the last revision of charges thereunder. The Regional Director will furnish a notice in writing to the holder of an easement or permit of intent to impose new charges to reflect fair market value commencing with the ensuing charge year. The revised charges will be effective unless the holder files an appeal in accordance with § 29.22.

[42 FR 43919, Aug. 31, 1977, as amended at 65 FR 62483, Oct. 18, 2000]

§ 29.21-8 Electric power transmission line rights-of-way.

By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, except those which the Secretary may waive in a particular case, in addition to those specified in § 29.21-4(b).

(a) To protect in a workmanlike manner, at crossings and at places in proximity to his transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph and power transmission lines from contact and all highways and railroads from obstruction and to maintain his transmission lines in such manner as not to menace life or property.

(b) Neither the privilege nor the right to occupy or use the lands for the purpose authorized shall relieve him of any legal liability for causing inductive or conductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the servient lands, and any radio installation,

telephone line, or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof.

[42 FR 43919, Aug. 31, 1977, as amended at 48 FR 31655, July 11, 1983]

§ 29.21-9 Rights-of-way for pipelines for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom.

(a) *Application procedure.* Applications for pipelines and related facilities under this section are to be filed in accordance with § 29.21-2 of these regulations with the following exception:

When the right-of-way or proposed facility will occupy Federal land under the control of more than one Federal Agency and/or more than one bureau or office of the Department of the Interior, a single application shall be filed with the appropriate State Director of the Bureau of Land Management in accordance with regulations in 43 CFR part 2800.

Any portion of the facility occupying land of the National Wildlife Refuge System will be subject to the provisions of these regulations.

(b) *Right-of-way grants* under this section will be subject to the special requirements of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended, as set forth below. Gathering lines and associated structures used solely in the production of oil and gas under valid leases on the lands administered by the Fish and Wildlife Service are excepted from the provisions of this section.

(1) *Pipeline safety.* Rights-of-way or permits granted under this section will include requirements that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline. An applicant must agree to design, construct, and operate all proposed facilities in accordance with the provisions of parts 192 and/or 195 of title 49 of the CFR and in accordance with the Occupational Safety and Health Act of 1970, Pub. L. 91-596, including any amendments thereto.

(2) *Environmental protection.* An application for a right-of-way must contain environmental information required by § 29.21-2(a)(4) of this subpart. If the Regional Director determines that a pro-

posed project will have a significant affect on the environment, there must also be furnished a plan of construction, operations, and rehabilitation of the proposed facilities. In addition to terms and conditions imposed under § 29.21-4, the Regional director will impose such stipulations as may be required to assure: (i) Restoration, revegetation and curtailment of erosion of the surface; (ii) that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards in related facilities siting standards established by law; (iii) control or prevention of damage to the environment including damage to fish and wildlife habitat, public or private property, and public health and safety; and (iv) protection of the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes.

(c) *Disclosure.* If the applicant is a partnership, corporation, association, or other business entity it must disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 percentum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(d) *Technical and financial capability.* The Regional Director may grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain and terminate the

facility. At the discretion of the Regional Director, a financial statement may be required.

(e) *Reimbursement of costs.* In accordance with § 29.21-2(a)(3) of this subpart, the holder of a right-of-way or permit must reimburse the Service for the cost incurred in monitoring the construction, operation, maintenance, and termination of any pipeline or related facilities as determined by the Regional Director.

(f) *Public hearing.* The Regional Director shall give notice to Federal, State, and local government agencies, and the public, and afford them the opportunity to comment on right-of-way applications under this section. A notice will be published in the FEDERAL REGISTER and a public hearing may be held where appropriate.

(g) *Bonding.* Where appropriate the Regional Director may require the holder of a right-of-way or permit to furnish a bond, or other security satisfactory to him, to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation, not to exceed the period of construction plus one year or a longer period if necessary for the pipeline to stabilize.

(h) *Suspension of right-of-way.* If the Project Manager determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health and safety or the environment, he may issue an emergency suspension order to abate such activities prior to an administrative proceeding. The Regional Director must make a determination and notify the holder in writing within 15 days from the date of suspension as to whether the suspension should continue and list actions needed to terminate the suspension. Such suspension shall remain in effect for only so long as an emergency condition continues.

(i) *Joint use of rights-of-way.* Each right-of-way or permit shall reserve to the Regional Director the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit areas granted under this section after giving notice to the holder and an opportunity to comment.

(j) *Common carriers.* (1) Pipelines and related facilities used for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom shall be constructed, operated, and maintained as common carriers.

(2)(i) The owners or operators of pipelines subject to this subpart shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

(ii) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipelines, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

(3)(i) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

(ii) Where natural gas not subject to state regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

(4) The Regional Director shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (i) Conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or

§ 29.22

terminal's throughput capacity in response to actual or anticipated increases in demand; (ii) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (iii) minimum shipment or purchase tenders.

(k) *Limitations on export.* Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitation and licensing requirements of the Export Administration Act of 1969.

(l) *State standards.* The Regional Director shall take into consideration, and to the extent practical comply with, applicable State standards for right-of-way construction, operation, and maintenance.

(m) *Congressional notification.* The Secretary shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for pipeline 24 inches or more in diameter, and no right-of-way for such a pipeline shall be granted until 60 days (not including days on which the House or Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way together with the Secretary's detailed findings as to terms and conditions he proposes to impose, has been submitted to the Committees, unless each Committee by resolution waives the waiting period.

[42 FR 43921, Aug. 31, 1977]

§ 29.22 Hearing and appeals procedures.

An appeal may be taken from any final disposition of the Regional Director to the Director, U.S. Fish and Wildlife Service, and, except in the case of a denial of a right-of-way application, from the latter's decision to the Secretary of the Interior. Appeals to the

50 CFR Ch. I (10-1-02 Edition)

Secretary shall be taken pursuant to 43 CFR part 4, subpart G.

[44 FR 42976, July 23, 1979]

Subpart C—Mineral Operations

§ 29.31 Mineral ownerships in the United States.

Where mineral rights to lands in wildlife refuge areas are vested in the United States, the provisions of 43 CFR 3101.3-3, 3109.4, 3201.1-6 and 3501.2-2 govern.

[31 FR 16026, Dec. 15, 1966, as amended at 44 FR 42976, July 23, 1979]

§ 29.32 Mineral rights reserved and excepted.

Persons holding mineral rights in wildlife refuge lands by reservation in the conveyance to the United States and persons holding mineral rights in such lands which rights vested prior to the acquisition of the lands by the United States shall, to the greatest extent practicable, conduct all exploration, development, and production operations in such a manner as to prevent damage, erosion, pollution, or contamination to the lands, waters, facilities and vegetation of the area. So far as is practicable, such operations must also be conducted without interference with the operation of the refuge or disturbance to the wildlife thereon. Physical occupancy of the area must be kept to the minimum space compatible with the conduct of efficient mineral operations. Persons conducting mineral operations on refuge areas must comply with all applicable Federal and State laws and regulations for the protection of wildlife and the administration of the area. Oil field brine, slag, and all other waste and contaminating substances must be kept in the smallest practicable area, must be confined so as to prevent escape as a result of rains and high water or otherwise, and must be removed from the area as quickly as practicable in such a manner as to prevent contamination, pollution, damage, or injury to the lands, waters, facilities, or vegetation of the refuge or to wildlife. Structures and equipment must be removed from the area when the need for them has ended. Upon the cessation of

U.S. Fish and Wildlife Serv., Interior

§ 31.1

operations the area shall be restored as nearly as possible to its condition prior to the commencement of operations. Nothing in this section shall be applied so as to contravene or nullify rights vested in holders of mineral interests on refuge lands.

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

Subpart A—Range Animals

Sec.

- 30.1 Surplus range animals.
- 30.2 Disposition of surplus range animals.

Subpart B—Feral Animals

- 30.11 Control of feral animals.
- 30.12 Disposition of feral animals.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 668dd, as amended; 16 U.S.C. 715i, as amended; 41 CFR 101-44.

Subpart A—Range Animals

§ 30.1 Surplus range animals.

Range animals on fenced wildlife refuge areas, including buffalo and long-horn cattle, determined to be surplus to the needs of the conservation program may be planned and scheduled for disposal.

[38 FR 16356, June 22, 1973]

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of exigent circumstances affecting the animals, their range, or the recipient. The Refuge Manager is responsible for determining the existence of "exigent circumstances." Surplus range animals may be disposed of, subject to State and Federal health laws and regulations, by donation for specific purposes to public agencies, public institutions, other governments or charitable institutions, or sold on the open market.

[62 FR 19937, Apr. 24, 1997]

Subpart B—Feral Animals

§ 30.11 Control of feral animals.

(a) Feral animals, including horses, burros, cattle, swine, sheep, goats,

reindeer, dogs, and cats, without ownership that have reverted to the wild from a domestic state may be taken by authorized Federal or State personnel or by private persons operating under permit in accordance with applicable provisions of Federal or State law or regulation.

(b) [Reserved]

[31 FR 16027, Dec. 15, 1966]

§ 30.12 Disposition of feral animals.

Feral animals taken on wildlife refuge areas may be disposed of by sale on the open market, gift or loan to public or private institutions for specific purposes, and as otherwise provided in section 401 of the act of June 15, 1935 (49 Stat. 383, 16 U.S.C. 715s).

[38 FR 16356, June 22, 1973]

PART 31—WILDLIFE SPECIES MANAGEMENT

Subpart A—Surplus Wildlife

Sec.

- 31.1 Determination of surplus wildlife populations.
- 31.2 Methods of surplus wildlife population control and disposal.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

- 31.11 Donation and loan of wildlife specimens.
- 31.12 Sale of wildlife specimens.
- 31.13 Commercial harvest of fishery resources.
- 31.14 Official animal control operations.
- 31.15 Public hunting and fishing programs.
- 31.16 Trapping program.
- 31.17 Disposal of furs and pelts.

AUTHORITY: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, as amended, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718(b), 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.

SOURCE: 31 FR 16027, Dec. 15, 1966, unless otherwise noted.

Subpart A—Surplus Wildlife

§ 31.1 Determination of surplus wildlife populations.

The populations and requirements of wildlife species on wildlife refuge areas

§ 31.2

shall be determined by population census, habitat evaluation, and other means of ecological study.

§ 31.2 Methods of surplus wildlife population control and disposal.

Upon a determination that wildlife are surplus to a balanced conservation program on any wildlife refuge area, the surplus may be reduced or utilized in accordance with Federal and State law and regulation by:

- (a) Donation or loan to public agencies and institutions.
- (b) Sale to public or private agencies and institutions.
- (c) Commercial harvest of fishery resources.
- (d) Official wildlife control operations.
- (e) Public hunting or fishing.
- (f) Trapping.

Subpart B—Terms and Conditions of Wildlife Reduction and Disposal

§ 31.11 Donation and loan of wildlife specimens.

Wildlife specimens may be donated or loaned to public institutions for specific purposes. Donation or loans of resident species of wildlife will not be made unless the recipient has secured the approval of the State.

[38 FR 16356, June 22, 1973]

§ 31.12 Sale of wildlife specimens.

Surplus wildlife specimens may be sold alive or butchered, dressed and processed subject to Federal and State laws and regulations and the provisions of this part.

§ 31.13 Commercial harvest of fishery resources.

Fishery resources of commercial importance on wildlife refuge areas may be taken under permit in accordance with Federal and State law and regulation.

§ 31.14 Official animal control operations.

(a) Animal species which are surplus or detrimental to the management program of a wildlife refuge area may be taken in accordance with Federal and State laws and regulations by Federal

50 CFR Ch. I (10–1–02 Edition)

or State personnel or by permit issued to private individuals.

(b) Animal species which are damaging or destroying Federal property within a wildlife refuge area may be taken or destroyed by Federal personnel.

§ 31.15 Public hunting and fishing programs.

The privilege of hunting and fishing may be extended to the general public under the provisions of regulations cited in parts 32 and 33 of this subchapter.

§ 31.16 Trapping program.

Except as hereafter noted, persons trapping animals on wildlife refuge areas where trapping has been authorized shall secure and comply with the provisions of a Federal permit issued for that purpose. This permit shall specify the terms and conditions of trapping activity and the rates of charge or division of pelts, hides, and carcasses. Lands acquired as “waterfowl production areas” shall be open to public trapping without Federal permit provided that trapping on all or part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions affecting land, water, vegetation, or wildlife populations. Each person trapping on any wildlife refuge area shall possess the required State license or permit and shall comply with the provisions of State laws and regulations.

[36 FR 17998, Sept. 8, 1971]

§ 31.17 Disposal of furs and pelts.

The disposition of animals and the pelts or carcasses thereof accruing to the United States through the trapping programs shall be sold by public auction or on the open market unless required for official purposes.

PART 32—HUNTING AND FISHING

Subpart A—General Provisions

Sec.

32.1 Opening of wildlife refuge areas to hunting.

U.S. Fish and Wildlife Serv., Interior

§ 32.1

- 32.2 What are the requirements for hunting on areas of the National Wildlife Refuge System?
- 32.3 What are the procedures for publication of refuge-specific hunting regulations?
- 32.4 Opening of wildlife refuge areas to fishing.
- 32.5 What are the requirements for sportfishing on areas of the National Wildlife Refuge System?
- 32.6 What are the procedures for publication of refuge-specific sport fishing regulations?
- 32.7 What refuge units are open to hunting and/or sport fishing?
- 32.8 Areas closed to hunting.

Subpart B—Refuge-Specific Regulations for Hunting and Fishing

- 32.20 Alabama.
- 32.21 Alaska.
- 32.22 Arizona.
- 32.23 Arkansas.
- 32.24 California.
- 32.25 Colorado.
- 32.26 Connecticut. [Reserved]
- 32.27 Delaware.
- 32.28 Florida.
- 32.29 Georgia.
- 32.30 Hawaii.
- 32.31 Idaho.
- 32.32 Illinois.
- 32.33 Indiana.
- 32.34 Iowa.
- 32.35 Kansas.
- 32.36 Kentucky.
- 32.37 Louisiana.
- 32.38 Maine.
- 32.39 Maryland.
- 32.40 Massachusetts.
- 32.41 Michigan.
- 32.42 Minnesota.
- 32.43 Mississippi.
- 32.44 Missouri.
- 32.45 Montana.
- 32.46 Nebraska.
- 32.47 Nevada.
- 32.48 New Hampshire.
- 32.49 New Jersey.
- 32.50 New Mexico.
- 32.51 New York.
- 32.52 North Carolina.
- 32.53 North Dakota.
- 32.54 Ohio.
- 32.55 Oklahoma.
- 32.56 Oregon.
- 32.57 Pennsylvania.
- 32.58 Puerto Rico. [Reserved]
- 32.59 Rhode Island.
- 32.60 South Carolina.
- 32.61 South Dakota.
- 32.62 Tennessee.
- 32.63 Texas.
- 32.64 Utah.
- 32.65 Vermont.

- 32.66 Virginia.
- 32.67 Washington.
- 32.68 West Virginia.
- 32.69 Wisconsin.
- 32.70 Wyoming.
- 32.71 United States Unincorporated Pacific Insular Possessions.
- 32.72 Guam.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd-668ee, and 715i.

SOURCE: 58 FR 5064, Jan. 19, 1993, unless otherwise noted.

Subpart A—General Provisions

§ 32.1 Opening of wildlife refuge areas to hunting.

The opening of a wildlife refuge area to hunting will be dependent upon the provisions of law applicable to the area and upon a determination by the Secretary that the opening of the area to the hunting of migratory game birds, upland game, or big game will be compatible with the principles of sound wildlife management and will otherwise be in the public interest. The opening or closing of wildlife refuge areas to hunting shall be in accordance with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). Lands acquired pursuant to the Act of May 18, 1948 (62 Stat. 238, 16 U.S.C. 695) will be opened to hunting only after it has been determined that the major portion of the crops in the vicinity of the area involved have been harvested, that the period of susceptibility of such crops to wildfowl depredation has passed, or that the possibility of these crops being damaged by waterfowl is minor. Lands acquired as "waterfowl production areas" shall annually be open to the hunting of migratory game birds, upland game, and big game subject to the provisions of State law and regulations and the pertinent provisions of parts 25 through 31 of this subchapter: *Provided*, That all forms of hunting or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting land, water, vegetation, or wildlife populations.

§ 32.2 What are the requirements for hunting on areas of the National Wildlife Refuge System?

The following provisions shall apply to each person while engaged in public hunting on areas of the National Wildlife Refuge System:

(a) Each person shall secure and possess the required State license.

(b) Each person 16 years of age and older shall secure and possess a Migratory Bird Hunting Stamp while hunting migratory waterfowl.

(c) Each person shall comply with the applicable provisions of Federal law and regulations including this subchapter and the current Federal Migratory Bird Regulations.

(d) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access or use of wildlife refuges, including the terms and conditions under which hunting permits are issued.

(f) Each person must comply with the provisions of any refuge-specific regulations governing hunting on the wildlife refuge area. Regulations, special conditions, and maps of the hunting areas for a particular wildlife refuge are available at that area's headquarters. In addition, refuge-specific hunting regulations for migratory game bird, upland game, and big game hunting appear in §§ 32.20 through 32.72.

(g) The use of any drug on any arrow for bow hunting on national wildlife refuges is prohibited. Archers may not have arrows employing such drugs in their possession on any national wildlife refuge.

(h) The unauthorized distribution of bait and the hunting over bait is prohibited on wildlife refuge areas. (Baiting is authorized in accordance with State regulations on national wildlife refuges in Alaska).

(i) The use of nails, wire, screws or bolts to attach a stand to a tree, or hunting from a tree into which a metal object has been driven to support a hunter is prohibited on wildlife refuge areas.

(j) The use or possession of alcoholic beverages while hunting is prohibited.

(k) You may possess only approved nontoxic shot while in the field, which we identify in 50 CFR 20.21(j), while on Waterfowl Production Areas, or on certain other areas of the National Wildlife Refuge System as delineated on maps, leaflets and/or signs, available at each refuge headquarters or posted at each refuge, or as stated in refuge-specific regulations. Where we allow turkey and deer hunting, you may use slugs and shot containing lead to hunt these species unless prohibited by refuge-specific regulations and/or State law.

(1) The refuge-specific regulations (§ 32.20 through § 32.72) may include the items discussed in § 32.3(b). Refuge permits and brochures should also include those items and any special conditions allowed by paragraph (f) of this section.

[58 FR 5064, Jan. 19, 1993, as amended at 63 FR 46914, Sept. 3, 1998; 65 FR 30777, May 12, 2000; 67 FR 58943, Sept. 18, 2002]

§ 32.3 What are the procedures for publication of refuge-specific hunting regulations?

(a) Refuge-specific hunting regulations are issued only at the time of or after the determination and publication of the opening of a wildlife refuge area to migratory game bird, upland game or big game hunting.

(b) Refuge-specific hunting regulations may contain the following items:

- (1) Wildlife species that may be hunted;
- (2) Seasons;
- (3) Bag limits;
- (4) Methods of hunting;
- (5) Description of areas open to hunting; or
- (6) Other provisions as required.

(c) Refuge-specific hunting regulations will not liberalize existing State laws or regulations.

(d) Refuge-specific hunting regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(e) We initially publish refuge-specific hunting regulations in the daily issue of the FEDERAL REGISTER, and subsequently they appear in §§ 32.20 through 32.72, except that the refuge manager may adopt and issue relevant

U.S. Fish and Wildlife Serv., Interior

§ 32.6

refuge-specific season dates and times after the State establishes its hunting seasons by publication through one or more of the methods identified in §25.31 of this subchapter C.

(f) Refuge-specific hunting regulations may be amended or new conditions imposed at any time during the hunting season when unpredictable changes occur in wildlife populations, habitat conditions or in other factors affecting a refuge's wildlife resources. Changes in refuge-specific hunting regulations made under the conditions noted in this paragraph (f) can be in force only for the one season to which the changes apply.

[58 FR 5064, Jan. 19, 1993, as amended at 67 FR 58943, Sept. 18, 2002]

§ 32.4 Opening of wildlife refuge areas to fishing.

Wildlife refuge areas may be opened to sport fishing only after a determination is made that this activity is compatible with the purposes for which the refuge was established. In addition, the sport fishing program must be consistent with principles of sound fishery management and otherwise be in the public interest. The opening or closing of wildlife refuge areas to fishing is subject to the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Lands acquired as "waterfowl production areas" are open to sport fishing subject to the provisions of State laws and regulations and the pertinent provisions of parts 25 through 31 of this subchapter: *Provided*, that fishing or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting, land, water, vegetation or fish and wildlife populations.

§ 32.5 What are the requirements for sportfishing on areas of the National Wildlife Refuge System?

The following provisions shall apply to each person while engaged in public sport fishing on a wildlife refuge area:

(a) Each person shall secure and possess the required State license.

(b) Each person shall comply with the applicable provisions of Federal law and regulation including this subchapter.

(c) Each person shall comply with the applicable provisions of the laws and regulations of the State wherein any area is located unless the same are further restricted by Federal law or regulation.

(d) Each person shall comply with the terms and conditions authorizing access and use of the wildlife refuge area.

(e) Each person must comply with the provisions of any refuge-specific regulation governing fishing on the wildlife refuge area. Regulations, special conditions, and maps of the fishing areas for a particular wildlife refuge are available at that area's headquarters. In addition, refuge-specific sport fishing regulations appear in §§ 32.20 through 32.72.

[58 FR 5064, Jan. 19, 1993, as amended at 67 FR 58943, Sept. 18, 2002]

§ 32.6 What are the procedures for publication of refuge-specific sport fishing regulations?

(a) Refuge-specific fishing regulations are issued only at the time of or after the opening of a wildlife refuge area to sport fishing.

(b) Refuge-specific fishing regulations may contain the following items:

- (1) Fish species that may be taken;
- (2) Seasons;
- (3) Creel limits;
- (4) Methods of fishing;
- (5) Description of areas open to fishing; or
- (6) Other provisions as required.

(c) Refuge-specific fishing regulations will not liberalize existing State laws or regulations.

(d) Refuge-specific fishing regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(e) We initially publish refuge-specific sport fishing regulations in the daily issue of the FEDERAL REGISTER, and subsequently they appear in §§ 32.20 through 32.72.

(f) Refuge-specific fishing regulations may be amended as needed when unpredictable changes occur in fish and wildlife populations, habitat conditions or

§ 32.7

50 CFR Ch. I (10–1–02 Edition)

in other factors affecting a refuge's fish and wildlife resources.

[58 FR 5064, Jan. 19, 1993, as amended at 67 FR 58943, Sept. 18, 2002]

§ 32.7 What refuge units are open to hunting and/or sport fishing?

Refuge units open to hunting and/or sport fishing in accordance with the provisions of subpart A of this part and §§ 32.20–32.72, inclusive, are as follows:

ALABAMA

Blowing Wind Cave National Wildlife Refuge
Bon Secour National Wildlife Refuge
Choctaw National Wildlife Refuge
Eufaula National Wildlife Refuge
Grand Bay National Wildlife Refuge
Key Cave National Wildlife Refuge
Wheeler National Wildlife Refuge

ALASKA

Alaska Maritime National Wildlife Refuge
Alaska Peninsula National Wildlife Refuge
Arctic National Wildlife Refuge
Becharof National Wildlife Refuge
Innoko National Wildlife Refuge
Izembek National Wildlife Refuge
Kanuti National Wildlife Refuge
Kenai National Wildlife Refuge
Kodiak National Wildlife Refuge
Koyukuk National Wildlife Refuge
Nowitna National Wildlife Refuge
Salawik National Wildlife Refuge
Tetlin National Wildlife Refuge
Togiak National Wildlife Refuge
Yukon Delta National Wildlife Refuge
Yukon Flats National Wildlife Refuge

ARIZONA

Bill Williams River National Wildlife Refuge
Buenos Aires National Wildlife Refuge
Cabeza Prieta National Wildlife Refuge
Cibola National Wildlife Refuge
Havasu National Wildlife Refuge
Imperial National Wildlife Refuge
Kofa National Wildlife Refuge
San Bernardino National Wildlife Refuge

ARKANSAS

Bald Knob National Wildlife Refuge
Big Lake National Wildlife Refuge
Cache River National Wildlife Refuge
Felsenthal National Wildlife Refuge
Holla Bend National Wildlife Refuge
Overflow National Wildlife Refuge
Pond Creek National Wildlife Refuge
Wapanocca National Wildlife Refuge
White River National Wildlife Refuge

CALIFORNIA

Cibola National Wildlife Refuge
Clear Lake National Wildlife Refuge
Colusa National Wildlife Refuge

Delevan National Wildlife Refuge
Havasu National Wildlife Refuge
Humboldt Bay National Wildlife Refuge
Imperial National Wildlife Refuge
Kern National Wildlife Refuge
Lower Klamath National Wildlife Refuge
Merced National Wildlife Refuge
Modoc National Wildlife Refuge
Sacramento National Wildlife Refuge
Sacramento River National Wildlife Refuge
Salinas River National Wildlife Refuge
San Francisco Bay National Wildlife Refuge
San Luis National Wildlife Refuge
San Pablo National Wildlife Refuge
Sonny Bono Salton Sea National Wildlife Refuge
Sutter National Wildlife Refuge
Tule Lake National Wildlife Refuge

COLORADO

Alamosa National Wildlife Refuge
Arapaho National Wildlife Refuge
Browns Park National Wildlife Refuge
Monte Vista National Wildlife Refuge
Rocky Mountain Arsenal

CONNECTICUT

[Reserved]

DELAWARE

Bombay Hook National Wildlife Refuge
Prime Hook National Wildlife Refuge

FLORIDA

Arthur R. Marshall Loxahatchee National Wildlife Refuge
Cedar Keys National Wildlife Refuge
Chassahowitzka National Wildlife Refuge
Egmont Key National Wildlife Refuge
Hobe Sound National Wildlife Refuge
J.N. "Ding" Darling National Wildlife Refuge
Lake Woodruff National Wildlife Refuge
Lower Suwannee National Wildlife Refuge
Merrit Island National Wildlife Refuge
Pelican Island National Wildlife Refuge
Pinellas National Wildlife Refuge
St. Marks National Wildlife Refuge
St. Vincent National Wildlife Refuge
Ten Thousand Islands National Wildlife Refuge

GEORGIA

Banks Lake National Wildlife Refuge
Blackbeard Island National Wildlife Refuge
Bond Swamp National Wildlife Refuge
Eufaula National Wildlife Refuge
Harris Neck National Wildlife Refuge
Okefenokee National Wildlife Refuge
Piedmont National Wildlife Refuge
Savannah National Wildlife Refuge
Wassaw National Wildlife Refuge
Wolf Island National Wildlife Refuge

GUAM

Guam National Wildlife Refuge

U.S. Fish and Wildlife Serv., Interior

§ 32.7

HAWAII

Hakalau Forest National Wildlife Refuge
Hanalei National Wildlife Refuge
Kakahaia National Wildlife Refuge
Kilauea Point National Wildlife Refuge

IDAHO

Bear Lake National Wildlife Refuge
Camas National Wildlife Refuge
Deer Flat National Wildlife Refuge
Grays Lake National Wildlife Refuge
Kootenai National Wildlife Refuge
Minidoka National Wildlife Refuge

ILLINOIS

Chautauqua National Wildlife Refuge
Crab Orchard National Wildlife Refuge
Cypress Creek National Wildlife Refuge
Emiquon National Wildlife Refuge
Great River National Wildlife Refuge
Meredosia National Wildlife Refuge
Middle Mississippi River National Wildlife
Refuge
Port Louisa National Wildlife Refuge
Two Rivers National Wildlife Refuge
Upper Mississippi River Wildlife and Fish
Refuge

INDIANA

Big Oaks National Wildlife Refuge
Muscatatuck National Wildlife Refuge
Patoka River National Wildlife Refuge and
Management Area

IOWA

De Soto National Wildlife Refuge
Driftless Area National Wildlife Refuge
Neal Smith National Wildlife Refuge
Port Louisa National Wildlife Refuge
Union Slough National Wildlife Refuge
Upper Mississippi River Wild Life and Fish
Refuge

KANSAS

Flint Hills National Wildlife Refuge
Kirwin National Wildlife Refuge
Quivira National Wildlife Refuge

KENTUCKY

Clarks River National Wildlife Refuge
Ohio River Islands National Wildlife Refuge
Reelfoot National Wildlife Refuge

LOUISIANA

Atchafalaya National Wildlife Refuge
Bayou Cocodrie National Wildlife Refuge
Bayou Sauvage National Wildlife Refuge
Bayou Teche National Wildlife Refuge
Big Branch Marsh National Wildlife Refuge
Black Bayou Lake National Wildlife Refuge
Bogue Chitto National Wildlife Refuge
Breton National Wildlife Refuge
Cameron Prairie National Wildlife Refuge
Cat Island National Wildlife Refuge
Catahoula National Wildlife Refuge

D'Arbonne National Wildlife Refuge
Delta National Wildlife Refuge
Grand Cote National Wildlife Refuge
Lacassine National Wildlife Refuge
Lake Ophelia National Wildlife Refuge
Mandalay National Wildlife Refuge
Sabine National Wildlife Refuge
Tensas River National Wildlife Refuge
Upper Ouachita National Wildlife Refuge

MAINE

Lake Umbagog National Wildlife Refuge
Moosehorn National Wildlife Refuge
Petit Manan National Wildlife Refuge
Rachel Carson National Wildlife Refuge
Sunhaze Meadows National Wildlife Refuge

MARYLAND

Blackwater National Wildlife Refuge
Eastern Neck National Wildlife Refuge
Patuxent Research Refuge

MASSACHUSETTS

Great Meadows National Wildlife Refuge
Monomoy National Wildlife Refuge
Nantucket National Wildlife Refuge
Oxbow National Wildlife Refuge
Parker River National Wildlife Refuge

MICHIGAN

Harbor Island National Wildlife Refuge
Kirtland's Warbler Wildlife Management
Area
Seney National Wildlife Refuge
Shiawassee National Wildlife Refuge

MINNESOTA

Agassiz National Wildlife Refuge
Big Stone National Wildlife Refuge
Fergus Falls Wetland Management District
Litchfield Wetland Management District
Minnesota Valley National Wildlife Refuge
Morris Wetland Management District
Rice Lake National Wildlife Refuge
Rydell National Wildlife Refuge
Sherburne National Wildlife Refuge
Tamarac National Wildlife Refuge
Upper Mississippi River Wild Life and Fish
Refuge
Windom Wetland Management District

MISSISSIPPI

Bogue Chitto National Wildlife Refuge
Dahomey National Wildlife Refuge
Grand Bay National Wildlife Refuge
Hillside National Wildlife Refuge
Mathews Brake National Wildlife Refuge
Morgan Brake National Wildlife Refuge
Noxubee National Wildlife Refuge
Panther Swamp National Wildlife Refuge
St. Catherine Creek National Wildlife Refuge
Tallahatchie National Wildlife Refuge
Yazoo National Wildlife Refuge

MISSOURI

Big Muddy National Wildlife Refuge

§ 32.7

50 CFR Ch. I (10–1–02 Edition)

Clarence Cannon National Wildlife Refuge
Great River National Wildlife Refuge
Middle Mississippi River National Wildlife
Refuge
Mingo National Wildlife Refuge
Squaw Creek National Wildlife Refuge
Swan Lake National Wildlife Refuge
Two Rivers National Wildlife Refuge

MONTANA

Benton Lake National Wildlife Refuge
Black Coulee National Wildlife Refuge
Bowdoin National Wildlife Refuge
Charles M. Russell National Wildlife Refuge
Creedman Coulee National Wildlife Refuge
Hallstone National Wildlife Refuge
Halfbreed Lake National Wildlife Refuge
Hewitt Lake National Wildlife Refuge
Lake Mason National Wildlife Refuge
Lake Thibadeau National Wildlife Refuge
Lamesteer National Wildlife Refuge
Lee Metcalf National Wildlife Refuge
Lost Trail National Wildlife Refuge
Medicine Lake National Wildlife Refuge
National Bison National Wildlife Refuge
Nine-Pipe National Wildlife Refuge
Pablo National Wildlife Refuge
Red Rock Lakes National Wildlife Refuge
Swan River National Wildlife Refuge
UL Bend National Wildlife Refuge
War Horse National Wildlife Refuge

NEBRASKA

Boyer Chute National Wildlife Refuge
Crescent Lake National Wildlife Refuge
De Soto National Wildlife Refuge
Fort Niobrara National Wildlife Refuge
North Platte National Wildlife Refuge
Valentine National Wildlife Refuge

NEVADA

Ash Meadows National Wildlife Refuge
Desert National Wildlife Refuge
Pahranagat National Wildlife Refuge
Ruby Lake National Wildlife Refuge
Sheldon National Wildlife Refuge
Stillwater Management Area
Stillwater National Wildlife Refuge

NEW HAMPSHIRE

Great Bay National Wildlife Refuge

NEW JERSEY

Cape May National Wildlife Refuge
Edwin B. Forsythe National Wildlife Refuge
Great Swamp National Wildlife Refuge
Lake Umbagog National Wildlife Refuge
Supawna Meadows National Wildlife Refuge
Wallkill River National Wildlife Refuge

NEW MEXICO

Bitter Lake National Wildlife Refuge
Bosque del Apache National Wildlife Refuge
Las Vegas National Wildlife Refuge
Maxwell National Wildlife Refuge

San Andres National Wildlife Refuge
Sevilleta National Wildlife Refuge

NEW YORK

Amagansett National Wildlife Refuge
Elizabeth A. Morton National Wildlife Ref-
uge
Iroquois National Wildlife Refuge
Montezuma National Wildlife Refuge
Oyster Bay National Wildlife Refuge
Seatuck National Wildlife Refuge
Target Rock National Wildlife Refuge
Wertheim National Wildlife Refuge

NORTH CAROLINA

Alligator River National Wildlife Refuge
Carrituck National Wildlife Refuge
Cedar Island National Wildlife Refuge
Great Dismal Swamp National Wildlife Ref-
uge
MacKay Island National Wildlife Refuge
Mattamuskeet National Wildlife Refuge
Pea Island National Wildlife Refuge
Pee Dee National Wildlife Refuge
Pocosin Lakes National Wildlife Refuge
Roanoke River National Wildlife Refuge
Swanquarter National Wildlife Refuge

NORTH DAKOTA

Arrowwood National Wildlife Refuge
Audubon National Wildlife Refuge
Chase Lake National Wildlife Refuge
Des Lacs National Wildlife Refuge
J. Clark Salyer National Wildlife Refuge
Lake Alice National Wildlife Refuge
Lake Ilo National Wildlife Refuge
Lake Nettie National Wildlife Refuge
Lake Zahl National Wildlife Refuge
Long Lake National Wildlife Refuge
Lostwood National Wildlife Refuge
Rock Lake National Wildlife Refuge
Sibley Lake National Wildlife Refuge
Slade National Wildlife Refuge
Stewart Lake National Wildlife Refuge
Tewaukon National Wildlife Refuge
Upper Souris National Wildlife Refuge

OHIO

Cedar Point National Wildlife Refuge
Ottawa National Wildlife Refuge

OKLAHOMA

Deep Fork National Wildlife Refuge
Little River National Wildlife Refuge
Optima National Wildlife Refuge
Salt Plains National Wildlife Refuge
Sequoyah National Wildlife Refuge
Tishomingo National Wildlife Refuge
Washita National Wildlife Refuge
Wichita Mountains National Wildlife Refuge

OREGON

Bandon Marsh National Wildlife Refuge
Bear Valley National Wildlife Refuge
Cold Springs National Wildlife Refuge

U.S. Fish and Wildlife Serv., Interior

§ 32.7

Deer Flat National Wildlife Refuge
Hart Mountain National Wildlife Refuge
Julia Butler Hansen Refuge for the Colum-
bian White-Tailed Deer
Klamath Marsh National Wildlife Refuge
Lewis and Clark National Wildlife Refuge
Lower Klamath National Wildlife Refuge
Malheur National Wildlife Refuge
McKay Creek National Wildlife Refuge
McNary National Wildlife Refuge
Sheldon National Wildlife Refuge
Umatilla National Wildlife Refuge
Upper Klamath National Wildlife Refuge
William L. Finley National Wildlife Refuge

PENNSYLVANIA

Erie National Wildlife Refuge
John Heinz National Wildlife Refuge at
Tincicum
Ohio River Islands National Wildlife Refuge

PUERTO RICO

[Reserved]

RHODE ISLAND

Block Island National Wildlife Refuge
Ninigret National Wildlife Refuge
Pettaquamscutt Cove National Wildlife Ref-
uge
Sachuest Point National Wildlife Refuge
Trustom Pond National Wildlife Refuge

SOUTH CAROLINA

ACE Basin National Wildlife Refuge
Cape Romain National Wildlife Refuge
Carolina Sandhills National Wildlife Refuge
Pinckney Island National Wildlife Refuge
Santee National Wildlife Refuge
Savannah National Wildlife Refuge

SOUTH DAKOTA

Lacreek National Wildlife Refuge
Pocasse National Wildlife Refuge
Sand Lake National Wildlife Refuge
Waubay National Wildlife Refuge

TENNESSEE

Chickasaw National Wildlife Refuge
Cross Creeks National Wildlife Refuge
Hatchie National Wildlife Refuge
Lake Isom National Wildlife Refuge
Lower Hatchie National Wildlife Refuge
Reelfoot National Wildlife Refuge
Tennessee National Wildlife Refuge

TEXAS

Anahuac National Wildlife Refuge
Aransas National Wildlife Refuge
Balcones Canyonlands National Wildlife Ref-
uge
Big Boggy National Wildlife Refuge
Brazoria National Wildlife Refuge
Buffalo Lake National Wildlife Refuge
Hagerman National Wildlife Refuge
Laguna Atascosa National Wildlife Refuge

Lower Rio Grande Valley National Wildlife
Refuge
McFaddin National Wildlife Refuge
San Bernard National Wildlife Refuge
Texas Point National Wildlife Refuge
Trinity River National Wildlife Refuge

UTAH

Bear River National Wildlife Refuge
Fish Springs National Wildlife Refuge
Ouray National Wildlife Refuge

VERMONT

Missisquoi National Wildlife Refuge

VIRGINIA

Back Bay National Wildlife Refuge
Chinoctague National Wildlife Refuge
Eastern Shore of Virginia National Wildlife
Refuge
Great Dismal Swamp National Wildlife Ref-
uge
James River National Wildlife Refuge
Mackay Island National Wildlife Refuge
Mason Neck National Wildlife Refuge
Occoquan Bay National Wildlife Refuge
Plum Tree Island National Wildlife Refuge
Presquile National Wildlife Refuge
Rappahannock River Valley National Wild-
life Refuge
Wallops Island National Wildlife Refuge

WASHINGTON

Columbia National Wildlife Refuge
Conboy Lake National Wildlife Refuge
Dungeness National Wildlife Refuge
Hanford Reach National Monument/Saddle
Mountain National Wildlife Refuge
Julia Butler Hansen Refuge for the Colum-
bian White-tailed Deer
Little Pend Oreille National Wildlife Refuge
McNary National Wildlife Refuge
Nisqually National Wildlife Refuge
Ridgefield National Wildlife Refuge
Toppenish National Wildlife Refuge
Umatilla National Wildlife Refuge
Willapa National Wildlife Refuge

WEST VIRGINIA

Canaan Valley National Wildlife Refuge
Ohio River Islands National Wildlife Refuge

WISCONSIN

Fox River National Wildlife Refuge
Horicon National Wildlife Refuge
Leopold Wetland Management District
Necedah National Wildlife Refuge
St. Croix Wetland Management District
Trempealeau National Wildlife Refuge
Upper Mississippi River National Wildlife
and Fish Refuge
Whittlesey Creek National Wildlife Refuge

WYOMING

National Elk Refuge

§ 32.8

50 CFR Ch. I (10–1–02 Edition)

Pathfinder National Wildlife Refuge
 Seedskaadee National Wildlife Refuge

UNITED STATES UNINCORPORATED PACIFIC
 INSULAR POSSESSIONS

Johnston Atoll National Wildlife Refuge

Midway Atoll National Wildlife Refuge

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 58 FR 29084, May 18, 1993; 59 FR 6685, 6688, Feb. 11, 1994; 59 FR 55183, 55191, 55196, Nov. 3, 1994; 60 FR 5277, Jan. 26, 1995; 60 FR 52868, Oct. 11, 1995; 60 FR 61212, Nov. 29, 1995; 60 FR 62040, Dec. 4, 1995; 61 FR 31461, 31463, June 20, 1996; 61 FR 45366, Aug. 29, 1996; 61 FR 46393, Sept. 3, 1996; 62 FR 47375, Sept. 9, 1997; 63 FR 46914, Sept. 3, 1998; 65 FR 30777, May 12, 2000; 65 FR 56400, Sept. 18, 2000; 66 FR 46353, Sept. 4, 2001; 67 FR 58943, Sept. 18, 2002]

§ 32.8 Areas closed to hunting.

Proclamations and orders		State	Land and waters within boundary and adjacent to, or in the vicinity of—	Citation
No.	Date			
	Nov. 20, 1959	Alabama	Wheeler National Wildlife Refuge	24 FR 9513.
	Oct. 15, 1960	.....do .....	.....do	25 FR 9899.
	Nov. 3, 1970 ..	.....do	Eufaula National Wildlife Refuge	35 FR 16935.
2325	Mar. 21, 1939	Arkansas	Big Lake National Wildlife Refuge	3 CFR Cum. Supp. 4 FR 1309.
	Oct. 24, 1958	.....do	Holla Bend National Wildlife Refuge	23 FR 8429.
2274	Mar. 15, 1938	.....do	White River National Wildlife Refuge	3 FR 591.
	July 13, 1963	Delaware	Bombay Hook National Wildlife Refuge	28 FR 6228.
	Oct. 22, 1953	Florida	St. Marks National Wildlife Refuge	18 FR 7837.
	Oct. 20, 1960	.....do .....	.....do	25 FR 10030.
	Dec. 2, 1947 ..	.....do	"Ding" Darling National Wildlife Refuge	3 CFR 1947 Supp.; 12 FR 8039.
2239	Apr. 10, 1939	Georgia	Savannah National Wildlife Refuge	3 CFR Cum. Supp.; 4 FR 1595.
	Nov. 3, 1970 ..	.....do	Eufaula Wildlife Refuge	35 FR 16935.
2748	Nov. 3, 1970 ..	.....do	Wassaw National Wildlife Refuge	35 FR 16936.
	Oct. 1, 1947 ...	Illinois	Honshoe Lake, Alexander County	3 CFR, 1947 Supp. 12 FR 6521.
2748	Sept. 9, 1953	.....do .....	.....do	18 FR 5495.
	Oct. 2, 1958 ...	Iowa	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp.; 23 FR 7825.
2322	Feb. 7, 1939 ..	Louisiana	Lacassine National Wildlife Refuge	3 CFR, Cum. Suppl. 4 FR 611.
	Nov. 19, 1982	.....do	Delta National Wildlife Refuge	47 FR 52183.
2617	Dec. 2, 1969 ..	.....do	Lacassine National Wildlife Refuge	34 FR 19077.
	Aug. 13, 1960	Maryland	Martin National Wildlife Refuge	25 FR 7741.
	Oct. 18, 1948	Massachusetts	Parker River National Wildlife Refuge	3 CFR, 1948 Supp. 13 FR 6115.
2200	Oct. 2, 1958 ...	Minnesota	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp. 23 FR 7825.
	Oct. 7, 1936 ...	Montana	Red Rock Lakes National Wildlife Refuge	1 FR 1554.
2284	Aug. 30, 1976	.....do	Charles M. Russell National Wildlife Refuge	41 FR 31539.
	May 9, 1939 ..	North Carolina	Pea Island National Wildlife Refuge	3 FR 912.
2129	July 18, 1935	.....do	Swanquarter National Wildlife Refuge	49 Stat. 3450.
	Aug. 21, 1963	.....do	Mackay Island National Wildlife Refuge	28 FR 9209.
	Sept. 22, 1967	.....do	Pee Dee National Wildlife Refuge	32 FR 13384. 33 FR 749, Jan. 20, 1968.
	Sept. 27, 1964	.....do .....	.....do	49 FR 38141.
2000	June 6, 1932	South Carolina	Cape Romanin National Wildlife Refuge	47 Stat. 2513.
2329	Apr. 10, 1939	.....do	Savannah National Wildlife Refuge	3 CFR, Cum. Supp.; 4 FR 1595.
	Sept. 13, 1968	.....do	Cape Romain National Wildlife Refuge	33 FR 12964.
	Oct. 8, 1963 ...	Tennessee	Cross Creeks National Wildlife Refuge	28 FR 10782.
	Aug. 23, 1956	Texas	Aransas National Wildlife Regudge	21 FR 6513.
2370	Oct. 16, 1939	Virginia	Back Bay National Wildlife Refuge	3 CFR, Cum. Supp. 4 FR 4285.
	Aug. 13, 1954	.....do	Presquile National Wildlife Refuge	19 FR 5290.
	Jan. 5, 1962 ..	.....do	Back Bay National Wildlife Refuge	27 FR 104; 27 FR 858.
	Aug. 21, 1963	.....do	Mackay Island National Wildlife Refuge	28 FR 9209.
2439	Oct. 9, 1969 ...	.....do	Mason Neck National Wildlife Refuge	34 FR 15653.
	Nov. 7, 1940 ..	Washington	Willapa National Wildlife Refuge	3 CFR, Cum. Supp.; 5 FR 4443.
	Oct. 2, 1958 ...	Wisconsin	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp.; 23 FR 7825.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 42880, Aug. 12, 1993]

Subpart B—Refuge-Specific Regulations for Hunting and Fishing

§ 32.20 Alabama.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BLOWING WIND CAVE NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* Hunting of upland game is permitted on designated areas of the refuge subject to the following condition: Sauty Creek Wildlife Management Area regulations apply.
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* [Reserved]

BON SECOUR NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:
 1. Fishing is permitted only from sunrise to sunset.
 2. Only nonmotorized boats and boats with electric motors are permitted on Gator and Little Gator Lakes.

CHOCTAW NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* Hunting of squirrel, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- C. *Big Game Hunting.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:
 1. Fishing, boating and public access are permitted only from one-half hour before sunrise to one-half hour after sunset.
 2. Fishing is permitted year-round unless otherwise marked by signs as closed to public entry or fishing.
 3. Only fish, according to State regulations, may be taken or possessed. Bowfishing is not permitted.
 4. Taking, possessing, or attempting to take frogs and turtles is prohibited.
 5. The use of trotlines, snag lines, soap lines, set lines, drops, gigs and jugs is not permitted.

6. Entry and use of airboats, hovercraft, and personalized watercraft such as jet skis, watercycles or waterbikes are prohibited.
7. All gill nets must be actively attended at all times.
8. A refuge permit is required for commercial fishing of all nets, traps, baskets, boxes and seine used in refuge waters. Information on harvest data is required.

EUFAULA NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* Hunting of geese, ducks and mourning doves is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- B. *Upland Game Hunting.* Hunters may hunt rabbit and squirrel on designated areas of the refuge subject to the following condition: Permits are required.
- C. *Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- D. *Sport Fishing.* Anglers may fish, frog and trap turtles on designated areas of the refuge subject to State fishing regulations and the following conditions:
 1. Fishermen may fish, including bowfishing, only during daylight hours in refuge impoundments and waters other than the Walter F. George Reservoir.
 2. Fishermen may not frog or trap turtles in impounded waters not contiguous with the Walter F. George Reservoir.
 3. Creel, possession, and size limit for Walter F. George Reservoir apply to all impounded refuge waters.
 4. Reciprocal license agreements between Alabama and Georgia only apply to waters contiguous with the Walter F. George Reservoir. Anglers fishing in refuge impoundments must possess a license for the state in which they are fishing.

GRAND BAY NATIONAL WILDLIFE REFUGE

Refer to § 32.43 Mississippi for regulations.

KEY CAVE NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* Hunters may hunt mourning doves on designated portions of the refuge subject to the following condition: Refuge permits required.
- B. *Upland Game Hunting.* Hunters may hunt only quail, squirrel, rabbits, raccoons, and opossum on designated portions of the refuge subject to the following condition: Refuge permits required.
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* [Reserved]

WHEELER NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]

§ 32.21

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We do not allow bank fishing around the shoreline of the refuge headquarters.

2. All other refuge waters are open to fishing year-round unless otherwise posted.

3. We prohibit entry and use of airboats and hovercraft on all waters within the refuge boundaries.

4. We prohibit entry and use of inboard waterthruster boats, such as but not limited to personal watercraft, watercycles, and waterbikes on all waters of the refuge except that portion of the Tennessee River and Flint Creek from its mouth to mile-marker three.

5. You may not leave boats on the refuge overnight.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 59 FR 6688, Feb. 11, 1994; 59 FR 55183, Nov. 3, 1994; 62 FR 47375, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30777, May 12, 2000; 66 FR 46353, Sept. 4, 2001]

§ 32.21 Alaska.

Alaska refuges are opened to hunting, fishing and trapping pursuant to the Alaska National Interest Lands Conservation Act (Pub. L. 96-487, 94 Stat. 2371). Information regarding specific refuge regulations can be obtained from the Region 7 Office of the U.S. Fish and Wildlife Service, Anchorage, AK, or by contacting the manager of the respective individual refuge.

§ 32.22 Arizona.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BILL WILLIAMS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning and white-winged doves on designated areas of the refuge subject to the following conditions:

1. We allow only shotguns.

2. You may possess only nontoxic shot while in the field.

3. You may not hunt within 50 yards (45 m) of any building, road, or levee.

50 CFR Ch. I (10-1-02 Edition)

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. We allow only shotguns.

3. We allow hunting of cottontail rabbits from September 1 to the close of the State quail season.

4. You may not hunt within 50 yards (45 m) of any building, road, or levee.

C. Big Game Hunting. We allow hunting of desert bighorn sheep on designated areas of the refuge with a valid State permit.

D. Sport Fishing. We allow sport fishing in designated areas subject to the following condition: We prohibit personal watercraft (PWC, as defined by State law), air boats, or hovercraft on all waters within the boundaries of the refuge.

BUENOS AIRES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and mourning and white-winged doves is permitted on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, coyote, and skunks on designated areas of the refuge subject to the following condition: We require refuge permits for hunting of coyotes and skunks.

C. Big Game Hunting. Hunting of mule and white-tailed deer, javelina and feral hogs is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

CABEZA PRIETA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of desert bighorn sheep is permitted on designated areas of the refuge subject to the following condition: Entry permits are required.

D. Sport Fishing. [Reserved]

CIBOLA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, common snipe, and mourning and white-winged doves on designated areas of the refuge subject to the following conditions:

1. We allow only shotguns.

2. You may possess only approved nontoxic shot while in the field.

3. You must obtain a permit to enter the Island Unit.

4. You must pay a hunt fee in portions of the refuge. Consult refuge hunting leaflet for locations.

5. We do not allow pit or permanent blinds.

6. You may hunt only during seasons, dates, times, and areas posted by signs and

U.S. Fish and Wildlife Serv., Interior

§ 32.22

or indicated on refuge leaflets, special regulations, and maps available at the refuge office.

7. You must remove all temporary blinds, boats, and decoys from the refuge following each day's hunt.

8. We do not allow hunting within 50 yards (45 m) of any public roads or levees.

9. We close Farm Unit 2 to all hunting except goose hunting during the Arizona waterfowl season.

10. Consult the refuge hunt leaflet for the shot limit.

11. The area known as Pretty Water is open to waterfowl hunting from ½ hour before sunrise to 3:00 p.m. MST during the Arizona and California waterfowl seasons.

12. The Hart Mine Marsh area is open to hunting from 10 a.m. to 3 p.m. daily during goose season.

B. Upland Game Hunting. We allow hunting of quail and cottontail rabbit on designated areas of the refuge subject to the following conditions:

1. We allow only shotguns and bows and arrows.

2. You may possess only approved nontoxic shot while in the field.

3. You may hunt cottontail rabbit from September 1 through the last day of the respective State's quail season.

4. During the Arizona waterfowl season, you may not hunt quail and rabbit in Farm Unit 2.

5. You may not hunt within 50 yards (45 m) of any public road.

C. Big Game Hunting. We allow hunting of mule deer on designated areas of the refuge subject to the following conditions:

1. During the Arizona waterfowl season, you may not hunt mule deer in Farm Unit 2.

2. You may not hunt within 50 yards (45 m) of any public road.

D. Sport Fishing. We allow sport fishing and frogging subject to the following condition: Cibola Lake is open to fishing and frogging from March 15 through Labor Day.

HAVASU NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning and white-winged doves, ducks, coots, moorhens, geese and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Neither hunters nor dogs may enter closed areas to retrieve game.

2. Pits and permanent blinds are not permitted.

3. You may possess only approved nontoxic shot while in the field.

4. The following apply only to Pintail Slough (all refuge lands north of the north dike):

i. We require a fee for waterfowl hunting, and you must have in your possession proof of payment (refuge permit) while hunting.

ii. Dove hunting is permitted only during the September season.

iii. Waterfowl hunters must hunt only at the assigned location.

iv. We limit waterfowl hunters to 16 shells each.

5. You must remove temporary blinds, boats, hunting equipment, and decoys from the refuge following each day's hunt.

6. You may not hunt within 50 yards (45m) of any building, road, or levee.

B. Upland Game Hunting. Hunting of quail and cottontail rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of quail is not permitted on Pintail Slough.

2. Hunting of cottontail rabbits is permitted from September 1 to the close of the State quail season, except in Pintail Slough where rabbit hunting is permitted only during September.

3. Only shotguns and bows and arrows are permitted.

4. You may possess only approved nontoxic shot while in the field.

5. You may not hunt within 50 yards (45 m) of any building, road, or levee.

C. Big Game Hunting. Hunting of desert big-horn sheep is permitted on designated areas of the refuge with a valid State permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We close designated portions of the Topock Marsh to all entry from October 1 through January 31.

2. We prohibit personal watercraft (PWC, as defined by State law), air boats, or hovercraft on all waters within Topock Marsh or other waters indicated by signs or buoys.

IMPERIAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning and white-winged doves, ducks, coot, moorhens, geese and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Pits and permanent blinds are not allowed.

2. Temporary blinds, boats and decoys must be removed from the refuge following each day's hunt.

3. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of quail, cottontail rabbit, coyote, and fox is permitted on designated areas of the refuge subject to the following conditions:

1. Allowed methods of take for quail and cottontail rabbit are shotgun and bow and arrow.

2. We require approved nontoxic shot for hunting quail and cottontail rabbit.

3. Cottontail rabbit hunting is permitted September 1 to the close of the State quail season.

§ 32.23

4. Permits are required for hunting coyote, bobcat and fox.

5. Coyote and fox hunting is permitted only during the State quail season, except that it is not permitted during the State general deer season.

C. Big Game Hunting. Hunting of mule deer and desert bighorn sheep is permitted on designated areas of the refuge.

D. Sport Fishing. Fishing and frogging for bullfrogs (*Rana catesbeiana*) are permitted on designated areas of the refuge subject to the following condition: Designated portions of the Martinez Lake and Ferguson Lake are closed to entry from October 1 to March 1.

KOFA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail, cottontail rabbit, coyote, and fox is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of coyote, fox, and cottontail rabbit is permitted during the State quail season only, except as provided below.

2. Hunting of coyote and fox is not permitted during the deer season except that deer hunters with valid Unit 45A, 45B, and 45C deer permits may take these predators until a deer is taken.

3. Allowed method of take of cottontail rabbits is shotgun only.

C. Big Game Hunting. Hunting of mule deer and desert bighorn sheep is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

SAN BERNARDINO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail and cottontail rabbits is permitted on designated areas of the refuge subject to the following conditions:

1. Only shotguns are permitted.

2. Cottontail rabbit season shall open on September 1 and close on the last day of the State quail season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 59 FR 6688, Feb. 11, 1994; 59 FR 55183, Nov. 3, 1994; 60 FR 62040, Dec. 4, 1995; 62 FR 47376, Sept. 9, 1997; 65 FR 30777, May 12, 2000; 66 FR 46353, Sept. 4, 2001; 67 FR 58943, Sept. 18, 2002]

§ 32.23 Arkansas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

50 CFR Ch. I (10–1–02 Edition)

BALD KNOB NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

D. Sport Fishing. Fishermen may fish and frog on designated areas of the refuge subject to the following conditions:

1. Fishermen may fish and frog only during published refuge open seasons and in accordance with refuge regulations.

2. Fishermen must adhere to all applicable State fishing and frogging regulations.

BIG LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of squirrel, rabbit, raccoon, beaver and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from March 1 through October 31 with the following exceptions: Bank fishing is permitted at any time in the area around Floodway Dam south of the Highway 18 bridge, and fishing only from sunrise to sunset from nonmotorized boats and boats with electric motors is permitted in the Sand Slough-Mud Slough Area from November 1 through the end of February.

2. The use of limb lines and toxic chemical containers for jug fishing is not permitted.

3. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

4. Boats may be launched only in designated areas.

5. ATVs and airboats are prohibited.

6. Frogging is permitted from the beginning of the State frogging season through October 31. The use of archery equipment for taking frogs is not permitted.

7. The taking of largemouth bass is permitted in accordance with the posted length and/or slot limits.

CACHE RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, snow geese, coots, woodcock,

U.S. Fish and Wildlife Serv., Interior

§ 32.23

snipe, and mourning doves is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, rabbit, squirrel, raccoon, opossum and beaver is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing or entry is not permitted in the waterfowl sanctuary areas from November 15 through February 28.

2. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

3. Fishermen must fish and frog in accordance with refuge regulations and applicable State fishing and frogging regulations.

FELSENTHAL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, coots and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer, turkey, and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing, frogging and the taking of turtles and crawfish are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is not permitted in the waterfowl sanctuary area during the waterfowl hunting season with the exception of the main channel of the Ouachita River and the borrow pits along Highway 82.

2. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

HOLLA BEND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of raccoon, opossum, squirrel, rabbit, beaver and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing, boating and frogging are permitted subject to the following conditions:

1. Fishing and boating in all waters from March 1 through October 31 only from ½ hour before sunrise to ½ hour after sunset.

2. Frogging from April 15 through October 31 only on that part of the old river channel that connects to the Arkansas River channel.

3. Anglers may bowfish only from August 1 through August 31 subject to State bowfishing regulations. Only bowfishing equipment permitted. Anglers may not use broad heads, field points, or metal arrows.

OVERFLOW NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, coots and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon, opossum, beaver, nutria, and coyote is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer, turkey, and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. [Reserved]

POND CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, coots, woodcock, snipe, and mourning doves on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

B. Upland Game Hunting. Hunters may hunt quail, rabbit, squirrel, raccoon, opossum and beaver on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

C. Big Game Hunting. Hunters may hunt white-tail deer and turkey on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

D. Sport Fishing. Fishermen may fish, take frogs, turtles and crawfish on designated areas of the refuge subject to the following conditions:

1. Fishermen must take turtles and crawfish in accordance with applicable State regulations.

2. Trotlines must be reset when exposed by receding water levels. Trotline ends must consist of a length of cotton line that extends from the point of attachment into the water.

§ 32.24

50 CFR Ch. I (10-1-02 Edition)

WAPANOCCA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* We allow hunting of squirrel, rabbit, beaver, nutria, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. We allow fishing from March 15 through October 31 from sunrise to sunset.
- 2. The use of live carp, shad, buffalo, and goldfish for bait is not permitted.
- 3. The use of yo-yos, jugs, drops, trotlines and all commercial fishing tackle is not permitted.
- 4. Big Creek and Ditch 8 are closed to fishing.
- 5. The taking of largemouth bass is permitted in accordance with the posted length and/or slot limits.

WHITE RIVER NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. *Upland Game Hunting.* Hunting of squirrel, rabbit, beaver, coyote, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. *Big Game Hunting.* Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. *Sport Fishing.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted from March 1 through November 30 except as posted and as follows: fishing is permitted year-round in LaGrueu, Essex, Prairie, and Brooks Bayous, Big Island Chute, Moon Lake and Belknap Lake next to Arkansas Highway 1, Indian Bay, the Arkansas Post Canal and adjacent drainage ditches, those borrow ditches located adjacent to the West bank of that portion of the White River Levee north of the Arkansas Power and Light Company power line right-of-way, and all refuge owned waters located North of Arkansas Highway 1.
- 2. A permit is required for the use of any fishing tackle other than hook and line.
- 3. Trotlines must be reset when receding water levels expose them and cannot be left unattended. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.
- 4. Frogging is permitted on all refuge owned waters open for sport fishing as follows: South of Arkansas Highway 1, frogging

is permitted from the beginning of the State season through November 30; North of Arkansas Highway 1, frogging is permitted for the entire State season. The use of bow and arrow for taking bullfrogs is prohibited.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 59 FR 6689, Feb. 11, 1994; 59 FR 55184, Nov. 3, 1994; 60 FR 62040, Dec. 4, 1995; 61 FR 45366, Aug. 29, 1996; 61 FR 46393, Sept. 3, 1996; 62 FR 47376, Sept. 9, 1997; 65 FR 30778, May 12, 2000; 65 FR 56400, Sept. 18, 2000]

§ 32.24 California.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CIBOLA NATIONAL WILDLIFE REFUGE

Refer to § 32.22 Arizona for regulations.

CLEAR LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of geese, ducks, coots, moorhens, and snipe is permitted on designated areas of the refuge subject to the following conditions:

- 1. Air-thrust and inboard waterthrust boats are not permitted.
- 2. You may possess only approved nontoxic shot while in the field.

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunting of pronghorn antelope is permitted on the controlled "U" Unit of the refuge subject to the following conditions:

- 1. Hunters may hunt only in the unit for nine (9) consecutive days beginning on the first Saturday following the third Wednesday in August.
- 2. Access to the unit is permitted only through the gate located on Clear Lake Road.

D. *Sport Fishing.* [Reserved]

COLUSA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuges subject to the following conditions:

- 1. You may possess only approved nontoxic shot while in the field.
- 2. Hunters may not possess more than 25 shells while in the field.
- 3. Access to the hunt area is by foot traffic only. Bicycles and other conveyances are not permitted.
- 4. No person may build or maintain fires, except in portable gas stoves.
- 5. You may enter or exit only at designated locations.
- 6. Vehicles may stop only at designated parking areas. We prohibit the dropping of

U.S. Fish and Wildlife Serv., Interior

§ 32.24

passengers or equipment or stopping between designated parking areas.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. Access to the hunt area is by foot traffic only.

2. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

3. You may possess only approved nontoxic shot while in the field.

4. Hunters may not possess more than 25 shells while in the field.

5. No person may build or maintain fires, except in portable gas stoves.

6. You may enter or exit only at designated locations.

7. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

DELEVAN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. You must unload firearms while transporting them between parking areas and spaced blind areas.

2. We do not allow snipe hunting in the spaced blind areas.

3. We restrict hunters assigned to the spaced blind area to within 100 feet (30 m) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the area.

4. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

5. You may possess no more than 25 shells while in the field.

6. You may possess only approved nontoxic shot while in the field.

7. No person may build or maintain fires, except in portable gas stoves.

8. You may enter or exit only at designated locations.

9. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.

B. Upland Game Hunting. We allow hunting of pheasant only in the free-roam areas on the refuge subject to the following conditions:

1. We do not allow pheasant hunting in the spaced blind area except during a special 1-day-only pheasant hunt on the first Monday

after the opening of the State pheasant hunting season.

2. You may possess only approved nontoxic shot while in the field.

3. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

4. You may possess no more than 25 shells while in the field.

5. No person may build or maintain fires, except in portable gas stoves.

6. You may enter or exit only at designated locations.

7. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment, or stopping between designated parking areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

HAVASU NATIONAL WILDLIFE REFUGE

Refer to § 32.22 Arizona for regulations.

HUMBOLDT BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese (except Canada geese), ducks, coots, common moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. We allow hunting on Salmon Creek only on Tuesdays and Saturdays from ½ hour before sunrise until 1:00 p.m., and we require a valid refuge daily permit issued prior to each hunt by random drawing.

2. We restrict hunters on Salmon Creek to within 100 feet (30 m) of the assigned hunt site except for placing and retrieving decoys, retrieving downed birds, or traveling to and from the parking area.

3. The Teal Island and Egret Island units of the refuge are open on Saturday, Sunday, Wednesday, Federal holidays, and the opening and closing days of the State waterfowl hunting season.

4. Portions of the Jacoby Creek, Eureka Slough, and Table Bluff units of the refuge are open during the State waterfowl hunting season. We designate the Jacoby Creek and Eureka Slough units boat access only.

5. We require that adults 18 years of age or older accompany hunters under the age of 16.

6. You must unload firearms while transporting them between the parking area and designated blind sites in the Salmon Creek unit.

7. You may possess no more than 25 approved nontoxic shells while in the field.

8. You may use only portable blinds or blinds constructed of vegetation in the free-roam hunting areas.

9. You must remove all blinds, decoys, shell casings, and other personal equipment from the refuge following each day's hunt.

B. Upland Game Hunting. [Reserved]

§ 32.24

50 CFR Ch. I (10–1–02 Edition)

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from the designated shoreline trail along Hookton Slough during daylight hours only.

2. We allow fishermen to use only pole and line or rod and reel from the Hookton Slough Shoreline trail fishing area.

3. We do not allow either motorized boats or motors on the refuge dock on Humboldt Bay. We close the dock on Humboldt Bay to launching of all boats from November 1 through January 15.

IMPERIAL NATIONAL WILDLIFE REFUGE

Refer to § 32.22 Arizona for regulations.

KERN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and moorhens is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters assigned to the spaced blind unit must travel to and from parking areas and blind sites with firearms unloaded.

2. Hunters assigned to the spaced blind unit must remain within 100 feet of the numbered steel post (blind site) except when pursuing cripples, placing decoys or traveling to and from the parking area.

3. Hunters may not possess more than 25 shells while in the field.

4. Hunters must park in assigned lots.

5. Only nonmotorized boats are permitted.

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. Pheasant hunting is only permitted in the free roam unit.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. In the controlled waterfowl hunting area, we require entry permits for the first 2 days of the waterfowl season for all hunters 16 years of age or older. An adult with a permit must accompany hunters under the age of 16 hunting in the controlled area. We require advance reservations for the first 2 days of the hunt.

2. Shooting hours end at 1:00 p.m. on all California portions of the refuge with the following exceptions:

a. The refuge manager may designate up to 6 afternoon special youth or disabled hunter waterfowl hunts per season; and

b. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

3. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.

4. You may not set decoys in retrieving zones.

5. We do not allow air-thrust and inboard waterthrust boats.

6. You may possess only approved nontoxic shot while in the field.

7. You may use only nonmotorized boats and boats with electric motors on units 4b and 4c from the start of the hunting season through November 30. You may use motorized boats on units 4b and 4c from December 1 through the end of hunting season.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MERCED NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and moorhens on designated areas of the refuge subject to the following conditions and as we may otherwise post in the refuge regulations:

1. You must unload firearms while transporting them between parking areas and blind sites.

2. You may possess no more than 25 approved nontoxic shotshells per day while in the field.

3. You may possess only approved nontoxic shot while in the field.

4. We restrict hunters assigned to the spaced blind unit to their assigned blind except for retrieving downed birds, placing decoys, or traveling to and from the parking area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MODOC NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, moorhens and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. A permit issued by the refuge to hunters with advance reservations only is required for the first weekend.

U.S. Fish and Wildlife Serv., Interior

§ 32.24

2. After the first weekend of the open season, we allow hunting only on Wednesdays, Saturdays, and Sundays. Hunters must check in and out of the refuge by using self-service permits.

3. In the designated spaced blind area, hunters must remain within 50 feet of the established blind stake for the blind assigned to them.

4. You may possess only approved nontoxic shot while in the field.

5. Hunters may not possess more than 25 shells after leaving the parking area.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. We limit hunting to junior hunters possessing a valid Junior Hunting License and refuge permit.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted only on Dorris Reservoir subject to the following conditions:

1. Fishing is not permitted during the migratory waterfowl hunting season.

2. Fishing is permitted during daylight hours only.

SACRAMENTO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. You must unload firearms while transporting them between parking areas and spaced blind areas.

2. We do not allow snipe hunting in the spaced blind area.

3. We restrict hunters assigned to the spaced blind unit to within 100 feet (30 m) of their assigned hunt site except for retrieving downed birds, placing decoys, or traveling to and from the parking area.

4. You may possess only approved nontoxic shot while in the field.

5. You may possess no more than 25 shells while in the field.

6. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

7. No person may build or maintain fires, except in portable gas stoves.

8. You may enter or exit only at designated locations.

9. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. We do not allow pheasant hunting in the spaced blind area except during a special 1-day-only pheasant hunt on the first Monday after the opening of the State pheasant hunting season.

2. You may possess only approved nontoxic shot while in the field.

3. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

4. You may not possess more than 25 shells while in the field.

5. No person may build or maintain fires, except in portable gas stoves.

6. You may enter or exit only at designated locations.

7. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SACRAMENTO RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on Pack-er Lake subject to the following conditions:

1. Due to primitive access, you may fish only from boats up to 14 feet (4.2 m) long and canoes.

2. You may fish from the western shoreline from sunrise to sunset.

SALINAS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and moorhens on designated areas of the refuge subject to the following conditions:

1. You may possess no more than 25 approved nontoxic shotshells per day while in the field.

2. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances.

3. You must keep firearms unloaded until you are within the designated hunt area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may retrieve birds that fall into an area that is closed to hunting, provided

§ 32.24

50 CFR Ch. I (10–1–02 Edition)

that all weapons are left within a legal hunting area.

2. Only portable blinds and temporary blinds constructed of natural materials are permitted.

3. Digging into levees is not permitted.

4. Nonmotorized boats may be used on all 9 ponds for setting out and retrieving decoys or for retrieving downed waterfowl. Nonmotorized boats may also be used for hunting on Ponds 1, 2, 3, 4, 5, and 6 of the Mowry Slough Unit.

5. All decoys, boats and other personal property must be removed from the refuge following each day's hunt.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing from designated shoreline trail fishing areas and from the Dumbarton Pier is permitted during the hours posted at the pier and refuge headquarters.

2. Fishing and all other public entry is not permitted in the entire Mowry Slough from March 15 through June 15.

3. The upper reaches of Mallard Slough are closed to fishing and all other entry from March 1 through August 31.

SAN LUIS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions and as we may otherwise post in the refuge regulations:

1. You may use only portable blinds or blinds constructed of vegetation in the free-roam hunting area.

2. You must remove all portable blinds, decoys, and other personal equipment from the refuge following each day's hunt.

3. You may snipe hunt only within the free-roam portion of the San Luis unit's waterfowl hunting areas.

4. You may possess only approved nontoxic shot while in the field.

5. You may possess no more than 25 shells after leaving your assigned parking lot or boat launch.

6. Vehicles may stop only at designated, assigned parking areas. We prohibit dropping of passengers or equipment or stopping between designated parking areas. You must return your permits to the check stations immediately upon completion of your hunt, and prior to using any tour routes or leaving the refuge vicinity.

7. You may not transport loaded firearms while walking or bicycling between parking areas in spaced blind units, or while traveling in a boat under power.

8. We restrict hunters in the spaced blind area to their assigned blind except when they are placing decoys, traveling to and

from the parking area, retrieving downed birds, or when shooting to retrieve cripples.

9. Access to the Frietas Unit free-roam hunting area is by boat only with a maximum of 5 mph. Prohibited boats include air-thrust and/or inboard water-thrust types.

10. We prohibit the use of motorized boats in the free-roam units with the exception of the Frietas Unit.

11. We do not allow vehicle trailers of any type or size to be in the refuge hunt areas at any time or to be left unattended at any location on the refuge.

B. Upland Game Hunting. We allow hunting of pheasants on designated areas of the refuge subject to the following conditions or as we otherwise may post in refuge regulations available at visitor information centers and refuge headquarters:

1. You may possess only approved nontoxic shot while in the field.

2. Hunters may not possess more than 25 shotshells while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions and as we may otherwise post in the refuge regulations:

1. We allow fishing from sunrise to sunset only, except on that portion of the San Joaquin River's south (left descending) bank within the West Bear Creek Unit designated as open for fishing 24 hours per day, or as otherwise posted in refuge regulations.

2. We allow only the use of pole and line or rod and reel, and anglers must attend their equipment at all times.

3. We prohibit the use of any boat, float tube, or other floating aid/device.

SAN PABLO BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge and subject to the following conditions:

1. You may possess no more than 25 approved nontoxic shotshells while in the field.

2. Access is by boat only.

3. You must remove all portable blinds, decoys, and personal equipment following each day's hunt.

4. We allow floating blinds on the refuge, and they are available to any hunter on a first-come, first-served basis. Floating blinds require refuge manager approval or are subject to removal. Floating blinds may be left overnight, but hunters must remove them from the refuge at the end of the waterfowl season.

5. We prohibit digging into levees or slough channels.

6. We allow only dogs engaged in hunting activities on the refuge during waterfowl season. We allow no other domesticated animals or pets.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge

U.S. Fish and Wildlife Serv., Interior

§ 32.24

in accordance with State regulation and subject to the following conditions:

1. You may possess no more than 25 approved nontoxic shotshells while in the field.
2. You may access the Tolay Creek Unit by foot and bicycle only.
3. We allow only dogs engaged in hunting activities on the refuge during pheasant season. We allow no other domesticated animals or pets.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, and moorhens is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters using the Union Tract must use goose decoys.
2. You must hunt from assigned blinds on the Union Tract and within 100 feet (30 m) of blind sites on the Hazard Tract, except when shooting to retrieve crippled birds.
3. Firearms must be unloaded while being transported between parking areas and blind sites.

4. Hunters may not possess more than 25 shells while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted only on designated areas of the refuge inundated by the Salton Sea subject to the following conditions:

1. Fishing is permitted from April 1 through September 30.
2. Only boat fishing is permitted.

SUTTER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may possess no more than 25 shells while in the field.

3. Access to the hunt area is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

4. No person may build or maintain fires, except in portable gas stoves.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. Access is by foot traffic only. We do not allow bicycles and other conveyances. Mobility-impaired hunters should consult with the Refuge Manager for allowed conveyances.

3. You may possess no more than 25 shells while in the field.

4. No person may build or maintain fires, except in portable gas stoves.

5. You may enter or exit only at designated locations.

6. Vehicles may stop only at designated parking areas. We prohibit the dropping of passengers or equipment or stopping between designated parking areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

TULE LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge subject to the following conditions:

1. We require entry permits in the controlled waterfowl hunting area for the first 2 days of the waterfowl season for all hunters 16 years of age or older. An adult with a permit must accompany hunters under the age of 16 hunting in the controlled area. We require advance reservation for the first 2 days of the hunt.

2. Shooting hours end at 1:00 p.m. on all California portions of the refuge with the following exceptions:

a. The refuge manager may designate up to six afternoon special youth or disabled hunter waterfowl hunts per season; and

b. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

3. We do not allow possession of any loaded firearms more than 200 feet (60 m) from the established blind stakes. You select blind sites by lottery at the beginning of each hunt day. You may shoot only from within your assigned blind site.

4. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.

5. We do not allow you to set decoys in retrieving zones.

6. We do not allow air-thrust and inboard waterthrust boats.

7. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

§ 32.25

2. You may carry only unloaded firearms on hunter access routes open to motor vehicles or when taking them through posted retrieving zones when traveling to and from the hunting areas.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29073, May 18, 1993; 58 FR 29084, May 18, 1993; 59 FR 6689, Feb. 11, 1994; 59 FR 55184, Nov. 3, 1994; 60 FR 5067, Jan. 25, 1995; 60 FR 62041, Dec. 4, 1995; 61 FR 46393, Sept. 3, 1996; 62 FR 47376, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30778, May 12, 2000; 65 FR 56401, Sept. 18, 2000; 66 FR 46354, Sept. 4, 2001; 67 FR 58943, Sept. 18, 2002]

§ 32.25 Colorado.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ALAMOSA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, snipe and mourning doves is permitted on designated areas of the refuge subject to the following condition: Snipe and dove hunting are permitted only during the waterfowl hunting season.

B. Upland Game Hunting. Hunting of pheasant, cottontail rabbit, black-tailed and white-tailed jackrabbit is permitted on designated areas of the refuge subject to the following conditions: Hunting is permitted only when the respective State season coincides with the refuge waterfowl hunting season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

ARAPAHO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is allowed on designated areas of the refuge pursuant to State law.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge pursuant to State law and subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of pronghorn antelope is permitted on designated areas of the refuge.

D. Sport Fishing. Anglers may fish in designated areas of the refuge subject to the following conditions:

1. Anglers may not fish between June 1 and July 31 each year.

2. Anglers may fish only during daylight hours.

BROWNS PARK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, coots, and

50 CFR Ch. I (10–1–02 Edition)

mourning doves only in designated areas of the refuge.

B. Upland Game Hunting. Hunters may hunt cottontail rabbits only in designated areas of the refuge.

C. Big Game Hunting. Hunters may hunt mule deer and elk only in designated areas of the refuge.

D. Sport Fishing. Anglers may fish only in designated areas of the refuge.

MONTE VISTA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, snipe and mourning doves is permitted on designated areas of the refuge subject to the following condition: Snipe and dove hunting are permitted only during the waterfowl hunting season.

B. Upland Game Hunting. Hunting of pheasant, cottontail rabbit, black-tailed and white-tailed jackrabbit is permitted on designated areas of the refuge subject to the following condition: Hunting is permitted only when the respective State season coincides with the refuge waterfowl hunting season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

ROCKY MOUNTAIN ARSENAL

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish only in designated areas of the refuge subject to the following conditions:

1. Refuge fishing permit required.

2. Fishing permitted only from sunrise to sunset from April 15 through October 15 annually.

3. Catch and release only fishing.

4. Additional refuge regulations listed in refuge fishing regulations leaflet and fishing permits.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6685, Feb. 11, 1994; 60 FR 62041, Dec. 4, 1995; 62 FR 47376, Sept. 9, 1997; 65 FR 30780, May 12, 2000]

§ 32.26 Connecticut. [Reserved]

§ 32.27 Delaware.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required for waterfowl hunting except on the South Upland Hunting Area.

U.S. Fish and Wildlife Serv., Interior

§ 32.28

2. Hunting of waterfowl and coots is permitted on the South Waterfowl Area, the West Waterfowl Area, and the Young Waterfowlers Area.

3. Only snow geese may be taken on the Snow Goose Area.

4. Hunting is permitted only from designated sites, except on the South Upland Hunting Area and the Snow Goose Area.

5. The maximum number of hunters permitted per blind is as follows:

West Waterfowl Area—4; South Waterfowl Area—3; Young Waterfowlers Area—2.

6. The possession of a loaded shotgun while outside a blind or designated site is not permitted unless actively pursuing crippled birds.

7. Waterfowl hunters may not possess more than 15 shotgun shells per day on the West and Young Waterfowlers Hunt Areas.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. We allow hunting only on the South Upland Hunting Area.

2. We allow hunting from ½ hour before sunrise to ½ hour after sunset.

3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of turkey and deer on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit except on the South Upland Hunting Area.

2. Hunting on the Headquarters Deer Hunt Area must be from designated stands only, unless actively tracking or retrieving wounded deer.

3. We require a valid State permit for turkey hunting.

4. During firearms deer season, hunters must wear in a conspicuous manner as an outer layer on the head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored orange clothing or material.

D. Sport Fishing. [Reserved]

PRIME HOOK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. Consult the refuge hunting brochure for specific information regarding species, areas, and days open to hunting, rules, and regulations.

2. We require a refuge permit and fee for waterfowl hunting.

3. Refuge hunt dates will correspond with State-established migratory game bird seasons.

B. Upland Game Hunting. We allow hunting of upland species on designated areas of the refuge subject to the following conditions:

1. Consult the refuge hunting brochure for specific information regarding species, areas,

and days open to hunting, rules, and regulations.

2. You may possess only approved nontoxic shot while in the field.

3. We do not allow upland game hunting beginning March 1 through August 31.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. Consult the refuge hunting brochure for specific information regarding areas and days open to hunting, rules, and specific regulations.

2. You may use only portable tree stands and must remove them from the refuge following each day's hunt.

3. During the firearm deer season, hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (10.16 m²) of solid-colored hunter orange clothing or material.

4. We require a refuge permit and fee for deer hunting.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

1. Consult refuge regulations regarding access areas, launch points, and motor restrictions.

2. We allow fishing only from sunrise to sunset in all areas except those areas marked by signs as closed to public entry.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 60 FR 62041, Dec. 4, 1995; 65 FR 30781, May 12, 2000; 65 FR 56401, Sept. 18, 2000; 66 FR 46355, Sept. 4, 2001]

§ 32.28 Florida.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ARTHUR R. MARSHALL LOXAHATCHEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted only from sunrise to sunset on all areas of the refuge except the management impoundments and those areas marked by signs as closed to public entry or fishing.

2. Only the use of rods and reels or poles and lines is permitted, and this fishing equipment must be attended at all times.

3. Commercial fishing or the taking of frogs or turtles is not permitted.

§ 32.28

50 CFR Ch. I (10–1–02 Edition)

4. The possession or use of trotlines, gigs, jugs, seines, castnets or other fishing devices not described above is not permitted.

CEDAR KEYS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish in salt water year round in accordance with State regulations subject to the following condition:

1. A 300 foot buffer zone beginning at mean high tide line and extending into the waters around Seahorse Key will be closed to all public entry from March 1 through June 30.

CHASSAHOVITZKA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of ducks and coots on designated areas of the refuge subject to the following condition: We require permits.

B. *Upland Game Hunting.* We allow hunting of quail, squirrel, rabbit, and armadillo on designated areas of the refuge subject to the following condition: We require permits.

C. *Big Game Hunting.* We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. *Sport Fishing.* We allow fishing on the refuge year round subject to the following condition: You must fish in accordance with State regulations.

EGMONT KEY NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted only from sunrise to sunset.

2. Fishing is permitted year-round, from refuge beaches only.

HOBE SOUND NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted year-round only from sunrise to sunset.

J. N. "DING" DARLING NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish and crab on designated areas of the refuge subject to the following conditions:

1. Fishing permitted in refuge waters except in areas designated as "closed to public entry," and the Mangrove Head Pond, Tower Pond, and Tarpon Bay Slough at the Bailey Tract.

2. Crabbing permitted in refuge waters except in areas designated as "closed to public entry."

3. Anglers may not take horseshoe crabs, stone crabs, or spider crabs.

4. Anglers may not take blue crabs for commercial purposes.

5. Anglers may take blue crabs along the Wildlife Drive only with the use of dip nets. Anglers may not use lines, traps, or bait on or within 150 feet of the Wildlife Drive.

6. Anglers may use baited lines and traps within refuge waters if such devices are continuously attended/monitored and removed at the end of each day. Attended/monitored means that all devices used in the capture of blue crabs must be within the immediate view of the sport crabber.

7. Daily limit of blue crabs is 20 per person of which no more than 10 shall be females.

8. With the exception of those nonregulated species generally used as bait, all fish caught for commercial purposes in the waters of the refuge or transported into the refuge must remain in an intact and whole condition until removed from the refuge.

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. *Sport Fishing.* Sport fishing will be in accordance with State regulations and is subject to the following conditions:

1. We allow fishing only from sunrise to sunset.

2. We do not allow use of airboats in the refuge.

3. We do not allow commercial fishing or the taking of frogs or turtles.

4. We do not allow the use of snatch hooks in the refuge impoundments.

LOWER SUWANNEE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.

2. Parents or adult guardians over the age of 21 are responsible for supervising hunters under the age of 16 and must remain within

sight and normal voice contact of the juvenile hunter. Parents or adult guardians are responsible for ensuring that hunters under the age of 16 do not engage in conduct that would constitute a violation of the refuge regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Parents or adult guardians over the age of 21 are responsible for supervising hunters under the age of 16 and must remain within sight and normal voice contact of the juvenile hunter. Parents or adult guardians are responsible for ensuring that hunters under the age of 16 do not engage in conduct that would constitute a violation of the refuge regulations.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Parents or adult guardians over the age of 21 are responsible for supervising hunters under the age of 16 and must remain within sight and normal voice contact of the juvenile hunter. Parents or adult guardians are responsible for ensuring that hunters under the age of 16 do not engage in conduct that would constitute a violation of the refuge regulations.

D. Sport Fishing. Anglers may fish in accordance with State regulations subject to the following conditions:

1. Anglers may take game and nongame fish only with pole and line or rod and reel.
2. Anglers may not take turtles and frogs.
3. Boats may not be left on the refuge overnight.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks and coots in designated areas of the refuge subject to the following conditions:

1. You must possess a valid refuge hunting permit at all times while hunting on the refuge. In addition, we annually require a quota permit for hunt areas 1 and 4 from the beginning of the regular waterfowl season through December 31.
2. Hunters may hunt only on Wednesday, Saturday, Sunday, and the following holidays: Thanksgiving, Christmas, and New Years Day only within the designated State season.
3. You may hunt only in four designated areas of the refuge subject to delineation in the refuge hunting brochure and map, including the open waters of Mosquito Lagoon, Indian River, and designated impoundments outside the NASA security area. We do not allow hunting in the Banana River. You may not hunt in or enter any portion of the refuge south of Haulover Canal and east of the western boundary when the Kennedy Space

Center activates its outer security perimeter.

4. Hunting hours are one-half hour before sunrise until 1:00 pm, each hunting day.

5. All persons must successfully complete a Firearm Hunter Education course before they may hunt and must possess the Firearm Hunter Education certificate when hunting.

6. An adult 21 years of age or older must supervise and remain in sight and normal voice contact with hunters under the age of 16.

7. We close the refuge between sunset and sunrise except waterfowl hunters may enter at 4:00 a.m. on hunting days with a valid Refuge Hunt Permit.

8. You may not park along Blackpoint Wildlife Drive, Playalinda Beach Road, or Scrub Ridge Trail for the purpose of waterfowl hunting.

9. Hunters may not trespass or hunt migratory game birds in refuge areas posted "AREA CLOSED".

10. Vehicles must use only designated public access routes and boat launching areas north and south of Haulover Canal.

11. Hunters must not construct permanent above ground, or pit blinds, nor dig into dikes.

12. Hunters must not shoot from within 10 feet of any dike, roadway, or railroad fill.

13. Hunters must remove decoys, boats, and other personal property from the refuge by 2:00 pm daily.

14. Refuge guides must purchase and have Guide Permits on their person while in the field hunting.

15. Hunters may not launch boats off Black Point Wildlife Drive.

16. Hunters may not use air thrust boats, hovercraft, jetskis or similar craft on refuge waters.

17. Boats must not exceed idle speed in Bairs Cove and KARS (Kennedy Athletic Recreational Social Organization) Marina or 8 mph in Haulover Canal.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. You may fish, crab, clam, oyster, and shrimp in designated areas of the refuge subject to the following conditions:

1. We close the refuge between sunset and sunrise except anglers may enter after dark to fish from a boat with a valid Refuge Night Fishing Permit. We allow nighttime boat launching only at Bairs Cove and Beacon 42 Fish Camp. We allow night fishing only in Haulover Canal and the open waters of Mosquito Lagoon, Indian River Lagoon, and Banana River.
2. Anglers must attend their lines at all times.
3. Vehicles must use only designated public access routes and boat launching areas north and south of Haulover Canal.
4. You may not launch boats, crab, or fish from Black Point Wildlife Drive.

§ 32.28

50 CFR Ch. I (10–1–02 Edition)

5. You may not use air-thrust boats, hovercraft, personal watercraft, or similar craft on refuge waters.

6. You may not use motorized boats in the Banana River Manatee Sanctuary (north of KARS Park on the west side of the Barge Channel and north of the Air Force power line on the east side of the Barge Channel). This includes any boat having an attached motor or a nonattached motor capable of use (including electric trolling motors). This is in effect throughout the year.

7. Boats must not exceed idle speed in Bairs Cove and KARS Marina or 8 mph in Haulover Canal.

8. We prohibit harvest or possession of horseshoe crabs while on the refuge.

9. You may not fish in or enter any portion of the refuge south of Haulover Canal and east of the western boundary when the Kennedy Space Center activates its outer security perimeter.

PELICAN ISLAND NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted year-round.
- 2. Bank fishing from spoil islands is permitted, during daylight hours only.

PINELLAS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is only permitted from boats, into the waters surrounding Tarpon Key.

ST. MARKS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of ducks and coots in designated areas of the refuge subject to the following condition: We require refuge permits.

B. *Upland Game Hunting.* We allow hunting of squirrel, rabbit, and raccoon on designated areas of the refuge subject to the following condition: We require refuge permits.

C. *Big Game Hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. *Sport Fishing.* Anglers may fish and crab on designated areas of the refuge subject to the following conditions:

- 1. Anglers may fish and crab only from sunrise to sunset.

2. Anglers may only use boats with motors of 10 horsepower or less in refuge pools and lakes.

3. Anglers may only use boats with or without motors on the St. Marks Unit pools from March 15 through October 15 annually.

4. Anglers may take only fish species, and fish limits authorized by State regulations.

5. Anglers may not take frogs or turtles.

6. Anglers may fish and boat in Panacea Unit ponds year round. Anglers may access Panacea Unit ponds in a vehicle only from March 15 through May 15 annually. Anglers may fish and boat in Otter Lake year round.

7. Anglers may not launch commercial boats at the saltwater boat ramp on Co. Rd. 59 (Lighthouse Rd.).

8. Anglers may only take bait fish and non-game fish by hook and line in refuge ponds, lakes, and impoundments.

9. We prohibit crabbing in refuge pools and impoundments along Lighthouse Road.

10. We do not allow launching of airboats or inboard waterthrust boats (personal watercraft) from refuge saltwater boat ramps at Wakulla Beach or the Lighthouse Road area.

11. While on the refuge, anglers must keep all harvested fish in whole condition.

ST. VINCENT NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of white-tailed deer, sambar deer, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. *Big Game Hunting.* We allow hunting of white-tailed deer, sambar deer, and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

- 1. We allow fishing only from sunrise to sunset.
- 2. We allow only nonmotorized boats and boats with electric motors.
- 3. We do not allow the use of live minnows as bait.
- 4. We allow fishing in Lakes 1 and 2 and Oyster Pond from April 1 through September 30.
- 5. We allow fishing in Lakes 3, 4, and 5 from May 15 through September 30.

TEN THOUSAND ISLANDS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* You may hunt ducks and coots in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

U.S. Fish and Wildlife Serv., Interior

§ 32.29

1. We allow hunting only on Wednesday, Saturday, Sunday, Thanksgiving, Christmas, and New Year's Day within the State season from ½ hour before sunrise until noon.

2. You must possess a valid refuge hunt permit at all times while hunting on the refuge.

3. You will need to break down temporary blinds, including those of native vegetation, following each day's hunt. We prohibit the construction of permanent or pit blinds.

4. You must remove decoys, guns, blinds, and boats from the refuge by 1:00 p.m. daily.

5. We allow public hunting only in the area shown on the refuge hunt brochure. We will post closed areas with signs or delineate them by red reflectors on posts along the small road extending south off U.S. 41. Entry into the refuge for hunting may not begin until 4:00 a.m. for designated hunt days.

6. We prohibit air-thrust boats, hovercraft, personal watercraft, and off-road vehicles at all times. We limit watercraft to outboard engines with a maximum of 25 hp.

7. We encourage the use of dogs to retrieve dead or wounded waterfowl. Dogs must remain under the control of their handlers at all times.

8. You may possess only approved nontoxic shot while in the field.

9. We require all guides to purchase and possess a refuge Special Use Permit.

10. We prohibit the possession of alcoholic beverages.

11. Hunters under the age of 16 may hunt only with an adult 21 years of age or older, and they must remain in sight and normal voice contact with the adult.

12. You may take ducks and coots with shotguns only. We prohibit the possession of handguns and other long guns.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish only in designated portions of the refuge subject to the following conditions:

1. Anglers may not use airboats, hovercraft, off road vehicles, or personal watercraft in freshwater and brackish water wetlands and water bodies.

2. Anglers may fish in freshwater and brackish water creeks and ponds year round from sunrise to sunset. Anglers may enter these areas only from sunrise to sunset.

3. Anglers may fish in tidal waters year round and 24 hours a day.

4. Anglers may not fish with trotlines, gigs, spears, bush hooks, snatch hooks, crossbows or bows and arrows of any type.

5. Anglers may enter the refuge to crab in freshwater and brackish water areas only from sunrise to sunset. Recreational anglers may use crab pots only in accordance with State regulations, except that crab pots

abandoned or not checked after 72 hours are subject to impoundment.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6690, Feb. 11, 1994; 59 FR 55185, Nov. 3, 1994; 61 FR 46394, Sept. 3, 1996; 62 FR 47376, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30781, May 12, 2000; 65 FR 56401, Sept. 18, 2000; 66 FR 46355, Sept. 4, 2001; 67 FR 58944, Sept. 18, 2002]

§ 32.29 Georgia.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BANKS LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted year-round only from sunrise to sunset.

2. Night fishing is permitted from March 1 through October 31.

3. Only the use of pole and line or rod and reel is permitted.

4. The daily creel limit is 5 largemouth bass, 5 channel catfish, and 25 of any one, or combination, of bream or sunfish. Possession of more than the daily creel limit at any time is not permitted.

5. The taking of largemouth bass smaller than 14 inches is not permitted.

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in freshwater year-round from sunrise to sunset, except during managed deer hunts.

2. Only nonmotorized boats and boats with electric motors are permitted.

3. The use of live minnows as bait is not permitted.

4. Boats may not be left on the refuge overnight.

5. Anglers may bank fish into estuarine waters daily from sunrise to sunset only.

BOND SWAMP NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

§ 32.29

50 CFR Ch. I (10–1–02 Edition)

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from March 15 to October 15 except on the Ocmulgee River, which is open to fishing year-round.

2. We allow fishing only from sunrise to sunset.

3. We allow fishing only with pole and line or rod and reel.

4. We prohibit the taking of sturgeon, frogs, turtles, and mollusks.

5. We allow only nonmotorized boats or boats with electric motors on refuge waters except the Ocmulgee River.

6. You may not leave boats or other personal equipment on the refuge overnight.

7. The minimum size limit for largemouth bass is 14 inches (35 cm)

EUFAULA NATIONAL WILDLIFE REFUGE

Refer to §32.20 Alabama for regulations.

HARRIS NECK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in estuarine waters year round from sunrise to sunset daily.

2. Bank fishing into estuarine waters is permitted only from sunrise to sunset.

3. Anglers may use the Barbour River public boat ramp as public access year-round from 4:00 a.m. to 12:00 p.m. (midnight), daily. However, anglers may not use the Barbour River public boat ramp as access from 12:01 a.m. to 3:59 a.m. daily.

OKEFENOKEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of rabbit, squirrel, bobwhite quail, and turkey in the Cowhouse Unit of the refuge. The season will be consistent with the adjacent Dixon Memorial Wildlife Management Area and subject to the following conditions:

1. We require sign in/sign out.

2. We allow no vehicles on the refuge portion of Cowhouse Island.

3. We allow no dogs except for pointing dogs during quail hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated

areas of the refuge subject to the following condition: We require a refuge permit for Suwannee Canal Unit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We do not allow the use of boats with motors larger than 10 horsepower.

2. We do not allow the use of live minnows as bait.

3. We allow only the use of pole and line or rod and reel.

4. The daily creel limit is 5 largemouth bass, 5 channel catfish, and 25 of any one, or combination, of bream or sunfish. We do not allow the possession of more than the daily creel limit.

5. We do not allow the taking of largemouth bass smaller than 14 inches (35 cm).

PIEDMONT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail, squirrel and rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Hunting is not permitted during refuge deer hunts.

C. Big Game Hunting. Hunters may hunt white-tailed deer and turkey on designated areas of the refuge subject to the following condition: Permits required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from May 1 through September 30 only from sunrise to sunset.

2. The creel limit for black bass is five.

3. Only the use of pole and line or rod and reel is permitted.

4. The use of live minnows as bait is not permitted.

5. Nonmotorized boats and boats with electric motors are permitted only in Pond 2A and Allison Lake.

SAVANNAH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrels and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in refuge impoundments and canals from March 1 through November 30 annually.

U.S. Fish and Wildlife Serv., Interior

§ 32.31

2. Anglers may fish in Kingfisher Pond year round.
3. We allow fishing from sunrise to sunset.
4. Anglers may bank fish year round in the canals adjacent to the wildlife drive.
5. Boats may not be left on the refuge overnight.
6. Anglers may only use non-motorized boats and boats with electric motors within impounded waters.

WASSAW NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.
- D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:
 1. Fishing is permitted year-round except during refuge hunts.
 2. Bank fishing into estuarine waters is permitted only from sunrise to sunset.

WOLF ISLAND NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* Anglers may fish in designated areas of the refuge subject to the following condition:
 1. Anglers may fish year round.
 2. Fishing from boats is only permitted on Beacon and Wolf Creeks.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6691, Feb. 11, 1994; 59 FR 55185, Nov. 3, 1994; 62 FR 47377, Sept. 9, 1997; 63 FR 46915, Sept. 3, 1998; 65 FR 30781, May 12, 2000; 66 FR 46355, Sept. 4, 2001; 67 FR 58944, Sept. 18, 2002]

§ 32.30 Hawaii.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

HAKALAU FOREST NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* Hunters may hunt feral pigs and feral cattle on designated areas of the refuge subject to the following condition:
 1. You must have reservations or permits to access the refuge.
- D. *Sport Fishing.* [Reserved]

HANAIEI NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]

- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge.

KAKAHAIA NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge.

KILAUEA POINT NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* [Reserved]
- B. *Upland Game Hunting.* [Reserved]
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* Anglers may salt water fish in designated areas of the refuge.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6691, Feb. 11, 1994; 62 FR 47377, Sept. 9, 1997; 65 FR 30782, May 12, 2000]

§ 32.31 Idaho.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BEAR LAKE NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:
 1. Air-thrust boats are not permitted.
 2. You may possess only approved nontoxic shot while in the field.
- B. *Upland Game Hunting.* We allow hunting of partridge, grouse, and cottontail rabbits, including pygmy rabbits, on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
- C. *Big Game Hunting.* [Reserved]
- D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following condition: Boats are not permitted in fishing areas.

CAMAS NATIONAL WILDLIFE REFUGE

- A. *Hunting of Migratory Game Birds.* We allow hunting of geese, ducks, coots, and snipe on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.
- B. *Upland Game Hunting.* We allow hunting of pheasant and grouse on designated areas of the refuge subject to the following condition:
 1. You may possess only approved nontoxic shot while in the field.
- C. *Big Game Hunting.* [Reserved]

§ 32.31

D. Sport Fishing. [Reserved]

DEER FLAT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, common snipe and doves is permitted on designated areas of the refuge subject to the following conditions:

1. You may hunt only ducks, coots, and doves on the Lake Lowell sector.
2. Only portable and temporary blinds constructed of natural materials are permitted.
3. Snipe and dove hunters may possess only approved nontoxic shot while in the field.
4. We restrict nonmotorized boats and boats with electric motors only to the area bounded by the water's edge and extending to a point 200 yards (180 m) lakeward in hunting area 1 on the Lake Lowell sector.

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of pheasant, quail and partridge is permitted on the Lake Lowell Sector.
2. Shooting hours on the Lake Lowell sector are the same as those for waterfowl hunting.
3. Hunting is not permitted on the Snake River sector from February 1 through May 31.
4. Pheasant, quail, and partridge hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Hunting is permitted only on the Snake River Sector.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. During the waterfowl season, we allow fishing only within the area bounded by the water's edge extending to a point 200 yards (180 m) lakeward in front of the Lower Dam, fishing area A and in front of the Upper Dam, and fishing area B on the Lake Lowell sector.
2. Nonmotorized boats are permitted from ½ hour before sunrise to ½ hour after sunset from October 1 through April 14, within the area bounded by the water's edge extending to a point 200 yards lakeward in front of the lower dam fishing area A, and in front of the upper dam, fishing area B.
3. Motorized and nonmotorized boats are permitted from ½ hour before sunrise to ½ hour after sunset from April 15 through September 30.
4. Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

GRAYS LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the

50 CFR Ch. I (10–1–02 Edition)

following condition: Motorized boats are not permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

KOOTENAI NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted only on Tuesdays, Thursdays, Saturdays and Sundays.
2. Hunters are limited to the use and/or possession of no more than 25 shells per day.
3. All firearms must be unloaded when in the posted retrieving zone for purposes of retrieving downed birds or traveling to or from the hunting area.

B. Upland Game Hunting. We allow hunting of forest grouse on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer, elk, black bear, moose and mountain lion is permitted on designated areas of the refuge subject to the following condition: Hunting is permitted only on that portion of the refuge that lies west of the West Side Road.

D. Sport Fishing. Fishing is permitted only on Myrtle Creek subject to the following condition: Only bank fishing is permitted. Fishing from boats, float tubes, or other personal flotation devices is prohibited.

MINIDOKA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge.

B. Upland Game Hunting. Hunting of pheasant, partridge and cottontail rabbits, including pygmy rabbit, is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted only during the waterfowl season.
2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from boats on the main reservoir from Minidoka Dam to the west tip of Bird Island, April 1 through September 30.
2. We allow fishing from boats within boating lanes at Smith and Gifford Springs year around.
3. We allow bank fishing all year.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6691, Feb. 11, 1994; 60 FR 62041, Dec. 4, 1995; 65 FR 30782, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46355, Sept. 4, 2001]

§ 32.32 Illinois.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted only in the area outside the main dike in the Liverpool Lake section and north of the entrance to the north ditch known as Goofy Ridge Ditch.

2. The retrieval zone is limited to the river side of the main dike.

3. Only temporary structures or blinds constructed of native materials are permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing on Lake Chautauqua from January 15 through October 15. You may not fish in the Waterfowl Hunting Area during waterfowl hunting season.

2. You may not leave private boats in refuge waters overnight.

3. We restrict motorboats to "slow speed/minimum wake."

4. The public may not enter Weis Lake on the Cameron-Billsbach Unit of Chautauqua National Wildlife Refuge from October 16 through January 14, to provide sanctuary for migratory birds.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Birds. Hunters may hunt waterfowl on designated areas of the refuge in accordance with posted regulations and subject to the following conditions.

1. Hunters may hunt waterfowl, by daily permit drawing, on the controlled areas of Grassy Point, Carterville, and Greenbriar land areas, plus Orchard, Sawmill, Turkey, and Grassy islands, from one-half hour before sunrise to posted closing times each day during the goose season. Hunters may hunt waterfowl in these areas, including the lake shoreline, only from existing refuge blinds during the goose season.

2. We only allow the use of portable or temporary blinds. Blinds must be a minimum of 200 yards (180 m) apart. You must remove portable or temporary blinds, any material brought onto the refuge for blind construction, boats, decoys, and all other personal property from the refuge at the end of each day's hunt.

3. Goose hunters outside the controlled goose hunting area on Crab Orchard Lake must hunt from a blind that is on shore or anchored a minimum of 200 yards (180 m)

away from any shoreline. Waterfowl hunters may also hunt on the east shoreline in Grassy Bay.

4. You may possess only approved nontoxic shot while hunting migratory game bird species.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. Upland game hunting prohibited in the controlled goose hunting areas during the goose hunting season, except furbearer hunting permitted from sunset to sunrise.

2. Hunters may not use rifles or handguns with ammunition larger than .22 caliber rim fire, except they may use black powder firearms up to and including .40 caliber.

3. You may possess only approved nontoxic shot while hunting all permitted species except wild turkey. You may possess and use lead shot for hunting wild turkey.

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. Hunters must possess a special permit issued by the Illinois Department of Natural Resources.

2. We require hunters using the closed area to check in at the refuge visitor contact station prior to hunting and to comply with the special rules provided to them.

3. We prohibit deer hunting with a firearm in the controlled goose hunting areas or on all refuge lands north of Illinois State Route 13. We allow deer hunting in the controlled goose hunting areas and on all refuge lands north of Illinois State Route 13 only with archery equipment and in accordance with State regulations.

4. You must remove hunting stands at the end of each day's hunt.

5. Permitted hunters may use center fire ammunition for handgun deer hunting during the handgun deer season.

D. Sport Fishing. Anglers may fish on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. Crab Orchard Lake—west of Wolf Creek Road—Anglers may fish from boats all year. Anglers must remove trotlines/jugs from sunrise until sunset from Memorial Day through Labor Day; east of Wolf Creek Road, anglers may fish from boats March 15 through September 30. Anglers may fish all year at the Wolf Creek and Route 148 causeway areas. Anglers must check and remove fish from all jugs and trotlines daily. It is illegal to use stakes to anchor any trotlines; anglers must tag them with their name and address. Anglers may use all noncommercial fishing methods except they may not use any underwater breathing apparatus. Anglers may not use jugs or trotlines with any flotation device that has previously contained

§ 32.32

any petroleum-based materials or toxic substances. Anglers must attach a buoyed device that is visible on the water's surface to all trotlines.

2. A-41, Bluegill, Blue Heron, Managers, Honkers, and Visitors Ponds: Anglers may fish only from sunrise to sunset March 15 through September 30. Anglers may not use boats or flotation devices.

3. Anglers may not submerge any pole or similar object to take or locate any fish.

4. Organizers of all fishing events must possess a refuge-issued permit.

5. Anglers may not fish within 250 yards of an occupied waterfowl hunting blind.

6. Fishermen may anchor trotlines only with portable weights that are removed from the water, along with the trotlines and jugs.

7. We restrict motorboats to slow speeds leaving no wakes in Cambria Neck, and within 150 feet (45 m) of any shoreline, swimming area, marina entrance, boat ramp, or causeway tunnel on Crab Orchard, Little Grassy, or Devils Kitchen Lakes.

CYPRESS CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may dove hunt on sunflower fields only on Mondays, Wednesdays, and Saturdays starting September 1. Hunters may hunt only from noon to 5 pm. Hunters must sign in and out and report daily harvest at registration box. All hunting must be from field borders only. Hunters may not hunt or shoot from the interior of sunflower fields or within 100 yards of roadways. Hunters may not carry or use guns while retrieving downed doves from field interiors.

2. On the Bellrose Waterfowl Reserve—Hunters may not hunt ducks. Hunters may hunt only geese following the closure of the state duck season. Hunters may hunt only on Tuesdays, Thursdays, and Sundays. Hunters may hunt only from sunrise to 1 pm. All hunters must remove blinds and decoys, and be off the unit by 2 pm daily. Hunters may not enter the area prior to 5 am. Hunters may not hunt during special snow goose seasons after the closure of the regular goose season. Hunters may use only temporary or portable blinds; Hunters may not construct pit blinds. No one may hunt within 100 yards of any private property boundary. Distance between hunting parties must be at least 200 yards. All hunters must sign in and out and report daily harvest at the registration box.

3. Hunters must remove boats, decoys, and blinds from the refuge at the conclusion of each days hunt.

4. Boats, decoys and blinds must be removed from the refuge at the conclusion of each day's hunt.

B. Upland Game Hunting. You may hunt bob-white quail, rabbit, squirrel, raccoon,

50 CFR Ch. I (10–1–02 Edition)

opossum, coyote, red fox, grey fox, and turkey (spring) on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. If we provide hunter check-in/check-out post, you must present daily harvests.

2. We do not allow hunting after sunset.

3. You may possess only approved nontoxic shot while hunting for any permitted birds except wild turkey. You may use lead shot while hunting wild turkey.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with posted regulations and subject to the following conditions:

1. Hunters must check in and out of the refuge each day of hunting.

2. Hunting blinds may not be left overnight on the refuge.

D. Sport Fishing. [Reserved]

EMIQON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to posted conditions.

1. Only temporary structures or blinds constructed of native materials are permitted.

2. Hunters must remove boats, decoys, and portable blinds at the end of each day's hunt.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to posted conditions.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to posted conditions.

1. Hunters must remove hunting stands at the end of each day's hunt.

D. Sport Fishing. Fishermen may sport fish in designated waters of the refuge subject to the following conditions:

1. Fishermen may sport fish in all refuge waters during daylight hours from January 15, through October 15.

2. Private boats may not be left in refuge waters overnight.

3. Fishermen must restrict motorboats to slow speed/minimum wake.

4. Anglers may not sportfish in areas open to hunting during hunting seasons.

GREAT RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to brochures and posted regulations.

U.S. Fish and Wildlife Serv., Interior

§ 32.32

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

MEREDOSIA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the Meredosia National Wildlife Refuge subject to the following conditions:

1. Fishermen may sport fish on all refuge waters during daylight hours from January 15 through October 15.

2. From October 16 through January 14, fishermen may fish south of Carver Lake by foot access only.

3. Private boats may not be left in refuge waters overnight.

4. Motorboats must not exceed "slow speed/minimum wake."

MIDDLE MISSISSIPPI RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to brochures and posted regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

PORT LOUISA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to brochures and posted regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

TWO RIVERS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to brochures and posted regulations.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. In areas posted "Area Closed" or "No Hunting Zone," we prohibit hunting of migratory game birds at any time.

2. We require permits for Potters Marsh in Pool 13 except during the early teal season.

3. You may possess only approved nontoxic shot while in the field.

4. On Pools 4 through 11, you may not place or leave decoys on the refuge during the time from ½ hour after the close of legal shooting hours, until 1 hour before the start of legal shooting hours.

5. This condition applies to Pools 4 through 11 only. We prohibit construction of permanent hunting blinds using manmade materials. At the end of each day's hunt, you must remove all manmade blind materials you brought onto the refuge. Any blinds containing manmade materials left on the refuge are subject to immediate removal and disposal. Manmade materials include, but are not limited to: wooden pallets, lumber, railroad ties, fence posts (wooden or metal), wire, nails, staples, netting, or tarps. We allow you to leave only seasonal blinds, made entirely of natural vegetation and biodegradable twines, on the refuge. We consider all such blinds public property and open to use by any person on a first-come basis. We allow you to gather only willow, grasses, marsh vegetation, and dead wood on the ground from the refuge for blind-building materials. We prohibit cutting or removing any other refuge trees or vegetation.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. In areas posted "No Hunting Zone," we prohibit hunting or possession of firearms at all times.

2. In areas posted "Area Closed," we only allow hunting beginning the day after the close of the applicable State duck hunting season until upland game season closure or March 15, whichever occurs first, except we allow spring turkey hunting during State seasons.

3. On areas open to hunting, we prohibit hunting or possession of firearms from March 16 until the opening of State fall hunting seasons, except we allow spring turkey hunting during State seasons.

4. Shotgun hunters may possess only approved nontoxic shot when hunting for any permitted birds or other small game, except

§ 32.33

wild turkey. We still allow possession of lead shot for hunting wild turkey.

5. You may use lights and dogs to hunt raccoons, and other specifically authorized small mammals, in accordance with State regulations. We allow such use of lights on the refuge at the point of kill only. We prohibit all other uses of lights for hunting on the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. In areas posted "No Hunting Zone," we prohibit hunting or possession of firearms at all times.

2. In areas posted "Area Closed," we only allow hunting beginning the day after the close of the applicable State duck hunting season until big game season closure or March 15, whichever occurs first.

3. On areas open to hunting, we only allow hunting or possession of firearms until season closure or March 15, whichever occurs first.

4. We do not allow construction or use of permanent blinds, platforms, or ladders.

5. You must remove all stands from the refuge at the end of each day's hunt.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. On Spring Lake Closed Areas, Carroll County, Illinois, we prohibit fishing from October 1 until the day after the close of the State duck hunting season.

2. On Mertes Slough, Buffalo County, Wisconsin, we allow only hand-powered boats or boats with electric motors.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 59 FR 6685, 6692, Feb. 11, 1994; 59 FR 55185, Nov. 3, 1994; 60 FR 62041, Dec. 4, 1995; 61 FR 45366, Aug. 29, 1996; 61 FR 46394, Sept. 3, 1996; 62 FR 47378, Sept. 9, 1997; 63 FR 46916, Sept. 3, 1998; 65 FR 30782, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46356, Sept. 4, 2001; 67 FR 58944, Sept. 18, 2002]

§ 32.33 Indiana.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BIG OAKS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a refuge access permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We require a refuge access permit.

50 CFR Ch. I (10-1-02 Edition)

MUSCATATUCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of quail and rabbit is permitted on designated areas of the refuge subject to the following condition:

1. No discharge of firearms is permitted within 100 yards of an occupied dwelling.

2. Hunting is permitted only from sunrise to sunset.

3. Hunting is prohibited from the beginning of the second State muzzleloader deer season through the end of the year.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required during the second State muzzleloader season. Archery hunting is permitted following the second muzzleloader season.

2. Only bow and arrow and muzzleloaders are permitted.

3. The construction and use of permanent blinds, platforms or ladders is not permitted.

4. No discharge of firearms is permitted within 100 yards of an occupied dwelling

5. Non-hunters must stay in vehicles when entering the hunt area during the second State deer muzzleloader season.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. You may fish from the bank and from nonmotorized boats on Stanfield Lake from May 15 through October 15. You may not boat at other times. Stanfield Lake is open to ice fishing when ice conditions permit.

2. Only fishing with rod and reel or pole and line is permitted.

3. Ice fishing is permitted only when indicated by refuge signs.

4. The minimum size limit for large-mouth black bass taken from refuge waters is 14 inches.

5. Fishing is permitted during daylight hours only.

6. Frogs and turtles may be taken by hook and line during daylight hours from areas open to fishing.

PATOKA RIVER NATIONAL WILDLIFE REFUGE AND MANAGEMENT AREA

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to posted regulations.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to posted regulations.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to posted regulations.

U.S. Fish and Wildlife Serv., Interior

§ 32.34

D. Sport Fishing. Fishermen may fish in designated waters of the refuge subject to posted regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 59 FR 55186, Nov. 3, 1994; 61 FR 45366, Aug. 29, 1996; 65 FR 56402, Sept. 18, 2000; 66 FR 46356, Sept. 4, 2001]

§ 32.34 Iowa.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

DE SOTO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted only as posted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Hunters must not construct or use permanent blinds, platforms or ladders at any time.
3. Hunters must remove all hunting stands from the refuge by the close of the season.

D. Sport Fishing. Fishing is permitted in DeSoto Lake subject to the following conditions:

1. Ice fishing is permitted from January 1 through the end of February when conditions are safe.
2. Motor- or wind-driven conveyances are not permitted on the lake from January 1 through the end of February.
3. The use of portable ice fishing shelters is permitted on a daily basis from January 1 through the end of February.
4. Only the use of pole and line, or rod and reel, is permitted from April 15 through October 14 with the exception that archery and spear fishing are permitted only for nongame fish from April 15 to October 14.
5. Fishing with more than two lines or with more than two hooks on each line is not permitted.
6. The use of trotlines and float lines is not permitted.
7. Minimum length and creel limits are required as posted.

DRIFTLESS AREA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. In areas posted "Area Closed," we prohibit entry, including hunting.
2. In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or January 15, whichever occurs first.

3. You may possess only approved nontoxic shot while hunting for any allowed birds or other small game.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. In areas posted "Area Closed," we prohibit all public entry, including hunting.
2. In areas open to hunting, we allow hunting beginning November 1 until the close of State hunting seasons or January 15, whichever occurs first.
3. We allow archery and muzzleloader hunting only.
4. We allow deer drives only during lawful party hunting conducted within the refuge, in accordance with State regulations. We prohibit driving deer from or through the refuge to any persons hunting outside the refuge boundary.
5. We do not allow construction or use of permanent blinds, platforms, or ladders.
6. You must remove all stands from the refuge following each day's hunt.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge.

NEAL SMITH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of ringnecked pheasant, bobwhite quail, cottontail rabbit, and squirrel on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while hunting for any permitted birds or other small game.
2. We allow hunting only during the dates posted at the refuge.
3. All hunters must wear one or more of the following articles of visible, external, solid-blaze-orange clothing: a hat, vest, coat, jacket, sweatshirt, sweater, shirt, or coveralls.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: All hunting stands must be removed from the refuge at the end of each day's hunt.

D. Sport Fishing. [Reserved]

PORT LOUISA NATIONAL WILDLIFE REFUGE

Refer to § 32.32 Illinois for regulations.

UNION SLOUGH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to brochures and posted regulations.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge subject to brochures and posted regulations.

§ 32.35

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge subject to brochures and posted regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to brochures and posted regulations.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to § 32.32 Illinois for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29084, May 18, 1993; 59 FR 6685, 6692, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 60 FR 62042, Dec. 4, 1995; 61 FR 46395, Sept. 3, 1996; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46356, Sept. 4, 2001]

§ 32.35 Kansas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

FLINT HILLS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, rails (Virginia and sora only), and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following condition: You may use only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of pheasant, quail, prairie chicken, rabbit, squirrel, and crow on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit centerfire rifles and pistols.

2. You may use only approved nontoxic shot for all shotgun hunting.

C. Big Game Hunting. We allow hunting of turkey and deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow only shotguns, muzzleloading firearms, or bow and arrow.

2. You may use only approved nontoxic shot for turkey hunting.

D. Sport Fishing. Anglers may sportfish on designated portions of the refuge subject to State regulations and any refuge specific regulations as listed in the refuge brochure.

KIRWIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, and snipe on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant, quail, prairie chicken, squirrel and rabbit is permitted on designated areas of the refuge subject to the following condition:

50 CFR Ch. I (10–1–02 Edition)

Hunting of rabbits and squirrels is permitted only during that portion of the State “small game season” that occurs during the State “upland game season.”

C. Big Game Hunting. Hunting of deer and turkey is permitted on designated areas of the refuge subject to the following condition: Only archery hunting of deer is permitted.

D. Sport Fishing. Anglers may sportfish on designated areas of the refuge subject to the following conditions:

1. Anglers may fish in accordance with the Kirwin National Wildlife Refuge Visitor’s Map and Guide.

2. Anglers may not use motorized vehicles on the ice.

MARAIS DES CYGNES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, rails (sora), coots, common snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We restrict motor vehicles, including all-terrain vehicles (ATVs), to public roads and parking lots.

2. We restrict outboard motor use to the westernmost 5.5-mile (8.8 km) section of the Marais des Cygnes River. You may use non-motorized boats and electric trolling motors on all open portions of the refuge, including the eastern 4-mile (6.4 km) section of the Marais des Cygnes River. Property boundaries are at the center of the river. Where sections of the river border private property, only the half of the river adjacent to public property is open to public use.

3. You must remove decoys each day.

4. We prohibit discharge of firearms within 150 yards (135 m) of any residence or other occupied building.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge consistent with State regulations, and subject to refuge-specific regulations as posted.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge consistent with State regulations, and subject to refuge-specific regulations as posted.

D. Sport Fishing. Anglers may sportfish in accordance with State law and refuge-specific restrictions as posted.

QUIVIRA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, rails (Virginia and Sora only), mourning doves, and common snipe on designated areas of the refuge subject to the following condition: We require approved nontoxic shot when hunting any game on the refuge. We prohibit the possession of lead shot in the field.

B. Upland Game Hunting. Hunting of pheasant, bobwhite quail, squirrel, and rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is closed to all hunting from March 1 through August 31.

2. Squirrels and rabbits may only be hunted during the portion of the Kansas seasons that fall outside the March 1 through August 31 closed period.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may sportfish on designated portions of the refuge subject to State regulations and any refuge specific regulations as listed in the refuge brochure.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 62042, Dec. 4, 1995; 62 FR 47378, Sept. 9, 1997; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 67 FR 58945, Sept. 18, 2002]

§ 32.36 Kentucky.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CLARKS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, woodcock, snipe, and mourning doves on designated areas of the refuge subject to State regulations and the following conditions:

1. Hunting of waterfowl will cease at 2:00 p.m. each day of open season.

2. You may use only portable or temporary blinds.

3. You must remove portable or temporary blinds and decoys from the refuge following each day's hunt.

4. You may possess only approved nontoxic shot while hunting waterfowl in the field.

5. The refuge is a day-use area only with the exception of legal hunting activities.

6. We prohibit the use of all-terrain vehicles on all refuge hunts.

7. We prohibit target practice on refuge property.

8. We prohibit mules and horses on refuge hunts.

9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.

10. Each hunter must have in his/her possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while participating in refuge hunts.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, opossum, bobcat and coyote on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit mules and horses on refuge hunts.

2. We prohibit all-terrain vehicles on all refuge hunts.

3. The refuge is a day-use area only with the exception of legal hunting activities.

4. We prohibit target practice on refuge property.

5. We limit shotguns to no larger than 10 gauge. All shotgun ammunition must meet legal shot-size requirements for each hunted species. We limit the use of rifles and pistols to rimfire only for upland game.

6. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.

7. You must have in your possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while participating in refuge hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit the use or construction of any permanent tree stand.

2. We allow portable stands and climbing stands, but you must remove them from the tree when they are not in use.

3. We require safety belts at all times with the use of tree stands.

4. The refuge is a day-use area only with the exception of legal hunting activities.

5. We prohibit the use of all-terrain vehicles on all refuge hunts.

6. We prohibit mules and horses on refuge hunts.

7. You may not hunt by organized deer drives of two or more hunters. The definition of drive is: the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.

8. We prohibit target practice on refuge property.

9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.

10. You must have in your possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while participating in refuge hunts.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to State regulations, any refuge-specific regulations listed in the Clarks River National Wildlife Refuge Hunting/Fishing Permit, and the following conditions:

1. The refuge is a day-use area only with the exception of legal fishing activities.

§ 32.37

2. You must have in your possession a current, signed copy of the Clarks River National Wildlife Refuge Hunting/Fishing Permit while fishing on the refuge.

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

Refer to §32.68 West Virginia for regulations.

REELFOOT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of squirrels and raccoons is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on the Long Point Unit (north of Upper Blue Basin) from March 15 through November 15 and on the Grassy Island Unit (south of the Upper Blue Basin) from February 1 through November 15.

2. Fishing is permitted only from sunrise to sunset.

3. Anglers may not enter the refuge, or use airboats, hovercraft, or jet skis (personal water-craft) on any waters within the refuge boundary.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 62042, Dec. 4, 1995; 61 FR 31461, June 20, 1996; 61 FR 46395, Sept. 3, 1996; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 66 FR 46357, Sept. 4, 2001]

§ 32.37 Louisiana.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ATCHAFALAYA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

1. Hunting must be in accordance with Sherburne Wildlife Management Area regulations.

2. For the Indian Bayou Area, we require an Army Corps of Engineer permit.

3. For the Shatters Bayou Unit, hunting must be in accordance with the Attakapas Wildlife Management Area rules and regulations.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, nutria, muskrat, mink, fox, bobcat, beaver, and

50 CFR Ch. I (10–1–02 Edition)

otter on designated areas of the refuge subject to the following conditions:

1. Hunting must be in accordance with Sherburne Wildlife Management Area regulations.

2. For the Indian Bayou Area, we require an Army Corps of Engineer permit.

3. For the Shatters Bayou Unit, hunting must be in accordance with the Attakapas Wildlife Management Area rules and regulations.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge subject to the following conditions:

1. Hunting must be in accordance with Sherburne Wildlife Management Area regulations.

2. For the Indian Bayou Area, we require an Army Corps of Engineer permit.

3. For the Shatters Bayou Unit, hunting must be in accordance with the Attakapas Wildlife Management Area rules and regulations.

D. Sport Fishing. We allow finfishing and shellfishing year round in accordance with Sherburne Wildlife Management Area regulations:

1. We require refuge permits for commercial shellfishing.

2. For the Indian Bayou and Shatters Bayou Unit, we require an Army Corps of Engineers permit for commercial shellfishing.

BAYOU COCODRIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. You may hunt ducks, coots, woodcock, and snipe on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of rabbit, squirrel, raccoon, beaver, feral hog, and coyote on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Anglers must possess a refuge permit.

2. We allow fishing during daylight hours only.

3. We allow fishing on the Cross Bayou Cut and all tributaries that fill with water from Cocodrie Bayou during high water stages.

4. We prohibit camping.

5. We allow only cotton limb lines.

6. You may not use trotlines, slat traps, or nets while fishing.

BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.37

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Finfishing and shellfishing are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted during daylight hours only.

2. Sport fishing and shellfishing are permitted year round on all refuge lands south of the Intracoastal Waterway; from the banks of U.S. Highway 11; and within the banks of the borrow canal and borrow pits between U.S. Highway 11 and Interstate 10.

3. Only sport fishing with hand-held rod and reel or hand-held rod and line is permitted. Gait shrimp may be taken with cast nets 8 feet in diameter or less. Crawfish and crabs can be taken (up to 100 pounds per person) with wire nets up to 20 inches in diameter. All fishing, crabbing and crawfishing equipment must be attended at all times.

4. The use of trotlines, limblines, slat traps, gar sets, nets or alligator lines is prohibited on the refuge.

5. Only outboard motors 25 horsepower or less are permitted in waterways inside the hurricane protection levee.

6. Airboats, aircraft, motorized pirogues and go-devils are prohibited in refuge waters.

BAYOU TECHE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds in designated areas of the refuge subject to the following conditions:

1. We require the use of either refuge-issued Self-clearing daily permits or Lottery permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge brochure.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

1. We require refuge-issued Self-clearing daily permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge brochure.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

1. We require the use of either refuge-issued Self-clearing daily permits or Lottery permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge brochure.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for fishing must abide by all terms and conditions in the refuge brochure.

BIG BRANCH MARSH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, coots, and snow geese on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.

D. Sport Fishing. Fishermen may fish in designated waters of the refuge subject to the following conditions:

1. Fishermen may fish during daylight hours only.

2. Fishermen must only use rods and reel or pole and lines while fishing.

3. Fishermen must not use trotlines, slat traps or nets while fishing.

4. Fishermen must not use boats with motors larger than 25 horsepower.

5. Fishermen must not use air-thrust boats, motorized pirogues, go-devils, or mud boats in refuge waters.

BLACK BAYOU LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds in designated areas of the refuge subject to the following conditions:

1. We require refuge permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

B. Upland Game Hunting. We allow hunting of raccoon, opossum, squirrel, rabbit, quail, woodcock, coyote, and beaver on designated areas of the refuge subject to the following conditions:

1. We require refuge permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

C. Big Game Hunting. We allow archery hunting of white-tailed deer on the refuge subject to the following conditions:

1. We require refuge permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

D. Sport Fishing. Anglers may fish on designated areas of the refuge subject to the following conditions:

1. Anglers may fish from sunrise to sunset.

2. Anglers may not leave boats or other personal equipment on the refuge overnight. Anglers may launch boats only at designated sites. Anglers may not use boat motors greater than 50 horsepower.

§ 32.37

50 CFR Ch. I (10-1-02 Edition)

3. Anglers may not use trotlines, limb lines, yo-yos, traps or nets.

4. Anglers may not take frogs, turtles and mollusks.

BOGUE CHITTO NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of ducks, geese, coots, and woodcock is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. *Upland Game Hunting.* Hunting of squirrel, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. *Big Game Hunting.* Hunting of white-tailed deer, turkey and feral hogs is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted year-round.
- 2. Camping is permitted in designated areas only.
- 3. Only cotton limb lines are permitted.

BRETON NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish and crab on designated areas of the refuge subject to the following conditions:

- 1. Anglers may fish year-round.
- 2. Crabbers must tend crabbing equipment at all times.
- 3. Anglers may not use trotlines, slat traps, or nets.

CAMERON PRAIRIE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of migratory game birds in designated areas of the refuge subject to the following conditions:

- 1. We require refuge permits.
- 2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the appropriate refuge brochure.

B. *Upland Game Hunting.* We allow upland game hunting in designated areas of the refuge subject to the following conditions:

- 1. We require refuge permits.
- 2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the appropriate refuge brochure.

C. *Big Game Hunting.* We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:

- 1. We require refuge permits.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the appropriate refuge brochure.

D. *Sport Fishing.* We allow sport fishing in designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for fishing must abide by all terms and conditions in the appropriate refuge brochure.

CAT ISLAND NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of ducks, geese, coots, woodcock, and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require refuge permits.

B. *Upland Game Hunting.* We allow hunting of squirrel, rabbit, raccoon, beaver, nutria, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require refuge permits.

C. *Big Game Hunting.* We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require refuge permits.

D. *Sport Fishing.* We allow fishing and cray-fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

- 1. We require refuge permits.
- 2. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

CATAHOULA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of migratory game birds on designated areas of the refuge subject to the following condition: We require refuge permits.

B. *Upland Game Hunting.* We allow hunting of raccoon, squirrel, rabbit, and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

C. *Big Game Hunting.* We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following condition: We require refuge permits.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

- 1. We allow fishing from 1 hour before sunrise until 1/2-hour after sunset.
- 2. We allow boat launching on all refuge waters as designated in the refuge brochure. We allow only nonmotorized boats or boats with motors of 10 horsepower or less, except on Bushley Creek, Big Bushley Creek, and Little Bushley Creek where there is no horsepower restriction.

U.S. Fish and Wildlife Serv., Interior

§ 32.37

3. Cowpen Bayou, the Highway 28 borrow pits, and Bushley Bayou Unit are open to fishing all year.

4. All other refuge waters on the Headquarters Unit, including Duck Lake, Muddy Bayou, Willow Lake, ditches, all outlet waters, and all flooded woodlands are open to fishing and boating from March 1 through October 31.

5. On the Headquarters Unit we allow only pole and line or rod and reel fishing. We prohibit snagging.

6. On the Bushley Bayou Unit we allow fishing and crayfishing subject to the following conditions:

i. Anglers must reset trotlines when receding water levels expose them, and trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

ii. Anglers must attend yo-yos during daylight hours only.

iii. We allow recreational gear (slat traps, wire nets, hoop nets) only by refuge permit and only in Bushley Creek, Big Bushley Creek, and Little Bushley Creek.

iv. We prohibit commercial fishing and crayfishing.

D'ARBONNE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, coots, and woodcock on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

2. We allow only cotton limb lines.

DELTA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of rabbit is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

1. Recreational fishing and crabbing are permitted only from sunrise to sunset.

2. The use of trotlines, limblines, slat traps, gar sets, nets or alligator lines is prohibited.

3. Camping is permitted year-round on designated areas only.

GRAND COTE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishermen may fish and take crawfish in designated waters of the refuge subject to the following conditions.

1. Fishermen must have refuge permits to take crawfish.

2. Any person entering, using, or occupying the refuge for fishing or crawfishing must abide by all terms and conditions in the refuge fishing brochure.

LACASSINE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, duck, gallinules, and coots on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Any person entering, using, or occupying the refuge for waterfowl hunting must abide by all the terms and conditions in the refuge hunting brochure.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Any person entering, using, or occupying the refuge for hunt must abide by all terms and conditions in the refuge hunting brochure.

D. Sport Fishing. Fishing and crayfishing are permitted on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for fishing or crayfishing must abide by all terms and conditions in the refuge fishing brochure.

LAKE OPHELIA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, coots, woodcock, and snipe on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.

2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

§ 32.38

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, feral hog, beaver, nutria, and coyote on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

D. Sport Fishing. We allow fishing in designated areas of the refuge subject to the following conditions:

1. We require a refuge permit.
2. Any person entering, using, or occupying the refuge for fishing must abide by all terms and conditions in the refuge fishing brochure.

MANDALAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds in designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

B. Upland Game Hunting. [Reserved].

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the refuge hunting brochure.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge for fishing must abide by all terms and conditions in the refuge fishing brochure.

SABINE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require refuge hunting permits.
2. Any person entering, using or occupying the refuge must abide by all the terms and conditions set forth in the hunting permit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing, crabbing, and shrimp cast netting on designated areas of the refuge subject to the following condition: Any person entering, using, or occupying the refuge must abide by all terms

50 CFR Ch. I (10–1–02 Edition)

and conditions set forth in the refuge fishing brochure.

TENSAS RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of squirrel, rabbit and raccoon is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Sport fishing is permitted on designated areas of the refuge subject to the following condition: Permits are required.

UPPER OUACHITA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, coots, mourning doves, and woodcock on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, raccoon, and opossum on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.
2. We allow only cotton limb lines.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29074, May 18, 1993; 59 FR 6692, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 60 FR 5277, Jan. 26, 1995; 60 FR 62042, Dec. 4, 1995; 61 FR 45367, Aug. 29, 1996; 61 FR 46395, Sept. 3, 1996; 62 FR 47378, Sept. 9, 1997; 63 FR 46916, Sept. 3, 1998; 65 FR 30783, May 12, 2000; 65 FR 56402, Sept. 18, 2000; 66 FR 46357, Sept. 4, 2001; 67 FR 58945, Sept. 18, 2002]

§ 32.38 Maine.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

LAKE UMBAGOG NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, common snipe, sora, Virginia rail, common moorhen,

and woodcock on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. Designated permanent blinds will be available by reservation. We allow no other permanent blinds. You must remove your temporary blinds, boats, and decoys from the refuge following each day's hunt.

3. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material, except when hunting ducks or geese.

4. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.

5. We prohibit dog training.

6. You must unload all firearms outside of legal State hunting hours.

7. We prohibit the use of all-terrain vehicles (ATV's).

8. The Refuge will be open to hunting during the hours stipulated under Maine hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, American crow, showshoe hare, ring-necked pheasant, ruffed grouse, and northern bobwhite in designated areas subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may only use pursuit or trailing dogs to hunt coyote or snowshoe hare.

3. We allow hunting of snowshoe hare with dogs from November 20 to January 1.

4. We allow hunting of coyote with dogs from October 20 to November 9.

5. We allow a maximum of four dogs per hunter.

6. Dogs may only be on the refuge when the hunter is present.

7. You must equip dogs used to hunt coyote with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.

8. We do not allow hunting for coyote and raccoon from ½ hour after sunset to ½ hour before sunrise.

9. We allow pre-hunt scouting, however, we do not allow dogs during pre-hunt scouts.

10. We prohibit dog training.

11. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.

12. You must unload all firearms outside of legal State hunting hours.

13. We prohibit the use of all-terrain vehicles (ATV's).

14. The refuge will be open to hunting during the hours stipulated under Maine hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey on designated areas of the refuge subject to the following conditions:

1. We allow bear hunting with dogs from October 20 to October 29.

2. You must equip dogs used to hunt bear with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.

3. We allow a maximum of four dogs per hunter.

4. Dogs may only be on the refuge when the hunter is present.

5. You must take the first bear you tree, except in the case of cubs or a sow with cubs.

6. You must report where you took the bear to the State of Maine.

7. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.

8. We prohibit dog training.

9. You may use only portable tree stands, and you must remove them from the refuge each day.

10. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material, except when hunting turkey.

11. You must unload all firearms outside of legal State hunting hours.

12. We prohibit the use of all-terrain vehicles (ATV's).

13. The refuge will be open to hunting during the hours stipulated under Maine hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

D. Sport Fishing. [Reserved]

MOOSEHORN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions:

1. During firearms big game season hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm²) solid-colored hunter orange clothing or material.

2. Hunters harvesting a deer on the refuge must notify the refuge office within 24 hours and present the field-dressed deer for inspection by refuge personnel.

3. Hunters who wish to use portable tree stands or blinds must register at the refuge

office prior to placement of the stand or blind.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow nonmotorized boats only on Bearce and Conic Lakes.
2. We allow fishing during daylight hours only.

PETIT MANAN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, woodcock, rails, gallinules, and snipe on designated areas of the refuge subject to the following conditions:

1. You may not erect permanent waterfowl blinds on the refuge.
2. You must remove all temporary blinds, concealment materials, boats, and decoys following each day's hunt.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.
2. We prohibit the use of pursuit or trailing dogs on the refuge.
3. We prohibit the hunting of crows on the refuge.
4. The refuge will be open to hunting of coyotes no earlier than November 1 and no later than March 31.

C. Big Game Hunting. We allow hunting of white-tailed deer and bear on designated areas of the refuge subject to the following conditions:

1. We prohibit the use of pursuit or trailing dogs on the refuge.
2. We allow black bear hunting only during the firearm season for white-tailed deer.
3. You must remove all tree stands by the last day of the white-tailed deer hunting season.
4. We close the refuge to all visitation from sunrise to sunset. However, during hunting season, we allow hunters to enter the refuge ½ hour prior to sunrise and remain on the refuge ½ hour after sunset.

D. Sport Fishing. [Reserved]

RACHEL CARSON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, coots, woodcock and snipe on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.
2. Hunters must remove all personal property from the refuge after each day's hunt.
3. Designated Youth Hunting Areas are open to individuals under 18 who possess a permit. An adult must accompany youths under 15 years of age. Accompanying adults possessing a permit may hunt.

B. Upland Game Hunting. Hunters may hunt pheasants on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.
2. Hunters during the firearm deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.
3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.
2. Designated youth hunting areas are open to individuals under 18 who possess a permit. An adult must accompany youths under 15 years of age. Accompanying adults who possess a permit may hunt.
3. Hunters may hunt fox and coyotes during the firearm deer season only.
4. Hunters during the firearm deer season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.
5. We allow only archery and shotgun hunting with appropriate buckshot or slug loads.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We allow fishing from sunrise to sunset.

SUNKHAZE MEADOWS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge pursuant to State law.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: Shotgun hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer, moose, or bear is permitted on designated areas of the refuge subject to the following condition:

1. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. You may fish on the waters of and from the banks of Baker Brook, Birch Stream, Buzzy Brook, Johnson Brook, Little Birch Stream, Little Buzzy Brook, Sandy Stream, and Sunkhaze Stream.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30784, May 12, 2000; 65 FR 56403, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001; 67 FR 58946, Sept. 18, 2002]

§ 32.39 Maryland.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BLACKWATER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.
2. Handguns and breech-loading rifles are not permitted.
3. In the headquarters hunt area, hunters must remain within 30 feet of their stand, unless actively tracking or retrieving wounded deer.
4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing and crabbing are permitted from April 1 through October 1 during daylight hours only.
2. All fish and crab lines must be attended.
3. Boat launching from refuge lands is not permitted.
4. The use of airboats is not permitted on refuge waters.

EASTERN NECK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt deer and turkey on designated areas of the refuge subject to the following conditions:

1. Refuge permits required.
2. The refuge is open to limited turkey hunting during the state spring turkey season.
3. Hunters may only use archery, shotguns, and muzzleloaders for deer, and shotguns only for turkey.
4. Hunters may not possess loaded weapons in parking areas, blacktopped or graveled roads.
5. Deer hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid colored hunter orange clothing or material.
6. Turkey hunters must wear a hat or cap of hunter orange when moving to or from their blind or hunting position.

D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing from Eastern Neck Island bridge.

2. We allow fishing and crabbing from April 1—September 30 during daylight hours only at the Ingleside Recreation Area.

3. We allow fishing from the Boxes Point and Duck Inn Trails during daylight hours only.

PATUXENT RESEARCH REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following conditions:

1. Seasonal permit is required.
2. A fee is required for issuance of a seasonal permit.
3. The use of a retriever is mandatory on any impounded waters. Retrievers shall be of the traditional breeds, such as Chesapeake Bay, Golden, etc.
4. Dogs observed running loose or unattended in unauthorized areas shall be subject to seizure by law enforcement officers.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to the following conditions:

1. Seasonal permit is required.
2. A fee is required for issuance of a seasonal permit.
3. Hunting of upland game is suspended during the firearm deer season.
4. Hunters must wear in a conspicuous manner on head, chest and back, a minimum of 400 square inches of solid-colored hunter orange clothing or material.
5. Dogs observed running loose or unattended in unauthorized areas shall be subject to seizure by law enforcement officers.

6. Shotgun hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following conditions:

1. Seasonal permit is required.
2. A fee is required for issuance of a seasonal permit.
3. Validation of hunter safety proficiency test is required.
4. Dogs are not permitted.
5. No hunting with black powder handguns will be permitted.
6. Possession of rifled slug or pumpkin ball is permitted only during the firearm deer season. Use of buckshot is strictly prohibited.
7. Only shotguns loaded with rifled slug or pumpkin ball and black powder rifles, 40 caliber or larger, with not less than 60 grains of black powder or equivalent in Pyrodex, shall be used for hunting deer during the firearm deer season.
8. During the firearm deer season, the use of bow and arrow is prohibited.
9. Hunting of upland game is suspended during the firearm deer season.

§ 32.40

10. Hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material. Bow hunters must follow this requirement when moving to and from the deer stand, but are not required to wear hunter orange when positioned to hunt.

11. Only portable deer stands with safety belts are permitted. Safety belts must be worn while in the stand.

D. Sport Fishing. Fishermen may fish in designated waters of the refuge at designated times subject to the following conditions:

1. Fishermen may fish only in delineated areas as shown on a map available at the refuge.

2. Fresh water fishing and boating laws of the State of Maryland apply to include opening/closing of seasons and creel limits.

3. Fishermen may use hook and line tackle and baits permitted by Maryland law, with the exception of live minnows or other fish.

4. Special provisions: Cash Lake, a 54 acre lake located on the South Tract requires a federal permit to fish, and a limit of 25 daily permits will be issued. Persons may request a permit application by contacting: National Wildlife Visitor Center, Laurel, Maryland, during normal working hours. Each request must include the person's name, address, and phone number, and the model, year and license number of the vehicle that will drive to the refuge. You may request a fishing date 1 week prior to when you plan to fish. One licensed angler or up to two children under the age of 16 may accompany the permit holder. Open season is June 15 through October 15: 6 a.m. to legal sunset daily. You may fish for the following species: Bass, pickerel, catfish, and sunfish. Daily creel limits: bass, catch and release only; pickerel, catch and release only except you may keep one pickerel greater than 15 inches in length; sunfish and catfish, 15 per day total fish limit. Permittees may use boats subject to the following conditions: no gasoline motors permitted; You may not trailer boats to the water; boats other than canoes may not exceed 14 feet; you may not use sailboats or kayaks.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6685, 6693, Feb. 11, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30784, May 12, 2000]

§ 32.40 Massachusetts.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

50 CFR Ch. I (10-1-02 Edition)

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted in designated areas of the refuge subject to the following condition:

1. Fishing is permitted along the main channel of the Sudbury River, Concord River and along designated banks of Heard Pond with the following exception: Fishing is not permitted within refuge impoundments.

2. Only foot access is permitted.

MONOMOY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing in designated areas of the refuge subject to the following condition: In addition to daytime fishing, we allow fishing after sunset in accordance with State regulations.

NANTUCKET NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on the ocean beach only.

2. A permit is required for the use of over-the-sand surf fishing vehicles.

3. In addition to daytime fishing, we allow fishing after sunset in accordance with State regulations.

OXBOW NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Vehicles are restricted to the designated parking area that is accessible from the Still River Depot Road. Entry by routes other than Still River Depot Road is prohibited.

2. [Reserved]

B. Upland Game Hunting. We allow hunting of upland game birds, turkey, and small game on designated areas of the refuge subject to the following conditions:

1. Shotguns only are permitted.

2. Vehicles are restricted to the designated parking area that is accessible from the Still River Depot Road. Entry by routes other than Still River Depot Road is not permitted.

3. You may possess only approved nontoxic shot while in the field, except while hunting turkey.

U.S. Fish and Wildlife Serv., Interior

§ 32.41

4. Hunters will comply with all State hunting regulations.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish along the banks of the Nashua River in accordance with state regulations.

PARKER RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may not use or possess more than 25 shells per day.

2. Hunters using Area B must set out a minimum of six waterfowl decoys and hunt within 50 yards of these decoys.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following conditions:

1. Hunters must possess a refuge permit.

D. Sport Fishing. Saltwater fishing is permitted on designated areas of the refuge subject to the following conditions:

1. We allow saltwater fishing on the ocean beach and the surrounding waters of the Broad Sound.

2. A permit is required for night fishing and for the use of over-the-sand surf-fishing vehicles.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6693, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 63 FR 46917, Sept. 3, 1998; 65 FR 30785, May 12, 2000; 65 FR 56404, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001]

§ 32.41 Michigan.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

HARBOR ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer and black bear is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

KIRTLAND'S WARBLER WILDLIFE MANAGEMENT AREA

A. Hunting of Migratory Game Birds. Hunting is pursuant to State regulation.

B. Upland Game Hunting. Hunting is pursuant to State regulation.

C. Big Game Hunting. Hunting is pursuant to State regulation.

D. Sport Fishing. [reserved.]

SENEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of woodcock and snipe is permitted on designated areas of the refuge.

B. Upland Game Hunting. Hunting of grouse and snow-shoe hare is permitted on designated areas of the refuge.

C. Big Game Hunting. We allow hunting of deer and bear on designated areas of the refuge subject to the following condition: We do not allow the use of dogs while deer or bear hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We do not allow the use of fishing weights or lures containing lead.

2. We allow ice fishing from January 1 through the end of February during daylight hours only.

3. We do not allow ice shanties, houses, or shelters on F Pool.

4. When ice fishing, we do not allow snowmobiles or all-terrain vehicles. We prohibit all-terrain vehicles and snowmobiles on the refuge.

5. We allow fishing from May 15 through September 30 during daylight hours only.

6. We allow fishing on the Creighton Driggs and Manistique Rivers from May 15 through September 30.

7. We allow only bank fishing in refuge pools.

8. We allow nonmotorized boats and bankfishing along Driggs and Creighton Rivers.

SHIAWASSEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Duck and coot hunting is permitted only in Pool 4 and associated marshes.

3. Goose hunting in designated cropland fields and areas of the Shiawassee River is permitted until 12 noon with a required check out time of 1 p.m.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits may be required.

2. Hunters must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid colored hunter orange clothing or material.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the

§ 32.42

following condition: Fishing is only permitted from boats; no bank fishing is allowed.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6693, Feb. 11, 1994; 59 FR 55186, Nov. 3, 1994; 67 FR 58946, Sept. 18, 2002]

§ 32.42 Minnesota.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

AGASSIZ NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer and moose is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.

2. All stands must be removed from the refuge at the end of each day's hunt.

D. Sport Fishing. [Reserved]

BIG STONE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. You may not hunt any migratory game birds on the refuge. You may retrieve waterfowl taken outside the refuge boundary up to 100 yards (90 m) inside the refuge.

B. Upland Game Hunting. You may hunt partridge, pheasant, wild turkey, gray and fox squirrel, cottontail and jack rabbit, red and gray fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while hunting for partridge or ring-necked pheasant.

2. You may hunt fox, raccoon, and striped skunk only during open seasons for other small game species. You may not use dogs while raccoon hunting.

3. You may hunt only turkey if you have a valid State turkey hunting permit in your possession.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.

2. All stands must be removed from the refuge at the end of each day's hunt.

3. You may hunt only deer if you have a valid State permit in your possession.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Nonmotorized boats or boats with electric motors are permitted in the Minnesota River channel only.

50 CFR Ch. I (10-1-02 Edition)

2. Bank fishing only is permitted on refuge pools and open marshes.

3. Ice fishing shelters must be removed from the refuge following each day's fishing activities.

FERGUS FALLS WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except that we allow no hunting on the Townsend, Headquarters, Mavis, and Gilmore Waterfowl Production Areas (WPA) in Otter Tail County, and Larson WPA in Douglas County.

B. Upland Game Hunting. We allow upland game hunting throughout the district except that we allow no hunting on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County.

C. Big Game Hunting. We allow big game hunting throughout the district except that we allow no hunting on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County.

D. Sport Fishing. We allow sport fishing throughout the district except that we allow no fishing on the Townsend, Headquarters, Mavis, and Gilmore WPAs in Otter Tail County, and Larson WPA in Douglas County.

LITCHFIELD WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except you may not hunt on the Phare Lake Waterfowl Production Area in Renville County. All hunting is subject to the following conditions:

1. You must remove boats, decoys, and other personal property following each day's hunt.

2. You must remove portable or temporary blinds and any material brought onto the area for blind construction following each day's hunt.

B. Upland Game Hunting. We allow upland game hunting throughout the district.

C. Big Game Hunting. We allow big game hunting throughout the district subject to the following conditions:

1. We do not allow construction or use of permanent blinds, stands, or platforms.

2. You must remove all temporary blinds, stands, or platforms following each day's hunt.

D. Sport Fishing. We allow fishing throughout the district.

MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, and coots on designated areas of the refuge. Permits are required for special hunts.

U.S. Fish and Wildlife Serv., Interior

§ 32.42

B. Upland Game Hunting. Hunters may hunt upland game, except for furbearers and crows, on designated areas of the refuge consistent with State regulations, subject to the following conditions:

1. Hunters may only use shotguns and bows and arrows in designated areas.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits may be required.

2. The construction or use of permanent blinds or platforms is not permitted.

3. All portable stands must be removed from the refuge at the end of each day's hunt.

4. Hunters may not use or possess single shot projectiles (shotgun slugs, or bullets) on the Soberg Waterfowl Production Area.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Only bank fishing is permitted.

2. Ice fishing is permitted when ice conditions are safe.

3. Ice fishing shelters must be removed from the refuge following each day's fishing activity.

MORRIS WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted throughout the district subject to the following condition:

1. Hunters may not hunt on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

B. Upland Game Hunting. Upland game hunting is permitted throughout the district subject to the following condition:

1. Hunters may not hunt on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

C. Big Game Hunting. Big game hunting is permitted throughout the district subject to the following condition:

1. Hunters may not hunt on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

D. Sport Fishing. Sport fishing is permitted throughout the district subject to the following condition:

1. Anglers may not fish on designated portions of the Edwards-Long Lake Waterfowl Production Area in Stevens County.

RICE LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of woodcock and common snipe is permitted on designated areas of the refuge.

1. Shotgun hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunters may hunt ruffed grouse, spruce grouse, grey and fox squirrels, cottontail rabbit and snowshoe hare on designated areas of the refuge.

1. Shotgun hunters may possess only approved nontoxic shot while hunting upland game species.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.

2. All stands must be removed from the refuge at the end of each day's hunt.

3. Permits are required for firearms hunting.

4. Hunting of deer on the Rice Lake Unit is by firearm and archery; hunting on the Sandstone Unit is by archery only.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing from non-motorized boats or boats powered by electric motors is permitted only in designated areas.

2. Ice fishing is permitted on Mandy Lake when ice conditions are safe.

3. Ice fishing shelters must be removed from the refuge following each day's fishing activity.

RYDELL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved.]

B. Upland Game Hunting. [Reserved.]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required to hunt white-tailed deer in the Special Permit Area of the refuge.

2. Hunting in the Special Permit Area is permitted with firearms only.

3. Hunters may not construct or use permanent blinds, permanent platforms, or permanent ladders. Hunters may use portable stands, but must remove them from the refuge at the end of each day's hunt.

4. Hunters who harvest deer in the Special Permit Area must take their deer to the refuge check station.

D. Sport Fishing. We only allow fishing from the fishing pier on Tamarac Lake beginning May 1 through July 15 during refuge open hours.

SHERBURNE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, rails, woodcock, and snipe is permitted on designated areas of the refuge subject to the following conditions:

§ 32.42

1. Field possession of migratory game birds is not permitted on refuge areas closed to migratory game bird hunting.

2. Only nonmotorized boats are permitted, and they must be launched at designated access sites.

3. Boats, decoys and blinds must be removed from the refuge following each day's hunt except for blinds made entirely of marsh vegetation.

4. Entry to hunting areas is not allowed earlier than one and one-half hours before legal shooting hours.

5. Shotgun hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of ruffed grouse, ring-necked pheasant, gray and fox squirrel, snowshoe hare, cottontail rabbit and jackrabbit is permitted on designated areas of the refuge.

1. Shotgun hunters may possess only approved nontoxic shot while hunting for all upland game species.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. The construction or use of permanent blinds, platforms or ladders is not permitted.

2. All stands must be removed from the refuge at the end of each day's hunt.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on the St. Francis River only.

2. Nonmotorized boats are permitted only on designated areas of St. Francis River and must be launched from designated access points.

TAMARAC NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is in accordance with White Earth Reservation regulations on those portions of the Reservation that are a part of the refuge.

2. Blinds must be removed from the refuge following each day's hunt except for blinds made entirely of marsh vegetation.

B. Upland Game Hunting. Hunters may hunt ruffed grouse, red, gray and fox squirrel, cottontail rabbit, jackrabbit, snowshoe hare, red fox, raccoon, and striped skunk on designated areas of the refuge subject to the following conditions:

1. Hunting by tribal members is in accordance with White Earth Indian Reservation regulations on those parts of the Reservation that are part of the refuge.

2. Red fox, raccoon, and striped skunk may be hunted only from one-half hour before sunrise until sunset during open seasons for

50 CFR Ch. I (10-1-02 Edition)

other small game species. Dogs may not be used for fox or raccoon hunting.

3. Shotgun hunters may possess only approved nontoxic shot while hunting for all upland game species.

4. We require hunters to wear at least one article of blaze orange clothing visible above the waist.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is in accordance with White Earth Reservation regulations on those parts of the Reservation that are a part of the refuge.

2. The construction or use of permanent blinds, platforms or ladders is not permitted.

3. All stands must be removed from the refuge at the end of each day's hunt.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted in North Tamarac Lake, Wauboose Lake, and Two Island Lake, all year in accordance with State and/or White Earth Reservation regulations.

2. Fishing is permitted in Blackbird Lake and Lost Lake from the first day of the State walleye season through Labor Day under State and/or White Earth Reservation regulations.

3. Bank fishing only is permitted in an area 50 yards on either side of the Ottetail River Bridges on County Roads #26 and #126 during State seasons.

4. Fishing is permitted in Pine Lake from December 1 until March 31.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to §32.32 Illinois for regulations.

WINDOM WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except that you may not hunt on the Worthington Waterfowl Production Area (WPA) in Nobles County, Headquarters WPA in Jackson County, or designated portions of the Wolf Lake WPA in Cottonwood County.

B. Upland Game Hunting. We allow hunting of upland game throughout the district except that you may not hunt on the Worthington WPA in Nobles County, Headquarters WPA in Jackson County, or designated portions of the Wolf Lake WPA in Cottonwood County.

C. Big Game Hunting. We allow hunting of big game throughout the district except that you may not hunt on the Worthington WPA in Nobles County, Headquarters WPA in Jackson County, or designated portions of the Wolf Lake WPA in Cottonwood County.

D. Sport Fishing. Fishermen may fish throughout the district.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6693, Feb. 11, 1994; 59 FR 55186, 55196, Nov. 3, 1994; 60 FR 62043, Dec. 4, 1995; 61 FR 46396, Sept. 3, 1996; 62 FR 47379, Sept. 9, 1997; 63 FR 46917, Sept. 3, 1998; 65 FR 30785, May 12, 2000; 65 FR 56404, Sept. 18, 2000; 66 FR 46358, Sept. 4, 2001; 67 FR 58946, Sept. 18, 2002]

§ 32.43 Mississippi.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BOGUE CHITTO NATIONAL WILDLIFE REFUGE

Refer to § 32.37 Louisiana for regulations.

DAHOMEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, migratory waterfowl, coots, snipe, and woodcock on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, beaver, raccoon, coyotes, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of deer, turkey, and feral hogs on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following condition: We require permits.

GRAND BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and mourning doves on designated areas of the refuge subject to State regulations and the following conditions:

1. Hunting of waterfowl will cease at 2:00 p.m. each day of open season.
2. You may use only portable or temporary blinds.
3. You must remove portable or temporary blinds and decoys from the refuge following each day's hunt.
4. You may possess only approved nontoxic shot while hunting waterfowl in the field.
5. The refuge is a day-use area only with the exception of legal hunting activities.
6. We prohibit the use of all-terrain vehicles on all refuge hunts.
7. We prohibit target practice on refuge property.
8. We prohibit mules and horses on refuge hunts.
9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of

the refuge or along rights-of-way for public or private land within the refuge.

10. Each hunter must have in his/her possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit mules and horses on refuge hunts.
2. We prohibit the use of all-terrain vehicles on all refuge hunts.
3. The refuge is a day-use area only with the exception of legal hunting activities.
4. We prohibit target practice on refuge property.
5. We limit shotguns to no larger than 10 gauge. All shotgun ammunition must meet legal shot-size requirements.
6. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
7. Each hunter must have in his/her possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.
8. We prohibit target practice on refuge property.
9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
10. You must have in your possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to State regulations and the following conditions:

1. We prohibit the use or construction of any permanent tree stand.
2. We allow portable and climbing stands, but you must remove them from the tree when not in use or they will be subject to confiscation.
3. We require safety belts at all times with the use of tree stands.
4. The refuge is a day-use area only with the exception of legal hunting activities.
5. We prohibit the use of all-terrain vehicles on all refuge hunts.
6. We prohibit the use of mules and horses on refuge hunts.
7. You may not hunt by organized deer drives of two or more hunters. The definition of drive is: the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.
8. We prohibit target practice on refuge property.
9. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along rights-of-way for public or private land within the refuge.
10. You must have in your possession a current, signed copy of the Grand Bay National Wildlife Refuge Hunting Permit while participating in refuge hunts.

D. Sport Fishing. [Reserved]

HILLSIDE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, waterfowl, and coots on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing and frogging in designated portions of the refuge subject to the following condition: We require a refuge permit.

MATHEWS BRAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, waterfowl, and coots on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing and frogging on designated portions of the refuge subject to the following condition: We require a refuge permit.

MORGAN BRAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, waterfowl, and coots on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing and frogging in designated portions of the refuge subject to the following condition: We require a refuge permit.

NOXUBEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt waterfowl, coots, and woodcock on designated areas of the refuge subject to the following condition: Permits required.

B. Upland Game Hunting. Hunters may hunt quail, squirrel, rabbit, beaver, raccoon and opossum on designated areas of the refuge subject to the following condition: Permits required.

C. Big Game Hunting. Hunters may hunt white-tailed deer and turkey on designated areas of the refuge subject to the following condition: Permits required.

D. Sport Fishing. Anglers may fish on designated areas of the refuge subject to the following condition: Permits required.

PANTHER SWAMP NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, waterfowl, and coots on designated areas of the refuge subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of quail, rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing and frogging in designated portions of the refuge subject to the following condition: We require a refuge permit.

ST. CATHERINE CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, and coots on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, beaver, nutria, muskrat, feral hogs, raccoon, coyotes, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following condition: We require permits.

TALLAHATCHIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves, migratory waterfowl, coots, snipe, and woodcock on designated areas of the refuge subject to the following condition: We require permits.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, beaver, raccoon, coyotes, and opossum on designated areas of the refuge subject to the following condition: We require permits.

C. Big Game Hunting. We allow hunting of deer, turkey, and feral hogs on designated

U.S. Fish and Wildlife Serv., Interior

§ 32.44

areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following condition: We require permits.

YAZOO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of waterfowl on designated areas of the refuge subject to the following condition: We require a refuge permit. Please consult the refuge brochure for species information.

B. Upland Game Hunting. We allow hunting of rabbit, squirrel, and raccoon on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29085, May 18, 1993; 59 FR 6694, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 61 FR 45367, Aug. 29, 1996; 61 FR 46396, Sept. 3, 1996; 62 FR 47379, Sept. 9, 1997; 63 FR 46917, Sept. 3, 1998; 65 FR 30785, May 12, 2000; 66 FR 46358, Sept. 4, 2001]

§ 32.44 Missouri.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BIG MUDDY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to posted regulations and the following conditions:

1. Hunters may use only approved nontoxic shot while in the field.

2. You must remove all your blinds, boats, and decoys from the refuge following each day's hunt except for blinds made entirely of marsh vegetation. You may not cut woody vegetation on the refuge for blinds.

B. Upland Game Hunting. We allow hunting of upland game animals on designated areas of the refuge subject to posted regulations and the following conditions:

1. You may use only approved nontoxic shot while hunting for upland game, except wild turkeys. You may use lead shot while hunting for wild turkey.

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge subject to posted regulations and the following conditions:

1. You may not use tree spikes to help you climb trees or hunt on the refuge.

2. You must remove tree stands from the refuge within 24 hours of the close of the deer hunting season.

3. You may not hunt over or place on the refuge any salt or other mineral blocks.

D. Sport Fishing. Fishermen may fish on designated areas of the refuge subject to posted regulations.

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to posted regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to posted regulations.

GREAT RIVER NATIONAL WILDLIFE REFUGE

Refer to § 32.32 Illinois for regulations.

MIDDLE MISSISSIPPI RIVER NATIONAL WILDLIFE REFUGE

Refer to § 32.32 Illinois for regulations.

MINGO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunters may hunt upland game on designated areas of the refuge subject to posted regulations.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to posted regulations.

D. Sport Fishing. Fishermen may fish on designated areas of the refuge subject to posted regulations.

SQUAW CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Only historic weapon hunting is permitted.

3. Hunters are required to check in and out of the refuge.

4. Stands must be removed from the refuge each day.

5. Hunting is permitted only during the special hunt season established by the State for the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fish, amphibians, reptiles and crustaceans may only be taken with hand-held pole and line or rod and reel.

§ 32.45

50 CFR Ch. I (10–1–02 Edition)

SWAN LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of geese is permitted on designated areas of the refuge subject to the following conditions:

- 1. Permits are required.
2. You may possess only approved nontoxic shot while in the field.

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

- 1. Permits are required.
2. Only historic weapon hunting is permitted.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted from March 1 through October 15 during daylight hours only.
2. Only nonmotorized boats are permitted on refuge waters with the exception that the use of motors of 10 horsepower or less is permitted on Silver Lake.

TWO RIVERS NATIONAL WILDLIFE REFUGE

Refer to § 32.32 Illinois for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6694, Feb. 11, 1994; 61 FR 45367, Aug. 29, 1996; 61 FR 46397, Sept. 3, 1996; 65 FR 30785, May 12, 2000; 65 FR 56404, Sept. 18, 2000; 66 FR 46359, Sept. 4, 2001]

§ 32.45 Montana.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BENTON LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunters may hunt migratory game birds on designated areas of the refuge in accordance with maps and brochures available at refuge headquarters and signs posted on the area.

B. *Upland Game Hunting.* Hunters may hunt upland game on designated areas of the refuge in accordance with maps and brochures available at refuge headquarters and signs posted on the area.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may sport fish on designated areas of the refuge as posted by signs.

BLACK COULEE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats and boats with motors greater than 10 horsepower are not permitted.

B. *Upland Game Hunting.* We allow hunting of upland game on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing* [Reserved]

BOWDOIN NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of waterfowl, coots, sandhill cranes, and mourning doves is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunters are required to check in and out of the refuge.
2. Air-thrust boats and boats with motors greater than 10 horsepower are not permitted.

B. *Upland Game Hunting.* Hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox and coyote is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunting of fox and coyote is permitted from December 1 to March 1.
2. Hunters are required to check in and out of the refuge.
3. You may possess only approved nontoxic shot while in the field.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* [Reserved]

CHARLES M. RUSSELL NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Refuge open to hunting of migratory game birds in accordance with State law.

B. *Upland Game Hunting.* Hunting of upland game birds, turkey and coyote is permitted on designated areas of the refuge subject to the following condition:

- 1. Coyote hunting allowed from the first day of antelope rifle season through March 1 annually.

C. *Big Game Hunting.* Hunters may hunt big game subject to refuge specific regulations as designated in refuge publications.

D. *Sport fishing.* Refuge open to sport fishing in accordance with State law, and as specifically designated in refuge publications.

CREEDMAN COULEE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats and boats with motors greater than 10 horsepower motors are not permitted.

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.45

HAILSTONE NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds, but has no refuge-specific regulations as it follows guidelines set out in State law.

B. Upland Game Hunting. Hunters may hunt upland game birds on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

HALFBREED LAKE NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

HEWITT LAKE NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats and boats with greater than 10 horsepower motors are not permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

LAKE MASON NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: The use of motorized boats is not permitted.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Refuge open to big game hunting in accordance with State law.

D. Sport Fishing. [Reserved]

LAKE THIBADEAU NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition: Air-thrust boats and boats with greater than 10 horsepower motors are not permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

LAMESTEER NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds but has no refuge-specific regulations as it follows guidelines set out in State law.

B. Upland Game Hunting. The refuge unit is open to the hunting of upland game but has no refuge-specific regulations as it follows guidelines set out in State law.

C. Big Game Hunting. The refuge unit is open to big game hunting but has no refuge-specific regulations as it follows guidelines set out in State law.

D. Sport Fishing. Anglers may sport fish in accordance with state law.

LEE METCALF NATIONAL WILDLIFE REFUGEE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, and coots from established blinds in designated areas of the refuge in accordance with State regulations and subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. *Hunting Access:* We number blinds and assign them to a specific access point designated in the refuge hunting leaflet. Hunters must park at the appropriate access point and numbered parking space and walk to a blind along mowed trails designated on the hunting leaflet. We open access points to hunters who intend to immediately hunt on the refuge. We prohibit wildlife observation, scouting, and loitering at access points and parking areas.

2. *Hunting Hours:* We open the hunting area, defined by the refuge boundary fence, 2 hours before and require departure 2 hours after the waterfowl hunting hours, as defined by Montana Department of Fish, Wildlife and Parks.

3. *Registration:* Each hunter must record his or her name and Conservation License Number at the appropriate register before hunting, must set the appropriate blind selector before and after hunting, and must record hunting data at the appropriate register before departing the hunting area.

4. *Blind selection* is on a first-come, first-served basis with the exception of the opening weekend of waterfowl season. We will distribute blind permits for the opening weekend by a public drawing. We will announce the drawing time and place in local newspapers.

5. Hunters with a documented mobility disability may reserve an accessible blind in advance by contacting a refuge officer.

6. No more than four hunters may use a single blind at one time.

7. You may not possess more than 20 approved nontoxic shotshells per day.

8. You must conduct all hunting from within 10 feet (3 m) of a blind.

9. All hunters must have a visible means of retrieving waterfowl such as a float tube, chest-high waders, or a dog capable of retrieving.

10. Hunters must deploy a minimum of six decoys per blind in order to hunt from blinds 7, 8, 9, 10, 11, and 14.

§ 32.45

11. We prohibit attempting to “reserve” a blind for use later in the day by depositing a vehicle or other equipment on the refuge. A hunter must be physically present in the hunting area in order to use a blind.

12. We prohibit falconry hunting.

13. We prohibit blocking access to refuge gates.

14. We prohibit boats, fishing gear, fires, alcoholic beverages, and littering. Litter includes food products, animal parts, and spent shells.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

1. *Hunting Access:* Hunters must enter and exit through designated archery hunting access points. Access points are open to hunters intending to immediately hunt on the refuge. We prohibit wildlife observation, scouting, and loitering at access points and parking areas.

2. *Hunting Hours:* We open the hunting area, defined by the refuge boundary fence, 2 hours before and require departure 2 hours after the big game hunting hours as defined by Montana Department of Fish, Wildlife and Parks.

3. *Registration:* Each hunter must record his or her name and Conservation License Number at the appropriate register before hunting and must record hunting data at the appropriate register before departing the hunting area.

4. *Tree Stands and Blinds:* We allow only portable tree stands and blinds. We prohibit leaving tree stands or ground blinds on the refuge overnight. We prohibit the use of screw-in tree steps or climbing spikes. We prohibit the use of nails, wire, screws, or bolts to attach a stand to a tree, or hunting from a tree into which a hunter has driven a metal object for support.

5. We prohibit pre-season entry or scouting.

6. Hunters may not enter or retrieve deer from closed areas of the refuge without the consent of a refuge officer.

7. We prohibit boats, fishing gear, fires, firearms, alcoholic beverages, and littering.

8. Hunters with a documented mobility disability may access designated locations in the hunting area to hunt from ground blinds. To access these areas, hunters must contact the refuge manager in advance to obtain a special use permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations in effect on the Bitterroot River from Tucker Crossing to Florence Bridge subject to specific regulations detailed in refuge publications, signs, and brochures.

50 CFR Ch. I (10–1–02 Edition)

LOST TRAIL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of turkey and mountain grouse in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We do not allow hunting in areas posted as “Closed to Hunting” around the refuge headquarters, maintenance buildings, and quarters.

2. We prohibit guiding and outfitting.

3. We allow use of riding or pack stock on access routes designated through the refuge to access off-refuge lands as designated in the public use leaflet.

4. You may not use dogs for hunting of any species.

5. You may possess only approved nontoxic shot while on the refuge.

6. We prohibit overnight camping.

7. We prohibit retrieval of game through areas closed to hunting without prior consent by the refuge manager.

8. We allow only portable or temporary blinds and tree stands.

9. We allow parking in designated areas only.

C. Big Game Hunting. We allow hunting of elk, white-tailed deer, and mule deer within designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We do not allow hunting in areas posted as “Closed to Hunting” around the refuge headquarters, maintenance buildings, and quarters.

2. We prohibit guiding and outfitting.

3. We allow use of riding or pack stock on access routes designated through the refuge to access off-refuge lands as designated in the public use leaflet.

4. You may not use dogs for hunting of any species.

5. You may possess only approved nontoxic shot while on the refuge.

6. We prohibit overnight camping.

7. We prohibit open fires.

8. We prohibit retrieval of game through areas closed to hunting without prior consent by the refuge manager.

9. We allow only portable or temporary blinds and tree stands.

10. We allow parking in designated areas only.

11. The first week of the archery and the first week of general elk and deer hunting season are open to youth-only (ages 12 and 13 only) hunting.

D. Sport Fishing. [Reserved]

NATIONAL BISON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.46

C. Big Game Hunting. [Reserved]

D. Sport Fishing. The refuge unit is open to sport fishing but has no refuge-specific regulations as it follows guidelines set out in State law.

NINE-PIPE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. The refuge unit is open to sport fishing but has no refuge-specific regulations as it follows guidelines set out in State law.

PABLO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. The refuge unit is open to sport fishing but has no refuge-specific regulations as it follows guidelines set out in State law.

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer, elk, moose and pronghorn antelope is permitted on designated areas of the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from the third week of June through the end of the general State season.

SWAN RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following condition: Waterfowl and coot hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Refuge open to sport fishing in accordance with State law, and as specifically designated in refuge publications.

UL BEND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds but has no refuge-specific regulations as it follows guidelines set out in State law.

B. Upland Game Hunting. Refuge is open to upland game hunting in accordance with State laws, regulations and subject to the following condition:

1. Coyote hunting allowed from the first day of antelope rifle season through March 1 annually.

C. Big Game Hunting. Hunters may hunt big game subject to refuge-specific regulations as designated in refuge publications.

D. Sport Fishing. The refuge unit is open to sport fishing but has no refuge-specific regulations as it follows guidelines set out in State law.

WAR HORSE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. The refuge unit is open to the hunting of migratory game birds but has no refuge-specific regulations as it follows guidelines set out in State law.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. The refuge unit is open to big game hunting but has no refuge-specific regulations as it follows guidelines set out in State law.

D. Sport Fishing. Refuge open to sport fishing in accordance with State law, and as specifically designated in refuge publications.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6694, Feb. 11, 1994; 60 FR 62044, Dec. 4, 1995; 62 FR 47379, Sept. 9, 1997; 63 FR 46918, Sept. 3, 1998; 65 FR 30786, May 12, 2000; 67 FR 58946, Sept. 18, 2002]

§ 32.46 Nebraska.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BOYER CHUTE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Designated areas of the refuge are open in accordance with State fishing regulations and the special conditions that follow:

1. Fishermen may hook and line fish during daylight hours with closely attended poles.

2. Fishermen may use only non-motorized vessels in the Chute, but must not leave vessels on the refuge overnight,

3. Fishermen must not use floating, limb, or trot lines on the refuge.

4. Fishermen must not use bow, crossbow, snagging devices, or spears while fishing.

5. Fishermen must not dig bait, net, frog, or collect mussels (clams).

§ 32.47

50 CFR Ch. I (10-1-02 Edition)

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* Hunting of ring-necked pheasant and sharp-tailed grouse is permitted on designated areas of the refuge.

C. *Big Game Hunting.* Hunters may hunt white-tailed deer and mule deer on designated areas of the refuge pursuant to State law.

D. *Sport Fishing.* Anglers may sport fish in accordance with state law and refuge restrictions as posted.

DESOTO NATIONAL WILDLIFE REFUGE

Refer to § 32.34 Iowa for regulations.

FORT NIOBRARA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may fish on designated portions of the refuge subject to state regulations and any specific regulations as listed in refuge publications.

NORTH PLATTE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Sport fishing is allowed on designated areas of the refuge pursuant to State law.

VALENTINE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunters may hunt migratory birds on designated areas of the refuge subject to refuge specific regulations.

B. *Upland Game Hunting.* Hunters may hunt upland game on designated areas of the refuge subject to refuge specific regulations.

C. *Big Game Hunting.* Hunters may hunt big game on designated areas of the refuge subject to refuge specific regulations.

D. *Sport Fishing.* Anglers may fish in designated portions of the refuge subject to refuge specific regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55187, Nov. 3, 1994; 60 FR 62044, Dec. 4, 1995; 61 FR 45367, Aug. 29, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46918, Sept. 3, 1998]

§ 32.47 Nevada.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ASH MEADOWS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of geese, ducks, coots,

moorhens, snipe, and doves in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following conditions:

1. We allow hunting only on designated days.

2. We allow only nonmotorized boats or boats with electric motors on the refuge hunting area during the migratory waterfowl hunting season.

B. *Upland Game Hunting.* We allow hunting of quail and rabbit in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following conditions:

1. We allow hunting of quail and rabbit only on designated days during the regular State season for quail.

2. We prohibit the discharging of rifles or handguns.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* [Reserved]

Desert National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunting of bighorn sheep is permitted on designated areas of the range subject to the following conditions:

1. Bighorn sheep guides are required to obtain a Special Use Permit prior to taking clients onto the range.

2. Natural bighorn sheep mortality (pick-up heads) found on the range are government property and possession or removal of them from the range is not permitted.

D. *Sport Fishing.* [Reserved]

PAHRANAGAT NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of geese, ducks, coots, moorhens, snipe, and doves in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following conditions:

1. We allow hunting only on designated days.

2. We allow only nonmotorized boats or boats with electric motors on the refuge hunting area during the migratory waterfowl hunting season.

B. *Upland Game Hunting.* We allow hunting of quail and rabbit in accordance with State and refuge-specific regulations on designated areas of the refuge subject to the following condition: We allow hunting of quail and rabbit only on designated days during the regular State season for quail.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. We allow fishing year round with exception of North Marsh, which we close October 1 to February 1.

U.S. Fish and Wildlife Serv., Interior

§ 32.48

2. Only non-motorized boats and boats with electric motors are permitted on Upper Lake, Middle Pond and Lower Lake.

3. The use of boats, rubber rafts or other flotation devices is not permitted on North Marsh.

RUBY LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of dark geese, ducks, coots, moorhens, and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. The refuge is open to the public from 1 hour before sunrise until 2 hours after sunset.

2. We do not allow permanent or pit blinds on the refuge. You must remove all blind materials and decoys following each day's hunt.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State laws and subject to the following conditions:

1. The refuge is open to the public from 1 hour before sunrise until 2 hours after sunset.

2. We allow fishing by wading and from personal flotation devices (float tubes) and bank fishing in designated areas.

3. You may use only artificial lures in the Collection Ditch and adjoining spring ponds.

4. We do not allow boats on refuge waters from January 1 through June 14.

5. During the boating season, we allow boats only on the South Marsh. June 15 through July 31, we allow only motorless boats or boats with battery-powered electric motors. Anglers must remove all gasoline-powered motors. August 1 through December 31, we allow only motorless boats and boats propelled with motors with a total of 10 horsepower or less.

6. We allow launching of boats only from designated landings.

7. We prohibit the possession of live or dead bait fish, any amphibians (including frogs), and crayfish on the refuge.

8. We do not allow storage of boats of any kind on the refuge beginning January 1 through May 31.

9. We do not allow off-road vehicles on the refuge.

SHELDON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, and coots on designated areas of the refuge in accordance with State law and subject to the following conditions:

1. Waterfowl and coot hunters may possess only approved nontoxic shot while in the field.

2. Hunters may not use motorized boats.

B. Upland Game Hunting. We allow hunting of quail, grouse, and partridge on designated areas of the refuge.

C. Big Game Hunting. We allow hunting of deer, pronghorn, and bighorn sheep on designated areas of the refuge.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. Anglers may only bank fish, fish by wading, or use boats with electric motors, float tubes or similar flotation devices in Big Springs Reservoir, Dufferrena Ponds, and Catnip Reservoir. Anglers may not fish from other types of motorized boats.

2. We allow only individuals 12 years of age or under, or 65 years of age or older, or disabled individuals to fish in McGee Pond.

STILLWATER MANAGEMENT AREA

A. Hunting of Migratory Game Birds. Hunting is allowed as per State law.

B. Upland Game Hunting. Hunting is allowed as per State law.

C. Big Game Hunting. Hunting is allowed as per State law.

D. Sport Fishing. Sport fishing is allowed as per State law with certain restrictions as posted.

STILLWATER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting is allowed as per State law.

B. Upland Game Hunting. Hunting is allowed as per State law.

C. Big Game Hunting. Hunting is allowed as per State law.

D. Sport Fishing. Sport fishing is allowed as per State law with certain restrictions as posted.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6694, Feb. 11, 1994; 60 FR 62044, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46919, Sept. 3, 1998; 65 FR 30786, May 12, 2000; 65 FR 56405, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58948, Sept. 18, 2002]

§ 32.48 New Hampshire.

We have opened the following refuge unit to hunting and/or fishing with applicable refuge-specific regulations:

GREAT BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. Waterfowl hunting will not require a permit. We will allow hunting only from the immediate shoreline of the Bay.

2. We allow only portable blinds. You must remove all decoys, blinds, and boats after each day's hunt.

3. Waterfowl hunters may access shorelines by boat only.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions:

1. We require refuge permits for the deer hunt.

2. We require big game hunters to wear in a conspicuous manner on the head, chest, and back, a minimum of 400 square inches (2600 cm²) of solid-colored blaze-orange clothing or material.

3. We allow only shotguns and bows.

D. Sport Fishing. [Reserved]

LAKE UMBAGOG NATIONAL WILDLIFE
REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, geese, common snipe, and woodcock on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. Designated permanent blinds will be available by reservation. We will allow no other permanent blinds. You must remove your temporary blinds, boats, and decoys from the refuge following each day's hunt.

3. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material, except when hunting ducks or geese.

4. You must unload all firearms outside of legal State hunting hours.

5. We prohibit use of all-terrain vehicles (ATV's).

6. We allow pre-hunt scouting, however, we do not permit dogs during pre-hunt scouts.

7. We prohibit dog training.

8. The refuge will be open to hunting during the hours stipulated under New Hampshire hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

B. Upland Game Hunting. We allow hunting of coyote, fisher, fox, raccoon, woodchuck, red squirrel, porcupine, skunk, weasel, American crow, mink,

muskrat, snowshoe hare, ring-necked pheasant, ruffed grouse, and northern bobwhite in designated areas subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may only use pursuit or trailing dogs to hunt coyote or snowshoe hare.

3. We allow hunting of snowshoe hare from November 20 to January 1.

4. We allow hunting of coyote with dogs from October 20 to November 9.

5. We allow a maximum of four dogs per hunter.

6. Dogs may only be on the refuge when the hunter is present.

7. You must equip dogs used to hunt coyote with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.

8. We do not allow hunting for coyote and raccoon from ½ hour after sunset to ½ hour before sunrise.

9. We allow pre-hunt scouting, however, we will not allow dogs during pre-hunt scouts.

10. We prohibit dog training.

11. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.

12. You must unload all firearms outside of legal State hunting hours.

13. We prohibit the use of all-terrain vehicles (ATV's).

14. The refuge will be open to hunting during the hours stipulated under New Hampshire hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, and black bear on designated areas of the refuge subject to the following conditions:

1. We allow hunting of bear with dogs from October 20 to November 9.

2. You must equip dogs used to hunt bear with operational radiotelemetry collars. You must be in possession of a working radiotelemetry receiver that can detect and track the frequency(ies) emitted by each radio collar used.

U.S. Fish and Wildlife Serv., Interior

§ 32.49

3. We allow a maximum of four dogs per hunter.

4. Dogs may only be on the refuge when the hunter is present.

5. You must take the first bear you tree, except in the case of cubs or a sow with cubs.

6. You must report where you took the bear to the State of New Hampshire.

7. We allow pre-hunt scouting, however, we do not allow dogs during pre-hunt scouts.

8. We prohibit dog training.

9. You may use only portable tree stands, and you must remove them from the refuge each day.

10. You must wear in a conspicuous manner on the outermost layer of the head, chest, and back, a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.

11. You must unload all firearms outside of legal State hunting hours.

12. We prohibit the use of all-terrain vehicles (ATV's).

13. The refuge will be open to hunting during the hours stipulated under New Hampshire hunting regulations, but no longer than from ½ hour before legal sunrise to ½ hour after legal sunset.

D. Sport Fishing. [Reserved]

[65 FR 30786, May 12, 2000, as amended at 65 FR 56405, Sept. 18, 2000]

§ 32.49 New Jersey.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CAPE MAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl, coots, moorhens and rails, common snipe, and woodcock is permitted in designated areas of the refuge subject to State of New Jersey regulations and the following special refuge conditions:

1. All persons while hunting migratory game birds, except waterfowl, must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

2. All hunting blind materials, boats, and decoys must be removed at the end of each hunting day. Permanent and pit blinds are not permitted.

3. The common snipe season on the refuge begins with the early woodcock south zone season. (The refuge common snipe season

will continue through the end of the State-set common snipe season.)

4. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved.]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: During the firearms big game season, hunters must wear, in a conspicuous manner on head, chest and back, a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. [Reserved.]

EDWIN B. FORSYTHE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of waterfowl, coots, moorhens, and rails on designated areas of the refuge subject to the following conditions:

1. You must remove all your hunting blind materials, boats, and decoys at the end of each hunting day. We do not allow permanent and pit blinds.

2. We may restrict use of Hunting Unit 3 of the Brigantine Division to certified Young Waterfowl Program trainees for up to 30 days as posted.

3. You may not possess more than 25 shells per day in Hunting Units A, B, and C in the Barnegat Division. You may not possess more than 50 shells per day in Unit 1 of the Brigantine Division.

4. In Hunting Unit B of the Barnegat Division, we restrict hunting to designated sites, with each site limited to one party of hunters. We require a minimum of six decoys per site.

5. In Hunting Unit D of the Barnegat Division, we require a minimum of six decoys and do not allow jump shooting. Access is by boat only; we do not allow foot access.

6. Access is by boat only in all Units except the portion of Unit A that is south of West Creek Dock Road, in the Barnegat Division, and Unit 5 in the Brigantine Division. You may access these Units by foot or boat.

7. You may occupy no sites or Units before 4:00 a.m. Access is by boat only.

8. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We require a State permit for the appropriate New Jersey Deer Management Zone. You must have this permit stamped and validated in person at the Refuge Headquarters.

2. Refuge hunting hours are consistent with State hunting hours. Hunters may enter the refuge no earlier than two hours before shooting time and leave no later than one hour after the end of shooting hours.

3. Hunters during firearms big game season must wear in a conspicuous manner on head,

§ 32.49

50 CFR Ch. I (10-1-02 Edition)

chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow saltwater fishing from the Holgate beach and Little Beach Island with the exception of those areas posted as closed. We may close the Holgate Unit and Little Beach Island to all public use during the migratory bird nesting season. We require a saltwater fishing permit to fish from Little Beach Island. You may obtain permits from the Refuge Headquarters.

2. Boat and bank fishing are permitted in and along Lily Lake. Boat ramp facilities are not available; only cartop launches will be permitted.

3. Fishing, clamming and crabbing are not permitted from land or on any waters within tract 122X locally known as the AT&T properties. This area is closed to all public use.

4. We allow bank fishing and crabbing at designated areas. Contact the Refuge Headquarters for locations.

GREAT SWAMP NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved].

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following conditions: Hunters must comply with State laws governing special deer permit hunts.

D. Sport Fishing. [Reserved]

SUPAWNA MEADOWS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese and ducks on designated areas of the refuge during designated refuge seasons subject to the following conditions:

1. We allow loaded and uncased firearms in an unanchored boat only when retrieving crippled birds.

2. You must remove all hunting blind materials, boats, and decoys following each day's hunt. We do not allow permanent blinds.

3. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. A State permit for the appropriate New Jersey Deer Management Zone is required.

2. In addition to the State permit, a Special Use Deer Hunting Permit issued by the refuge is required.

3. All hunters must attend a refuge hunter orientation session.

4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

5. You may only use single-projectile ammunition when hunting from a stand elevated at least 6 feet (1.8 m) above ground level and only in firearms equipped with adjustable sights or a scope. Hunters may use buckshot when hunting from the ground or from stands less than 6 feet above ground level.

D. Sport Fishing. We allow fishing and crabbing on the refuge in designated areas subject to the following conditions:

1. We prohibit the taking of frogs, salamanders, and turtles from all nontidal waters and refuge lands.

2. We prohibit fishing in designated nontidal waters from sunset to sunrise.

3. We prohibit bow fishing in nontidal waters.

WALLKILL RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following conditions:

1. Hunters must be in possession of signed refuge hunting permits at all times while hunting on the refuge.

2. Refuge hunting regulations, as listed in the hunting leaflet for Wallkill River National Wildlife Refuge, will be in effect.

3. Shotgun hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt white-tailed deer and wild turkeys on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in possession of refuge hunting permits at all times while hunting on the refuge.

2. Refuge hunting regulations, as listed in the hunting leaflet for Wallkill River National Wildlife Refuge, will be in effect.

D. Sport Fishing. Anglers may sportfish on designated areas of the refuge subject to the following conditions:

1. Anglers may fish from canoes or cartop boats on the Wallkill River.

2. Anglers must park in designated parking areas if accessing the Wallkill River through refuge land.

3. Anglers may not take frogs and/or turtles.

U.S. Fish and Wildlife Serv., Interior

§ 32.50

4. Anglers may fish from sunrise to sunset.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29075, May 18, 1993; 59 FR 6686, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 52868, Oct. 11, 1995; 60 FR 62044, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46919, Sept. 3, 1998; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001]

§ 32.50 New Mexico.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BITTER LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, and sandhill cranes on designated areas of the refuge subject to the following conditions:

1. You may hunt during seasons, dates, times, and areas posted by signs and/or indicated on refuge leaflets, special regulations, and maps available at the refuge office.

2. You may possess only approved nontoxic shot while in the field.

3. We do not allow pit or permanent blinds.

4. Neither hunters nor dogs may enter closed areas to retrieve game.

B. Upland Game Hunting. We allow hunting of pheasant, quail, cottontail, and jack rabbit on designated areas of the refuge subject to the following conditions:

1. We allow hunting during seasons, dates, times, and areas as posted by signs and/or indicated on refuge leaflets, special regulations, and maps available at the refuge office.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of mule deer, white-tailed deer, and feral hog on designated areas of the refuge subject to the following condition: We allow hunting during seasons, dates, times, and areas as posted by signs and/or indicated on refuge leaflets, special regulations, and maps available at the refuge office.

D. Sport Fishing. [Reserved]

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning and white-winged doves and snow geese on designated areas of the refuge subject to the following conditions:

1. You may hunt snow geese on Monday, Wednesday, and Friday during the second full week of January.

2. We require a refuge permit and payment of a fee to hunt snow geese.

3. You may possess only nontoxic shot while in the field.

4. We allow use of hunting dogs for bird retrieval.

5. We do not allow hunters or dogs to retrieve dead or wounded birds in closed areas.

6. Each hunter must successfully complete a New Mexico crane and snow goose hunter identification training course for hunting on State and Federal refuges in the Middle Rio Grande Valley.

7. Snow goose hunters must report to the refuge headquarters by 4:45 a.m. each hunt day. Shooting time will be 6:45 a.m. to 10 a.m. local time.

B. Upland Game Hunting. Hunting of quail and cottontail rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. Only shotguns and bows and arrows are permitted.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of mule deer and oryx on designated areas of the refuge subject to the following conditions:

1. Refer to the refuge map for designated areas.

2. Hunts are subject to State regulations and seasons.

3. Oryx hunters should contact the refuge manager for special hunt dates.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from April 1 through September 30.

2. Fishing is permitted from 1 hour before sunrise until 1 hour after sunset.

3. Frogging and the use of trotlines, spears, bows and arrows, boats and other flotation devices are not permitted.

LAS VEGAS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning doves and Canada geese is permitted on designated areas of the refuge subject to the following conditions:

1. Permits and payment of a fee are required.

2. You may possess only approved nontoxic shot while in the field.

3. Hunters age 17 and under must hunt under the supervision of an adult age 21 or older.

4. Hunters or dogs may not enter closed areas to retrieve birds.

5. Canada goose hunting is permitted only on designated days of the week at certain hours as identified on the permit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

§ 32.51

50 CFR Ch. I (10-1-02 Edition)

MAXWELL NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted from noon March 1 through October 31.
- 2. Fishing is permitted only in Lakes 13 and 14.
- 3. Boats are permitted on Lakes 13 and 14 only during the fishing season.
- 4. Fishing is not permitted within 150 feet of headgates.

SAN ANDRES NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of oryx or gemsbok (*Oryx gazella*) on designated areas of the refuge subject to the following conditions:

- 1. We require hunters to check in and out of the hunt area.
- 2. We require hunters to attend unexploded ordnance (UXO) training prior to entering the hunt area.
- 3. We require State permits and payment of a hunt fee.

D. *Sport Fishing.* [Reserved]

SEVILLETA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of mourning and white-winged doves, geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunters or dogs may not enter closed areas to retrieve birds.
- 2. Permanent blinds are not permitted.

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6694, Feb. 11, 1994; 60 FR 62045, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58948, Sept. 18, 2002]

§ 32.51 New York.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

AMAGANSETT NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

ELIZABETH A. MORTON NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted only on the beach and in areas not designated as closed.
- 2. Fishing is permitted only during daylight hours.

IROQUOIS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

- 1. We require refuge permits.
- 2. Completion of the State waterfowl identification course is required.
- 3. Waterfowl hunters may not possess more than 20 shells per day.
- 4. Waterfowl hunters must provide and use a minimum of six decoys per hunter.
- 5. Waterfowl hunting is permitted from designated stands only, with a maximum of three hunters per stand.
- 6. Hunting must occur within 50 feet of a stand marker, unless actively pursuing crippled birds.
- 7. You may possess only approved nontoxic shot while in the field.

B. *Hunting of Upland Game.* Hunting of upland game birds, small game mammals, legally hunted furbearers and unprotected wildlife is permitted on designated areas of the refuge subject to the following conditions:

- 1. We require refuge permits.
- 2. Hunting is not permitted from March 1 through September 30.
- 3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
- 4. Shotgun hunters may possess only approved nontoxic shot while in the field.

C. *Big Game Hunting.* We allow hunting of deer and turkeys on designated areas of the refuge subject to the following condition: We require refuge permits.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted only during daylight hours.
- 2. Fishing is permitted from July 15 through September 30 and from December 1

U.S. Fish and Wildlife Serv., Interior

§ 32.52

through the end of February with the exception that fishing is permitted at all times in Feeder Canal and Oak Orchard Creek.

3. Ice fishing is permitted on Ringneck, Schoolhouse and Center Marshes only from December 15 through the last day of February when conditions are safe.

4. We do not allow the use of boats or other flotation devices with the exception that you may use nonmotorized boats on Oak Orchard Creek east of Route 63.

5. Boats, structures or other equipment must be removed from the refuge after the completion of the day's fishing activities.

MONTEZUMA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge subject to the following conditions:

1. Permits/reservations are required.
2. Hunting is permitted only on Tuesdays, Thursdays and Saturdays during established refuge seasons set within the New York State western zone seasons.
3. Each hunter shall not have more than 15 steel shot shells in his/her possession.
4. Only motorless boats are permitted on the refuge hunting area.
5. Completion of the New York State Waterfowl Identification Course is required.
6. Hunting ends each day at 12 noon local time.

All hunters must check out at the Route 89 Check Station by 1:00 p.m. local time.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. All hunters must possess and return at day's end a valid daily hunt permit card.
2. Hunting of deer is permitted on designated portions of the refuge by archery, shotgun, or muzzleloader only during established refuge seasons set within the general State deer season.
3. Hunters are permitted on the refuge one hour before legal sunrise and one hour after legal sunset.
4. Only portable tree stands may be used and must be removed from the refuge each day.
5. All firearms must be unloaded before legal sunrise and after legal sunset.
6. All bows must be disassembled, locked, or cased before legal sunrise and after legal sunset.
7. Hunters during the refuge firearms season, must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. Anglers may access the New York State Barge Canal System waters at only three sites on the refuge: the Seneca River Fishing Access Site, the May's Point Fishing Area, and the Armitage Road Fish-

ing Area. Anglers may either bank fish or boat fish, in accordance with state regulations.

OYSTER BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish in refuge-controlled waters of Oyster Bay. Anglers may also fish from designated areas on the refuge shoreline at Mill Pond during daylight hours. All fishing within the refuge is in accordance with state regulations.

SEATUCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish in refuge-controlled waters of Great South Bay from boats only. All fishing is in accordance with state regulations.

TARGET ROCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish in Huntington Bay from the refuge shoreline when the refuge is open to visitors. All fishing is in accordance with state regulations.

WERTHEIM NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Shore and boat fishing is permitted on that portion of the Carmans River between Sunrise and Montauk Highways.
2. Only boat fishing is permitted from Montauk Highway south to the mouth of the Carmans River.
3. Fishing is permitted only during daylight hours.
4. Spearfishing and taking of baitfish and frogs is not permitted.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6695, Feb. 11, 1994; 60 FR 62045, Dec. 4, 1995; 63 FR 46919, Sept. 3, 1998; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000]

§ 32.52 North Carolina.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

§ 32.52

50 CFR Ch. I (10-1-02 Edition)

ALLIGATOR RIVER NATIONAL WILDLIFE
REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of swans, geese, ducks, coots, common snipe, mourning doves, and woodcock on designated areas of the refuge subject to the following conditions:

1. We require possession of a refuge hunting permit.
2. You may possess only approved nontoxic shot in the field.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

1. We require possession of a refuge permit.
2. You may possess only approved nontoxic shot while on the refuge when hunting with a shotgun, except you may possess slugs and buckshot containing lead to hunt deer.

3. We require possession of a refuge Special Use Permit to hunt raccoon and opossum at night.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require possession of a refuge hunting permit.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge subject to the following conditions:

1. You may fish year-round from ½ hour before sunrise to ½ hour after sunset. We require possession of a refuge Special Use Permit to fish at night.
2. You may use only a pole and line, rod and reel, hand line, dip net, or cast net for fishing.
3. You may take frogs only at night from April 1 through August 31. We require possession of a refuge Special Use Permit to take frogs.

CEDAR ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.
2. Only portable blinds are permitted.
3. Blinds must be removed from the refuge following each day's hunt.
4. Ducks and coots may be taken only during the State waterfowl seasons occurring during November, December and January.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

CURRITUCK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of swans, geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require permits.

2. Hunting must be from assigned blind location.

3. We allow hunting on Wednesdays and Saturdays during the North Carolina waterfowl season.

4. We allow hunting from ½ hour before sunrise to 1 p.m.

5. We allow access 1½ hours before legal shooting time, and all parties must be off the refuge by 3 p.m.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

GREAT DISMAL SWAMP NATIONAL WILDLIFE
REFUGE

Refer to § 32.66 Virginia for regulations.

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted only from sunrise to sunset from March 15 through October 15 with the exception that bank fishing is permitted in Corey's Ditch and the canal adjacent to the Knotts Island Causeway year-round.
2. All fishing lines must be attended.
3. Airboats are not permitted.

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of swans, geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require permits.
2. We allow taking of Canada geese only during the special September season for resident Canada geese.
3. Any person entering, using, or occupying the refuge for hunting must abide by all the terms and conditions in the refuge hunting brochure.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.
2. Any person entering, using, or occupying the refuge for hunting must abide by all the terms and conditions in the refuge hunting brochure.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

1. We allow fishing and crabbing from March 1 through November 1 from ½ hour

U.S. Fish and Wildlife Serv., Interior

§ 32.52

before sunrise to ½ hour after sunset or as posted.

2. We allow bank fishing and crabbing year-round along Highway 94 Causeway and in the immediate vicinity of the Lake Landing water control structure, the Rose Bay water control structure, and the Outfall Canal water control structure. Other areas open to this activity are the Central Canal and East and West Main Canal as signed. We allow bank fishing and crabbing from ½ hour before sunrise to ½ hour after sunset except that the Highway 94 Causeway is open to fishing and crabbing 24 hours per day.

3. You may not dip herring (alewife).

4. You must attend all fish lines and crabbing equipment. We restrict crabbing equipment to 5 handlines and/or hand-activated traps per person. The catch/possession limit is 12 blue crabs per day per person.

5. We do not permit airboats, sailboats, wind surfers, and personal watercraft.

6. We prohibit bank fishing along the entrance road from Highway 94 to the Refuge Headquarters.

PEA ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge subject to the following conditions:

1. We prohibit fishing and crabbing in North Pond, South Pond, Newfield, North Carolina Department of Transportation Mitigation and other impoundments west of North Carolina Highway 12.

2. You may fish year-round from ½ hour before sunrise to ½ hour after sunset. You may surf fish at night from September 15 through May 31 east of North Carolina Highway 12. We require possession of a refuge fishing permit to surf fish at night.

3. You may use only pole and line, rod and reel, hand line, dip net, or cast net for fishing and crabbing.

PEE DEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt mourning doves on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

B. Upland Game Hunting. Hunters may hunt quail, squirrel, rabbit, raccoon and opossum on designated areas of the refuge subject to the following condition:

1. Hunters must possess a refuge permit.

C. Big Game Hunting. Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following condition:

1. Hunters always must possess a refuge permit and a special quota permit for gun deer hunts.

D. Sport Fishing. Fishermen may fish in designated waters of the refuge subject to the following conditions:

1. Fishermen may fish with a pole and line or rod and reel from March 15 to October 15 during daylight hours only.

2. Fishermen may use boats in Andrews Pond, Beaver Ponds, and Arrowhead Lake only.

3. Fishermen may only use electric motors in refuge waters.

4. Fishermen may not possess or use of trotlines, set hooks, gigs, yo-yo's, jug-lines, limblines, nets, seines, fish traps, and other similar equipment on the refuge.

5. Fishermen may not possess or use minnows as bait on the refuge.

6. Fishermen may not frog or turtle on the refuge.

7. The refuge may close certain fishing areas at anytime for management purposes.

POCOSIN LAKES NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, snow geese, swans, doves, woodcock, rails, and snipe on designated areas of the refuge subject to the following conditions:

1. We allow access 1½ hours before and after legal shooting time.

2. Firearms in transport by vehicle or boat under power must remain unloaded.

3. We allow only portable blinds and temporary blinds constructed of natural materials. We require removal of portable blinds following each day's hunt.

4. We allow hunting during the State season.

5. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

B. Upland Game Hunting. We allow hunting of quail, squirrel, raccoon, opossum, rabbit, and fox on designated areas of the refuge subject to the following conditions:

1. We require permits for any night hunting.

2. We allow access 1½ hours before and after legal shooting time.

3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

4. We allow hunting during the State season except we will close opossum and raccoon hunting during the State bear season including 5 days before and after that season.

5. You must wear 500 square inches (3250 cm²) of fluorescent orange material above the waist, visible from all directions.

6. We prohibit possession of buckshot or slugs while hunting with dogs.

7. You may use only shotguns and/or .22 caliber rim-fire rifles for upland game hunts.

8. You may possess only approved nontoxic shot while in the field on designated areas of the refuge.

§ 32.53

50 CFR Ch. I (10-1-02 Edition)

C. *Big Game Hunting.* We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. You must wear 500 square inches (3250 cm²) of fluorescent orange material above the waist visible from all directions during the muzzle loading and gun seasons.
2. We allow only shotguns, muzzle-loaders, and bow and arrow for big game hunts.
3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.
4. We allow access 1½ hours before and after legal shooting time.
5. We allow hunting during the State season.
6. We do not allow dogs.
7. You must remove all stands from the refuge following each day's hunt. We prohibit the construction or use of permanent stands, blinds, platforms, or ladders.
8. We allow archery hunting on the Pungo Unit during the regular State archery season and from November 1 through 30. State bag limits apply.
9. We allow shotgun and muzzle-loaders on the Pungo Unit subject to the following conditions:

We require permits and allow access 1 hour before and after legal shooting time.

D. *Sport Fishing.* Anglers may fish in designated areas of the refuge subject to the following conditions:

1. The refuge portion of New Lake and the Pungo Lake is open to fishing from March 1 to November 1. The public may not access the refuge portion of New Lake and Pungo Unit during the period from November 2 to the end of February. Anglers may fish in all other refuge waters year round.
2. Anglers may bank fish only in the Pungo Unit.
3. Anglers may only fish from sunrise to sunset.
4. Boats may not be left on the refuge overnight.

ROANOKE RIVER NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of ducks and coots on designated areas of the refuge subject to the following condition: We require a State-issued refuge permit.

B. *Upland Game Hunting.* We allow hunting of squirrel, raccoon, and opossum on designated areas of the refuge subject to the following conditions:

1. We require a State-issued refuge permit.
2. You may possess only approved nontoxic shot while in the field.

C. *Big Game Hunting.* We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a State-issued refuge permit.

D. *Sport Fishing.* [Reserved]

SWANQUARTER NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.
2. Only portable blinds are permitted.
3. Blinds must be removed from the refuge following each day's hunt.
4. Ducks and coots may be taken only during the State waterfowl seasons occurring during November, December and January.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6695, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 62045, Dec. 4, 1995; 61 FR 46397, Sept. 3, 1996; 63 FR 46919, Sept. 3, 1998; 65 FR 30787, May 12, 2000; 65 FR 56406, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58948, Sept. 18, 2002]

§ 32.53 North Dakota.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ARROWWOOD NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* Hunting of pheasant, sharp-tailed grouse, partridge, rabbit and fox is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted from December 1st through the end of the regular seasons.
2. You may possess only approved nontoxic shot while in the field.

C. *Big Game Hunting.* Hunting of deer is permitted on designated areas subject to the following condition: Permits are required.

D. *Sport Fishing.* Anglers may sport fish in accordance with state law and refuge restrictions as posted.

AUDUBON NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* We allow hunting of ring-necked pheasant, gray partridge, and sharp-tailed grouse on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

C. *Big Game Hunting.* We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

D. *Sport Fishing.* We allow ice fishing on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

U.S. Fish and Wildlife Serv., Interior

§ 32.53

CHASE LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Archery hunting is permitted through the day before the opening of the State waterfowl season, and it is permitted following the deer gun season.

D. Sport Fishing. [Reserved]

DES LACS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunters may hunt ringnecked pheasants, sharp-tailed grouse, gray partridge, turkey, cottontail rabbit, jackrabbits, snowshoe hares and fox on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. You may use falconry for upland game hunting.

3. Upland game bird and rabbit season opens annually on the day following the close of the regular firearm deer season through the end of the State season.

4. The upland game bird and rabbit falconry season opens annually on the day following the close of the regular firearm deer season through March 31.

5. Fox hunting opens annually on the day following the close of the regular firearm deer season through March 31.

6. Turkey hunting is subject to all State regulations, license requirements, units, and dates.

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following condition:

1. Archers may hunt throughout the entire State archery season.

2. Deer hunting with rifle and muzzleloader is subject to all State regulations and license units.

D. Sport Fishing. [Reserved]

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of pheasant, partridge, grouse, turkey, and fox on designated areas of the refuge subject to the following conditions:

1. Fox hunting opens annually on the day following the close of the regular firearm deer season and closes on March 31.

2. We close fox hunting from ½ hour after sunset until ½ hour before sunrise.

3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require permits.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge as per State law with certain restrictions as posted.

LAKE ALICE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, tundra swans, ducks, coots, and mourning doves on designated areas of the refuge; consult refuge publication.

B. Upland Game Hunting. We allow upland game and furbearer hunting on designated portions of the refuge at certain times of the year; consult refuge publication.

C. Big Game Hunting. We allow special refuge permit holders to hunt deer and fox with rifles during the State firearm deer season on designated portions of the refuge subject to the following conditions:

1. We allow fox hunting on certain areas of the refuge outside of the State firearm deer season without a special refuge permit; consult refuge publication.

2. We allow archery hunting on designated portions of the refuge; consult refuge publication.

D. Sport Fishing. [Reserved]

LAKE ILO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved.]

B. Upland Game Hunting. [Reserved.]

C. Big Game Hunting. [Reserved.]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

LAKE NETTIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to State regulations with refuge restrictions as posted.

D. Sport Fishing. [Reserved]

LAKE ZAHL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of ring-necked pheasants, sharp-tailed grouse, and gray partridge on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. The upland game bird season opens annually on the day following the close of the regular firearm deer season through the end of the State season.

§ 32.53

50 CFR Ch. I (10-1-02 Edition)

3. Hunters may enter the refuge on foot only.

C. *Big Game Hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

- 1. We allow archery hunting through the day before the opening of the State waterfowl season and allow it following the deer gun season.
- 2. We allow deer gun hunting concurrent with the State deer gun season.
- 3. Hunters may enter the refuge on foot only.

D. *Sport Fishing.* [Reserved]

LONG LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* We allow hunting of ring-necked pheasant, sharp-tailed grouse, and gray partridge on designated areas of the refuge subject to the following conditions:

- 1. You may possess only approved nontoxic shot while in the field.
- 2. The upland game bird season opens annually on the day following the close of the firearm deer season and runs through the close of the State season.

C. *Big Game Hunting.* We allow hunting of deer only on designated areas of the refuge subject to the following conditions:

- 1. Hunters must enter the refuge on foot only.
- 2. We allow archery hunting. We restrict open archery areas to those areas of the refuge open to firearms during the firearm season.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

- 1. We restrict bank fishing to public use areas on Unit 1, Unit 2, and Long Lake Creek.
- 2. We restrict boat fishing to Long Lake Creek.
- 3. We restrict boats to 25 horsepower maximum.
- 4. We restrict boats to the period from May 1 through September 30.
- 5. We restrict ice fishing to Unit 1 and Long Lake Creek.

LOSTWOOD NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* Hunting of partridge and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunting is not permitted on the portion of the refuge south of Highway 50 during the State deer gun season.
- 2. Hunting is permitted on the portion of the refuge north of Highway 50 only after the close of the State deer gun season.

3. You may possess only approved nontoxic shot while in the field.

C. *Big Game Hunting.* Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions:

- 1. Refuge and State permits are required for the first one and one half days of the State gun season.
- 2. Only persons with valid permits are permitted on the refuge during the first one and one half days of the season.
- 3. Archery hunting is permitted through the day before the opening of the State waterfowl season, and it is permitted following the deer gun season.

D. *Sport Fishing.* [Reserved]

ROCK LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved.]

B. *Upland Game Hunting.* [Reserved.]

C. *Big Game Hunting.* The refuge is open to the hunting of deer only during the State firearms deer season. Archery hunting is open from the opening of the firearms season until the close of the State archery season. All State regulations pertaining to archery and firearms deer hunting apply.

D. *Sport Fishing.* [Reserved.]

SIBLEY LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. *Sport Fishing.* [Reserved]

SLADE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of deer on designated areas of the refuge subject to the following condition: Hunters may enter the refuge on foot only.

D. *Sport Fishing.* [Reserved]

STEWART LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* We allow fishing on the designated area subject to all State regulations.

TEWAUKON NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* We allow hunting of ring-necked pheasants on designated areas of the refuge as per State law with certain restrictions as posted.

U.S. Fish and Wildlife Serv., Interior

§ 32.55

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge as per State law with certain restrictions as posted.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge as per State law with certain restrictions as posted.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of upland game birds with approved nontoxic shot on designated areas of the refuge as per State law with certain restrictions as posted.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge as per State law with certain restrictions as posted.

D. Sport Fishing. We allow fishing on designated areas of the refuge as per State law with certain restrictions as posted.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29085, May 18, 1993; 59 FR 6686, Feb. 11, 1994; 59 FR 55187, 55191, Nov. 3, 1994; 60 FR 62045, Dec. 4, 1995; 63 FR 46919, Sept. 3, 1998; 65 FR 30788, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 66 FR 46360, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002]

§ 32.54 Ohio.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CEDAR POINT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. You may fish only during daylight hours during designated dates.

2. We do not allow boats or flotation devices.

OTTAWA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese and ducks on designated areas of the refuge subject to the following conditions:

1. We require permits.

2. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We require permits.

2. You must check in and out of the refuge each day that you hunt.

3. You may not shoot from refuge roads.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing during daylight hours only and during designated dates.

2. We do not allow boats or flotation devices.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 61492, Nov. 30, 1995; 65 FR 30789, May 12, 2000; 65 FR 56407, Sept. 18, 2000]

§ 32.55 Oklahoma.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

DEEP FORK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. You may hunt ducks in designated areas of the refuge subject to the following condition: You must possess a refuge permit.

B. Upland Game Hunting. You may hunt squirrel, rabbit, and raccoon in designated areas of the refuge subject to the following condition: You must possess a refuge permit.

C. Big Game Hunting. You may hunt white-tailed deer in designated areas of the refuge subject to the following condition: You must possess a refuge permit.

D. Sport Fishing. You may sport fish on the refuge in designated areas subject to the following conditions:

1. The refuge is open to fishing as specified in refuge leaflets, special regulations, permits, maps or as posted on signs.

2. Boats may be launched on the refuge from access points designated in the refuge leaflet. Only small boats or canoes will be permitted on the refuge.

3. The use of firearms is prohibited.

LITTLE RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt waterfowl (ducks) on designated areas of the refuge subject to the following conditions:

1. Prohibited off-road vehicle use.

2. Hunters may not build permanent blinds.

3. Hunters may hunt only from one-half hour before sunrise until noon each day.

4. You must possess a refuge permit.

5. Hunters may hunt waterfowl (ducks) only during designated refuge seasons.

6. You must obtain a refuge permit.

B. Upland Game Hunting. Hunters may hunt squirrel, rabbit, turkey and raccoon on designated areas of the refuge subject to the following conditions:

1. Turkey hunters must obtain permits and pay fees.

2. Prohibited off-road vehicle use.

3. Hunters may hunt upland game only during designated refuge seasons.

§ 32.55

50 CFR Ch. I (10-1-02 Edition)

4. You may possess only approved nontoxic shot while in the field.

5. You must obtain a refuge permit.

C. *Big Game Hunting.* You may hunt deer and feral hog on designated areas of the refuge subject to the following conditions:

1. Deer hunters must obtain a refuge permit and pay fees.

2. Prohibited off-road vehicle use.

3. You may hunt feral hog during any established refuge hunting season. Refuge permits and legal weapons apply as for the current hunting season.

4. You must obtain a refuge permit.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

1. You may fish from sunrise to sunset.

2. You must possess a refuge permit.

OPTIMA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of mourning doves is permitted on designated areas of the refuge.

B. *Upland Game Hunting.* Hunters may hunt pheasants, bobwhite and scaled quail, cottontail rabbit and jackrabbit on the refuge in accordance with State hunting regulations subject to the following conditions:

1. Only shotguns are permitted.

2. Closed during the State gun deer season.

3. Hunting ends at 4:30 p.m. daily.

C. *Big Game Hunting.* Hunters may hunt white-tailed deer, mule deer and turkey on the refuge in accordance with State hunting regulations subject to the following conditions:

1. Archery and shotguns are permitted during spring turkey season.

2. Only archery hunting is permitted during fall seasons.

D. *Sport Fishing.* [Reserved]

SALT PLAINS NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunting of ducks, geese, sandhill cranes and mourning doves is permitted on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. Hunters are required to check in and out of the refuge.

3. Hunting ends at noon.

B. *Upland Game Hunting.* Hunting of quail and pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. Hunters are required to check in and out of the refuge.

3. Hunting ends at noon.

C. *Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condi-

tion: Permits and payment of a fee are required.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Designated areas of the Great Salt Plains Reservoir are closed.

2. Fishing is permitted from April 1 through October 15.

3. Trotlines are not permitted within 500 feet of the shoreline of the Jet Recreation Area.

4. Posts used to secure or anchor trotlines must reach a minimum of two feet above the water surface and must be marked so that they are clearly visible to boaters.

5. Taking any type of bait from refuge lands or waters is not permitted.

SEQUOYAH NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* Hunters may hunt waterfowl, dove, coots, rail, snipe and woodcock on designated areas of the refuge subject to the following conditions:

1. The Sequoyah National Wildlife Refuge is open during seasons, dates, and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits, and maps.

2. You may possess only approved nontoxic shot while in the field.

3. Hunters may not build pits or permanent blinds.

4. Neither hunters nor dogs may enter closed areas to retrieve game.

5. Hunters may not hunt or shoot within 50 ft. (15.24 meters) of designated roads or parking areas.

6. Hunters may only hunt with shotguns and bows with arrows (excluding broadhead arrows).

7. Hunters must remove decoys, boats and other personal property from the refuge following each days hunt.

B. *Upland Game Hunting.* Hunting of squirrel, quail, and rabbit is permitted on designated areas of the refuge subject to the following special conditions:

1. The Sequoyah National Wildlife Refuge is open during seasons, dates, and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits, and maps.

2. You may possess only approved nontoxic shot while in the field.

3. Neither hunters nor dogs may enter closed areas to retrieve game.

4. Hunters may not shoot or hunt within 50 ft. (15.24 meters) of designated roads or parking areas.

5. Hunters may only hunt with shotguns and bows with arrows (excluding broadhead arrows).

C. *Big Game Hunting.* Hunters may hunt white-tailed deer on designated areas of the refuge subject to the following conditions:

U.S. Fish and Wildlife Serv., Interior

§ 32.55

1. Hunters must pay fees and obtain a refuge permit.

2. All hunters must attend a hunter orientation briefing prior to each hunt.

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

1. The Sequoyah National Wildlife Refuge is open to fishing as specified on refuge leaflets, special regulations, permits, maps, or as posted on signs.

2. Fishing and frogging are not permitted in the Sandtown Bottom area from one hour after sunset to one hour before sunrise.

3. The use of firearms for taking frogs is not permitted.

4. Fishermen may not take turtles or muskels.

TISHOMINGO NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning doves and waterfowl is permitted on the Tishomingo Wildlife Management Unit of the refuge subject to the following conditions:

1. The Tishomingo Wildlife Management Unit is open during seasons, dates and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits and maps.

2. Hunters are required to check in and out of the unit at designated areas.

3. You may possess only approved nontoxic shot while in the field.

4. Dove hunting is permitted from September 1 through September 30th only.

B. Upland Game Hunting. Hunters may hunt quail, squirrel, turkey and rabbits on the Tishomingo Wildlife Management Unit of the refuge subject to the following conditions:

1. Upland game hunting is not permitted during deer archery and dark goose seasons.

2. We allow only bows and arrows and shotguns using approved nontoxic shot.

3. Hunters are required to check in and out of the unit at designated areas.

4. Turkey hunters may only hunt during the statewide spring shotgun season and during the fall archery season.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following conditions:

1. Deer hunting on the Wildlife Management Unit is permitted only during the statewide deer archery season.

2. Refuge bonus deer gun hunts are by special permit only.

3. Hunters are required to check in and out of the unit at designated areas.

4. We prohibit baiting on the refuge and the Wildlife Management Unit.

D. Sport Fishing. Fishing with hook and line is permitted on designated areas of the refuge subject to the following conditions and exceptions:

1. Anglers may bank and wade fish with pole and line or rod and reel year-round in areas open for public fishing access.

2. Anglers may use boats from March 1 through September 30 in designated refuge waters and Wildlife Management Unit.

3. Anglers may use trotlines and other set tackle only in the Cumberland Pool and between the natural banks of the Washita River. Anglers must attach set tackle, used in Cumberland Pool, only to anchored floats.

4. Anglers may not use limblines, throwlines, juglines, and yo-yo's.

5. Anglers may not use any containers (jugs, bottles) as floats.

6. Anglers must remove fishing tackle at the end of the boating season.

7. Anglers may no-wake boat fish during the boating season with line and pole or rod and reel in: (a) open areas south and west of the Cumberland Pool shallow water buoy line; (b) lakes south and west of the Washita River; and (c) the Wildlife Management Unit.

8. Anglers may night fish from boat (during boating season) in the Cumberland Pool, except not in the no-wake area south and west of the buoy line. Anglers may night fish at the headquarters area, including Sandy Creek Bridge, Murray 23, Nida Point, and the Wildlife Management Unit.

9. You may only take bait for personal use while fishing in the refuge in accordance with Oklahoma State law. We do not allow removal of bait from the refuge for commercial sales. You cannot release bait back into the water.

10. Anglers may bow fish only in the Wildlife Management Unit.

11. Anglers may not take fish by the use of hands (noodling) in any refuge waters.

12. Anglers may not take frogs, turtles, or mussels.

WASHITA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese and sandhill cranes on designated areas of the refuge subject to the following conditions: We require permits and payment of a fee.

B. Upland Game Hunting. Hunters may hunt quail and rabbit on designated areas of the refuge in accordance with State hunting regulations subject to the following conditions:

1. We only allow shotguns.

2. Closed during the State gun deer season.

3. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

1. We allow hunting during the special refuge season in accordance with the refuge hunt information sheet.

2. You must obtain a refuge hunt permit and pay a fee (fee waived for Youth Hunt participants).

§ 32.56

3. You must check in and out of hunt areas daily at the refuge office or check station.

4. You must take bagged deer and/or hog to the refuge check station.

5. We will determine bag limits on deer annually.

6. We prohibit the use of bait.

7. A nonhunting mentor of 21 years of age or older must accompany, and be in the immediate presence of, participants in the Youth Hunt, who must be between the ages of 12 and 18. Hunters and mentors must BOTH wear hunter orange clothing meeting or exceeding the minimum State requirements.

8. We prohibit handguns.

D. Sport Fishing. Anglers may fish in designated areas of the refuge in accordance with State fishing regulations subject to the following conditions:

1. Anglers may fish from March 15 through October 14 in the Washita River and Foss Reservoir. Anglers may bank fish year round in the Washita River and Foss Reservoir from open areas.

2. Anglers may access fishing areas only from designated parking areas and by boat from Foss Reservoir.

3. We do not allow boats and other flotation devices on refuge waters from October 15 through March 14.

WICHITA MOUNTAINS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of elk and white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits and payment of a fee are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fish may be taken only with pole and line or rod and reel.

2. Taking any type of bait from refuge lands or waters is not permitted.

3. Taking of frogs and turtles is not permitted.

4. Hand-powered boats are permitted only on Jed Johnson, Rush, Quanah Parker, and French Lakes.

5. Anglers may use electric trolling motors on boats 14' or less in length only on Jed Johnson, Rush, Quanah Parker and French Lakes.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6695, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 61213, Nov. 29, 1995; 60 FR 62046, Dec. 4, 1995; 61 FR 46398, Sept. 3, 1996; 62 FR 47380, Sept. 9, 1997; 63 FR 46920, Sept. 3, 1998; 65 FR 30789, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002]

50 CFR Ch. I (10-1-02 Edition)

§ 32.56 Oregon.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BANDON MARSH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, snipe, doves, and pigeons on designated areas of the refuge subject to the following condition: Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

BEAR VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer only is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting opens concurrent with the State season and closes October 31.

2. No hunting or public entry of any kind is permitted from November 1 to March 31.

D. Sport Fishing. [Reserved]

COLD SPRINGS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

3. Waterfowl hunters are required to space themselves a minimum of 200 yards apart.

4. The use of boats is not permitted.

5. Hunters may not possess more than 25 shells while in the field.

6. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

7. We allow hunting in the Memorial Marsh Unit by designated blind sites only.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

U.S. Fish and Wildlife Serv., Interior

§ 32.56

3. You may possess only approved nontoxic shot while in the field.

4. Hunters may not possess more than 25 shells while in the field.

5. We do not allow hunting of upland game birds until noon of each hunt day.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Use of non-motorized boats and boats with electric motors is permitted from March 1 through September 30.

2. Bank fishing only is permitted from October 1 through the last day of February from the west inlet canal across the face of the dam.

3. Fishing is permitted only with hook and line.

4. The refuge is open from 5 a.m. to 1½ hours after sunset.

DEER FLAT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of doves, geese, ducks, coots and common snipe is permitted on the Snake River sector subject to the following conditions:

1. Only portable blinds and temporary blinds constructed of natural materials are permitted.

2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of upland game is permitted on the Snake River Sector subject to the following conditions:

1. Hunting is not permitted from February 1 through May 31.

2. Pheasant, quail, and partridge hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Hunting is permitted only on the Snake River Sector.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

HART MOUNTAIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunters may hunt partridge and coyote on designated areas of the refuge.

C. Big Game Hunting. Hunting of deer, antelope and bighorn sheep is permitted on designated areas of the refuge.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only in Rock Creek, Guano Creek and Warner Pond.

JULIA BUTLER HANSEN REFUGE FOR THE COLUMBIAN WHITE-TAILED DEER

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on the Wallace Island Unit subject to the following condition: You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing along the shoreline of the Wallace Island Unit in accordance with State regulations.

KLAMATH MARSH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. The use of air-thrust and inboard water-thrust boats is not permitted.

2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Bank fishing is permitted in the borrow ditches adjacent to the Silver Lake Highway and along the shoreline of Wocus Bay.

2. The use of boats is not permitted.

LEWIS AND CLARK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following conditions:

1. You may possess only approved nontoxic shot while in the field.

2. We do not allow hunting on all exposed lands on Miller Sands Island and its partially enclosed lagoon, as posted. We do not allow hunting inside the diked portion of Karlson Island, as posted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow sport fishing along the shoreline of the refuge islands in accordance with State regulations.

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Only unloaded firearms may be carried on hunter access routes open to motor vehicles or when taken through posted retrieving zones when traveling to and from the hunting areas.

2. Decoys may not be set in retrieving zones.

§ 32.56

50 CFR Ch. I (10-1-02 Edition)

3. The use of air-thrust and inboard water-thrust boats is not permitted.

4. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. Only unloaded firearms may be taken through posted retrieving zones when traveling to and from hunting areas.

2. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

MALHEUR NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of doves, geese, ducks, coots, common snipe and pigeons is permitted on designated areas of the refuge subject to the following conditions:

1. We allow only nonmotorized boats or boats with electric motors.

2. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant, quail, partridge, coyote and rabbit is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may hunt pheasant, quail, partridge, and rabbit from the third Saturday in November to the end of the pheasant season in designated areas of the Blitzen Valley east of Highway 205, and on designated areas open to waterfowl hunting.

2. Hunters may hunt all upland game species during authorized State seasons on the refuge area west of Highway 205 and south of Foster Flat Road.

3. You may possess only approved nontoxic shot while in the field on designated areas east of Highway 205.

C. Big Game Hunting. We allow hunting of deer and pronghorn during authorized State seasons only on the refuge area west of Highway 205 and south of Foster Flat Road.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Anglers may fish year-round in the Blitzen River, East Canal, and Mud Creek upstream from and including Bridge Creek. Anglers may fish in Krumbo Reservoir during the State season from the fourth Saturday in April to the end of October.

2. Boats are not permitted, except non-motorized boats and boats with electric motors are permitted on Krumbo Reservoir.

MCKAY CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

3. Waterfowl hunters are required to space themselves a minimum of 200 yards apart.

4. Hunters may not possess more than 25 shells while in the field.

5. Permits are required for the opening weekend of the season when it coincides with the season opening for upland game birds.

6. The use of boats is prohibited.

7. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

3. You may possess only approved nontoxic shot while in the field.

4. Hunters may not possess more than 25 shells while in the field.

5. Permits are required for the opening weekend of the season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Fishing permitted from March 1 through September 30.

3. Fishing is permitted only with hook and line.

M McNARY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of doves on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow shotgun and archery hunting only.

D. Sport Fishing. [Reserved]

SHELDON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.57

B. Upland Game Hunting. Hunting of quail, grouse, and partridge is permitted on designated areas of the refuge.

C. Big Game Hunting. Hunting of deer and antelope is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

UMATILLA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 4:00 a.m. to 1½ hours after sunset except for the Hunter Check Station parking lot at the McCormack Unit, which is open each morning 2 hours prior to State shooting hours for waterfowl. We do not allow decoys, boats, and other personal property on the refuge following each day's hunt.

2. In the McCormack Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day.

3. We require waterfowl hunting parties in the Boardman Unit to space themselves a minimum of 200 yards (180 m) apart.

4. You may possess no more than 25 shells while in the field.

5. We require permits for hunting on the McCormack Unit.

6. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. We allow hunting of pheasant, chukar, Hungarian partridge, and quail on designated areas of the refuge subject to the following conditions:

1. We do not allow hunting of upland game birds until noon of each hunt day.

2. In the McCormack Unit, we allow hunting only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, and New Year's Day.

3. You may possess only approved nontoxic shot while in the field.

4. You may possess no more than 25 shells while in the field.

5. We require permits for hunting on the McCormack Unit.

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following condition: Hunting is by permit only.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to 1½ hours after sunset.

2. We allow fishing on refuge impoundments and ponds from February 1 through September 30. We open other refuge waters (Columbia River and its backwaters) in accordance with State regulations.

3. We allow only nonmotorized boats and boats with electric motors on refuge impoundments and ponds.

4. We only allow fishing with hook and line.

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. The use of air-thrust and inboard water-thrust boats is not permitted.

2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted in Pelican Bay, Recreation Creek, Crystal Creek, Odessa Creek, Pelican Cut and that portion of Upper Klamath Lake located on the east side of the refuge.

2. Motorized boats shall not exceed 10 miles per hour in any stream, creek or canal and on that portion of Pelican Bay west of a line beginning at designated points on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to the opposite shore of the lake.

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Only shotgun and archery hunting are permitted.

2. Hunters must check in and out of the refuge by use of self-service permits.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on Muddy Creek from the beginning of the State trout season in April through October 31.

2. The use of boats is not permitted.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6696, Feb. 11, 1994; 59 FR 55187, Nov. 3, 1994; 60 FR 62046, Dec. 4, 1995; 61 FR 46398, Sept. 3, 1996; 62 FR 47381, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30790, May 12, 2000; 65 FR 56407, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002]

§ 32.57 Pennsylvania.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

§ 32.58

ERIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

- 1. Hunting is permitted on the refuge from September 1 through the end of February.
- 2. Only motorless boats are permitted for waterfowl hunting. Boats and decoys must be removed from the refuge at the end of each day's hunt.
- 3. No dog training.

B. Upland Game Hunting. Hunters may hunt grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, skunk, opossum and coyote on designated areas of the refuge subject to the following conditions:

- 1. We require refuge permits for hunting fox, raccoon, and coyote.
- 2. Hunting is not permitted from March 1 through August 31.

3. Upland game hunters must wear on head, chest and back, a minimum of 400 square inches of blaze orange material.

4. Pheasant hunting is not permitted on the Sugar Lake Division.

5. Dog trainers must obtain permits.

C. Big Game Hunting. We allow hunting of deer, bear, and turkey on designated areas of the refuge subject to the following conditions:

- 1. Hunters may hunt only from September 1 through February 28 except for spring turkey season.
- 2. Hunters must remove blinds, platforms, scaffolds, and/or tree stands from the refuge daily.
- 3. All deer hunters must wear on head, chest and back, a minimum of 400 square inches of blaze orange material during antlered, antlerless and muzzleloader seasons.

4. We prohibit organized deer drives by three or more persons in hunt area B of the refuge. We define a "drive" as three or more individuals involved in the act of chasing, pursuing, disturbing, or otherwise directing game as to make the animals more susceptible to harvest.

5. We require a refuge Special Use Permit for hunting of bear.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted only during daylight hours.
- 2. Boats without motors are permitted 3,000 feet (to the buoyline) above the Pool 9 dike from the second Saturday in June through September 15.
- 3. Ice Fishing is permitted on Pools K and 9 when conditions are safe.
- 4. Only minnows may be taken as bait from refuge lands and waters and a special use permit is required for taking minnows.
- 5. A permit is required to take turtles.
- 6. The taking of frogs is not permitted.

50 CFR Ch. I (10-1-02 Edition)

JOHN HEINZ NATIONAL WILDLIFE REFUGE AT TINICUM

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing is permitted only during daylight hours in non-state-controlled areas.
- 2. Boats are not permitted.
- 3. Bow fishing is not permitted.
- 4. A permit is required to take turtles.
- 5. The taking of frogs is not permitted.

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

Refer to §32.68 West Virginia for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62047, Dec. 4, 1995; 61 FR 31461, June 20, 1996; 61 FR 46398, Sept. 3, 1996; 62 FR 47381, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30791, May 12, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002]

§ 32.58 Puerto Rico. [Reserved]

§ 32.59 Rhode Island.

The following refuge units have been opened for hunting and/or fishing and are listed in alphabetical order with applicable refuge-specific regulations.

BLOCK ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations.

NINIGRET NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline in accordance with state regulations. Anglers may saltwater fish and shellfish in Ninigret Pond from the refuge shoreline only from sunrise to sunset in accordance with state and refuge regulations.

PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.60

C. Big Game Hunting. [Reserved]
D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with state regulations.

SACHUEST POINT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean and Sakonnet River from the refuge shoreline in accordance with state regulations. Additionally, anglers may night-fish after sunset in accordance with state regulations.

TRUSTOM POND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt Canada geese and mourning doves on designated areas of the refuge subject to the following conditions: State permits required.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may surf fish in the Atlantic Ocean from the refuge shoreline from September 16 to March 31 in accordance with state and refuge regulations.

[63 FR 46921, Sept. 3, 1998]

§ 32.60 South Carolina.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ACE BASIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, geese, and coots on designated areas of the refuge subject to the following condition: Refuge hunting permits required.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. Anglers may fish on the refuge in accordance with State law and as specifically designated in refuge publications.

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of marsh hens/rails only on designated areas of the refuge subject to the following conditions:

1. We require a refuge hunt permit.
2. You may possess only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of raccoon on designated areas of the refuge subject to the following condition: We require a refuge hunt permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge hunt permit.

D. Sport Fishing. We allow fishing, crabbing, and shell fishing on designated areas of the refuge subject to State regulations and the following condition: Marsh Island, White Banks, and Bird Island are open from September 15 through February 15. We close them the rest of the year to protect nesting birds.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of mourning doves and woodcock is permitted in designated areas of the refuge subject to the following condition: Permits are required.

B. Upland Game Hunting. Hunting of quail, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hogs on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing on all areas of the refuge, except Martins Lake and those areas marked by signs as closed to the public for fishing, subject to the following conditions:

1. We allow fishing from ½ hour before sunrise to ½ hour before sunset.
2. We allow nonmotorized boats and boats with electric motors. You must hand load and unload boats except at designated boat ramps.
3. We do not allow fish baskets, net, set hooks, and trotlines.

PINCKNEY ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted year-round.
2. Fishing is only permitted from boats, into the estuarine waters adjacent to the refuge.

SANTEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning doves on designated areas of the refuge subject to the following condition: We require a refuge permit.

§ 32.61

B. Upland Game Hunting. We allow hunting on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted on inland ponds only from sunrise to sunset or as posted.

2. Fishing is permitted in Cantey Bay, Black Bottom, Savannah Branch and refuge ponds and impoundments from March 1 through October 31.

SAVANNAH NATIONAL WILDLIFE REFUGE

Refer to § 32.29 Georgia for regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62047, Dec. 4, 1995; 63 FR 46921, Sept. 3, 1998; 65 FR 30791, May 12, 2000; 65 FR 56408, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58949, Sept. 18, 2002]

§ 32.61 South Dakota.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

LACREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow waterfowl hunting on designated areas of the refuge in accordance with State law.

B. Upland Game Hunting. Hunting of ring-necked pheasant and sharp-tailed grouse is permitted on designated areas of the refuge subject to the following special condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and mule deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. We allow fishing in areas posted as open in accordance with State law.

POCASSE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and Hungarian partridge on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

50 CFR Ch. I (10–1–02 Edition)

SAND LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of waterfowl is permitted on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of sharp-tailed grouse, Hungarian partridge, and pheasant on designated areas of the refuge.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.

D. Sport Fishing. We allow sport fishing in accordance with State law and as specifically designated in refuge publications.

WAUBY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.

D. Sport Fishing. Anglers may fish on the refuge in accordance with state law, and as specifically designated in refuge publications.

[58 FR 5064, Jan. 19, 1993, as amended at 60 FR 62047, Dec. 4, 1995; 62 FR 47381, Sept. 9, 1997; 65 FR 30791, May 12, 2000; 65 FR 56408, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001]

§ 32.62 Tennessee.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CHICKASAW NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, coots, mourning doves, woodcock, and snipe on designated areas of the refuge subject to the following condition: Permits required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, quail, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted with pole and line or rod and reel only.

2. Anglers may fish only from sunrise to sunset.

3. Anglers may not frog or turtle on the refuge.

CROSS CREEKS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.62

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing on refuge pools and reservoirs from March 15 through October 31 from sunrise to sunset.
2. We do not allow bows and arrows, trotlines, limblines, jugs, and slat baskets in refuge pools and reservoirs.
3. We do not allow taking of frogs.
4. Fish lengths and daily creel limits established for Barley Reservoir by the Tennessee Wildlife Resources Agency apply to all waters within the boundary of the refuge.

HATCHIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge, subject to the following conditions:

1. Hunting is permitted only on Tuesdays, Thursdays, and Saturdays until noon.
2. Only portable blinds and blinds made of native vegetation may be used.
3. Portable blinds and decoys must be removed from the refuge following each day's hunt.
4. You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Upland game hunting is not permitted during the refuge deer archery and gun hunting seasons.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted only from sunrise to sunset.
2. Only nonmotorized boats and boats with electric motors are permitted.
3. Fishing is permitted only with pole and line or rod and reel.

LAKE ISOM NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of squirrels and raccoons is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunters may hunt white-tailed deer with archery equipment on

designated areas of the refuge subject to the following condition: Refuge permits required.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Fishing is permitted from March 15 through October 15 only from sunrise to sunset.
2. Only boats with motors of 10 horsepower or less are permitted.
3. Fishing with bow and arrow is not permitted.

LOWER HATCHIE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt ducks, coots, mourning doves, woodcock, and snipe on designated areas of the refuge subject to the following condition: Permits required.

B. Upland Game Hunting. Hunting of squirrel, rabbit, quail, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition: Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer and turkey is permitted on designated areas of the refuge subject to the following condition: Permits are required.

D. Sport Fishing. Anglers may fish on designated areas of the refuge and Sunk Lake Public Use Natural Area subject to the following conditions:

1. Only with pole and line or rod and reel.
2. Only from sunrise to sunset.
3. Anglers may not frog or turtle.
4. Anglers may not fish in the sanctuary areas or Sunk Lake Public Use Natural Area from November 15 through March 15 annually.
5. Anglers may only use non-motorized boats and boats with electric motors on Sunk Lake Public Use Natural Area.

REELFOOT NATIONAL WILDLIFE REFUGE

Refer to § 32.36 Kentucky for regulations.

TENNESSEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrels and raccoons on designated areas of the refuge subject to the following conditions:

1. We require annual refuge hunting permits.
2. You must unload and encase or dismantle firearms transported in motor vehicles.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

1. We require annual refuge hunting permits.

§ 32.63

2. You must unload and encase or dismantle firearms transported in motor vehicles.

D. Sport Fishing. We allow fishing on designated portions of the refuge subject to the following conditions:

1. We close impounded waters to fishing from November 1 through March 14.

2. We close Swamp Creek, Britton Ford, and Bennett's Creek embayments to fishing and boating from November 1 through March 14.

3. Anglers must launch boats from designated access points only. We restrict boats to "slow speed/minimum wake" on all refuge impoundments open to fishing.

4. Anglers may not leave boats on the refuge overnight.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29085, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62047, Dec. 4, 1995; 62 FR 47382, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30791, May 12, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58950, Sept. 18, 2002]

§ 32.63 Texas.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

ANAHUAC NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require a permit to hunt on all hunting units of the refuge, and hunters must have this permit in their possession while hunting. The annually issued waterfowl hunting permit contains all refuge-specific waterfowl hunting regulations. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the waterfowl hunting permit.

2. We require payment of a fee to hunt on portions of the refuge.

3. You may hunt only on designated days of the week and on designated areas during the general waterfowl hunting season. You may hunt on designated areas during all days of the September teal season. We annually issue notice of hunting days and maps depicting areas open to hunting in the refuge hunting permit.

4. Hunters must use and be in possession of Federally-approved non-toxic shot only.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

50 CFR Ch. I (10-1-02 Edition)

1. Boats and other flotation devices are not permitted on inland waters. Boats may be launched into East Bay at designated ramps.

2. Fishing is permitted only with pole and line, rod and reel or hand-held line.

3. The use of trotlines, setlines, bows and arrows, gigs, or spears is not permitted in inland waters.

ARANSAS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge subject to the following conditions:

1. We may immediately close the entire refuge or any portion thereof to hunting in the event of the appearance of whooping cranes in the hunt area.

2. You must obtain a refuge permit and pay a fee.

3. You may not use dogs to trail game.

4. You may not possess alcoholic beverages while on the refuge.

5. We will annually designate bag limits in the refuge hunt brochure.

6. We allow archery hunting in October within the deer season for the county on specified days listed in the refuge hunt brochure.

7. We allow firearm hunting in November within the deer season for the county on specified days listed in the refuge hunt brochure.

8. Firearm hunters must wear a total of 400 square inches (10.16 m²) hunter orange including 144 square inches (936 cm²) visible in front and 144 square inches visible in rear. Some hunter orange must appear on head gear.

9. You must unload and encase all firearms while in a vehicle.

10. You may not hunt on or across any part of the refuge road system, or hunt from a vehicle on any refuge road or road right-of-way.

11. You may hunt white-tailed deer and feral hog on designated areas of Matagorda Island in accordance with the State permit system as administered by Texas Parks and Wildlife Department.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. You may not use crab traps in any refuge marshes, including Matagorda Island.

2. Beginning April 15 through October 15, you may fish on the refuge only in areas designated in the refuge fishing brochure.

3. You may fish all year in marshes on Matagorda Island and in areas designated in the refuge fishing brochure.

U.S. Fish and Wildlife Serv., Interior

§ 32.63

BALCONES CANYONLANDS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of mourning, white-wing, rock, and Eurasian-collared doves on designated areas of the refuge subject to the following conditions:

1. The length of the hunting season will be concurrent with the State season in September and October.

2. We allow hunting in designated areas, from noon to sunset, Saturdays and Sundays.

3. You may possess only approved nontoxic shot while in the field.

4. We require refuge permits and payment of a hunt fee by all hunters.

5. We allow dogs to retrieve game birds during the hunt, but the dogs must be under control of the handler at all times and not allowed to roam free.

6. All hunters must be 10 years old or older. An adult 21 years of age or older must supervise hunters ages 10–17 (inclusive).

7. We prohibit use or possession of alcohol.

8. We may immediately close the entire refuge or any portion thereof to hunting for the protection of resources, as determined by the refuge manager.

B. Upland Game Hunting. We allow hunting of turkey on designated areas of the refuge subject to the following conditions:

1. We allow hunting in November, December, and/or January.

2. We require hunters to check in and out of a hunt area.

3. We allow bows and arrows, shotguns, and rifles.

4. We may immediately close the entire refuge or any portion thereof to hunting for the protection of resources, as determined by the refuge manager.

5. Hunters must be at least 12 years of age. An adult 21 years of age or older must supervise hunters between the ages of 12 and 17 (inclusive).

6. The refuge will set bag limits.

7. We require hunters to visibly wear 400 square inches (2,600 cm²) of hunter orange on the outermost layer of the head, chest and back, which must include a hunter orange hat or cap.

8. We require refuge permits and the payment of a hunt fee.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following conditions:

1. We allow hunting in November, December, and/or January.

2. We require hunters to check in and out daily at designated check stations.

3. We allow bows and arrows, shotguns, and rifles.

4. We may immediately close to hunting the entire refuge or any portion thereof for

the protection of resources as determined by the refuge manager.

5. Hunters must be at least 12 years of age. An adult 21 years of age or older must supervise hunters between the ages of 12 and 17 (inclusive).

6. The refuge will set bag limits.

7. We require hunters to wear 400 square inches (2,600 cm²) of hunter orange on the outermost layer of the head, chest, and back, which must include a hunter orange hat or cap.

8. We require refuge permits and the payment of a hunt fee.

9. You may not use dogs for hunting.

10. You may not camp.

11. You may only use vehicles on designated roads and parking areas.

D. Sport Fishing. [Reserved]

BIG BOGGY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following condition: Pits and permanent blinds are not permitted.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

BRAZORIA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Pits and permanent blinds are not permitted.

2. Permits are required to hunt on certain portions of the hunting area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only on Nick's Lake, Salt Lake and Lost Lake and along the Salt Lake Weir Dike and the Bastrop Bayou Public Fishing Areas.

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of pheasant is permitted on designated areas of the refuge subject to the following conditions:

1. Permits and payment of a fee are required.

2. Hunters may hunt only one day each year.

3. You may possess only approved nontoxic shot while in the field.

4. Hunting is limited to five days, opening on Saturday in accordance with the opening of the State of Texas hunting season, and the subsequent Monday, Wednesday, Friday and Sunday.

§ 32.63

5. Hunting hours will be from 9 a.m. to the close of legal shooting time as listed in the State of Texas pheasant hunting regulations.

6. All hunters must check in and out at refuge headquarters.

7. Only shotguns are permitted.

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* [Reserved]

HAGERMAN NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of mourning doves in the month of September on designated areas of the refuge, subject to the following conditions:

1. We require you to check in and out of the hunt area.

2. We allow only shotguns.

3. You may possess no shot larger than #4 on the hunting area.

B. *Upland Game Hunting.* We allow hunting of quail in the month of February and squirrel and rabbit in the months of February and September on designated areas of the refuge subject to the following conditions:

1. We require you to check in and out of the hunt area.

2. We allow only shotguns.

3. You may possess no shot larger than #4 on the hunting area.

4. You must plug shotguns to hold no more than three shells during the September dove season.

C. *Big Game Hunting.* We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge subject to the following conditions:

1. You may archery hunt as listed in the refuge hunt information sheet. You must obtain a refuge permit and pay a hunt fee.

2. We allow hunting with firearms including shotguns, 20 gauge or larger, loaded with rifled slug during a special youth hunt as listed in the refuge hunt information sheet. We require permits.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

1. Lake Texoma and connected streams are open to fishing year round.

2. We allow fishing in ponds and stock tanks from April 1 through September 30.

3. Fishermen may string trotlines between anchored floats only. We do not allow lines attached to rubber bands, sticks, poles, trees, or other fixed objects in refuge ponds or impoundments.

4. We do not allow fishing from bridges or roadways.

5. We do not allow boats and other flotation devices on the waters of Lake Texoma from October 1 through March 31, or at any time on refuge ponds and impoundments.

50 CFR Ch. I (10-1-02 Edition)

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:

1. Permits and payment of a fee are required.

2. Archery hunting and firearms hunting are permitted in December on specific days listed in the refuge hunt information sheet.

3. Bag limits for white-tailed deer will be determined annually.

4. There is no limit on feral hogs.

5. Firearm hunters must wear a total of 400 sq. in. of hunter orange, including 144 sq. in. visible in front and 144 sq. in. visible in rear. Some hunter orange must appear on head gear.

6. Hunters shall be at least 12 years of age. Hunters between the ages of, and including, 12 and 17 must hunt under supervision of an adult 18 years of age or older.

D. *Sport Fishing.* Sport fishing and crabbing are permitted on designated areas subject to the following condition: Fishing and crabbing are permitted only within Adolph Thomae, Jr. County Park.

LOWER RIO GRANDE VALLEY NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of mourning, white-winged, and white-tipped doves in the months of September, October, and November on designated areas of the refuge, subject to the following conditions:

1. We require a refuge permit and payment of a fee.

2. We limit hunting to the months of September, October, and November in accordance with the State hunting season.

3. We allow only shotguns.

4. You may possess only approved nontoxic shot while in the field.

5. All hunters must be 12 years of age or older. An adult 21 years old or older must accompany hunters 12-17 years of age.

6. You may park at designated locations only.

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of white-tailed deer, feral hogs, and nilgai antelope on designated areas of the refuge subject to the following conditions:

1. We require a refuge permit and payment of a fee.

2. We will offer hunting during portions of the State hunting season.

3. We enforce a two-deer (one buck only) limit on white-tailed deer and no limit on feral hogs and nilgai antelope.

U.S. Fish and Wildlife Serv., Interior

§ 32.63

4. All hunters must be 12 years of age or older. An adult 21 years old or older must accompany hunters 12-17 years of age.

5. We will determine location and method of hunt each year.

6. You may park at designated locations only.

7. We prohibit the use of dogs and baiting for hunting.

D. Sport Fishing. [Reserved]

MCFADDIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require a permit to hunt on all hunting units of the refuge, and hunters must have this permit in their possession while hunting. The annually issued waterfowl hunting permit contains all refuge-specific waterfowl hunting regulations. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the waterfowl hunting permit.

2. We require payment of a fee to hunt on portions of the refuge.

3. You may hunt only on designated days of the week and on designated areas during the general waterfowl hunting season. You may hunt on designated areas during all days of the September teal season. We annually issue notice of hunting days and maps depicting areas open to hunting in the refuge permit.

4. Hunters must use and be in possession of Federally-approved non-toxic shot only.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing and crabbing are permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted only with pole and line, rod and reel, or hand-held line.

SAN BERNARD NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

1. Pits and permanent blinds are not permitted.

2. Permits and payment of a fee are required to hunt on certain portions of the hunting area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only on the refuge portions of Cow Trap Lakes and Cedar Lakes and along Cedar Lake Creek.

TEXAS POINT NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following conditions:

1. We require a permit to hunt on all hunting units of the refuge, and the hunter must have this permit in his or her possession while hunting. The annually issued waterfowl hunting permit contains all refuge-specific waterfowl hunting regulations. Any person entering, using, or occupying the refuge for hunting must abide by all terms and conditions in the waterfowl hunting permit.

2. You may hunt only on designated days of the week and on designated areas during the general waterfowl hunting season. You may hunt on designated areas during all days of the September teal season. We annually issue notice of hunting days and maps depicting areas open to hunting in the refuge hunting permit.

3. Hunters must use and be in possession of Federally-approved non-toxic shot only.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing and crabbing are permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted only with pole and line, rod and reel, or hand-held line.

TRINITY RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks on designated areas of the refuge subject to the following conditions:

1. We allow hunting on Champion Lake by drawing only.

2. We require an application fee for participants to enter the drawing. We will issue a refuge permit to those drawn, and the hunter must carry the permit at all times when hunting.

3. We allow hunting on Saturday and Sunday during the State duck and teal season. Hunters may not enter the refuge before 4:30 a.m. and must be off the hunt area by 12:00 p.m. (noon).

4. We allow only temporary blinds. Hunters must remove blinds and decoys daily.

5. We limit motors to 10 horsepower or less.

6. We allow retrievers, but they must be under the control of the owner.

7. Youth hunters, 17 years of age and under, must be under direct supervision of an adult, 18 years of age or older.

8. You must unload and encase all shotguns while in transit through the refuge.

9. You may possess only approved nontoxic shot.

10. The minimum distance we allow between hunt parties is 150 yards (135 m).

§ 32.64

50 CFR Ch. I (10-1-02 Edition)

11. We prohibit the use, possession, or being under the influence of alcoholic beverages while hunting in or accessing or returning from the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on Champion Lake subject to the following conditions:

- 1. We allow fishing only with pole and line, rod and reel, or hand-held line.
- 2. We do not allow the use of trotlines, setlines, bows and arrows, gigs, spears, or fish traps.
- 3. We do not allow use of frogs or turtles.
- 4. We allow fishing from sunrise to sunset.
- 5. We limit motors to a maximum of 10 horsepower. You may not fish or enter within 200 yards (180 m) of an established bird rookery from March through the end of May. Check at refuge headquarters for rookery location(s).

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29076, May 18, 1993; 59 FR 6698, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 62 FR 47382, Sept. 9, 1997; 63 FR 46921, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 65 FR 56408, Sept. 18, 2000; 66 FR 46361, Sept. 4, 2001; 67 FR 58950, Sept. 18, 2002]

§ 32.64 Utah.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BEAR RIVER MIGRATORY BIRD REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, coots, and tundra swan on designated areas of the refuge subject to the following conditions:

- 1. Hunters may not shoot or hunt within 100 yards (30.48 meters) of principal refuge roads (the tour route).
- 2. You may possess only approved nontoxic shot while in the field.
- 3. Hunters may not use pits or permanent blinds.
- 4. Airboats are permitted only in Unit 9 and in Block C of the Refuge.
- 5. Refuge closes two (2) hours after sunset (end of shooting hours), including parking sites. Decoys, boats, vehicles and other personal property may not be left on the refuge overnight.
- 6. Hunters may only park in designated parking sites.
- 7. Hunters who take or attempt to take tundra swans must possess a Utah State Swan Permit and may not possess or use more than 10 shells per day while hunting swans.
- 8. Any person entering and occupying the refuge for waterfowl hunting must abide

by all the terms and conditions in the Refuge Hunting Brochure.

9. When hunters are in their vehicles, at parking lots, or traveling on Refuge roads, all firearms must be completely unloaded (including the magazine) and cased or dismantled.

10. Beginning November 1st through the end of swan season, the northwest section of Unit 2 (as designated on the map in the Refuge hunting brochure and posted in the field) is restricted to only hunters who possess a Utah State Swan permit, and they may not possess or use more than ten (10) shells per day.

B. Upland Game Hunting. Hunters may hunt pheasants on designated areas of the refuge subject to the following conditions:

- 1. You may possess only approved nontoxic shot while in the field.
- 2. Pheasants may not be taken with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishermen may fish on designated areas of the refuge subject to the following conditions:

- 1. Fishermen may fish year-round in designated areas of the Refuge.

FISH SPRINGS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks and coots on designated areas of the refuge in accordance with State regulations and the following conditions:

- 1. All hunters must register individually at the visitor information station before entering the open hunting area and prior to exiting the refuge.
- 2. We do not allow hunters or dogs to enter closed areas to retrieve birds.
- 3. You may only possess firearms legally used to hunt waterfowl unless you case or break them down.
- 4. You may construct nonpermanent blinds. You must remove all blinds constructed out of materials other than vegetation at the end of a hunt day.
- 5. We allow use of small boats (15' or less). We do not allow gasoline motors and air boats.
- 6. You may enter the refuge 2 hours prior to sunrise and must exit the refuge by 1½ hours after sunset. You may not leave decoys, boats, vehicles, and other personal property on the refuge overnight.
- 7. We have a Special Blind Area for use by the disabled. We prohibit trespass for any reason by any individual not registered to utilize that area.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.66

OURAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of ducks, geese and coots is permitted on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of mule deer is permitted on designated areas of the refuge.

D. Sport Fishing. The refuge is open to sport fishing in accordance with state law, and as specifically designated in refuge publications.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 6699, Feb. 11, 1994; 60 FR 62047, Dec. 4, 1995; 61 FR 46398, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 67 FR 58950, Sept. 18, 2002]

§ 32.65 Vermont.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

MISSISQUOI NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. We require refuge permits to hunt in the Long Marsh Channel—Metcalf Island Controlled Hunting Area, the Junior Waterfowl Hunting Area, and the Saxe's Pothole-Creek and Shad Island Pothole Hunting Area.

2. You may not possess more than 25 shells per day on the Long Marsh Channel—Metcalf Island Controlled Hunting Area, the Junior Waterfowl Hunting Area, and the Saxe's Pothole-Creek and Shad Island Pothole Hunting Area.

3. Boats are required for access to the permit areas.

4. Within any controlled hunting area, you must hunt within 100 feet (30 m) of the blind or blind stake for the area except to retrieve crippled birds.

5. You must hunt with one retriever per hunting party of up to two hunters per party within the Saxe's Pothole-Creek and Shad Island Pothole Hunting Area, the Long Marsh Channel—Metcalf Island Hunting Area, and the Maquam Swamp Hunting Area.

6. No permanent blind construction or blind staking is allowed in the Delta Lakeshore Hunting Area, the Saxe's Pothole-Creek and Shad Island Pothole Hunting Area, and the Maquam Swamp Hunting Area.

B. Upland Game Hunting. Hunters may hunt rabbits, ruffed grouse and squirrels on designated areas of the refuge subject to the following conditions:

1. All hunters must register at Refuge Headquarters prior to hunting on the refuge.

2. Hunters may not use rifles on that portion of the refuge lying east of the *Missisquoi* River.

3. Hunting is not permitted from January 1 through August 31.

4. Shotgun hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge subject to the following conditions.

1. You may use only shotguns and muzzleloaders on that part of the refuge east of the *Missisquoi* River during the State regular season or on that part of the refuge north and east of Route 78 during the Youth Hunt.

2. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

3. All hunters must register at Refuge Headquarters prior to hunting on the refuge.

4. You may use only portable tree stands. You may leave them in place during deer seasons with proper notation on the big game permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We allow fishing from refuge lands along Lake Champlain and the *Missisquoi* River, except from any refuge dike or from or within any refuge water management unit.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 60 FR 62047, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 65 FR 30792, May 12, 2000; 65 FR 56409, Sept. 18, 2000]

§ 32.66 Virginia.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

BACK BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer and feral hogs is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Only shotguns 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bow and arrow, are permitted.

3. Dogs are not permitted.

4. Possession of loaded firearms or nocked arrows is not permitted on refuge roads or proclamation waters.

5. Hunters during firearms big game season must wear in a conspicuous manner on head,

§ 32.66

chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Fishing access from refuge headquarters is permitted only by foot, bicycle, and hand-launched boat.
- 2. Launching trailered boats in the refuge headquarters area is not permitted.
- 3. We require a refuge permit to fish in "D" Pool.

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of migratory waterfowl and rails on designated areas of the refuge subject to the following conditions:

- 1. We require a refuge permit to hunt in designated public hunting areas.
- 2. We allow guided hunting in designated areas of Wildcat Marsh with refuge-designated commercial guides.

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of white-tailed and sika deer in designated areas of the refuge subject to the following condition: We require a refuge permit.

D. *Sport Fishing.* We allow fishing, crabbing, and clamming on designated areas of the refuge subject to the following conditions:

- 1. We allow sport fishing, crabbing, and clamming in salt water areas and in that portion of Swan Cove adjacent to Beach Road. We close all other refuge ponds, impoundments, and channels to these activities.
- 2. You must attend traps and crab pots.
- 3. You must obtain a permit to remain on the refuge after normal closing hours.

EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

- 1. Permits are required.
- 2. Only shotguns, 20 gauge or larger, loaded with buckshot, and bow and arrow are permitted.
- 3. Dogs are not permitted.
- 4. Only portable tree stands may be used and must be removed at the end of each hunt day.
- 5. Shotgun hunters must wear, in a conspicuous manner, on head, chest, and back, a minimum of 400 square inches of solid-colored orange clothing or material.

D. *Sport Fishing.* [Reserved]

50 CFR Ch. I (10-1-02 Edition)

GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* Hunters may hunt deer and bear on designated areas of the refuge subject to the following conditions:

- 1. Permits are required.
- 2. Only shotguns, 20 gauge or larger, loaded with buckshot and/or rifled slugs, and bows and arrows, are permitted.
- 3. Dogs are not permitted.
- 4. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.
- 5. Hunters are required to sign in and out on each hunt day.

6. Hunters may not possess a loaded firearm (ammunition in the chamber, magazine, or clip), or loaded bow on or within 50 feet of a refuge road, including roads closed to vehicles.

7. Hunters may not shoot onto or across a refuge road, including roads closed to vehicles.

8. Hunters may not possess alcoholic beverages.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

- 1. Boat fishing is permitted in Lake Drummond and in the Feeder Ditch on the east side of the lake during daylight hours only.
- 2. Bank fishing is not permitted.
- 3. All fishing lines must be attended.
- 4. A permit is required for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond from April 1 through June 15.

JAMES RIVER NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:

- 1. Hunters must carry a refuge permit at all times on the refuge.
- 2. You may not discharge a firearm or archery equipment across or within any refuge road, as designated on the refuge hunt maps.
- 3. We close the refuge to all hunting from December 1 until the end of the State hunting season to protect roosting and nesting bald eagles.
- 4. Hunters in the field shall retrieve and maintain in their custody all crippled and killed game, if possible.
- 5. You may not transport a loaded firearm in any vehicle on the refuge.

U.S. Fish and Wildlife Serv., Interior

§ 32.66

6. On the refuge deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees.

7. We allow only portable tree stands on the refuge, and hunters must remove them at the end of the day.

8. We prohibit hunting with dogs.

9. We prohibit camping on refuge lands.

10. We prohibit the use of open fires.

D. Sport Fishing. [Reserved]

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge subject to the following condition: We require refuge permits.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing only from sunrise to sunset from March 15 through October 15.

2. You must attend all fishing lines.

3. We do not allow airboats.

MASON NECK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Only shotguns 20 gauge or larger loaded with buckshot are permitted.

3. Dogs are not permitted.

4. Only portable tree stands may be used and must be removed at the end of each hunting day.

5. Shotgun hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches of solid-colored hunter orange clothing or material.

D. Sport Fishing. [Reserved]

OCCOQUAN BAY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a refuge permit.

2. Hunters must have in their possession at all times a copy of the refuge permit containing the refuge regulations, their hunting license, and, if issued, their State-issued deer management assistance program (DMAP) tag.

3. We will select specific hunting dates within the State seasons. Consult the refuge office for information on specific hunt dates.

4. You may not transport a loaded firearm in any vehicle on any refuge road or right of way.

5. Hunters must wear in a conspicuous manner on chest and back a minimum of 400 square inches (2,600 cm²) of solid hunter orange clothing or material and a hunter orange cap or hat.

D. Sport Fishing. [Reserved]

PLUM TREE ISLAND NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of waterfowl on designated areas of the refuge subject to the following conditions:

1. We require permits.

2. Waterfowl hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

PRESQUILE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:

1. Hunters must carry a refuge permit at all times on the refuge.

2. You may not discharge a firearm or archery equipment across or within any refuge road, as designated on the refuge hunt maps.

3. We close the refuge to all hunting from December 1 until the end of the State hunting season to protect roosting and nesting bald eagles.

4. Hunters in the field shall retrieve and maintain in their custody all crippled and killed game, if possible.

5. You may not transport a loaded firearm in any vehicle on the refuge.

6. On the refuge deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees.

7. We allow only portable tree stands on the refuge, and hunters must remove them at the end of the day.

8. We prohibit hunting with dogs.

9. We prohibit camping on refuge lands.

10. We prohibit the use of open fires.

D. Sport Fishing. [Reserved]

RAPPAHANNOCK RIVER VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

§ 32.67

50 CFR Ch. I (10-1-02 Edition)

C. *Big Game Hunting.* We allow hunting of white-tailed deer in designated areas of the refuge subject to the following conditions:

- 1. Hunters must carry a refuge permit at all times on the refuge.
 - 2. You may not discharge a firearm or archery equipment across or within any refuge road, as designated on the refuge hunt maps.
 - 3. We close the refuge to all hunting from December 1 until the end of the State hunting season to protect roosting and nesting bald eagles.
 - 4. Hunters in the field shall retrieve and maintain in their custody all crippled and killed game, if possible.
 - 5. You may not transport a loaded firearm in any vehicle on the refuge.
 - 6. On the refuge deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees.
 - 7. We allow only portable tree stands on the refuge, and hunters must remove them at the end of each hunt day.
 - 8. We prohibit hunting with dogs.
 - 9. We prohibit camping on refuge lands.
 - 10. We prohibit the use of open fires.
- D. *Sport Fishing.* [Reserved]

WALLOPS ISLAND NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and the following conditions:

- 1. We require a refuge permit.
 - 2. We do not allow dogs.
 - 3. We allow only portable tree stands on the refuge, and hunters must remove them at the end of each hunt day.
 - 4. Hunters must comply with refuge check-in and check-out procedures as specified on the hunt permit.
 - 5. During firearms big game season, including scouting days, hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.
 - 6. We prohibit camping.
 - 7. We prohibit the use of open fires.
- D. *Sport Fishing.* [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 58 FR 29085, May 18, 1993; 59 FR 6686, Feb. 11, 1994; 60 FR 62048, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 65 FR 56409, Sept. 18, 2000; 67 FR 58951, Sept. 18, 2002]

§ 32.67 Washington.

The following refuge units have been opened for hunting and/or fishing, and

are listed in alphabetical order with applicable refuge-specific regulations.

COLUMBIA NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following conditions:

- 1. In Marsh Unit 1 and Farm Units 226-227, we allow hunting only on Wednesdays, Saturdays, Sundays, and Federal holidays.
- 2. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.
- 3. In Marsh Unit 1, concurrent with the State's designated Youth Day prior to the opening of the waterfowl season, an adult at least 18 years of age who is not hunting must accompany hunters under 16 years of age.

B. *Upland Game Hunting.* We allow hunting of pheasant, quail, and partridge on designated areas of the refuge subject to the following conditions:

- 1. We allow hunting of upland game birds only during State seasons that run concurrently with the State waterfowl season.
- 2. We allow only shotguns and bows and arrows.
- 3. Upland game bird hunters may possess only approved nontoxic shot while in the field.
- 4. In Marsh Unit 1, concurrent with the State's designated Youth Day prior to the opening of the waterfowl hunt, only youth aged 10-17 and an accompanying adult aged 18 or over may hunt.

C. *Big Game Hunting.* We allow hunting of deer on designated areas of the refuge subject to the following conditions:

- 1. We allow only shotgun and archery hunting.
- 2. We allow hunting of deer only during State seasons that run concurrently with the State waterfowl season.

D. *Sport Fishing.* We allow fishing on designated areas of the refuge subject to the following conditions:

- 1. We allow nonmotorized boats and boats with electric motors on Upper and Lower Hampton, Hutchinson, Royal, and Shiner Lakes.
- 2. We allow motorized boats and non-motorized boats on all other refuge waters open to fishing.
- 3. We prohibit the taking of bullfrogs.

CONBOY LAKE NATIONAL WILDLIFE REFUGE

A. *Hunting of Migratory Game Birds.* We allow hunting of doves, geese, ducks, coots, and common snipe on designated areas of the refuge subject to the following condition: Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. *Upland Game Hunting.* [Reserved]

U.S. Fish and Wildlife Serv., Interior

§ 32.67

C. Big Game Hunting. Hunting of deer is permitted on designated areas of the refuge.
D. Sport Fishing. [Reserved]

DUNGENESS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may salt water fish in designated areas of the refuge.

HANFORD REACH NATIONAL MONUMENT/SADDLE MOUNTAIN NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, mourning doves, and common snipe on the Wahluke Unit and designated Columbia River islands (those islands downstream of the Bonneville Powerline crossing, between River Mile 351 and 341) of the Monument/Refuge in accordance with State regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot while on the refuge.
2. We allow access from 2 hours before sunrise to 2 hours after sunset. We do not allow overnight camping and/or parking.
3. We close the furthest downstream island (Columbia River Mile 341-343) to hunting.
4. We do not allow hunters or dogs to enter closed areas to retrieve game.
5. We do not allow permanent or pit blinds or cutting vegetation on the refuge. You must remove all blind materials, decoys, and other equipment (including spent casings) following each day's hunt.
6. We allow nonmotorized boats and boats with electric motors on the WB-10 Ponds (Wahluke Lake), with walk-in access only.
7. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along public rights of way.

B. Upland Game Hunting. We allow hunting of pheasant, quail, and partridge on designated areas on the Wahluke Unit of the Monument/Refuge in accordance with State regulations and subject to the conditions listed below:

1. You may possess only approved nontoxic shot while on the refuge.
2. We allow only shotguns and archery hunting.
3. We allow access from 2 hours before sunrise to 2 hours after sunset. We prohibit overnight camping and/or parking.
4. We do not allow hunters or dogs to enter closed areas to retrieve game.
5. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along public rights of way.

C. Big Game Hunting. We allow hunting of deer and elk on the Wahluke Unit of the Monument/Refuge in accordance with State

regulations and subject to the following conditions:

1. We allow only shotguns, muzzleloaders, and archery hunting.
2. We allow access from 2 hours before sunrise to 2 hours after sunset. We prohibit overnight camping and/or parking.
3. We do not allow hunters to enter closed areas to retrieve game.
4. You must unload and encase or dismantle firearms before transporting them in a vehicle or boat within the boundaries of the refuge or along public rights of way.

D. Sport Fishing. We allow fishing on the Wahluke Unit and designated Columbia River islands of the Monument/Refuge (those islands downstream of the Bonneville Powerline crossing, between River Mile 351 and 341) in accordance with State regulations and subject to the following conditions:

1. We allow access to the islands from July 1 to September 30, except for Islands 18 and 19 (downstream of Johnson Island), where we allow access from July 31 to September 30.
2. We allow access from 2 hours before sunrise to 2 hours after sunset. We prohibit overnight camping and/or parking.
3. We allow nonmotorized boats and boats with electric motors on the WB-10 Ponds, with walk-in access only.

JULIA BUTLER HANSEN REFUGE FOR THE COLUMBIAN WHITE-TAILED DEER

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and common snipe on the Hunting Island Unit subject to the following condition: You may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow bank fishing from the Mainland Unit shoreline adjoining the Elochoman and Columbia Rivers as well as Steamboat and Brooks Sloughs, in accordance with State fishing regulations. We also allow bank fishing in the pond adjacent to the diking district pumping station by Brooks Slough. We close all other interior water of the Mainland Unit to fishing.

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge.

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge.

C. Big Game Hunting. Hunting of big game is permitted on designated areas of the refuge.

D. Sport Fishing. Sport fishing is permitted on designated areas of the refuge.

MCNARY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, doves, and common snipe on designated areas of the refuge subject to the following conditions:

1. You may possess no more than 25 approved nontoxic shotshells while in the field.
2. You may not leave decoys and other personal property on the refuge overnight.
3. On the McNary Division, we allow hunting by refuge permit only. This area is open to hunting from 5:00 a.m. to 1½ hours after sunset.

4. On the Wallula and Two Rivers Units, we allow waterfowl hunting 7 days a week during State waterfowl seasons. We allow dove hunting in accordance with State regulations.

5. On the Wallula Unit, we close the Walla Walla Delta to hunting from February 1 to September 30.

6. On the Peninsula Unit we allow dove hunting in accordance with State regulations. We allow waterfowl hunting subject to the following conditions:

- i. We allow duck hunting Wednesdays through Sundays only.
- ii. We allow goose hunting Wednesdays, Saturdays, and Sundays only.
- iii. On Wednesdays we allow waterfowl hunting only from the goose pits.
- iv. Hunting on the east side of the peninsula and in the goose pits is by assigned blinds on a first-come, first-served basis.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following conditions:

1. Except on the Peninsula Unit, you may possess no more than 25 approved nontoxic shotshells while on the refuge.

2. On the McNary Division we allow hunting on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day only. We do not allow hunting until noon of each hunt day. We allow hunting of pheasant and quail only.

3. On the Wallula and Two River Units, we allow upland game hunting in accordance with State regulations.

4. On the Peninsula Unit, we do not allow hunting until noon on legal goose hunting days.

C. Big Game Hunting. We allow hunting of deer only on the Peninsula, Two Rivers, and Wallula Units in accordance with State regulations and subject to the following condition: We allow shotgun and archery hunting only.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. On the McNary Division the refuge is open to fishing from sunrise to sunset only. We do not allow use of boats and other flotation devices.

2. We allow fishing only with hook and line.

NISQUALLY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may salt water fish in designated areas of the refuge.

RIDGEFIELD NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt geese, ducks, and coots on designated areas of the refuge subject to the following condition:

1. Hunting is by permit only.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing and frogging are only permitted from March 1 through September 30.
2. Fishing and frogging are only permitted during daylight hours.

TOPPENISH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys and other personal property may not be left on the refuge overnight.

2. Hunters may not possess more than 25 shells while in the field.

3. Hunters in the marked hunt site areas must hunt within fifty (50) feet of designated blind sites except when shooting to retrieve crippled birds.

4. Snipe hunters may possess only approved nontoxic shot while in the field.

5. On the Halvorson and Webb Units, you may hunt on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day only. On the Robbins Road Unit, you may hunt on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day only. Pumphouse, Isiri, Petty, and Chambers Units are open 7 days a week during waterfowl season.

B. Upland Game Hunting. Hunting of pheasant and quail is permitted on designated areas of the refuge subject to the following conditions:

1. Hunters may not hunt upland game birds until noon of each hunt day.
2. You may possess only approved nontoxic shot while in the field.
3. Hunters may not possess more than 25 shells while in the field.

U.S. Fish and Wildlife Serv., Interior

§ 32.67

4. On the Halvorson and Webb Units, you may hunt on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day only. On the Robbins Road Unit, you may hunt on Tuesdays, Thursdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day only. Pumphouse, Isiri, Petty, and Chambers Units are open 7 days a week during waterfowl season.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

UMATILLA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, coots and common snipe is permitted on designated areas of the refuge subject to the following conditions:

1. In the Paterson Slough Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

2. Waterfowl hunters must space themselves a minimum of 200 yards apart.

3. The refuge is open from 5 a.m. to one and one-half hours after sunset. Decoys, boats, and other personal property may not be left on the refuge overnight.

4. Hunters may not possess more than 25 shells while in the field.

5. Digging or hunting from pit blinds is prohibited.

6. Waterfowl and snipe hunters may possess only approved nontoxic shot while in the field.

B. Upland Game Hunting. Hunting of pheasant, chukar, Hungarian partridge, and quail is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of upland game birds is not allowed until noon of each hunt day.

2. In the Paterson Slough Unit, hunting is permitted only on Wednesdays, Saturdays, Sundays, Thanksgiving Day, Christmas Day, and New Year's Day.

3. Hunters may not possess more than 25 shells while in the field.

4. Upland game bird hunters may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunters may hunt deer on designated areas of the refuge subject to the following condition:

1. Hunting by permit only.

D. Sport Fishing. Fishing is permitted on designated areas of the refuge subject to the following conditions:

1. The refuge is open from 5 a.m. to one and one-half hours after sunset.

2. Fishing is permitted on refuge impoundments and ponds from February 1 through September 30. Other refuge waters (Columbia River and its backwaters) are open in accordance with State regulations.

3. Fishing is permitted only with hook and line.

WILLAPA NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of geese, ducks, coots, and snipe on designated areas of Riekkola, Lewis, Tarlatt Slough, and Leadbetter Units in accordance with State hunting regulations and subject to the following conditions:

1. Prior to entering the hunt area at the Riekkola and Tarlatt Slough Units, we require you to obtain a refuge permit, pay a recreation user fee, and obtain a blind assignment.

2. At the Riekkola and Tarlatt Slough Units, you may take ducks and coots only coincidental to hunting geese.

3. We allow hunting on Wednesday and Saturday in the Riekkola and Tarlatt Slough Units only from established blinds.

4. At the Lewis Unit, we prohibit hunting from the outer dike that separates the bay from the freshwater wetlands.

5. At the Riekkola and Tarlatt Slough Units, you may possess no more than 25 approved nontoxic shells per day while in the field.

6. At the Leadbetter Unit, you may possess only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of blue and ruffed grouse on Long Island, subject to the following conditions:

1. We require you to obtain and carry a refuge permit and report game taken, as specified with the permit.

2. We allow only archery hunting.

3. We do not allow firearms on Long Island at any time.

4. We do not allow dogs on Long Island.

C. Big Game Hunting. We allow hunting of deer, elk, and bear on Long Island and on designated areas of the Bear River Unit, in accordance with State hunting regulations and subject to the following conditions:

1. At Long Island you must possess a valid refuge permit and report game taken, as specified with the permit.

2. At Long Island we allow only archery hunting and prohibit firearms.

3. At Bear River we do not allow bear hunting.

4. We prohibit dogs.

D. Sport Fishing. We allow sport fishing along the shoreline of Willapa Bay and Bear River on refuge-owned lands in accordance with State regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 59 FR 6686, 6699, Feb. 11, 1994; 59 FR 55188, Nov. 3, 1994; 60 FR 62048, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30792, May 12, 2000; 65 FR 56409, Sept. 18, 2000; 66 FR 46362, Sept. 4, 2001; 67 FR 58952, Sept. 18, 2002]

§ 32.68

50 CFR Ch. I (10–1–02 Edition)

§ 32.68 West Virginia.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

CANAAN VALLEY NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.

B. Upland Game Hunting. Hunters may hunt upland (small) game on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.

2. Shotgun hunters may possess only approved nontoxic shot while hunting on the refuge.

C. Big Game Hunting. Hunters may hunt big game on designated areas of the refuge subject to the following conditions:

1. Hunters must sign and be in the possession of a refuge conditional hunting permit at all times while hunting on the refuge.

2. We allow shotgun and muzzle-loader hunting only with the possession of approved nontoxic shot size #4 or smaller for hunting of wild turkey. We prohibit rifle hunting.

D. Sport Fishing. [Reserved.]

OHIO RIVER ISLANDS NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Migratory game bird hunting is permitted on designated areas of the refuge subject to the following condition: Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.

B. Upland Game Hunting. The hunting of rabbit and squirrel is permitted on designated areas of the refuge subject to the following conditions:

1. The use of dogs for pursuit while rabbit hunting is prohibited.

2. The take of squirrel and rabbit is restricted to shotgun only.

3. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.

4. You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. The hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Only archery hunting is permitted.

2. Organized deer drives by two or more hunters are prohibited. A drive is hereby defined as the act of chasing, pursuing, disturbing or otherwise directing deer so as to make the animals more susceptible to harvest.

3. Baiting for deer on refuge lands is prohibited.

4. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Regulations Leaflet while participating in a refuge hunt.

D. Sport fishing. Sport fishing is permitted on designated areas of the refuge under West Virginia's State regulations and guidelines, unless otherwise posted on the refuge.

[59 FR 55197, Nov. 3, 1994, as amended at 60 FR 62048, Dec. 4, 1995; 61 FR 31461, June 20, 1996; 63 FR 46922, Sept. 3, 1998; 65 FR 30794, May 12, 2000; 65 FR 56411, Sept. 18, 2000]

§ 32.69 Wisconsin.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

FOX RIVER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We require refuge permits during designated time periods.

2. We do not allow the construction or use of blinds, platforms, or ladders.

3. We allow hunting only during the State firearms season and during a designated time period of the archery season.

D. Sport Fishing. [Reserved]

HORICON NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks and coots on designated areas of the refuge subject to the following conditions:

1. We require permits.

2. We allow only participants in the Young Wildfowlers and Special Programs to hunt.

B. Upland Game Hunting. We allow hunting of ring-necked pheasant, gray partridge, squirrel, and cottontail rabbit on designated areas of the refuge from the opening of the respective State seasons through the State deer firearms season, and subject to the following conditions:

1. Shotgun hunters may possess only approved nontoxic shot while hunting upland game species.

2. Hunting in the youth/novice pheasant hunt area (Area F) is for youth who are 12–15 years of age, and by permit.

U.S. Fish and Wildlife Serv., Interior

§ 32.69

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We allow hunting only during the early archery and State firearms season.
2. We do not allow the construction and use of permanent blinds, platforms, or ladders.
3. You must remove all stands from the refuge following each day's hunt.
4. Hunting in the area surrounding the office/visitor center (Area E) is by permit only.
5. Hunting in the auto tour/hiking trail complex (Area D) is open only during the State firearms deer season.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following condition: We allow only bank fishing.

LEOPOLD WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. Hunters may hunt migratory game birds throughout the District except that hunters may not hunt on designated portions of the Blue-wing Waterfowl Production Area in Ozaukee County or the Wilcox Waterfowl Production Area in Waushara County.

B. Upland Game Hunting. Hunters may hunt upland game throughout the district except that hunters may not hunt on designated portions of the Blue-wing Waterfowl Production Area in Ozaukee County or the Wilcox Waterfowl Production Area in Waushara County.

C. Big Game Hunting. Hunters may hunt big game throughout the District except that hunters may not hunt on designated portions of the Blue-wing Waterfowl Production Area in Ozaukee County or the Wilcox Waterfowl Production Area in Waushara County.

D. Sport Fishing. [Reserved]

NECEDAH NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds only on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of wild turkey, ruffed grouse, gray squirrel, fox squirrel, cottontail rabbit, snowshoe hare, and raccoon only on designated areas of the refuge subject to the following conditions:

1. You may possess only unloaded guns in the retrieval zone of Refuge Area 7 during the State waterfowl hunting season, except while hunting deer during the gun deer season.
2. During the spring turkey season, we allow unarmed hunters who have an unexpired spring turkey permit in their possession to scout the hunt area. We allow this scouting beginning on the Saturday immediately prior to the opening date listed on their State turkey hunting permit.
3. Refuge Area 3 is open to hunting after the State deer gun season through the end of

the respective State seasons or until February 28, whichever occurs first.

4. You may use dogs only when hunting small game and waterfowl.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. You may not possess a loaded firearm or a nocked arrow on a bow within 50 feet (15 m) of the centerline of all public roads. Also, during the gun deer season, you may not possess a loaded firearm within 50 feet (15 m) of the center of refuge trails, nor may you discharge a gun from across, down, or alongside these trails.

2. You may not construct or use permanent blinds, stands, or ladders.

3. You may use portable elevated devices but must lower them to ground level at the close of shooting hours each day. You must remove all blinds, stands, platforms, and ladders from the refuge at the end of the hunting season.

4. Refuge Areas 1, 2, 4, 5, 6, and 7 are open to deer hunting.

5. Refuge Area 3 is open to deer hunting during the State gun, muzzleloader, and late archery seasons. Unarmed deer hunters may enter Area 3 to scout beginning the Saturday prior to the gun deer season.

6. We do not allow target or practice shooting.

7. We prohibit the use of flagging, paint, blazes, tacks, or other types of markers.

D. Sport Fishing. We allow fishing in designated waters of the refuge at designated times subject to the following conditions: We allow use of nonmotorized boats in Sprague-Goose Pools only when these pools are open to fishing. We allow motorized boats in Suk Cerney Pool.

ST. CROIX WETLAND MANAGEMENT DISTRICT

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds throughout the district except that you may not hunt on designated portions posted as closed of the St. Croix Prairie Waterfowl Production Area (WPA) in St. Croix County.

B. Upland Game Hunting. We allow hunting of upland game throughout the district except that you may not hunt on designated portions posted as closed of the St. Croix Prairie WPA in St. Croix County.

C. Big Game Hunting. We allow hunting of big game throughout the district except that you may not hunt on designated portions of the St. Croix Prairie Waterfowl Production Area in St. Croix County.

D. Sport Fishing. [Reserved]

TREMPEALEAU NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the

§ 32.70

following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge subject to the following condition: We require a refuge permit.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following condition: We require a refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge subject to the following conditions:

1. We allow only hand-powered boats or boats with electric motors on the refuge.

2. You must remove ice fishing shelters from the refuge following each day's hunt.

3. We prohibit possessing archery or spearing equipment on refuge pools at any time. We allow taking rough fish by bow and arrow or spear only along the refuge boundary in the backwaters of the Trempealeau River, in accordance with State regulations.

UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE

Refer to 32.32 Illinois for regulations.

WHITTLESEY CREEK NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of migratory game birds on designated areas of the refuge subject to the following conditions:

1. We allow only the use of portable or temporary blinds.

2. You must remove portable or temporary blinds and any material brought on to the refuge for blind construction at the end of each day's hunt.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

[58 FR 5064, Jan. 19, 1993, as amended at 58 FR 29077, May 18, 1993; 59 FR 6700, Feb. 11, 1994; 60 FR 62048, Dec. 4, 1995; 61 FR 46399, Sept. 3, 1996; 62 FR 47383, Sept. 9, 1997; 63 FR 46922, Sept. 3, 1998; 65 FR 30794, May 12, 2000; 65 FR 56411, Sept. 18, 2000; 66 FR 46362, Sept. 4, 2001; 67 FR 58952, Sept. 18, 2002]

§ 32.70 Wyoming.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

NATIONAL ELK REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

50 CFR Ch. I (10-1-02 Edition)

C. Big Game Hunting. Hunters may hunt elk and bison on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Hunters may not be let out of vehicles on refuge roads.

3. Shooting from or across refuge roads and parking areas is not permitted.

4. The use of citizen band (CB) radios in the hunt area is not permitted.

D. Sport Fishing. Anglers may sport fish on the refuge in accordance with state law, as specifically designated in refuge publications.

PATHFINDER NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. Hunting of geese, ducks and coots is permitted on designated areas of the refuge.

B. Upland Game Hunting. We allow hunting of sage grouse and cottontail rabbit on designated areas of the refuge subject to the following condition: You may possess only approved nontoxic shot while in the field.

C. Big Game Hunting. Hunting of pronghorn antelope and deer is permitted on designated areas of the refuge.

D. Sport Fishing. [Reserved]

SEEDSKADEE NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. We allow hunting of ducks, coots, dark geese, common snipe, rails, and mourning doves on designated areas of the refuge in accordance with State regulations and the following conditions:

1. Waterfowl hunters may enter the refuge 1 hour before legal shooting hours to set up decoys and blinds.

2. You may use only portable blinds or blinds constructed from dead or downed wood. We prohibit digging pit blinds.

3. You must unload and encase or dismantle all firearms when transporting them in a vehicle or boat under power.

4. You may possess only approved nontoxic shot.

B. Upland Game Hunting. We allow hunting of sage grouse, cottontail rabbit, red fox, jackrabbit, raccoon, and skunk on designated areas of the refuge in accordance with State regulations and the following conditions:

1. You must unload and encase or dismantle all firearms when transporting them in a vehicle or boat under power.

2. You may possess only approved nontoxic shot.

3. We prohibit the shooting of prairie dogs, coyotes, and other species not listed above.

C. Big Game Hunting. We allow hunting of pronghorn, mule deer, and moose on designated areas of the refuge in accordance with State regulations and the following condition: You must unload and encase or

U.S. Fish and Wildlife Serv., Interior

§ 34.2

dismantle all firearms when transporting them in a vehicle or boat under power.

D. Sport Fishing. You may fish on designated areas of the refuge in accordance with State regulations and general refuge regulations.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55188, Nov. 3, 1994; 60 FR 62049, Dec. 4, 1995; 62 FR 47383, Sept. 9, 1997; 63 FR 2182, Jan. 14, 1998; 65 FR 30795, May 12, 2000; 67 FR 58952, Sept. 18, 2002]

§ 32.71 United States Unincorporated Pacific Insular Possessions.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

JOHNSTON ATOLL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing only in accordance with posted regulations (Conservation of Natural Resources and Protection of Fish and Wildlife on Johnston Atoll National Wildlife Refuge), which are available at refuge headquarters. Other special restrictions apply on this refuge, and we outline them in the regulations.

MIDWAY ATOLL NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and lobster only in accordance with a refuge fishing leaflet available at refuge headquarters.

[58 FR 5064, Jan. 19, 1993, as amended at 59 FR 55188, Nov. 3, 1994; 61 FR 46399, Sept. 3, 1996; 63 FR 46922, Sept. 3, 1998; 65 FR 30795, May 12, 2000; 65 FR 56411, Sept. 18, 2000]

§ 32.72 Guam.

We have opened the following refuge unit to hunting and/or fishing with applicable refuge-specific regulations.

GUAM NATIONAL WILDLIFE REFUGE

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may fish and collect marine life on designated areas of the refuge only in accordance with refuge and Government of Guam laws and regulations. The leaflet is available at the refuge headquarters and anglers are subject to the following additional conditions:

1. Anglers may be on the refuge from 8:30 a.m. until 5:00 p.m. daily, except Thanksgiving, Christmas, and New Year's Day.

2. We prohibit overnight camping on the refuge.

3. You may not possess surround or grill nets on the refuge.

4. We prohibit the collection of corals, giant clams (*Tridacna* and *Hippopus* spp.), and coconut crabs (*Birgus latro*) on the refuge.

5. We prohibit use of Self Contained Underwater Breathing Apparatus (SCUBA) to take fish or invertebrates.

6. We prohibit anchoring boats on the refuge.

7. We prohibit sailboards or motorized personal watercraft on the refuge.

[65 FR 30795, May 12, 2000, as amended at 66 FR 46363, Sept. 4, 2001; 67 FR 58953, Sept. 18, 2002]

PART 34—REFUGE REVENUE SHARING WITH COUNTIES

Sec.

34.1 Purpose.

34.2 Authority.

34.3 Definitions.

34.4 Eligibility of areas.

34.5 Distribution of revenues.

34.6 Schedule of appraisals.

34.7 Fair market value appraisals.

34.8 Appropriations authorized.

34.9 Protests.

AUTHORITY: 16 U.S.C. 715s, as amended.

SOURCE: 44 FR 33073, June 8, 1979, unless otherwise noted.

§ 34.1 Purpose.

The purpose of the regulations contained in this part is to prescribe the procedures for making payments in lieu of taxes to counties for areas administered by the Secretary through the U.S. Fish and Wildlife Service in accordance with the Revenue Sharing Act.

§ 34.2 Authority.

(a) The Act of October 17, 1978, Pub. L. 95-469, amended the Act of June 15, 1935, as amended by the Act of August 30, 1964 (78 Stat. 701; 16 U.S.C. 715s), by revising the formula and extending the revenue sharing provisions to all fee and reserve areas that are administered solely or primarily by the Secretary through the U.S. Fish and Wildlife Service. Payments under this Act

§ 34.3

50 CFR Ch. I (10–1–02 Edition)

may be used for any governmental purpose.

(b) Pursuant to title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d), and the regulations issued pursuant thereto, which are contained in 43 CFR part 17, counties must file an assurance with the Department, comply with the terms of the assurances, and comply with regulations contained in 43 CFR part 17 in order to continue to receive this Federal financial assistance.

§ 34.3 Definitions.

(a) The term *fee area* means any area which was acquired in fee by the United States and is administered, either solely or primarily, by the Secretary through the Service.

(b) The term *reserve area* means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Service. For the purpose of these regulations, reserve areas also include lands in Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, which were initially administered by the United States through Act of Congress, Executive Order, Public Land Order or Proclamation of the President and administered, either solely or primarily, by the Secretary through the Service.

(c) The term *county* means any county, parish, organized or unorganized borough, township or municipality, or other unit of local government that is the primary collector for general purpose real property taxes where fee areas and/or reserve areas are located. For the purpose of sharing revenues, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall each be treated as a county.

(d) The term *fund* means the revenues received by the Service from (1) the sale or disposition of animals, salmonoid carcasses and eggs, products of the soil (including, but not limited to, timber, hay, and grass), minerals, shells, sand, and gravel; (2) leases for public accommodations or facilities incidental to, but not in conflict with, the basic purpose of such areas; and (3) other privileges, including industrial leases at Crab Orchard National Wildlife Refuge, Illinois, as authorized by

Section 8 of Pub. L. 95-616, approved October 27, 1978. The Service may pay from such fund any necessary expenses incurred in connection with the revenue producing and revenue sharing activity. The fund shall also include any appropriations authorized by the Act to make up any difference between the total amount of receipts after payments of expenses and the total amount of payments due the counties.

(e) The term *net receipts* means the amount of revenue collected by the Service from an area (including fee land and/or reserve land) after the deduction of necessary expenses incurred in producing the particular revenues.

(f) The term *fair market value* means the amount in terms of money for which in all probability a property would be sold if exposed for sale in the open market by a seller who is willing but not obligated to sell, allowing a reasonable time to find a buyer who is willing but not obligated to buy, both parties having full knowledge of all the uses to which the property is adapted, and for which it is capable of being used.

§ 34.4 Eligibility of areas.

In order to receive payments under the Act, a county must qualify under the definition in § 34.3(c) of this part and there must be located within the county, areas of land owned in fee title by the United States and administered by the Secretary of the Interior through the Fish and Wildlife Service, including wildlife refuges, waterfowl production areas, wildlife ranges, wildlife management areas, fish hatcheries, research centers or stations, and administrative sites, and these areas must be solely or primarily administered by the Service. In addition to this Act, reserve areas administered solely or primarily by the Service are entitlement lands under section 6(a) of the Act of October 29, 1976 (Pub. L. 94-565, 31 U.S.C. 1601-1607), for which regulations are published in title 43, part 1880, Code of Federal Regulations.

§ 34.5 Distribution of revenues.

The Act provides that the Secretary, at the end of each fiscal year, shall pay to each county out of the fund:

U.S. Fish and Wildlife Serv., Interior

§ 34.5

(a) For reserve areas, an amount equal to 25 per centum of the net receipts, collected by the Secretary in connection with the operation and management of such area, provided that when any such area is situated in more than one county, the distributive share to each from the aforesaid receipts shall be proportional to its acreage of such reserve area.

(b) For fee areas, whichever of the following is greater:

(1) An amount equal to 75¢ per acre for the total acreage of the fee area located within such county.

(2) An amount equal to three-fourths of one per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county. For those areas of fee land within the National Wildlife Refuge System as of September 30, 1977, the amount of payment based on fair market value will not be less than the amount paid on the adjusted cost basis as in effect at that time. Actual cost, or appraised value in case of donation, will be used for lands acquired during fiscal year 1978. For those areas of fee lands added to lands administered by the Service after September 30, 1978, by purchase, donation, or otherwise, fair market value shall be determined by appraisal as of the date said areas are administered by the Service.

(3) An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if a fee area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum, the same ratio as that portion of the fee area acreage which is within such county bears to the total acreage of such fee area.

(c) In accordance with section 5(A) of the act, each county which receives a payment under paragraphs (a) and (b) of this section, with respect to any fee area or reserve area, shall distribute that payment to those units of local government which have incurred the loss or reduction of real property tax revenues because of the existence of

such area in accordance with the following guidelines.

The local units of government entitled to this distribution will be those such as, but not limited to, cities, towns, townships, school districts, and the county itself in appropriate cases, which levy and collect real property taxes separately from the county or other primary taxing authority or those for which a tax is separately stated on a consolidated tax bill of the primary taxing authority in areas wherein eligible lands are located. The amount of distribution or passthrough to which each unit of local government shall be entitled shall be in the same proportion as its current tax loss bears to the current whole tax loss.

This proportion may be determined; from representative tax bills for the area; by construction by using assessments and millage rates; or by other suitable methods to achieve an equitable result. An example using the representative tax bill method is:

TYPICAL TAX BILL FOR THE AREA

County	\$80 or 80%
School District	20 or 20%
<hr/>	
Total	\$100 or 100%

The county would receive the total payment, keep 80 percent and pass through 20 percent to the school district. An example using the construction method is:

FOR A TYPICAL ACRE

Assessed value—		
\$100×80 mills County	\$8	80%
\$100×20 mills School District	\$2	20%
<hr/>		
Total	\$10	100%

Here again, the county would receive the total payment, keep 80 percent and pass through 20 percent to the school district.

Counties shall distribute the payment to eligible local units of government within 90 days from receipt of the payment. In the event a county cannot make the required distribution for reasons of State or local law, or otherwise, the Service will make the payments directly to local units of government upon return of the check and information upon which to make the payments.

(d) Each county which receives a payment under these regulations shall maintain a record for a period of three

§ 34.6

years as to how the payment was distributed to units of local government under paragraph (c) of this section. The record shall be available for inspection by the regional director, should a dispute arise as to the distribution of payments. See §29.21-2(c) for a listing of the regional directors of the Service.

§34.6 Schedule of appraisals.

The Secretary shall make fair market value appraisals of areas administered by the Service within five years after October 17, 1978, beginning with areas established earliest. All areas for which payments were not authorized prior to fiscal year 1979 (i.e.; fish hatcheries, administrative sites, and research stations) shall be included in the areas appraised during the first fiscal year. Once appraised, areas shall be reappraised on a schedule of at least once every five years. Until areas are appraised, the fair market value for the purposes of this regulation shall be the adjusted cost as of September 30, 1978, except that fee lands added to such areas after that date shall be on the basis of fair market value.

§34.7 Fair market value appraisals.

Fee areas administered by the Service will be appraised in accordance with standard appraisal procedures in order to estimate the fair market value of each area as a whole. The evaluation will be premised on an appropriate determination of highest and best use in accordance with existing or potential zoning, the present condition of the land and the general economic situation in the vicinity. Standard appraisal techniques will involve a market data comparison of these areas with similar properties which have sold recently in the local market. These techniques may also include consideration of potential income and development of the cost approach for special use properties having limited marketability. An appropriate evaluation of these areas will also take into consideration a discount for size as recognized by the market for large properties where applicable. The appraisals will be accomplished by the regional director, using Service staff appraisers or private appraisers contracted by the Service.

50 CFR Ch. I (10-1-02 Edition)

The Act requires that improvements placed upon the land after the date of Federal Acquisition be excluded from the fair market value. The only structures that will be included in the appraisal are those that were present at the time of Federal acquisition and have not been the subject of substantial renovation or modification with Federal funds. Evaluation of improvements will be based on their contributory value to the area as determined by the highest and best use study. Lands occupied by improvements not subject to appraisal will be valued as though unimproved.

The appraisals will be reviewed by the Service's review appraisers and the determination of the regional director as to fair market value shall be final and conclusive and shall be the basis for computation of revenue sharing payments.

§34.8 Appropriations authorized.

The Act authorizes appropriations to the fund for any fiscal year when the aggregate amount of payments required to be made exceeds the net receipts in the fund.

§34.9 Protests.

(a) Computation of payments shall be based on Federal records concerning land, real property improvements, and accounting of net receipts from areas administered solely or primarily by the Service.

(b) Any affected county may protest the results of the computations of its payments to the regional director in charge of the State and county affected. See §29.21-2(c) for a listing of the regional directors of the Service.

(c) Any protesting county shall submit sufficient evidence to show error in the computation or the data from which the computations are made.

(d) All protests to the regional director shall be filed within 90 days from the date of receipt of the payment.

(e) The regional director shall consult with the affected county to resolve conflicts in the computations and/or data. The regional director shall make a determination as to the correct payment, which determination shall be final and conclusive.

**PART 35—WILDERNESS PRESERVA-
TION AND MANAGEMENT**

Subpart A—General Rules

- Sec.
- 35.1 Definitions.
- 35.2 Objectives.
- 35.3 General regulations.
- 35.4 Appropriations and personnel.
- 35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.
- 35.6 Public use.
- 35.7 Control of wildfires, insects, pest plants, and disease.
- 35.8 Forest management.
- 35.9 Livestock grazing.
- 35.10 Controlled burning.
- 35.11 Scientific uses.
- 35.12 Water rights.
- 35.13 Access to State and private lands.
- 35.14 Special regulations.

**Subpart B—Special Regulations for Specific
National Wildlife Refuge Wilderness
[Reserved]**

AUTHORITY: 78 Stat. 890; 16 U.S.C. 1131–1136; 43 U.S.C. 1201.

SOURCE: 36 FR 25426, Dec. 31, 1971, unless otherwise noted.

Subpart A—General Rules

§ 35.1 Definitions.

As used in the rules and regulations in this subchapter:

National Wildlife Refuge System means all lands, waters, and interests therein administered by the U.S. Fish and Wildlife Service as national wildlife refuges, wildlife ranges, game ranges, wildlife management areas, waterfowl production areas, and areas for the protection and conservation of fish and wildlife which are threatened with extinction.

National Wilderness Preservation System means the units designated as wilderness by the Congress under the provisions of the Wilderness Act (supra).

Wilderness Units shall mean areas in the National Wildlife Refuge System that have been designated by Act of Congress as units of the National Wilderness Preservation System.

Secretary means the Secretary of the Interior.

Director means the Director of the U.S. Fish and Wildlife Service.

§ 35.2 Objectives.

(a) Units of the National Wildlife Refuge System have been established by diverse legal means and are administered for a variety of wildlife program purposes. The establishment of each wilderness unit is within and supplemental to the purposes for which a specific unit of the National Wildlife Refuge System was established and is administered. Each wilderness shall be administered for such other purposes for which the national wildlife refuge was established and shall be also administered to preserve its wilderness character.

(b) Except as otherwise provided by law, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use and shall be administered in such a manner as will leave them unimpaired for future use and enjoyment as wilderness.

§ 35.3 General regulations.

Rules and regulations governing administration of the National Wildlife Refuge System will apply to wilderness units where said rules and regulations do not conflict with provisions of the Wilderness Act or Act of Congress which establishes the wilderness unit.

§ 35.4 Appropriations and personnel.

No appropriation shall be made available for the payment of expenses or salaries for the administration of a wilderness unit as a separate entity nor shall any appropriation be made available for additional personnel solely for the purpose of managing or administering areas because they are included within the National Wilderness Preservation System.

§ 35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.

Except as specifically provided and subject to existing private rights, there shall be no commercial enterprise and no permanent road within a wilderness unit, and except as necessary to meet

§ 35.6

50 CFR Ch. I (10–1–02 Edition)

minimum requirements for the administration of the area (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanized transport, and no structure or installation within any such area.

(a) The Director may authorize occupancy and use of a national wildlife refuge by officers, employees, agencies, and agents of Federal, State, and county governments to carry out the purposes of the Wilderness Act and the Act establishing the wilderness and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, motorboats, installations, or structures may be used to meet the minimum requirements for authorized activities to protect and administer the wilderness. The Director may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, violations of civil and criminal law, or other purposes.

(b) The Director may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorized equipment at places within a wilderness where such uses were established prior to the date the wilderness was designated by Act of Congress as a unit of the National Wilderness Preservation System.

§ 35.6 Public use.

Public uses of a wilderness unit will be in accordance with the purposes for which the individual national wildlife refuge was established and is administered and laws and regulations governing public uses within the National Wildlife Refuge System.

(a) When public uses are authorized within a wilderness unit, the Refuge Manager may regulate such use. Regulating will include limiting the numbers of persons allowed in the wilderness at a given time, imposing restrictions on time, seasons, kinds and location of public uses, requiring a permit

or reservation to visit the area, and similar actions.

(b) All persons entering a wilderness unit will be required to remove such materials as they carry in.

(c) Informational signs for the convenience of visitors will not be permitted in a wilderness unit; however, rustic directional signs for visitor safety may be installed in locations appropriate to a wilderness setting.

(d) Limited public use facilities and improvements may be provided as necessary for the protection of the refuge and wilderness and for public safety. Facilities and improvements will not be provided for the comfort and convenience of wilderness visitors.

(e) Public services and temporary structures generally offered by packers, outfitters, and guides for realizing the recreational or other wilderness purposes of a wilderness may be permitted. Temporary installations and structures which existed for these subsistence purposes under valid special use permit or easement when the wilderness was established may be continued if their use is necessary to administer the refuge for the purposes for which it was established and for wilderness purposes. The number, nature, and extent of such temporary structures and services will be controlled through regulations and special use permits issued by the Refuge Manager so as to provide maximum protection of wilderness resources and values.

(f) Hunting and fishing in a refuge wilderness will be in accordance with Federal and State regulations including special regulations for the specific wildlife refuge. Hunting or fishing which requires motorized equipment will not be permitted except as provided in § 35.5(a) and (b).

§ 35.7 Control of wildfires, insects, pest plants, and disease.

To the extent necessary, the Director shall prescribe measures to control wildfires, insects, pest plants, and disease to prevent unacceptable loss of wilderness resources and values, loss of life, and damage to property.

§ 35.8 Forest management.

Forest management activities in a wilderness unit will be directed toward

allowing natural ecological processes to operate freely. Commercial harvesting of timber shall not be permitted except where necessary to control attacks of insects or disease as prescribed in § 35.7.

§ 35.9 Livestock grazing.

(a) The grazing of livestock, where established prior to the date of legislation which designates a wilderness unit, may be permitted to continue subject to part 29 of this subchapter and in accordance with special provisions which may be prescribed for individual units. Numbers of permitted livestock will not be more liberal than those utilizing a wilderness prior to establishment and may be more restrictive.

(b) The Director may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction or relocation of only those livestock management improvements and structures which existed within a wilderness unit when it was incorporated into the National Wilderness Preservation System.

§ 35.10 Controlled burning.

Controlled burning will be permitted on wilderness units when such burning will contribute to the maintenance of the wilderness resource and values in the unit; however, any fire in a wilderness area that poses a threat to resources or facilities outside the unit will be controlled and extinguished.

[36 FR 25426, Dec. 31, 1971, as amended at 37 FR 12067, June 17, 1972]

§ 35.11 Scientific uses.

Recognizing the scientific value of wilderness, research data gathering and similar scientific uses will be encouraged providing that wilderness values are not impaired. The person or agency involved in scientific investigation must be willing to accept reasonable limitations on activities and location and size of the area to be used for research purposes. A special use permit authorizing scientific uses shall be required.

§ 35.12 Water rights.

Nothing in the regulations in this part constitutes an expressed or implied claim or denial on the part of the Department of the Interior as to exemption from State water laws.

§ 35.13 Access to State and private lands.

Rights of States or persons and their successors in interest, whose land is surrounded by a wilderness unit, will be recognized to assure adequate access to that land. Adequate access is defined as the combination of modes and routes of travel which will best preserve the wilderness character of the landscape. Mode of travel designated shall be reasonable and consistent with accepted, conventional, contemporary modes of travel in said vicinity. Use will be consistent with reasonable purposes for which such land is held. The Director will issue such permits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area.

[36 FR 25426, Dec. 31, 1971; 37 FR 1049, Jan. 22, 1972]

§ 35.14 Special regulations.

(a) Special regulations will be issued by the Director for individual wilderness units within the National Wildlife Refuge System as established by Public Law. These special regulations will supplement the provisions of this part.

(b) Special regulations may contain administrative and public uses as recognized in the:

(1) Legislative Record of the establishing Act.

(2) Committee Reports of the Congress.

(3) Departmental and Executive Reports to the Congress.

(4) Other provisions.

(c) Such special regulations shall be published in subpart B of this part after a wilderness has been established by Public Law and shall become effective upon publication in the FEDERAL REGISTER (12-31-71).

Subpart B—Special Regulations for Specific National Wildlife Refuge Wilderness [Reserved]

PART 36—ALASKA NATIONAL WILDLIFE REFUGES

Subpart A—Introduction and General Provisions

Sec.

- 36.1 How do the regulations in this part apply to me and what do they cover?
 36.2 What do these terms mean?
 36.3 Information collection.

Subpart B—Subsistence Uses

- 36.11 Purpose and policy.
 36.12 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.
 36.13 Subsistence fishing.
 36.14 Subsistence hunting and trapping.
 36.15 Subsistence uses of timber and plant material.
 36.16 Closure to subsistence uses of fish and wildlife.

Subpart C [Reserved]

Subpart D—Other Refuge Uses

- 36.31 Recreational activities.
 36.32 Taking of fish and wildlife.
 36.33 What do I need to know about using cabins and related structures on Alaska National Wildlife Refuges?
 36.34 Firearms.
 36.35 Unattended property.
 36.36 Sled dogs and household pets.
 36.37 Revenue producing visitor services.

Subpart E—Refuge Specific Regulations

- 36.39 Public use.

Subpart F—Permits and Public Participation and Closure Procedures

- 36.41 Permits.
 36.42 Public participation and closure procedures.

TABLE I—SUMMARY LISTING THE NATIONAL WILDLIFE REFUGES IN ALASKA AS ESTABLISHED BY THE ALASKA LANDS ACT, PUBL. L. 96–487, DECEMBER 2, 1980

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460(k) *et seq.*, 668dd–668ee, as amended, 742(a) *et seq.*, 3101 *et seq.*; and 44 U.S.C. 3501 *et seq.*

SOURCE: 46 FR 31827, June 17, 1981, unless otherwise noted.

Subpart A—Introduction and General Provisions

§36.1 How do the regulations in this part apply to me and what do they cover?

(a) The regulations contained in this part are prescribed for the proper use and management of all Alaska National Wildlife Refuges and supplement the general National Wildlife Refuge System regulations found in title 50 CFR chapter I, subchapter C. The general National Wildlife Refuge System regulations are automatically applicable in their entirety to the Alaska National Wildlife Refuges except as supplemented or modified by these regulations or amended by ANILCA.

(b) Except as provided in paragraph (c) of this section, the regulations contained in this part are applicable only on federally-owned lands within the boundaries of any Alaska National Wildlife Refuge. For purposes of this part, “federally-owned lands” means land interests held or retained by the United States, but does not include those land interests:

- (1) Tentatively approved, legislatively conveyed, or patented to the State of Alaska; or
- (2) Interim conveyed or patented to a Native Corporation or person.

(c) The regulations found in 50 CFR, parts 25, 26, 27, and 28, and §§32.2(d) and 32.5(c), except as supplemented or modified by this part or amended by ANILCA, along with the regulations found in 50 CFR 36.35(d), also are applicable to administrative and visitor facility sites of the Fish and Wildlife Service in Alaska which we may hold in fee or less than fee title and are either inside or outside the approved boundaries of any Alaska National Wildlife Refuge. Less than fee title lands do not include easements under Section 17(b) of the Alaska Native Claims Settlement Act (85 Stat. 688), but although not limited to, they include sites administered by a national wildlife refuge under the terms of a memorandum of understanding or lease agreement.

[46 FR 31827, June 17, 1981, as amended at 64 FR 14151, Mar. 24, 1999]

§ 36.2 What do these terms mean?

The following definitions shall apply to the regulations contained in this part.

Adequate and feasible access means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

Adequate snow cover means snow of sufficient depth to protect the underlying vegetation and soil.

Administrative and visitor facility sites means any facility or site administered by the U.S. Fish and Wildlife Service for public entry or other administrative purposes including, but not limited to, refuge staff offices, visitor centers, public access and parking sites, and campgrounds.

Aircraft means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including but not limited to, airplanes, helicopters and gliders.

Alaska National Wildlife Refuges means all lands, waters and interests therein administered by the U.S. Fish and Wildlife Service within the following National Wildlife Refuges in Alaska: Alaska Maritime, Arctic, Alaska Peninsula, Becharof, Innoko, Kanuti, Kenai, Kodiak, Koyukuk, Nowitna, Selawik, Tetlin, Izembek, Togiak, Yukon Delta and Yukon Flats.

ANILCA means the Alaska National Interest Lands Conservation Act, 94 Stat 237, Pub. L. 96-487 (December 2, 1980).

Downed aircraft means an aircraft that as a result of mechanical failure or accident cannot take off.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, non-migratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or dead body or part thereof.

Off-road vehicle means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, wetland, or other natural terrain, except snowmobiles as defined in this section. It includes, but is not limited to, four-wheel drive or low-pressure-tire vehicles, motorcycles and related two-, three-, or four-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, air-thrust boats, recreation vehicle campers, and any other means of transportation deriving motive power from any source other than muscle or wind.

Person means any individual, firm, corporation, society, association, partnership, or other private or public body.

Public lands means lands situated in Alaska which are federally owned lands, except:

(1) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Refuge Manager means any Fish and Wildlife Service official in charge of an Alaska National Wildlife Refuge, the Alaska Regional Director of the Fish and Wildlife Service, or an authorized representative of either.

Snowmachine or *snowmobile* means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources

§ 36.3

for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and, for customary trade. For purpose of this paragraph, the term:

(1) *Family* means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) *Barter* means the exchange of fish or wildlife or their parts taken for subsistence uses:

(i) For other fish or game of their parts; or

(ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) *Customary trade* shall be limited to the exchange of furs for cash, and such other activities, if any, as may be designated in special rules for Alaska National Wildlife Refuges.

Take or *taking*, as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm or attempt to engage in any such conduct.

Temporary means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

[46 FR 31827, June 17, 1981, as amended at 51 FR 44793, Dec. 12, 1986; 64 FR 14151, Mar. 24, 1999]

§ 36.3 Information collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. *et seq.* and assigned clearance number 1018-0014. The collected information will assist the Service in administering these programs and, particularly, in the issuance of permits and the granting of statutory or administrative benefits. The information requested in the application form is required to obtain a benefit. The public reporting burden for this collection of information is estimated to average 1.5 hours each for 150 non-competitively awarded permits and 31.66 hours each for 60 competitively awarded permits including the

50 CFR Ch. I (10-1-02 Edition)

time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. The estimated annual number of respondents is 210, yielding a total annual reporting and record keeping burden of 2125 hours. Comments and suggestions on the burden estimate or any other aspect of the form should be sent directly to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Interior Desk Officer; Washington, DC 20503; and a copy of the comments should be sent to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 224-ARLSQ; 1849 C Street, NW., Washington, DC 20240.

[62 FR 45340, Aug. 27, 1997]

Subpart B—Subsistence Uses

§ 36.11 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each Alaska National Wildlife refuge was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles and the conservation of healthy populations of fish and wildlife, the utilization of Alaska National Wildlife Refuges is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within Alaska National Wildlife Refuge areas.

(d) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within Alaska National Wildlife Refuges to the extent

such regulation is consistent with applicable Federal Law, including but not limited to ANILCA.

(e) Nothing in this subpart shall be construed as permitting the level of subsistence uses of fish and wildlife within Alaska National Wildlife Refuges to be inconsistent with the conservation of healthy populations of fish and wildlife.

§ 36.12 Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of subchapter C of title 50 CFR the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within Alaska National Wildlife Refuges except at those times and in those areas restricted or closed by the Refuge Manager.

(b) The Refuge Manager may restrict or close a route or area to the use of snowmobiles, motorboats, dog teams or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Refuge Manager determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or other purposes and values for which the refuge was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local

newspaper if available, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge and the post office or postal authority of every affected community within or near the refuge area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the refuge, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams and other means of surface transportation in accordance with subpart C of this part.

§ 36.13 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in compliance with applicable State and Federal law. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 36.14 Subsistence hunting and trapping.

Local rural residents may hunt and trap wildlife for subsistence uses in Alaska National Wildlife Refuges in compliance with applicable State and Federal laws. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of wildlife which are now or will

§ 36.15

hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 36.15 Subsistence uses of timber and plant material.

(a) Notwithstanding any other provision of this part, the noncommercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in Alaska National Wildlife Refuges as follows:

(1) For live standing timber greater than six inches diameter at breast height (4½ feet above ground level), the Refuge Manager may allow cutting in accordance with the specifications of a special use permit if such cutting is determined to be compatible with the purposes for which the refuge was established;

(2) For live standing timber between three and six inches diameter at breast height, cutting is allowed on the Arctic National Wildlife Refuge south of latitude 68 degrees North and on the Innoko, Kanuti, Koyukuk, Nowitna, Selawik, Tetlin, and Yukon Flats National Wildlife Refuges unless restricted by the Refuge Manager, except that no more than 20 trees may be cut annually by an individual without a special use permit, no cutting may be done within 50 feet of a stream, lake, or river and no more than one tree in five (20%) may be cut in any specific stand; on the remainder of the Arctic National Wildlife Refuge and on all other Alaska National Wildlife Refuges, the Refuge Manager may allow cutting in accordance with the specifications of a special use permit if such cutting is determined to be compatible with the purposes for which the refuge was established;

(3) For live standing timber less than three inches diameter at breast height, cutting is allowed unless restricted by the Refuge Manager.

(b) The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit.

(c)(1) Notwithstanding any other provision of this part, the Refuge Man-

50 CFR Ch. I (10-1-02 Edition)

ager, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of an Alaska National Wildlife Refuge to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term "temporary" shall mean only as long as reasonably necessary to achieve the purpose of the closure.

(2) If the Refuge Manager determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Refuge Manager may immediately close all or any portion of an Alaska National Wildlife Refuge to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons therefor also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge and the post office or postal authority of every affected community within or near the refuge, or by the posting of signs in the vicinity of the restrictions, or both.

[46 FR 31827, June 17, 1981, as amended at 51 FR 44793, Dec. 12, 1986]

§ 36.16 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Refuge Manager, after consultation with the State and

adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of an Alaska National Wildlife Refuge to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purpose of the closure.

(b) If the Refuge Manager determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, he may immediately close all or any portion of a refuge to the subsistence uses of such population. Such emergency closure shall be effective when made, shall not exceed sixty (60) days, and may not subsequently be extended unless the Refuge Manager establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section and the reasons justifying such actions shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and justifying reasons shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Refuge Manager of the affected refuge area and the post office or postal authority of every affected community within or near the refuge area, or by the posting of signs in the vicinity of the closures, or both.

Subpart C [Reserved]

Subpart D—Other Refuge Uses

§ 36.31 Recreational activities.

(a) Public recreational activities within the Alaska National Wildlife Refuges are authorized as long as such activities are conducted in a manner compatible with the purposes for which the areas were established. Such recreational activities include, but are not limited to, sightseeing, nature observation and photography, sport hunting, sport fishing, boating, camping, hiking, picnicking and other related activities. Any existing special regulations now in force and effect shall continue to apply to the applicable refuge lands in Alaska National Wildlife Refuges.

(b) Surface collection, by hand (including handheld gold pans) and for personal recreational use only, of rocks and minerals is authorized: *Provided however*, That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of ground surface, such as the use of shovels, pickaxes, sluice boxes and dredges, are prohibited. The recreation activities specified in paragraphs (a) and (b) of this section may be prohibited or otherwise restricted in accordance with the provisions of § 36.42.

§ 36.32 Taking of fish and wildlife.

(a) The taking of fish and wildlife for sport hunting, trapping and sport fishing is authorized in accordance with applicable State and Federal law and such laws are hereby adopted and made a part of these regulations; *Provided however*, That the Refuge Manager, pursuant to § 36.42, may designate areas where, and establish periods when, no taking of a particular population of fish or wildlife shall be permitted.

(b) The exercise of valid commercial fishing rights or privileges obtained pursuant to existing law, including any use of refuge areas for campsites, cabins, motorized vehicles and aircraft landing directly incident to the exercise of such rights or privileges, is authorized; *Provided, however*, That the Refuge Manager may restrict or prohibit the exercise of these rights or

§ 36.33

50 CFR Ch. I (10-1-02 Edition)

privileges or uses of federally owned lands directly incident to such exercise if he determines, after conducting a public hearing in the affected locality, that they are inconsistent with the purposes of the refuge and that they constitute a significant expansion of commercial fishing activities within such refuge beyond the level of such activities in 1979.

(c) The following provisions shall apply to any person while engaged in the taking of fish and wildlife within an Alaska National Wildlife Refuge:

(1) *Trapping and sport hunting.* (i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law;

(iii) In addition to the requirements of paragraphs (a) and (b) of this section, each person shall continue to secure a trapping permit from the appropriate Refuge Manager prior to trapping on the Kenai, Izembek and Kodiak Refuges and the Aleutian Islands Unit of the Alaska Maritime Refuge.

(iv) It shall be unlawful for a person having been airborne to use a firearm or any other weapon to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred, except that a trapper may use a firearm or any other weapon to dispatch a legally caught wolf or wolverine in a trap or snare on the same day in which the flying occurred. This prohibition does not apply to flights on regularly scheduled commercial airlines between regularly maintained public airports.

(2) *Sport and commercial fishing.* (i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law.

(d) Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(e) Nothing in these rules shall be interpreted as waiving the requirements

of other fish and wildlife conservation statutes such as the Airborne Hunting Act or those provisions of subchapter C of title 50 CFR regarding the taking of depredating wildlife. Animal control programs shall only be conducted in accordance with a special use permit issued by the Refuge Manager.

[46 FR 31827, June 17, 1981, as amended at 59 FR 39412, Aug. 2, 1994]

§ 36.33 What do I need to know about using cabins and related structures on Alaska National Wildlife Refuges?

(a) *Definitions.* As used in this section, the term:

Administrative cabin shall mean any cabin only used by refuge or other authorized personnel for the administration of the refuge.

Cabin shall mean a small, usually single-story, three or more sided structure that is permanently and completely enclosed with a roof and walls. The roof and walls are not fabric, cannot be easily disassembled, and are not removed seasonally.

Commercial cabin shall mean any cabin which is used in association with a commercial operation including but not limited to commercial fishing activities and recreational guiding services.

Existing cabin shall mean any cabin situated on Federal lands before December 2, 1980. A cabin legally situated on lands that subsequently become refuge will also be considered an "existing" cabin providing the applicant meets the appropriate application deadlines.

Family shall include the spouse (including what is known as a common-law relationship), children by birth or adoption, and other blood relatives within the second degree of kindred.

Guest shall mean a person who occasionally visits the permittee in the cabin. This term does not include clients using commercial cabins.

Immediate family shall include the spouse and children, either by birth or adoption, of the claimant residing in the cabin or structure.

New cabin shall mean any permitted cabin constructed on refuge lands after December 2, 1980. This may also include a cabin whose claimant failed to meet

the application deadline for existing cabins but is otherwise a permitted cabin.

Other related structures shall mean those structures or devices essential to the activities for which the cabin special use permit is issued. This includes but is not limited to outdoor toilets, food caches, storage sheds, and fish drying racks.

Private recreational use shall mean a use associated with leisure activities, not including bona fide subsistence uses or authorized commercial uses.

Public use cabin shall mean a cabin owned and administered by the Fish and Wildlife Service and available for use by the public.

(b) *All cabins.* The regulations in this paragraph (b) shall apply to all cabins, claimants, occupants, and guests. The regulations in this paragraph (b) do not apply to temporary facilities: any structure or man-made improvement which can readily be completely dismantled and removed from the site when the period of authorized use is terminated.

(1) A special use permit is required to construct, use and/or occupy a cabin on Fish and Wildlife Service lands within the refuge. The permit may also authorize the use of related structures and other necessary appurtenances.

(2) After adequate public notice has been given, unclaimed cabins become the property of the Federal Government. Adequate public notice shall include: Posting notices of trespass on unclaimed cabins; publication of notices of trespass in Anchorage and Fairbanks newspapers and in at least one local newspaper if available; and posting notices of trespass at appropriate community post offices. A Government-owned cabin may be used for refuge administration, used for emergency purposes by the public, permitted to another applicant, designated a public use cabin, or destroyed. Disposal of excess cabins and structures will be according to regulations pursuant to title 41, chapter 114 of the Code of Federal Regulations.

(3) Willful noncompliance with the conditions and stipulations of a special use permit shall be considered grounds to invoke the administrative process leading to notice and hearing, and pos-

sible revocation of the permit. The refuge manager will attempt to resolve problems of noncompliance with the permittee as soon as possible after the situation becomes known. If this effort fails, the refuge manager shall provide written notice to the permittee within 30 days of that date, informing the permittee of noncompliance, giving specific instructions for compliance and providing appropriate time for the permittee to comply.

(4) No special use permit will be issued for the construction of a cabin for private recreational use or for the private recreational use of an existing cabin.

(5) Guests are allowed to occupy a cabin only during the activity period identified on the special use permit. Guests occupying a cabin during the absence of the permittee shall obtain a letter of authorization from the permittee. The guest must have a copy of the letter in his/her possession. In commercial cabins, the permittee or another person listed on the permit must be present when the cabin is occupied by guests or clients.

(6) A person whose permit application (new or renewal) for a cabin has been denied or whose cabin permit has been revoked by the refuge manager may appeal to the Regional Director as described in §36.41(b).

(c) *Existing cabins.* In addition to paragraph (b) of this section, the regulations in this paragraph (c) shall apply to all existing cabins, claimants, occupants, and guests.

(1) Where a valid cabin permit or lease was in effect on December 2, 1980, or at the time the land was subsequently added to the refuge, the refuge manager shall provide for the continuation of the permit or lease under the same conditions. The new permit shall be nontransferable and renewable every five years unless the continuation would directly threaten or significantly impair the purposes for which the refuge was established. The cabin and related structures are the personal property of the claimant and can be removed by him/her upon non-renewal or revocation. The owner of a cabin may sell his/her interest in the cabin to another person; however, the new owner

does not automatically qualify for a permit and must apply for a new one.

(2) To obtain a special use permit for a cabin that was not under permit or lease before December 2, 1980, or at the time the land was subsequently added to the refuge, a claimant should submit to the refuge manager an application that includes the following:

(i) Reasonable proof of possessory interest or right to occupy the cabin as shown by affidavit, bill of sale, or other document.

(ii) Date of construction or acquisition.

(iii) A sketch or photograph that accurately depicts the cabin and related structures.

(iv) The dimensions of the cabin and related structures.

(v) A U.S. Geological Survey topographic map that shows the geographic location of the cabin and related structures.

(vi) The claimant's agreement to vacate and remove all personal property from the cabin and related structures within one year from receipt of a non-renewal or revocation notice.

(vii) The claimant's acknowledgment that he/she has no legal interest in the real property on which the cabin and related structures are located.

(viii) A list of family members residing with the claimant in the cabin being applied for. It need only include those immediate family members who may be eligible to renew a permit for continued use and occupancy upon the original claimant's death (this is not applicable to cabins used for commercial purposes).

(3) Applications for permits for existing cabins, which are not currently under valid permits, will only be accepted for a period of one year following the effective date of these regulations. However, cabins that were legally located on lands that subsequently become refuge will also be considered "existing" cabins. The owners will have two years following the date the lands become refuge to apply for a permit. Following those dates, all applications for cabins will be for "new" cabins only, no matter when the cabin was built or first used. If ownership is not established within three years after the land becomes refuge, the

cabin may be considered abandoned, and it will become Federal property in accordance with Federal regulations.

(4) The occupancy of a noncommercial cabin is limited to the permittee and his/her family, bona fide partners, and guests.

(5) Major modification or rehabilitation of an existing cabin must be approved by the refuge manager before construction begins. The modifications will be done by the permittee or designated agent and will remain the property of the permittee. Major additions (e.g., larger than the original cabin) may fall under the ownership provisions for new cabins. Although cabins destroyed by accidents, vandalism or natural causes may be reconstructed, they must be approved by the refuge manager before construction and must meet the construction guidelines for new cabins, even though remaining the property of the claimant.

(d) *New cabins.* In addition to paragraph (b) of this section, the regulations in this paragraph (d) shall apply to all new cabins, claimants, occupants, and guests.

(1) A nontransferable, five year special use permit shall only be issued upon a determination that the proposed construction, use and maintenance of the cabin is compatible with refuge purposes and that the cabin use is either directly related to refuge administration or is needed for continuation of an ongoing activity or use otherwise allowed within the refuge where the applicant lacks a reasonable off-refuge site. In addition, these activities must have historically been supported by the construction and use of cabins in the geographic area. In general, new cabin permits will be given only to local residents to pursue a legitimate subsistence activity. In determining whether to permit the construction, use, and occupancy of cabins or other structures, the refuge manager shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of historic or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to a

permit are compatible with the purposes for which the refuge was established.

(2) To obtain a special use permit for a new cabin, an applicant should submit to the refuge manager an application that includes the following:

(i) A sketch that accurately depicts the proposed cabin and related structures.

(ii) The dimensions of the proposed cabin and related structures.

(iii) A U.S. Geological Survey topographic map that shows the geographic location of the proposed cabin and related structures.

(iv) The applicant's agreement to vacate and remove all personal property from the cabin and related structures within one year from receipt of a non-renewal or revocation notice.

(v) The applicant's acknowledgment that he/she has no legal interest in the cabin and related structures or in the real property on which the cabin and related structures are located.

(vi) A list of family members residing with the applicant in the cabin being applied for. It need only include those immediate family members who may be eligible to renew a permit for continued use and occupancy upon the original claimant's death.

(3) The permitting instrument shall be a nontransferable renewable five year special use permit. It shall be renewed every five years (upon request) until the death of the original claimant's last immediate family member unless the special use permit has been revoked or the cabin has been abandoned.

(4) No new cabins will be constructed in designated wilderness areas unless they are built specifically for the administration of the area, for public safety, or for trapping where trapping has been a traditional and customary use.

(5) New trapping cabins in wilderness will be available for public use to ensure public health and safety.

(6) The occupancy of a noncommercial cabin is limited to the permittee, and his/her family, bona fide partners, and guests.

(e) *Commercial cabins.* In addition to paragraph (b) of this section, the regulations in this paragraph (e) shall apply

to all commercial cabins, permittees, clients, guests, and occupants.

(1) A special use permit is required for all cabins used for commercial purposes. Refuge managers may also issue special use permits that authorize additional commercial use of an existing cabin used for guiding, etc. The use of a new cabin shall be limited to the type of use specified in the original permit. The refuge manager may permit the use of an existing cabin on non-wilderness refuge lands for the exercise of valid commercial fishing rights. Such a permit may be denied if, after conducting a public hearing in the affected locality, it is found that the use is inconsistent with refuge purposes and is a significant expansion of commercial fishing activities within the unit beyond 1979 levels.

(2) When the commercial fishing or guiding rights associated with a permittee's existing cabin are acquired by a new party, the privilege of using the cabin cannot be sold and the new party does not necessarily qualify for a cabin permit. He/she must apply for a permit and meet the criteria described in this paragraph (e) before issuance of a special use permit by the refuge manager. He/she may not occupy the cabin before issuance of a permit.

(3) No new commercial cabins will be permitted in wilderness areas.

(4) Commercial cabins may be occupied only by persons legitimately involved in the commercial enterprise, assistants, employees, their families, guests and clients and only during the time that the authorized activity is occurring. The names of those individuals, excluding guests and clients, will be listed on the permit. The permittee or another individual listed on the permit must be present when the cabin is occupied.

(5) Special use permits for commercial cabins may be renewed annually in conjunction with the special use permit renewal for the commercial activity itself. The cabin permit may be issued for periods of up to five years and is a separate permit from one issued for the commercial activity.

(f) *Administrative and government-owned public use cabins.* In addition to paragraph (a) of this section, the regulations in this paragraph (f) apply to

§ 36.34

all administrative and government-owned cabins.

(1) The refuge manager can designate those cabins not under permit as administrative cabins to be used for official government business. Administrative cabins may be used by the public during life-threatening emergencies. On a case-by-case basis, they may also be designated as public use cabins when not needed for government purposes. In such cases, the refuge manager must inform the public and post dates or seasons when the cabins are available.

(2) The refuge manager may designate government-owned cabins as public use cabins. They are only intended for short-term public recreational use and occupancy. The refuge manager may develop an allocation system for managing public use cabins for short-term recreational use. No existing public use cabins shall be removed or new public use cabins constructed within wilderness areas designated by the Alaska National Interest Lands Conservation Act of 1980 or subsequently designated wilderness areas until the Secretary of the Interior notifies the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources.

[59 FR 38314, July 27, 1994, as amended at 64 FR 14151, Mar. 24, 1999]

§ 36.34 Firearms.

The possession, use and transporting of firearms is authorized for hunting and personal protection in accordance with State and Federal laws unless prohibited or otherwise restricted by the Refuge Manager in accordance with the provisions of § 36.42.

§ 36.35 Unattended property.

(a) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without the prior permission of the Refuge Manager is prohibited, and any property so left may be impounded by the Refuge Manager.

(b) The Refuge Manager may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount and type of personal property that may be left unattended, (3) pre-

50 CFR Ch. I (10-1-02 Edition)

scribed the manner in which personal property may be left unattended or (4) establish limits on the length of time personal property may be left unattended.

(c) Such designations and restrictions arising under paragraph (b) of this section shall be (1) published in at least one newspaper of general circulation within the State, posted at community post offices within the affected vicinity, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated in a map which shall be available for public inspection at the office of the Refuge Manager, or (2) designated by the posting of appropriate signs or (3) both.

(d) In the event unattended property interferes with the safe and orderly management of a refuge area or causes damage to refuge resources, it may be impounded by the Refuge Manager at any time.

§ 36.36 Sled dogs and household pets.

The general trespass provisions of 50 CFR 26.21 shall not apply to household pets and sled, work, or pack dogs under the direct control of their owners or handlers, but such activities may be prohibited or otherwise restricted pursuant to the provisions of § 36.42.

[46 FR 40192, Aug. 7, 1981]

§ 36.37 Revenue producing visitor services.

(a) *Applicability.* (1) Except as otherwise provided for in this paragraph, the regulations contained in this section apply to new visitor services provided within all National Wildlife Refuge areas in Alaska.

(2) The rights granted by this section to historical operators, preferred operators, and Cook Inlet Region, Incorporated, are not exclusive. The Refuge Manager may authorize other persons to provide visitor services on refuge lands. Nothing in this section shall require the Refuge Manager to issue a visitor services permit if not otherwise mandated by statute to do so. Nothing in this section shall authorize the Refuge Manager to issue a visitor services permit to a person who is not capable

of carrying out its terms and conditions in a satisfactory manner.

(3) This section does not apply to the guiding of sport hunting or sport fishing.

(b) *Definitions.* The following definitions shall apply to this section:

(1) *Best offer* means a responsive offer that best meets, as determined by the Refuge Manager, the selection criteria contained in a competitive solicitation for a visitor services permit.

(2) *Controlling interest, in the case of a corporation* means an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business, so as to permit exercise of final managerial authority over the actions and operations of the corporation, or election of a majority of the Board of Directors of the corporation.

(3) *Controlling interest in the case of a partnership, limited partnership, joint venture or individual entrepreneurship* means a beneficial ownership of or interest in the entity so as to permit the exercise of final managerial authority over the actions and operations of the entity.

(4) *Controlling interest in other circumstances* means any arrangement under which a third party has the ability to exercise general management authority over the actions or operations of the business.

(5) *Historical operator* means any person who:

(i) On or before January 1, 1979, was lawfully engaged in adequately providing any type of visitor service in a refuge within the scope of paragraph (c) of this section;

(ii) Has continued to lawfully provide that visitor service; and

(iii) Is otherwise determined by the Refuge Manager to have a right to continue to provide such services or similar services pursuant to paragraph (c) of this section.

(6) *Local area* means that area in Alaska within 100 miles of the location within a refuge where any of the visitor service is authorized.

(7) *Local resident* means:

(1) For *individuals*. Those individuals that have maintained their primary, permanent residence and business within the local area for the past twelve (12) consecutive months and

whenever absent from this primary, permanent residence, have the intention of returning to it. Factors demonstrating the location of an individual's primary, permanent residence and business may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska, tax returns, and voter registrations.

(ii) For *corporations*. A corporation in which the controlling interest is held by an individual or individuals who qualify as "local resident(s)" within the meaning of this section. For non-profit corporations a majority of the board members and a majority of the officers must qualify as "local residents."

(8) *Native Corporation* means the same as defined in section 102(6) of ANILCA.

(9) *Preferred operator* means a local resident or Native Corporation which is entitled to a preference under this section in the award of a permit, and as otherwise provided under section 1307(b) of ANILCA.

(10) A *responsive offer* means one which is timely made and meets the terms and conditions of the solicitation document.

(11) *Similar visitor service* means that visitor service authorized by the Refuge Manager to be provided on a refuge and determined by the Refuge Manager, on a case by case basis, to be similar to an established service being provided by a historical operator.

(12) *Visitor service* means any service or activity made available for a fee, commission, brokerage, or other compensation to persons who visit a refuge, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing. This also includes any activity where one participant/member or group of participants pays more in fees than the other participants (non-member fees, etc.), or fees are paid to the organization which are in excess of the bona fide expenses of the trip.

(13) *Right of first refusal* means, as it relates to section 1307(a) of ANILCA, a reasonable opportunity for a historical operator to review a description of the new similar service and the terms and

conditions upon which it is to be provided to determine if the historical visitor service operator wishes to provide the service. As it relates to section 1307(c) of ANILCA, it refers to the opportunity for Cook Inlet Region, Incorporated to have the first opportunity to provide new visitor services on the Kenai National Wildlife Refuge in the Cook Inlet Region.

(c) *Visitor services existing on or before January 1, 1979, "historical operators"*.

(1) A historical operator shall have a right to continue to provide visitor services or similar services within such area, under appropriate terms and conditions, so long as such services are determined by the Refuge Manager to be consistent with the purposes for which the refuge was established. A historical operator must obtain a permit from the refuge manager to conduct the visitor services. The permit shall be for a fixed term and specified area, and shall contain such terms and conditions as are in the public interest. Failure to comply with the terms and conditions of the permit may result in cancellation of the authorization and consequent loss of historical operator rights under this section. Nothing in this section shall prohibit the Refuge Manager from permitting persons, in addition to historical operators, to provide visitor services in the refuge at the Refuge Manager's discretion so long as historical operators are permitted to conduct a scope or level of visitor services equal to or greater than those provided prior to January 1, 1979, under terms and conditions consistent with this section. A historical operator may be permitted by the Refuge Manager, under separate authority, to increase the scope or level of visitor services provided prior to January 1, 1979, but no historical operating rights shall be obtained in such increase.

(2) A historical operator may also apply to the Refuge Manager for a permit or amended permit to provide similar types of visitor services. Granting the request will not result in an increase in the scope or level of service in excess of those provided as of January 1, 1979, by the requesting historical operator. The Refuge Manager shall grant the request if such visitor serv-

ices are determined by the Refuge Manager to be:

(i) Consistent with the management of refuge resources and the purposes for which the refuge area was established;

(ii) Similar to the visitor services provided by the historical operator prior to January 1, 1979; and

(iii) Consistent with the legal rights of any other person.

(3) When a historical operator permit has expired, and if the visitor services permitted by it were adequately provided and consistent with the purposes of the refuge as determined by the Refuge Manager, the Refuge Manager shall renew the permit for a fixed term consistent with such new terms and conditions as are in the public interest. Should a historical operator decline to accept an offer of renewal, its rights as a historical operator shall be considered as terminated.

(4) If the Refuge Manager determines that permitted visitor services must be curtailed or reduced in scope or season to protect refuge resources, or for other purposes, the Refuge Manager shall require the historical operator to make such changes in visitor services. If more than one historical operator providing the same type of visitor services is required to have those services curtailed, the Refuge Manager shall establish a proportionate reduction of visitor services among all such historical operators, taking into account historical operating levels and other appropriate factors, so as to achieve a fair curtailment of visitor services among the historical operators. If the level of visitor services must be so curtailed that only one historical operator feasibly may continue to provide the visitor services, the Refuge Manager shall select one historical operator to continue to provide the curtailed visitor services through a competitive selection process.

(5) The rights of a historical operator shall terminate if the historical operator fails to provide the visitor services under the terms and conditions of a permit issued by the Refuge Manager or fails to provide the visitor services for a period of more than twenty four (24) consecutive months.

(6) The rights of a historical operator under this section shall terminate upon

a change, after January 1, 1979, in the controlling interest of the historical operator through sale, assignment, devise, transfer or otherwise.

(7) The Refuge Manager may authorize other persons to provide visitor services in a refuge in addition to historical operators, as long as such other persons conduct the services in a manner compatible with the purposes of the refuge.

(d) *Visitor services initially authorized after January 1, 1979, "preferred operators"*. (1) In selecting persons to provide, and in permitting any type of visitor service, excepting guided hunting or fishing, the Refuge Manager will give a preference to preferred operators determined qualified to provide such visitor services. Preferences for most directly affected Native Corporation(s) and local residents are equal and are not additive.

(2) In selecting persons to provide any type of visitor service for refuges subject to a preferred operator preference under this section, the Refuge Manager will publicly solicit competitive offers for persons to apply for a permit, or the renewal of a permit, to provide such visitor service pursuant to Service procedures. Preferred operators must submit a responsive offer to such solicitation in order to effect their preference. If, as a result of the solicitation, an offer from a person other than a preferred operator is determined to be the best offer and that offeror is determined to be capable of carrying out the terms of the permit, the preferred operator which submitted the most responsive offer shall be given an opportunity to substantially equal the best offer received by amending its offer. If the amended offer of the preferred operator is considered by the Refuge Manager as being substantially equal to the terms of the best offer, the preferred operator, if determined to be capable of carrying out the terms of the permit, shall be awarded the visitor service permit. If the preferred operator fails to meet these requirements, the Refuge Manager shall award the permit to the person who submitted the best offer in response to the solicitation. The Native Corporation(s) determined to be "most directly af-

ected" under this section and local residents have equal preference.

(3) Nothing in this section shall prohibit the Refuge Manager from authorizing persons other than preferred operators to provide visitor services in refuge areas so long as the procedures described in this section have been followed with respect to preferred operators. Preferred operators are not entitled by this section to provide all visitor services in a qualified refuge.

(4) An offer from a Native Corporation or a local corporation under this section must document its controlling interest in the entity or in the case of a joint venture, all partners, making the offer.

(5) The preferences described in this section may not be sold, assigned, transferred, or devised, directly or indirectly.

(e) *Preference to Cook Inlet Region, Incorporated (CIRI)*. (1) Cook Inlet Region, Incorporated, in cooperation with village corporations within Cook Inlet Region when appropriate, shall have a right of first refusal to provide new visitor services within that portion of the Kenai National Moose Range (Kenai National Wildlife Refuge) within the boundaries of Cook Inlet Region. The CIRI shall have ninety (90) days from receipt of a prospectus in which to exercise its right.

(2) In order to exercise this right of first refusal, CIRI must submit an offer responsive to the terms of a visitor services solicitation. If CIRI makes such an offer and is determined by the Refuge Manager to be capable of carrying out the terms of the special use permit, it shall be awarded the permit. If it does not, the permit may be awarded to another person pursuant to a showing that such other person can carry out the conditions of the special use permit in a manner compatible with the purposes of the refuge. An offer being made by CIRI under this section must document controlling interest by CIRI when made in cooperation with village corporations within the Cook Inlet Region. The CIRI right of first refusal shall have precedence over the rights of preferred operators.

(3) The right of first refusal described in this section may not be sold, transferred, devised, or assigned, directly or indirectly.

(f) *Most directly affected Native Corporation determination.* (1) Prior to the issuance of a solicitation document for any new visitor service in a refuge, the Refuge Manager shall provide an opportunity for any Native Corporation interested in providing visitor services within that refuge to submit an application to the Refuge Manager to be determined “most directly affected” Native Corporation. The application shall include but not be limited to, the following information:

(i) The name, address, and telephone number of the Native Corporation, the date of incorporation, its articles of incorporation and structure, and the name of the applicable refuge area;

(ii) The location of the corporation’s population center or centers;

(iii) An assessment of the socio-economic impacts, including historical and traditional use, and their effects on the Native Corporation as a result of the expansion or establishment of the refuge; and

(iv) Any other information the Native Corporation believes is relevant.

(2) Upon receipt of all applications from interested Native Corporations, the Refuge Manager will determine the “most directly affected” Native Corporation based on, but not limited to, the following criteria:

(i) The number of acres of surface land within and adjoining the refuge that the Native Corporation owns, or which has been selected under the Alaska Native Claims Settlement Act, unless such selection is determined to be invalid or is relinquished;

(ii) The distance and accessibility from the Native Corporation’s population center and/or business address to the applicable refuge; and

(iii) The socio-economic impacts, including historic and traditional use, and their effects as a result of the expansion or establishment of the refuge.

(3) In the event that more than one Native Corporation is determined to be equally affected, each such Native Corporation shall be considered as a preferred operator under this section.

(4) The Refuge Manager’s “most directly affected” Native Corporation determination or when requested, the Regional Director’s appeal decision for a refuge is applicable for all new visitor services in that refuge.

(5) Any Native Corporation that has not applied for a most directly affected Native Corporation determination may apply for a determination upon issuance of a future solicitation for a new visitor service. A corporation determined to be most directly affected for a refuge will maintain that status for all future visitor service solicitations.

(g) *Appeal procedures.* Any person(s) who believe that they have been improperly denied rights with respect to providing visitor services under this section may appeal the denial to the Regional Director. Such an appeal must be submitted in writing within forty-five (45) days of receipt of the denial from which an appeal is sought. The appeals process as defined in 50 CFR subpart F, 36.41(b) will apply with exception of the period of time allowed to file an appeal.

[62 FR 1842, Jan. 14, 1997]

Subpart E—Refuge Specific Regulations

§ 36.39 Public use.

(a) *General.* Public use of Alaska National Wildlife Refuges (NWR) is permitted subject to all other parts of 50 CFR part 36, those sections of 50 CFR subchapter C not supplemented by part 36, and the following refuge-specific requirements:

(b) *Alaska Maritime National Wildlife Refuge.* (1) Amchitka Island—closed to all public access, occupancy and use, unless specifically authorized by a special use permit issued jointly by the Refuge Manager and the U.S. Navy (Commanding Officer, Fleet Surveillance Support Command, Chesapeake, Virginia).

(c) *Alaska Peninsula/Becharof National Wildlife Refuge Complex.* (1) The Alaska Peninsula/Becharof National Wildlife Refuge (Complex) includes the Becharof National Wildlife Refuge, the Chignik and Ugashik Units of the Alaska Peninsula National Wildlife Refuge

and the Seal Cape Area of the Alaska Maritime National Wildlife Refuge.

(2) Off-road vehicles are permitted on the refuge complex under § 36.12(a), § 36.39(c)(2)(ii) or § 36.39(c)(2)(iii) and must meet the following conditions:

(i) Vehicles are limited to three or four-wheeled vehicles with a maximum gross weight of 650 pounds as listed by the manufacturer.

(ii) ORV's are permitted on the following trails only: Yantarni Bay Airstrip; Yantarni Bay Airstrip to beach trail; and Yantarni Bay Airstrip to oil well site trail. Maps of the above areas are available from the Refuge Manager.

(iii) Subject to the weight and size restrictions listed in (i) above, subsistence use of off-road vehicles, as authorized by 50 CFR 36.12(a) is allowed throughout the Alaska Peninsula/Becharof National Wildlife Refuge Complex.

(3) Camping is permitted on the Refuge Complex subject to the following restrictions:

(i) These camping limits do not apply to subsistence users except at Big Creek where they apply to all refuge complex users.

(ii) No permanent improvements may be made to campsites without a special use permit. All materials brought on to the refuge complex must be removed upon cessation of camping unless authorized by a special use permit.

(iii) Other than reserved sites authorized by special use permits, camping at one location is limited to seven consecutive nights from August 1 through November 15 within ¼ mile of the following waters: Becharof Lake in the Severson Peninsula area (Island Arm); Becharof Lake Outlet; Ugashik Narrows; Big Creek; Gertrude Lake; and Gertrude Creek between Gertrude Lake and the King Salmon River. Maps of the above areas are available from the Refuge Manager.

(iv) Tent camps must be moved a minimum of one mile following each seven-night camping stay during the periods specified above.

(4) Temporary facilities may be authorized on the Alaska Peninsula/Becharof National Wildlife Refuge Complex by special use permit only, subject to the following conditions:

(i) Except for administrative or subsistence purposes, new temporary facilities are prohibited within ¼ mile of the Becharof Lake shoreline.

(ii) Except for administrative purposes, new temporary facilities are prohibited in the following areas: within ¼ mile of the shorelines of Gertrude Lake and Long Lake; within ¼ mile of the airstrip on the south side of the King Salmon River approximately ½ mile above the confluence of Gertrude Creek and the King Salmon River; within ¼ mile of the shoreline of Upper and Lower Ugashik Lakes; within ¼ mile of the shoreline of Becharof Lake outlet; and within ¼ mile of the shoreline of Big Creek. Maps of the above areas are available from the Refuge Manager.

(d)-(h) [Reserved]

(i) *Kenai National Wildlife Refuge*—(1) *Aircraft*. (i) The operation of aircraft on the Kenai NWR, except in an emergency, is permitted only as authorized in designated areas as described below. These areas are also depicted on a map available from the Refuge Manager.

(A) Within the Canoe Lakes, Andy Simons, and Mystery Creek units of the Kenai Wilderness, only the following lakes are designated for airplane operations:

CANOE LAKES UNIT

Bedlam Lake
Bird Lake
Cook Lake
Grouse Lake
King Lake
Mull Lake
Nekutak Lake
Norak Lake
Sandpiper Lake
Scenic Lake
Shoepac Lake
Snowshoe Lake
Taiga Lake
Tangerra Lake
Vogel Lake
Wilderness Lake

Pepper, Gene, and Swanson Lakes are only open for sport ice fishing.

ANDY SIMONS UNIT

Emerald Lake
Green Lake
Harvey Lake
High Lake
Iceberg Lake
Kolomin Lakes
Lower Russian Lake
Martin Lake

§ 36.39

50 CFR Ch. I (10-1-02 Edition)

- Pothole Lake
- Twin Lakes
- Upper Russian Lake
- Windy Lake
- Dinglestadt Glacier terminus lake
- Wusnesenski Glacier terminus lake

Tustumena Lake and all wilderness lakes within one mile of the shoreline of Tustumena Lake.

All unnamed lakes in sections 1 & 2, T. 1 S., R. 10 W., and sections 4, 5, 8, & 9, T. 1 S., R. 9 W., S.M., AK.

MYSTERY CREEK UNIT

An unnamed lake in section 11, T. 6 N., R. 5 W., S.M., AK.

(B) Airplanes may operate on all lakes outside the Kenai Wilderness, except those lakes with recreational developments, including, but not limited to, campgrounds, campsites, and public hiking trails connected to road waysides. The non-wilderness lakes closed to aircraft operations are as follows:

NORTH OF STERLING HIGHWAY

- Afonasi Lake
- Anertz Lake
- Breeze Lake
- Cashka Lake
- Dabbler Lake
- Dolly Varden Lake
- Forest Lake
- Imeri Lake
- Lili Lake
- Mosquito Lake
- Rainbow Lake
- Silver Lake
- Upper Jean Lake
- Watson Lake
- Weed Lake
- West Lake

All lakes in the Skilak Loop Area (South of Sterling Highway and North of Skilak Lake) are closed to aircraft except that airplanes may land on Bottenintnin Lake, which is open year-around and Hidden Lake, which is only open for sport ice fishing.

SOUTH OF STERLING HIGHWAY

Headquarters Lake is restricted to administrative use only.

(ii) Notwithstanding any other provision of these regulations, the operation of aircraft is prohibited between May 1 and September 30, inclusive, on any lake where nesting trumpeter swans and/or their broods are present, except Windy and Lonesome Lakes where the closure is between May 1 and September 10 inclusive.

(iii) The operation of wheeled aircraft, at the pilot's own risk, is only authorized on the unmaintained Big Indian Creek Airstrip, on gravel areas within 1/2 mile of Wusnesenski Glacier terminus lake, and within the SE 1/4, section 16 and SW 1/4, section 15, T. 4 S., R. 8 W., Seward Meridian.

(iv) Unlicensed aircraft are permitted to operate on the refuge only as authorized by a special use permit from the Refuge Manager.

(v) Airplanes may operate only within designated areas on the Chickaloon Flats, as depicted on a map available from the Refuge Manager.

(vi) Airplane operation is permitted on the Kasilof River, the Chickaloon River outlet, and the Kenai River below Skilak Lake from June 15 through March 14. All other rivers on the refuge are closed to aircraft.

(2) Motorboats. Motorboats are authorized on all waters of the refuge except under the following conditions and within the following areas:

(i) Motorboats are not authorized on lakes within the Canoe Lakes Unit of the Kenai Wilderness, except those lakes designated for airplane operations as described on a map available from the Refuge Manager. Boat motor use is not authorized on those portions of the Moose and Swanson Rivers within the Canoe Lakes Unit of the Kenai Wilderness.

(ii) That section of the Kenai River from the outlet of Skilak Lake downstream for three miles is closed to motorboat use between March 15 and June 14, inclusive. However, any boat having a motor attached may drift or row through this section provided the motor is not operating.

(iii) That section of the Kenai River from the powerline crossing located approximately one mile below the confluence of the Russian and Kenai Rivers downstream to Skilak Lake is closed to motorboats. However, any boat having a motor attached may drift or row through this section provided the motor is not operating.

(iv) Motors in excess of 10 horsepower are not authorized on the Moose, Swanson, Funny, Chickaloon (upstream of river mile 7.5), Killey, and Fox Rivers.

(v) A "no-wake" restriction applies to Engineer, Upper and Lower Ohmer,

Bottenintnin, Upper and Lower Jean, Kelly, Petersen, Watson, Imeri, Afonasi, Dolly Varden, and Rainbow Lakes.

(vi) Notwithstanding any other provision of these regulations, operation of a motorboat is prohibited between May 1 and September 30, inclusive, on any lake where nesting trumpeter swans and/or their broods are present, except Windy and Lonesome Lakes where the closure is between May 1 and September 10, inclusive.

(3) *Off-Road Vehicles.* (i) The use of air cushion, airboat, or other motorized watercraft, except motorboats, is not allowed on the Kenai NWR, except as authorized by a special use permit from the Refuge Manager.

(ii) Off-road vehicle use, including operation on lake and river ice, is not permitted. Licensed highway vehicles are permitted on Hidden, Engineer, Kelly, Petersen, and Watson Lakes for ice fishing purposes only, and must enter and exit lakes via existing boat ramps.

(4) *Snowmobiles.* Operation of snowmobiles is authorized on the Kenai NWR subject to the following conditions and exceptions:

(i) Snowmobiles are permitted between December 1 and April 30 only when the Refuge Manager determines that there is adequate snowcover to protect underlying vegetation and soils. During this time, the Refuge Manager will authorize, through public notice, the use of snowmobiles less than 46 inches in width and less than 1,000 pounds (450 kg) in weight. Designated snowmobile areas are described on a map available from the Refuge Manager.

(ii) All areas above timberline, except Caribou Hills, are closed to snowmobile use.

(iii) The area within sections 5, 6, 7, and 8, T. 4 N., R. 10 W., S.M., AK., east of the Sterling Highway right-of-way, including the refuge headquarters complex, the environmental education/cross-country ski trails, Headquarters and Nordic lakes, and the area north of the east fork of Slikok Creek and northwest of a prominent seismic trail to Funny River Road, is closed to snowmobile use.

(iv) An area, including the Swanson River Canoe Route and portages, beginning at the Paddle Lake parking area, then west and north along the Canoe Lakes wilderness boundary to the Swanson River, continuing northeast along the river to Wild Lake Creek, then east to the west shore of Shoepac Lake, south to the east shore of Antler Lake, and west to the beginning point near Paddle Lake, is closed to snowmobile use.

(v) An area, including the Swan Lake Canoe Route, and several road-connected public recreational lakes, bounded on the west by the Swanson River Road, on the north by the Swan Lake Road, on the east from a point at the east end of Swan Lake Road south to the west bank of the Moose River, and on the south by the refuge boundary, is closed to snowmobile use.

(vi) Within the Skilak Loop Special Management Area, snowmobiles are prohibited, except on Hidden, Kelly, Petersen and Engineer lakes for ice fishing access only. Upper and Lower Skilak Lake campground boat launches may be used as access points for snowmobile use on Skilak Lake.

(vii) Snowmobiles may not be used on maintained roads within the refuge. Snowmobiles may cross a maintained road after stopping and when traffic on the roadway allows safe snowmobile crossing.

(viii) Snowmobiles may not be used for racing or for the harassment of wildlife.

(5) *Hunting and Trapping.* (i) Firearms may not be discharged within ¼ mile of designated public campgrounds, trailheads, waysides, buildings or the Sterling Highway from the east refuge boundary to the east junction of the Skilak Loop Road.

(ii) A special use permit, available from the Refuge Manager, is required prior to baiting black bears.

(iii) Hunting with the aid or use of a dog for taking big game is permitted only for black bear, and then only under the terms of a special use permit from the Refuge Manager.

(iv) Hunting and trapping within sections 5, 6, 7, and 8, T. 4 N., R. 10 W., S.M., AK., encompassing the Kenai NWR headquarters/visitor center and associated environmental education

trails, are prohibited. The boundary of these administrative and environmental education areas is depicted on a map available from the Refuge Manager.

(6) *Fishing.* Fishing is prohibited June 1 to August 15, on the south bank of the Kenai River from the Kenai-Russian River Ferry dock to a point 100 feet downstream.

(7) *What do I need to know about other public uses on Kenai National Wildlife Refuge?* (i) *What are the camping restrictions?* We allow camping subject to the following restrictions:

(A) Camping may not exceed 14 days in any 30-day period anywhere on the refuge.

(B) Campers may not spend more than two consecutive days at the Kenai-Russian River access area, more than seven consecutive days at Hidden Lake Campground, or more than seven consecutive days in refuge shelters.

(C) Within developed campgrounds, camp only in designated areas and use open fires only in portable, self-contained, metal fire grills, or fire grates provided by us.

(D) Do not camp within ¼ mile of the Sterling Highway, Ski Hill, or Skilak Loop roads except in designated campgrounds.

(E) Campers may cut only dead and down timber for campfire use.

(F) Pets must be on a leash no longer than nine feet in developed campgrounds.

(ii) *May I cut and remove timber?* You may remove timber, including the cutting of firewood for home use, only if you have obtained a special use permit from the Refuge Manager.

(iii) *May I leave personal property on the refuge?* Yes, however, if you leave personal property unattended for longer than 72 hours outside of a designated area, obtain a special use permit from the Refuge Manager.

(iv) *If I find research marking devices, what do I do?* Turn in all radio transmitters, neck and leg bands, ear tags, or other research marking devices recovered from wildlife to the Refuge Manager or the Alaska Department of Fish and Game within five days after recovery.

(v) *May I use non-motorized wheeled vehicles on the refuge?* Yes, but only on

refuge roads designated and open for public vehicular access.

(vi) *May I use motorized equipment on the refuge?* You may not use motorized equipment, including but not limited to chainsaws, generators, and auxiliary power units, within the Kenai Wilderness, except snowmobiles, airplanes and motorboats in designated areas.

(vii) *Must I register to canoe on the refuge?* Only canoeists on the Swanson River and Swan Lake Canoe Routes must register at entrance points. Maximum group size is 15 persons.

(viii) *Are any areas of the refuge closed to public use?* (A) We close rock outcrop islands in Skilak Lake used by nesting cormorants and gulls and the adjacent waters within 100 yards to public entry and use from March 15 to September 30. You may obtain maps showing these areas from the Refuge Manager.

(B) From July 1 to August 15 the public may not use or access any portion of the 25-foot wide public easements along both banks of the Kenai River within the Moose Range Meadows area; or along the Homer Electric Association Right-of-Way from Funny River Road and Keystone Drive to the downstream limits of the streamside easements. You may obtain maps showing these closed areas from the Refuge Manager by referring to Sections 1, 2, and 3 of Township 4 North, Range 10 West, Seward Meridian.

(j) *Kodiak National Wildlife Refuge—(1) Seasonal public use closure of the O'Malley River Area.* That area within the Kodiak National Wildlife Refuge described in this paragraph (j)(1) is closed to all public access, occupancy and use from June 25 through September 30. The area subject to seasonal closure consists of lands and waters located within Township 33 South, Range 30 West, Seward Meridian, Alaska, consisting of approximately 2,560 acres, and more particularly described as follows: Township 33 South, Range 30 West, Seward Meridian, Alaska, all of Section 25; all of Section 26, excluding U.S. Survey 10875 and the adjacent riparian ownership (Koniag Inc.) fronting the survey and extending to the center of Karluk Lake; and all of Sections 35 and 36, excluding U.S. Survey 10876 and the adjacent riparian ownership (Koniag Inc.) fronting the survey and

extending to the center of Karluk Lake. Maps of the closure area are available from the Refuge.

(2) Access easement provision. Notwithstanding any other provision of this paragraph (j), there exists a twenty-five foot wide access easement on an existing trail within the Koniag Inc. Regional Native Corporation lands within properties described in paragraph (j)(1) of this section in favor of the United States of America.

[51 FR 32332, Sept. 11, 1986, as amended at 51 FR 41509, Nov. 17, 1986; 60 FR 37311, July 19, 1995; 61 FR 29497, June 11, 1996; 64 FR 14154, Mar. 24, 1999]

Subpart F—Permits and Public Participation and Closure Procedures

§ 36.41 Permits.

(a) *Applicability.* The regulations contained in this section apply to the issuance and administration of competitively and noncompetitively issued permits for economic and/or other privileged uses on all national wildlife refuges in Alaska. Nothing in this section requires the refuge manager to issue a special use permit if not otherwise mandated by statute to do so. Supplemental procedures for granting historical use, Native Corporation, and local preferences in the selection of commercial operators to hold permits to provide visitor services, other than hunting and fishing guiding on refuges in Alaska, are addressed in § 36.37, Revenue producing visitor services.

(b) *Definitions.* As used in this section, the term or terms:

Commercial visitor service means any service or activity made available for a fee, commission, brokerage or other compensation to persons who visit a refuge, including such services as providing food, accommodations, transportation, tours, and guides. Included is any activity where one participant/member or group of participants pays more in fees than the other participants (non-member fees, etc.), or fees are paid to the organization which are in excess of the bona fide expenses of the trip;

Entire business means all assets including, but not limited to, equipment, facilities, and other holdings directly

associated with the permittee's type of commercial visitor service authorized by permit. This term also includes assets held under the name of separate business entities, which provide the same specific type of commercial visitor services authorized by permit, that the permittee has a financial interest in. The term does not include related enterprises owned by the permittee such as taxidermy and travel services;

Immediate family means the spouse and children, either by birth or adoption, of the permittee.

Operations plan means a narrative description of the commercial operations which contains all required information identified in the prospectus;

Permit means a special use permit issued by the refuge manager which authorizes a commercial visitor service or other activity restricted by law or regulation on a national wildlife refuge;

Prospectus means the document that the Service uses in soliciting competition to award commercial visitor services on a refuge;

Subcontracting means any activity in which the permittee provides financial or other remuneration to anyone other than employees to conduct the specific commercial services authorized by the Service. The permittee's primary authorized activities must be conducted in a genuine employer/employee relationship where the source of all remuneration for services provided to clients is from the permittee. Subcontracting does not apply to booking services or authorized secondary services provided to clients in support of the permittee's primary authorized activities (e.g., a guide paying a marine or air taxi operator to transport clients);

Subletting means any activity in which the permittee receives financial or other remuneration in return for allowing another commercial operator to conduct any of the permittee's authorized activities in the permittee's use area; and

Use area means the designated area where commercial services may be conducted by the permittee.

(c) *General provisions.* In all cases where a permit is required, the permittee must abide by the conditions

under which the permit was issued. Refuge managers will provide written notice to the permittee in all cases where documentation of noncompliance is prepared for use in any administrative proceeding involving the permittee.

(d) *Application.* (1) This section and other regulations in this part 36, generally applicable to the National Wildlife Refuge System, require that permits be obtained from the refuge manager. For activities on the following refuges, request permits from the respective refuge manager in the following locations:

Refuge	Office location
Alaska Peninsula National Wildlife Refuge.	King Salmon.
Alaska Maritime National Wildlife Refuge.	Homer.
Aleutian Islands Unit, Alaska Maritime NWR.	Homer.
Arctic National Wildlife Refuge	Fairbanks.
Becharof National Wildlife Refuge	King Salmon.
Innoko National Wildlife Refuge	McGrath.
Izembek National Wildlife Refuge	Cold Bay.
Kanuti National Wildlife Refuge	Fairbanks.
Kenai National Wildlife Refuge	Soldotna.
Kodiak National Wildlife Refuge	Kodiak.
Koyukuk National Wildlife Refuge	Galena.
Nowitna National Wildlife Refuge	Galena.
Selawik National Wildlife Refuge	Kotzebue.
Tetlin National Wildlife Refuge	Tok.
Togiak National Wildlife Refuge	Dillingham.
Yukon Delta National Wildlife Refuge ...	Bethel.
Yukon Flats National Wildlife Refuge ...	Fairbanks.

(2) For noncompetitively issued permits, the applicant may present the application verbally if he/she is unable to prepare a written application. The refuge manager will keep a written record of such verbal application. For competitively issued permits, the applicant must submit a written application in the format delineated in the prospectus or other designated format of the Service.

(3) The refuge manager will grant or deny applications for noncompetitively issued permits in writing within 45 days, except for good cause. For competitively issued permits, the refuge manager will grant or deny applications in accordance with the time frame established in the prospectus, except for good cause.

(4) Refuge managers may establish application period deadlines for individual refuges for both competitively and noncompetitively issued permits. The refuge manager will send notifica-

tion of availability for commercial opportunities and application deadlines to existing and/or the previous year's permittees. He/she will publish the notice in at least one newspaper of general circulation in the State and in at least one local newspaper if available, and will make available for broadcast on local radio stations in a manner reasonably calculated to inform local prospective applicants.

(5) The Service may limit the number of applications that an individual may submit for competitively awarded offerings.

(e) *Competitively awarded permits.* (1) Where the number of available permits is limited, refuge managers will award permits competitively. A prospectus with invitation to bid system will be the primary competitive method used for selecting commercial visitor services. Where justified, other selection methods, including but not limited to lotteries, may be used. Such circumstances may include, but not be limited to, the timely refilling of use areas that have become vacant during regularly scheduled terms to prevent commercial visitor service opportunities from going unused, and initiating trial programs on individual refuges. The refuge manager has discretionary authority to issue noncompetitive permits on a one-time, short-term basis to accredited educational institutions and other nonprofit organizations to conduct primarily environmental education-related activities that also may be recreational in nature in use areas where permits for that type of guided recreational activity are otherwise limited to competitive award.

(2) Where numbers of permits have been limited for an activity prior to the promulgation of these regulations and a prospectus with invitation to bid system has not yet been developed, refuge managers may issue noncompetitive five-year permits consistent with the terms set forth in paragraph (e)(16) of this section on a one-time basis to existing permittees.

(3) The Service will publish notice of all solicitations for competition in accordance with paragraph (d)(4) of this section and include reasonable application periods of not less than 60 days.

When competitively selecting permittees for an activity in a use area where permits for that activity were not previously competitively awarded, the Service will publish notice of the upcoming opportunity a minimum of 18 months prior to the effective date of the permit term.

(4) All prospectuses will identify the selection criteria that the Service will use to evaluate the proposals. All prospectuses involving commercial visitor services must include experience and performance in providing the same or similar services as a criterion. In evaluating the experience of an applicant, the Service will specifically consider knowledge of the specific area covered by the prospectus and the nature of the technical skills required to provide quality service to the public.

(5) A panel of Service employees who use a scoring process based on the selection criteria will evaluate and rank applications received in response to a prospectus.

(6) The Service has discretionary authority to not evaluate or consider proposals that are incomplete or improperly submitted.

(7) The Service may establish minimum scores to qualify for the award of permits. If established, these minimum scores will be identified in the prospectus.

(8) The Service may establish limits on the number of use areas within an individual refuge, or on refuges statewide, in which a permittee is authorized to operate. This limit applies to different corporations in which the same individual has any ownership interests.

(9) When vacancies occur in competitively filled use areas, the procedure for reissuing the permits will depend on how long it has been since the permit originally was issued. The Service will award the permit to the next highest ranking interested applicant in the original solicitation, if a vacancy occurs within the first 12 months of the permit's effective date. Resolicited competition for the area will occur as soon as practicable if:

- (i) A vacancy occurs after 12 months of the permit's effective date; and
- (ii) At least 24 months of the original permit term is available for a new per-

mittee after completion of the solicitation, application, evaluation and awards period. If less than 24 months of the term of the permit is available, the Service has the discretion to solicit competition during the regularly scheduled solicitation period. The Service may annually issue non-competitive permits for vacant areas, where there has not been significant permittee interest, until competition can be solicited in conjunction with other solicitations for vacant areas.

(10) Terms of permits awarded under the prospectus with invitation method are valid for 5 years except in those instances where the Service issues permits to fill vacancies occurring during a scheduled award cycle. In these instances, the permit duration is limited to the expiration date of the original award period. Permits awarded under the prospectus by invitation method must be renewed noncompetitively by the refuge manager for a period of 5 additional years upon application and a showing of permittee compliance with all applicable permit terms and conditions and a satisfactory record of performance. After one renewal, the Service shall not extend or noncompetitively renew another permit.

(11) Permit privileges may be transferred to other qualified entities that demonstrate the ability to meet Service standards, as outlined in the prospectus upon which the existing permit was based, subject to approval by the refuge manager. Requests for transfers must be made in writing to the refuge manager. A permittee who transfers his/her privileges will not be eligible to be considered for competitively awarded permits for the same type of activity on the same national wildlife refuge for a period of three years following the authorized transfer. The Service retains complete discretion in allowing transfers. In general, the Service approves transfers only upon demonstrating that it is to the government's benefit and if all the following criteria are satisfied:

- (i) The transfer is part of the sale or disposition of the current permittee's entire business as earlier defined;
- (ii) The current permittee was either conducting the commercial operation in the refuge under authorization of a

permit for a minimum of 12 years or owns significant real property in the area, the value of which is dependent on holding a refuge permit. Consideration of the last element will include, but is not limited to:

(A) The relationship of the real property to permitted refuge activities as documented in the operations plan;

(B) The percentage that the authorized refuge activities comprise of the total commercial use associated with the real property; and

(C) The appraised value of the real property.

(iii) The transferee must be independently qualified to hold the permit under the standards of the prospectus of the original existing permit.

(iv) The transferee has an acceptable history of compliance with State and Federal fish and wildlife and related permit regulations during the past 5 years. An individual with any felony conviction is an ineligible transferee. Transfer approval to an individual having any violations, convictions, or pleas of nolo contendere for fish and wildlife related federal misdemeanors or State violations will be discretionary. Denial is based on, but not limited to, whether the individual committed any violation in which the case disposition resulted in any of the following:

(A) Any jail time served or probation;

(B) Any criminal fine of \$250 or greater;

(C) Forfeiture of equipment or harvested animal (or parts thereof) valued at \$250 or greater;

(D) Suspension of privileges or revocation of any fish and wildlife related license/permits;

(E) Other alternative sentencing that indicates the penalty is of equal severity to the foregoing elements; or

(F) Any multiple convictions or pleas of nolo contendere for fish and wildlife-related Federal misdemeanors or State fish and wildlife-related violations or misdemeanors irrespective of the amount of the fine.

(12) The transferee must follow the operations plan of the original permittee. The transferee may modify the operations plan with the written consent of the refuge manager as long as the change does not result in increased

adverse impacts to refuge resources or other refuge users.

(13) Upon timely approval of the transfer, the Service will issue the new permittee a permit for the remaining portion of the original permit term. The refuge manager retains the right to restrict, suspend, revoke, or not renew the permit for failure to comply with its terms and conditions.

(14) Permit privileges issued under this paragraph (e) may be transferred, subject to refuge manager approval, to a former spouse when a court awards permit-associated business assets in a divorce settlement agreement to that person. The recipient must independently qualify to hold the originally issued permit under the minimum standards identified by the Service, and the permittee must have an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section.

(15) Permit privileges issued under this paragraph (e) may be transferred in the case of death or disability of the permittee, subject to refuge manager approval, as provided in this paragraph (e). In these cases, the permit privileges may pass to a spouse who can demonstrate he/she is capable of providing the authorized services and who has an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section. A spouse who lacks any required license(s) but otherwise qualifies may hire an employee, who holds the required license(s) and who has an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section, to assist in the operation. Permit privileges may also pass to another member of the immediate family or a person who was a business partner at the time of original permit issuance. This person must be independently qualified under the minimum standards identified by the Service at the time of original permit issuance and have an acceptable history of compliance as set forth in paragraph (e)(11)(iv) of this section.

(16) Upon September 26, 1997, refuge managers will amend existing competitively-awarded permits through the prospectus method to make the terms

fully consistent with this section, including eligibility for a 5-year non-competitive renewal.

(f) *Fees.* Permittees must pay fees formally established by regional and/or nation-wide Service policy. The refuge manager must document any fee exemption.

(g) *Subletting and subcontracting.* A permittee may not sublet any part of an authorized use area. Subcontracting any service authorized by the permit requires written approval from the refuge manager unless the subcontracted service is specifically identified in the permittee's approved operations plan.

(h) *Restriction, suspension and revocation of permits.* The refuge manager may suspend, revoke, or reasonably restrict the terms of a permit for noncompliance with the terms and conditions of the regulations in this subchapter C; for nonuse of the permit; for violations/convictions (including pleas of nolo contendere) of any law or regulation pertaining to the same type of activity authorized by the permit, whether or not the activity occurred on or off the refuge; to protect public health or safety; or if the refuge manager determines the use to be incompatible with refuge purposes or is inconsistent with the Service's obligations under Title VIII of the Alaska National Interest Lands Conservation Act. All actions pertaining to this paragraph are subject to the appeal process as set forth in paragraph (i) of this section.

(i) *Appeals.* (1) Any person adversely affected by a refuge manager's decision or order relating to the person's permit, or application for a permit, has the right to have the decision or order reviewed by the regional director. This section does not apply to permits or applications for rights-of-way. See 50 CFR 29.22 for the hearing and appeals procedure on rights-of-way.

(2) Prior to making any adverse decision or order on any permit or an application for a noncompetitively issued permit, the refuge manager will notify the permittee or applicant, verbally or in writing, of the proposed action and its effective date. A permittee or applicant of noncompetitively issued permits, shall have 45 calendar days after notification in which to present to the refuge manager, orally or in writing, a

statement in opposition to the proposed action or effective date. Notification in writing to a valid permit holder shall occur within 10 calendar days after receipt of the statement in opposition to the refuge manager's final decision or order. An applicant for a non-competitively issued permit shall be notified in writing within 30 calendar days after receipt of the statement in opposition, of the refuge manager's final decision or order. An applicant for a competitively issued permit who is not selected will not receive advance notice of the award decision. Such applicants, who wish to appeal the decision must appeal directly to the regional director within the time period provided for in paragraph (i)(3) of this section.

(3) The permittee or applicant shall have 45 calendar days from the post-marked date of the refuge manager's final decision or order in which to file a written appeal to the regional director. In appeals involving applicants who were not selected during a competitive selection process, the selected applicant concurrently will have the opportunity to provide information to the regional director prior to the final decision. Selected applicants who choose to take advantage of this opportunity, will retain their right of appeal should the appeal of the unsuccessful applicant result in reversal or revision of the original decision. For purposes of reconsideration, appellants shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, permit or competitive prospectus, which demonstrates that the appellant satisfies the criteria set forth in the document under which the permit application/award was made;

(ii) The basis for the permit applicant's disagreement with the decision or order being appealed; and

(iii) Whether or not the permit applicant requests an informal hearing before the regional director.

(4) The regional director will provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, and within a reasonable time, the regional director shall affirm, reverse, or modify the refuge manager's decision or order and

§ 36.42

50 CFR Ch. I (10–1–02 Edition)

shall set forth in writing the basis for the decision. The applicant must be sent a copy of the decision promptly. The decision will constitute final agency action.

(5) Permittee compliance with any decision or order of a refuge manager shall be required during the appeal process unless the regional director makes a preliminary finding contrary to the refuge manager's decision, and prepares a written determination that such action is not detrimental to the interests of the United States, or upon submission and acceptance of a bond deemed adequate by the refuge manager to indemnify the United States from loss or damage.

(j) *State selection of guide-outfitters.* Nothing in this section will prohibit the Service from cooperating with the State of Alaska in administering the selection of sport fishing guides and big game hunting guide-outfitters operating on national wildlife refuges should the State develop a competitive selection process which is acceptable to the Service.

[62 FR 45340, Aug. 27, 1997]

§ 36.42 Public participation and closure procedures.

(a) *Authority.* The Refuge Manager may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) *Criteria.* In determining whether to close an area or restrict an activity otherwise allowed, the Refuge Manager shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the Alaska National Wildlife Refuge area was established.

(c) *Emergency closures or restrictions.* (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or non-motorized surface transportation shall be made after notice and hearing;

(2) Emergency closures or restrictions relating to the taking of fish and

wildlife shall be accompanied by notice with a subsequent hearing;

(3) Other emergency closures or restrictions shall become effective upon notice as prescribed in § 36.42(f); and

(4) No emergency closure or restriction shall be for a period exceeding 30 days.

(d) *Temporary closures or restrictions.*

(1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats or non-motorized surface transportation, or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) affected by such closures or restriction, and other locations as appropriate;

(2) Other temporary closures shall be effective upon notice as prescribed in § 36.42(f);

(3) Temporary closures or restrictions shall extend only for so long as necessary to achieve their purposes, and in no case may exceed 12 months or be extended beyond that time.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be made only after notice and public hearings in the affected vicinity and other locations as appropriate, and after publication in the FEDERAL REGISTER.

(f) *Notice.* Emergency, temporary or permanent closures or restrictions shall be: (1) Published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Refuge Manager and other places convenient to the public; or

(2) Designated by the posting of appropriate signs; or

(3) Both.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Refuge Manager shall provide notice in the

FEDERAL REGISTER and shall, upon request, hold a hearing in the affected vicinity and other location, as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provision of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

TABLE I TO PART 36—SUMMARY LISTING THE NATIONAL WILDLIFE REFUGES IN ALASKA AS ESTABLISHED BY THE ALASKA LANDS ACT, PUB. L. 96-487, DECEMBER 2, 1980

1. Alaska Maritime, including:
 - Aleutian Island*
 - Bering Sea*
 - Bogoslof*
 - Chamisso*
 - Forrester Island*
 - Hazy Islands*
 - Pribilof*
 - Saint Lazaria*
 - Semidi*
 - Simeonof*
 - Tuxedni*
2. Alaska Peninsula
3. Arctic, including: William O. Douglas*
4. Becharof**
5. Innoko
6. Izembek*
7. Kanuti
8. Kenai*
9. Kodiak*
10. Koyukuk
11. Nowitna
12. Selawik
13. Tetlin
14. Togiak, including: Cape Newenham*
15. Yukon Delta, including:
 - Clarence Rhode*
 - Hazen Bay*
 - Nunivak*
16. Yukon Flats*

PART 37—GEOLOGICAL AND GEOPHYSICAL EXPLORATION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

Subpart A—General Provisions

- Sec.
37.1 Purpose.

*These indicated units were previously existing refuges before the Alaska Lands Act of December 2, 1980, and are now part of the 16 National Wildlife Refuges established by the Alaska Lands Act.

- 37.2 Definitions.
- 37.3 Other applicable laws.
- 37.4 Disclaimer and disqualification.

Subpart B—General Requirements

- 37.11 General standards for exploratory activities.
- 37.12 Responsibilities of permittee.
- 37.13 Group participation.
- 37.14 Bonding.

Subpart C—Exploration Plans

- 37.21 Application requirements.
- 37.22 Approval of exploration plan.
- 37.23 Special use permit.
- 37.24 Plan of operation.
- 37.25 Revision.

Subpart D—Environmental Protection

- 37.31 Environmental protection.
- 37.32 Special areas.
- 37.33 Environmental briefing.

Subpart E—General Administration

- 37.41 Responsibilities of the Regional Director.
- 37.42 Inspection and monitoring.
- 37.43 Suspension and modification.
- 37.44 Revocation and relinquishment.
- 37.45 Exploration by the U.S. Geological Survey.
- 37.46 Cost reimbursement.
- 37.47 Civil penalties.

Subpart F—Reporting and Data Management

- 37.51 Operational reports.
- 37.52 Records.
- 37.53 Submission of data and information.
- 37.54 Disclosure.

APPENDIX I TO PART 37—LEGAL DESCRIPTION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

AUTHORITY: Sec. 1002, Pub. L. 96-487, 94 Stat. 2449, as amended by sec. 110, Pub. L. 97-394, 96 Stat. 1982 (16 U.S.C. 3142); sec. 110, Pub. L. 89-665, as added by sec. 206, Pub. L. 96-515, 94 Stat. 2996 (16 U.S.C. 470h-2); sec. 401, Pub. L. 148, 49 Stat. 383, as amended (16 U.S.C. 715s); 31 U.S.C. 9701; 5 U.S.C. 301; 209 DM 6.1.

SOURCE: 48 FR 16858, Apr. 19, 1983, unless otherwise noted.

NOTE: The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq., because there are fewer than 10 respondents annually.

Subpart A—General Provisions

§ 37.1 Purpose.

These regulations implement the requirement of section 1002(d) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2450, as amended, 16 U.S.C. 3142(d), that the Secretary establish guidelines governing surface geological and geophysical exploration for oil and gas within the coastal plain of the Arctic National Wildlife Refuge. Section 1002 mandates an oil and gas exploration program for the refuge's coastal plain. The program shall culminate in a report to Congress which contains, among other things, the identification of those areas within the coastal plain that have oil and gas production potential, an estimate of the volume of oil and gas concerned, the description of the wildlife, its habitat, and other resources that are within the areas identified, and an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the refuge's resources. It is the objective of this program to ascertain the best possible data and information concerning the probable existence, location, volume, and potential for further exploration, development, and production of oil and gas within the coastal plain without significantly adversely affecting the wildlife, its habitat, or the environment and without unnecessary duplication of exploratory activities. These regulations prescribe the requirements and procedures for obtaining authorization for and the conduct of such exploratory activities, and for submitting to the Department the resulting data and information. These regulations also describe other matters relating to the administration of the program.

§ 37.2 Definitions.

The following definitions are applicable to the sections of this part.

(a) *Act* means section 1002 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2449, as amended by section 110 of Pub. L. 97–394, 96 Stat. 1982, 16 U.S.C. 3142.

(b) *Adequate protective cover* means snow or a frostline, or both, sufficient

to protect the vegetation and soil from significant adverse effects due to the operation of surface equipment, as determined by the Regional Director.

(c) *Coastal lagoons* means the waters and submerged lands between the mainland and the offshore barrier islands that lie between Brownlow Point and the Aichilik River within the coastal plain.

(d) *Coastal plain* means that area shown on the map entitled “Arctic National Wildlife Refuge”, dated August 1980, and legally described in appendix I of this part.

(e) *Cultural resource* means any district, site, building, structure, or object significant in American history, architecture, archeology, engineering or culture, as determined in accordance with 36 CFR 60.6.

(f) *Department* means the Department of the Interior and any of its component bureaus and offices.

(g) *Director* means the Director of the U.S. Fish and Wildlife Service of his authorized representative.

(h) *Exploration plan* means the way in which a program of exploratory activities is proposed to be arranged and carried out.

(i) *Exploratory activities* means surface geological exploration or seismic exploration or both of the coastal plain and all related activities and logistics required for either or both, and any other type of geophysical exploration of the coastal plain which involves or is a component of an exploration program for the coastal plain involving surface use of refuge lands and all related activities and logistics required for such exploration.

(j) *Harass* means to pursue, hunt, take, capture, molest, collect, harm, shoot or kill or attempt to engage in any of the preceding by either intentional or negligent act or omission.

(k) *Hazardous substances* means petroleum, petroleum products, toxic materials, chemical effluent, explosives, or other materials which are likely to cause significant adverse effects to the refuge's wildlife, its habitat, the environment, or humans.

(l) *Permittee* means the person authorized by a special use permit issued pursuant to this part to conduct exploratory activities on the coastal plain;

any official, employee, contractor, sub-contractor or agent of the permittee or of the permittee's designee; and any participant to the permittee's permit.

(m) *Person* means any individual, partnership, firm, corporation, association, organization, or agency.

(n) *Plan of operation* means detailed procedures, covering a period not to exceed 12 months, proposed for executing an exploration plan.

(o) *Processed, analyzed and interpreted data or information* means any data or information which results from any subsequent modification, processing, analysis, or interpretation of raw data and information by human or electronic means, on or off the refuge.

(p) *Raw data and information* means all original observations and recordings in written or electronic form and samples obtained during field operations.

(q) *Refuge* means the Arctic National Wildlife Refuge.

(r) *Regional Director* means the Regional Director, Region 7 of the U.S. Fish and Wildlife Service, or his authorized representative.

(s) *Rehabilitation* means the act of returning the landform and vegetation to as near its original shape and condition as practicable, as determined by the Regional Director.

(t) *Secretary* means the Secretary of the Interior or his authorized representative.

(u) *Service* means the U.S. Fish and Wildlife Service.

(v) *Solicitor* means the Solicitor of the Department of the Interior or his authorized representative.

(w) *Special use permit* means a revocable, nonpossessory privilege issued in writing by the Regional Director and authorizing the permittee to enter and use the refuge for a specified period to conduct exploratory activities, and other activities necessary thereto.

(x) *Support facilities* means facilities on or near the refuge used to provide logistical support for the field exploratory activities.

(y) *Third party* means any person other than a representative of the permittee or the United States government.

(z) *Waste* means all material for discard from exploratory activities. It includes, but is not limited to, human waste, trash, garbage, refuse, fuel drums, shot wire, survey stakes, explosives boxes, ashes, and functional and nonfunctional equipment.

(aa) *Wildlife* means fish or wildlife or both.

§ 37.3 Other applicable laws.

(a) Nothing in this part shall be construed to relieve a permittee or any person from complying with any applicable federal laws or any applicable state and local laws, the requirements of which are not inconsistent with this part.

(b) Until the litigation between the United States and the State of Alaska over title to the submerged lands of the coastal lagoons, "United States v. Alaska", Sup. Ct., No. 84, Orig. (1979), is resolved, the permittee shall satisfy both federal and state requirements for conducting oil and gas exploration in the coastal lagoons. In the event of an inconsistency between such requirements the permittee shall satisfy that requirement which provides the greatest environmental protection.

§ 37.4 Disclaimer and disqualification.

(a) Authorization granted under this part to conduct exploratory activities shall not confer a right to any discovered oil, gas, or other mineral in any manner.

(b) Any person who obtains access pursuant to § 37.54 to data and information obtained as a result of carrying out exploratory activities shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain. Any person who obtains access to data and information obtained as a result of carrying out exploratory activities from any person other than the permittee who obtained such data and information shall be disqualified from obtaining or participating in any lease of the oil and gas to which such data and information pertain.

Subpart B—General Requirements**§ 37.11 General standards for exploratory activities.**

(a) No exploratory activities shall be conducted without a special use permit. Requirements and procedures for obtaining a special use permit are prescribed in §§ 37.21 through 37.23.

(b) Exploratory activities shall be conducted so that they do not:

(1) Significantly adversely affect the refuge's wildlife, its habitat, or the environment;

(2) Unnecessarily duplicate exploratory activities of the permittee or another permittee; and

(3) Unreasonably or significantly interfere with another permittee's activities.

(c) Reexamination of an area may be permitted by the Regional Director if necessary to correct data deficiencies or to refine or improve data or information already gathered.

(d) Drilling of exploratory wells is prohibited.

§ 37.12 Responsibilities of permittee.

(a) The permittee shall comply and shall be responsible for the compliance of its officials, employees, contractors, subcontractors and agents with the regulations of this part, the terms and conditions of its special use permit, the provisions of its approved exploration plan and plan or operation, and all reasonable stipulations, demands and orders issued by the Regional Director. All actions by the permittee inconsistent with this part are prohibited.

(b) The permittee shall designate a general representative who shall be the person primarily accountable for managing the permittee's authorized activities, and a field representative who shall be the person primarily accountable for supervising the permittee's field operations, and their alternates. The Regional Director shall be informed of the names, addresses, and telephone numbers of the persons designated pursuant to this paragraph and of the procedures for contacting them on a 24-hour basis, including the radio frequency for field operations, at the time the permittee submits its first plan of operation pursuant to § 37.24. The permittee shall notify the Re-

gional Director promptly of any changes in such personnel or the procedures for contacting them.

(c) Field operations shall be conducted by the permittee or a designee approved by the Regional Director. Assignment of a designee shall be in a manner and form acceptable to the Regional Director. The Regional Director shall approve or disapprove a permittee's designee within 30 days following the receipt of such information as the Regional Director may require from the permittee and designee in order to reach his decision. Acceptance of a designee to act for the permittee in matters relating to the conduct of exploratory activities does not relieve the permittee of responsibility for compliance with applicable laws, its special use permit, exploration plan, plan of operation, and all reasonable stipulations, demands and orders of the Regional Director. The designee will be considered the agent of the permittee and will be responsible for complying fully with the obligations of the permittee. The serving of stipulations, demands, orders, and notices on the permittee's designee, when delivered personally or by radio or mail, will be deemed to be service upon the permittee. The permittee shall notify the Regional Director in writing when assignment of a designee has been cancelled. A designee cannot reassign its designation to another party. The permittee or designee shall notify the Regional Director 10 working days in advance of its intention to commence field operations for each season that it conducts exploratory activities.

(d) The permittee shall submit to the Regional Director 30 days prior to the commencement of field operations for each year covered by its exploration plan an updated list of the names and addresses of all persons participating in the exploratory activities covered thereby or sharing in the data and information resulting therefrom through a cost-sharing or any other arrangement.

(e) The permittee shall perform operations and maintain equipment in a safe and workmanlike manner. The permittee shall take all reasonable precautions necessary to provide adequate protection for the health and safety of

U.S. Fish and Wildlife Serv., Interior

§ 37.21

life and the protection of property and to comply with any health and safety requirements prescribed by the Regional Director.

§ 37.13 Group participation.

(a) To avoid unnecessary duplication of exploratory activities, the permittee shall, if ordered by the Regional Director, afford all interested persons, through a signed agreement, an opportunity to participate in its exploratory activities. Within 60 days following such order, the permittee shall provide evidence satisfactory to the Regional Director of its compliance therewith. The permittee shall provide the Regional Director with the names and addresses of all additional participants, as they join.

(b) If, with the approval of the Regional Director, the permittee at any time changes any provisions of its approved exploration plan relating to areal extent, intensity of exploratory activities, or logistical support, and the Regional Director determines such changes to be significant, the Regional Director may require the permittee to afford all interested persons another opportunity to participate in the permitted exploratory activities in accordance with paragraph (a) of this section.

(c) The requirements of this section do not preclude the permittee from initiating field operations as authorized under its special use permit.

(d) All participants shall be bound by the regulations of this part, the permittee's special use permit, approved exploration plan and plan of operation and any reasonable stipulations, demands and orders issued by the Regional Director.

§ 37.14 Bonding.

(a) Before the issuance of its special use permit, any applicant whose exploration plan has been approved under § 37.22 shall furnish to the Service a surety bond of not less than \$100,000, or other security satisfactory to the Service, to secure performance of its exploration plan and plan(s) of operation and compliance with the permit and this part. Such surety bond shall be issued by qualified surety companies approved by the Department of the

Treasury (see Department of the Treasury Circular No. 570). Such bond shall be maintained by the permittee for the benefit of the Service until the Regional Director notifies the permittee in writing that all terms and conditions of its exploration plan, special use permit, plan of operation, and this part have been met or otherwise consents to its cancellation or termination. Any bond furnished or maintained by a person under this section shall be on a form approved or prescribed by the Regional Director. The Regional Director may require an increase in the amount of any bond or other security to be furnished and any outstanding bond or security or require a new bond or security whenever additional coverage is needed to secure performance of its exploration plan and plan(s) of operation and compliance with the permit and this part or is needed as a consequence of default.

(b) Whenever a permittee's exploration plan, plan of operation, or special use permit is revised or modified, the permittee shall provide to the Regional Director within 30 days thereafter an acknowledgement by the surety that its bond continues to apply to the exploration plan, plan of operation or special use permit, as revised or modified, unless a waiver of notice to the surety is contained in the bond or the surety is not otherwise released by the revision or modification, or unless the permittee provides to the Service an increased or additional bond.

(c) Recovery of the amount specified in the permittee's bond or other security shall not preclude the Department from seeking specific performance by the permittee of any obligations not satisfied by enforcement of the bond or security, or compensation for any damages, losses or costs due to the permittee's activities which exceed the amount recovered, by pursuing the Department's legal remedies.

Subpart C—Exploration Plans

§ 37.21 Application requirements.

(a) Prior to submitting an exploration plan, applicants may meet with the Regional Director to discuss their proposed plans and exploratory activities and the requirements of this part.

§ 37.21

50 CFR Ch. I (10-1-02 Edition)

(b) Any person wanting to conduct exploratory activities may apply for a special use permit by submitting for approval one or more written exploration plans, in triplicate, to the Regional Director, Region 7, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. To be considered, exploration plans covering the period from the inception of the program through May 31, 1986, or any portions thereof, must be received by the Regional Director during normal business hours on May 20, 1983; exploration plans covering exploratory activities other than seismic exploration for the period from June 1, 1984, through May 31, 1986, or any portions thereof, must be received by the Regional Director during normal business hours on April 2, 1984; and exploration plans covering, but not limited to, seismic exploration for the period from October 1, 1984, through May 31, 1986, or any portions thereof, must be received by the Regional Director during normal business hours on June 4, 1984.

(c) In addition to containing the information required in paragraph (d) of this section, any exploration plan submitted shall describe the applicant's plan for carrying out an integrated program of exploratory activities in such a manner as will satisfy the objective and limitations stated in § 37.1. If an applicant submits an exploration plan on May 20, 1983 with the intention of submitting another exploration plan on March 1, 1984, the applicant shall describe in its initial plan how its future exploratory activities will be integrated with those proposed under its initial plan. Any applicant submitting an exploration plan on May 20, 1983 which incorporates preliminary field investigations and/or surface geological exploration proposed to commence before August 1, 1983 may submit a written request to the Regional Director for an expedited review and approval of that portion of the exploration plan covering such preliminary investigations and/or exploration. Each exploration plan submitted must be published and be the subject of a public hearing in accordance with requirements of § 37.22(b).

(d) An exploration plan shall set forth in general terms such informa-

tion as is required by this part and by the Regional Director in determining whether the plan is consistent with this part, including, but not limited to:

(1) The name and address of any person who will conduct the proposed exploratory activities, i.e., the applicant/permittee, and, if that person is an agency, firm, corporation, organization, or association, the names and addresses of the responsible officials, or, if a partnership, the names and addresses of all partners;

(2) The names and addresses of all persons planning at the time of plan submittal to participate in the proposed exploratory activities or share in the data and information resulting therefrom through a cost-sharing or any other arrangement;

(3) Evidence of the applicant's technical and financial ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment and of the applicant's responsibility in complying with any exploration permits previously held by it;

(4) A map at a scale of 1:250,000 of the geographic areas in which exploratory activities are proposed and of the approximate locations of the applicant's proposed geophysical survey lines, travel routes to and within the refuge, fuel caches, and major support facilities;

(5) A general description of the type of exploratory activities planned, including alternate exploratory methods and techniques if proposed, and the manner and sequence in which such activities will be conducted;

(6) A description of how various exploratory methods and techniques will be utilized in an integrated fashion to avoid unnecessary duplication of the applicant's own work;

(7) A schedule for the exploratory activities proposed, including the approximate dates on which the various types of exploratory activities are proposed to be commenced and completed;

(8) A description of the applicant's proposed communication techniques;

(9) A description of the equipment, support facilities, methods of access and personnel that will be used in carrying out exploratory activities;

(10) A hazardous substances control and contingency plan describing actions to be taken to use, store, control, clean up, and dispose of these materials in the event of a spill or accident;

(11) A general description of the anticipated impacts that the proposed exploratory activities may have on the refuge's wildlife, its habitat, the environment, subsistence uses and needs, and cultural resources, and a description of mitigating measures which will be implemented to minimize or avoid such impacts;

(12) A description of the proposed procedures for monitoring the environmental impacts of its operation and its compliance with all regulatory and permit requirements;

(13) A statement that, if authorized to conduct exploratory activities, the applicant shall comply with this part, its special use permit, its approved exploration plan, plan of operation, and all reasonable stipulations, demands and orders issued by the Regional Director;

(14) A description of the applicant's proposed data quality assurance and control program; and

(15) Such other pertinent information as the Regional Director may reasonably require.

[48 FR 16858, Apr. 19, 1983, as amended at 49 FR 7570, Mar. 1, 1984]

§ 37.22 Approval of exploration plan.

(a) An exploration plan shall be approved by the Regional Director if he determines that it satisfies the requirements of § 37.21 (c) and (d) and is otherwise consistent with the Act and the regulations of this part. In order to meet the objective and limitations stated in § 37.1, enforce the standards stated in § 37.11(b), or minimize adverse impacts on subsistence uses, the Regional Director may approve or disapprove any exploration plan in whole or in part or may require, as a condition of approval, an applicant to conduct its exploratory activities in an assigned area or jointly with other applicants or to make such modification in its exploration plan as he considers necessary and appropriate to make it consistent with this part. No plan shall be approved if the applicant submitting it does not demonstrate to the reason-

able satisfaction of the Regional Director its adequate technical and financial ability to conduct integrated and well designed exploratory activities in an arctic or subarctic environment, and a history of responsible compliance with any exploration permits that it or its responsible officials or partners may have previously held.

(b) Upon receipt of an exploration plan submitted in accordance with § 37.21(b), the Regional Director shall promptly publish notice of the application and text of the plan in the FEDERAL REGISTER and newspapers of general circulation in the State of Alaska. The Regional Director shall determine within 90 days after the plan is submitted whether the plan is consistent with this part. The Regional Director may extend this 90-day period for up to 30 additional days upon written notice to the applicant. Before making his determination, the Regional Director shall hold at least one public hearing in the State for the purpose of receiving public comments on the plan and may confer with the applicant whenever he deems it necessary. The Regional Director shall give the applicant written notice of his determination.

(c) Whenever the Regional Director disapproves an exploration plan in whole or in part, he shall notify the applicant in writing of the reasons for his disapproval. The applicant may request the Director to consider that which was disapproved by the Regional Director by filing a written request with the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, within 30 days from the date of disapproval. Such a request shall not operate to stay the Regional Director's disapproval. The request shall:

(1) State fully the basis for the applicant's disagreement with the Regional Director's determination;

(2) Include any statement or documentation, in addition to that already submitted by the applicant with its application, which demonstrates that the applicant's exploration plan is consistent with this part; and

(3) Indicate whether or not the applicant requests an informal hearing before the Director.

§ 37.23

The Director shall provide an informal hearing if requested by the applicant. Within 30 days of the receipt of the applicant's request for reconsideration or of the applicant's hearing, if any, whichever is later, the Director shall affirm, reverse, or modify the Regional Director's determination. Written notice of the Director's decision and the reasons therefor shall be provided promptly to the applicant. The Director's decision shall constitute the final administrative decision of the Secretary in the matter. Nothing in this part shall be construed to deprive the Secretary or the Assistant Secretary for Fish and Wildlife and Parks of the authority to take jurisdiction at any stage of any appeal or request for reconsideration and render the final decision in the matter after holding any informal hearing that may be required, to review any decision of the Regional Director or Director, or to direct the Regional Director or Director to reconsider a decision.

(d) The Regional Director, as a condition of approval of any exploration plan under this section, shall:

(1) Require that all data and information (including processed, analyzed and interpreted information) obtained as a result of carrying out the plan shall be submitted to the Regional Director, as provided in §37.53;

(2) Make such data and information available to the public, except that any processed, analyzed and interpreted data or information shall be held confidential by the Department for a period of not less than 10 years following the submission of such data or information to the Regional Director or 2 years following any lease sale including the area within the refuge from which the information was obtained, whichever period is longer, as provided in §37.54; and

(3) Require that all raw data and information obtained as a result of carrying out the plan shall be made available by the permittee to any person at fair cost.

(e) In the course of evaluating an exploration plan, the Regional Director shall also evaluate the effect of the proposed exploratory activities on subsistence uses and needs, the availability for exploration of alternate

50 CFR Ch. I (10-1-02 Edition)

areas within the coastal plain, and alternatives to the proposed activities which would reduce or eliminate the use of areas within the coastal plain needed for subsistence purposes. If the Regional Director finds that the exploration plan, if approved, would significantly restrict subsistence uses, he shall satisfy the requirement to hold a hearing on this issue by incorporating it in any hearing held pursuant to paragraph (b) of this section and shall otherwise satisfy the procedural requirements of section 810(a) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2427, 16 U.S.C. 3120, before approving the plan.

§ 37.23 Special use permit.

(a) Within 45 days, or sooner if practicable, of approving an exploration plan, or portion thereof, the Regional Director shall, unless prohibited by law, issue a special use permit to authorize the permittee to proceed with those exploratory activities described and approved in its exploration plan, or portion thereof, provided that the requirements of §37.14(a) have been satisfied. The special use permit may contain such terms and conditions and may be amended from time to time as the Regional Director deems necessary and appropriate to carry out the Act and this part.

(b) Before issuing a special use permit to authorize exploration of lands within the coastal plain allotted pursuant to the Act of May 17, 1906, 34 Stat. 197, as amended by the Act of August 2, 1956, 70 Stat. 954, or on lands within the coastal plain the surface estate in which has been selected by or conveyed to the Kaktovik Inupiat Corporation pursuant to Sections 12 and 14 of the Alaska Native Claims Settlement Act, 85 Stat. 701 and 702, 43 U.S.C. 1611 and 1613, the Regional Director shall seek the views of the holder of such approved native allotment or the Corporation for the purpose of developing permit conditions designed to mitigate the effects of such exploration on its interests.

§ 37.24 Plan of operation.

Each approved exploration plan shall be supplemented by a written plan of

operation for each fiscal year, or portions thereof, covered by the exploration plan. Each plan of operation shall specify the field operations for implementing that exploration plan during the year, or portions thereof, covered by the plan of operation. Each plan of operation shall be submitted to the Regional Director at least 30 days before field operations are to be commenced thereunder, except that any plan of operation supplementing a portion of an exploration plan that received expedited review and approval pursuant to § 37.21(c) shall be submitted 10 days before field operations are to be commenced thereunder. A plan of operation shall set forth such specific information as is required by the Regional Director in determining whether the plan is consistent with the exploration plan to which it pertains and with this part. The permittee shall make such modifications in its plan of operation as are deemed at any time by the Regional Director to be necessary and appropriate to ensure such consistency. Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in § 37.22(c).

§ 37.25 Revision.

(a) A permittee may request the Regional Director for permission to revise its approved exploration plan. Until the Regional Director grants the permittee's request, no revision of its exploration plan shall be implemented. Such request shall be deemed to be granted on the 10th working day following its receipt unless the Regional Director denies the request; advises the permittee that the proposed revision is major and, therefore, must satisfy the publication and hearing requirements of § 37.22(b) before it can be acted upon; by timely written notice extends the period for considering the request; conditionally approves the proposed revision with such modifications as he stipulates are necessary and appropriate; or, unconditionally approves the proposed revision within a shorter period. No revision of an exploration plan shall be approved that is inconsistent with the Act or this part. Approval of any revision is subject to the conditions

stated in § 37.22(d) to the extent that they are pertinent.

(b) Upon 10 working days advance notice to the Regional Director of its proposed revision, or within such lesser period as may be concurred in by the Regional Director, a permittee may implement a revision of its plan of operation, provided that such revision is consistent with the exploration plan to which the plan of operation pertains and this part. The Regional Director may require the permittee to defer, modify, or rescind such revision whenever he determines that such action is necessary and appropriate to ensure such consistency.

(c) Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director's actions unless such stay is granted in writing by the Director.

Subpart D—Environmental Protection

§ 37.31 Environmental protection.

(a) The permittee shall conduct operations in a manner which avoids significant adverse effects on the refuge's wildlife, its habitat, and environment. The Regional Director may impose stipulations to supplement the permittee's special use permit and issue other orders as needed to ensure that the permittee's activities are conducted in a manner consistent with this part. If, after 30 days, or in emergencies such shorter periods as shall not be unreasonable, following a demand by the Regional Director, the permittee shall fail or refuse to perform any action required by this part, its exploration plan, plan of operation, special use permit, or a stipulation or order of the Refuge Manager, the department shall have the right, but not the obligation, to perform any or all such actions at the sole expense of the permittee. Prior to making such demand, the Regional Director shall confer with the permittee, if practicable to do so, regarding the required action or actions included in the demand. Reconsideration of the Regional Director's demands under this section may be obtained by

§ 37.31

50 CFR Ch. I (10-1-02 Edition)

employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director's demands or the Department's performance pursuant to this section unless such stay is granted in writing by the Director.

(b) *Terrestrial environment.* (1) Vehicles shall be operated in a manner such that the vegetative mat or soil is not significantly damaged or displaced. Blading of snow on trails or campsites shall be limited so as to maintain an adequate protective cover.

(2) Ground vehicles shall be of the type causing the least practicable harm to the surface, such as Nodwell FN-110 or FN-60 or Bombardier track vehicles, mobile camps on flexible tracks or skids, vibrator units on flexible tracks or wheels, D-7 Caterpillar tractors, or their equivalent. They shall be operated only in the winter and where there is adequate protective cover. Vehicle operation shall cease in the spring when the Regional Director determines that the protective cover is no longer adequate. Operation of ground vehicles in the summer is prohibited.

(3) Movement of equipment through riparian willow stands shall be avoided, except when approved by the Regional Director.

(4) Above ground explosive charges shall be utilized in a manner to minimize damage to the vegetative mat.

(5) Campsites may be located on lakes which are frozen throughout, including bottom sediments, on durable ground, and on lagoons which are frozen to sufficient depth to ensure safety of personnel, but shall not be located on river ice. Durable ground can include gravel or sand bars or vegetated ground with adequate protective cover.

(6) Campsites and trails shall be kept clean of waste.

(7) Gray water may be discharged to the surface provided it is filtered, disinfected, and not discharged directly into lakes and rivers.

(8) The permittee shall take all precautionary measures necessary to prevent and suppress man-caused tundra fires and shall notify the Regional Director of the occurrence of any tundra fires immediately or as soon as communication can be established.

(9) Rehabilitation of disturbed surface areas shall be accomplished by the permittee in accordance with schedules and a plan required and approved by the Regional Director. Revegetation shall be accomplished exclusively with endemic species.

(10) The permittee shall not harass wildlife in any manner, including, but not limited to, close approach by surface vehicles or aircraft. Aircraft should maintain an altitude of at least 1500 feet above ground level whenever practicable.

(11) No explosives shall be detonated within ½ miles of any known denning brown or polar bear or any muskoxen or caribou herd.

(12) The permittee shall operate in such a manner as not to impede or restrict the free passage and movement of large mammals, including caribou, muskoxen, moose, polar bear, and brown bear.

(13) Feeding of wildlife is prohibited. This includes the leaving of garbage or edibles in a place which would attract wildlife. Garbage shall be kept in covered animal-proof containers while awaiting incineration.

(14) Hunting, fishing, and trapping by the permittee within the refuge are prohibited during the conduct of exploratory activities. Employing firearms in defense of life and property is allowed.

(c) *Aquatic environment.* (1) The permittee shall not significantly alter the banks of streams, rivers, or lakes while conducting exploratory activities. Crossings of stream, river, or lake banks shall utilize a low angle approach or, if appropriate, snow bridges. If snow bridges are utilized for bank protection they shall be free of dirt and debris and shall be removed after use or prior to breakup each year, whichever occurs first.

(2) No water shall be removed from any subsurface source. Removal of water or snow cover from or compaction of snow cover on streams, rivers or lakes identified by the Regional Director as inhabited by fish shall be prohibited during the winter.

(3) To protect fish and other aquatic fauna, high explosives shall not be detonated within, beneath, on or in close proximity to fish-bearing waters unless

prior drilling indicates that the water body, including its substrate, is solidly frozen. The minimum acceptable offset from fishing-bearing waters for various size charges is:

1 pound charge—50 feet
 2 pound charge—75 feet
 5 pound charge—125 feet
 10 pound charge—150 feet
 25 pound charge—250 feet
 100 pound charge—500 feet

Use of a charge in excess of 100 pounds shall be approved by the Regional Director and shall be in a manner prescribed or approved by him.

(4) All operations shall be conducted in a manner that will not impede the passage of fish, disrupt fish spawning, overwintering or nursery areas identified by the Regional Director or block or change the character or course of, or cause significant siltation or pollution of any stream, river, pond, pothole, lake, lagoon, or drainage system.

(5) Ground vehicles shall not cross active spring areas.

(d) *Cultural resources.* (1) Prior to implementing any plan of operation, the permittee shall obtain from the Regional Director copies of the cultural resource reconnaissance reports, maps and other available documents which identify all known cultural resource sites and areas of predicted high probability of containing cultural resources. The Regional Director may reasonably restrict or prohibit exploratory activities in these areas and, in accordance with 36 CFR part 800, thereby mitigate, minimize or avoid any adverse effects thereon.

(2) Unless otherwise specified by the Regional Director, the following prohibitions shall be in effect:

(i) No vehicle of any type shall pass over or through a known cultural resource site with standing structures; and

(ii) No seismic train shall camp on a known cultural resource site.

(3) If any exploratory activities require entry into areas known to contain historic or archeological resources, high probability areas, or areas previously unsurveyed for cultural resources, prior to the initiation of such activities, the permittee shall, if ordered by the Regional Director, locate, identify and evaluate properties

eligible for listing on the National Register of Historic Places, recover for the Department historic and archeological data contained in such properties, and take other measures, as directed by the Regional Director, designed to mitigate, minimize or avoid to the extent practicable any significant adverse effects on them. Such efforts shall be done in a manner prescribed or approved by the Regional Director in accordance with a programmatic memorandum of agreement among the Service, the State Historic Preservation Officer and the Advisory Council on Historic Preservation, and without expense or liability to the Department.

(e) *General.* (1) All spills or leakages of any hazardous substances, fires, fatalities, and any other conditions which threaten the refuge's resources, the environment, or human safety, shall be reported by the permittee to the Regional Director immediately or as soon as communication can be established. Other notifications shall be made by the permittee as required by applicable laws.

(2) All combustible solid waste shall be incinerated or returned to the permittee's base of operations for disposal in accordance with applicable federal, state and local standards. All non-combustible solid waste, including, but not limited to, fuel drums and shot wire, shall be returned to the permittee's base of operations for disposal in accordance with applicable federal, state and local standards.

(3) No discharge of petroleum, petroleum products, or toxic materials shall be made within the refuge. All hazardous substances utilized and/or generated in conducting exploratory activities shall be contained, controlled, and cleaned up in accordance with the permittee's approved hazardous substances control and contingency plan. Such measures shall take precedence over all other matters except human safety.

(4) Unless exigencies warrant, in any field operations employing surface geological exploration, the equipment, facilities, and personnel used within the coastal plain shall not exceed that necessary to support a maximum of 6 simultaneously operating surface geological survey crews, and in any field

§ 37.32

50 CFR Ch. I (10–1–02 Edition)

operations employing seismic exploration methods, the equipment, facilities, and personnel used within the coastal plain shall not exceed that necessary to support a maximum of 6 simultaneously operating seismic survey crews.

(5) No fuel storage facilities shall be placed within the annual floodplain of fish-bearing watercourses or within 100 feet of any other water body, and no vehicle refueling shall occur within such areas except when approved by the Regional Director. All fuel storage sites shall be approved by the Regional Director. Fuel containers shall be properly stored and marked with the permittee's name, type of fuel, and last date of filling. All fuel containers with a storage capacity greater than 55 gallons shall be of double-wall construction. All fuels containers, including those emptied, shall be capped when not in actual use. All fuel containers placed within the annual floodplain of fish-bearing watercourses shall be removed prior to breakup.

(6) The permittee shall not disturb or damage any geodetic land survey monuments. If any monument is disturbed or damaged, the permittee shall reestablish it in a manner acceptable to the Regional Director.

(7) The timing and location of the detonation of explosives shall be approved in advance by the Regional Director.

(8) No permanent structures or facilities will be erected within the coastal plain. The type and location of temporary structures and facilities including, but not limited to, ice airstrips, for use in support of exploratory activities must be approved by the Regional Director.

§ 37.32 Special areas.

(a) *Caribou calving and post-calving special areas.* The Regional Director shall designate within the coastal plain specific caribou calving and post-calving special areas which shall be closed to all exploratory activities for such periods between May 10 and July 15 of each year as those areas are determined by the Regional Director to be used for caribou calving and post-calving or both so as to ensure that exploratory activities do not signifi-

cantly adversely affect calving and post-calving caribou. No exploratory activities shall be conducted in such designated areas during such periods.

(b) *Muskoxen calving special areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect calving muskoxen, the Regional Director shall designate within the following areas specific areas which shall be closed to all exploratory activities for such periods between April 15 and June 5 of each year as those areas are determined by the Regional Director to be used for muskoxen calving. No exploratory activities shall be conducted in such designated areas during such periods.

(1) One generally encompassing the Tamayariak uplands bordered on the east by the Tamayariak River, on the northwest by the Canning River, on the east by a north-south line intersecting the benchmark "Can", and on the south by an east-west line also intersecting the benchmark "Can".

(2) One generally encompassing the Carter Creek uplands, bordered on the east by the Sadlerochit River, on the north by the mainland coastline, on the west by Carter Creek, and on the south by an east-west line approximately six miles inland from the coastline.

(3) One generally encompassing the Niguanak hills, bordered on the east by the Angun River, on the north by the mainland coastline, on the west by a line parallel to and two miles west of the Niguanak River, crossing portions of the Okerokovik River, and extending south to the southern boundary of the coastal plain, and on the south by the southern boundary of the coastal plain.

(c) *Brown bear and polar bear denning special areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect denning bears, the Regional Director shall designate within the coastal plain brown bear and polar bear denning sites within ½ mile of which all exploratory activities shall be prohibited for such periods between October 1 of one year and April 30 of the following year as are prescribed by the Regional Director.

(d) *Snow goose staging special areas.* Whenever he deems it necessary or appropriate to ensure that exploratory activities do not significantly adversely affect staging snow geese, the Regional Director shall designate within the general area bordered on the east by the Aichilik River, on the north by the mainland coastline, on the west by the Hulahula River, and on the south by the southern boundary of the coastal plain, specific snow goose staging special areas which shall be closed to all exploratory activities during such periods between August 20 and September 10 of each year as those areas are determined by the Regional Director to be used for snow goose staging. No exploratory activities shall be conducted in such designated areas during such periods.

(e) In addition, the Regional Director may designate specific areas within the coastal plain that are important for other wildlife or that encompass lands the surface estate in which is owned by holders of approved native allotments or the Kaktovik Inupiat Corporation as special areas in which exploratory activities may be prohibited, conditioned or otherwise restricted in such manner and for such period as prescribed by the Regional Director to avoid significant adverse effects from exploratory activities.

(f) The Regional Director shall notify the permittee of the locations of designated special areas and of the applicable limitations on its exploratory activities as far in advance of the effective dates of such limitations as is possible. The Regional Director may modify or remove such designations and limitations whenever he determines that they are no longer necessary to protect the resources or values of such special areas from significant adverse effects.

(g) No exploratory activities shall be conducted by any permittee at any time within ½ mile of the source of the Sadleochit Spring or within ¼ mile on either side of Sadlerochit Spring Creek for a distance of 5 miles downstream from its source.

§ 37.33 Environmental briefing.

The permittee shall provide opportunities for the Regional Director to con-

duct environmental and other pertinent briefings for all of its personnel involved in field operations prior to commencement of field work and periodically thereafter as the Regional Director may determine. The permittee shall require the attendance of its personnel and arrange the time and place for such briefings upon the request of the Regional Director. In addition, the permittee shall provide a copy of this part to each employee involved with its exploratory activities.

Subpart E—General Administration

§ 37.41 Responsibilities of the Regional Director.

The Regional Director is authorized to approve and disapprove exploration plans; issue special use permits; inspect and regulate exploratory activities; require compliance with the permittee's approved exploration plan, plan of operation, this part, and other statutes and regulations under which the refuge is administered; and perform all other duties assigned to the Regional Director by this part. The Regional Director may issue written or oral stipulations, demands and orders to carry out his responsibilities, and amend and terminate them as he deems appropriate. Any oral stipulation, demand or order shall be confirmed in writing within 3 working days from its issuance.

§ 37.42 Inspection and monitoring.

The Regional Director may designate field representatives, hereinafter known as Field Monitors, to monitor the exploratory activities in the field. A Field Monitor may exercise such authority of the Regional Director as is provided by delegation, except that a Field Monitor may not revoke a permittee's special use permit, and provided that any order issued by a Field Monitor which suspends all of a permittee's field activities shall, except in emergencies, require the concurrence of the Regional Director. The Regional Director shall have a continuing right of access to any part of the exploratory activities at any time for inspection or monitoring and for any other purpose that is consistent with this part. A permittee, upon request by the Regional Director, shall furnish lodging, food,

§ 37.43

and reasonable use of its communication and surface and air transportation systems, to the Field Monitors and other representatives of the United States for the purposes of inspecting and monitoring the permittee's exploration activities in the field and for any other purpose consistent with this part. Whenever possible, the Regional Director shall give advance notice of the need for such services and facilities, including the names of persons to be accommodated.

§ 37.43 Suspension and modification.

If at any time while exploratory activities are being carried out under an approved exploration plan and special use permit, the Regional Director, on the basis of information available to him, determines that continuation of further activities under the plan or permit will significantly adversely affect the refuge's wildlife, its habitat, or the environment, or significantly restrict subsistence uses, or that the permittee has failed to comply with its approved exploration plan, plan of operation, special use permit, any reasonable stipulation, demand or order of the Regional Director, or any regulation of this part, the Regional Director may, without any expense or liability to the Department, suspend activities under the plan and/or permit for such time, or make such modifications to the plan and/or permit, or both suspend and so modify, as he determines necessary and appropriate. Such suspensions shall state the reasons therefore and be effective immediately upon receipt of the notice. Suspensions issued orally shall be followed by a written notice confirming the action within 3 days, and all written notices will be sent by messenger or registered mail, return receipt requested. A suspension shall remain in effect until the basis for the suspension has been corrected to the satisfaction of the Regional Director. For good cause, the Regional Director may also grant at the permittee's request, a written waiver of any provision of its special use permit, so long as such waiver will not be likely to result in significant adverse effects on the refuge's resources. Reconsideration of the Regional Director's actions under this section may be ob-

50 CFR Ch. I (10-1-02 Edition)

tained by employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director's actions unless such stay is granted in writing by the Director.

§ 37.44 Revocation and relinquishment.

For nonuse, for failure to comply with § 37.14, or for any action of the permittee not consistent with this part, the Regional Director may revoke or a permittee may relinquish a special use permit to conduct exploratory activities at any time by sending to the other a written notice of revocation or relinquishment. Such notice shall state the reasons for the revocation or relinquishment and shall be sent by registered mail, return receipt requested, at least 30 days in advance of the date that the revocation or relinquishment will be effective. Revocation or relinquishment of a permit to conduct exploratory activities shall not relieve the permittee of the obligation to comply with all other obligations specified in this part and in its special use permit, approved exploration plan and plan of operation. Reconsideration of the Regional Director's actions under this section may be obtained by employing the procedures described in § 37.22(c). A request for reconsideration shall not operate to stay the Regional Director actions unless such stay is granted in writing by the Director.

§ 37.45 Exploration by the U.S. Geological Survey.

Notwithstanding the requirement found in § 37.21(b) on when exploration plans shall be submitted, the U.S. Geological Survey may at any time apply for a special use permit to conduct exploratory activities by submitting for approval one or more exploration plans in accordance with the requirements of this part and the Act. No plan submitted by the Survey will be approved unless (1) no other person has submitted a plan for the area involved which satisfies the regulations of this part and (2) the information which would be obtained from the Survey is needed to make an adequate report to Congress pursuant to the Act. Sections 37.13, 37.14, 37.22(d)(3), 37.46, 37.47, and

37.54(d) and the provisions of §§ 37.22(d)(2), 37.53(e), and 37.54 on processed, analyzed and interpreted data or information shall not apply to the Survey. If authorized to conduct exploratory activities, the Survey shall comply with this part in all other respects. All contractors and subcontractors used by the Survey to conduct exploratory activities shall be subject to all of the regulations of this part excepting §§ 37.13 and 37.46 and the provisions of §§ 37.22(d)(2), 37.53(e), and 37.54 on processed, analyzed and interpreted data or information.

§ 37.46 Cost reimbursement.

(a) Each applicant for or holder of a special use permit issued under this part shall reimburse the Department for its actual costs incurred, including, but not limited to, its direct costs and indirect costs as established by the indirect cost rate of the charging bureau or office, in publishing, reviewing (which includes, but is not limited to, conducting any public hearings thereon), modifying, and approving or disapproving the applicant's or permittee's exploration plan(s); reviewing evidence of the permittee's compliance with any order given by the Regional Director under § 37.13; preparing and issuing the permittee's special use permit; reviewing and acting on the permittee's plan(s) of operation; inspecting, monitoring, and enforcing the permittee's compliance with its approved exploration plan(s), plan(s) or operation, special use permit and this part; performing the permittee's obligations pursuant to § 37.31(a); and identifying, evaluating and preserving historic, archeological and cultural resources in areas to be explored by the permittee; as further delineated by the Regional Director.

(b) Each applicant shall submit with each exploration plan submitted a payment, the amount of which shall be an estimate made by the Regional Director of the costs which will be incurred by the Department in publishing, reviewing, modifying and approving or disapproving the applicant's exploration plan.

(1) If the applicant's plan is disapproved or if the applicant withdraws its application before a decision is

reached on its plan, the applicant shall be responsible for such costs incurred by the Department in processing the applicant's application up to the date on which the plan is disapproved or the Regional Director receives written notice of the applicant's withdrawal, and for costs subsequently incurred by the Department in terminating the application review process. If the costs actually incurred exceed the estimate paid at the time of application, reimbursement by the applicant of such additional costs shall be due within 30 days of receiving notice from the Regional Director of the additional amount due. If the actual costs incurred are less than the estimate paid by the applicant, the excess shall be refunded to the applicant.

(2) If the applicant's plan is approved, the applicant shall pay an estimate made by the Regional Director of the costs which will be incurred by the Department in preparing and issuing to the applicant a special use permit. The first quarterly payment made by the applicant pursuant to paragraph (c) of this section will be adjusted upward or downward, as warranted, to accurately reflect the actual costs incurred by the Department in processing the permit. If an applicant withdraws after its plan is approved, but before its special use permit is issued, the applicant shall be responsible for such costs incurred by the Department in preparing the applicant's permit up to the date on which the Regional Director receives written notice of the applicant's withdrawal and for costs subsequently incurred by the Department in terminating permit preparation and issuance.

(3) When two or more applications are filed which the Regional Director determines to be in competition with each other, each applicant shall reimburse the Department for such actual costs incurred in processing its exploration plan and special use permit, if issued, except that those costs which are not readily identifiable with one of the applicants, shall be paid by each of the applicants in equal shares.

(c) Upon issuance of a special use permit, the permittee shall make an initial advance payment covering that current fiscal year quarter and quarterly payments thereafter to cover the

actual costs incurred by the Department in administering the permittee's permit for its duration. Such costs shall include, but are not limited to, those direct costs and indirect costs, as established by the indirect costs rate of the charging bureau or office, incurred in reviewing and acting on permittee's plan(s) of operation; reviewing evidence of the permittee's compliance with any order given by the Regional Director under § 37.13; preparing and issuing the permittee's special use permit; inspecting, monitoring, and enforcing the permittee's compliance with its approved exploration plan, plan(s) of operation, special use permit and this part; performing the permittee's obligations pursuant to § 37.31(a); and identifying, evaluating and preserving historic, archeological and cultural resources in areas to be explored by the permittee. Each quarterly payment will be paid at the outset of the quarter and will cover the estimated cost of that quarter as adjusted by the Regional Director by reason of any adjustment warranted by paragraph (b) of this section or by overpayments or underpayments in previous quarters for which adjustment has not already been made. Upon termination of the permittee's special use permit, reimbursement or refundment of any outstanding amounts due the Department or the permittee shall be made within 180 days.

(d) Estimates required by this section shall be made by the Regional Director on the basis of the best available cost information. However, reimbursement shall not be limited to the Regional Director's estimate if actual costs exceed projected estimates.

(e) All payments required by this section shall be made payable to the Service. No applicant or permittee shall set off or otherwise deduct any debt due to or any sum claimed to be owed to it by the United States from any payment required by this section. Overpayments shall be credited or refunded to the person making them.

(f) When through partnership, joint venture or other business arrangement more than one person applies for or participates in a special use permit, each shall be jointly and severally lia-

ble for reimbursing the Department's cost under this section.

(g) Any lodging, food, communication, and transportation provided by a permittee under § 37.42 shall be deemed to be costs paid to the Department in kind for services rendered in inspecting and monitoring the permittee's exploratory activities. At the end of each quarter, the permittee shall furnish the Regional Director with a report, in a format approved or prescribed by him, on the goods and services provided during that quarter, and the names of the individuals to whom they were provided.

(h) Any dispute between an applicant or permittee and the Regional Director as to costs actually incurred by the Department and charged to the applicant or permittee shall be finally decided for the Secretary by the Director, using the procedures described in § 37.22(c).

§ 37.47 Civil penalties.

(a) This section prescribes the procedures for assessing a civil penalty for the violation of any provision of an approved exploration plan, any term or condition of the special use permit issued under § 37.23, or any prohibition contained in this part. The civil penalty remedy afforded by this section is in addition to all other remedies available to the Secretary.

(b) *Notice of violation.* (1) The notice of violation shall be issued by the Solicitor and served personally or by registered mail upon the person named in the notice (hereinafter the respondent) or his authorized representative. The notice shall contain:

(i) A summary of the facts believed to show a violation by the respondent;

(ii) A specific reference to the provision, term, condition or prohibition allegedly violated; and

(iii) The amount of the penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the action.

(2) The notice of violation shall also advise respondent of his right to:

(i) Respond to the notice within 45 calendar days from the date of its issuance by: (A) Undertaking informal

discussions with the Solicitor; (B) Accepting the proposed penalty or the compromise, if any, offered in the notice; or (C) Filing a petition for relief in accordance with paragraph (c) of this section; or

(ii) Take no action and await the Solicitor's notice of assessment. Such response must be received by the Solicitor on or before the 45th day during normal business hours at the address stated in the notice.

(3) Any notice of violation may be amended, but any nontechnical amendment will extend the running of the respondent's 45 day period for response from the date of the notice to the date of the amendment.

(4) Acceptance of the proposed penalty or the compromise, if any, stated in the notice of violation shall be deemed to be a waiver of the notice of assessment required in paragraph (d) of this section and of the respondent's right to an opportunity for a hearing described in paragraph (e) of this section.

(c) *Petition for relief.* If the respondent chooses, he may ask that no penalty be assessed or that the amount be reduced and he may admit or contest the legal sufficiency of the Solicitor's charges and allegations of facts, by filing a petition for relief at the address specified in the notice within 45 calendar days from the date thereof. Such petition must be received by the Solicitor on or before the 45th day during normal business hours. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, partnership, association or agency, the petition must be signed by an officer or official authorized to sign such document. It must set forth in full the legal or other reasons for the relief requested.

(d) *Notice of assessment.* (1) After 45 calendar days from the date of the notice of violation or any amendment thereof, the Solicitor may proceed to determine whether the respondent committed the violation alleged and to determine the amount of civil penalty to be assessed, taking into consideration the information available and such showing as may have been made by the respondent. The Solicitor shall notify the respondent of his determina-

tions by a written notice of assessment, which shall also set forth the basis for his determinations. The notice of assessment shall be served on the respondent personally or by registered mail.

(2) The notice of assessment shall also advise the respondent of his right to request a hearing on the matter in accordance with paragraph (e) of this section.

(e) *Request for a hearing.* Within 45 calendar days from the date of the issuance of the notice of assessment, the respondent may request a hearing to be conducted on the matter in accordance with 5 U.S.C. 554 through 557 by filing a dated, written request for hearing with the Hearings Division, Office of Hearings and Appeals, Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. Such request must be received at this address on or before the 45th day during normal business hours. The respondent shall state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and the notice of assessment. A copy of the request shall be served upon the Solicitor personally or by mail at the address specified in the notice of assessment.

(f) *Finality of decision.* If no request for a hearing is filed in accordance with this section, the assessment stated in the notice of assessment shall be effective and constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment. If the request for hearing is timely filed in accordance with this section, the date of the final administrative decision in the matter shall be as provided in paragraph (g) or (h) of this section. When a civil penalty assessed under this section becomes final, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in the Office of the Solicitor during normal business hours on or before the 20th day.

(g) *Hearing.* (1) Upon receipt of a request for a hearing, the Hearings Division will assign an administrative law

judge who shall have all the powers accorded by law and necessary to preside over the parties and the hearing and to make decisions in accordance with 5 U.S.C. 554 through 557. Notice of such assignment shall be given promptly to the respondent and to the Solicitor at the address stated in the notice of assessment. Upon notice of the assignment of an administrative law judge to the case, the Solicitor shall file all correspondence and petitions exchanged between the Solicitor and the respondent which shall become a part of the hearing record.

(2) The hearing shall be conducted in accordance with 5 U.S.C. 554 through 557 and with 43 CFR part 4 to the extent that it is not inconsistent with this part. Subject to 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel. The hearing shall be held in a location established by the administrative law judge, giving due regard to the convenience of the parties, their representatives and witnesses. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the decision on the record made at the hearing. The judge shall render a written decision on the record, which shall set forth his findings of facts and conclusions of law and the reasons therefore, and an assessment of a civil penalty if he determines that the respondent committed the violation charged.

(3) Discovery shall be obtained by employing the procedures described 43 CFR 4.1130 through 4.1141. In addition, discovery of facts known and opinions held by experts, otherwise discoverable under 43 CFR 4.1132(a) and acquired and developed in anticipation of administrative adjudication or litigation, may be obtained only as follows:

(i)(A) A party through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(B) Upon motion, the administrative law judge may order further discovery

by other means, subject to such restrictions as to scope and such provisions under paragraph (g)(3)(iii) of this section concerning fees and expenses, as the administrative law judge may deem appropriate.

(ii) A party may discover facts known or opinions held by an expert, who has been retained or employed by another party in anticipation of administrative adjudication or litigation or preparation therefore and who is not expected to be called as a witness, only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(iii) Unless manifest injustice would result, (A) the administrative law judge shall require the party seeking discovery to pay the expert, or the Department if the expert is an employee of the United States, a reasonable fee for time spent in responding to paragraphs (g)(3)(i)(B) and (g)(3)(ii) of this section; and (B) with respect to discovery under paragraph (g)(3)(i)(B) of this section the administrative law judge may require and with respect to discovery under paragraph (g)(3)(ii) of this section the administrative law judge shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

(4) Unless the notice of appeal is filed in accordance with paragraph (h) of this section, the administrative law judge's decision shall constitute the final administrative decision of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

(h) *Appeal.* (1) Either the respondent or the Solicitor may seek an appeal from the decision of an administrative law judge as to the respondent's violation or penalty or both by the filing of a notice of appeal with the Director, Office of Hearings and Appeals, United States Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the

administrative law judge and the opposing party.

(2) Upon receipt of such a request, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of 43 CFR part 4, subpart G shall apply to appeal proceedings under this paragraph. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the matter on the date it is rendered, unless otherwise specified therein.

(i) *Amount of penalty.* The amount of any civil penalty assessed under this section shall not exceed \$10,000 for each violation. Each day of a continuing violation shall, however, constitute a separate offense. In determining the amount of such penalty, the nature, circumstances, extent, and gravity of the violation committed, and, with respect to the respondent, his history of any prior offenses, his demonstrated good faith in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require shall be considered.

(j) *Petition for remission.* The Solicitor may modify or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this paragraph unless the matter is pending in court for judicial review or for recovery of the civil penalty assessed. A petition for remission may be filed by the respondent with the Solicitor at any time from the date of the notice of violation referred to in paragraph (b) of this section until 90 days after the date of final administrative decision assessing a civil penalty. The petition must set forth in full the legal and other reasons for the relief requested. Any petition that is not timely filed will not receive consideration. The Solicitor's decision shall be the final administrative decision for the Secretary on the petition.

[48 FR 16858, Apr. 19, 1983, as amended at 67 FR 38208, June 3, 2002]

Subpart F—Reporting and Data Management

§ 37.51 Operational reports.

(a) Each permittee shall submit reports every 2 weeks on the progress of exploratory activities in a manner and format approved or prescribed by the Regional Director. These shall include, but are not limited to, a daily log of operations, and a report on the discovery of any springs, hydrocarbon seeps, and other unusual phenomena.

(b) Each permittee shall submit to the Regional Director a semiannual report of exploratory activities conducted within the periods from December through May and June through November. These semiannual reports shall be submitted on August 1 and February 1 or, as otherwise specified by the Regional Director, and shall contain the following:

(1) A description of the work performed;

(2) Charts, maps, or plats depicting the areas in which any exploratory activities were conducted, specifically identifying the seismic lines and the locations where geological exploratory activities were conducted, and the locations of campsites, airstrips and other support facilities utilized;

(3) The dates on which exploration was actually performed.

(4) A narrative summary of any: (i) Surface occurrences of hydrocarbon or environmental hazards, and (ii) adverse effects of the exploratory activities on the refuge's wildlife, its habitat, the environment, cultural resources, or other uses of the area in which the activities were conducted; and

(5) Such other information as may be reasonably specified by the Regional Director.

(c) Each permittee shall also submit such other reports as are specified in this part.

§ 37.52 Records.

The permittee shall keep accurate and complete records relating to its exploratory activities and to all data and information, including, but not limited to, raw, processed, reprocessed, analyzed and interpreted data and information, obtained as a result thereof. Until September 2, 1989, the Secretary

shall have access to and the right to examine and reproduce any records, papers, or other documents relating to such activities, data and information in order to ascertain the permittee's compliance with this part, ability to perform under any special use permit, and reliability and accuracy of all data, information and reports submitted to the Regional Director.

§ 37.53 Submission of data and information.

(a) The permittee shall submit to the Regional Director free of charge all data and information obtained as a result of carrying out exploratory activities. Such data and information include copies of all raw data and information and all processed, analyzed and interpreted data or information. The permittee shall, unless directed otherwise by the Regional Director, submit such data and information within 30 days after the end of the annual quarter during which they become available to it at every level of data gathering or utilization, i.e., acquisition, processing, reprocessing, analysis, and interpretation.

(b) Each submission of geophysical data or information shall contain, unless otherwise specified by the Regional Director, the following:

(1) An accurate and complete record of each geophysical survey conducted under the permittee's permit, including digital navigational data, if obtained, and final location maps of all survey stations; and,

(2) All seismic data developed under the permit, presented in a format prescribed or approved by the Regional Director and of a quality suitable for processing.

(c) Processed geophysical information shall be submitted with extraneous signals and interference removed as much as possible, and presented in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques.

(d) Processed, analyzed and interpreted data or information required to be submitted by the Act and this section shall include, but not be limited to, seismic record sections, and interpretations thereof; geologic maps, cross sections, and interpretations

thereof; maps of gravitational and magnetic fields and interpretations thereof; and chemical or other analyses of rock samples collected on the refuge and interpretations thereof.

(e) Any permittee or other person submitting processed, analyzed and interpreted data or information to the Regional Director shall clearly identify them by marking the top of each page bearing such data or information with the words "PROCESSED, ANALYZED AND INTERPRETED DATA OR INFORMATION". All pages so marked shall be physically separated by the person submitting them from those not so marked, unless doing so will destroy the value or integrity of the data or information presented. In that event or in the event that an item is submitted which is not susceptible to marking by page, the document or item submitted will be accompanied by a summary identifying the location of all processed, analyzed and interpreted data or information which are not segregated or marked by page, and explaining the reasons therefore. All pages not marked with this legend, all other data and information not identified as bearing such data or information, and all other data and information incorrectly identified as bearing such data or information shall be treated as raw data and information and shall be made available to the public upon request in accordance with § 37.54(a). The Department reserves the right to determine whether any page or item is correctly identified as constituting processed, analyzed and interpreted data or information.

(f) If the permittee proposes to transfer any data or information covered by this section to a third party or the third party proposes to transfer such data or information to another third party, the transferor shall notify the Regional Director at least 10 days in advance and shall require the receiving third party, in writing, to abide by the obligations of the permittee as specified in this section as a condition precedent to the transfer of such data or information.

(g) Upon request by the Department, a permittee shall identify each person to whom the permittee has provided data and information pursuant to

§37.22(d)(3) and provide a description of the area to which such data and information pertain.

§37.54 Disclosure.

(a) The Department shall make raw data and information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party available to the public upon submittal to the Congress of the report required by subsection (h) of the Act in accordance with subsection (e)(2)(C) of the Act, this section, and the procedural requirements of the Freedom of Information Act, 5 U.S.C. 552, and 43 CFR part 2. The Department shall withhold from the public all processed, analyzed and interpreted data or information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party, if they have been properly marked and correctly identified in accordance with §37.53(e), until 10 years after the submission of such data or information to the Regional Director or until 2 years after any lease sale including the area within the refuge from which such data or information were obtained, whichever period is longer, by invoking subsection (e)(2)(C) of the Act and exemption 3 to the Freedom of Information Act, 5 U.S.C. 552(b)(3). Thereafter, the Department shall treat such data or information as raw data and information. The Department shall make all other records, except exploration plans which must be published in accordance with §37.22(b), submitted by a permittee or a third party relating to the activities covered by the Act and this part available to the public in accordance with the Freedom of Information Act, 5 U.S.C. 552, and 43 CFR part 2.

(b) The Department reserves the right to disclose any data and information obtained as a result of carrying out exploratory activities and submitted by a permittee or a third party and any other information submitted by a permittee or a third party which may be exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552, to an agent or third party in order to carry out the Department's statutory authorities. When practicable, the Department shall notify

the permittee who provided the data or information of its intent to disclose the data or information to an agent or third party. Prior to any such disclosure, the recipient shall be required to execute a written commitment not to transfer or to otherwise disclose any data or information to anyone without the express consent of the Department. The recipient shall be liable for any unauthorized use by or disclosure of such data or information to other third parties.

(c) The Department reserves the right to disclose upon proper request any processed, analyzed and interpreted data and information and any other confidential information to the State of Alaska, to the Congress and any committee or subcommittee of the Congress having jurisdiction over the refuge or this exploration program, and to any part of the Executive and Judicial Branches of the United States for official use. The recipient shall be responsible for maintaining the confidentiality of such data and information in accordance with the Act.

(d) Commercial use by any person of data or information obtained as a result of carrying out exploratory activities and disclosed pursuant to this section is prohibited. No person shall obtain access from the Department, pursuant to paragraph (a) of this section, to any data or information obtained as a result of carrying out exploratory activities and submitted by the permittee or a third party until such person provides the Department with a statement certifying that person's awareness of the prohibition contained in this paragraph and the disqualification stated in the first sentence of §37.4(b).

APPENDIX I TO PART 37—LEGAL DESCRIPTION OF THE COASTAL PLAIN, ARCTIC NATIONAL WILDLIFE REFUGE, ALASKA

Beginning at the meander corner of section 35 on the First Standard Parallel North on the line of mean high water on the left bank of the Canning River, T. 5 N., R. 23 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel North, approximately 40¾ miles to the closing corner of T. 4 N., Rs. 30 and 31 E., Umiat Meridian;

Thence southerly, between Rs. 30 and 31 E., approximately 6 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian;

Thence easterly, between Tps. 3 and 4 N., approximately 18 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian;

Thence southerly, between Rs. 33 and 34 E., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 33 and 34 E., Umiat Meridian;

Thence easterly, between Tps. 2 and 3 N., approximately 21 miles to the meander corner of sections 4 and 33, on the line of mean high water on the left bank of the Aichilik River, Tps. 2 and 3 N., R. 37 E., Umiat Meridian;

Thence northeasterly, along the line of mean high water on the left bank of the Aichilik River, approximately 32 miles to a point at the line of mean high tide of the Beaufort Lagoon, located in section 28, T. 6 N., R. 40 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 65 degrees E., approximately 7,600 feet to a point on the northerly boundary of the Arctic National Wildlife Refuge located in section 22, T. 6 N., R. 40 E., Umiat Meridian at the line of extreme low tide;

Thence northwesterly, along the northerly boundary of the Arctic National Wildlife Refuge at the line of extreme low tide on the seaward side of all offshore bars, reefs and islands, approximately 28 miles, to a point in section 33, T. 9 N., R. 36 E., that is due north of the corner of T. 8 N., Rs. 36 and 37 E., Umiat Meridian;

Thence due South, approximately $\frac{3}{4}$ mile to the corner of T. 8 N., Rs. 36 and 37 E., Umiat Meridian;

Thence southerly between Rs. 36 and 37 E., approximately 3 miles to the corner of sections 13, 18, 19, and 24, T. 8 N., Rs. 36 and 37 E., Umiat Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 36 E., Umiat Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 8 N., R. 36 E., Umiat Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 4 miles to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 36 E., Umiat Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30 to the corner of sections 29, 30, 31 and 32, T. 8 N., R. 36 E., Umiat Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 8 N., Rs. 35 and 36 E., Umiat Meridian;

Thence southerly, between sections 31 and 36, approximately 1 mile to the corner of Tps. 7 and 8 N., Rs. 35 and 36 E., Umiat Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 N., R. 35 E., Umiat Meridian;

Thence Northerly, between sections 35 and 36 and 25 and 26, 23 and 24, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 35 E., Umiat Meridian;

Thence westerly, between sections 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, approximately 10 miles to the corner of sections 17, 18, 19 and 20, T. 8 N., R. 34 E., Umiat Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 34 E., Umiat Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 8 N., Rs. 33 and 34 E., Umiat Meridian;

Thence southerly, between Rs. 33 and 34 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 33 and 34 E., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 33 E., Umiat Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 8 N., R. 33 E., Umiat Meridian;

Thence westerly, between sections 21 and 28, approximately one mile to the corner of sections 20, 21, 28 and 29, T. 8 N., R. 33 E., Umiat Meridian;

Thence southerly, between sections 28 and 33, 29 and 32, approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 33 E., Umiat Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 2 miles to the corner of Tps. 7 and 8 N., Rs. 32 and 33 E., Umiat Meridian;

Thence southerly, between section 1 and 6 approximately 1 mile to the corner of sections 1, 6, 7, and 12, T. 7 N., Rs. 32 and 33 E., Umiat Meridian;

Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 7 N., R. 32 E., Umiat Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 8 N., R. 32 E., Umiat Meridian;

Thence westerly, between sections 26 and 27, 34 and 35, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 8 N., R. 32 E., Umiat Meridian;

Thence southerly, between sections 33 and 34, approximately one mile to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 N., R. 32 E., Umiat Meridian;

U.S. Fish and Wildlife Serv., Interior

§ 38.3

Thence westerly, between Tps. 7 and 8 N., approximately 3 miles to the corner of Tps. 7 and 8 N., Rs. 31 and 32 E., Umiat Meridian;

Thence northerly, between ranges 31 and 32 E., approximately 3½ miles to a point on the northerly boundary of the Arctic National Wildlife Refuge at the line of extreme low tide located between sections 13 and 18, T. 8 N., Rs. 31 and 32 E., Umiat Meridian;

Thence westerly, along the northerly boundary of the Arctic National Wildlife Refuge approximately 57 miles along the line of extreme low water of the Arctic Ocean, including all offshore bars, reefs, and islands, to the most westerly tip of the most north-westerly island, westerly of Brownlow Point, section 6, T. 9 N., R. 25 E., Umiat Meridian;

Thence on an approximate forward bearing of S. 56½ degree W. approximately ¾ miles to the mean high water line of the extreme west bank of the Canning River in section 15, T. 9 N., R. 24 E., Umiat Meridian;

Thence southerly, along the mean high water line of the west bank of the Canning River approximately 32 miles to the meander corner on the First Standard Parallel North at a point on the southerly boundary of section 35, T. 5 N., R. 23 E., Umiat Meridian, the point of beginning.

[48 FR 16358, Apr. 19, 1983; 49 FR 7570, Mar. 1, 1984]

PART 38—MIDWAY ATOLL NATIONAL WILDLIFE REFUGE

Subpart A—General

Sec.

- 38.1 Applicability.
- 38.2 Scope.

Subpart B—Executive Authority; Authorized Powers; Emergency Authority

- 38.3 Executive authority; duration.
- 38.4 Authorized functions, powers, and duties.
- 38.5 Emergency authority.

Subpart C—Prohibitions

- 38.6 General.
- 38.7 Adopted offenses.
- 38.8 Consistency with Federal law.
- 38.9 Breach of the peace.
- 38.10 Trespass.
- 38.11 Prostitution and lewd behavior.
- 38.12 Alcoholic beverages.
- 38.13 Speed limits.
- 38.14 Miscellaneous prohibitions.
- 38.15 Attempt.
- 38.16 Penalties.

Subpart D—Civil Administration

- 38.17 General.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 460k *et seq.*, 664, 668dd, 742(f), 3901 *et seq.*; 48 U.S.C. 644a; sec. 48, Pub. L. 86-624, 74 Stat 424; E.O. 13022, 61 FR 56875, 3 CFR, 1996 Comp., p. 224.

SOURCE: 63 FR 11626, Mar. 10, 1998, unless otherwise noted.

Subpart A—General

§ 38.1 Applicability.

(a) The regulations of this part apply to the Midway Atoll National Wildlife Refuge. For the purpose of this part, the Midway Atoll National Wildlife Refuge includes the Midway Islands, Hawaiian Group, between the parallels of 28 deg. 5' and 28 deg. 25' North latitude, and their territorial seas located approximately between the meridians of 177 deg. 10' and 177 deg. 30' West longitude, as were placed under the jurisdiction and control of the Interior Department by the provisions of Executive Order No. 13022 of October 31, 1996 (3 CFR, 1996 Comp., p. 224).

(b) Administration of Midway Atoll National Wildlife Refuge is governed by the regulations of this part and parts 25-32 of title 50, Code of Federal Regulations; the general principles of common law; the provisions of the criminal laws of the United States in their entirety including the provisions of 18 U.S.C. 13 and those provisions that were not specifically applied to unincorporated possessions; the laws applicable under the special maritime jurisdiction contained in 48 U.S.C. 644a; and the provisions of the criminal laws of the State of Hawaii to the extent the criminal laws of the State of Hawaii do not conflict with the criminal laws of the United States.

§ 38.2 Scope.

The provisions of this part are in addition to the regulations of 50 CFR parts 25-32 which also apply to Midway Atoll National Wildlife Refuge.

Subpart B—Executive Authority; Authorized Powers; Emergency Authority

§ 38.3 Executive authority; duration.

The executive authority of the Secretary of the Interior over the Midway Islands will be exercised by the Service

§ 38.4

50 CFR Ch. I (10–1–02 Edition)

Regional Director. The executive authority of the Service Regional Director may be redelegated to the Refuge Manager, Midway Atoll National Wildlife Refuge.

§ 38.4 Authorized functions, powers, and duties.

The executive authority of the Regional Director concerning the Midway Islands includes:

- (a) Issuance of citations for violations of this part and 50 CFR parts 25–32;
- (b) Abatement of any public nuisance upon the failure of the person concerned to comply with a removal notice;
- (c) Seizure of evidence;
- (d) Investigation of accidents and offenses;
- (e) Custody and disposal of lost or abandoned property;
- (f) Regulation of aircraft and boat traffic and safety;
- (g) Imposition of quarantines;
- (h) Evacuation of hazardous areas;
- (i) Lawful restraint, detention, confinement, and care of persons prior to their prompt transfer to the custody of the United States District Court for the District of Hawaii;
- (j) Lawful removal of person from the Midway Atoll National Wildlife Refuge for cause;
- (k) Regulation of vehicle traffic and safety;
- (l) Performance of other lawful acts necessary for protecting the health and safety of persons and property on Midway Atoll National Wildlife Refuge; and
- (m) Issuance of lawful notices and orders necessary to the exercise of executive authority under this section.

§ 38.5 Emergency authority.

During the imminence and duration of any emergency, the Regional Director may perform any lawful acts necessary to protect life and property on Midway Atoll National Wildlife Refuge.

Subpart C—Prohibitions

§ 38.6 General.

In addition to any act prohibited by this part or 50 CFR part 27, any act committed on the Midway Atoll Na-

tional Wildlife Refuge that would be a violation of the criminal laws of the United States or of the State of Hawaii as specified in subpart A of this part, as they now appear or as they may be amended or recodified; or any act committed on the Midway Atoll National Wildlife Refuge that would be criminal if committed on board a merchant vessel or other vessel belonging to the United States pursuant to the provisions of 48 U.S.C. 644a, is prohibited and punishable, in accordance with the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd, the criminal laws of the United States or the State of Hawaii as specified in subpart A of this part, as they now appear or as they may be amended or recodified; or according to the laws applicable on board United States vessels on the high seas pursuant to the provisions of 48 U.S.C. 644a.

§ 38.7 Adopted offenses.

Any person who commits any act or omission on Midway Atoll National Wildlife Refuge which, although not made punishable by an enactment of Congress, would be punishable if committed within the United States under the United States criminal code at the time of such act or omission, including any provisions of the United States criminal code that are not specifically applied to unincorporated possessions of the United States, will be guilty of a like offense and subject to like punishment. Any person who commits any act or omission on Midway Atoll National Wildlife Refuge which, although not made punishable by an enactment of Congress, would be punishable if committed within the State of Hawaii by the laws thereof at the time of such act or omission, will be guilty of a like offense and subject to like punishment to the extent the laws of the State of Hawaii do not conflict with the criminal laws of the United States.

§ 38.8 Consistency with Federal law.

Any provisions of the laws of the State of Hawaii, as they now appear or as they may be amended or recodified, which are adopted by this part will apply only to the extent that they are not in conflict with any applicable Federal law or regulation.

§ 38.9 Breach of the peace.

No person on Midway Atoll National Wildlife Refuge will:

(a) With intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, engage in fighting, threatening, or other violent or tumultuous behavior; or make unreasonable noise or offensively coarse utterances, gestures, or displays, or address abusive language to any person present; or create a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit;

(b) Having no legal privilege to do so, knowingly or recklessly obstruct any roadway, alley, runway, private driveway, or public passage, or interfere with or unreasonably delay any emergency vehicle or equipment or authorized vehicle, boat, vessel, or plane, or any peace officer, fireman, or other public official engaged in or attempting to discharge any lawful duty or office, whether alone or with others. "Obstruction" as used in this paragraph means rendering impassable without unreasonable inconvenience or hazard;

(c) When in a gathering, refuse to obey a reasonable request or order by a peace officer, fireman, or other public official:

(1) To prevent an obstruction of any public road or passage;

(2) To maintain public safety by dispersing those gathered in dangerous proximity to a public hazard; or

(d) With intent to arouse or gratify sexual desire of any other person, expose one's genitals under circumstances in which one's conduct is likely to cause affront or alarm.

§ 38.10 Trespass.

No person on Midway Atoll National Wildlife Refuge will:

(a) Loiter, prowl, or wander upon or near the assigned living quarters and adjacent property of another without lawful purpose, or, while being upon or near the assigned living quarters and adjacent property of another, peek in any door or window of an inhabited building or structure located thereon without lawful purpose;

(b) Enter upon any assigned residential quarters or areas immediately ad-

jacent thereto, without permission of the assigned occupant;

(c) Enter or remain in, without lawful purpose, any office building, warehouse, plant, theater, club, school, or other building after normal operating hours for that building; or

(d) Enter or remain in any area or building designated and posted as "restricted" unless authorized by proper authority to be there.

§ 38.11 Prostitution and lewd behavior.

No person on Midway Atoll National Wildlife Refuge will:

(a) Engage in prostitution. "Prostitution" means the giving or receiving of the body for sexual intercourse for hire; or

(b) Commit any lewd act in a public place which is likely to be observed by others who would be affronted or alarmed.

§ 38.12 Alcoholic beverages.

No person on Midway Atoll National Wildlife Refuge will:

(a) Sell any alcoholic beverages to any person who, because of age, would be prohibited from purchasing that beverage in a civilian establishment in Hawaii.

(b) Present or have in possession any fraudulent evidence of age for the purpose of obtaining alcoholic beverages in violation of this section.

(c) Be substantially intoxicated on any street, road, beach, theater, club, or other public place from the voluntary use of intoxicating liquor, drugs or other substance. As used in this paragraph, "substantially intoxicated" is defined as an actual impairment of mental or physical capacities.

§ 38.13 Speed limits.

No person on Midway Atoll National Wildlife Refuge will exceed the speed limit for automobiles, trucks, bicycles, motorcycles, or other vehicles. Unless otherwise posted, the speed limit throughout the Midway Atoll National Wildlife Refuge is 15 miles per hour.

§ 38.14 Miscellaneous prohibitions.

No person on Midway Atoll National Wildlife Refuge will:

(a) Smoke or ignite any fire in any designated and posted "No Smoking"

§ 38.15

area, or in the immediate proximity of any aircraft, fueling pit, or hazardous material storage area;

(b) Knowingly report or cause to be reported to any public official, or willfully activate or cause to be activated, any alarm, that an emergency exists, knowing that such report or alarm is false. "Emergency." as used in subpart B of this part, includes any condition which results, or could result, in the response of a public official in an emergency vehicle, or any condition which jeopardizes, or could jeopardize, public lives or safety, or results or could result in the evacuation of an area, building, structure, vehicle, aircraft, or boat or other vessel, or any other place by its occupants; or

(c) Intentionally report to any public official authorized to issue a warrant of arrest or make an arrest, that a crime has been committed, or make any oral or written statement to any of the

50 CFR Ch. I (10-1-02 Edition)

above officials concerning a crime or alleged crime or other matter, knowing such report or statement to be false.

§ 38.15 Attempt.

No person on Midway Atoll National Wildlife Refuge will attempt to commit any offense prohibited by this part.

§ 38.16 Penalties.

Any person who violates any provision of this part will be fined or imprisoned in accordance with 16 U.S.C. 668dd(e) and Title 18, U.S. Code.

Subpart D—Civil Administration

§ 38.17 General.

Civil administration of Midway Atoll National Wildlife Refuge shall be governed by the provisions of this part, 50 CFR parts 25-32, and the general principles of common law.

SUBCHAPTER D [Reserved]