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50

Parts 18 to 199

Revised as of October 1, 2002

Wildlife and Fisheries

Containing a codification of documents of general applicability and future effect

As of October 1, 2002

With Ancillaries

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Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 50 CFR 18.1 *refers to title 50, part 18, section 1.*

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Title 1 through Title 16.....as of January 1
Title 17 through Title 27.....as of April 1
Title 28 through Title 41.....as of July 1
Title 42 through Title 50.....as of October 1

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.

October 1, 2002.

THIS TITLE

Title 50—FISH AND WILDLIFE is composed of four volumes. The parts in these volumes are arranged in the following order: Parts 1–17, parts 18–199, parts 200–599 and part 600 to end. The first and second volumes (parts 1–17 and parts 18–199) contain the current regulations issued under chapter I—United States Fish and Wildlife Service, Department of the Interior. The third volume (parts 200–599) contains the current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; chapter III—International Fishing and Related Activities, chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee regulations; and chapter V—Marine Mammal Commission. The fourth volume (part 600 to end) contains the current regulations issued under chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 2002.

Alphabetical listings of endangered and threatened wildlife and plants appear in part 17.

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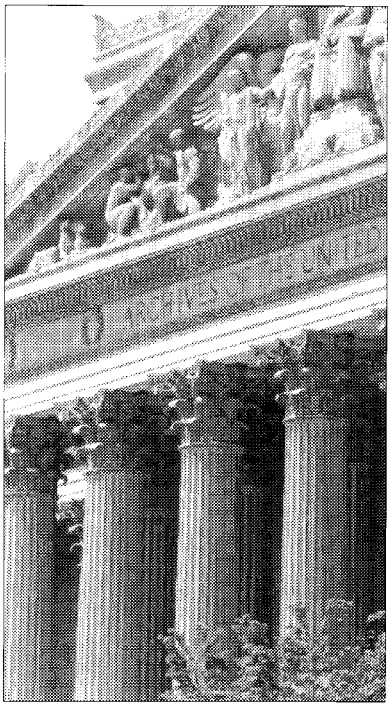

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Title 50—Wildlife and Fisheries

(This book contains parts 18 to 199)

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Fishing, hunting, trapping, and protection of wildlife in national forests and wildlife refuges, Forest Service: 36 CFR part 241, §§ 261.8, 261.9.

Fishing, hunting, trapping, and protection of wildlife in national parks, memorials, recreation areas, etc., National Park Service: 36 CFR 2.2 and 2.3, and parts 7, 20.

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AUTHORITY: 16 U.S.C. 1361 *et seq.*

SOURCE: 39 FR 7262, Feb. 25, 1974, unless otherwise noted.

Subpart A—Introduction

§ 18.1 Purpose of regulations.

The regulations contained in this part implement the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), which among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

§ 18.2 Scope of regulations.

(a) This part 18 applies solely to marine mammals and marine mammal products as defined in § 18.3. For regulations under the Act with respect to cetacea (whales and porpoises), pinnipedia, other than walrus (seals and sea lions), see 50 CFR part 216.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also part 13 of this subchapter.)

§ 18.3 Definitions.

In addition to definitions contained in section 3 of the Act and in part 10 of this subchapter, and unless the context requires otherwise, in this part 18:

Act means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361–1407; Pub. L. 92–522.

Alaskan Native means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

Authentic native articles of handicrafts and clothing means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups, such as cooperatives, is permitted so long as no large scale mass production results: Provided that, it has been determined that no items created in whole or in part from sea otter meet part (a) of this definition and therefore no such items may be sold.

Commercial fishing operation means the lawful harvesting of fish from the marine environment for profit as part of an on-going business enterprise. Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.

Endangered species means a species of marine mammal listed as ''endangered'' pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205 (see part 17 of this subchapter).

Incidental catch means the taking of a marine mammal (a) because it is directly interfering with commercial fishing operations, or (b) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided, however,* That a marine mammal so taken must immediately be returned to the sea

with a minimum of injury; and *Provided, further*, That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered as incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

Marine mammal means any specimen of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name	Date listed
Ursus maritimus	Polar bear	Dec. 21, 1972.
Enhydra lutris	Sea otter	Do.
Odobenus rosmarus	Walrus	Do.
Dugong dugon	Dugong	Do.
Trichechus manatus	West Indian manatee.	Do.
Trichechus inunguis	Amazonian manatee.	Do.
Trichechus senegalensis.	West African manatee.	Do.
Lutra felina	Marine otter	Mar. 29, 1978.

NOTE: Common names given may be at variance with local usage.

Native village or town means any community, association, tribe, band, clan, or group.

Pregnant means pregnant near term.

Subsistence means the use by Alaskan Natives of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.

Take means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

Threatened species means a species of marine mammal listed as ''threatened'' pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

Wasteful manner means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

[39 FR 7262, Feb. 25, 1974, as amended at 43 FR 13066, Mar. 29, 1978; 55 FR 14978, Apr. 20, 1990]

§ 18.4 Information collection requirements.

(a) The Office of Management and Budget under 44 U.S.C. 3501 *et seq*. has approved the information collection requirements contained in Subpart D and assigned clearance number 1018–0022. The Service is collecting this information to review and evaluate permit applications and make decisions according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance or denial of permits. The applicant must respond to obtain or retain a permit.

(b) The Service estimated the public reporting burden for this collection of information to vary from 15 minutes to 4 hours per response, with an average of 1.028 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Office, Fish and Wildlife, Service Office of Management and Budget, Mail Stop 224, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20503.

[62 FR 7329, Feb. 18, 1997]

Subpart B—Prohibitions

§ 18.11 Prohibited taking.

Except as otherwise provided in subpart C, D, or H of this part 18, or part 403, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.12 Prohibited importation.

(a) Except as otherwise provided in subparts C and D of this part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to subparts C and D of this part 18, it is unlawful for any person to import into the United States any:

(1) Marine mammal: (i) Taken in violation of the Act, or

(ii) Taken in another country in violation of the laws of that country;

(2) Any marine mammal product if: (i) The importation into the United States of the marine mammal from which such product is made would be unlawful under paragraph (b)(1) of this section, or

(ii) The sale in commerce of such product in the country of origin of the product is illegal.

(c) Except in accordance with an exception referred to in subpart C and §§ 18.31 and 18.32 of this part, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking;

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later;

(3) Specimen of an endangered or threatened species of marine mammals;

(4) Specimen taken from a depleted species or stock of marine mammals; or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

§ 18.13 Prohibited uses, possession, transportation, and sales.

Except as otherwise provided in the Act or these regulations, it is unlawful for:

(a) Any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products;

(b) Any person to possess any marine mammal, or product therefrom, taken in violation of the Act or these regulations;

(c) Any person to transport, purchase, sell, or offer to purchase or sell any marine mammal or marine mammal product; or

(d) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.14 Marine mammals taken before the Act.

(a) Section 102(e) of the Act provides in effect that the Act shall not apply to any marine mammal taken prior to December 21, 1972, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date. Such status may be established by submitting to the Director prior to, or at the time of importation, an affidavit containing the following:

(1) The Affiant's name and address;

(2) Identification of the Affiant;

(3) A description of the marine mammals or marine mammal products which the Affiant desires to import;

(4) A statement by the Affiant that to the best of his knowledge and belief, the marine mammals involved in the application were taken prior to December 21, 1972;

(5) A statement by the Affiant in the following language:

> The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation of _____ under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(b) Either one of two exhibits shall be attached to such affidavit, and will contain either:

(1) Records or other available evidence showing that the product consists of or is composed in whole or in part of marine mammals taken prior to December 21, 1972. Such records or other evidentiary material must include information on how, when, where, and by whom the animals were taken, what processing has taken place since taking, and the date and location of such processing; or

(2) A statement from a government agency of the country of origin exercising jurisdiction over marine mammals that any and all such mammals from which the products sought to be imported were derived were taken prior to December 21, 1972.

(c) Service agents, or Customs officers, may refuse to clear marine mammals or marine mammal products for importation into the United States, pursuant to §14.53 of this subchapter, until the importer can demonstrate, by production of the affidavit referred in above or otherwise, that section 102(e) of the Act applies to all affected items.

(d) This section has no application to any marine mammal or marine mammal product intended to be imported pursuant to §18.21, §18.31 or §18.32 of this part.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

Subpart C—General Exceptions

§ 18.21 Actions permitted by international treaty, convention, or agreement.

The Act and these regulations shall not apply to the extent that they are inconsistent with the provisions of any international treaty, convention or agreement, or any statute implementing the same, relating to the taking or importation of marine mammals or marine mammal products, which was existent and in force prior to December 21, 1972, and to which the United States was a party. Specifically, the regulations in subpart B of this part and the provisions of the Act shall not apply to activities carried out pursuant to the Interim Convention on the Conservation of North Pacific Fur Seals signed in Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151–1187, as, in each case, from time to time amended.

§ 18.22 Taking by Federal, State or local government officials.

(a) A Federal, State or local government official or employee may take a marine mammal in the course of his duties as an official or employee and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or from the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat. In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking.

(b) Each taking permitted under this section should be included in a written report, to be submitted to the Director every six months, beginning December 31, 1973. Unless otherwise permitted by

the Director, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(6) Such other information as the Director may require.

The reports shall be mailed to the Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, DC 20240.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.23 Native exemptions.

(a) *Taking.* Except as otherwise provided in part 403 of this title, any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, subject to the restrictions contained in this section, if such taking is:

(1) For subsistence purposes, or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, not accomplished in a wasteful manner.

(b) *Restrictions.* (1) ''Except for a transfer to a duly authorized representative of the Regional Director of the U.S. Fish and Wildlife Service for scientific research purposes, no marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is sold or transferred to a registered agent in Alaska for resale or transfer to an Alaskan Native; or

(iii) It is an edible portion and it is sold in an Alaskan Native village or town.

(2) ''Except for a transfer to a duly authorized representative of the Regional Director of the U.S. Fish and Wildlife Service for scientific research purposes, no marine mammal taken for purposes of creating and selling authentic Native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It is sold or transferred to a registered agent for resale or transfer to an Indian, Aleut, or Eskimo; or

(iii) It has been first transformed into an authentic Native article of handicraft or clothing; or

(iv) It is an edible portion and it is sold (A) in an Alaskan Native village or town or (B) to an Alaskan Native for his consumption.

(c) The restriction in paragraph (b) shall not apply to parts or products of the Pacific walrus (*Odobenis rosmarus*) to the extent that the waiver of the moratorium and the approved State/Federal regulations relating to the taking and importation of walrus permits the delivery, sale, transportation or shipment of parts or products of the Pacific walrus in interstate or foreign commerce.

(d) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(1) The name and address of the applicant;

(2) A description of the applicant's procedures for receiving, storing, processing, and shipping materials;

(3) A proposal for a system of bookkeeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;

(4) Such other information as the Director may request;

(5) A certification in the following language:

> I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) The signature of the applicant.

The sufficiency of the application shall be determined by the Director, and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The registration of a tannery or other agent shall be subject to the conditions as the Director prescribes, which may include, but are not limited to provisions regarding records, inventory segregation, reports, and inspection. The Director may charge a reasonable fee for such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Interior.

(e) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals by such person shall conform to such regulations.

(f) *Marking, tagging, and reporting.* (1) In addition to definitions contained in the Act, 50 CFR 18.3, and 50 CFR 18.27, in this paragraph (f):

(i) The term ''marking and tagging'' of marine mammals as specified in section 109(i) of the Act refers to the actual physical attachment of an approved band or other such marking device or technique to the raw or unhandicrafted (including unmarked tanned skins) skin and skull of polar bears, the tusks of walruses, and the skin and skull of sea otters; and

(ii) The term ''reporting'' means the collection by Service personnel or the Service's authorized local representatives of biological data, harvest data, and other information regarding the effect of taking of marine mammals on populations, the collection of which the Service determines to be necessary for management purposes. Reporting will be done on forms provided by the Service upon presentation for marking, tagging, and reporting purposes of the marine mammal(s) or specified raw or unhandicrafted parts thereof.

(2) Notwithstanding the preceding provisions of this section, but subject to the provisions and conditions contained in this paragraph, no polar bear, walrus, or sea otter, or any parts thereof, taken or collected by an Alaskan Native for subsistence purposes or for purposes of creating and selling authentic Native articles of handicrafts and clothing may be possessed, transported within, or exported from Alaska unless the animal(s), or specified parts thereof, have been reported to, and properly marked and tagged by, Service personnel or the Service's authorized local representative; except:

(i) An Alaskan Native that harvested or participated in the harvest of a polar bear, sea otter, or walrus and who possesses the animal, or any parts thereof, may possess the unmarked, untagged, and unreported animal(s), or parts thereof, for a period of time not to exceed 30 days from the time of taking for the purpose of transporting the specified parts to Service personnel or the Service's local authorized representative for marking, tagging, and reporting;

(ii) Alaskan Natives and registered agents/tanneries may possess the specified unmarked or untagged raw, unhandicrafted, or tanned parts thereof for a period of time not to exceed 180 days from the effective date of this rulemaking for the purpose of transporting to Service personnel or the

Service's local authorized representative for marking and tagging if the specified parts thereof were taken or possessed between December 21, 1972, and the effective date of this regulation. There is no reporting requirement for marine mammals, or specified parts thereof, covered by this paragraph.

(3) Those unmarked, untagged, and unreported specified parts of polar bear, walrus, and sea otter, that must be presented to Service personnel or an authorized Service representative for marking, tagging, and reporting are as follows:

(i) Polar bear—skin and skull.

(ii) Walrus—tusks.

(iii) Sea otter—skin and skull.

(4) The locations where Service personnel or the Service's authorized local representative will be available for marking, tagging, and reporting purposes will be announced annually by the Alaska Regional Director. Local persons authorized to act as representatives for marking, tagging, and reporting purposes in the absence of Service personnel will also be announced annually by the Alaska Regional Director.

(5) Marks and tags will be attached or applied to the skins, skulls, and tusks of the marine mammal(s) in such a manner as to maximize their longevity and minimize their adverse effects to the appearance of the specified parts that might result due to hindering the tanning or handicrafting of skins, or the handicrafting of tusks or skulls. If the tag or mark comes off of the specified part the person in possession of the part shall have 30 days to present the part and broken tag or other marking device to the Service or the Service's authorized local representative for remarking or retagging purposes.

(6) Marks and tags for skins, skulls, and tusks will be provided by the Service. They will be numbered for accountability and of such design, construction, and material so as to maximize their durability and longevity on the specified parts.

(7) Data collected pursuant to this paragraph will be reported on forms provided by the Service and maintained in the Service's Regional Office, Anchorage, Alaska. The Service will summarize the data annually and make it publicly available. The data will also be included in the Service's annual report to Congress as set forth in section 103(f) of the Act.

(8) All items of research (e.g., radio collars, satellite transmitters, tags, etc.) that were attached to animals taken by Alaskan Natives must be returned to Service personnel or an authorized Service representative at the time the animal, or specified unhandicrafted parts thereof, are presented for marking, tagging, and reporting. No penalty will be imposed under the Act for a violation of this paragraph. However, penalties may be sought by the Service under other applicable Federal laws governing the possession and use of Federal property.

(9) Pursuant to this paragraph (f), the following specific conditions and provisions apply:

(i) Marking, tagging, and reporting of polar bears or specified parts thereof.

(A) The skin and skull of an animal must accompany each other when presented for marking, tagging, and reporting except that the skin and skull of an animal need not be presented together for marking and tagging purposes if taken between December 21, 1972, and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section, the following information must be reported by Alaskan Natives when presenting polar bears, or specified parts thereof, for marking and tagging: sex of animal, date of kill, and location of kill.

(C) Both the skin and the skull will be marked and tagged and a rudimentary pre-molar tooth may be removed from the skull and retained by the Service. The skin must have the sex identifiers, such as vaginal orifice, teats, or penal sheath or baculum, either attached to, or accompanying the skin.

(D) The skull must be skinned out and the skin may be frozen or unfrozen when presented for marking, tagging, and reporting. If the skin is frozen, the sex identifiers, such as vaginal orifice, teats, penal sheath or baculum, must be visible.

(E) Marks and tags must remain affixed to the skin through the tanning

process and until the skin has been severed into parts for crafting into handicrafts or for as long as is practical during the handicrafting process.

(ii) Marking, tagging, and reporting of walrus or specified parts thereof.

(A) The paired tusks of the animal(s) must, to the maximum extent practical, accompany each other when presented for marking, tagging, and reporting purposes, except that paired tusks need not be presented together for marking and tagging purposes if taken between December 21, 1972, and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section, the following information must be reported by Alaskan Natives when presenting walrus, or specified parts thereof, for marking and tagging: date of take, sex of animal, whether live-killed, floating-dead, or beach-found, and location of the take or location of animal if found floating and dead or beach-found.

(C) Marks and/or tags must remain affixed to the tusks until they have been crafted into a handicraft or for as long as is practical during the handicrafting process.

(iii) Marking, tagging, and reporting of sea otter or specified parts thereof.

(A) The skin and skull of an animal must accompany each other when presented for marking, tagging, and reporting, except that the skin and skull of an animal need not be presented together if taken between December 21, 1972, and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section, the following information must be reported by Alaskan Natives when presenting sea otters, or specified parts thereof, for marking and tagging: date of kill, sex of animal, and location of kill.

(C) Both the skin and skull will be marked and tagged and a rudimentary pre-molar tooth may be removed from the skull and retained by the Service. The skin must have the sex identifiers, such as vaginal orifice, teats, or penal sheath or baculum, either attached to, or accompanying the skin.

(D) The skull must be skinned out and the skin may be frozen or unfrozen when presented for marking, tagging, and reporting. If the skin is frozen, the sex identifiers, such as vaginal orifice, teats, or penal sheath or baculum, must be visible.

(E) Marks and tags must remain affixed to the skin through the tanning process and until the skin has been severed into parts for crafting into handicrafts or for as long as is practical during the handicrafting process.

(10) No person may falsify any information required to be set forth on the reporting form when the marine mammal(s), or specified parts thereof, are presented as required by these regulations.

(11) Possession by any person of marine mammal(s), or any parts thereof, in violation of the provisions and conditions of this §18.23(f) is subject to punishment under the penalties provided for in section 105(a)(1) of the Act.

(12) The information collection requirements contained in this §18.23(f) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0066. The information is mandatory in order to have the marine mammal parts ''marked and tagged,'' and thereby made eligible for continued lawful possession. Non-response may result in the Service determining the wildlife to be illegally possessed and subject the individual to penalties under this title.

[39 FR 7262, Feb. 25, 1974, as amended at 40 FR 59444, Dec. 24, 1975; 45 FR 54057, Aug. 14, 1980; 51 FR 17981, May 16, 1986; 53 FR 24283, June 28, 1988]

§ 18.24 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974: *Provided,* That such taking is by means of equipment and techniques prescribed in regulations issued by the Secretary of Commerce. However, any marine mammal taken as an incidental catch may not be retained. It shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

§ 18.25 Exempted marine mammals or marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in §18.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which notice is published in the FEDERAL REGISTER of the proposed rulemaking with respect to the designation of the species of stock concerned as depleted or endangered:

(c) Section 18.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

§ 18.26 Collection of certain dead marine mammal parts.

(a) Any bones, teeth or ivory of any dead marine mammal may be collected from a beach or from land within ¼ of a mile of the ocean. The term ''ocean'' includes bays and estuaries.

(b) Marine mammal parts so collected may be retained if registered within 30 days with an agent of the National Marine Fisheries Service, or an agent of the U.S. Fish and Wildlife Service.

(c) Registration shall include (1) the name of the owner, (2) a description of the article to be registered and (3) the date and location of collection.

(d) Title to any marine mammal parts collected under this section is not transferable, unless consented to in writing by the agent referred to in paragraph (b) of this section.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.27 Regulations governing small takes of marine mammals incidental to specified activities.

(a) *Purpose of regulations.* The regulations in this section implement Section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1371(a)(5), which provides a mechanism for allowing, upon request, during periods of not more than five consecutive years each, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region.

(b) *Scope of regulations.* The taking of small numbers of marine mammals under section 101(a)(5) of the Marine Mammal Protection Act may be allowed only if the Director of the Fish and Wildlife Service (1) finds, based on the best scientific evidence available, that the total taking during the specified time period will have a negligible impact on the species or stock and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses; (2) prescribes regulations setting forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance; and (3) prescribes regulations pertaining to the monitoring and reporting of such taking.

NOTE: The information collection requirement contained in this §18.27 has been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance No. 1018–0070. The information is being collected to describe the activity proposed and estimate the cumulative impacts of potential takings by all persons conducting the activity. The information will be used to evaluate the application and determine whether to issue Specific Regulations and, subsequently, Letters of Authorization. Response is required to obtain a benefit.

The public reporting burden from this requirement is estimated to vary from 2 to 200 hours per response with an average of 10 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing applications for specific regulations and Letters of Authorization. Direct comments regarding the burden estimate or any other aspect of this requirement to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop—220 ARLSQ, 18th and C Streets NW.,

Washington, DC 20240, and the Office of Management and Budget, Paperwork Reduction Project (Clearance No. 1018–0070), Washington, DC 20503.

(c) *Definitions.* In addition to definitions contained in the Act and in 50 CFR 18.3 and unless the context otherwise requires, in this section:

Citizens of the United States and *U.S. citizens* mean individual U.S. citizens or any corporation or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13). U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this section.

Incidental, but not intentional, taking means takings which are infrequent, unavoidable, or accidental. It does not mean that the taking must be unexpected. (Complete definition of take is contained in 50 CFR 18.3.)

Negligible impact is an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Small numbers means a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock.

Specified activity means any activity, other than commercial fishing, which takes place in a specified geographical region and potentially involves the taking of small numbers of marine mammals. The specified activity and specified geographical region should be identified so that the anticipated effects on marine mammals will be substantially similar.

Specified geographical region means an area within which a specified activity is conducted and which has similar biogeographic characteristics.

Unmitigable adverse impact means an impact resulting from the specified activity (1) that is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

(d) *Submission of requests.* (1) In order for the Fish and Wildlife Service to consider allowing the taking by U.S citizens of small numbers of marine mammals incidental to a specified activity, a written request must be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. Requests shall include the following information on the activity as a whole, which includes, but is not limited to, an assessment of total impacts by all persons conducting the activity:

(i) A description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals;

(ii) The dates and duration of such activity and the specific geographical region where it will occur;

(iii) Based upon the best available scientific information;

(A) An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions, and the type of taking (*e.g.*, disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

(B) A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;

(C) The anticipated impact of the activity upon the species or stocks;

(D) The anticipated impact of the activity on the availability of the species or stocks for subsistence uses;

(iv) The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat;

(v) The anticipated impact of the loss or modification of the habitat on the marine mammal population involved;

(vi) The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or

stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. (The applicant and those conducting the specified activity and the affected subsistence users are encouraged to develop mutually agreeable mitigating measures that will meet the needs of subsistence users.);

(vii) Suggested means of accomplishing the necessary monitoring and reporting which will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity; and

(viii) Suggested means of learning of, encouraging, and coordinating research opportunities, plans and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects.

(2) The Director shall determine the adequacy and completeness of a request, and if found to be adequate, will invite information, suggestions, and comments on the preliminary finding of negligible impact and on the proposed specific regulations through notice in the FEDERAL REGISTER, newspapers of general circulation, and appropriate electronic media in the coastal areas that may be affected by such activity. All information and suggestions will be considered by the Fish and Wildlife Service in developing final findings and effective specific regulations.

(3) The Director shall evaluate each request to determine, based on the best available scientific evidence, whether the total taking will have a negligible impact on the species or stock and, where appropriate, will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses. If the Director finds that mitigating measures would render the impact of the specified activity negligible when it would not otherwise satisfy that requirement, the Director may make a finding of negligible impact subject to such mitigating measures being successfully implemented. Any preliminary findings of ''negligible impact'' and ''no unmitigable adverse impact'' shall be proposed for public comment along with the proposed specific regulations.

(4) If the Director cannot make a finding that the total taking will have a negligible impact in the species or stock or will not have an unmitigable adverse impact on the availability of such species or stock for subsistence uses, the Director shall publish in the FEDERAL REGISTER the negative finding along with the basis for denying the request.

(e) *Specific regulations.* (1) Specific regulations will be established for each allowed activity which set forth (i) permissible methods of taking, (ii) means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, and (iii) requirements for monitoring and reporting.

(2) Regulations will be established based on the best available scientific information. As new information is developed, through monitoring, reporting, or research, the regulations may be modified, in whole or part, after notice and opportunity for public review.

(f) *Letters of Authorization.* (1) A Letter of Authorization, which may be issued only to U.S. citizens, is required to conduct activities pursuant to any specific regulations established. Requests for Letters of Authorization shall be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. The information to be submitted in a request may be obtained by writing the Director. Once specific regulations are effective, the Service will to the maximum extent possible, process subsequent applications for Letters of Authorization within 30 days after receipt of the application by the Service.

(2) Issuance of a Letter of Authorization will be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under the specific regulations.

(3) Notice of issuance of all Letters of Authorization will be published in the FEDERAL REGISTER within 30 days of issuance.

(4) Letters of Authorization will specify the period of validity and any additional terms and conditions appropriate for the specific request.

(5) Letters of Authorization shall be withdrawn or suspended, either on an individual or class basis, as appropriate, if, after notice and opportunity for public comment, the Director determines: (i) The regulations prescribed are not being substantially complied with, or (ii) the taking allowed is having, or may have, more than a negligible impact on the species or stock, or where relevant, an unmitigable adverse impact on the availability of the species or stock for subsistence uses.

(6) The requirement for notice and opportunity for public review in paragraph (f)(5) of this section shall not apply if the Director determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned.

(7) A violation of any of the terms and conditions of a Letter of Authorization or of the specific regulations may subject the Holder and/or any individual who is operating under the authority of the Holder's Letter of Authorization to penalties provided in the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

[48 FR 31225, July 7, 1983, as amended at 54 FR 40348, Sept. 29, 1989; 55 FR 28765, July 13, 1990; 56 FR 27463, June 14, 1991]

Subpart D—Special Exceptions

§ 18.30 Polar bear sport-hunted trophy import permits.

(a) *Application procedure.* You, as the hunter or heir of the hunter's estate, must submit an application for a permit to import a trophy of a polar bear taken in Canada to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Arlington, Virginia 22203. You must use an official application (Form 3–200) provided by the Service and must include as an attachment all of the following additional information:

(1) Certification that:

(i) You or the deceased hunter took the polar bear as a personal sport-hunted trophy;

(ii) You will use the trophy only for personal display purposes;

(iii) The polar bear was not a pregnant female, a female with dependent nursing cub(s) or a nursing cub (such as in a family group), or a bear in a den or constructing a den when you took it; and

(iv) For a polar bear taken after April 30, 1994, you made sure the gall bladder and its contents were destroyed;

(2) Name and address of the person in the United States receiving the polar bear trophy if other than yourself;

(3) For a polar bear received as an inheritance, documentation to show that you are the legal heir of the decedent who took the trophy;

(4) Proof that you or the decedent legally harvested the polar bear in Canada as shown by one of the following:

(i) A copy of the Northwest Territories (NWT) or Nunavut Territory hunting license and tag number;

(ii) A copy of the Canadian CITES export permit that identifies the polar bear by hunting license and tag number;

(iii) A copy of the NWT or Nunavut Territory export permit; or

(iv) A certification from the Department of Resources, Wildlife, and Economic Development, Northwest Territories, or the Department of Sustainable Development, Nunavut Territory, that you or the decedent legally harvested the polar bear, giving the tag number, location (settlement and population), and season you or the decedent took the bear;

(5) An itemized description of the polar bear parts you wish to import, including size and the sex of the polar bear;

(6) The month and year the polar bear was sport hunted;

(7) The location (nearest settlement or community) where the bear was sport hunted;

(8) For a female bear or a bear of unknown sex that was taken before January 1, 1986, documentary evidence that the bear was not pregnant at the time of take, including, but not limited to, documentation, such as a hunting license or travel itinerary, that shows the bear was not taken in October, November, or December or that shows

that the location of the hunt did not include an area that supported maternity dens; and

(9) For a female bear, bear of unknown sex, or male bear that is less than 6 feet in length (from tip of nose to the base of the tail) that was taken prior to the 1996/97 NWT polar bear harvest season, available documentation to show that the bear was not nursing, including, but not limited to, documentation, such as a certification from the NWT, that the bear was not taken while part of a family group.

(b) *Definitions.* In addition to the definitions in this paragraph, the definitions in 50 CFR 10.12, 18.3, and 23.3 apply to this section.

(1) *Sport-hunted trophy* means a mount, rug or other display item composed of the hide, hair, skull, teeth, baculum, bones, and claws of the specimen which was taken by the applicant or decedent during a sport hunt for personal, noncommercial use and does not include any internal organ of the animal, including the gall bladder. Articles made from the specimen, such as finished or unfinished, worked, manufactured, or handicraft items for use as clothing, curio, ornamentation, jewelry, or as a utilitarian item are not considered trophy items.

(2) *Management agreement* means a written agreement between parties that share management responsibilities for a polar bear population which describes what portion of the harvestable quota will be allocated to each party and other measures which may be taken for the conservation of the population, such as harvest seasons, sex ratio of the harvest, and protection of females and cubs.

(c) *Procedures for issuance of permits and modification, suspension or revocation of permits.* We, the Service, shall suspend, modify or revoke permits issued under this section:

(1) In accordance with regulations contained in §18.33; and

(2) If, in consultation with the appropriate authority in Canada, we determine that the sustainability of Canada's polar bear populations is being adversely affected or that sport hunting may be having a detrimental effect on maintaining polar bear populations throughout their range.

(d) *Issuance criteria.* In deciding whether to issue an import permit for a sport-hunted trophy, we must determine in addition to the general criteria in part 13 of this subchapter whether:

(1) You previously imported the specimen into the United States without a permit;

(2) The specimen meets the definition of a sport-hunted trophy in paragraph (b) of this section;

(3) You legally harvested the polar bear in Canada;

(4) Canada has a monitored and enforced sport-hunting program consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears;

(5) Canada has a sport-hunting program, based on scientifically sound quotas, ensuring the maintenance of the affected population at a sustainable level; and

(6) The export and subsequent import:

(i) Are consistent with the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other international agreements and conventions; and

(ii) Are not likely to contribute to illegal trade in bear parts, including for bears taken after April 30, 1994, that the gall bladder and its contents were destroyed.

(e) *Additional permit conditions.* Your permit to import a sport-hunted trophy of a polar bear taken in Canada is subject to the permit conditions outlined in §18.31(d) and the following additional permit conditions:

(1) You, the permittee, may not import internal organs of the polar bear, including the gall bladder;

(2) After import you may not alter or use the trophy in a manner inconsistent with the definition of a sport-hunted polar bear trophy as given in §18.30(b);

(3) You may not import a sport-hunted trophy if the polar bear at the time you or the decedent took it was:

(i) A nursing bear or a female with nursing young (i.e., part of a family group);

(ii) A pregnant female; or

(iii) A bear moving into a den or in a den;

(4) You must present to Service personnel at the time of import a valid CITES document from the country of export or re-export;

(5) You must comply with the following import procedures:

(i) Import the sport-hunted trophy through a designated port for wildlife imports (see §14.12 of this subchapter) during regular business hours, except for full mount trophies that have been granted an exception to designated port permit requirements under §14.32 of this subchapter;

(ii) Not send the trophy through the international mail; and

(iii) Notify Service personnel at the port at least 48 hours before the import (see §14.54 of this subchapter) and make arrangements for Service personnel to affix a tag in accordance with paragraph (e)(7) of this section prior to being cleared (see §14.52 of this subchapter);

(6) You must import all parts of a single trophy at the same time;

(7) The following tagging/marking procedures apply:

(i) Service personnel must affix a permanently locking tag that contains a unique serial number and the common name ''polar bear'' to the hide which must remain fixed indefinitely to the hide as proof of legal import; and

(ii) Service personnel must permanently mark upon import the parts of the trophy other than the hide, such as the skull and bones, with the hide tag number; and

(8) If the tag comes off the hide, you must within 30 days:

(i) Contact the nearest Service office at a designated port or a Law Enforcement office as given in §10.22 of this subchapter to schedule a time to present the trophy for retagging;

(ii) Provide as proof that the trophy had been tagged and legally imported a copy of the:

(A) Canceled CITES export permit or re-export certificate;

(B) Canceled U.S. import permit issued under this section; or

(C) Cleared wildlife declaration form (3–177); and

(iii) Present either the broken tag, or if the tag was lost, a signed written explanation of how and when the tag was lost.

(f) *Duration of permits.* The permit will be valid for no more than one year from the date of issuance.

(g) *Fees.* (1) You must pay the standard permit processing fee as given in §13.11(4) when filing an application.

(2) You must pay the issuance fee of $1,000 when we notify you the application is approved. We cannot issue an import permit until you pay this fee. We will use the issuance fee to develop and implement cooperative research and management programs for the conservation of polar bears in Alaska and Russia under section 113(d) of the Marine Mammal Protection Act.

(h) *Scientific review.* (1) We will undertake a scientific review of the impact of permits issued under this section on the polar bear populations in Canada within 2 years of March 20, 1997.

(i) The review will provide an opportunity for public comment and include a response to the public comment in the final report; and

(ii) We will not issue permits under this section if we determine, based upon scientific review, that the issuance of permits under this section is having a significant adverse impact on the polar bear populations in Canada; and

(2) After the initial review, we may review whether the issuance of permits under this section is having a significant adverse impact on the polar bear populations in Canada annually in light of the best scientific information available. The review must be completed no later than January 31 in any year a review is undertaken.

(i) *Findings.* Polar bear sport-hunted trophies may only be imported after issuance of an import permit, and in accordance with the following findings and conditions:

(1) We have determined that the Northwest Territories and Nunavut Territory, Canada, have a monitored and enforced sport-hunting program that meets issuance criteria of paragraphs (d) (4) and (5) of this section for the following populations: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville Sound (subject to the lifting of the moratorium in this population), Western Hudson Bay, M'Clintock Channel (only for polar bears lawfully taken on or before May

31, 2000), Lancaster Sound, and Norwegian Bay, and that:

(i) For the Southern Beaufort Sea population, no bears are taken west of the equidistant line of the Beaufort Sea;

(ii) For all populations, females with cubs, cubs, or polar bears moving into denning areas or already in dens are protected from taking by hunting activities; and

(iii) For all populations, management agreements among all management entities with scientifically sound quotas are in place; and

(2) Any sport-hunted trophy taken in the Northwest Territories, Canada, between December 21, 1972, and April 30, 1994, may be issued an import permit when:

(i) From an approved population listed in paragraph (i)(1); and

(ii) The issuance criteria of paragraph (d) (1), (2), (3), and (6) of this section are met.

[62 FR 7329, Feb. 18, 1997, as amended at 64 FR 1539, Jan. 11, 1999; 66 FR 1907, Jan. 10, 2001; 66 FR 50851, Oct. 5, 2001]

§ 18.31 Scientific research permits and public display permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking and importation of marine mammals for scientific research purposes or for public display.

(a) *Application procedure.* Applications for permits to take and import marine mammals for scientific research purposes or for public display shall be submitted to the Director. Each such application must contain the general information and certification required by §13.12(a) of this subchapter plus the following additional information:

(1) A statement of the purpose, date, location and manner of the taking or importation;

(2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

(3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal;

(4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved;

(5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered or threatened species or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives, whether or not under the control of the applicant; and

(6) If the application is for a public display permit, a detailed description of the proposed use to which the marine mammal or marine mammal product is to be put, including the manner, location, and times of display, whether such display is for profit, an estimate of the numbers and types of persons who it is anticipated will benefit for such display, and whether and to what extent the display is connected with educational or scientific programs. There shall also be included a complete description of the enterprise seeking

the display permit and its educational, and scientific qualifications, if any.

(b) *Review by Marine Mammal Commission.* Upon receipt of an application the Director shall forward the application to the Marine Mammal Commission together with a request for the recommendations of the Commission and the Committee of Scientific Advisors on Marine Mammals. In order to comply with the time limits provided in these regulations, the Director shall request that such recommendation be submitted within 30 days of receipt of the application by the Commission. If the Commission or the Committee, as the case may be, does not respond within 30 days from the receipt of such application by the Commission, the Director shall advise the Commission in writing that failure to respond within 45 days from original receipt of the application (or such longer time as the Director may establish) shall be considered as a recommendation from the Commission and the Committee that the permit be issued. The Director may also consult with any other person, institution or agency concerning the application.

(c) *Issuance criteria.* Permits applied for under this section shall be issued, suspended, modified and revoked pursuant to regulations contained in §18.33. In determining whether to issue a scientific research permit, the Director shall consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; and whether the granting of the permit is required to further a bona fide and necessary or desirable scientific purpose, taking into account the benefits anticipated to be derived from the scientific research contemplated and the effect of the purposed taking or importation on the population stock and the marine ecosystem. In determining whether to issue a public display permit, the Director shall consider whether the proposed taking or importation will be consistent with the policies and purposes of the Act; whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on the one hand, and the effect of the proposed taking or importation on the population stocks of the marine mammal in question and the marine ecosystem on the other; and the applicant's qualifications for the proper care and maintenance of the marine mammal or the marine mammal product, and the adequacy of his facilities.

(d) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(i) The time of the authorized taking or importation;

(ii) The period of any transit of such person or agent which is incidental to such taking or importation; and

(iii) Any other time while any marine mammal taken or imported under such permit is in the possession of such person or agent.

(2) A duplicate copy of the issued permit must be physically attached to the container, package, enclosure, or other means of containment, in which the marine mammal is placed for purposes of storage, transit, supervision, or care.

(e) *Tenure of permits.* The tenure of permits for scientific research or public display shall be designated on the face of the permit.

§ 18.32 Waiver of the moratorium.

See subpart F (Waiver of the moratorium; State laws and regulations) and subpart G (Notice and Hearing on section 103 Regulations) for procedures regarding waivers of the moratorium in those circumstances where a state provides an acceptable management program for a species or population stock within its jurisdiction.

[40 FR 59442, Dec. 24, 1975]

§ 18.33 Procedures for issuance of permits and modification, suspension, or revocation thereof.

(a) Whenever application for a permit is received by the director which the director deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Such notice shall set forth a summary of the

information contained in such application. Any interested party may, within 30 days after the date of publication of such notice, submit to the director his written data or views with respect to the taking or importation proposed in such application and may request a hearing in connection with the action to be taken thereon.

(b) If the request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the director determines that a hearing would otherwise be advisable, the director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appear in person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section the director shall issue or deny issuance of the permit. Notice of the decision of the director shall be published in the FEDERAL REGISTER within 10 days after the date of such issuance or denial. Such notice shall include the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) Any permit shall be subject to modification, suspension, or revocation by the director in whole or in part in accordance with these regulations and the terms of such permits. The permittee shall be given written notice by registered mail, return receipt requested, of any proposed modification, suspension, or revocation. Such notice shall specify:

(1) The action proposed to be taken along with a summary of the reasons therefor;

(2) In accordance with 5 U.S.C. 558, the steps which the permittee may take to demonstrate or achieve compliance with all lawful requirements; and

(3) That the permittee is entitled to a hearing thereon if a written request for such a hearing is received by the Director within 10 days after receipt of the aforesaid notice or such other later date as may be specified in the notice to the permittee. The time and place of the hearing, if requested by the permittee, shall be determined by the director and a written notice thereof given to the permittee by registered mail, return receipt requested, not less than 15 days prior to the date of hearing specified. The director may, in his discretion, allow participation at the hearing by interested members of the public. The permittee and other parties participating may submit all relevant material, data, views, comments, arguments, and exhibits at the hearing. A summary record shall be kept of any such hearing.

(e) The Director shall make a decision regarding the proposed modification, suspension, or revocation, as soon as practicable after the close of the hearing, or if no hearing is held, as soon as practicable after the close of the 10 day period during which a hearing could have been requested. Notice of the modification, suspension, or revocation shall be published in the FEDERAL REGISTER within 10 days from the date of the Director's decision. In no event shall the proposed action take effect until notice of the Director's decision is published in the FEDERAL REGISTER.

Subpart E—Depleted Species or Stocks [Reserved]

Subpart F—Transfer of Management Authority to States

NOTE: Regulations governing the transfer of management authority to States pursuant to section 109 of the Marine Mammal Protection Act for marine mammal species under the jurisdiction of the Secretary of the Interior are found at part 403 of this title.

[48 FR 22456, May 18, 1983]

Subpart G—Notice and Hearing on Section 103 Regulations

SOURCE: 41 FR 5396, Feb. 6, 1976, unless otherwise noted.

§ 18.70 Basis and purpose.

(a) Sections 101(a)(2), 101(a)(3)(A), and 101(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2), 1371(a)(3)(A), and 1371(b)) and these regulations authorize the Director, U.S. Fish and Wildlife Service, to: (1) Impose regulations governing the taking of marine mammals incidental to commercial fishing operations; (2) waive the moratorium and adopt regulations with respect to the taking and importing of animals from each species of marine mammals under his jurisdiction; and (3) prescribe regulations governing the taking of depleted marine mammals by any Indian, Aleut or Eskimo, respectively. In prescribing regulations to carry out the provisions of said sections, the act refers the Director to section 103 (16 U.S.C. 1373). In accordance with section 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations and, in the case of a waiver, on the determination by the Director to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A)).

(b) [Reserved]

§ 18.71 Definitions.

Definitions shall be the same as in subpart A of this part except as follows:

(a) *Party* means for the purposes of this subpart:

(1) The Director or his representative; or

(2) A person who has notified the Director by specified dates of his or her intent to participate in the hearing pursuant to §§ 18.75 and 18.84(b).

(b) *Presiding officer* means, for the purposes of this subpart, an administrative law judge of the Office of Hearings and Appeals appointed in accordance with 5 U.S.C. 3105.

(c) *Witness* means, for the purposes of this subpart, any person who provides direct testimony on the proposed regulations and waiver. A person may be both a party and a witness.

§ 18.72 Scope of regulations.

The procedural regulations in this subpart govern the practice and procedure in hearings held under section 103(d) of the Act. These hearings will be governed by the provisions of sections 556 and 557 of the Administrative Procedure Act (5 U.S.C. 556 and 557). The regulations shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to any waiver and/or regulation proposed pursuant to section 103(d) of the act in a manner which gives full protection to the rights of all persons affected thereby.

§ 18.73 Burden of proof.

The proponents of the proposed regulations and waiver must demonstrate that any taking or importation of any marine mammal under such proposed regulations and waiver would be consistent with the act.

§ 18.74 Notice of hearing.

(a) A notice of hearing on any proposed regulations shall be published in the FEDERAL REGISTER, together with the Director's proposed determination to waive the moratorium pursuant to section 101(a)(3)(A) (16 U.S.C. 1371(a)(3)(A)), where applicable.

(b) The notice shall state:

(1) The nature of the hearing;

(2) The place and date of the hearing. The date shall not be less than 60 days after publication of notice of the hearing;

(3) The legal authority under which the hearing is to be held;

(4) The proposed regulations and waiver, where applicable, and a summary of the statements required by section 103(d) of the Act (16 U.S.C. 1373(d));

(5) Issues of fact which may be involved in the hearing;

(6) If an Environmental Impact Statement is required, the date of publication of the Statement and the times and place(s) where the Statement and comments thereon may be viewed and copied;

(7) Any written advice received from the Marine Mammal Commission;

(8) The times and place(s) where records and submitted direct testimony will be kept for public inspection,

along with appropriate references to any other documents;

(9) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to §18.75;

(10) The final date for submission of direct testimony on the proposed regulations and waiver, if applicable, and the number of copies required;

(11) The docket number assigned to the case which shall be used in all subsequent proceedings; and

(12) The place and date of the prehearing conference.

§18.75 Notification by interested persons.

Any person desiring to participate as a party shall notify the Director, by certified mail, on or before the date specified in the notice of hearing.

§18.76 Presiding officer.

(a) Upon publication of the notice of hearing pursuant to §18.74, the Office of Hearings and Appeals shall appoint a presiding officer pursuant to 5 U.S.C. 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

(1) Change the time and place of the hearing and adjourn the hearing;

(2) Evaluate direct testimony submitted pursuant to these regulations, make a preliminary determination of the issues, conduct a prehearing conference to determine the issues for the hearing agenda, and cause to be published in the FEDERAL REGISTER a final hearing agenda;

(3) Rule upon motions, requests and admissibility of direct testimony;

(4) Administer oaths and affirmations, question witnesses and direct witnesses to testify;

(5) Modify or waive any rule (after notice) when determining no party will be prejudiced;

(6) Receive written comments and hear oral arguments;

(7) Render a recommended decision; and

(8) Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the powers and duties to be performed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer by the Office of Hearings and Appeals unless otherwise ordered by the Director.

(d) The presiding officer shall withdraw from the proceeding upon his own motion or upon the filing of a motion by a party under §18.76(e) if he deems himself disqualified under recognized canons of judicial ethics.

(e) A presiding officer may be requested to withdraw at any time prior to the recommended decision. If there is filed by a party in good faith a timely and sufficient affidavit alleging the presiding officer's personal bias, malice, conflict of interest or other basis which might result in prejudice to a party, the hearing shall recess. The Director of the Office of Hearings and Appeals shall immediately determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§18.77 Direct testimony submitted as written documents.

(a) Unless otherwise specified, all direct testimony, including accompanying exhibits, must be submitted to the presiding officer in writing no later than the dates specified in the notice of the hearing (§18.74), the prehearing order (§18.82), or within 15 days after the conclusion of the prehearing conference (§18.84) as the case may be. All direct testimony, referred to in the affidavit and made a part thereof, must be attached to the affidavit. Direct testimony submitted with exhibits must state the issue to which the exhibit relates; if no such statement is made, the presiding officer shall determine the relevance of the exhibit to the issues published in the FEDERAL REGISTER.

(b) The direct testimony submitted shall contain:

(1) A concise statement of the witness' interest in the proceeding and his

position regarding the issues presented. If the direct testimony is presented by a witness who is not a party, the witness shall state his relationship to the party; and

(2) Facts that are relevant and material.

(c) The direct testimony may propose issues of fact not defined in the notice of the hearing and the reason(s) why such issues should be considered at the hearing.

(d) Ten copies of all direct testimony must be submitted unless the notice of the hearing otherwise specifies.

(e) Upon receipt, direct testimony shall be assigned a number and stamped with that number and the docket number.

(f) Contemporaneous with the publication of the notice of hearing, the Director's direct testimony in support of the proposed regulations and waiver, where applicable, shall be available for public inspection as specified in the notice of hearing. The Director may submit additional direct testimony during the time periods allowed for submission of such testimony by witnesses.

§ 18.78 Mailing address.

Unless otherwise specified in the notice of hearing, all direct testimony shall be addressed to the Presiding Officer, c/o Director, U.S. Fish and Wildlife Service, Washington, DC 20240. All affidavits and exhibits shall be clearly marked with the docket number of the proceedings.

§ 18.79 Inspection and copying of documents.

Any document in a file pertaining to any hearing authorized by this subpart or any document forming part of the record of such a hearing may be inspected and/or copied in the Office of the Director, U.S. Fish and Wildlife Service, Washington, DC 20240, unless the file is in the care and custody of the presiding officer, in which case he shall notify the parties as to where and when the record may be inspected.

§ 18.80 Ex parte communications.

(a) After notice of a hearing is published in the FEDERAL REGISTER, all communications, whether oral or written, involving any substantive or procedural issue and directed either to the presiding officer or to the Director, Deputy Director or Marine Mammal Coordinator, U.S. Fish and Wildlife Service, without reference to these rules of procedure, shall be deemed ex parte communications and are not to be considered part of the record for decision.

(b) A record of oral conversations shall be made by the above persons who are contacted. All communications shall be available for public viewing at times and place(s) specified in the notice of hearing.

(c) The presiding officer shall not communicate with any party on any fact in issue or on the merits of the matter unless notice and opportunity is given for all parties to participate.

§ 18.81 Prehearing conference.

(a) After an examination of all the direct testimony submitted pursuant to § 18.77, the presiding officer shall make a preliminary determination of issues of fact which may be addressed at the hearing.

(b) The presiding officer's preliminary determination shall be made available at the place or places provided in the notice of the hearing (§ 18.74(b)(8)) at least five days before the prehearing conference is held.

(c) The purpose of the prehearing conference shall be to enable the presiding officer to determine, on the basis of the direct testimony submitted and prehearing discussions:

(1) Whether the presiding officer's preliminary determination of issues of fact for the hearing has omitted any significant issues;

(2) What facts are not in dispute;

(3) Which witnesses may appear at the hearing; and

(4) The nature of the interest of each party and which parties' interests are adverse.

(d) Only parties may participate in the prehearing conference, and a party may appear in person or be represented by counsel.

§ 18.82 Prehearing order.

(a) After the prehearing conference, the presiding officer shall prepare a prehearing order which shall be published in the FEDERAL REGISTER within

ten days after the conclusion of the conference. A copy of the prehearing order shall be mailed to all Parties.

(b) The prehearing order shall list: (1) All the issues which the hearing shall address, the order in which those issues shall be presented, and the direct testimony submitted which bears on the issues; and (2) a final date for submission of direct testimony on issues of fact not included in the notice of hearing if such issues are presented. The prehearing order may also specify a final date for submission of direct testimony to rebut testimony previously submitted during the time specified in the notice of the hearing.

(c) The presiding officer shall publish with the prehearing order a list of witnesses who may appear at the hearing, a list of parties, the nature of the interest of each party, and which parties interests are adverse on the issues presented.

(d) All parties shall be bound by the prehearing order.

§ 18.83 Determination to cancel the hearing.

(a) If the presiding officer determines that no issues of material fact are presented by the direct testimony submitted prior to the date of the hearing, he may publish in the FEDERAL REGISTER such determination and that on issues of material fact a hearing shall not be held. The presiding officer may provide an opportunity for argument on any issues of law presented by the direct testimony.

(b) Promptly after oral argument, if any, the presiding officer shall make a recommended decision based on the record, which in this case shall consist of the direct testimony and any oral argument presented. He shall transmit to the Director his recommended decision, the record and a certificate stating that the record contains all the written direct testimony. The Director shall then make a final decision in accordance with these regulations (§18.91).

§ 18.84 Rebuttal testimony and new issues of fact in prehearing order.

(a) Direct testimony to rebut testimony offered during the time period specified in the notice of hearing may be submitted pursuant to these regulations within fifteen days after the conclusion of the prehearing conference unless the presiding officer otherwise specifies in the prehearing order.

(b) If the prehearing order presents issues not included in the notice of the hearing published pursuant to §18.74:

(1) Any person interested in participating at the hearing on such issues presented shall notify the Director by certified mail of an intent to participate not later than ten days after publication of the prehearing order. Such person may present direct testimony or cross-examine witnesses only on such issues presented unless he previously notified the Director pursuant to §18.75; and

(2) Additional written direct testimony concerning such issues may be submitted within the time provided in the prehearing order. Such direct testimony will comply with the requirements of §18.77.

§ 18.85 Waiver of right to participate.

Any person who fails to notify the Director of his intent to participate pursuant to §18.75 or §18.84 shall be deemed to have waived his right to participate as a party.

§ 18.86 Conduct of the hearing.

(a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer changes the time or place. If a change occurs, the presiding officer shall publish the change in the FEDERAL REGISTER and shall expeditiously notify all parties by telephone or by mail. If the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) The presiding officer shall, at the commencement of the hearing, introduce into the record the notice of hearing as published in the FEDERAL REGISTER, all subsequent notices published in the FEDERAL REGISTER, the Environmental Impact Statement if it is required and the comments thereon and agency responses to the comments, and a list of all parties. Direct testimony

shall then be received with respect to the matters specified in the prehearing order in such order as the presiding officer shall announce. With respect to direct testimony submitted as rebuttal testimony or in response to new issues presented by the prehearing conference, the presiding officer shall determine the relevancy of such testimony.

(c) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(d) If a party objects to the admission or rejection of any direct testimony or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript and shall be subject to review at the same time and in the same manner as the Director's final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(e) All motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript, or by the Director if made thereafter.

§ 18.87 Direct testimony.

(a) Only direct testimony submitted as provided in these regulations and introduced at the hearing by a witness shall be considered part of the record. Such direct testimony, when written, shall not be read into evidence but shall become a part of the record subject to exclusion of irrelevant and immaterial parts thereof.

(b) The witness introducing direct testimony shall:

(1) State his name, address and occupation;

(2) State qualifications for introducing the direct testimony. If an expert, the witness shall briefly state the scientific or technical training which qualifies him as an expert;

(3) Identify the direct testimony previously submitted in accordance with these regulations; and

(4) Submit to appropriate cross- and direct-examination. Cross-examination shall be by a party whose interests are adverse on the issue presented to the witness if the witness is a party, or to the interests of the party who presented the witness.

(c) A party shall be deemed to have waived the right to introduce direct-testimony if such party fails to present a witness to introduce the direct-testimony.

(d) Official notice may be taken of such matters as are judicially noticed by the courts of the United States. Parties shall be given adequate notice, by the presiding officer, at the hearing, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

§ 18.88 Cross-examination.

(a) The presiding officer may:

(1) Require the cross-examiner to outline the intended scope of the examination; and

(2) Exclude cross-examination questions that are immaterial, irrelevant or unduly repetitious.

(b) Any party shall be given an opportunity to appear, either in person or through an authorized counsel or representative, to cross-examine witnesses. Before cross-examining a witness, the party or counsel shall state his name, address and occupation. If counsel cross-examines the witness, counsel shall state for the record the authority to act as counsel. Cross-examiners shall be assumed to be familiar with the direct testimony.

(c) Any party or party's counsel who fails to appear at the hearing to cross-examine an ''adverse'' witness shall be deemed to have waived the right to cross-examine that witness.

(d) Scientific, technical or commercial publications may only be utilized for the limited purposes of impeaching witnesses under cross-examination unless previously submitted and introduced in accordance with these regulations.

§ 18.89 Oral and written arguments.

(a) The presiding officer may, in his discretion, provide for oral argument by parties at the end of the hearing. Such argument, when permitted, may be limited by the presiding officer to the extent necessary for the expeditious disposition of the proceeding.

(b) The presiding officer shall announce at the hearing a reasonable period of time within which any party may file with the presiding officer proposed findings and conclusions and written arguments or briefs, which are based upon the record and citing where practicable the relevant page or pages of the transcript. If a party filing a brief desires the presiding officer to reconsider any objection made by such party to a ruling of the presiding officer, he shall specifically identify such rulings by reference to the pertinent pages of the transcript and shall state his arguments thereon as a part of the brief.

(c) Oral or written arguments shall be limited to issues arising from direct testimony on the record.

§ 18.90 Recommended decision, certification of the transcript and submission of comments on the recommended decision.

(a) Promptly after expiration of the period for receiving written briefs, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

(1) A statement containing a description of the history of the proceedings;

(2) Findings on the issues of fact with the reasons therefor; and

(3) Rulings on issues of law.

(b) The presiding officer shall also transmit to the Director the transcript of the hearing, the original and all copies of the direct testimony, and written comments. The presiding officer shall attach to the original transcript of the hearing a certificate stating that to the best of his knowledge and belief the transcript is a true transcript of the testimony given at the hearing except in such particulars as are specified.

(c) Upon receipt of the recommended decision, the Director shall send a copy thereof to each party by certified mail and shall publish in the FEDERAL REGISTER a notice of the receipt of the recommended decision by the Director. The notice shall include:

(1) A summary of the recommended decision;

(2) A statement that any interested person may file written comments on the recommended decision with the Director by a specified date;

(3) The time(s) and place(s) where the record of the hearing transmitted to the Director pursuant to paragraph (b) of this section may be inspected by interested persons; and

(4) The time(s) and place(s) where the recommended decision may be inspected and/or copied by interested persons.

(d) Within thirty days after the notice of receipt of the recommended decision has been published in the FEDERAL REGISTER, any interested person may file with the Director any written comments on the recommended decision. All comments, including recommendations from or consultation with the Marine Mammal Commission, must be submitted during the thirty-day period to the Director at the above address.

§ 18.91 Director's decision.

(a) Upon receipt of the recommended decision and transcript and after the thirty-day period for receiving written comments on the recommended decision has passed, the Director shall make a final decision on the proposed regulations and waiver, where applicable. The Director's decision may affirm, modify, or set aside, in whole or in part, the recommended findings, conclusions and decision of the presiding officer. The Director may also remand the hearing record to the presiding officer for a fuller development of the record.

(b) The Director's decision shall include:

(1) A statement containing a description of the history of the proceeding;

(2) Findings on the issues of fact with the reasons therefor;

(3) Rulings on issues of law; and

(4) Any other relevant information which the Director deems appropriate.

(c) The Director's decision shall be published in the FEDERAL REGISTER. If

the waiver is approved, the final adopted regulations shall be promulgated with the decision, or as soon thereafter as practicable.

Subpart H—Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species

SOURCE: 41 FR 14373, Apr. 5, 1976, unless otherwise noted.

§ 18.92 Purpose of regulations.

The regulations contained in this subpart fulfill the requirements of section 103 of the Act for regulations to govern the taking and importation of each species of marine mammal for which the moratorium imposed by section 101 has been waived.

§ 18.93 Scope of regulations.

(a) The provisions in this subpart apply only after (1) the Director has made a decision to waive a moratorium pursuant to section 101(a)(3)(A) of the Act, (2) the opportunity for a hearing required by section 103(d) of the Act has been provided, and (3) the Director has made a determination, in the case of State laws and regulations, to approve such State laws and regulations pursuant to section 109(a)(2) of the Act and subpart F of this part.

(b) The provisions of this subpart, unless specifically stated, apply to all taking and/or importation of each species of marine mammal for which the moratorium has been waived other than takings for scientific research or public display, which are governed by §18.31 of this part, or takings incidental to commercial fishing operations which are governed by §18.24.

§ 18.94 Pacific walrus (Alaska).

(a) Pursuant to sections 101(a)(3)(A) 103, and 109 of the Marine Mammal Protection Act of 1972, the moratorium on the hunting and killing of Pacific walrus (*Odobenus rosmarus*) in waters or on lands subject to the jurisdiction of the State of Alaska, the United States, or on the high seas by any person, vessel, or conveyance subject to the jurisdiction of the State of Alaska or the United States, is waived, provided that beginning August 2, 1979 this waiver shall not be effective, and no taking or importation under the waiver shall be allowed, until this section is amended to establish regulations to effectively control taking and otherwise implement the waiver.

(b) [Reserved]

[41 FR 14373, Apr. 5, 1976, as amended at 44 FR 45566, Aug. 2, 1979]

Subpart I [Reserved]

Subpart J—Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska

SOURCE: 65 FR 16842, Mar. 30, 2000; 65 FR 67305, Nov. 9, 2000, unless otherwise noted.

EFFECTIVE DATE NOTE: At 65 FR 16842, Mar. 30, 2000, as corrected at 65 FR 67305, Nov. 9, 2000, Subpart J was added, effective Mar. 30, 2000 through Mar. 31, 2003.

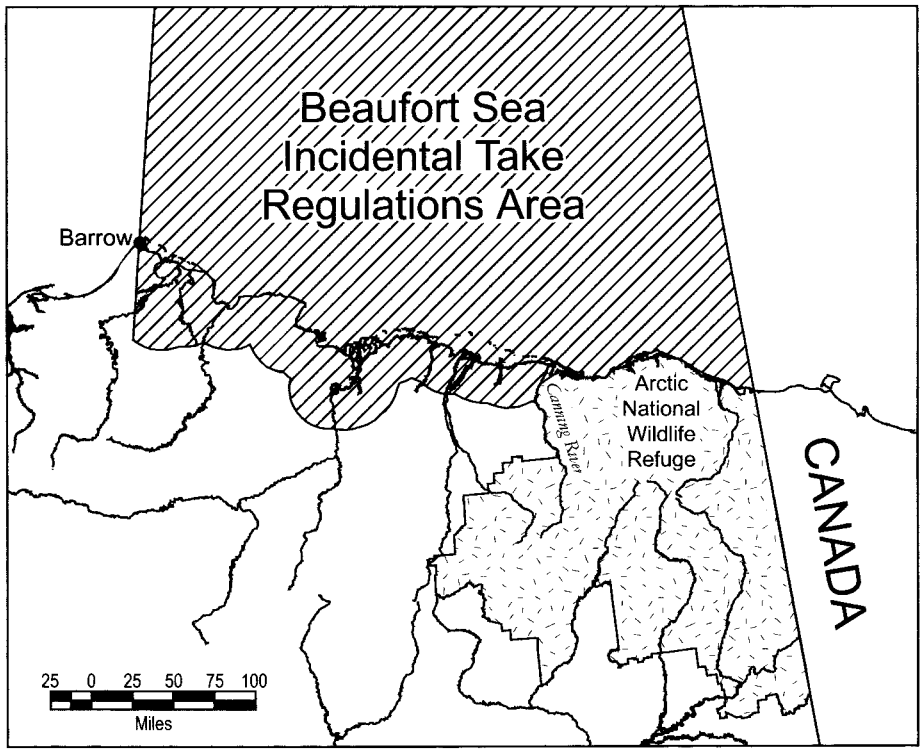
§ 18.121 What specified activities does this rule cover?

Regulations in this subpart apply to the incidental, but not intentional, take of small numbers of polar bear and Pacific walrus by you (U.S. citizens as defined in §18.27(c)) while engaged in oil and gas exploration, development, and production activities and environmental monitoring associated with oil and gas industry activities in the Beaufort Sea and adjacent northern coast of Alaska. The offshore exploration, development, and production facility, known as Northstar, is covered by this rule. Future offshore development and production, such as the proposed Liberty project, is not covered by this rule.

§ 18.122 In what specified geographic region does this rule apply?

This rule applies to the specified geographic region defined by a north/south line at Barrow, Alaska, and includes all Alaska coastal areas, State waters, and all Outer Continental Shelf waters east of that line to the Canadian border and an area 25 miles inland from Barrow on the west to the Canning River on the

east. The Arctic National Wildlife Refuge is excluded from this rule.



§ 18.123 When is this rule effective?

Regulations in this subpart are effective March 30, 2000 and remain effective through March 31, 2003, for year-round oil and gas exploration, development, and production activities.

§ 18.124 How do you obtain a Letter of Authorization?

(a) You must be a U.S. citizen as defined in §18.27(c) of this part.

(b) If you are conducting an oil and gas exploration, development, or production activity in the specified geographic region described in §18.122 that may take a polar bear or Pacific walrus in execution of those activities and desire incidental take authorization under this rule, you must apply for a Letter of Authorization for each exploration activity or a Letter of Authorization for each development and production area. You must submit the application for authorization to our Alaska Regional Director (See 50 CFR 2.2 for address) at last 90 days prior to the start of the proposed activity.

(c) Your application for a Letter of Authorization must include the following information:

(1) A description of the activity, the dates and duration of the activity, the specific location, and the estimated area affected by that activity.

(2) A site-specific plan to monitor the effects of the activity on the behavior of polar bear and Pacific walrus that may be present during the ongoing activities. Your monitoring program must document the effects to these marine mammals and estimate the actual level and type of take. The monitoring

requirements will vary depending on the activity, the location, and the time of year.

(3) A polar bear awareness and interaction plan. For the protection of human life and welfare, each employee on site must complete a basic polar bear encounter training course.

(4) A Plan of Cooperation to mitigate potential conflicts between the proposed activity and subsistence hunting. This Plan of Cooperation must identify measures to minimize adverse effects on the availability of polar bear and Pacific walrus for subsistence uses if the activity takes place in or near a traditional subsistence hunting area. You must contact affected subsistence communities to discuss potential conflicts caused by location, timing, and methods of proposed operations. You must make reasonable efforts to assure that activities do not interfere with subsistence hunting or that adverse effects on the availability of polar bear or Pacific walrus are properly mitigated.

§ 18.125 What criteria do we use to evaluate Letter of Authorization requests?

(a) When you request a Letter of Authorization, we will evaluate each request for a Letter of Authorization based on the specific activity and the specific geographic location. We will determine whether the level of activity identified in the request exceeds that considered by us in making a finding of negligible impact on the species and a finding of no unmitigable adverse impact on the availability of the species for take for subsistence uses. If the level of activity is greater, we will reevaluate our findings to determine if those findings continue to be appropriate based on the greater level of activity that you have requested. Depending on the results of the evaluation, we may allow the authorization to stand as is, add further conditions, or withdraw the authorization.

(b) In accordance with §18.27(f)(5) of this part, we will make decisions concerning withdrawals of Letters of Authorization, either on an individual or class basis, only after notice and opportunity for public comment.

(c) The requirement for notice and public comment in §18.125(b) will not apply should we determine that an emergency exists that poses a significant risk to the well-being of the species or stock of polar bear or Pacific walrus.

§ 18.126 What does a Letter of Authorization allow?

(a) Your Letter of Authorization may allow the incidental, but not intentional, take of polar bear and Pacific walrus when you are carrying out one or more of the following activities:

(1) Conducting geological and geophysical surveys and associated activities;

(2) Drilling exploratory wells and associated activities;

(3) Developing oil fields and associated activities;

(4) Drilling production wells and performing production support operations; and

(5) Conducting environmental monitoring activities associated with exploration, development, and production activities to determine associated impacts.

(b) You must use methods and conduct activities identified in your Letter of Authorization in a manner that minimizes to the greatest extent practicable adverse impacts on polar bear and Pacific walrus, their habitat, and on the availability of these marine mammals for subsistence uses.

(c) Each Letter of Authorization will identify allowable conditions or methods that are specific to the activity and location.

§ 18.127 What activities are prohibited?

(a) Intentional take of polar bears or Pacific walrus; and

(b) Any take that fails to comply with the terms and conditions of these specific regulations or of your Letter of Authorization.

§ 18.128 What are the monitoring and reporting requirements?

(a) We require holders of Letters of Authorization to cooperate with us and other designated Federal, State, and local agencies to monitor the impacts

of oil and gas exploration, development, and production activities on polar bear and Pacific walrus.

(b) Holder of Letters of Authorization must designate a qualified individual or individuals to observe, record, and report on the effects of their activities on polar bear and Pacific walrus.

(c) We may place an observer on site of the activity on board drill ships, drill rigs, aircraft, icebreakers, or other support vessels or vehicles to monitor the impacts of your activity on polar bear and Pacific walrus.

(d) For exploratory activities, holders of a Letter of Authorization must submit a report to our Alaska Regional Director within 90 days after completion of activities. For development and production activities, holders of a Letter of Authorization must submit a report to our Alaska Regional Director by January 15 for the preceding year's activities. Reports must include, at a minimum, the following information:

(1) Dates and times of activity;

(2) Dates and locations of polar bear or Pacific walrus activity as related to the monitoring activity; and

(3) Results of the monitoring activities including an estimated level of take.

§ 18.129 What are the information collection requirements?

(a) The collection of information contained in this subpart has been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and assigned clearance number 1018–0070. We need to collect information in order to describe the proposed activity and estimate the impacts of potential takings by all persons conducting the activity. We will use the information to evaluate the application and determine whether to issue specific regulations and, subsequently, Letters of Authorization.

(b) For the initial year, we estimate your burden to be 200 hours to develop an application requesting us to promulgate incidental take regulations. For the initial year and annually thereafter when you conduct operations under this rule, we estimate an 8-hour burden per Letter of Authorization, a 4-hour burden for monitoring, and an 8-hour burden per monitoring report. You must respond to this information collection request to obtain a benefit pursuant to Section 101(a)(5) of the Marine Mammal Protection Act. You should direct comments regarding the burden estimate or any other aspect of this requirement to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop 222 ARLSQ, 1849 C Street, NW., Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Project (1018–0070), Washington, D.C. 20503.

PART 19—AIRBORNE HUNTING

Subpart A—Introduction

Sec.

19.1 Purpose of regulations.
19.2 Scope of regulations.
19.3 Relation to other laws.
19.4 Definitions.

Subpart B—Prohibitions

19.11 General prohibitions.
19.12 Exceptions to general prohibitions.

Subpart C—Federal Permits

19.21 Limitation on Federal permits.

Subpart D—State Permits and Annual Report Requirements

19.31 State permits.
19.32 Annual reporting requirements.

AUTHORITY: Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742a—j–1).

SOURCE: 39 FR 1177, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 19.1 Purpose of regulations.

The regulations contained in this part provide rules relative to the prohibition against shooting or harassing of wildlife from any aircraft, provide the requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and provide regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742a—j–1).

§ 19.2 Scope of regulations.

The regulations contained in this part apply to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas, and to all persons on board aircraft belonging in whole or in part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States, or any State, territory or possession thereof.

§ 19.3 Relation to other laws.

The exemptions to general prohibitions of the Fish and Wildlife Act of 1956, that permit airborne hunting in certain circumstances (See subpart B of this part) do not supersede, or authorize the violation of, other laws designed for the conservation or protection of wildlife, including those laws prohibiting the shooting or harassing of bald and golden eagles, polar bears and other marine mammals, migratory birds, and other wildlife, *except* to the extent that airborne hunting is authorized by regulations or permits issued under authority of those laws. (See e.g., § 21.41 of this subchapter.)

§ 19.4 Definitions.

In addition to definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 19:

Harass means to disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.

Subpart B—Prohibitions

§ 19.11 General prohibitions.

(a) Except as otherwise authorized by the Fish and Wildlife Act of 1956 as amended, no person shall:

(1) While airborne in any aircraft shoot or attempt to shoot for the purpose of capturing or killing any wildlife;

(2) Use an aircraft to harass any wildlife; or

(3) Knowingly participate in using an aircraft whether in the aircraft or on the ground for any purpose referred to in paragraph (a) (1) or (2) of this section.

(b) The acts prohibited in this section include, but are not limited to, any person who:

(1) Pilots or assists in the operation of an aircraft from which another person shoots or shoots at wildlife while airborne, or

(2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft.

§ 19.12 Exceptions to general prohibitions.

The prohibitions of the preceding section shall not apply to any person who:

(1) Is acting within the scope of his official duties as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops; or

(2) Is acting within the limitations of a permit referred to in § 19.21 or § 19.31 of this part.

Subpart C—Federal Permits

§ 19.21 Limitation on Federal permits.

No Federal permits will be issued to authorize any person to hunt, shoot, or harass any wildlife from an aircraft, except for Federal permits to scare or herd migratory birds referred to in § 21.41 of this subchapter.

Subpart D—State Permits and Annual Report Requirements

§ 19.31 State permits.

(a) Except as provided in § 19.3, States may issue permits to persons to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops. States may not issue permits for the purpose of sport hunting.

(b) Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

§ 19.32 Annual reporting requirements.

(a) Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

(b) The annual report required by this section shall contain the following information as to each such permit issued:

(1) The name and address of each person to whom a permit was issued.

(2) Permit number and inclusive dates during which permit was valid.

(3) The aircraft number of the aircraft used and the location where such aircraft was based.

(4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.

(5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.

(6) The common name and number of wildlife taken by permittees and State employees or agents.

(c) A compilation of all annual reports required by this section shall be made by the Director and furnished to any State filing such annual report.

PART 20—MIGRATORY BIRD HUNTING

Subpart A—Introduction

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20.1 Scope of regulations.
20.2 Relation to other provisions.

Subpart B—Definitions

20.11 What terms do I need to understand?

Subpart C—Taking

20.20 Migratory Bird Harvest Information Program.
20.21 What hunting methods are illegal?
20.22 Closed seasons.
20.23 Shooting hours.
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20.25 Wanton waste of migratory game birds.
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20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.
20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.
20.106 Seasons, limits, and shooting hours for sandhill cranes.
20.107 Seasons, limits, and shooting hours for tundra swans.
20.108 Nontoxic shot zones.
20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.
20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

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20.131 Extension of seasons.
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Subpart M [Reserved]

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20.151 Purpose and scope.
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20.153 Regulations committee.
20.154 Flyway Councils.
20.155 Public file.

AUTHORITY: 16 U.S.C 703–712; 16 U.S.C. 742 a–j; Pub. L. 106–108.

SOURCE: 38 FR 22021, Aug. 15, 1973, unless otherwise noted.

Subpart A—Introduction

§ 20.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate only to the hunting of migratory game birds, and crows.

(b) *Procedural and substantive requirements.* Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part. Crows may be taken, possessed, transported, exported, or imported only in accordance with subpart H of this part and the restrictions, conditions, and requirements prescribed in § 20.133.

§ 20.2 Relation to other provisions.

(a) *Migratory bird permits.* The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to part 21 of this subchapter.

(b) *Migratory bird hunting stamps.* The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a).

(c) *National wildlife refuges.* The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State Laws for the protection of migratory birds.* No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this part, however, nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with these regulations and the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

Subpart B—Definitions

§ 20.11 What terms do I need to understand?

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Migratory game birds* means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:

(1) Anatidae (ducks, geese [including brant] and swans);

(2) Columbidae (doves and pigeons);

(3) Gruidae (cranes);

(4) Rallidae (rails, coots and gallinules); and

(5) Scolopacidae (woodcock and snipe).

A list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in §10.13 of this subchapter.

(b) *Seasons*—(1) *Open season* means the days on which migratory game birds may lawfully be taken. Each period precribed as an open season shall be construed to include the first and last days thereof.

(2) *Closed season* means the days on which migratory game birds shall not be taken.

(c) *Bag limits*—(1) *Aggregate bag limit* means a condition of taking in which two or more usually similar species may be bagged (reduced to possession) by the hunter in predetermined or unpredetermined quantities to satisfy a maximum take limit.

(2) *Daily bag limit* means the maximum number of migratory game birds of single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(3) *Aggregate daily bag limit* means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one species or for any one specified geographic area in which taking occurs.

(4) *Possession limit* means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(5) *Aggregate possession limit* means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggegate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(d) *Personal abode* means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent or trailer house used as a hunting club, or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

(e) *Migratory bird preservation facility* means:

(1) Any person who, at their residence or place of business and for hire or other consideration; or

(2) Any taxidermist, cold-storage facility or locker plant which, for hire or other consideration; or

(3) Any hunting club which, in the normal course of operations; receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage or shipment.

(f) *Paraplegic* means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

(g) *Normal agricultural planting, harvesting, or post-harvest manipulation* means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(h) *Normal agricultural operation* means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

(i) *Normal soil stabilization practice* means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

(j) *Baited area* means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed.

(k) *Baiting* means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

(l) *Manipulation* means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term *manipulation* does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

(m) *Natural vegetation* means any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term *natural vegetation* does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered *natural vegetation*.

[53 FR 24290, June 28, 1988, as amended at 64 FR 29804, June 3, 1999]

Subpart C—Taking

§ 20.20 Migratory Bird Harvest Information Program.

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

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

(c) *Tribal exemptions.* Nothing in paragraph (b) of this section shall apply to tribal members on Federal Indian Reservations or to tribal members hunting on ceded lands.

(d) *State exemptions.* Nothing in paragraph (b) of this section shall apply to those hunters who are exempt from State-licensing requirements in the State in which they are hunting.

(e) *State responsibilities.* The State hunting licensing authority will ask each licensed migratory bird hunter in the respective State to report approximately how many ducks, geese, doves,

and woodcock he or she bagged the previous year, whether he or she hunted coots, snipe, rails, and/or gallinules the previous year, and, in States that have band-tailed pigeon hunting seasons, whether he or she intends to hunt band-tailed pigeons during the current year.

[58 FR 15098, Mar. 19, 1993, as amended at 59 FR 53336, Oct. 21, 1994; 61 FR 46352, Aug. 30, 1996; 62 FR 45708, Aug. 28, 1997; 63 FR 46401, Sept. 1, 1998]

§ 20.21 What hunting methods are illegal?

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No persons shall take migratory game birds:

(a) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;

(b) 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. This restriction does not apply during a light-goose-only season (lesser snow and Ross' geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed while hunting light geese in Central and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: *Provided*, That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in subpart K of this part;

(f) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;

(g) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. This restriction does not apply during a light-goose-only season (lesser snow and Ross' geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed while hunting light geese in Central and Mississippi Flyway portions of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(h) By means or aid of any motordriven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird;

(i) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. However, nothing in this paragraph prohibits:

(1) the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over the following lands or areas that are not otherwise baited areas—

(i) Standing crops or flooded standing crops (including aquatics); standing,

flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(ii) From a blind or other place of concealment camouflaged with natural vegetation;

(iii) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

(2) The taking of any migratory game bird, except waterfowl, coots and cranes, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

(j) While possessing shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, or bismuth-tin (97 parts bismuth: 3 parts tin with <1 percent residual lead) shot, or tungsten-iron (40 parts tungsten: 60 parts iron with <1 percent residual lead) shot, or tungsten-polymer (95.5 parts tungsten: 4.5 parts Nylon 6 or 11 with <1 percent residual lead) shot, or tungsten-matrix (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead) shot, or tin (99.9 percent tin with <1 percent residual lead) shot, or tungsten-nickel-iron (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead), or such shot approved as nontoxic by the Director pursuant to procedures set forth in Sec. 20.134, provided that this restriction applies only to the taking of Anatidae (ducks, geese, (including brant) and swans), coots (Fulica americana) and any species that make up aggregate bag limits during concurrent seasons with the former in areas described in Sec. 20.108 as nontoxic shot zones, and further provided that:

(1) Tin shot (99.9 percent tin with 1 percent residual lead) is legal as nontoxic shot for waterfowl and coot hunting for the 2000–2001 hunting season only.

(2) [Reserved]

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22896, Aug. 27, 1973; 44 FR 2599, Jan. 12, 1979; 45 FR 70275, Oct. 23, 1980; 49 FR 4079, Feb. 2, 1984; 52 FR 27364, July 21, 1987; 53 FR 24290, June 28, 1988; 60 FR 64, Jan. 3, 1995; 60 FR 43316, Aug. 18, 1995; 61 FR 42494, Aug. 15, 1996; 62 FR 43447, Aug. 13, 1997; 64 FR 29804, June 3, 1999; 64 FR 32780, June 17, 1999; 64 FR 45405, Aug. 19, 1999; 64 FR 71237, Dec. 20, 1999; 65 FR 53940, Sept. 6, 2000; 66 FR 742, Jan. 4, 2001; 66 FR 32265, June 14, 2001]

§ 20.22 Closed seasons.

No person shall take migratory game birds during the closed season except as provided in part 21.

[66 FR 32265, June 14, 2001]

§ 20.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in subpart K of this part.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22626, Aug. 23, 1973]

§ 20.24 Daily limit.

No person shall take in any 1 calendar day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

[38 FR 22021, Aug. 15, 1973, as amended at 38 FR 22626, Aug. 23, 1973]

§ 20.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird, and retain it in his actual custody, at the place where taken or between that place and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

[41 FR 31536, July 29, 1976]

§ 20.26 Emergency closures.

(a) The Director may close or temporarily suspend any season established under subpart K of this part:

(1) Upon a finding that a continuation of such a season would constitute an imminent threat to the safety of any endangered or threatened species or other migratory bird populations.

(2) Upon issuance of local public notice by such means as publication in local newspapers of general circulation, posting of the areas affected, notifying the State wildlife conservation agency, and announcement on local radio and television.

(b) Any such closure or temporary suspension shall be announced by publication of a notice to that effect in the FEDERAL REGISTER simultaneous with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that it is impractical to publish a FEDERAL REGISTER notice simultaneously, due to the restriction in time available and the nature of the particular emergency situation, such notice shall follow the steps outlined in paragraph (a) of this section as soon as possible.

(c) Any closure or temporary suspension under this section shall be effective on the date of publication of the FEDERAL REGISTER notice; or if such notice is not published simultaneously, then on the date and at the time specified in the local notification to the public. Every notice of closure shall include the date and time of closing of the season and the area or areas affected. In the case of a temporary suspension, the date and time when the season may be resumed shall be provided by a subsequent local notification to the public, and by publication in the FEDERAL REGISTER.

[41 FR 31536, July 29, 1976]

Subpart D—Possession

§ 20.31 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.32 During closed season.

No person shall possess any freshly killed migratory game birds during the closed season.

§ 20.33 Possession limit.

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

§ 20.34 Opening day of a season.

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

§ 20.35 Field possession limit.

No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (a) his automobile or principal means of land transportation; or (b) his personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

[41 FR 31536, July 29, 1976]

§ 20.36 Tagging requirement.

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

§ 20.37 Custody of birds of another.

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

§ 20.38 Possession of live birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

§ 20.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or a common carrier to some person other than the hunter.

[41 FR 31537, July 29, 1976]

§ 20.40 Gift of migratory game birds.

No person may receive, possess, or give to another, any freshly killed migratory game birds as a gift, except at the personal abodes of the donor or donee, unless such birds have a tag attached, signed by the hunter who took the birds, stating such hunter's address, the total number and species of birds and the date such birds were taken.

[42 FR 39668, Aug. 5, 1977]

Subpart E—Transportation Within the United States

§ 20.41 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, transport any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 20.36.

§ 20.43 Species identification requirement.

No person shall transport within the United States any migratory game birds, except doves and band-tailed pigeons (*Columba fasciata*), unless the head or one fully feathered wing remains attached to each such bird at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

[41 FR 31537, July 19, 1976]

§ 20.44 Marking package or container.

No person shall transport by the Postal Service or a common carrier migratory game birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart F—Exportation

§ 20.51 Prohibited if taken in violation of subpart C.

No person shall at any time, by any means, or in any manner, export or cause to be exported, any migratory game bird or part thereof, taken in violation of any provision of subpart C of this part.

§ 20.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported from the United States and/or any of its possessions to any foreign country.

§ 20.53 Marking package or container.

No person shall export migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart G—Importations

§ 20.61 Importation limits.

No person shall import migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.* (1) From any foreign country except Mexico, during any one calendar week beginning on Sunday, not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species.

(2) From Mexico, not to exceed the maximum number permitted by Mexican authorities to be taken in any one day: *Provided,* That if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

(b) *Waterfowl.* (1) From any foreign country except Canada and Mexico, during any one calendar week beginning on Sunday, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species.

(2) From Canada, not to exceed the maximum number permitted to be exported by Canadian authorities.

(3) From Mexico, not to exceed the maximum number permitted by Mexican authorities to be taken in any one day: *Provided,* That if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

[40 FR 36346, Aug. 20, 1975]

§ 20.62 Importation of birds of another.

No person shall import migratory game birds belonging to another person.

§ 20.63 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a migratory bird preservation facility.

[41 FR 31537, July 19, 1976]

§ 20.64 Foreign export permits.

No person shall import, possess or transport, any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 20.65 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 20.63), drawn, and the head and feet are removed: *Provided,* That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to § 21.24 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

§ 20.66 Marking of package or container.

No person shall import migratory game birds via the Postal Service or a common carrier unless the package or container has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart H—Federal, State, and Foreign Law

§ 20.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation issued pursuant thereto.

§ 20.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 20.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, or transport, any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

Subpart I—Migratory Bird Preservation Facilities

§ 20.81 Tagging requirement.

No migratory bird preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 20.36.

[41 FR 31537, July 29, 1976]

§ 20.82 Records required.

(a) No migratory bird preservation facility shall:

(1) Receive or have in custody any migratory game bird unless accurate records are maintained which can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show (i) the number of each species; (ii) the location where taken; (iii) the date such birds were received; (iv) the name and address of the person from whom such birds were received; (v) the date such birds were disposed of; and (vi) the name and address of the person to whom such birds were delivered, or

(2) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

(b) Record keeping as required by this section will not be necessary at hunting clubs which do not fully process migratory birds by removal of both the head and wings.

[41 FR 38510, Sept. 10, 1976]

§ 20.83 Inspection of premises.

No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried.

[41 FR 31537, July 19, 1976]

Subpart J—Feathers or Skins

§ 20.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses the feathers of migratory waterfowl (ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

[38 FR 22021, Aug. 15, 1973, as amended at 45 FR 70275, Oct. 23, 1980]

§ 20.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules

§ 20.100 General provisions.

(a) The taking, possession, transportation, and other uses of migratory game birds by hunters is generally prohibited unless it is specifically provided for under regulations developed in accordance with the Migratory Bird Treaty Act. Consequently, hunting is prohibited unless regulatory schedules

are established for seasons, daily bag and possession limits, and shooting (or hawking) hours. Migratory game bird population levels, including production and habitat conditions, vary annually. These conditions differ over North America, and within the United States, by flyways, States, and frequently areas within States. Thus, it is necessary to make annual adjustments in the schedules to limit the harvests of migratory game birds to permissible levels.

(b) The development of these schedules involves annual data gathering programs to determine migratory game bird population status and trends, evaluations of habitat conditions, harvest information, and other factors having a bearing on the anticipated size of the fall flights of these birds. The proposed hunting schedules are announced early in the spring, and following consideration of additional information as it becomes available, as well as public comment, they are modified and published as supplemental proposals. These are also open to public comment. Public hearings are held for the purpose of providing additional opportunity for public participation in the rulemaking process.

[44 FR 7147, Feb. 6, 1979]

§ 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

This section provides for the annual hunting of certain doves, pigeons, ducks, coots, gallinules and snipe in Puerto Rico; and for certain doves, pigeons and ducks in the Virgin Islands. In these Commonwealths, the hunting of waterfowl and coots (and other certain species, as applicable) must be with the use of nontoxic shot beginning in the 1991–92 waterfowl season.

[53 FR 24290, June 28, 1988]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.102 Seasons, limits, and shooting hours for Alaska.

This section provides for the annual hunting of certain waterfowl (ducks, tundra swans, geese, and brant), common snipe, and sandhill cranes in Alaska. In Alaska, the hunting of waterfowl must be with the use of nontoxic shot beginning in the 1991–92 waterfowl season.

[55 FR 35267, Aug. 28, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

This section provides for the annual hunting of certain doves and pigeons in the 48 contiguous United States. The mourning dove hunting regulations are arranged by the Eastern, Central, and Western Management Units.

[44 FR 7147, Feb. 6, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.

This section provides for the annual hunting of certain rails, woodcock, and snipe in the 48 contiguous United States.

[44 FR 7148, Feb. 6, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.105 Seasons, limits and shooting hours for waterfowl, coots, and gallinules.

This section provides for the annual hunting of certain waterfowl (ducks, geese [including brant]), coots and gallinules in the 48 contiguous United States. The regulations are arranged by the Atlantic, Mississippi, Central and Pacific Flyways. These regulations often vary within Flyways or States, and by time periods. Those areas of the

United States outside of State boundaries, i.e., the United States' territorial waters seaward of county boundaries, and including coastal waters claimed by the separate States, if not already included under the zones contained in § 20.108, are designated for the purposes of § 20.21(j) as nontoxic shot zones for waterfowl hunting beginning in the 1991–92 season.

[53 FR 24290, June 28, 1988, as amended at 56 FR 22102, May 13, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

This section provides for the annual hunting of sandhill cranes in designated portions of the 48 contiguous United States.

[55 FR 35267, Aug. 28, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.107 Seasons, limits, and shooting hours for tundra swans.

This section provides for the annual hunting of tundra swans in designated portions of the 48 contiguous United States.

[55 FR 39829, Sept. 28, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 20.108 Nontoxic shot zones.

Beginning September 1, 1991, the contiguous 48 United States, and the States of Alaska and Hawaii, the Territories of Puerto Rico and the Virgin Islands, and the territorial waters of the United States, are designated for the purpose of § 20.21(j) as nontoxic shot zones for hunting waterfowl, coots and certain other species. ''Certain other species'' refers to those species, other than waterfowl or coots, that are affected by reason of being included in aggregate bags and concurrent seasons.

[56 FR 22102, May 13, 1991]

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

This section provides annual regulations by which falconers may take permitted migratory game birds.

[44 FR 7148, Feb. 6, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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

This section provides for establishing annual migratory bird hunting regulations for certain tribes on Federal Indian reservations, Indian Territory, and ceded lands.

[50 FR 35764, Sept. 3, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting annual regulatory schedules for this section, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Subpart L—Administrative and Miscellaneous Provisions

§ 20.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the

extended or reopened season in no event shall exceed the number of days during which hunting has been so prohibited. The extended or reopened season will be publicly announced.

§ 20.132 Subsistence use in Alaska.

(a) In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(b) In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner and at any time, snowy owls and cormorants and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

§ 20.133 Hunting regulations for crows.

(a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the State of Hawaii, where no crows shall be taken, States may by statute or regulation prescribe a hunting season for crows. Such State statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or seasons on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

§ 20.134 Nontoxic shot.

(a) *Approval.* (1) The information collection requirements contained in § 20.134 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0067. The information is being collected to provide a basis for which the Director, Fish and Wildlife Service, can conduct a methodical and objective review to approve/disapprove nontoxic shot status sought by an applicant. The information will be used for toxicity assessment of candidate shot submitted for approval by applicant. Response is required to obtain a benefit.

(2) The Director, U.S. Fish and Wildlife Service, shall determine that a specific type of shot material is acceptable for the purposes of 50 CFR 20.21(j), if after a review of applications and supporting data submitted in accordance with this section, together with all other relevant evidence, including public comment, it is concluded that the spent shot material does not impose a significant danger to migratory birds and other wildlife or their habitats.

(b) *Application and review—Tiered strategy for approval of nontoxic shot and shot coating.* (1) All applications for approval under this section must be submitted with supporting documentation to the Director in accordance with the following procedures and must include at a minimum the supporting materials and information covered by Tier 1 in the tiered approval system as follows:

(2) *Tier 1.* (i)(A) Applicant provides statements of use, chemical characterization, production variability, volume of use of candidate material and shot sample as listed in paragraphs (b)(2)(i)(A)(*1*) through (*5*), (b)(2)(i)(B)(*1*) through (*5*), and (b)(2)(i)(C)(*1*) through (*3*) of this section. The candidate shot or shot coating may be chemically analyzed by the Service or an independent laboratory to compare the results with the applicant's descriptions of shot composition and composition variability. Rejection of the application will occur if it is incomplete or if the composition of the candidate material, upon analysis, varies significantly from that described by the applicant.

(*1*) Statement of proposed use, i.e., purpose and types.

(*2*) Description of the chemical composition of the intact material.

(*i*) Chemical names, Chemical Abstracts Service numbers (if available), and structures.

(*ii*) Chemical characterization for organics and organometallics for coating and core [e.g., empirical formula, melting point, molecular weight, solubility, specific gravity, partition coefficients, hydrolysis half-life, leaching rate (in water and soil), degradation half-life, vapor pressure, stability and other relevant characteristics].

(*iii*) Composition and weight of shot material.

(*iv*) Thickness, quantity (e.g., mg/shot), and chemical composition of shot coating.

(*3*) Statement of the expected variability of shot during production.

(*4*) Estimate of yearly volume of candidate shot and/or coated shot expected for use in hunting migratory birds in the U.S.

(*5*) Five pounds of the candidate shot and/or coated shot, as applicable, in size equivalent to United States standard size No. 4 (0.13 inches in diameter).

(B) Applicant provides information on the toxicological effects of the shot or shot coating as follows:

(*1*) A summary of the acute and chronic mammalian toxicity data of the shot or shot coating ranking its toxicity (e.g., LD50<5 mg/kg = super toxic, 5–50 mg/kg = extremely toxic, 50–500 mg/kg = very toxic, 500–5,000 mg/kg = moderately toxic, 5,000–15,000 = slightly toxic, >15,000 mg/kg = practically nontoxic) with citations.

(*2*) A summary of known acute, chronic, and reproductive toxicological data of the chemicals comprising the shot or shot coating with respect to birds, particularly waterfowl (include LD50 or LC50 data, and sublethal effects) with citations.

(*3*) A narrative description, with citations to relevant data, predicting the toxic effect in waterfowl of complete erosion and absorption of one shot or coated shot in a 24-hour period. Define the nature of toxic effect (e.g., mortality, impaired reproduction, substantial weight loss, disorientation and other relevant associated clinical observations).

(*4*) A statement, with supporting rationale and citations to relevant data, that there is or is not any reasonable basis for concern for shot or coated shot ingestion by fish, amphibians, reptiles or mammals. If there is some recognized impact on fish, amphibians, reptiles, or mammals, the Service may require additional study.

(*5*) Summarize the toxicity data of chemicals comprising the shot or shot coating to aquatic and terrestrial invertebrates, fish, amphibians, reptiles, and mammals.

(C) Applicant provides information on the environmental fate and transport, if any, of the shot or shot coating as follows:

(*1*) A statement of the alteration of the shot or shot coating, chemically or physically, upon firing. The statement must describe any alterations.

(*2*) An estimate of the environmental half-life of the organic or organometallic component of the shot or shot coating, and a description of the chemical form of the breakdown products.

(*3*) Information on the Estimated Environmental Concentration (EEC) assuming 69,000 shot per hectare (Bellrose 1959; Pain 1990) for:

(*i*) A terrestrial ecosystem, assuming complete dissolution of material in 5 cm of soil. What would be the EEC and would that EEC exceed existing clean soil standards? (Environmental Protection Agency [EPA] standards for the Use of Disposal of Sewage Sludge; 40 CFR Part 503). How does the estimated EEC relate to the toxicity threshold for plants, invertebrates, fish and wildlife?

(*ii*) An aquatic ecosystem, assuming complete dissolution of the shot or shot coating in 1 cubic foot of water. What is the estimated EEC, and how does it compare to the EPA Water Quality Criteria and toxicity thresholds in plants, invertebrates, fish and wildlife?

(D) *Service evaluation of an application.* (*1*) In reviewing the submission, the Service will use an exceedence of 1 LD50/square foot as the level of concern (U.S.E.P.A. 1992) as a criteria in the risk assessment.

(*2*) In cooperation with the applicant, the Service will conduct a risk assessment using the Quotient Method (Environmental Protection Agency 1986): Risk = EEC/Toxicological Level of Concern Compare EEC in ppm to an effect level (e.g., LD50 in ppm. If $Q < 0.1$ = No Adverse Effects; If $0.1 \leq Q \leq 10.0$ =

Possible Adverse Effects; If Q > 10.0 = Probable Adverse Effects.

(*3*) Upon receipt of the Tier 1 application, the Director will review it to determine if the submission is complete. If complete, the applicant is notified within 30 days of receipt that a thorough review of the application will commence. A *Notice of Application* will appear in the FEDERAL REGISTER announcing the initiation of review of a Tier 1 application. Complete review of a Tier 1 application will occur within 60 days of the date the *Notice of Application* is published in the FEDERAL REGISTER.

(E) If, after review of the Tier 1 data, the Service does not conclude that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, the applicant is advised to proceed with the additional testing described for Tier 2, Tier 3, or both. A *Notice of Review* will inform the public that Tier 1 test results are inconclusive, and Tier 2, Tier 3, or both testing are required before further consideration.

(F) If review of the Tier 1 data results in a preliminary determination that the candidate material does not impose a significant danger to migratory birds, other wildlife, and their habitats, the Director will publish in the FEDERAL REGISTER a proposed rule stating the Service's intention to approve this shot or shot coating based on the toxicological report and toxicity studies. The rulemaking will include a description of the chemical composition of the candidate shot or shot coating, and a synopsis of findings under the standards required for Tier 1. If, at the end of the comment period, the Service finds no technical or scientific basis upon which to alter its conclusion, the candidate material will be approved by the publication of a final rule in the FEDERAL REGISTER. If, after receiving public comment, the Service determines that all available information does not establish that the shot and/or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, Tier 2, Tier 3, or both testing will be required and a *Notice of Review* will appear in the FEDERAL REGISTER. If only one of these two Tier tests are required, the Service will explain in the notice why the other is not required. If the applicant chooses not to proceed, the determination denying approval will appear in the FEDERAL REGISTER.

(ii) [Reserved]

(3) *Tier 2.* (i) If Tier 2 testing is required, the applicant must submit a plan that addresses paragraph (b)(3)(ii) requirements. The Director will review the Tier 2 testing plan submitted by the applicant within 30 days of receipt. The Director may decline to approve the plan, or any part of it, if deficient in any manner with regard to timing, format or content. The Director shall apprise the applicant regarding what parts, if any, of the submitted testing procedures to disregard and any modifications to incorporate into the Tier 2 testing plan in order to gain plan approval. All testing procedures will be in compliance with the Good Laboratory Practices Standards (40 CFR part 160) except where they conflict with the regulations in this section or with a provision of an approved plan. The Director, or authorized representative, may elect to inspect the applicant's laboratory facilities and may decline to approve the plan and further consideration of the candidate shot if the facility does not meet the Good Laboratory Practices Standards. After the plan is accepted, Tier 2 testing will commence. Required analyses and reports, in accordance with the regulations in this section, must be sent to the Director. The applicant will ensure that copies of all the raw data and statistical analyses accompany the laboratory reports and final comprehensive report of this test.

(ii) Evaluation of the candidate shot or shot coating will first be in a standardized test under *in vitro* conditions (see paragraph be in a standardized test under *in vitro* conditions (see paragraph (b)(3)(ii)(A)) that will assess its erosion and any release of components into a liquid medium in an environment simulating *in vivo* conditions of a waterfowl gizzard. Erosion characteristics are to be compared with those of lead shot and steel shot of comparable size. Following the erosion rate testing, the applicant must conduct a 30-day acute toxicity test in mallards, and a test to determine the candidate shot and/or

shot coating effects on selected invertebrates and fish and include the results in the report for the Director.

(A) *In vitro erosion rate test.* Conduct a standardized *in vitro* test to determine erosion rate of the candidate shot or shot coating using the guidelines in Kimball and Munir (1971), unless otherwise provided by the Service.

(*1*) *Typical test materials:* Atomic absorption spectrophotometer; Drilled aluminum block to support test tubes; Thermostatically controlled stirring hot plate; Small Teflon[reg]-coated magnets; Hydrochloric acid (pH 2.0) and pepsin; Capped test tubes; and Lead, steel and candidate shot/coated shot.

(*2*) *Typical test procedures.* Add hydrochloric acid and pepsin to each capped test tube at a volume and concentration that will erode a single ı4 lead shot at a rate of 5 mg/day. Place three test tubes, each containing either lead shot, steel shot or candidate shot and/or coated shot, in an aluminum block on the stirring hot plate. Add a Teflon[reg] coated magnet to each test tube and set the hot plate at 42 degrees centigrade and 500 revolutions per minute. Determine the erosion of shot or coated shot daily for 14 consecutive days by weighing the shot and analyzing the digestion solution with an atomic absorption spectrophotometer. Replicate the 14-day procedure five times.

(*3*) *Typical test analyses.* Compare erosion rates of the three types of shot by appropriate analysis of variance and regression procedures. The statistical analysis will determine whether the rate of erosion of the shot and/or shot coating is significantly greater or less than that of lead and steel. This determination is important to any subsequent toxicity testing.

(B) *Acute toxicity test—Tier 2 (Short-term, 30-day acute toxicity test using a commercially available duck food.).* Over a 30-day period, conduct a short-term acute toxicity test that complies with the guidelines described as follows or as otherwise provided by the Service:

(*1*) *Typical test materials:* 30 male and 30 female hand-reared mallards approximately 6 to 8 months old (mallards must have plumage and body conformation that resemble wild mallards); 60 elevated outdoor pens equipped with feeders and waterers; Laboratory equipped to perform fluoroscopy, required blood and tissue assays, and necropsies; Commercial duck maintenance mash; and Lead, steel and candidate shot.

(*2*) *Typical test procedures.* House mallards individually in pens and give *ad libitum* access to food and water. After 3 weeks, randomly assign to 3 groups (10 males and 10 females/group), dose with eight pellets of either No. 4 lead shot (positive control), steel shot (negative control), or the candidate shot or coated shot. Fluoroscope birds at 1 week after dosage to check for shot retention. Observe birds daily for signs of intoxication and mortality over a 30-day period. Determine body weight at the time of dosing, and at days 15 and 30 of the test. On days 15 and 30, collect blood by venipuncture, determine hematocrit, hemoglobin concentration and other specified blood chemistries. Sacrifice all survivors on day 30. Remove the liver and other appropriate organs from the sacrificed birds and from birds that died prior to sacrifice on day 30 for histopathological analysis. Analyze the organs for lead and compounds contained in the candidate shot or coated shot. Necropsy all birds to determine any pathological conditions.

(*3*) *Typical test analyses.* Analyze mortality among the specified groups with appropriate chi-square statistical procedures. Analyze physiological data and tissue contaminant data by analysis of variance or other appropriate statistical procedures to include the factors of shot type and sex. Compare sacrificed birds and birds that died prior to sacrifice whenever sample sizes are adequate for meaningful comparison.

(C) *Daphnid and fish early-life toxicity tests.* Determine the toxicity of the compounds that comprise the shot or shot coating (at conditions maximizing solubility without adversely affecting controls) to selected invertebrates and fish. These methods are subject to the environmental effects test regulations developed under the authority of the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*), as follows:

(*1*) The first test, the *Daphnid Acute Toxicity Test* (conducted in accordance with 40 CFR 797.1300), is a guideline for use in developing data on the acute toxicity of chemical substances. This guideline prescribes an acute toxicity test in which Daphnid exposure to a chemical in static and flow-through systems, with the agencies assessing the hazard the compound(s) may present to an aquatic environment.

(*2*) The second test is the *Daphnid Chronic Toxicity Test* (conducted in accordance with 40 CFR 797.1330). This gathers data on the chronic toxicity of chemical substances in which Daphnids (*Daphnia* spp.) are exposed to a chemical in a renewal or flow-through system. The data from this test are again used to assess the hazard that the compound(s) may present to an aquatic environment.

(*3*) A third test, *Fish Early Life Stage Toxicity Test* (conducted in accordance with 40 CFR Section 797.1600), assesses the adverse effects of chemical substances to fish in the early stages of their growth and development. Data from this test are used to determine the hazard the compound(s) may present to an aquatic environment.

(iii) After the Tier 2 testing, the applicant will report the results to the Director. If, after review of the Tier 2 data, the Service determines that the information does not establish that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, the applicant is advised to proceed with the additional testing in Tier 3. A *Notice of Review* advises the public that, in conjunction with Tier 1 data, Tier 2 test results are inconclusive and Tier 3 testing is required for continued consideration.

(iv) If review of the Tier 2 test data results in a preliminary determination that the candidate shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, the Director will publish in the FEDERAL REGISTER a proposed rule stating the Service's intention to approve this shot and/or coating and why Tier 3 testing is unnecessary. The rulemaking will include a description of chemical composition of the shot or shot coating, and a synopsis of findings under the standards required at Tier 2. If, at the end of the comment period, the Service finds no technical or scientific basis upon which to deny approval, the candidate shot or shot coating approval is published as a final rule in the FEDERAL REGISTER. If, as a result of the comment period, the Service determines that the information does not establish that the shot and/or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, Tier 3 testing will be required and a *Notice of Review* published in the FEDERAL REGISTER. If the applicant chooses not to proceed, the determination denying approval of the candidate shot or shot coating will appear in the FEDERAL REGISTER.

(4) *Tier 3.* (i) If the Director determines that the Tier 1 or Tier 2 information is inconclusive, the Director will notify the applicant to submit a Tier 3 testing plan for conducting further testing as outlined in paragraphs (b)(4)(i) (A) and (B) of this section. Review, by the Director, of the Tier 3 testing plan submitted by the applicant will occur within 30 days of receipt. The Director may decline to approve the plan, or any part of it, if deficient in any manner with regard to timing, format or content. The Director shall apprise the applicant regarding what parts, if any, of the submitted testing procedure to disregard and any modifications to incorporate into the Tier 3 plan in order to gain plan approval. All testing procedures should be in compliance with the Good Laboratory Practices Standards (40 CFR part 160), except where they conflict with the regulations in this section or with a provision of an approved plan. The Director, or authorized representative, may elect to inspect the applicant's laboratory facilities and may decline to approve the plan and further consideration of the candidate shot and/or shot coating if the facility is not in compliance with the Good Laboratory Practices Standards. After acceptance of the plan, Tier 3 testing will commence. Required analyses and reports must be sent to the Director. The applicant will ensure that copies of all the raw data and statistical analyses

accompany the laboratory reports and final comprehensive report of this test.

(A) *Chronic toxicity test—Tier 3 (Long-term toxicity test under depressed temperature conditions using a nutritionally-deficient diet).* Conduct a chronic exposure test under adverse conditions that complies with the general guidelines described as follows unless otherwise provided by the Service:

(*1*) *Typical test materials:* 36 male and 36 female hand-reared mallards approximately 6 to 8 months old (Mallards must have plumage and body conformation that resembles wild mallards); 72 elevated outdoor pens equipped with feeders and waterers; Laboratory equipped to perform fluoroscopy, required blood and tissue assays, and necropsies; Whole kernel corn; and Lead, steel, and candidate shot or coated shot.

(*2*) *Typical test procedures.* (*i*) Conduct this test at a location where the mean monthly low temperature during December through March is between 20 and 40 degrees Fahrenheit (−6.6 and 4.4 degrees centigrade, respectively). Assign individual mallards to elevated outdoor pens during the first week of December and acclimate to an *ad libitum* diet of whole kernel corn for 2 weeks. Randomly assign birds to 5 groups (lead group of 4 males and 4 females, 4 other groups of 8 males and 8 females/group). Dose the lead group (positive control) with one size No. 4 pellet of lead shot. Dose one group (8 males and 8 females) with eight size No. 4 pellets of steel shot (negative control) and dose the 3 other groups (8 males and 8 females/group) with one, four and eight size No. 4 pellets of candidate shot or coated shot.

(*ii*) Weigh and fluoroscope birds weekly. Weigh all recovered shot to measure erosion. Determine blood parameters given in the 30-day acute toxicity test. Provide body weight and blood parameter measurements on samples drawn at 24 hours after dosage and at the end of days 30 and 60. At the end of 60 days, sacrifice all survivors. Remove the liver and other appropriate organs from sacrificed birds and birds dying prior to sacrifice on day 60 for histopathological analysis. Analyze organs for lead and other metals potentially contained in the candidate shot or shot coating. Necropsy all birds that died prior to sacrifice to determine pathological conditions associated with death.

(*3*) *Typical test analyses.* Analyze mortality among the specified groups with appropriate chi-square statistical procedures. Any effects on the previously mentioned physiological parameters caused by the shot or shot coating must be significantly less than those caused by lead shot and must not be significantly greater than those caused by steel shot. Analyze physiological data and tissue contaminant data by analysis of variance or appropriate statistical procedures to include the factors of shot type, dose and sex. Compare sacrificed birds and birds that died prior to sacrifice whenever sample sizes are adequate for a meaningful comparison.

(B) *Chronic dosage study—Tier 3 (Moderately long-term study that includes reproductive assessment).* Conduct chronic exposure reproduction trial with the general guidelines described as follows unless otherwise provided by the Service:

(*1*) *Typical test materials:* 44 male and 44 female hand-reared first year mallards (Mallards must have plumage and body conformation that resemble wild mallards); Pens suitable for quarantine and acclimation and for reasonably holding 5–10 ducks each; 44 elevated, pens equipped with feeders, waterers and nest boxes; Laboratory equipped to perform fluoroscopy, required blood and tissue assays, and necropsies; Whole kernel corn, and commercial duck maintenance and breeder mash; and Lead, steel and candidate shot or coated shot.

(*2*) *Typical test procedures.* (*i*) Randomly assign mallards to 3 groups (Lead group = 4 males and 4 females; steel group = 20 males and 20 females; candidate shot/coated shot group = 20 males and 20 females) in December and hold in same-sex groups until mid-January (dates apply to outdoor test facility only and will reflect where in the U.S. tests are conducted). Tests conducted in the southern U.S. will need to be completed in low temperature units. After a 3-week acclimation period with ducks receiving commercial maintenance mash, provide birds with

an *ad libitum* diet of corn for 60 days and then pair birds (one pair/pen) and provide commercial breeder mash. Dosing of the 3 groups with one pellet of No. 4 lead shot (positive control); eight pellets of No. 4 steel shot (negative control); and eight pellets of No. 4 candidate shot or coated shot will occur after the acclimation period (day 0) and redosed after 30, 60, and 90 days. Few, if any, of the lead-dosed birds (positive control) should survive and reproduce.

(*ii*) Fluoroscope birds 1 week after dosage to check for shot retention. Weigh males and females the day of initial dosing (day 0), at each subsequent dosing, and at death. Measure blood parameters identified in the 30-Day Acute Toxicity Test in this test using samples drawn at time of weighing. Note the date of first egg and the mean number of days per egg laid. Conclude laying after 21 normal, uncracked eggs are laid or after 150 days. Sacrifice adults after completion of laying period. Remove the liver and other appropriate organs from sacrificed birds and from other birds that died prior to sacrifice for histopathological analysis. Analyze organs and the 11th egg for compounds contained in the shot or shot coating. Necropsy all birds to determine any pathological conditions. Check nests daily to collect eggs. Discard any eggs laid before pairing. Artificially incubate eggs and calculate the percent shell thickness, percent eggs cracked, percent fertility (as determined by candling), and percent hatch of fertile eggs for each female. Provide ducklings with starter mash after hatching. Sacrifice all ducklings at 14 days of age. Measure survival to day 14 and weight of the ducklings at hatching and sacrifice. Measure blood parameters identified in the 30-Day Acute Toxicity Test using samples drawn at sacrificing.

(*3*) *Typical test analyses.* (*i*) Any mortality, reproductive inhibition or effects on the physiological parameters in paragraph (b)(4) by the shot or shot coating must not be significantly greater than those caused by steel shot. Percentage data is subject to an arcsine, square root transformation prior to statistical analyses. Physiological and reproductive data is analyzed by one-tailed *t*-tests (α=0.05), or other appropriate statistical procedures by the applicant.

(*ii*) After conclusion of Tier 3 testing, the applicant must report the results to the Director. If after review of the Tier 3 data (completion 60 days after receipt of material) the Service determines that all of the information gathered and submitted in accordance with Tiers 1, 2, and 3, as applicable, does not establish that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife, and their habitats, the applicant will have the option of repeating the tests that the Director deems are inconclusive. If the applicant chooses not to repeat the tests, approval of the candidate shot or shot coating is denied. A *Notice of Review* will inform the public that Tier 3 results are inconclusive, the applicant's decision not to repeat Tier 3 testing, and the Service's subsequent denial of the shot or shot coating.

(*iii*) If review of either the initial or repeated Tier 3 test data results in a preliminary determination that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife and their habitats, the Director will publish in the FEDERAL REGISTER a proposed rule stating the Service's intention to approve this shot or shot coating and providing the public with the opportunity to comment. The rulemaking will include a description of the chemical composition of the shot or shot coating and a synopsis of findings under the standards required by Tier 3. If at the end of the comment period, the Service concludes that the shot or shot coating does not impose a significant danger to migratory birds, other wildlife, or their habitats, the shot or shot coating will be approved as nontoxic with publication of a final rule in the FEDERAL REGISTER.

(5) *Residual lead levels.* The Service's maximum environmentally acceptable level of lead in shot is trace amounts or <1 percent. Any shot manufactured with lead levels equal to or exceeding 1 percent are considered toxic and, therefore, illegal.

(6) *Field detection device.* Before approval of any shot for use in migratory game bird hunting, a noninvasive field

testing device must be available for enforcement officers to determine the shot material in a given shell in the field.

(Information collection requirements approved by the Office of Management and Budget under control no. 1018–0067)

[51 FR 42100, Nov. 21, 1986, as amended at 62 FR 63611, Dec. 1, 1997]

Subpart M [Reserved]

Subpart N—Special Procedures for Issuance of Annual Hunting Regulations

SOURCE: 46 FR 62079, Dec. 22, 1981, unless otherwise noted.

§ 20.151 Purpose and scope.

The rules of this subpart N apply to the issuance of the annual regulations establishing seasons, bag limits, and other requirements for the seasonal hunting of migratory birds. The rules of this subpart N do not apply to the issuance of regulations under part 21 of this title or under subparts A through J and L through M of this part 20.

§ 20.152 Definitions.

As used in this subpart N:

(a) *Flyway Council* means the Atlantic, Mississippi, Central, or Pacific Flyway Council;

(b) *Regulations Committee* means the Migratory Bird Regulations Committee of the Fish and Wildlife Service; and

(c) *Significant*, as used in reference to a communication or other form of information or data, means related to the merits of the regulation and received, utilized, or transmitted by an official of the Department who is or may reasonably be expected to be involved in the decisional process on the regulation.

§ 20.153 Regulations committee.

(a) *Notice of meetings.* Notice of each meeting of the Regulations Committee to be attended by any person outside the Department will be published in the FEDERAL REGISTER at least two weeks before the meeting. The notice will state the time, place, and general subject(s) of the meeting, as well as the extent of public involvement.

(b) *Public observation and written comment.* Each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section will be open to the public for observation and the submission of written comments.

(c) *Public participation.* Except for the mid-summer meetings held in Washington, DC, in conjuction with the public hearing on waterfowl and other late season frameworks, the public may participate in any meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section through the submission of oral statements that comply with the rules stated in the notice.

(d) *Minutes of meetings.* Minutes will be made of each meeting of the Regulations Committee for which notice is published pursuant to paragraph (a) of this section.

§ 20.154 Flyway Councils.

(a) *Notice of meetings.* Notice of each meeting of a Flyway Council to be attended by any official of the Department will be published in the FEDERAL REGISTER at least two weeks before the meeting or as soon as practicable after the Department learns of the meeting. The notice will state the time, place, and general subject(s) of the meeting.

(b) [Reserved]

§ 20.155 Public file.

(a) *Establishment.* A public file will be established for each rulemaking to which this subpart N is applicable.

(b) *Contents.* Except for information exempt from disclosure under 5 U.S.C. 552, a public file established pursuant to paragraph (a) of this section will contain:

(1) The minutes of Regulations Committee meetings made pursuant to paragraph (d) of § 20.153;

(2) Any written comments and other significant written communications which occur after the notice of proposed rulemaking;

(3) Summaries, identifying the source, of any significant oral communications which occure after the notice of proposed rulemaking; and

(4) Copies of or references to any other significant data or information.

PART 21—MIGRATORY BIRD PERMITS

Subpart A—Introduction

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Subpart E—Control of Overabundant Migratory Bird Populations

21.60 Conservation order for mid-continent light geese.

AUTHORITY: Pub. L. 95–616; 92 Stat. 3112 (16 U.S.C. 712(2)); Pub. L. 106–108.

SOURCE: 39 FR 1178, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 21.1 Purpose of regulations.

The regulations contained in this part supplement the general permit regulations of part 13 of this subchapter with respect to permits for the taking, possession, transporation, sale, purchase, barter, importation, exportation, and banding or marking of migratory birds. This part also provides certain exceptions to permit requirements for public, scientific, or educational institutions, and establishes depredation orders which provide limited exceptions to the Migratory Bird Treaty Act (16 U.S.C. 703–712).

[54 FR 38150, Sept. 14, 1989]

§ 21.2 Scope of regulations.

(a) Migratory birds, their parts, nests, or eggs, lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act (16 U.S.C. 703–712) may be possessed or transported without a permit, but may not be imported, exported, purchased, sold, bartered, or offered for purchase, sale or barter, and all shipments of such birds must be marked as provided by part 14 of this subchapter: *Provide,* no exemption from any statute or regulation shall accrue to any offspring of such migratory birds.

(b) This part 21, except for § 21.22 (banding or marking permits), does not apply to the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle (*Aquila chrysaetos*) for which regulations are provided in part 22 of this subchapter.

(c) The provisions of this part are in addition to, and are not in lieu of other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also part 13).

[39 FR 1178, Jan. 4, 1974, as amended at 46 FR 42680, Aug. 24, 1981]

§ 21.3 Definitions.

In addition to definitions contained in part 10 of this chapter, and unless the context requires otherwise, as used in this part:

Bred in captivity or *captive-bred* refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

Captivity means that a live raptor is held in a controlled environment that is intensively manipulated by man for the purpose of producing raptors of selected species, and that has boundaries designed to prevent raptors, eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include, but are not limited to, artificial housing, waste removal, health care, protection from predators, and artificially supplied food.

Falconry means the sport of taking quarry by means of a trained raptor.

Raptor means a live migratory bird of the Order *Falconiformes* or the Order *Strigiformes*, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

Resident Canada geese means Canada geese that nest within the conterminous United States and/or Canada geese which reside within the conterminous United States during the months of June, July, or August.

Service or *we* means the U.S. Fish and Wildlife Service, Department of the Interior.

[48 FR 31607, July 8, 1983, as amended at 64 FR 32774, June 17, 1999]

§ 21.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 21 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0022. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in the Migratory Bird Treaty Act, 16 U.S.C. 703–712 and its regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 15 minutes to 4 hours per response, with an average of 0.803 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS–222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20603.

[63 FR 52637, Oct. 1, 1998]

Subpart B—General Requirements and Exceptions

§ 21.11 General permit requirements.

No person shall take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part and part 13, or as permitted by regulations in this part or part 20 (the hunting regulations).

[54 FR 38151, Sept. 14, 1989]

§ 21.12 General exceptions to permit requirements.

The following exceptions to the permit requirement are allowed.

(a) Employees of the Department of the Interior authorized to enforce the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), may, without a permit, take or otherwise acquire, hold in custody, transport, and dispose of migratory birds or their parts, nests, or eggs as necessary in performing their official duties.

(b) State game departments, municipal game farms or parks, and public museums, public zoological parks, accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) and

public scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit: *Provided,* That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, r sick or injured birds. Any such birds, acquired without a permit, and any progeny therefrom may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep accurate records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. Records shall be maintained or reproducible in English on a calendar year basis and shall be retained for a period of five (5) years following the end of the calendar year covered by the records.

[39 FR 1178, Jan. 4, 1974, as amended at 50 FR 8638, Mar. 4, 1985; 54 FR 38151, Sept. 14, 1989]

§ 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

(a) Nothing in this section shall be construed to permit the taking of live mallard ducks or their eggs from the wild.

(b) All mallard ducks possessed in captivity, without a permit, shall have been physically marked by at least one of the following methods prior to 6 weeks of age and all such ducks hatched, reared, and retained in captivity thereafter shall be so marked prior to reaching 6 weeks of age.

(1) Removal of the hind toe from the right foot.

(2) Pinioning of a wing: *Provided,* That this method shall be the removal of the metacarpal bones of one wing or a portion of the metacarpal bones which renders the bird permanently incapable of flight.

(3) Banding of one metatarsus with a seamless metal band.

(4) Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

(c) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transferred in any number at any time or place: *Provided,* That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age.

(d) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: *Provided,* That such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes: *Provided further,* That the provisions:

(1) The hunting regulations (part 20 of this subchapter), with the exception of § 20.108 (Nontoxic shot zones), and

(2) The Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply to shooting preserve operations as provided for in this paragraph, or to bona fide dog training or field trial operations.

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass: *Provided,* That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot or wing when either the number of his State license, permit, or authorization has

first been legibly stamped in ink on the back of each carcass and on the container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

[40 FR 28459, July 7, 1975, as amended at 46 FR 42680, Aug. 24, 1981; 54 FR 36798, Sept. 5, 1989]

§ 21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

Any person may, without a permit, lawfully acquire captive-reared and properly marked migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid waterfowl sale and disposal permits, unless lawfully acquired outside of the United States, except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, reared, and retained in captivity must be physically marked as defined in § 21.13(b).

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a waterfowl sale and disposal permit has first been secured authorizing such disposal: *Provided,* That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcass of any such birds which they have acquired from the holder of a valid waterfowl sale and disposal permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See part 20 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass, unless such carcasses were marked as provided in § 21.25(c)(4) and the foot or wing removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a waterfowl sale and disposal permittee, the permittee shall furnish a copy of Form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by § 21.25(c)(2). The buyer shall retain the Form 3–186 on file for the duration of his possession of such birds or eggs or progeny or eggs thereof.

[40 FR 28459, July 7, 1975, as amended at 46 FR 42680, Aug. 24, 1981]

Subpart C—Specific Permit Provisions

§ 21.21 Import and export permits.

(a) *Permit requirement.* (1) Except for migratory game birds imported in accordance with the provisions of subpart G of part 20 of this subchapter B, an import permit is required before any migratory birds, their parts, nests, or eggs may be imported.

(2) An export permit is required before any migratory birds, their parts, nests, or eggs may be exported: *Provided,* that captive-reared migratory game birds that are marked in compliance with the provisions of § 21.13(b) may be exported to Canada or Mexico without a permit. *Provided further,* that raptors lawfully possessed under a falconry permit issued pursuant to § 21.28 of this part may be exported to or imported from Canada or Mexico without a permit for the purposes of attending bona fide falconry meets, as long as the person importing or exporting the birds returns the same bird(s) to the country of export following any such meet. Nothing in this

paragraph, however, exempts any person from the permit requirements of parts 17, 22, and 23 of this subchapter.

(b) *Application procedures.* Applications for permits to import or export migratory birds shall be submitted to the appropriate issuing office (see §§ 10.22 and 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a)(5) of this subchapter plus the following additional information:

(1) Whether importation or exportation is requested;

(2) The species and numbers of migratory birds or their parts, nests, or eggs to be imported or exported;

(3) The name and address of the person from whom such birds are being imported or to whom they are being exported;

(4) The purpose of the importation or exportation;

(5) The estimated date of arrival or departure of the shipment(s), and the port of entry or exit through which the shipment will be imported or exported; and

(6) Federal and State permit numbers and type of permits authorizing possession, acquisition, or disposition of such birds, their parts, nests, or eggs where such a permit is required.

(c) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, import and export permits shall be subject to any requirements set forth in the permit.

(d) *Term of permit.* An import or export permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[54 FR 38151, Sept. 14, 1989]

§ 21.22 Banding or marking permits.

(a) *Permit requirement.* A banding or marking permit is required before any person may capture migratory birds for banding or marking purposes or use official bands issued by the Service for banding or marking any migratory bird.

(b) *Application procedures.* Applications for banding or marking permits shall be submitted by letter of application addressed to the Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Maryland 20708. Each such application shall contain the general information and certification set forth by § 13.12(a) of this subchapter plus the following additional information:

(1) Species and numbers proposed to be banded or marked;

(2) Purpose of banding or marking;

(3) State or States in which authorization is requested; and

(4) Name and address of the public, scientific, or educational institution to which any specimens will be donated that are salvaged pursuant to paragraphs (c) (3) and (4) of this section.

(c) *Additional permit conditions.* Inaddition to the general conditions set forth in part 13 of this subchapter B, banding or marking permits shall be subject to the following conditions:

(1) The banding of migratory birds shall only be by official numbered leg bands issued by the Service. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the permit.

(2) All traps or nets used to capture migratory birds for banding or marking purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with notice of banding operations posters (Form 3–1155, available upon request from the Bird Banding Laboratory, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Laurel, Md. 20708) which shall bear the name and address of the permittee and the number of his permit.

(3) The holder of a banding or marking permit may salvage, for the purpose of donating to a public scientific or educational institution, birds killed or found dead as a result of the permittee's normal banding operations, and casualties from other causes. All dead birds salvaged under authority of a migratory bird banding or marking permit must be donated and transferred to

a public scientific or educational institution at least every 6 months or within 60 days of the time such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(4) Permittees must keep accurate records of their operations and file reports as set forth in the North American Bird Banding Manual, or supplements thereto, in accordance with instructions contained therein.

(d) *Term of permit.* A banding or marking permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38151, Sept. 14, 1989]

§ 21.23 Scientific collecting permits.

(a) *Permit requirement.* A scientific collecting permit is required before any person may take, transport, or possess migratory birds, their parts, nests, or eggs for scientific research or educational purposes.

(b) *Application procedures.* Submit applications for scientific permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

(1) Species and numbers of migratory birds or their parts, nests, or eggs to be taken or acquired when it is possible to determine same in advance;

(2) Location or locations where such scientific collecting is proposed;

(3) Statement of the purpose and justification for granting such a permit, including an outline of any research project involved;

(4) Name and address of the public, scientific, or educational institution to which all specimens ultimately will be donated; and

(5) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, scientific collecting permits shall be subject to the following conditions:

(1) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific, or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special purpose permit (See § 21.27) authorizing possession for a longer period of time.

(2) Unless otherwise provided on the permit, all migratory game birds taken pursuant to a scientific collecting permit during the open hunting season for such birds must be in conformance with part 20 of this subchapter;

(3) Unless specifically stated on the permit, a scientific collecting permit does not authorize the taking of live migratory birds from the wild.

(4) In addition to any reporting requirement set forth in the permit, a report of the scientific collecting activities conducted under authority of such permit shall be submitted to the issuing officer on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit.

(d) *Term of permit.* A scientific collecting permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38151, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§ 21.24 Taxidermist permits.

(a) *Permit requirement.* A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself.

(b) *Application procedures.* Submit application for taxidermist permits to the appropriate Regional Director

(Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) The address of premises where taxidermist services will be provided;

(2) A statement of the applicant's qualifications and experience as a taxidermist; and

(3) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Permit authorizations.* A permit authorizes a taxidermist to:

(1) Receive, transport, hold in custody or possession, mount or otherwise prepare, migratory birds, and their parts, nests, or eggs, and return them to another.

(2) Sell properly marked, captive reared migratory waterfowl which he has lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by such consignee for the purpose of sale.

(d) *Additional permit conditions.* Inaddition to the general conditions set forth in part 13 of this subchapter B, taxidermist permits shall be subject to the following conditions:

(1) Permittees must keep accurate records of operations, on a calendar year basis, showing the names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. In addition to the other records required by this paragraph, the permittee must maintain in his files, the original of the completed Form 3–186, Notice of Waterfowl Sale or Transfer, confirming his acquisition of captive reared, properly marked migratory waterfowl from the holder of a current waterfowl sale and disposal permit.

(2) Notwithstanding the provisions of paragraph (c) of this section, the receipt, possession, and storage by a taxidermist of any migratory game birds taken by another by hunting is not authorized unless they are tagged as required by §20.36 of this subchapter. The required tags may be removed during the taxidermy operations but must be retained by the taxidermist with the other records required to be kept and must be reattached to the mounted specimen after mounting. The tag must then remain attached until the mounted specimen is delivered to the owner.

(e) *Term of permit.* A taxidermist permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38151, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§ 21.25 Waterfowl sale and disposal permits.

(a) *Permit requirement.* A waterfowl sale and disposal permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs, except that such a permit is not required for such sales or disposals of captive-reared and properly marked mallard ducks or their eggs.

(b) *Application procedures.* Submit application for waterfowl sale and disposal permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) A description of the area where waterfowl are to be kept;

(2) Species and numbers of waterfowl now in possession and a statement showing from whom these were obtained;

(3) A statement indicating the method by which individual birds are marked as required by the provisions of this part 21; and

(4) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, waterfowl sale and disposal permits shall be subject to the following conditions:

(1) Permittees may not take migratory waterfowl or their eggs from the wild, and may not acquire such birds or their eggs from any person not authorized by a valid permit issued pursuant to this part to dispose of such birds or their eggs.

(2) All live migratory waterfowl possessed in captivity under authority of a valid waterfowl sale and disposal permit shall have been, prior to 6 weeks of age, physically marked as defined in § 21.13(b). All offspring of such birds hatched, reared, and retained in captivity shall be so marked prior to attaining 6 weeks of age. The preceding does not apply to captive adult geese, swans, and brant which were marked previous to March 1, 1967, by a ''V'' notch in the web of one foot, nor to such birds held in captivity at public zoological parks, and public scientific or educational institutions.

(3) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(4) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot or wing must remain attached to each carcass: *Provided,* That permittees who are also authorized to sell game under a State license, permit or authorization may remove the marked foot or wing from the raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass and on the wrapping or container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization.

(5) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: *Provided,* That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 6 weeks of age: *And provided further,* That on each date that any such birds or their eggs, are transferred to another person, the permittee must complete a Form 3–186, Notice of Waterfowl Sale or Transfer, indicating all information required by the form and the method or methods by which individual birds are marked as required by § 21.25(c)(2). (Service will provide supplies of form.) The permittee will furnish the original of completed Form 3–186 to the person acquiring the birds or eggs; retain one copy in his files as a record of his operations: attach one copy to the shipping container for the birds or eggs, or include the copy in shipping documents which accompany the shipment; and, on or before the last day of each month, mail two copies of each form completed during that month to the office of the Fish and Wildlife Service which issued his permit.

(6) Permittees shall submit an annual report within 10 days following the 31st day of December of each calendar year to the office of the Fish and Wildlife Service which issued the permit. The information provided shall give the total number of waterfowl by species in possession on that date and the method or methods by which individual birds are marked as required by the provisions of this part 21.

(d) *Term of permit.* A waterfowl sale and disposal permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[40 FR 28460, July 7, 1975, as amended at 54 FR 38151, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§ 21.26 Special Canada goose permit.

(a) *What is the special Canada goose permit and what is its purpose?* The special Canada goose permit is a permit issued by us to a State wildlife agency authorizing certain resident Canada goose management and control activities that are normally prohibited. We

will only issue such a permit when it will contribute to human health and safety, protect personal property, or allow resolution or prevention of injury to people or property. The management and control activities conducted under the permit are intended to relieve or prevent injurious situations only. No person should construe the permit as opening, reopening, or extending any hunting season contrary to any regulations established under Section 3 of the Migratory Bird Treaty Act.

(b) *Who may receive a permit?* Only State wildlife agencies (State) are eligible to receive a permit to undertake the various goose management and control activities. Additionally, only employees or designated agents of a permitted State wildlife agency may undertake activities for injurious resident Canada geese in accordance with the conditions specified in the permit, conditions contained in 50 CFR part 13, and conditions specified in paragraph (d) of this section.

(c) *How does a State apply for a permit?* Any State wildlife agency wishing to obtain a permit must submit an application to the appropriate Regional Director (see §13.11(b) of this subchapter) containing the general information and certification required by §13.12(a) of this subchapter plus the following information:

(1) A detailed statement showing that the goose management and control activities will either provide for human health and safety, protect personal property, or allow resolution of other injury to people or property;

(2) An estimate of the size of the resident Canada goose breeding population in the State;

(3) The requested annual take of resident Canada geese, including eggs and nests;

(4) A statement indicating that the State will inform and brief all employees and designated agents of the requirements of these regulations and permit conditions.

(d) *What are the conditions of the permit?* The special Canada goose permits are subject to the general conditions in 50 CFR part 13, the conditions elsewhere in this section, and, unless otherwise specifically authorized on the permit, the conditions outlined below:

(1) *What are the limitations on management and control activities?* (i) Take of resident Canada geese as a management tool under this section may not exceed the number authorized by the permit. States should utilize non-lethal goose management tools to the extent they deem appropriate in an effort to minimize lethal take.

(ii) Methods of take for the control of injurious resident Canada geese are at the State's discretion. Methods include, but are not limited to, firearms, alpha-chloralose, traps, egg and nest manipulation and other damage control techniques consistent with accepted wildlife damage-management programs.

(2) *When may a State conduct management and control activities?* States and their employees and agents may conduct management and control activities, including the take of resident Canada geese, under this section between March 11 and August 31. In California, Oregon and Washington, in areas where the threatened Aleutian Canada goose (*B. c. leucoperia*) has been present during the previous 10 years, lethal control activities are restricted to May 1 through August 31, inclusive.

(3) *How must the States dispose or utilize geese taken under this permit?* States and their employees and agents may possess, transport, and otherwise dispose of Canada geese taken under this section. States must utilize such birds by donation to public museums or public institutions for scientific or educational purposes, by processing them for human consumption and distributing them free of charge to charitable organizations, or by burying or incinerating them. States, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any Canada geese taken under this section, nor their plumage or eggs.

(4) *How does the permit relate to existing State law?* No person conducting management and control activities under this section should construe the permit to authorize the killing of injurious resident Canada geese contrary to any State law or regulation, nor on

any Federal land without specific authorization by the responsible management agency. No person may exercise the privileges granted under this section unless they possess any permits required for such activities by any State or Federal land manager.

(5) *When conducting management and control activities, are there any special inspection requirements?* Any State employee or designated agent authorized to carry out management and control activities must have a copy of the permit and designation in their possession when carrying out any activities. The State must also require the property owner or occupant on whose premises the State is conducting activities to allow, at all reasonable times, including during actual operations, free and unrestricted access to any Service special agent or refuge officer, State wildlife or deputy wildlife agent, warden, protector, or other wildlife law enforcement officer (wildlife officer) on the premises where they are, or were, conducting activities. Furthermore, any State employee or designated agent conducting such activities must promptly furnish whatever information is required concerning such activities to any such wildlife officer.

(6) *What are the reporting requirements of the permit?* Any State employee or designated agent exercising the privileges granted by this section must keep records of all activities carried out under the authority of this permit, including the number of Canada geese killed and their disposition. The State must submit an annual report detailing activities, including the time, numbers and location of birds, eggs, and nests taken and non-lethal techniques utilized, before December 31 of each year. The State should submit the annual report to the appropriate Assistant Regional Director—Refuges and Wildlife (see § 10.22 of this subchapter).

(7) *What are the limitations of the special permit?* The following limitations apply:

(i) Nothing in this section applies to any Federal land within a State's boundaries without written permission of the Federal Agency with jurisdiction.

(ii) States may not undertake any actions under any permit issued under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act.

(iii) We will only issue permits to State wildlife agencies in the conterminous United States.

(iv) States may designate agents who must operate under the conditions of the permit.

(v) *How long is the special permit valid?* A special Canada goose permit issued or renewed under this section expires on the date designated on the face of the permit unless it is amended or revoked or such time that we determine that the State's population of resident Canada geese no longer poses a threat to human health or safety, personal property, or injury to other interests. In all cases, the term of the permit may not exceed five (5) years from the date of issuance or renewal.

(vi) *Can we revoke the special permit?* We reserve the right to suspend or revoke any permit, as specified in §§ 13.27 and 13.28 of this subchapter.

(e) *What are the OMB information collection requirements of the permit program?* OMB has approved the information collection requirements of the permit and assigned clearance number 1018–0099. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. We will use the information collection requirements to administer this program and in the issuance and monitoring of these special permits. We will require the information from State wildlife agencies responsible for migratory bird management in order to obtain a special Canada goose permit, and to determine if the applicant meets all the permit issuance criteria, and to protect migratory birds. We estimate the public reporting burden for this collection of information to average 8 hours per response for 45 respondents (States), including the time for reviewing instructions, gathering and maintaining data needed, and completing and reviewing the collection of information. Thus, we estimate the total annual reporting and record-keeping for this collection

to be 360 hours. States may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Officer, Fish and Wildlife Service, ms 224–ARLSQ, 1849 C Street N.W., Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project 1018–0099, Washington, DC 20503.

[64 FR 32774, June 17, 1999]

§ 21.27 Special purpose permits.

Permits may be issued for special purpose activities related to migratory birds, their parts, nests, or eggs, which are otherwise outside the scope of the standard form permits of this part. A special purpose permit for migratory bird related activities not otherwise provided for in this part may be issued to an applicant who submits a written application containing the general information and certification required by part 13 and makes a sufficient showing of benefit to the migratory bird resource, important research reasons, reasons of human concern for individual birds, or other compelling justification.

(a) *Permit requirement.* A special purpose permit is required before any person may lawfully take, salvage, otherwise acquire, transport, or possess migratory birds, their parts, nests, or eggs for any purpose not covered by the standard form permits of this part. In addition, a special purpose permit is required before any person may sell, purchase, or barter captive-bred, migratory game birds, other than waterfowl, that are marked in compliance with § 21.13(b) of this part.

(b) *Application procedures.* Submit application for special purpose permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

(1) A detailed statement describing the project or activity which requires issuance of a permit, purpose of such project or activity, and a delineation of the area in which it will be conducted. (Copies of supporting documents, research proposals, and any necessary State permits should accompany the application);

(2) Numbers and species of migratory birds involved where same can reasonably be determined in advance; and

(3) Statement of disposition which will be made of migratory birds involved in the permit activity.

(c) *Additional permit conditions.* Inaddition to the general conditions set forth in part 13 of this subchapter B, special purpose permits shall be subject to the following conditions:

(1) Permittees shall maintain adequate records describing the conduct of the permitted activity, the numbers and species of migratory birds acquired and disposed of under the permit, and inventorying and identifying all migratory birds held on December 31 of each calendar year. Records shall be maintained at the address listed on the permit; shall be in, or reproducible in English; and shall be available for inspection by Service personnel during regular business hours. A permittee may be required by the conditions of the permit to file with the issuing office an annual report of operation. Annual reports, if required, shall be filed no later than January 31 of the calendar year followng the year for which the report is required. Reports, if required, shall describe permitted activities, numbers and species of migratory birds acquired and disposed of, and shall inventory and describe all migratory birds possessed under the special purpose permit on December 31 of the reporting year.

(2) Permittees shall make such other reports as may be requested by the issuing officer.

(3) All live, captive-bred, migratory game birds possessed under authority of a valid special purpose permit shall be physically marked as defined in § 21.13(b) of this part.

(4) No captive-bred migratory game bird may be sold or bartered unless marked in accordance with § 21.13(b) of this part.

(5) No permittee may take, purchase, receive or otherwise acquire, sell, barter, transfer, or otherwise dispose of any captive-bred migratory game bird

unless such permittee submits a Service form 3–186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) days of such transaction.

(6) No permittee, who is authorized to sell or barter migratory game birds pursuant to a permit issued under this section, may sell or barter such birds to any person unless that person is authorized to purchase and possess such migratory game birds under a permit issued pursuant to this part and part 13, or as permitted by regulations in this part.

(d) *Term of permit.* A special purpose permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 38152, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

§ 21.28 Falconry permits.

(a) *Permit requirements.* A falconry permit is required before any person may take, possess, transport, sell, purchase, barter, offer to sell, purchase, or barter raptors for falconry purposes.

(b) *Application procedures.* (1) An applicant who wishes to practice falconry in a State listed in § 21.29(k) of this part and which has been designated as a participant in a cooperative Federal/State permit application program may submit an application for a falconry permit to the appropriate agency of that State. Each such application must incorporate a completed official form approved by the Service and must include in addition to the general information required by part 13 of this subchapter all of the following:

(i) The number of raptors the applicant possesses at the time the application is submitted, including the species, age (if known), sex (if known), date of acquisition, and source of each;

(ii) A check or money order made payable to ''U.S. Fish and Wildlife Service'' in the amount of the application fee listed in § 13.11(d) of this subchapter.

(iii) An original, signed certification concerning the validity of the information provided in the application in the form set forth in § 13.12(a)(5).

(iv) Any additional information requested by the State to which the application is submitted.

(2) Upon receipt of a joint application by a State listed in § 21.29(k) as a participant in a cooperative Federal/State permit application program, the State will process the application for a State falconry permit in accordance with its own procedures. A copy of the application, the check or money order for Federal permit fees, and the original, signed certification required by paragraph (b)(1)(iii) of this section will be forwarded to the issuing office of the Service designated by § 13.11(b) of this subchapter. If the State decides to issue a falconry permit based upon the application, a copy of the permit will also be forwarded to the appropriate issuing office of the Service.

(3) An applicant who wishes to practice falconry in a State listed in § 21.29(k) of this subchapter, but which does not participate in a cooperative Federal/State permit application program must submit a written application for a falconry permit to the issuing office designated by § 13.11(b) of this subchapter. Each application must contain the general information and certification required by § 13.12(a) of this subchapter plus a copy of a valid State falconry permit issued to the applicant by a State listed in § 21.19(k) of this subchapter.

(c) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b) of this section that meets all requirements of this part, the Director will issue a permit. In addition to meeting the general criteria in § 13.21(b), the applicant must have a valid State falconry permit issued by a State listed in § 21.29(k) of this subchapter.

(d) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) A permittee may not take, transport, or possess a golden eagle (*Aquila chrysaetos*) unless authorized in writing under § 22.24 of this subchapter.

(2) A permit issued under this section is not valid unless the permittee has a

valid State falconry permit issued by a State listed in § 21.29(k) of this subchapter.

(3) A permittee may not take, possess, transport, sell, purchase, barter, or transfer any raptor for falconry purposes except under authority of a Federal falconry permit issued under this section and in compliance with the Federal falconry standards set forth in § 21.29 of this subchapter.

(4) No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3–186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transaction.

(5) No raptor may be possessed under authority of a falconry permit unless the permittee has a properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed, except as provided in paragraph (d)(4) of this section.

(6) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(7) A permittee may not take, possess, or transport any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) unless such bird is banded either by a seamless numbered band provided by the Service or by a permanent, non-reusable band provided by the Service.

(i) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) taken from the wild must be reported to the issuing office within five (5) days of taking and must be banded with a permanent, non-reusable band provided by the Service. No raptor removed from the wild may be banded with a seamless numbered band.

(ii) The loss or removal of any band must be reported to the issuing office within five (5) working days of the loss. The lost band must be replaced by a permanent, non-reusable band supplied by the Service. A form 3–186A (Migratory Bird Acquisition/Disposition Report) must be filed in accordance with paragraph (d)(4) of this section reporting the loss of the band and rebanding.

(8) A permittee may not sell, purchase, barter, or offer to sell, purchase or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.

(9) A permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued under section 21.30 of this subchapter.

(e) *Term of permit.* A falconry permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[54 FR 38152, Sept. 14, 1989]

§ 21.29 Federal falconry standards.

(a) *Before you can practice falconry in any State.* You cannot take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter any raptor for falconry purposes, in any State unless the State allows the practice of falconry, and the State has submitted copies of its laws and regulations governing the practice of falconry to us (Director), and we have determined that they meet or exceed the Federal falconry standards established in this section. If you are a Federal falconry permittee, you can possess and transport for falconry purposes a lawfully possessed raptor through States that do not allow falconry or meet Federal falconry standards so long as the raptors remain in transit in interstate commerce. The States that are in compliance with Federal falconry standards are listed in paragraph (k) of this section.

(b) *More restrictive State laws.* Nothing in this section shall be construed to

prevent a State from making and enforcing laws or regulations not inconsistent with the standards contained in any convention between the United States and any foreign country for the protection of raptors or with the Migratory Bird Treaty Act, and which shall give further protection to raptors.

(c) *What is the process for Federal approval of a State program?* Any State that wishes to allow the practice of falconry must submit to the Director of the Service a copy of the laws and regulations that govern the practice of falconry in the State. If we determine that they meet or exceed the Federal standards, which are established by this section, we will publish a notice in the FEDERAL REGISTER adding the State to the list of approved States in paragraph (k) of this section. Any State that was listed in paragraph (k) prior to September 14, 1989, is considered to be in compliance with our standards.

(d) *Permit.* State laws or regulations shall provide that a valid State falconry permit from either that State or another State meeting Federal falconry standards and listed in paragraph (k) of this section is required before any person may take, possess, or transport a raptor for falconry purposes or practice falconry in that State.

(e) *Classes of permits.* States may have any number of classes of falconry permits provided the standards are not less restrictive than the following:

(1) *Apprentice (or equivalent) class.* (i) Permittee shall be at least 14 years old;

(ii) A sponsor who is a holder of a General or Master Falconry Permit or equivalent class is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time;

(iii) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period; and

(iv) Permittee shall possess only the following raptors which must be taken from the wild: an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), a red-shouldered hawk (*Buteo lineatus*), or, in Alaska only, a goshawk (*Accipiter gentilis*).

(2) General (or equivalent) class. (i) A permittee shall be at least 18 years old;

(ii) A permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent;

(iii) A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and

(iv) A permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in part 17 of this subchapter.

(3) *Master (or equivalent) class.* (i) An applicant shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

(ii) A permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period;

(iii) A permittee may not take any species listed as endangered in part 17 of this chapter, but may transport or possess such species in accordance with part 17 of this chapter.

(iv) A permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing under § 22.24 of this subchapter;

(v) A permittee may not take, in any twelve (12) month period, as part of the three-bird limitation, more than one raptor listed as threatened in part 17 of this chapter, and then only in accordance with part 17 of this chapter.

(f) *Examination.* State laws or regulations shall provide that before any State falconry permit is issued the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination provided or approved by the Service and administered by the State, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

(g) *Facilities and equipment.* Statelaws or regulations shall provide that before a State falconry permit is issued the applicant's raptor housing facilities

and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the following standards:

(1) *Facilities.* The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(2) *Equipment.* The following items shall be in the possession of the applicant before he can obtain a permit or license:

(i) Jesses—At least 1 pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1-piece jesses may be used on raptors when not being flown.);

(ii) Leashes and swivels—At least 1 flexible, weather-resistant leash and 1 strong swivel of acceptable falconry design;

(iii) Bath container—At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design shall be provided for each raptor; and

(v) Weighing device—A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than ½ ounce (15 gram) shall be provided.

(3) *Maintenance.* All facilities and equipment shall be kept at or above the preceding standards at all times.

(4) *Transportation; temporary holding.* A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

(h) *Marking.* All peregrine falcons (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and Harris hawk (*Parabuteo unicinctus*) possessed for falconry purposes must be marked in accordance with the following provisions:

(1) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the Service, must be banded with a permanent, non-reusable, numbered band issued by the Service.

(2) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) possessed for falconry purposes must be banded at all times in accordance with these standards. Loss or removal of any band must be reported to the issuing office within five (5) working days of the loss and must be replaced with a permanent, non-reusable, numbered band supplied by the Service.

(i) *Taking restrictions.* State laws or regulations shall provide the following restrictions on the taking of raptors from the wild:

(1) Young birds not yet capable of flight (eyasses) may only be taken by a General or Master Falconer during the period specified by the State and no more than two eyasses may be taken by the same permittee during the specified period.

(2) First-year (passage) birds may be taken only during the period specified by the State;

(3) In no case shall the total of all periods of taking of eyasses or passage birds exceed 180 days during a calendar year, except that a marked raptor may be retrapped at any time; and

(4) Only American kestrels (*Falcosparverius*) and great-horned owls (*Bubo virginianus*) may be taken when over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

(j) *Other restrictions.* State laws or regulations shall provide the following restrictions or conditions:

(1) A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and cannot be replaced if death, loss, release, or escape occurs.

(2) If you possessed raptors before January 15, 1976, the date these regulations were enacted, and you had more than the number allowed under your permit, you may retain the extra raptors. However, each of those birds must be identified with markers we supplied, and you cannot replace any birds, nor can you obtain any additional raptors, until the number in your possession is at least one fewer than the total number authorized by the class of permit you hold.

(3) A falconry permit holder shall obtain written authorization from the appropriate State wildlife department before any species not indigenous to that State is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the State wildlife department. The marker from an intentionally released bird which is indigenous to that State shall also be removed and surrendered to the State wildlife department. A standard Federal bird band shall be attached to such birds by the State or Service-authorized Federal bird bander whenever possible.

(4) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(5) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

(k) *States meeting Federal falconry standards.* We have determined that the following States meet or exceed the minimum Federal falconry standards established in this section for regulating the taking, possession, and transportation of raptors for the purpose of falconry. The States that are participants in a cooperative Federal/State permit system are designated by an asterisk (*).

*Alabama, *Alaska, Arizona, *Arkansas, *California, *Colorado, *Delaware, *Florida, *Georgia, *Idaho, *Illinois, *Indiana, *Iowa, *Kansas, *Kentucky, *Louisiana, Maine, Maryland, Massachusetts, *Michigan, *Minnesota, *Mississippi, Missouri, *Montana, *Nebraska, *Nevada, *New Hampshire, *New Jersey, New Mexico, New York, *North Carolina, *North Dakota, *Ohio, Oklahoma, *Oregon, Pennsylvania, Rhode Island, *South Carolina, *South Dakota, *Tennessee, Texas, Utah, *Vermont, *Virginia, *Washington, West Virginia, *Wisconsin, *Wyoming.

[41 FR 2238, Jan. 15, 1976; 41 FR 8053, Feb. 24, 1976, as amended at 42 FR 42353, Aug. 23, 1977; 43 FR 968, Jan. 5, 1978; 43 FR 10566, Mar. 14, 1978; 43 FR 34150, Aug. 3, 1978; 43 FR 57606, Dec. 8, 1978; 45 FR 25066, Apr. 14, 1980; 45 FR 70276, Oct. 23, 1980; 48 FR 31608, July 8, 1983; 48 FR 42820, Sept. 20, 1983; 54 FR 38153, Sept. 14, 1989; 59 FR 11204, Mar. 10, 1994; 64 FR 48566, Sept. 7, 1999; 65 FR 49509, Aug. 14, 2000]

§ 21.30 Raptor propagation permits.

(a) *Permit requirement.* A raptor propagation permit is required before any

person may take, possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

(b) *Application procedures.* Submit application for raptor propagation permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) A statement indicating the purpose(s) for which a raptor propagation permit is sought and, where applicable, the scientific or educational objectives of the applicant;

(2) A statement indicating whether the applicant has been issued a State permit authorizing raptor propagation (include name of State, permit number, and expiration date);

(3) A statement fully describing the nature and extent of the applicant's experience with raptor propagation or handling raptors;

(4) A description of each raptor the applicant possesses or will acquire for propagation purposes to include the species, age (if known), sex (if known), date of acquisition, source, and raptor marker number;

(5) A description of each raptor the applicant possesses for purposes other than raptor propagation to include the species, age (if known), sex (if known), date of acquisition, source, raptor marker number, and purpose for which it is possessed;

(6) A description and photographs of the facilities and equipment to be used by the applicant including the dimensions of any structures intended for housing the birds;

(7) A statement indicating whether the applicant requests authority to take raptors or raptor eggs from the wild.

(c) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (b) of this section, the Director will decide whether a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in §13.21(b) of this chapter, the following factors:

(1) Whether an applicant's raptor propagation facilities are adequate for the number and species of raptors to be held under the permit.

(2) Whether propagation is authorized by the State in which the propagation will occur, and if authorized, whether the applicant has any required State propagation permit.

(3) Whether the applicant is at least 18 years old with a minimum of 2 years experience handling raptors, and if the applicant requests authority to propagate endangered or threatened species, whether the applicant is at least 23 years old with a minimum of 7 years experience handling raptors.

(4) If the applicant requests authority to take raptors or raptor eggs from the wild:

(i) Whether issuance of the permit would have a significant effect on any wild population of raptors;

(ii) Whether suitable captive stock is available; and

(iii) Whether wild stock is needed to enhance the genetic variability of captive stock.

(d) *Additional permit conditions.* In addition to the general conditions found in part 13 of this chapter, raptor propagation permits are subject to the following additional conditions:

(1) *Facilities.* Any tethered raptor possessed under this permit must be maintained in accordance with the Federal falconry standards for ''facilities and equipment'' described in §21.29(g), unless a specific exception in writing is obtained. For untethered raptors, the breeding facilities must be soundly constructed and entirely enclosed with wood, wire netting, or other suitable material which provides a safe, health, environment. The design of such facilities and ancillary equipment must:

(i) Minimize the risk of injury by providing protection from predators, disturbances that would likely cause harm, extreme weather conditions, and collision with interior or perimeter construction materials and equipment such as support poles, windows, wire netting, perches, or lights;

(ii) Enhance sanitation by providing a well-drained floor, fresh air ventilation, source of light, fresh water for

bathing and drinking, access for cleaning, and interior construction materials suitable for thorough cleaning or disinfection; and

(iii) Enhance the welfare and breeding success of the raptors by providing suitable perches, nesting and feeding sites, and observation ports or inspection windows during times when disturbance is felt to be undesirable.

(2) *Incubation of eggs.* Each permittee must notify the Director in writing within 5 days from the day the first egg is laid by any raptor held under a raptor propagation permit, but notice is not required more often than once every 60 days.

(3) *Marking requirement.* Unless otherwise specifically exempted, every raptor possessed for propagation, including all progeny produced pursuant to the permitted activity, must be banded in accordance with the following provisions:

(i) Except for captive-bred raptors lawfully marked with a seamless, numbered band provided by the Service, any raptor possessed for propagation purposes shall be banded with a permanent, non-reusable, numbered band issued by the Service.

(ii) Unless specifically exempted by the conditions of the raptor propagation permit, each captive-bred raptor produced under authority of a raptor propagation permit shall be banded within two (2) weeks of hatching with a numbered, seamless band provided by the Service, placed on the raptor's leg (metatarsus). In marking captive-bred raptors, permittees:

(A) Shall use a band with an opening (inside diameter) which is small enough to prevent its removal when the raptor is fully grown without causing serious injury to the raptor or damaging the bands integrity or one-piece construction;

(B) May band a raptor with more than one size band when the potential diameter of the raptor's leg at maturity cannot be determined at the time of banding;

(C) Shall remove all but one band from any raptor with more than one band before the raptor is five (5) weeks of age and return all bands removed to the issuing office.

(iii) No raptor taken from the wild, produced from an egg taken from the wild, or produced from an egg from any source other than bred in captivity under authority of a raptor propagation permit may be banded with a numbered seamless band issued by the Service.

(iv) No permittee under this section may band any raptor with any band issued or authorized by the Service unless that raptor is lawfully possessed by the permittee.

(4) *Taking Raptors or Raptor Eggs from the Wild.* Any permit authorizing the permittee to take raptors or raptor eggs from the wild for propagation purposes is subject to the following additional restrictions:

(i) The State or foreign country in which the raptors or raptor eggs are taken must authorize the permittee in writing to take raptors or raptor eggs from the wild for propagation purposes;

(ii) No raptor listed in §17.11 of this chapter as ''endangered'' or ''threatened'' may be taken from the wild without first obtaining the proper permit under part 17 of this chapter; and

(iii) No raptor or raptor egg may be taken from the wild except in accordance with State law.

(5) *Transfer, purchase, sale, or barter of raptors, raptor eggs, or raptor semen.* (i) A permittee may transfer any lawfully possessed raptor, raptor egg, or raptor semen to another permittee or transfer any raptor to a falconer who holds a valid State falconry permit if no money or other consideration is involved.

(ii) A permittee may transfer, purchase, sell, or barter any raptor which is banded with a numbered seamless marker provided or authorized by the Service, subject to the following conditions:

(A) When the permittee purchases from, sells to, or barters with any person in the U.S., that person must be authorized under this part to purchase, sell, or barter captive-bred raptors;

(B) When the permittee purchases from or barters with any person in a foreign country, that person must be authorized by the competent wildlife management authority of the foreign

country in which the transaction occurs to sell or barter captive-bred raptors; and

(C) When the permittee transfers to, sells to or barters with any person in a foreign country, that person must be authorized to possess, purchase or barter captive-bred raptors by the competent wildlife management authority of his/her country of residence or domicile and the same wildlife management authority must certify in writing that the recipient is an experienced falconer or raptor propagator who is required to maintain any raptors in his/her possession under conditions that are comparable to the conditions under which a permittee must maintain raptors under §21.29 or §21.30. No certification is required if the competent wildlife management authority itself is the recipient of captive-bred raptors for conservation purposes.

(iii) No raptor may be traded, transferred, purchased, sold, or bartered until it is two weeks old and only after it is properly banded with a nonreuseable marker provided or authorized by the Service, unless it is transferred, sold, or bartered to a State or Federal wildlife management agency for conservation purposes.

(iv) A permittee may purchase, sell, or barter semen collected from any captive-bred raptor.

(v) A permittee may not purchase, sell or barter any raptor eggs, any raptors taken from the wild, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild.

(6) *Use of Service form 3–186A.* No permittee may take, purchase, receive, or otherwise acquire, sell, trade, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3–186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transfer. *Provided*, that a permittee does not have to submit a form 3–186A (Migratory Bird Acquisition/Disposition Report) to report the acquisition raptors hatched from eggs produced as a result of the permittee's propagation activities as long as these raptors remain in the possession of the permittee.

(7) *Documentation of lawful possession.* No raptor may be possessed under authority of a raptor propagation permit unless the permittee has a properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed, except as provided in paragraph (d)(5) of this section.

(8) *Temporary possession.* A raptor possessed under authority of a raptor propagation permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3–186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(9) *Sale, purchase, barter.* A permittee may not sell, purchase, barter, or offer to sell, purchase, or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.

(10) *Transfer to another.* A permittee may not receive or otherwise acquire from, may not transfer or otherwise dispose of to, and may not loan to or temporarily place with another person any raptor unless that person is authorized to acquire, possess, and dispose of such raptors under a valid permit issued pursuant to this part and part 13 or as permitted by regulations in this part.

(11) *Use in falconry.* A permittee may use a raptor possessed for propagation in the sport of falconry only if such use is designated in both the propagation permit and the permittee's falconry permit.

(12) *Interspecific hybridization.* Hybridization between species (interspecific hybridization) is authorized only if each raptor produced by interspecific hybridization is either imprinted on humans (hand-raised in isolation from the sight of other raptors from two weeks of age until it is fully feathered) or surgically sterilized.

(13) *Possession of dead raptors, non-viable eggs, nests, and feathers.* (i) Upon the death of any raptor held under permit,

a permittee must remove the marker and immediately return it to the Director. The carcass must be destroyed immediately, unless the permittee requests authorization from the Director to retain possession of it. A permittee who has obtained written authorization from the Director to retain possession of the carcass may transfer it to any other person authorized by the Service to possess it, provided no money or other consideration is involved.

(ii) A permittee may possess addled or blown eggs, nests, and feathers from raptors held under permit and may transfer any of these items to any other person authorized by the Service to possess them provided no money or other consideration is involved.

(14) *Intentional release to the wild.* (i) A permittee must obtain written authorization from the Director and the Director of the wildlife conservation department of the State in which release to the wild is proposed before intentionally releasing any raptor to the wild. The raptor marker must be removed from each bird and immediately returned to the Director. A Federal bird band must be attached to each raptor by a person designated by the Director before its release.

(ii) No raptor produced by interspecific hybridization may be intentionally released to the wild.

(15) *Recordkeeping.* A permittee must maintain complete and accurate records of all operations, to include the following:

(i) Acquisition of raptors, eggs, or semen from sources other than production.

(A) Description of stock:

(*1*) Species, sex, age of each (if applicable),

(*2*) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and

(*3*) Marker number (if applicable).

(B) Type of stock (including number or amount):

(*1*) Semen,

(*2*) Egg, or

(*3*) Bird.

(C) How acquired:

(*1*) Purchase, barter, or transfer (include the purchase price or a description of any other consideration involved), or

(*2*) Taken from the wild.

(D) Date acquired: month, day, and year.

(E) From whom or where stock acquired:

(*1*) Name, address, and permit number of seller, barterer, or transferor; or

(*2*) Location where stock taken from the wild.

(ii) Disposition of raptors, eggs, or semen.

(A) Description of stock:

(*1*) Species, sex, age of each (if applicable),

(*2*) Genotype-natal area (geographical breeding site or area that captive stock represents, e.g., Colville River, Alaska; unknown; migrant taken in Maryland, etc.), and

(*3*) Marker number (if applicable).

(B) Type of stock (including number or amount):

(*1*) Semen,

(*2*) Egg, or

(*3*) Bird.

(C) Manner of disposition:

(*1*) Sale, barter, or transfer (include the sale price or a description of any other consideration involved),

(*2*) Live loss,

(*3*) Intentional release to the wild, or

(*4*) Death.

(D) Date of disposition: month, day, and year.

(E) To whom or where stock disposed:

(*1*) Name, address, and permit number of purchaser, barterer, or transferee, or

(*2*) Description and location of other disposition.

(iii) Production and pedigree record.

(A) Mother and father(s):

(*1*) Species,

(*2*) Genotype-natal area, and

(*3*) Marker number.

(B) Insemination:

(*1*) Natural,

(*2*) Artificial, or

(*3*) Combined.

(C) Eggs laid:

(*1*) Total,

(*2*) First date, and

(*3*) Last date.

(D) Eggs hatched:

(*1*) Total,

(*2*) First date, and

(*3*) Last date.

(E) Young raised to 2 weeks of age:

(*1*) Total produced, and

(*2*) Marker number and date marked for each raptor.

(16) *Annual report.* A permittee must submit an annual report by January 31 of each year for the preceding year to the Director. The report must include the following information for each species possessed by the permittee:

(i) Number of raptors possessed as of December 31 (including the species, marker number, sex, and age of each raptor).

(ii) Number of females laying eggs.

(iii) Number of eggs laid.

(iv) Number of eggs hatched.

(v) Number of young raised to 2 weeks of age.

(vi) Number of raptors purchased, sold, bartered, received, or transferred (including the species, marker number, sex, and age of each raptor) the date of the transaction, and the name, address and permit number of each purchaser, seller, barterer, transferor, or transferee.

(e) *Term of permit.* A raptor propagation permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

[48 FR 31608, July 8, 1983, as amended at 49 FR 9736, Mar. 15, 1984; 54 FR 38154, Sept. 14, 1989; 63 FR 52637, Oct. 1, 1998]

Subpart D—Control of Depredating Birds

§ 21.41 Depredation permits.

(a) *Permit requirement.* Except as provided in §§ 21.42 through 21.46, a depredation permit is required before any person may take, possess, or transport migratory birds for depredation control purposes. No permit is required merely to scare or herd depredating migratory birds other than endangered or threatened species or bald or golden eagles.

(b) *Application procedures.* Submit application for depredation permits to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, and the following additional information:

(1) A description of the area where depredations are occurring;

(2) The nature of the crops or other interests being injured;

(3) The extent of such injury; and

(4) The particular species of migratory birds committing the injury.

(c) *Additional permit conditions.* Inaddition to the general conditions set forth in part 13 of this subchapter B, depredation permits shall be subject to requires, in this section:

(1) Permittees may not kill migratory birds unless specifically authorized on the permit.

(2) Unless otherwise specifically authorized, when permittees are authorized to kill migratory birds they may do so only with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or area described on the permit.

(3) Permittees may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice birds within gun range.

(4) All migratory birds killed shall be retrieved by the permittee and turned over to a Bureau representative or his designee for disposition to charitable or other worthy institutions for use as food, or otherwise disposed of as provided by law.

(5) Only persons named on the permit are authorized to act as agents of the permittee under authority of the permit.

(d) *Tenure of permits.* The tenure of depredation permits shall be limited to the dates which appear on its face, but in no case shall be longer than one year.

[39 FR 1178, Jan. 4, 1974, as amended at 42 FR 17122, Mar. 31, 1977; 63 FR 52637, Oct. 1, 1998]

§ 21.42 Authority to issue depredating orders to permit the killing of migratory game birds.

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director is authorized to issue

by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided,* That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies.

A Federal permit shall not be required to control yellow-headed redwinged, rusty, and Brewer's blackbirds, cowbirds, all grackles, crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance: *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

(b) That any person exercising any of the privileges granted by this section shall permit at all reasonable times including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(c) That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 47525, Nov. 15, 1989]

§ 21.44 Depredation order for designated species of depredating birds in California.

In any county in California in which horned larks, golden-crowned, white-crowned and other crowned sparrows, and house finches are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his/her general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: *Provided:*

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area,

except that any specimens needed for scientific purposes, as determined by the State or the Director shall not be destroyed.

(b) That any Commissioner of Agriculture exercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Director on or before December 31 of each year or whenever the Director so requests.

[39 FR 1178, Jan. 4, 1974, as amended at 54 FR 47525, Nov. 15, 1989; 55 FR 17352, Apr. 24, 1990]

§ 21.45 Depredation order for depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules *(Ionornis martinica)* when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: *Provided:*

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided,* That the Director or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further,* That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Director.

§ 21.46 Depredation order for depredating scrub jays and Steller's jays in Washington and Oregon.

Landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of nut crops in Washington and Oregon may, without a permit, take scrub jays (*Aphelocoma coerulescens*) and Steller's jays (*Cyanocitta stelleri*) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons: *Provided:*

(a) That scrub jays and Steller's jays may only be taken pursuant to this section between August 1 and December 1 in any year, in the Washington counties of Clark, Cowlitz, and Lewis; and the Oregon counties of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill.

(b) That scrub jays and Steller's jays taken pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided,* That the Director of the State agricultural department, college, or other public institution may requisition such scrub jays and Steller's jays killed as may be needed for scientific investigations.

(c) That such birds may be taken only by trapping or shooting and on

areas where serious depredations are being or are about to be committed.

(d) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(e) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the States of Washington and Oregon.

(f) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the appropriate Special Agent in Charge (see §10.22 of this subchapter).

[39 FR 31326, Aug. 28, 1974]

§ 21.47 Depredation order for double-crested cormorants at aquaculture facilities.

The Service examined the rule under the Paperwork Reduction Act of 1995 and found that it does contain information collection requirements. OMB has issued the following emergency information collection number, 1018–0097, which expires on August 31, 1998. Information collection is required to better enable the Service to assess the benefits of the depredation order on aquaculturists and to assess impacts to the double-crested cormorant population. Burden hours to aquaculturists are calculated as follows: an average of 41 birds may be taken by each of some 2,200 aquaculturists per season. An estimated total of 800 hours will be required to keep and maintain the monthly logs, and produce the logs for inspection, yielding an average of 22 minutes per aquaculturists per year. Landowners, operators, and tenants actually engaged in the production of commercial freshwater aquaculture stocks (or their employees or agents) in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas may, without a Federal permit, take double-crested cormorants (*Phalacrocorax auritus*) when found committing or about to commit depredations to aquaculture stocks on the premises used for the production of such stocks: Provided that:

(a) Double-crested cormorants may be taken by shooting during daylight hours only, and only when necessary to protect freshwater commercial aquaculture and State-operated hatchery stocks from depredation; none of the birds so taken may be sold; and all dead birds must be buried or incinerated, except that any specimens needed for scientific purposes as determined by the Director must not be destroyed, and information on birds carrying metal leg bands may be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1–800–327–BAND (or 2263).

(b) Double-crested cormorants may be shot at freshwater commercial aquaculture facilities or State-operated hatcheries only in conjunction with an established non-lethal harassment program as certified by officials of the Wildlife Services' program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service.

(c) Double-crested cormorants may be taken with firearms only within the boundaries of freshwater commercial aquaculture facilities or State-operated hatcheries, and persons using shotguns are required to use nontoxic shot.

(d) Persons operating under the provisions of this section may use decoys, taped calls, or other devices to lure birds committing or about to commit depredations within gun range.

(e) Any person exercising the privileges of this section must keep and maintain a log recording the date and number of all birds killed each month under this authorization, that the log must be maintained for a period of

three years (and that three previous years of takings must be maintained at all times thereafter), that the log and any related records be made available to Federal or State wildlife enforcement officers upon request during normal business hours.

(f) Nothing in this section authorizes the killing of double-crested cormorants contrary to the laws or regulations of any State, and none of the privileges of this section may be exercised unless the person possesses the appropriate State permits, when required; nor the killing of any migratory bird species other than double-crested cormorants when committing or about to commit depredations to aquaculture stocks.

(g) The authority granted in this section will automatically expire on April 30, 2005, unless revoked or specifically extended prior to that date.

[63 FR 10560, Mar. 4, 1998]

Subpart E—Control of Overabundant Migratory Bird Populations

§ 21.60 Conservation order for mid-continent light geese.

(a) *Which waterfowl species are covered by this order?* This conservation order addresses management of lesser snow (*Anser c. caerulescens*) and Ross' (*Anser rossii*) geese that breed, migrate, and winter in the mid-continent portion of North America, primarily in the Central and Mississippi Flyways (mid-continent light geese).

(b) *In what areas can the conservation order be implemented?* (1) The following States, or portions of States, that are contained within the boundaries of the Central and Mississippi Flyways: Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(2) Tribal lands within the geographic boundaries in paragraph (b)(1) of this section.

(3) The following areas within the boundaries in paragraph (b)(1) of this section are closed to the conservation order after 10 March of each year: Monte Vista National Wildlife Refuge (CO); Bosque del Apache National Wildlife Refuge (NM); the area within 5 miles of the Platte River from Lexington, Nebraska to Grand Island, Nebraska; the following area in and around Aransas National Wildlife Refuge; those portions of Refugio, Calhoun, and Aransas counties that lie inside a line extending from 5 nautical miles offshore to and including Pelican Island, thence to Port O'Conner, thence northwest along State Highway 185 and southwest along State Highway 35 to Aransas Pass, thence southeast along State Highway 361 to Port Aransas, thence east along the Corpus Christi Channel, thence southeast along the Aransas Channel, extending to 5 nautical miles offshore; except that it is lawful to take mid-continent light geese after 10 March of each year within the Guadalupe WMA. If at any time we receive evidence that a need to close the areas in this paragraph (b)(3) no longer exists, we will publish a proposal to remove the closures in the FEDERAL REGISTER.

(c) *What is required in order for State/Tribal governments to participate in the conservation order?* Any State or Tribal government responsible for the management of wildlife and migratory birds may, without permit, kill or cause to be killed under its general supervision, mid-continent light geese under the following conditions:

(1) Activities conducted under this section may not affect endangered or threatened species as designated under the Endangered Species Act.

(2) Control activities must be conducted clearly as such and are intended to relieve pressures on migratory birds and habitat essential to migratory bird populations only and are not to be construed as opening, re-opening, or extending any open hunting season contrary to any regulations promulgated under section 3 of the Migratory Bird Treaty Act.

(3) Control activities may be conducted only when all waterfowl and crane hunting seasons, excluding falconry, are closed.

(4) Control measures employed through this section may be implemented only between the hours of one-

half hour before sunrise to one-half hour after sunset.

(5) Nothing in this section may limit or initiate management actions on Federal land without concurrence of the Federal Agency with jurisdiction.

(6) States and Tribes must designate participants who must operate under the conditions of this section.

(7) States and Tribes must inform participants of the requirements/conditions of this section that apply.

(8) States and Tribes must keep records of activities carried out under the authority of this section, including the number of mid-continent light geese taken under this section, the methods by which they were taken, and the dates they were taken. The States and Tribes must submit an annual report summarizing activities conducted under this section on or before August 30 of each year, to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, ms 634—ARLSQ, 1849 C Street NW., Washington, DC 20240.

(d) *What is required in order for individuals to participate in the conservation order?* Individual participants in State or tribal programs covered by this section are required to comply with the following requirements:

(1) Nothing in this section authorizes the take of mid-continent light geese contrary to any State or Tribal laws or regulations; and none of the privileges granted under this section may be exercised unless persons acting under the authority of the conservation order possesses whatever permit or other authorization(s) required for such activities by the State or Tribal government concerned.

(2) Participants who take mid-continent light geese under this section may not sell or offer for sale those birds nor their plumage, but may possess, transport, and otherwise properly use them.

(3) Participants acting under the authority of this section must permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted, and must promptly furnish whatever information an officer requires concerning the operation.

(4) Participants acting under the authority of this section may take mid-continent light geese by any method except those prohibited as follows:

(i) With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(ii) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the person a means of concealment beneath the surface of the water;

(iii) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;

(iv) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and the sails furled, and its progress therefrom has ceased. A craft under power may be used only to retrieve dead or crippled birds; however, the craft may not be used under power to shoot any crippled birds;

(v) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take mid-continent light geese on an area where tame or captive live geese are present unless such birds are and have been for a period of 10 consecutive days before the taking, confined within an enclosure that substantially reduces the audibility of their calls and totally conceals the birds from the sight of mid-continent light geese;

(vi) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of mid-continent light geese;

(vii) By the aid of baiting, or on or over any baited area. As used in this paragraph, ''baiting'' means the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain,

salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and ''baited area'' means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph prohibits the taking of mid-continent light geese on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shucked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; or

(viii) Participants may not possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, or bismuth-tin, or other shots that are authorized in 50 CFR 20.21(j). Season limitations in that section do not apply to participants acting under this order.

(e) *Under what conditions would the conservation order be revoked?* The Service will annually assess the overall impact and effectiveness of the conservation order to ensure compatibility with long-term conservation of this resource. If at any time we receive that clearly demonstrates a serious threat of injury to the area or areas involved no longer exists, we will initiate action to revoke the conservation order.

(f) *Will information concerning the conservation order be collected?* The information collection requirements of the conservation order have been approved by OMB and assigned clearance number 1018–0103. Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The recordkeeping and reporting requirements imposed under regulations established in this subpart E will be utilized to administer this program, particularly in the assessment of impacts alternative regulatory strategies may have on mid-continent light geese and other migratory bird populations. The information collected will be required to authorize State and Tribal governments responsible for migratory bird management to take mid-continent light geese within the guidelines provided by the Service.

[66 FR 32265, June 14, 2001]

PART 22—EAGLE PERMITS

Subpart A—Introduction

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Subpart D—Depredation Control Orders on Golden Eagles

22.31 Golden eagle depredations control order on request of Governor of a State.
22.32 Conditions and limitations on taking under depredation control order.

AUTHORITY: 16 U.S.C. 668a; 16 U.S.C. 703–712; 16 U.S.C. 1531–1544.

SOURCE: 39 FR 1183, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 22.1 What is the purpose of this part?

This part controls the taking, possession, and transportation within the United States of bald and golden eagles for scientific, educational, and depredation control purposes and for the religious purposes of American Indian tribes. This part also governs the transportation into or out of the

United States of bald and golden eagle parts for scientific, educational, and Indian religious purposes. The import, export, purchase, sale, trade, or barter of bald and golden eagles, or their parts, nests, or eggs is prohibited.

[64 FR 50472, Sept. 17, 1999]

§ 22.2 What activities does this part apply to?

(a)(1) You can possess or transport within the United States, without a Federal permit:

(i) Any live or dead bald eagles, or their parts, nests, or eggs that were lawfully acquired before June 8, 1940; and

(ii) Any live or dead golden eagles, or their parts, nests, or eggs that were lawfully acquired before October 24, 1962.

(2) You may not transport into or out of the United States, import, export, purchase, sell, trade, barter, or offer for purchase, sale, trade, or barter bald or golden eagles, or their parts, nests, or eggs of these lawfully acquired pre-act birds. However, you may transport into or out of the United States any lawfully acquired dead bald or golden eagles, their parts, nests, or dead eagles, if you acquire a permit issued under § 22.22 of this part.

(3) No exemption from any statute or regulation will apply to any offspring of these pre-act birds.

(4) You must mark all shipments containing bald or golden eagles, alive or dead, their parts, nests, or eggs as directed in § 14.81 of this subchapter. The markings must contain the name and address of the person the shipment is going to, the name and address of the person the shipment is coming from, an accurate list of contents by species, and the number of each species.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also part 13 of this subchapter).

[39 FR 1183, Jan. 4, 1974, as amended at 64 FR 50472, Sept. 17, 1999]

§ 22.3 What definitions do you need to know?

In addition to definitions contained in part 0 of this subchapter, and unless the context otherwise requires, in this part 22:

Area nesting population means the number of pairs of golden eagles known to have a resting attempt during the preceding 12 months within a 10-mile radius of a golden eagle nest.

Export for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs out of the United States when accompanied with a valid transportation permit.

Golden eagle nest means any readily identifiable structure built, maintained or occupied by golden eagles for propagation purposes.

Import for the purpose of this part does not include the transportation of any dead bald or golden eagles, or their parts, nests, or dead eggs into the United States when accompanied with a valid transportation permit.

Inactive nest means a golden eagle nest that is not currently used by golden eagles as determined by the absence of any adult, egg, or dependent young at the nest during the 10 days before the nest is taken.

Nesting attempt means any activity by golden eagles involving egg laying and incubation as determined by the presence of an egg attended by an adult, an adult in incubation posture, or other evidence indicating recent use of a golden eagle nest for incubation of eggs or rearing of young.

Person means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of any State or political subdivision of a State.

Resource development or recovery includes, but is not limited to, mining, timbering, extracting oil, natural gas and geothermal energy, construction of roads, dams, reservoirs, power plants, power transmission lines, and pipelines, as well as facilities and access routes essential to these operations, and reclamation following any of these operations.

Take includes also pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb.

Transportation into or out of the United States for the purpose of this part means that the permitted item or items transported into or out of the United States do not change ownership at any time, they are not transferred from one person to another in the pursuit of gain or profit, and they are transported into or out of the United States for Indian religious purposes, or for scientific or exhibition purposes under the conditions and during the time period specified on a transportation permit for the items.

[39 FR 1183, Jan. 4, 1974, as amended at 48 FR 57300, Dec. 29, 1983; 64 FR 50472, Sept. 17, 1999]

§ 22.4 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 22 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0022. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in the Bald and Golden Eagle Protection Act and its regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 1 to 4 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS–222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20603.

[63 FR 52637, Oct. 1, 1998]

Subpart B—General Requirements

§ 22.11 What is the relationship to other permit requirements?

You may not take, possess, or transport any bald eagle (*Haliaeetus leucocephalus*) or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of such birds, except as allowed by a valid permit issued under this part, part 13, and/or § 21.22 of this subchapter, or authorized under a depredation order issued under subpart D of this part. We will accept a single application for a permit under this part and any other parts of this subchapter B if it includes all of the information required for an application under each applicable part.

(a) You do not need a permit under parts 17 and 21 of this subchapter B for any activity permitted under this part 22 with respect to bald or golden eagles or their parts, nests, or eggs.

(b) You must obtain a permit under part 21 of this subchapter for any activity that also involves migratory birds other than bald and golden eagles, and a permit under part 17 of this subchapter for any activity that also involves threatened or endangered species other than the bald eagle.

(c) If you are transporting dead bald or golden eagles, or their parts, nests, or dead eggs into or out of the United States, you will also need a Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) permit under part 23 of this subchapter.

[64 FR 50472, Sept. 17, 1999]

§ 22.12 What activities are illegal?

(a) You may not sell, purchase, barter, trade, import, or export, or offer for sale, purchase, barter, or trade, at any time or in any manner, any bald eagle (*Haliaeetus leucocephalus*), or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of these birds, and we will not issue a permit to authorize these acts.

(b) You may not transport into or out of the United States any *live* bald or

golden eagle, or any *live* egg of those birds, and we will not issue a permit to authorize these acts.

[64 FR 50472, Sept. 17, 1999]

Subpart C—Eagle Permits

§ 22.21 What are the requirements concerning scientific and exhibition purpose permits?

We may, under the provisions of this section, issue a permit authorizing the taking, possession, transportation within the United States, or transportation into or out of the United States of lawfully possessed bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any live bald or golden eagles, or any live eggs of these birds.

(a) *How do I apply if I want a permit for scientific and exhibition purposes?*

(1) You must submit applications for permits to take, possess, or transport within the United States lawfully acquired live or dead bald or golden eagles, or their parts, nests, or live or dead eggs for scientific or exhibition purposes to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the Regional Directors in 50 CFR 2.2.

(2) If you want a permit to *transport into or out of the United States* any lawfully acquired dead bald or golden eagles or their parts, nests, or dead eggs for scientific or exhibition purposes, you must submit your application to the Office of Management Authority. Your application must contain all the information necessary for the issuance of a CITES permit. You must also comply with all the requirements in part 23 of this subchapter before international travel. Mail should be addressed to: Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA, 22203.

(3) Your application for any permit under this section must also contain the information required under this section, §13.12(a) of this subchapter, and the following information:

(i) Species of eagle and number of such birds, nests, or eggs proposed to be taken, possessed, or transported;

(ii) Specific locality in which taking is proposed, if any;

(iii) Method taking proposed, if any;

(iv) If not taken, the source of eagles and other circumstances surrounding the proposed acquisition or transportation;

(v) Name and address of the public museum, public scientific societies, or public zoological park for which they are intended;

(vi) Complete explanation and justification of request, nature of project or study, number of specimens now at institution, reason these are inadequate, and other appropriate explanations.

(b) *What are the conditions?* In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes, are also subject to the following condition: In addition to any reporting requirement specifically noted in the permit, you must submit a report of activities conducted under the permit to the Regional Director—Attention: Migratory Bird Permit Office, within 30 days after the permit expires.

(c) *How do we evaluate your application for a permit?* We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests, or eggs for scientific or exhibition purposes when we determine that the taking, possession, or transportation is compatible with the preservation of the bald eagle and golden eagle. In making this determination, we will consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald and golden eagles;

(2) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully

accomplish the objectives stated in the application;

(3) Whether the justification of the purpose for which the permit is being requested is adequate to justify the removal of the eagle from the wild or otherwise change its status; and

(4) Whether the applicant has demonstrated that the permit is being requested for *bona fide* scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks.

(d) *Tenure of permits.* The tenure of permits to take bald or golden eagles for scientific or exhibition purposes shall be that shown on the face of the permit.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50472, Sept. 17, 1999]

§ 22.22 What are the requirements concerning permits for Indian religious purposes?

We will issue a permit only to members of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs listed under 25 U.S.C. 479a–1 engaged in religious activities who satisfy all the issuance criteria of this section. We may, under the provisions of this section, issue a permit authorizing the taking, possession, and transportation within the United States, or transportation into or out of the United States of lawfully acquired bald eagles or golden eagles, or their parts, nests, or eggs for Indian religious use. We will not issue a permit under this section that authorizes the transportation into or out of the United States of any *live* bald or golden eagles, or any *live* eggs of these birds.

(a) *How do I apply if I want a permit for Indian regligious purposes?* You must submit applications for permits to take, possess, transport within the United States, or transport into or out of the United States lawfully acquired bald or golden eagles, or their parts, nests, or eggs for Indian religious use to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. If you are applying for a permit to *transport into or out of the United States,* your application must contain all the information necessary for the issuance of a CITES permit. You must comply with all the requirements in part 23 of this subchapter before international travel. Your application for any permit under this section must also contain the information required under this section, §13.12(a) of this subchapter, and the following information:

(1) Species and number of eagles or feathers proposed to be taken, or acquired by gift or inheritance.

(2) State and local area where the taking is proposed to be done, or from whom acquired.

(3) Name of tribe with which applicant is associated.

(4) Name of tribal religious ceremony(ies) for which required.

(5) You must attach a certification of enrollment in an Indian tribe that is federally recognized under the Federally Recognized Tribal List Act of 1994, 25 U.S.C. 479a–1, 108 Stat. 4791 (1994). The certificate must be signed by the tribal official who is authorized to certify that an individual is a duly enrolled member of that tribe, and must include the official title of that certifying official.

(b) *What are the permit conditions?* In addition to the general conditions in part 13 of this subchapter B, permits to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs for Indian religious use are subject to the following conditions:

(1) Bald or golden eagles or their parts possessed under permits issued pursuant to this section are not transferable, except such birds or their parts may be handed down from generation to generation or from one Indian to another in accordance with tribal or religious customs; and

(2) You must submit reports or inventories, including photographs, of eagle feathers or parts on hand as requested by the issuing office.

(c) *How do we evaluate your application for a permit?* We will conduct an investigation and will only issue a permit to take, possess, transport within the United States, or transport into or out of the United States bald or golden eagles, or their parts, nests or eggs, for Indian religious use when we determine

that the taking, possession, or transportation is compatible with the preservation of the bald and golden eagle. In making a determination, we will consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald or golden eagles; and

(2) Whether the applicant is an Indian who is authorized to participate in *bona fide* tribal religious ceremonies.

(d) *How long are the permits valid?* We are authorized to amend, suspend, or revoke any permit that is issued under this section (see §§ 13.23, 13.27, and 13.28 of this subchapter).

(1) A permit issued to you that authorizes you to take bald or golden eagles will be valid during the period specified on the face of the permit, but will not be longer than 1 year from the date it is issued.

(2) A permit issued to you that authorizes you to transport and possess bald or golden eagles or their parts, nests, or eggs within the United States will be valid for your lifetime.

(3) A permit authorizing you to transport dead bald eagles or golden eagles, or their parts, nests, or dead eggs into or out of the United States can be used for multiple trips to or from the United States, but no trip can be longer than 180 days. The permit will be valid during the period specified on the face of the permit, not to exceed 3 years from the date it is issued.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50473, Sept. 17, 1999]

§ 22.23 What are the requirements for permits to take depredating eagles?

(a) *How do I apply for a permit?* You must submit applications for permits to take depredating bald or golden eagles to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. Your application must contain the information and certification required by § 13.12(a) of this subchapter, and the following additional information:

(1) Species and number of eagles proposed to be taken;

(2) Location and description of property where taking is proposed;

(3) Inclusive dates for which permit is requested;

(4) Method of taking proposed;

(5) Kind and number of livestock or domestic animals owned by applicant;

(6) Kind and amount of alleged damaged; and

(7) Name, address, age, and business relationship with applicant of any person the applicant proposes to act for him as his agent in the taking of such eagles.

(b) *What are the permit conditions?* In addition to the general conditions set forth in part 13 of this subchapter B, permits to take depredating bald or golden eagles shall be subject to the following conditions:

(1) Bald or golden eagles may be taken under permit by firearms, traps, or other suitable means except by poison or from aircraft;

(2) The taking of eagles under permit may be done only by the permittee or his agents named in the permit;

(3) Any eagle taken under authority of such permit will be promptly turned over to a Service agent or other game law enforcement officer designated in the permit; and

(4) In addition to any reporting requirement on a permit, you must submit a report of activities conducted under the permit to the appropriate Regional Director—Attention: Migratory Bird Permit Office within 10 days following completion of the taking operations or the expiration of the permit, whichever occurs first.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take depredating bald or golden eagles unless he has determined that such taking is compatible with the preservation of the bald or golden eagle. In making such determination the Director shall consider the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild population of bald or golden eagles;

(2) Whether there is evidence to show that bald or golden eagles have in fact become seriously injurious to wildlife or to agriculture or other interests in the particular locality to be covered by

the permit, and the injury complained of is substantial; and

(3) Whether the only way to abate the damage caused by the bald or golden eagle is to take some or all of the offending birds.

(d) *Tenure of permits.* The tenure of any permit to take bald or golden eagles for depredation control purposes shall be that shown on the face thereof, and shall in no case be longer than 90 days from date of issue.

[39 FR 1183, Jan. 4, 1974, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50473, Sept. 17, 1999]

§ 22.24 Permits for falconry purposes.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the possession and transportation of golden eagles for falconry purposes.

(a) *Application procedures.* Submit applications for permits to possess and transport golden eagles for falconry purposes to the appropriate Regional Director (Attention: Migratory bird permit office). You can find addresses for the Regional Directors in 50 CFR 2.2. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and the following additional information:

(1) A copy of the applicant's master (or equivalent) class permit issued in accordance with 50 CFR 21.28.

(2) A statement of the applicant's experience in handling large raptors, including the species, type of experience and duration of the activity in which the experience was acquired.

(3) At least two (2) letters of reference from individuals with recognized experience in handling and/or flying eagles. Each letter must contain a concise history of the author's experience with eagles. Eagle handling experience is defined as, but is not limited to, the handling of pre-Act birds, zoological specimens, rehabilitating eagles, or scientific studies involving eagles. Each letter must also assess the applicant's capability to properly care for the fly golden eagles in falconry, and recommend the issuance or denial of the permit.

(4) A description of the facilities in which golden eagles will be housed.

(5) If requesting an eagle(s) from the Service, applicants must specify the sex, age and condition of the eagle(s) they will accept.

(6) For eagles already legally possessed, a copy of the permit or other documentation authorizing possession of said birds, and the procedures to be used to minimize or eliminate hazards associated with the use of imprinted birds in falconry.

(7) Name, address, age and experience in handling raptors of any person the applicant proposes to act as an authorized agent in taking possession of golden eagles provided by the Service.

(8) To obtain additional or replacement golden eagles, a request in writing to the appropriate special agent in charge must be tendered, identifying the existing permit and, for replacement eagles, the reason for such replacement.

(b) *Permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, permits to possess and transport golden eagles for falconry purposes are subject to the following conditions:

(1) Golden eagles possessed for falconry purposes are considered as raptors and must be maintained in accordance with Federal falconry standards described in §§21.28 and 21.29 of this subchapter.

(2) Only golden eagles legally obtained may be possessed and transported for falconry purposes.

(3) Captive breeding of golden eagles possessed for falconry purposes is prohibited.

(4) The applicant, or authorized agent, must agree to take possession of a requested golden eagle(s) within 72 hours of notification of availability. Expenses incurred by the applicant in taking possession of said eagle(s) will be the applicant's responsibility.

(5) The golden eagle(s) must be banded with a numbered eagle marker provided by the Service.

(6) All permits issued pursuant to this section shall state on their face that eagles possessed for falconry purposes under authority of this permit may not be transferred or otherwise intentionally disposed of by any means, including release to the wild, without

written approval from the appropriate regional director.

(7) All permits issued pursuant to this section shall state on their face that the appropriate special agent in charge must be notified no later than ten (10) days after the death of a permit holder.

(c) *More restrictive State laws.* Nothing in this section shall be construed to prevent a State from making and/or enforcing more restrictive laws and regulations as regards the use of golden eagles in falconry.

(d) *Issuance criteria.* The Director shall conduct an investigation and shall not issue a permit to possess and transport golden eagles for falconry purposes unless he has determined: that such possession and transportation is compatible with the preservation of golden eagles; that the proposed possession and transportation of golden eagles for falconry is not otherwise prohibited by laws and regulations within the State where the activity is proposed; and that the applicant is qualified to possess and transport golden eagles for falconry purposes. In making the latter determination, the Director shall consider, but shall not necessarily be limited to, the following:

(1) The applicant's cumulative falconry experience.

(2) The applicant's demonstrated ability to handle and care for large raptors.

(3) Information contained in the applicant's letters of reference.

(e) *Tenure of permits.* Any permit to possess and transport golden eagles for falconry purposes is valid for as long as the holder maintains a valid master (or equivalent) class falconry permit or until revoked in writing by the Service.

(f) *Permission to trap golden eagles for falconry purposes.* Applicants desiring to trap golden eagles from the wild for use in falconry must request and obtain permission from the Service prior to exercising this privilege. The following applies to requests:

(1) Only golden eagles from a specified depredation area may be trapped for falconry purposes.

(2) Permission to trap golden eagles must be requested in writing from the appropriate State Animal Damage Control (ADC) supervisor subsequent to issuance of the permit to possess and transport golden eagles for falconry purposes.

(3) Permission to trap will not be granted until the permittee suitably demonstrates to the State ADC supervisor or a designated project leader his/her qualifications and capabilities to trap golden eagles from the wild.

(4) All such trapping must be conducted under the direct supervision of the State ADC supervisor or designated project leader in the specified depredation area.

(5) Any permission to trap golden eagles from the wild pursuant to this section shall in no case extend more than 90 days from the date of issue.

(6) Upon issuance of permission to trap in accordance with the above conditions, the appropriate special agent in charge will be notified in writing by the State ADC supervisor of the individual's name, address, location of the specified depredation area and tenure of permission to trap golden eagles.

(The information collection requirements approved by the Office of Management and Budget under control number 1018–0022. The information is necessary to determine potential permittee's qualifications and is required to obtain a permit)

[49 FR 891, Jan. 6, 1984, as amended at 63 FR 52638, Oct. 1, 1998]

§ 22.25 What are the requirements concerning permits to take golden eagle nests?

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing any person to take golden eagle nests during a resource development or recovery operation when the nests are inactive, if the taking is compatible with the preservation of the area nesting population of golden eagles. The information collection requirements contained within this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make

decisions, according to the criteria established in this section for the issuance or denial of such permits. The obligation to respond is required to obtain or retain a permit.

(a) *How do I apply for a permit to take golden eagle nests?* You must submit applications for permits to take golden eagle nests to the appropriate Regional Director—Attention: Migratory Bird Permit Office. You can find addresses for the appropriate Regional Directors in 50 CFR 2.2. We will only accept applications if you are engaged in a resource development or recovery operation, including the planning and permitting stages of an operation. Your application must contain the general information and certification required by §13.12(a) of this chapter plus the following additional information:

(1) A description of the resource development or recovery operation in which the applicant is engaged;

(2) The number of golden eagle nests proposed to be taken;

(3) A description of the property on which the taking is proposed, with reference made to its exact geographic location. An appropriately scaled map or plat must be included which delineates the area of the resource development or recovery operation and identifies the exact location of each golden eagle nest proposed to be taken. The map or plat must contain enough detail so that each golden eagle nest proposed to be taken can be readily located by the Service.

(4) For each golden eagle nest proposed to be taken, the applicant must calculate the area nesting population of golden eagles and identify on an appropriately scaled map or plat the exact location of each golden eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population. The map or plat must contain enough details so that each golden eagle nest used to calculate the area nesting population can be readily located by the Service.

(5) A description of each activity to be performed during the resource development or recovery operation which involves the taking of a golden eagle nest;

(6) A statement with any supporting documents from ornithologists experienced with golden eagles or other qualified persons who have made on site inspections and can verify the applicant's calculation of the area nesting population;

(7) The length of time for which the permit is requested, including the dates on which the proposed resource development or recovery operation is to begin and end;

(8) A statement indicating the intended disposition of each nest proposed to be taken. Applicants should state whether they are willing to collect any nest for scientific or educational purposes; and

(9) A statement indicating any proposed mitigation measures that are compatible with the resource development or recovery operation to encourage golden eagles to reoccupy the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any inactive golden eagle nest taken, or establishing one or more nest sites. If the establishment of one or more nest sites is proposed, a description of the materials and methods to be used and the exact location of each artificial nest site must be included.

(b) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this chapter, permits to take golden eagle nests are subject to the following additional conditions:

(1) Only inactive golden eagle nests may be taken.

(2) The permittee shall submit a report of activities conducted under the permit to the Director within ten (10) days following the permit's expiration;

(3) The permittee shall notify the Director in writing at least 10 days but not more than 30 days before any golden eagle nest is taken;

(4) The permittee shall comply with any mitigation measures determined by the Director to be feasible and compatible with the resource development or recovery operation; and

(5) Any permit issued before the commencement of a resource development or recovery operation is invalid if the

activity which required a permit is not performed.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take any golden eagle nest unless such taking is compatible with the preservation of the area nesting population of golden eagles. In making such determination, the Director shall consider the following:

(1) Whether the applicant can reasonably conduct the resource development or recovery operation in a manner that avoids taking any golden eagle nest;

(2) The total number of golden eagle nests proposed to be taken;

(3) The size of the area nesting population of golden eagles;

(4) Whether suitable golden eagle nesting and foraging habitat unaffected by the resource development or recovery operation is available to the area nesting population of golden eagles to accommodate any golden eagles displaced by the resource development or recovery operation;

(5) Whether feasible mitigation measures compatible with the resource development or recovery operation are available to encourage golden eagles to reoccupy the resource development or recovery site. Mitigation measures may include reclaiming disturbed land to enhance golden eagle nesting and foraging habitat, relocating in suitable habitat any golden eagle nest taken, or establishing one or more nest sites; and

(6) Whether the area nesting population is widely dispersed or locally concentrated.

(d) *Tenure of permits.* The tenure of any permit to take golden eagle nests is 2 years from the date of issuance, unless a shorter period of time is prescribed on the face of the permit. Permits may be renewed in accordance with part 13 of this chapter.

[48 FR 57300, Dec. 29, 1983, as amended at 63 FR 52638, Oct. 1, 1998; 64 FR 50474, Sept. 17, 1999]

Subpart D—Depredation Control Orders on Golden Eagles

§ 22.31 Golden eagle depredations control order on request of Governor of a State.

(a) Whenever the Governor of any State requests permission to take golden eagles to seasonally protect domesticated flocks and herds in such State, the Director shall make an investigation and if he determines that such taking is necessary to and will seasonally protect domesticated flocks and herds in such States he shall authorize such taking in whatever part or parts of the State and for such periods as he determines necessary to protect such interests.

(b) Requests from the Governor of a State to take golden eagles to seasonally protect domesticated flocks and herds must be submitted in writing to the Director listing the periods of time during which the taking of such birds is recommended, and including a map of the State indicating the boundaries of the proposed area of taking. Such requests should include a statement of the facts and the source of such facts that in the Governor's opinion justifies the request. After a decision by the Director, the Governor will be advised in writing concerning the request and a notice will be published in the FEDERAL REGISTER.

§ 22.32 Conditions and limitations on taking under depredation control order.

(a) Whenever the taking of golden eagles without a permit is authorized for the seasonal protection of livestock, such birds may be taken by firearms, traps, or other suitable means except by poison or from aircraft.

(b) Any person exercising any of the privileges granted by this subpart D must permit all reasonable times, including during actual operations, any Service agent, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

(c) The authority to take golden eagles under a depredations control order issued pursuant to this subpart D only authorizes the taking of golden eagles when necessary to seasonally protect domesticated flocks and herds, and all such birds taken must be reported and turned over to a local Bureau Agent.

PART 23—ENDANGERED SPECIES CONVENTION

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AUTHORITY: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087; and Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

SOURCE: 42 FR 10465, Feb. 22, 1977, unless otherwise noted.

Subpart A—Introduction

§ 23.1 Purpose of regulations.

(a) The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

(b) The regulations identify those species of wildlife and plants included in appendix I, II or III to the Convention.

§ 23.2 Scope of regulations.

(a) The regulations of this part apply only to wildlife and plants listed in appendix I, II or III to the Convention, listed herein in §23.23 for the convenience of the public. It should be noted that many species listed in appendix I, II or III are also listed in part 17 (endangered and threatened species) or part 18 (marine mammals), and are subject to additional regulations in those parts or in part 216 (marine mammals) or parts 217–225 (endangered and threatened species) for species under jurisdiction of the National Marine Fisheries Service.

(b) [Reserved]

§ 23.3 Definitions.

In addition to the definitions contained in parts 10 and 17 of this subchapter, and unless the context requires otherwise, in this part:

Appendix I means the list of wildlife and plants called ''Appendix I'' and attached to the Convention (see §23.23 for the list).

Appendix II means the list of wildlife and plants called ''Appendix II'' and attached to the Convention (see §23.23 for the list).

Appendix III means the list of wildlife and plants called ''Appendix III'' and attached to the Convention (see §23.23 for the list).

Convention means the Convention on International Trade in Endangered

Species of Wild Fauna and Flora, TIAS 8249.

Management Authority means a national management authority officially designated by a party to implement the present Convention, including the granting of permits or certificates for Convention purposes on behalf of the party.

Party means a country for which the Convention has entered into force, by virtue of ratification or accession.

Re-export means export of wildlife or plants that have previously been imported.

United States means all of the several states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

§ 23.4 Parties to the Convention.

The following countries are currently parties to the Convention. The name and address of the management authority is included under the name of each country. This list is for the convenience of the public, and does not preclude the application of regulations in this part 23 to importation, exportation or re-exportation to or from other countries.

AUSTRALIA

The Bureau of Customs, Department of Business and Consumer Affairs, Canberra, Act 2600, Australia.

BRAZIL

Instituto Brasileiro de Desenvolvimento, Florestal (IBDF) do Ministério da Agricultura, Palacio do Desenvolvimento, Setor Bancario Norte, 13° andar, 70000 Brazilia—DF Brazil.

CANADA

The Administrator, Convention on International Trade in Endangered Species, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A OH3, Canada.

CHILE

Servico Agricola y Ganadero (SAG), Ministerio de Agricultura, Santiago, Chile.

COSTA RICA

Departmento de Pesca Continental y Vida Silvestre, Ministério de Agricultura y Ganaderia, San Jose, Costa Rica.

CYPRUS

Ministry of Agriculture and Natural Resources, Nicosia, Cyprus.

ECUADOR

Ministério de Agricultura y Ganaderia, Quito, Ecuador.

FEDERAL REPUBLIC OF GERMANY

Bundesminister für Ernährung Landwirtschaft und Forsten, Rochusstrasse 1, 5300 Bonn-Duisdorf, Federal Republic of Germany.

FINLAND

Maa—ja Metsatalousministerio, Ministry of Agriculture and Forestry, Bureau of Natural Resources, Hallituskatu 3 A, 00170 Helsinki 3 A, Finland.

GERMAN DEMOCRATIC REPUBLIC

Ministerium für Land, Forst und Nahrungsgüterwirtschaft, der Deutschen Demokratischen Republik, DDR–1157 Berlin, German Democratic Republic.

GHANA

Department of Game and Wildlife, P.O. Box M 239, Accra, Ghana.

INDIA

The Director of Wildlife Preservation, Government of India, Ministry of Agriculture and Irrigation, Department of Agriculture, Krishi Bhaven, New Delhi—110001, India.

IRAN

Department of the Environment, P.O. Box 1430, Tehran, Iran.

MALAGASY REPUBLIC

Direction des Eaux et Forets et de la Conservation des Sols, B.P. 243, Tananarive.

MAURITIUS

The Conservator of Forests, Forest Service, Curepipe, Mauritius.

MOROCCO

Comité National de l'Environment, Direction de l'Environment, Ministère de l'Urbanisme, de l'Habitat, du Tourisme et de l'Environment, Rabat, Morocco.

NEPAL

Not available.

NIGER

Ministère de l'Económie rurale, et du Climat, Niamey, Niger.

NIGERIA

Not available.

NORWAY

The Royal Ministry of Environment, Myntgaten 2, P.O. Box 8012 Oslo-Dep., N—Oslo 1, Norway.

PAKISTAN

Mr. A.M. Khattak, Inspector General of Forests/Member Secretary, Government of Pakistan, Ministry of Food, Agriculture, Cooperatives, Under-Developed Areas and Land Reforms (Food and Agriculture Division), National Council for Conservation of Wildlife, Bungalow No.: 4–G, St. No.: 51, F.6/Islamabad, Pakistan.

PAPUA NEW GUINEA

The Conservator of Fauna, Department of Natural Resources, P.O. Box 2585, Konedobu, Papua, New Guinea.

PARAGUAY

Not available.

PERU

Direccion General Forestal y de Fauna, Natalio Sánches 220, 3er. piso, Jesús Maria, Lima, Peru.

SOUTH AFRICA

The Secretary, Department of Planning and the Environment, Private Bag X 213, Pretoria 0001, South Africa.

SWEDEN

Lantbruksstyrelsen, Vallgatan 6, S–551 83 Jonkoping, Sweden.

SWITZERLAND

Office veterinaire federal, Thunstrasse 17, 3005 Berne 6, Switzerland.

TUNISIA

Direction des Forets, 36, rue Alain Savary, Tunis, Tunisia.

UNION OF SOVIET SOCIALIST REPUBLICS

Not available.

UNITED ARAB EMIRATES

Not available.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Department of the Environment, 17/19 Rochester Row, London SW1P 1LN, England.

UNITED STATES OF AMERICA

Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, DC 20240 U.S.A.

URUGUAY

Presidente del Instituto Nacional para le Preservacion del Medio Ambiente, Ministerio de Education y Cultura, Sarandi 444, Montevideo, Uruguay.

ZAIRE

Le Commissaire d'Etat a l'Environment, Conservation de la Nature et Tourisme Boite Postale 12348, Kinshasa/Gombe, Zaire.

Subpart B—Prohibitions, Permits and Exceptions

§ 23.11 Prohibitions.

(a) Unless the requirements in this part 23 are met, or one of the exceptions in this part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.

(b) *Import.* (1) It is unlawful to import into the United States any wildlife or plant listed in appendix I, II or III (see § 23.23) from any foreign country.

(2) It is unlawful to import directly into the United States any wildlife or plant listed in appendix I or II (see § 23.23) taken from the sea beyond the jurisdiction of any country.

(c) *Export.* It is unlawful to export from the United States any wildlife or plant listed in appendix I, II or III (see § 23.23).

(d) *Re-export.* It is unlawful to re-export from the United States any wildlife or plant listed in appendix I, II or III (see § 23.23).

(e) *Possession.* It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this part 23.

§ 23.12 Requirements.

(a) *Import*—(1) *Appendix I.* (i) In order to import into the United States any wildlife or plant listed in Appendix I from any foreign country, a United States import permit, issued pursuant to § 23.15, and a valid foreign export

permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in appendix I taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to §23.15 must be obtained prior to such importation.

(2) *Appendix II.* (i) In order to import into the United States any wildlife or plant listed in appendix II from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix II taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to §23.15, must be obtained prior to such importation.

(3) *Appendix III.* (i) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has listed such animal or plant in appendix III, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such importation.

(ii) In order to import into the United States any wildlife or plant listed in appendix III from a foreign country that has not listed such wildlife or plant in appendix III, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(b) *Export or re-export*—(1) *Appendices I and II.* In order to export or re-export from the United States any wildlife or plant listed in appendix I or II, a United States export permit or re-export certificate, issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

(2) *Appendix III.* (i) In order to export or re-export from the United States any wildlife or plant listed in appendix III by the United States, a United States export permit or re-export certificate issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

(ii) In order to export or re-export from the United States any wildlife or plant listed in appendix III that has not been listed by the United States, a re-export certificate or certificate of origin, issued pursuant to §23.15, must be obtained prior to such exportation or re-exportation.

§ 23.13 Exceptions.

(a) If any wildlife or plant listed in appendix I, II or III is also subject to the regulations in part 17 or part 18 of this subchapter, the prohibitions and exceptions in those parts and in part 23 shall apply. Exceptions in one part cannot be invoked to allow activities prohibited in another part.

(b) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plant listed in appendix I, II or III that are being transshipped through the United States provided such wildlife or plants remain in Customs custody.

(c) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of origin or the country of re-export to the effect that the wildlife or plant was acquired prior to the date the Convention applied to it. See §23.15 for rules on the issuance of such certificates.

(d) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants that are accompanying personal baggage or part of a shipment of the household effects of persons moving their residences to or from the United States: *Provided*, That this exception shall not apply to:

(1) Importation by U.S. residents of wildlife or plants listed in appendix I that were acquired outside the United States; or

(2) Importation by U.S. residents of wildlife or plants listed in appendix II that were taken from the wild in a foreign country, if that country requires export permits.

(e) Wildlife or plants listed in appendix I that have been bred in captivity

or artificially propagated, for commercial activities, shall be treated as if listed in appendix II.

(f) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of export to the effect that the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom. See §23.15 for rules on the issuance of such certificates.

(g) The prohibitions in §23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by a management authority of their country, and when a label issued or approved by such management authority is clearly affixed to the package or container. See §23.15 for rules on registration and issuance or approval of labels.

§23.14 Foreign documentation.

(a) *Party countries.* Only export permits, re-export certificates, certificates of origin, or other certificates issued and signed by a management authority will be accepted as a valid foreign document from a country that is a party to the Convention.

(b) *Countries that are not parties.* The requirements in this part 23 apply to all wildlife and plants listed in appendix I, II or III to the Convention, whether the shipment is to or from a country that is party to the Convention, or to or from any other country. In the case of a shipment from a country not party to the Convention, documents containing information corresponding to that required by the regulations in this part 23 may be accepted. Such documents may be in the form of an export or import permit, a letter from the proper authority, or any other form that clearly indicates the nature of the document. Such documents must:

(1) Be issued by an official of the country responsible for authorizing the export of such wildlife or plants;

(2) Specify the species (or taxa to the rank listed in appendix I, II or III) and give the numbers of wildlife or plants covered by the document; and

(3) Contain the following statement or its equivalent:

> I, _____ (Signing official), hereby certify that the shipment of wildlife or plants covered by this document is in accordance with the laws of _____ (Country), will not be detrimental to the survival of the species in the wild, and, if living, will be transported in a manner which will minimize the risk of injury, damage to health, or cruel treatment.

§23.15 Permits and certificates.

(a) In order to import, export or reexport wildlife or plants listed in appendix I, II or III that are also listed as endangered or threatened and subject to regulations in part 17 of this subchapter, the requirements in both part 17 and part 23 must be met. A single application meeting the appropriate application requirements in part 17 will also meet the application requirements in part 23.

(b) In order to import wildlife listed in appendix I, II or III that are marine mammals subject to regulations in part 18 of this subchapter, the requirements in both part 18 and part 23 must be met. A single application meeting the application requirements in part 18 will also meet the application requirements in part 23.

(c) Application requirements for permits or certificates to import, export or reexport wildlife or plants listed in appendix I, II or III that are not subject to the regulations in part 17 or part 18 of this subchapter. Any person subject to the jurisdiction of the United States who wishes to get such a permit or certificate submits an application under this section to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203 by any person subject to the jurisdiction of the United States who wishes to get a permit for the activity. The Service provides Form 3–200 for the application to

which as much of the following information relating to the purpose of the permit or certificate must be attached.

(1) The scientific and common names of the species (or taxa to the rank listed in appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(d) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a), (b) or (c) of this section, the Director will decide whether or not a permit or certificate should be issued. In making his decision, the Director shall consider in addition to the general criteria in §13.21(b) of this subchapter, the following factors:

(1) Whether the proposed import, export or re-export would be detrimental to the survival of the species;

(2) Whether the wildlife or plant was acquired lawfully;

(3) Whether any living wildlife or plant to be exported or re-exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(4) Whether any living wildlife or plant to be imported directly into the United States from the sea beyond the jurisdiction of any country will be so handled as to minimize the risk of injury, damage to health or cruel treatment;

(5) Whether an import permit has been granted by a foreign country, in the case of proposed export or re-export from the United States of any wildlife or plant listed in Appendix I;

(6) Whether the proposed recipient of any living wildlife or plant listed in Appendix I to be imported into the United States is suitably equipped to house and care for such wildlife or plant;

(7) Whether any wildlife or plant listed in appendix I to be imported into the United States is to be used for primarily commercial activities; and

(8) Whether the evidence submitted is sufficient to justify an exception, in the case of (i) wildlife or plants that were acquired prior to the date the

Convention applied to them; (ii) wildlife or plants that were bred in captivity or artificially propagated, or were part of or derived there from; or (iii) wildlife or plants that are herbarium specimens; other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(9) Whether in the case of wildlife or plants listed in Appendix II, they are the subject of a large volume of trade and are not necessarily threatened with extinction.

(e) *Permit or certificate conditions.* In addition to the general criteria set forth in part 13 of this subchapter, permits or certificates issued under this section shall be subject to the following special conditions:

(1) Any permit must be presented to a Service agent at a designated port of entry upon importation into the United States or prior to exportation or re-exportation from the United States:

(2) Where appropriate and feasible, the Service may require that an identifying mark be affixed upon any wildlife or plant;

(3) In the case of wildlife or plants that are herbarium specimens, other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. The letters ''CITES'' (acronym for the Convention), a description such as ''herbarium specimens,'' and the code letters assigned by the Service to the scientist or scientific institution, must be entered on the Customs declaration form affixed to each package or container.

(f) *Duration of permits or certificates.* The duration of permits or certificates issued under this section shall be designated on the face of the permit or certificate, but in no case will export permits be valid for longer than six months.

(g) *Information collection requirements.* The Office of Management and Budget approved the information collection requirements contained in this part 23 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0093. The Service may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to vary from 20 minutes to 2 hours per response, with an average of 1 hour per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS–222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018–0093), Washington, DC 20603.

[42 FR 10465, Feb. 22, 1977, as amended at 63 FR 52638, Oct. 1, 1998]

Subpart C—Appendices I, II and III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

§ 23.21 Criteria for listing species. [Reserved]

§ 23.22 Procedures for amending the appendices. [Reserved]

§ 23.23 Species listed in Appendices I, II, and III.

(a) The list in this section includes species of wildlife and plants placed in Appendix I, II or III in accordance with the provisions of Articles XV and XVI of the Convention.

The list of species is organized as follows:

Major group	Subgroups
Mammals	Orders, in taxonomic sequence.
Birds	Orders, in taxonomic sequence.
Reptiles	Orders, in taxonomic sequence.
Amphibians	Orders, in taxonomic sequence.
Fishes	Orders, in taxonomic sequence.
Molluscs	Classes.
Arthropods	Classes.
Plants	Families, in alphabetical sequence.

Within each Subgroup, lower taxonomic units (mainly genera, but sometimes families or subfamilies) are listed in alphabetical sequence. Within genera, the scientific names of the species are listed in alphabetical sequence. The scientific name takes precedence over the common name in determining if a species is listed.

(b) The appendix column of the list includes the annotation ''pe'' (=possibly extinct) for certain species. It also contains the names of Parties including species in Appendix III.

(c) For purposes of issuing United States certificates of exemption under Article VII(3), the date when the Convention applies to a species is the date when the inclusion of that species in the appendices enters into force under the terms of Article XV or XVI of the Convention. The date of first listing is retained if a species is transferred from one appendix to another or if a listed species is subsequently included with other species in the listing of a taxon above the species level. Such species are shown separately in this publication of the appendices. The date of a subsequent listing is used only if a species is entirely deleted from the appendices and is subsequently reincluded after an intervening period of time.

(d) Subject to the regulations of this part are all living or dead animals or plants in Appendix I, II or III, and all their readily recognizable parts and derivatives except for specified parts or derivatives of particular Appendix III animal species as excluded in the particular listing and the following categorically excluded or exempted parts or derivatives of certain plants:

(1) For Appendix II and Appendix III plants and artificially propagated hybrids of Appendix I plants: Seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and

(2) For Appendix II and Appendix III plants: Seeds (other than the seeds of Mexican Cactaceae originating from Mexico, which are included in the Appendices), spores, pollen (including pollinia), and artificially propagated cut flowers; and

(3) For artificially propagated hybrids of Appendix I plants: seeds and pollen (including pollinia) and cut flowers; and

(4) For artificially propagated or naturalized Appendix II Cactaceae species: fruits and their parts and derivatives; for Opuntia subgenus Opuntia species, separate stem joints (pads) and their parts and derivatives.

(5) For Orchidaceae species: in Appendix I, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; in Appendix II, for artificially propagated Vanilla species, the fruits and their parts and derivatives.

(e) The list of species set out in subsection (f) is informational and not regulatory in nature. It is solely intended as a convenience to the public. The official list of species included in Appendices I, II, and III is the one maintained by the CITES Secretariat based on the decisions of the Parties to the Convention.

(f) The list of species in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora is provided below:

Species	Common name	Appendix	First listing date (month/day/year)
CLASS MAMMALIA:	MAMMALS:		
Order Monotremata:	Monotremes:		
Zaglossus spp.	Spiny anteaters	II	2/4/77
Order Dasyuromorphia:	Dunnarts (Marsupial-mice), Tasmanian wolf:		
Sminthopsis longicaudata	Long-tailed marsupial-mouse, Long-tailed dunnart.	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
S. psammophila	Large desert marsupial-mouse, Sandhill dunnart.	I	7/1/75
Thylacinus cynocephalus	Tasmanian wolf, Thylacine	I pe	7/1/75
Order Peramelemorphia:	Bandicoots:		
Chaeropus ecaudatus	Pig-footed bandicoot	I pe	7/1/75
Macrotis lagotis	Rabbit bandicoot, Bilby	I	7/1/75
M. leucura	Lesser rabbit bandicoot, Yallara	I	7/1/75
Perameles bougainville	Barred bandicoot, Long-nosed bandicoot, Mari.	I	7/1/75
Order Diprotodontia:	Kangaroos, Wombats, Wallabies, Cuscuses, Rat-kangaroos, etc.:		
Bettongia spp. (except species listed below)	Rat-kangaroos	I	6/28/79
B. lesueur	Lesueur's rat-kangaroo, Boodie	I	7/1/75
B. penicillata (=*tropica*)	Brush-tailed rat-kangaroo, Woylie	I	7/1/75
Caloprymnus campestris	Desert rat-kangaroo	I pe	7/1/75
Dendrolagus inustus	Grizzled tree kangaroo	II	7/1/75
D. ursinus	Vogelkop tree kangaroo	II	7/1/75
Lagorchestes hirsutus	Western hare wallaby, Wurrup	I	7/1/75
Lagostrophus fasciatus	Banded hare wallaby, Munning	I	7/1/75
Lasiorhinus krefftii	Queensland hairy-nosed wombat	I	7/1/75
Onychogalea fraenata	Bridled nail-tailed wallaby	I	7/1/75
O. lunata	Crescent nail-tailed wallaby	I	7/1/75
Phalanger maculatus (see *Spilocuscus maculatus*)			
P. orientalis	Gray cuscus	II	6/28/79
Spilocuscus maculatus	Spotted cuscus	II	6/28/79
Order Scandentia	Tree shrews	II	2/4/77
Tupaiidae spp.	Tree shrews	II	2/4/77
Order Chiroptera:	Bats:		
Acerodon spp. (all species except those in App. I)	Flying foxes	II	1/18/90
A. jubatus	Golden-capped fruit bat	I	1/18/90
A. lucifer	Panay giant fruit bat	I pe	1/18/90
Pteropus spp. (all species except those in App. I or with earlier date in App. II).	Flying foxes	II	1/18/90
P. insularis	Truk flying fox	I	10/22/87
P. macrotis	Big-eared flying fox	II	10/22/87
P. mariannus	Mariana flying fox, Mariana fruit bat	I	10/22/87
P. molossinus	Ponape flying fox	I	10/22/87
P. phaeocephalus	Mortlock flying fox	I	10/22/87
P. pilosus	Palau flying fox	I	10/22/87
P. samoensis	Samoa flying fox	I	10/22/87
P. tokudae	Little Mariana fruit bat, Tokuda's flying fox.	II	10/22/87
P. tonganus	Insular flying fox, Tonga fruit bat	I	10/22/87
Vampyrops lineatus	White-lined bat	III (Uruguay)	7/14/76
Order Primates (formerly including order Scandentia, above):	Primates: Monkeys, Apes, etc.:		
All species of primates except those in App. I or with earlier date in App. II.	All monkeys, apes, etc. not listed below.	II	2/4/77
Allocebus spp.	Hairy-eared dwarf lemurs	I	7/1/75
Alouatta palliata (=*villosa*)	Mantled howler monkey	I	7/1/75
A. pigra	Black howler monkey	I	7/1/75
Ateles geoffroyi frontatus	Black-handed spider monkey	I	7/1/75
A. geoffroyi panamensis	Black-handed spider monkey	I	7/1/75
Avahi spp.	Avahis, Woolly lemurs	I	7/1/75
Brachyteles arachnoides	Woolly spider monkey	I	7/1/75
Cacajao spp.	Uakaris	I	7/1/75
Callimico goeldii	Goeldi's monkey, Callimico	I	7/1/75
Callithrix aurita (=*C. jacchus aurita*)	White-eared marmoset	I	2/4/77
C. flaviceps (=*C. jacchus flaviceps*)	Buff-headed marmoset	I	2/4/77
Cebus capucinus	White-throated capuchin	II	7/1/75
Cercocebus galeritus galeritus	Tana River mangabey, AgilL Langabey.	I	7/1/75
Cercopithecus diana (=*C. roloway*)	Diana monkey	I	2/4/77
Cheirogaleus spp.	Dwarf lemurs	I	7/1/75
Chiropotes albinasus	White-nosed saki	I	7/1/75
Colobus (see *Procolobus*)			
Daubentonia madagascariensis	Aye-aye	I	7/1/75
Eulemur spp.	Lemurs	I	7/1/75
Gorilla gorilla	Gorilla	I	7/1/75
Hapalemur spp.	Gentle lemurs	I	7/1/75
Hylobates spp.	Gibbons, Siamang	I	7/1/75
Indri spp.	Indri	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
Lagothrix flavicauda	Yellow-tailed woolly monkey	I	2/4/77
Lemur spp.	Lemurs	I	7/1/75
Leontopithecus (=*Leontideus*) spp.	Golden lion tamarins	I	7/1/75
Lepilemur spp.	Sportive lemur, Weasel lemur	I	7/1/75
Loris tardigradus	Slender loris	II	7/1/75
Macaca silenus	Lion-tailed macaque	I	7/1/75
M. sylvanus	Barbary ape	II	7/1/75
Mandrillus leucophaeus	Drill	I	2/4/77
M. sphinx	Mandrill	I	2/4/77
Microcebus spp.	Mouse lemurs	I	7/1/75
Nasalis (=*Simias*) *concolor*	Pagi Island langur	I	7/1/75
N. larvatus	Proboscis monkey	I	7/1/75
Nycticebus coucang	Slow loris	II	7/1/75
Pan spp.	Chimpanzee, Bonobo	I	7/1/75
Papio (see *Mandrillus*)			
Phaner spp.	Fork-marked mouse lemurs	I	7/1/75
Pongo pygmaeus	Orangutan	I	7/1/75
Presbytis entellus (see *Semnopithecus entellus*)			
P. pileata (see *Trachypithecus pileatus*)			
P. potenziani	Long-tailed langur, Mentawai leaf monkey.	I	2/4/77
Presbytis (other species) (see *Trachypithecus*)			
Procolobus badius gordonorum	Uhehe red colobus	II	7/1/75
P. pennantii kirki (=*C. badius kirkii*)	Zanzibar reL Lolobus	I	7/1/75
P. rufomitratus (=*C. badius rufomitratus*)	Tana River red colobus	I	7/1/75
P. verus	Olive colobus	II	7/1/75
Propithecus spp.	Sifakas	I	7/1/75
Pygathrix (=*Rhinopithecus*) spp. (except those species with earlier date).	Snub-nosed langurs	I	2/4/77
P. nemaeus	Douc langur	I	7/1/75
P. roxellana	Sichuan snub-nosed langur	I	7/1/75
Saguinus bicolor	Pied tamarin	I	2/4/77
S. geoffroyi	Geoffroy's marmoset	I	2/4/77
S. leucopus	White-footed tamarin, Silvery-brown bare-face tamarin.	I	2/4/77
S. oedipus (including *S. oedipus geoffroyi*)	Cotton-top tamarin	I	2/4/77
Saimiri oerstedii	Red-backed squirrel monkey	I	7/1/75
Semnopithecus entellus	Gray langur, Common Indian langur	I	7/1/75
Symphalangus (see *Hylobates*)			
Trachypithecus geei	Golden langur	I	7/1/75
T. johnii	Nilgiri langur	II	7/1/75
T. pileatus	Capped langur	I	7/1/75
Tupaiidae spp. (see Order Scandentia, above).			
Varecia spp.	Lemurs	I	7/1/75
Order Xenarthra:	Anteaters, Sloths, Armadillos:		
Bradypus variegatus (=*boliviensis* or *griseus*)	Three-toed sloth	II	7/1/75
Cabassous centralis	Five-toed armadillo	III (Costa Rica).	10/28/76
C. tatouay (=*gymnurus*)	Naked-tailed armadillo	III (Uruguay)	7/14/76
Chaetophractus nationi (subject to a zero export quota).	Hairy armadillo	II	9/18/97
Choloepus hoffmanni	Two-toed sloth	III (Costa Rica).	10/28/76
Myrmecophaga tridactyla	Giant anteater	II	7/1/75
Priodontes maximus (=*giganteus*)	Giant armadillo	I	7/1/75
Tamandua tetradactyla (=*T. mexicana*)	Tamandua, Collared anteater	III (Guatemala).	4/23/81
Order Pholidota:	Pangolins, Scaly Anteaters:		
Manis spp. (all species except those with an annual export quota).	Pangolins	II	7/1/75
Manis crassicaudata [zero quota for wild specimens].	Indian pangolin	II	7/1/75
Manis javanica [zero quota for wild specimens]	Malayan pangolin	II	7/1/75
Manis pentadactyla [zero quota for wild specimens].	Chinese pangolin	II	7/1/75
Order Lagomorpha:	Rabbits, Hares:		
Caprolagus hispidus	Hispid hare, Assam rabbit	I	7/1/75
Romerolagus diazi	Mexican volcano rabbit	I	7/1/75
Order Rodentia:	Rodents:		
Agouti (=*Cuniculus*) *paca*	Greater paca, Spotted cavy	III (Honduras)	4/13/87
Anomalurus beecrofti	Beecroft's scaly-tailed flying squirrel	III (Ghana)	2/26/76

Species	Common name	Appendix	First listing date (month/day/year)
A. derbianus	Lord Derby's scaly-tailed flying squirrel.	III (Ghana)	2/26/76
A. pelii	Pel's scaly-tailed flying squirrel	III (Ghana)	2/26/76
Chinchilla spp. (populations of South America, except domesticated specimens).	Chinchillas	I	2/4/77
Cynomys mexicanus	Mexican prairie dog	I	7/1/75
Dasyprocta punctata	Common agouti	III (Honduras)	4/13/87
Epixerus ebii	African palm squirrel	III (Ghana)	2/26/76
Hystrix cristata	Crested porcupine	III (Ghana)	2/26/76
Idiurus macrotis	Long-eared pygmy flying squirrel	III (Ghana)	2/26/76
Leporillus conditor	Australian stick-nest rat	I	7/1/75
Marmota caudata	Long-tailed marmot	III (India)	3/16/89
M. himalayana	Himalayan marmot	III (India)	3/16/89
Pseudomys praeconis	Shark Bay mouse	I	7/1/75
Ratufa spp.	Giant squirrels	II	7/1/75
Sciurus deppei	Deppe's squirrel	III (Costa Rica).	10/28/76
Sphiggurus (=*Coendou*) *mexicanus*	Middle American prehensile-tailed porcupine, Coendou.	III (Honduras)	4/13/87
S. (=*Coendou*) *spinosus*	Prehensile-tailed porcupine	III (Uruguay)	7/14/76
Xeromys myoides	False water rat	I	7/1/75
Zyzomys pedunculatus	Australian native mouse, McDonnell Range rock rat.	I	7/1/75
Order Cetacea:	Whales, Porpoises, Dolphins:		
All species except those in App. I or with earlier date in App. II.	All whales, porpoises, and dolphins not listed below.	II	6/28/79
Balaena mysticetus	Bowhead whale	I	7/1/75
Balaenoptera acutorostrata (all populations except that of West Greenland).	Northern minke whale	I	6/28/79
Balaenoptera bonaerensis	Southern minke whale	I	6/28/79
B. borealis	Sei whale	I	2/4/77
B. edeni	Bryde's whale	I	6/28/79
B. musculus	Blue whale	I	7/1/75
B. physalus	Fin whale	I	2/4/77
Berardius spp.	Beaked whales	I	6/28/79
Caperea marginata (entry into force as App. I on 1/1/86).	Pygmy right whale	I	6/28/79
Eschrichtius robustus (=*glaucus*)	Gray whale	I	7/1/75
Eubalaena (=*Balaena*) spp.	Right whales	I	7/1/75
Hyperoodon spp.	Bottle-nosed whales	I	6/28/79
Lipotes vexillifer	White flag dolphin, Chinese river dolphin.	I	6/28/79
Megaptera novaeangliae	Humpback whale	I	7/1/75
Monodon monoceros	Narwhal	II	11/16/75
Neophocaena phocaenoides	Finless porpoise	I	6/28/79
Phocoena sinus	Gulf of California harbor porpoise, Cochita.	I	6/28/79
Physeter catodon (=*macrocephalus*)	Sperm whale	I	2/4/77
Platanista spp.	Ganges and Indus River dolphins	I	7/1/75
Pontoporia (=*Stenodelphis*) *blainvillei*	La Plata River dolphin	II	7/14/76
Sotalia spp.	Humpbacked dolphins	I	6/28/79
Sousa spp.	Humpbacked dolphins	I	6/28/79
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
Acinonyx jubatus	Cheetah	I	7/1/75
Ailuropoda melanoleuca	Giant panda	I	3/14/84
Ailurus fulgens	Lesser panda	I	7/1/75
Aonyx congicus (=*microdon*) (populations of Cameroon and Nigeria).	West African ''clawless'' otter	I	7/1/75
Arctictis binturong	Binturong	III (India)	3/16/89
Bassaricyon gabbii	Bushy-tailed olingo	III (Costa Rica).	10/28/76
Bassariscus sumichrasti	Cacomistle	III (Costa Rica).	10/28/76
Canis aureus	Golden jackal	III (India)	3/16/89
C. lupus (all subspecies and populations except those listed below).	Gray wolf	II	2/4/77
C. lupus (India, Pakistan, Bhutan, and Nepal populations).	Gray wolf	I	2/4/77
C. lupus crassodon	Gray wolf, Vancouver Island gray wolf.	II	7/1/75
C. lupus irremotus	Gray wolf, Rocky Mountain gray wolf	II	7/1/75
C. lupus monstrabilis	Gray wolf	II	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
C. lupus pallipes	Gray wolf, Middle East gray wolf	II	7/1/75
Caracal (=*Felis*) *caracal* (Asian population)	Caracal	I	7/1/75
Catopuma (=*Felis*) *temminckii*	Asian golden cat	I	7/1/75
Cerdocyon thous	Crab-eating fox	II	6/11/92
Chrysocyon brachyurus	Maned wolf	II	7/1/75
Civettictis (=*Viverra*) *civetta*	African civet	III (Botswana)	4/24/78
Conepatus humboldtii	Humboldt's hognose skunk	II	6/28/79
Cryptoprocta ferox	Fossa	II	2/4/77
Cuon alpinus	Dhole	II	7/1/75
Cynogale bennettii	Otter civet	II	7/1/75
Dusicyon thous (see *Cerdocyon thous*)			
Dusicyon (other species) (see *Pseudalopex*)			
Eira barbara	Tayra	III (Honduras)	4/13/87
Enhydra lutris nereis	Southern sea otter	I	7/1/75
Eupleres goudotii (=*major*)	Malagasy mongoose	II	2/4/77
Felidae spp. (all species in family except *Felis catus* or those in App. I or with earlier date in App. II).	Cats (not including House cats)	II	2/4/77
Felis (see also the following genera, formerly included in *Felis*: *Caracal*, *Catopuma*, *Herpailurus*, *Leopardus*, *Lynx*, *Oncifelis*, *Oreailurus*, *Pardofelis*, *Prionailurus*, and *Puma*)			
F. nigripes	Black-footed cat	I	7/1/75
Fossa fossana (=*fossa*)	Fanaloka	II	2/4/77
Galictis vittata (=*allamandi*)	Grison	III (Costa Rica).	10/28/76
Helarctos malayanus	Sun bear	I	7/1/75
Hemigalus derbyanus	Banded palm civet	II	2/4/77
Herpailurus (=*Felis*) *yaguarondi* (North and Central American populations).	Jaguarundi	I	7/1/75
H. yaguarondi (South American populations)	Jaguarundi	II	7/1/75
Herpestes brachyurus fusca (=*H. fuscus*)	Indian brown mongoose	III (India)	3/16/89
H. edwardsii	Indian gray mongoose	III (India)	3/16/89
H. javanicus auropunctata (=*H. auropunctatus*)	Small Indian mongoose	III (India)	3/16/89
H. smithii	Ruddy mongoose	III (India)	3/16/89
H. urva	Crab-eating mongoose	III (India)	3/16/89
H. vitticollis	Stripe-necked mongoose	III (India)	3/16/89
Hyaena (see *Parahyaena*)			
Leopardus (=*Felis*) *pardalis* (except subspecies with earlier date).	Ocelot	I	2/4/77
L. pardalis mearnsi	Ocelot	I	7/1/75
L. pardalis mitis	Brazilian ocelot	I	7/1/75
L. tigrinus (=*Felis tigrina*) (except subspecies with earlier date).	Tiger cat, Little spotted cat	I	2/4/77
L. tigrinus oncilla	Tiger cat	I	7/1/75
L. wiedii (except subspecies with earlier date)	Margay	I	2/4/77
L. wiedii nicaraguae	Central American margay	I	7/1/75
L. wiedii salvinia	Guatemalan margay	I	7/1/75
Lontra felina	Marine otter	I	7/1/75
L. longicaudis	Long-tailed otter, Neotropical otter	I	7/1/75
L. provocax	Southern river otter, South American river otter.	I	7/1/75
Lutra lutra	European river otter	I	2/4/77
Lutra (other species) (see *Lontra*)			
Lutrinae spp. (all species except those in App. I)	Otters	II	2/4/77
Lynx pardinus (=*Felis pardina*)	Spanish lynx, Iberian lynx	I	2/4/77
L. rufus (=*Felis rufa*) *escuinapae*	Mexican bobcat	II	7/1/75
Martes flavigula (including *M. gwatkinsi*)	Yellow-throated marten	III (India)	3/16/89
M. foina intermedia	Beech marten	III (India)	3/16/89
Mellivora capensis	Honey badger, Ratel	III (Ghana and Botswana).	2/26/76
Melursus (=*Ursus*) *ursinus*	Sloth bear	I	9/21/88
Mustela altaica	Mountain weasel	III (India)	3/16/89
M. erminea ferghanae	Ermine	III (India)	3/16/89
M. kathiah	Yellow-bellied weasel	III (India)	3/16/89
M. nigripes	Black-footed ferret	I	7/1/75
M. sibirica	Siberian weasel	III (India)	3/16/89
Nasua narica	Common coati, Coatimundi	III (Honduras)	4/13/87
N. nasua solitaria	Coatimundi	III (Uruguay)	7/14/76
Neofelis nebulosa	Clouded leopard	I	7/1/75
Oncifelis (=*Felis*) *geoffroyi*	Geoffroy's cat	I	2/4/77
Oreailurus (=*Felis*) *jacobita*	Andean cat	I	7/1/75
Paguma larvata	Masked palm civet	III (India)	3/16/89

Species	Common name	Appendix	First listing date (month/day/year)
Panthera leo persica	Asiatic lion, Indian lion	I	7/1/75
P. onca	Jaguar	I	7/1/75
P. pardus	Leopard	I	7/1/75
P. tigris	Tiger	I	7/1/75
P. uncia (see *Uncia uncia*).			
Paradoxurus hermaphroditus	Common palm civet	III (India)	3/16/89
P. jerdoni	Jerdon's palm civet	III (India)	3/16/89
Pardofelis (=*Felis*) *marmorata*	Marbled cat	I	7/1/75
Potos flavus	Kinkajou	III (Honduras)	4/13/87
Prionailurus (=*Felis*) *bengalensis bengalensis* (Bangladesh, India, and Thailand populations).	Leopard cat	I	7/1/75
P. bengalensis bengalensis (all other populations)	Leopard cat	II	7/1/75
P. planiceps	Flat-headed cat	I	7/1/75
P. rubiginosus (=*Felis rubiginosa*) (Indian population)	Rusty-spotted cat	I	2/4/77
Prionodon linsang	Banded linsang	II	7/1/75
P. pardicolor	Spotted linsang	I	7/1/75
Proteles cristatus	Aardwolf	III (Botswana)	4/24/78
Pseudalopex culpaeus	Culpeo fox	II	6/28/79
P. griseus (=*fulvipes*)	Argentine gray fox	II	6/28/79
P. gymnocercus	Pampas fox	II	10/22/87
Pteronura brasiliensis	Giant otter	I	7/1/75
Puma (=*Felis*) *concolor coryi*	Florida panther, Florida puma	I	7/1/75
P. concolor costaricensis	Costa Rican puma	I	7/1/75
P. concolor couguar	Eastern puma, Adirondack cougar	I	7/1/75
Selenarctos thibetanus (see *Ursus thibetanus*)			
Speothos venaticus	Bush dog	I	2/4/77
Tremarctos ornatus	Spectacled bear	I	2/4/77
Uncia uncia	Snow leopard	I	7/1/75
Ursidae spp. (all species in family except those in App. I or with earlier date in App. II; includes Baltic States and former USSR populations).	Bears	II	6/11/92
Ursus americanus	American black bear	II	9/18/91
U. arctos (all Asian populations, including populations of Iran, Iraq, Syria, Turkey, and the former USSR, except populations and subspecies listed in App. I).	Brown bear	II	1/18/90
U. arctos (all European populations except Italian population and former USSR populations).	European Brown Bear	II	7/29/83
U. arctos (all North American populations except *U. a. nelsoni*).	Brown bear, Grizzly bear	II	7/1/75
U. arctos (all populations of Bhutan, Mongolia, and China except subspecies with earlier date).	Brown bear	I	1/18/90
U. arctos (Italian population)	European brown bear	II	7/1/75
U. arctos isabellinus	Red bear	I	6/28/79
U. arctos nelsoni	Mexican grizzly bear	I	7/1/75
U. arctos pruinosus	Tibetan blue bear	I	7/1/75
U. (=*Thalarctos*) *maritimus*	Polar bear	II	7/1/75
U. thibetanus (except subspecies listed below)	Asiatic black bear	I	6/28/79
U. thibetanus gedrosianus	Baluchistan black bear	I	2/4/77
Viverra civettina (=*megaspila*)	Malabar large-spotted civet	III (India)	3/16/89
V. zibetha	Large Indian civet	III (India)	3/16/89
Viverricula indica	Lesser oriental civet, Small Indian civet.	III (India)	3/16/89
Vulpes bengalensis	Bengal fox	III (India)	3/16/89
V. cana	Blanford's fox	II	2/4/77
V. vulpes griffithi	Griffith's red fox	III (India)	3/16/89
V. vulpes montana	Montane red fox	III (India)	3/16/89
V. vulpes pusilla (= *leucopus*)	Little red fox	III (India)	3/16/89
V. (=*Fennecus*) *da*	Fennec fox	II	4/22/76
Order Pinnipedia:	Seals, Sea lions:		
Arctocephalus spp. (except species listed below)	Southern fur seals	II	2/4/77
A. australis	Southern fur seal	II	7/1/75
A. galapagoensis	Galapagos fur seal	II	7/1/75
A. philippii	Juan Fernandez fur seal	II	7/1/75
A. townsendi	Guadalupe fur seal	I	7/1/75
Mirounga leonina	Southern elephant seal	II	7/1/75
Monachus spp.	Monk seals	I	7/1/75
Odobenus rosmarus	Walrus	III (Canada)	11/16/75
Order Proboscidea:	Elephants:		
Elephas maximus	Asian elephant	I	7/1/75
Loxodonta africana [except populations of Botswana, Namibia, South Africa, and Zimbabwe].	African elephant	I	2/4/77

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L. africana [only the populations of Botswana, Namibia, South Africa and Zimbabwe, to allow: (1) Export of hunting trophies for noncommercial purposes; (2) export of live animals to appropriate and acceptable destinations (Namibia: for noncommercial purposes only; South Africa: for reintroduction purposes); (3) export of hides and leather goods (South Africa and Zimbabwe); (4) export of ivory carvings for noncommercial purposes (Zimbabwe only); (5) export of ivory tusks from Kruger National Park (South Africa; zero quota)].	African elephant	II	2/4/77
Order Sirenia:	Dugongs, Manatees:		
Dugong dugon	Dugong	I	7/1/75
Trichechus inunguis	South American manatee, Amazonian manatee.	I	7/1/75
T. manatus	West Indian manatee	I	7/1/75
T. senegalensis	West African manatee	II	7/1/75
Order Perissodactyla:	Odd-toed ungulates:		
Ceratotherium simum cottoni	Northern white rhinoceros	I	7/1/75
C. s. simum (population of South Africa) (no trade allowed, except for hunting trophies and for the sale of live animals to appropriate and acceptable destinations).	Southern white rhinoceros	II	2/4/77
Dicerorhinus (=*Didermocerus*) *sumatrensis*	Sumatran rhinoceros	I	7/1/75
Diceros bicornis	Black rhinoceros	I	7/1/75
Equus africanus (=*E. asinus*)	African wild ass	I	7/29/83
E. grevyi	Grevy's zebra	I	6/28/79
E. hemionus (except subspecies listed below)	Asian wild ass	II	7/1/75
E. hemionus hemionus	Asian wild ass	I	7/1/75
E. hemionus khur (see *E. onager khur*)			
E. kiang (=*hemionus*) (except subspecies listed below).	Kiang	II	7/1/75
E. kiang khur (see *E. onager khur*)			
E. onager (=*hemionus*) (except subspecies listed below).	Onager	II	7/1/75
E. onager khur	Onager	I	7/1/75
E. przewalskii	Przewalski's horse	I	7/1/75
E. zebra hartmannae	Hartmann's mountain zebra	II	6/28/79
E. zebra zebra	Cape mountain zebra	I	7/1/75
Rhinocerotidae spp. (all species and populations in the family except those in App. II or with earlier date in App. I).	Rhinoceroses	I	2/4/77
Rhinoceros sondaicus	Javan rhinoceros	I	7/1/75
R. unicornis	Great Indian one-horned rhinoceros	I	7/1/75
Tapirus spp. (except for species listed below)	Tapirs	I	7/1/75
T. terrestris	South American tapir	II	7/1/75
Order Artiodactyla:	Even-toed ungulates:		
Addax nasomaculatus	Addax	I	7/1/75
Ammotragus lervia	Barbary sheep, Aoudad	II	4/22/76
Antilocapra americana (Mexican population)	Mexican pronghorn	I	7/1/75
Antilope cervicapra	Blackbuck antelope	III (Nepal)	11/16/75
Axis porcinus annamiticus	Indochina hog deer	I	7/1/75
A. porcinus calamianensis	Calamianes deer	I	7/1/75
A. porcinus kuhli	Kuhl's deer, Bawean hog deer	I	7/1/75
Babyrousa babyrussa	Babirusa	I	7/1/75
Blastocerus dichotomus	Marsh deer	I	7/1/75
Bison bison athabascae	Wood bison	II	7/1/75
Boocercus (see *Tragelaphus*)			
Bos frontalis (see *B. gaurus*)			
B. gaurus (excluding domestic forms)	Seladang, Gaur	I	7/1/75
B. grunniens (see *B. mutus*)			
B. mutus (excluding domestic forms)	Wild yak	I	7/1/75
B. (=*Novibos*) *sauveli*	Kouprey	I	7/1/75
Bubalus arnee (formerly listed as *B. bubalis*, a nonprotected, domesticated form).	Water buffalo	III (Nepal)	11/16/75
B. (=*Anoa*) *depressicornis*	Lowland anoa	I	7/1/75
B. (=*Anoa*) *mindorensis*	Tamaraw	I	7/1/75
B. (=*Anoa*) *quarlesi*	Mountain anoa	I	7/1/75
Budorcas taxicolor	Takin	II	8/1/85
Capra falconeri	Markhor	I	7/1/75

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Capricornis sumatraensis (see *Naemorhedus sumatraensis*)			
Catagonus wagneri	Chacoan peccary, Giant peccary	I	10/22/87
Cephalophus dorsalis	Bay duiker	II	7/29/83
C. jentinki	Jentink's duiker	I	7/29/83
C. monticola	Blue duiker	II	7/1/75
C. ogilbyi	Ogilby's duiker	II	7/29/83
C. sylvicultor	Yellow-backed duiker	II	7/29/83
C. zebra	Zebra-banded duiker	II	7/29/83
Cervus dama mesopotamicus (see *Dama mesopotamica*)			
C. duvaucelii	Swamp deer	I	7/1/75
C. elaphus bactrianus	Bactrian deer	II	7/1/75
C. elaphus barbarus	Barbary deer	III (Tunisia)	4/22/76
C. elaphus hanglu	Kashmir stag	I	7/1/75
C. eldii	Eld's brow-antlered deer	I	7/1/75
C. porcinus (see *Axis porcinus*)			
Choeropsis liberiensis (see *Hexaprotodon liberiensis*)			
Dama mesopotamica	Persian fallow deer	I	2/4/77
Damaliscus dorcas dorcas (see *D. pygargus dorcas*)			
D. lunatus	Sassaby antelope, Korrigum	III (Ghana)	2/26/76
D. pygargus dorcas	Bontebok	II	7/1/75
Gazella cuvieri (=*G. gazella cuvieri*)	Mountain gazelle	III (Tunisia)	4/22/76
G. dama	Dama gazelle	I	7/29/83
G. dorcas	Dorcas gazelle	III (Tunisia)	4/22/76
G. leptoceros	Slender-horned gazelle	III (Tunisia)	4/22/76
Hexaprotodon liberiensis	Pygmy hippopotamus	II	7/1/75
Hippocamelus spp.	Huemals	I	7/1/75
Hippopotamus amphibius	Hippopotamus	II	2/26/76
Hippotragus niger variani	Giant sable antelope	I	7/1/75
Hyemoschus aquaticus	Water chevrotain	III (Ghana)	2/26/76
Kobus leche	Lechwe	II	7/1/75
Lama guanicoe	Guanaco	II	8/12/78
Mazama americana cerasina	Red brocket deer	III (Guatemala).	4/23/81
Megamuntiacus vuquanghensis	Giant muntjac	I	2/16/95
Moschus spp. (all except populations in App. I)	Musk deer	II	2/16/79
Moschus spp. (populations of Afghanistan, Bhutan, India, Myanmar, Nepal, and Pakistan).	Musk deer	I	7/1/75
Muntiacus crinifrons	Black muntjac	I	8/1/85
Naemorhedus baileyi	Goral	I	7/1/75
N. caudatus	Goral	I	7/1/75
N. sumatraensis	Serow	I	7/1/75
N. goral	Goral	I	7/1/75
Nemorhaedus (see *Naemorhedus*)			
Odocoileus virginianus mayensis	Whitetail deer	III (Guatemala).	4/23/81
Oryx dammah (=*O. tao*)	Scimitar-horned oryx	I	7/1/75
O. leucoryx	Arabian oryx	I	7/1/75
Ovis ammon (except subspecies listed below)	Argali	II	7/1/75
O. ammon hodgsonii	Tibetan argali	I	7/1/75
O. ammon nigrimontana	Kara Tau argali	I	7/1/75
O. aries ophion (=*O. musimon ophion*) (see *O. orientalis ophion*)			
O. canadensis (Mexican population)	Mexican bighorn sheep	II	7/1/75
O. orientalis ophion	Cyprian red sheep	I	7/1/75
Ovis vignei (except subspecies listed below)	Urial	II	7/19/00
O. vignei vignei	Ladakh urial	I	7/1/75
Ozotoceros bezoarticus	Pampas deer	I	7/1/75
Pantholops hodgsonii	Tibetan antelope	I	7/1/75
Pecari tajacu (except populations of the United States and Mexico).	Collared peccary	II	10/22/87
Pseudoryx nghetinhensis	Vu Quang ox	I	2/16/95
Pudu mephistophiles	Northern pudu	II	7/1/75
P. puda (=*P. pudu*)	Pudu	I	7/1/75
Rupicapra pyrenaica (=*rupicapra*) *ornata*	Apennian chamois	I	7/1/75
Saiga tatarica	Saiga antelope	II	2/16/95
Sus salvanius	Pygmy hog	I	7/1/75
Tayassu pecari	White-lipped peccary	II	10/22/87
T. tajacu (see *Pecari tajacu*)			
Tetracerus quadricornis	Four-horned antelope	III (Nepal)	11/16/75
Tragelaphus (=*Taurotragus*) *eurycerus*	Bongo antelope	III (Ghana)	2/26/76

Species	Common name	Appendix	First listing date (month/day/year)
T. spekii	Sitatunga antelope	III (Ghana)	2/26/76
Vicugna vicugna (except populations listed below, under the conditions specified).	Vicuña	I	7/1/75
V. vicugna [Argentina: wild populations of the Province of Jujuy and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, ''VICUÑA-ARGENTINA''; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
V. vicugna [Bolivia: populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla and Lipez-Chichas (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, ''VICUÑA-BOLIVIA''; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
V. vicugna [Chile: populations of Paranicota Province, 1a. Region of Tarapaca (export limited to wool sheared from live animals and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, ''VICUNA-CHILE''; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
V. vicugna [Peru: all populations (export limited to the stock of 3249 kg. extant in November, 1994, to wool sheared from live animals, and to cloth and items made thereof, including luxury handicrafts and knitted articles; the reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the Convenio para la Conservación y Manejo de la Vicuña and the words, ''VICUÑA-PERU-ARTESANIA''; all specimens not meeting any of the above conditions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly)].	Vicuña	II	7/1/75
CLASS AVES:	BIRDS:		
Order Struthioniformes:	Ostriches:		
Struthio camelus (populations of Algeria, Burkina Faso, Cameroon, Central African Republic, Chad, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, and Sudan).	Ostrich	I	7/29/83
Order Rheiformes	Rheas:		
Pterocnemia pennata (see *Rhea pennata*)			
Rhea americana (all subspecies except that with earlier date in App. II).	Greater rhea, Common rhea	II	7/14/76
R. americana albescens	Greater rhea	II	7/1/75
R. pennata (except subspecies listed below)	Lesser rhea	I	6/28/79
R. pennata garleppi	Lesser rhea	I	7/1/75
R. pennata pennata (Argentina only)	Darwin's rhea	II	7/1/75
R. pennata pennata (except population of Argentina)	Darwin's rhea	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
Order Tinamiformes:	Tinamous:		
Tinamus solitarius	Solitary tinamou	I	7/1/75
Order Sphenisciformes:	Penguins:		
Spheniscus demersus	Jackass penguin, Blackfooted Cape penguin.	II	7/1/75
S. humboldti	Humboldt penguin	I	6/6/81
Order Podicipediformes:	Grebes:		
Podilymbus gigas	Atitlan grebe	I	7/1/75
Order Procellariiformes:	Albatrosses, Shearwaters, Petrels:		
Diomedea albatrus	Short-tailed albatross	I	7/1/75
Order Pelecaniformes:	Tropicbirds, Pelicans, Frigatebirds:		
Fregata andrewsi	Andrew's frigatebird	I	7/1/75
Papasula abbotti	Abbott's booby	I	7/1/75
Pelecanus crispus	Dalmatian pelican	I	7/1/75
Sula abbotti (see *Papasula abbotti*)			
Order Ciconiiformes:	Herons, Storks, Ibises, Flamingos:		
Ardea goliath	Goliath heron	III (Ghana)	2/26/76
Balaeniceps rex	Whale-headed stork	II	10/22/87
Bostrychia hagedash	Hadada ibis	III (Ghana)	2/26/76
B. rara	Spotted-breasted ibis	III (Ghana)	2/26/76
Bubulcus (=*Ardeola*) *ibis*	Cattle egret	III (Ghana)	2/26/76
Casmerodius (=*Egretta*) *albus*	Great white egret	III (Ghana)	2/26/76
Ciconia boyciana	Oriental white stork	I	7/1/75
C. ciconia boyciana (see *C. boyciana*)			
C. nigra	Black stork	II	7/1/75
Egretta garzetta	Little egret	III (Ghana)	2/26/76
Ephippiorhynchus senegalensis	Saddlebill stork	III (Ghana)	2/26/76
Eudocimus ruber	Scarlet ibis	II	10/22/87
Geronticus calvus	Southern bald ibis	II	7/1/75
G. eremita	Northern bald ibis, Hermit ibis	I	6/28/79
Hagedashia hagedash (see *Bostrychia hagedash*)			
Jabiru mycteria	Jabiru	I	8/1/85
Lampribis rara (see *Bostrychia rara*)			
Leptoptilos crumeniferus	Marabou stork	III (Ghana)	2/26/76
Mycteria cinerea	Milky wood stork	I	10/22/87
Nipponia nippon	Japanese crested ibis	I	7/1/75
Phoenicopteridae spp. (except species or populations with an earlier date in App. II).	Flamingos	II	7/29/83
Phoenicopterus andinus	Andean flamingo	II	7/1/75
P. chilensis	Chilean flamingo	II	7/1/75
P. jamesi	James flamingo	II	7/1/75
P. ruber ruber	American flamingo	II	6/28/79
Platalea leucorodia	White spoonbill	II	7/1/75
Threskiornis aethiopicus	Sacred ibis	III (Ghana)	2/26/76
Order Anseriformes:	Ducks, Geese, Swans, Screamers:		
Alopochen aegyptiacus	Egyptian goose	III (Ghana)	2/26/76
Anas acuta	Northern pintail	III (Ghana)	2/26/76
A. aucklandica (=*chlorotis*, =*nesiotis*)	Brown teal	I	7/1/75
A. bernieri	Madagascar teal	II	7/1/75
A. capensis	Cape wigeon	III (Ghana)	2/26/76
A. chlorotis (see *A. aucklandica*)			
A. clypeata	Northern shoveler	III (Ghana)	2/26/76
A. crecca	Green-winged teal	III (Ghana)	2/26/76
A. formosa	Baikal teal	II	6/11/92
A. laysanensis (=*A. platyrhynchos laysanensis*)	Laysan duck	I	7/1/75
A. nesiotis (see *A. aucklandica*)			
A. oustaleti (=*A. platyrhynchos oustaleti*)	Marianas mallard	I	7/1/75
A. penelope	Europeon wigeon	III (Ghana)	2/26/76
A. querquedula	Garganey	III (Ghana)	2/26/76
Aythya nyroca	White-eyed pochard	III (Ghana)	2/26/76
Branta canadensis leucopareia	Aleutian Canada goose	I	7/1/75
B. ruficollis	Red-breasted goose	II	7/1/75
B. (=*Nesochen*) *sandvicensis*	Hawaiian goose, Nene	I	7/1/75
Cairina moschata	Muscovy duck	III (Honduras)	4/13/87
C. scutulata	White-winged duck	I	7/1/75
Coscoroba coscoroba	Coscoroba swan	II	7/1/75
Cygnus melanocorypha	Black-necked swan	II	7/1/75
Dendrocygna arborea	Cuban tree duck, West Indian whistling-duck.	II	7/1/75
D. autumnalis	Black-bellied whistling-duck	III (Honduras)	4/13/87
D. bicolor (=*fulva*)	Fulvous whistling-duck	III (Ghana and Honduras).	2/26/76

Species	Common name	Appendix	First listing date (month/day/year)
D. viduata	White-faced whistling-duck	III (Ghana)	2/26/76
Nettapus auritus	African pygmy goose	III (Ghana)	2/26/76
Oxyura leucocephala	White-headed duck	II	7/29/83
Plectropterus gambensis	Spur-winged goose	III (Ghana)	2/26/76
Pteronetta hartlaubii	Hartlaub's duck	III (Ghana)	2/26/76
Rhodonessa caryophyllacea	Pink-headed duck	I pe	7/1/75
Sarkidiornis melanotos	Comb duck	II	7/1/75
Order Falconiformes:	Hawks, Falcons, Vultures, Eagles:		
All species except those in App. I, or with earlier date in App. II, and except Cathartidae species not specifically listed below.	All species except New World vultures not specifically listed below.	II	6/28/79
Accipitridae spp. (all South American populations)	Hawks, Harriers	II	10/28/76
Accipiter gentilis	Northern goshawk	II	2/4/77
A. gundlachi	Gundlach's hawk	II	2/4/77
A. nisus	European sparrow hawk	II	2/4/77
Aegypius monachus	European black vulture, Cinerous vulture.	II	2/4/77
Aquila spp. (all species except those in App. I or with earlier date in App. II).	Eagles	II	2/4/77
A. adalberti (=*A. heliaca adalberti*)	Imperial eagle	I	2/4/77
A. chrysaetos	Golden eagle	II	7/1/75
A. heliaca	Imperial eagle	I	2/4/77
Chondrohierax uncinatus wilsonii	Cuban hook-billed kite	I	2/4/77
Circaetus spp.	Snake-eagles	II	2/4/77
Circus spp.	Harriers	II	2/4/77
Falconidae spp. (all species in family except those in App. I).	Falcons, Caracaras	II	7/1/75
Falco araea	Seychelles kestrel	I	7/1/75
F. jugger	Laggar falcon	I	7/1/75
F. newtoni (Seychelles population) (=*F.newtoni aldabranus*).	Aldabra kestrel	I	7/1/75
F. pelegrinoides (=*F. peregrinus pelegrinoides*)	Barbary falcon	I	7/1/75
F. peregrinus	Peregrine falcon	I	7/1/75
F. punctatus	Mauritius kestrel	I	7/1/75
F. rusticolus	Gyrfalcon	I	7/1/75
Gymnogyps californianus	California condor	I	7/1/75
Gypaetus barbatus	Lammergeier	II	2/4/77
Gyps fulvus	Griffon vulture	II	2/4/77
Haliaeetus spp. (except species in App. I)	Sea-eagles, Fish-eagles	II	2/4/77
H. albicilla (except subspecies listed below)	White-tailed eagle	I	2/4/77
H. albicilla greenlandicus	Greenland white-tailed sea-eagle	I	7/1/75
H. leucocephalus (except subspecies listed below)	Bald eagle	I	2/4/77
H. leucocephalus leucocephalus	Southern bald eagle	I	7/1/75
Harpia harpyja	Harpy eagle	I	7/1/75
Harpyopsis novaeguineae	New Guinea harpy eagle	II	2/4/77
Milvus milvus	Red kite	II	2/4/77
Pandion haliaetus	Osprey	II	2/4/77
Pithecophaga jefferyi	Monkey-eating eagle	I	7/1/75
Sagittarius serpentarius	Secretary bird	II	2/26/76
Sarcoramphus papa	King vulture	III (Honduras)	4/13/87
Vultur gryphus	Andean condor	I	7/1/75
Order Galliformes:	Pheasants, Curassows, Megapodes, Hoatzin:		
Aburria (see *Pipile*)			
Agelastes meleagrides	White-breasted guineafowl	III (Ghana)	2/26/76
Agriocharis ocellata	Ocellated turkey	III (Guatemala).	4/23/81
Arborophila orientalis (=*brunneopectus*)	Bar-backed partridge, Bare-throated tree-partridge.	III (Malaysia)	11/13/86
A. (=*Tropicoperdix*) *charltonii*	Scaly-breasted partridge, Chestnut-breasted tree-partridge.	III (Malaysia)	11/13/86
Argusianus argus	Great argus pheasant	II	7/1/75
Caloperdix oculea	Ferruginous wood-partridge	III (Malaysia)	11/13/86
Catreus wallichi	Cheer pheasant	I	7/1/75
Colinus virginianus ridgwayi	Masked bobwhite	I	7/1/75
Crax alberti	Blue-knobbed curassow	III (Colombia)	9/21/88
C. blumenbachii	Red-billed curassow	I	7/1/75
C. daubentoni	Yellow-knobbed curassow	III (Colombia)	9/21/88
C. globulosa	Wattled curassow	III (Colombia)	9/21/88
C. mitu mitu (see *Mitu mitu mitu*)			
C. pauxi (see *Pauxi pauxi*)			

Species	Common name	Appendix	First listing date (month/day/year)
C. rubra	Great curassow	III (Colombia, Costa Rica, Guatemala, and Honduras).	10/28/76
Crossoptilon crossoptilon	White-eared pheasant	I	7/1/75
C. harmani (=*C. crossoptilon harmani*)	Elwes's eared-pheasant	I	7/1/75
C. mantchuricum	Brown-eared pheasant	I	7/1/75
Gallus sonneratii	Gray jungle fowl	II	7/1/75
Ithaginis cruentus	Blood pheasant	II	7/1/75
Lophophorus impejanus	Himalayan monal	I	7/1/75
L. lhuysii	Chinese monal	I	7/1/75
L. sclateri	Sclater's monal	I	7/1/75
Lophura edwardsi	Edward's pheasant	I	7/1/75
L. erythrophthalma	Crestless fireback	III (Malaysia)	11/13/86
L. ignita	Crested fireback	III (Malaysia)	11/13/86
L. imperialis	Imperial pheasant	I	7/1/75
L. swinhoii	Swinhoe's pheasant	I	7/1/75
Macrocephalon maleo	Maleo megapode	I	7/1/75
Melanoperdix nigra	Black wood-partridge	III (Malaysia)	11/13/86
Mitu mitu mitu	Mitu, Razor-billed curassow	I	7/1/75
Oreophasis derbianus	Horned guan	I	7/1/75
Ortalis vetula	Plain chachalaca	III (Guatemala, Honduras).	4/23/81
Pauxi pauxi	Northern helmeted curassow	III (Colombia)	9/21/88
Pavo muticus	Green peafowl	II	2/4/77
Penelope albipennis	White-winged guan	I	6/6/81
P. purpurascens	Northern crested guan	III (Honduras)	4/13/87
Penelopina nigra	Black chachalaca, Highland guan	III (Guatemala).	4/23/81
Pipile jacutinga	Black-fronted piping-guan	I	7/1/75
P. pipile pipile	Trinidad white-headed curassow	I	7/1/75
Polyplectron bicalcaratum	Gray peacock-pheasant	II	7/1/75
P. emphanum	Palawan peacock-pheasant	I	7/1/75
P. germaini	Germain's peacock-pheasant	II	7/1/75
P. inopinatum	Rothschild's peacock-pheasant, Mountain peacock pheasant.	III (Malaysia)	11/13/86
P. malacense	Malaysian peacock-pheasant	II	7/1/75
P. schleiermacheri (=*P. malacense schleiermacheri*)	Bornean peacock-pheasant	II	7/1/75
Rheinardia ocellata (=*R. nigrescens*)	Rheinard's crested argus, Crested argus pheasant.	I	11/13/86
Rhizothera longirostris	Long-billed wood-partridge	III (Malaysia)	11/13/86
Rollulus roulroul	Crested wood-partridge, Roulroul, Green-winged wood partridge.	III (Malaysia)	11/13/86
Syrmaticus ellioti	Elliot's pheasant	I	7/1/75
S. humiae	Bar-tailed pheasant	I	7/1/75
S. mikado	Mikado pheasant	I	7/1/75
Tetraogallus caspius	Caspian snowcock	I	7/1/75
T. tibetanus	Tibetan snowcock	I	7/1/75
Tragopan blythii	Blyth's tragopan	I	7/1/75
T. caboti	Cabot's tragopan	I	7/1/75
T. melanocephalus	Western tragopan	I	7/1/75
T. satyra	Satyr tragopan	III (Nepal)	11/16/75
Tympanuchus cupido attwateri	Attwater's greater prairie chicken	I	7/1/75
Order Gruiformes:	Cranes, Rails, Bustards:		
Anthropoides (see *Grus*)			
Ardeotis nigriceps	Great Indian bustard	I	7/1/75
Balearica regulorum	Crowned crane	II	7/1/75
Chlamydotis undulata	Houbara bustard	I	7/1/75
Choriotis (see *Ardeotis*)			
Eupodotis bengalensis	Bengal florican	I	7/1/75
Gallirallus sylvestris	Lord Howe wood rail	I	7/1/75
Gruidae spp. (all species and subspecies except those in App. I and those with earlier date in App. II).	Cranes	II	8/1/85
Grus americana	Whooping Crane	I	7/1/75
G. canadensis nesiotes	Cuba sandhill crane	I	7/1/75
G. canadensis pratensis	Florida sandhill crane	II	7/1/75
G. canadensis pulla	Mississippi sandhill crane	I	7/1/75
G. japonensis	Manchurian crane	I	7/1/75
G. leucogeranus	Siberian white crane	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
G. monacha	Hooded crane	I	7/1/75
G. nigricollis	Black-necked crane	I	7/1/75
G. vipio	White-naped crane	I	7/1/75
G. virgo	Demoiselle crane	II	7/29/83
Houbaropsis (see *Eupodotis*)			
Otididae spp. (all species except those in App. I or with earlier date in App. II).	Bustards	II	10/22/87
Otis tarda	Great bustard	II	7/1/75
Rhynochetos jubatus	Kagu	I	7/1/75
Tricholimnas sylvestris (see *Gallirallus sylvestris*)			
Order Charadriiformes:	Shorebirds, Gulls, Terns, Skimmers, Auks:		
Burhinus bistriatus	Double-striped thick-knee, Mexican stone curlew.	III (Guatemala).	4/23/81
Larus relictus	Relict gull	I	7/1/75
Numenius borealis	Eskimo curlew	I	7/1/75
N. tenuirostris	Slender-billed curlew	I	7/1/75
Tringa guttifer	Nordmann's greenshank	I	7/1/75
Order Columbiformes:	Pigeons, Doves, Sand-grouse:		
Caloenas nicobarica	Nicobar pigeon	I	6/28/79
Columba guinea	Speckled pigeon	III (Ghana)	2/26/76
C. iriditorques	Bronze-necked pigeon, Bronze-naped pigeon.	III (Ghana)	2/26/76
C. livia	Rock dove	III (Ghana)	2/26/76
C. mayeri	Pink pigeon	III (Mauritius)	12/4/75
C. unicincta	African wood pigeon	III (Ghana)	2/26/76
Ducula mindorensis	Mindoro imperial pigeon	I	7/1/75
Gallicolumba luzonica	Bleeding-heart pigeon	II	7/1/75
Goura spp.	Crowned pigeons	II	7/1/75
Nesoenas mayeri (see *Columba mayeri*)			
Oena capensis	Namaqua dove, Masked dove	III (Ghana)	2/26/76
Streptopelia decipiens	African mourning dove, Mourning collared dove.	III (Ghana)	2/26/76
S. roseogrisea	African turtle dove, African collared dove.	III (Ghana)	2/26/76
S. semitorquata	Red-eyed dove	III (Ghana)	2/26/76
S. senegalensis	Laughing dove	III (Ghana)	2/26/76
S. turtur	Turtle dove	III (Ghana)	2/26/76
S. vinacea	Vinaceous dove	III (Ghana)	2/26/76
Treron calva	African green pigeon	III (Ghana)	2/26/76
T. waalia	Yellow-bellied green pigeon	III (Ghana)	2/26/76
Turtur abyssinicus	Black-billed wood dove	III (Ghana)	2/26/76
T. afer	Blue-spotted wood dove	III (Ghana)	2/26/76
T. brehmeri	Blue-headed wood dove	III (Ghana)	2/26/76
T. tympanistria	Tambourine dove	III (Ghana)	2/26/76
Order Psittaciformes:	Parrots, Parakeets, Macaws, Lories, Cockatoos, etc.:		
All species in order except those in App. I or with earlier date in App. II, and except *Melopsittacus undulatus*, *Nymphicus hollandicus*, and *Psittacula krameri*. However, the latter is listed separately in App. III.	All Parrots, Parakeets, Macaws, Lories, Cockatoos, etc. not listed below (not including the Budgerigar, Cockatiel, and Rose-ringed parakeet).	II	6/6/81
Amazona arausiaca	Red-necked parrot	I	6/6/81
A. barbadensis	Yellow-shouldered parrot	I	6/6/81
A. brasiliensis	Red-tailed parrot	I	6/6/81
A. dufresniana rhodocorytha (see *A. rhodocorytha*)			
A. guildingii	St. Vincent parrot	I	7/1/75
A. imperialis	Imperial parrot, Sisserou	I	7/1/75
A. leucocephala	Cuban parrot	I	7/1/75
A. pretrei	Red-spectacted parrot	I	7/1/75
A. rhodocorytha	Red-browed parrot	I	7/1/75
A. tucumana	Tucuman parrot	I	6/6/81
A. versicolor	St. Lucia parrot	I	7/1/75
A. vinacea	Vinaceous parrot	I	7/1/75
A. viridigenalis	Red-crowned (= Green-cheeked) parrot.	I	6/6/81
A. vittata	Puerto Rican parrot	I	7/1/75
Anodorhynchus glaucus	Glaucous macaw	I	7/1/75
A. hyacinthinus	Hyacinth macaw	I	6/6/81
A. leari	Lear's macaw, Indigo macaw	I	7/1/75
Ara ambigua	Buffon's macaw, Great green macaw	I	10/28/76
A. glaucogularis	Caninde macaw	I	6/6/81

Species	Common name	Appendix	First listing date (month/day/year)
A. macao	Scarlet macaw	I	10/28/76
A. maracana	Illiger's macaw	I	6/6/81
A. militaris	Military macaw	I	6/6/81
A. rubrogenys	Red-fronted macaw	I	6/6/81
Aratinga guarouba	Golden parakeet	I	7/1/75
Cacatua goffini	Goffin's cockatoo	I	6/6/81
C. haematuropygia	Red-vented cockatoo	I	6/6/81
C. moluccensis	Moluccan cockatoo	I	6/6/81
C. (=*Kakatoe*) *tenuirostris*	Long-billed corella, Slender-billed cockatoo.	II	2/4/77
Calyptorhynchus lathami	Glossy black cockatoo	II	2/4/77
Coracopsis nigra (Seychelles population)	Seychelles vasa parrot	II	7/1/75
Cyanoliseus patagonus byroni	Burrowing parakeet	II	6/28/79
Cyanopsitta spixii	Spix's macaw	I	7/1/75
Cyanoramphus auriceps forbesi	Forbes' parakeet, Yellow-fronted parakeet.	I	7/1/75
C. auriceps malherbi	Orange-fronted parakeet	II	7/1/75
C. cookii	Norfolk parakeet	I	7/1/75
C. malherbi (see *C. auriceps malherbi*).			
C. novaezelandiae	New Zealand parakeet, Red-fronted parakeet.	I	7/1/75
C. unicolor	Antipodes green parakeet	II	7/1/75
Cyclopsitta diophthalma coxeni	Coxen's fig parrot	I	2/4/77
Eos histrio	Red and blue lory	I	6/6/81
Eunymphicus cornutus (except subspecies listed below).	Horned parakeet	II	7/1/75
Eunymphicus cornutus cornutus	Horned parakeet	I	7/1/75
Eunymphicus cornutus uveaensis	Horned parakeet	I	7/1/75
Geopsittacus occidentalis (see *Pezoporus occidentalis*)			
Neophema chrysogaster	Orange-bellied parakeet	I	7/1/75
N. splendida	Scarlet-chested parakeet	II	7/1/75
Northiella haematogaster narethae	Blue-bonnet parrot	II	2/4/77
Ognorhynchus icterotis	Yellow-eared parrot	I	6/6/81
Opopsitta (see *Cyclopsitta*)			
Pezoporus occidentalis	Night parrot, Australian night parrot	I pe	7/1/75
P. wallicus	Ground parrot	I	2/4/77
Pionopsitta pileata	Red-capped parrot, Pileated parrot	I	7/1/75
Poicephalus robustus	Cape parrot	II	7/1/75
Polytelis alexandrae	Princess parrot	II	2/4/77
Probosciger aterrimus	Great black cockatoo, Palm cockatoo	I	7/1/75
Prosopeia personata	Masked shining parrot, Yellow-breasted musk parrot.	II	7/1/75
Psephotus chrysopterygius	Golden-shouldered parakeet	I	7/1/75
P. dissimilis	Hooded parrot	I	7/1/75
P. pulcherrimus	Paradise parakeet	I pe	7/1/75
P. haematogaster narethae (see *Northiella*)			
Psittacula echo (=*P. krameri echo*)	Rose-ringed parakeet	I	7/1/75
P. krameri	Ring-neck parakeet	III (Ghana)	2/26/76
Psittacus erithacus princeps	Principe parrot	II	7/1/75
Pyrrhura cruentata	Blue-throated parakeet, Ochre-marked parakeet.	I	7/1/75
Rhynchopsitta pachyrhyncha	Thick-billed parrot	I	7/1/75
R. terrisi (=*R. pachyrhyncha terrisi*)	Maroon-fronted parrot	I	6/6/81
Strigops habroptilus	Kakapo, Owl parrot	I	7/1/75
Tanygnathus lucionensis	Blue-naped parrot	II	2/4/77
Vini ultramarina	Ultramarine lorikeet	I	6/6/81
Order Cuculiformes:	Cuckoos, Plantain-eaters, Turacos:		
Corythaeola cristata	Great blue turaco	III (Ghana)	2/4/77
Crinifer piscator	Gray plantain eater	III (Ghana)	2/4/77
Musophaga (=*Tauraco*, =*Gallirex*) *porphyreolopha*	Violet-crested turaco	II	7/1/75
M. violacea	Violet turaco	III (Ghana)	2/4/77
Tauraco spp. (except those with earlier date in App. II or III).	Turacos, Louries	II	2/16/95
T. corythaix	Knysna turaco	II	2/4/77
T. macrorhynchus	Yellow-billed turaco	II	2/4/77
Order Strigiformes:	Owls:		
All species except those in App. I or with earlier date in App. II.	All Owls not listed below	II	6/28/79
Athene blewitti	Forest little owl, Forest spotted owlet	I	6/28/79
Bubo ascalaphus	Pharaoh eagle owl	II	2/4/77
B. bengalensis	Rock eagle owl	II	2/4/77

Species	Common name	Appendix	First listing date (month/day/year)
B. bubo	Eurasian eagle owl	II	2/4/77
Mimizuku gurneyi	Giant scops owl	I	7/1/75
Ninox novaeseelandiae undulata	Great hawk-owl	I	2/4/77
N. squamipila natalis	Great hawk-owl, Moluccan hawk-owl	I	2/4/77
Nyctea scandiaca	Snowy owl	II	2/4/77
Otus gurneyi (see *Mimizuku gurneyi*)			
O. nudipes newtoni	Virgin Island screech owl	II	7/1/75
Strigidae (all species native to Ghana)	Owls	II	2/26/76
Strix butleri	Hume's wood owl	II	2/4/77
S. nebulosa	Great gray owl	II	11/16/75
Tytonidae (all species native to Ghana)	Barn owls	II	2/26/76
Tyto soumagnei	Madagascar red owl	I	2/4/77
Order Apodiformes:	Swifts, Hummingbirds:		
Glaucis (see *Ramphodon*)			
Ramphodon dohrnii	Hook-billed hermit	I	7/1/75
Trochilidae spp.	Hummingbirds	II	10/22/87
Order Trogoniformes:	Trogons:		
Pharomachrus mocinno	Resplendent quetzal	I	7/1/75
Order Coraciiformes:	Hornbills, Kingfishers, Rollers, Bee-eaters, Motmots:		
Aceros spp. (all species except those in App. I or with earlier date in App. II).	Hornbills	II	6/11/92
A. narcondami	Narcondam hornbill	II	7/1/75
A. nipalensis	Rufous-necked hornbill	I	6/11/92
A. subruficollis	Plain-pouched hornbill	I	6/11/92
Anorrhinus (=*Ptilolaemus*) spp.	Hornbills	II	6/11/92
Anthracoceros spp.	Hornbills, Pied hornbills	II	6/11/92
Buceros spp. (all species and subspecies except those in App. I or with earlier date in App. II).	Giant hornbills	II	6/11/92
B. bicornis	Great hornbill	I	7/1/75
B. hydrocorax hydrocorax	Luzon-Marinduque rufous hornbill	II	7/1/75
B. rhinoceros (except subspecies with earlier date)	Rhinoceros hornbill	II	1/18/90
B. rhinoceros rhinoceros	Malay rhinoceros hornbill	II	7/1/75
B. (=*Rhinoplax*) *vigil*	Helmeted hornbill	I	7/1/75
Penelopides spp.	Hornbills	II	6/11/92
Order Piciformes:	Woodpeckers, Toucans, Jacamars, Barbets:		
Baillonius bailloni	Saffron toucanet	III (Argentina)	6/11/92
Campephilus imperialis	Imperial woodpecker	I	7/1/75
Dryocopus javensis richardsi	Tristam's white-bellied woodpecker	I	7/1/75
Pteroglossus aracari	Black-necked aracari	II	6/11/92
P. castanotis	Chestnut-eared aracari	III (Argentina)	6/11/92
P. viridis	Green aracari	II	6/11/92
Ramphastos dicolorus	Red-breasted toucan	III (Argentina)	6/11/92
R. sulphuratus	Keel-billed toucan	II	4/23/81
R. toco	Toco toucan	II	6/11/92
R. tucanus	Red-billed toucan	II	6/11/92
R. vitellinus	Channel-billed toucan	II	6/11/92
Selenidera maculirostris	Spot-billed toucanet	III (Argentina)	6/11/92
Semnornis ramphastinus	Toucan barbet	III (Colombia)	5/28/89
Order Passeriformes:	Perching birds, Songbirds:		
Agelaius (=*Xanthopsar*) *flavus*	Saffron-cowled blackbird	I	7/14/76
Amadina fasciata	Cut-throat	III (Ghana)	2/26/76
Amandava formosa	Green avadavat	II	9/18/97
A. subflava	Zebra waxbill	III (Ghana)	2/26/76
Amblyospiza albifrons	Grosbeak weaver	III (Ghana)	2/26/76
Anaplectes rubriceps	Red-headed malimbe	III (Ghana)	2/26/76
Anomalospiza imberbis	Parasitic weaver	III (Ghana)	2/26/76
Atrichornis clamosus	Noisy scrub-bird	I	7/1/75
Bebrornis rodericanus	Rodriquez Island warbler	III (Mauritius)	12/4/75
Bubalornis albirostris	Buffalo weaver	III (Ghana)	2/26/76
Carduelis (=*Spinus*) *cucullata*	Red siskin	I	7/1/75
C. (=*Spinus*) *yarrellii*	Yellow-faced siskin	II	7/1/75
Cephalopterus ornatus	Amazonian umbrellabird	III (Colombia)	9/21/88
C. penduliger	Long-wattled umbrellabird	III (Colombia)	9/21/88
Cotinga maculata	Banded cotinga	I	7/1/75
Cyornis ruckii	Rueck's blue flycatcher, Niltava	II	7/1/75
Dasyornis broadbenti litoralis	Western rufous bristlebird	I pe	7/1/75
D. longirostris (=*D. brachypterus longirostris*)	Western bristlebird	I	7/1/75
Estrilda astrild	Common waxbill	III (Ghana)	2/26/76
E. caerulescens	Lavender waxbill, Lavender fire-finch	III (Ghana)	2/26/76
E. melpoda	Orange-cheeked waxbill	III (Ghana)	2/26/76

Species	Common name	Appendix	First listing date (month/day/year)
E. troglodytes	Black-rumped waxbill	III (Ghana)	2/26/76
Euplectes afer	Yellow-crowned bishop	III (Ghana)	2/26/76
E. ardens	Red-collared whydah	III (Ghana)	2/26/76
E. franciscanus	Red bishop, Orange bishop	III (Ghana)	2/26/76
E. hordeaceus	Black-winged red bishop	III (Ghana)	2/26/76
E. macrourus	Yellow-mantled whydah	III (Ghana)	2/26/76
E. orix (see *E. franciscanus*)			
Garrulax canorus	Hwamei	II	7/19/00
Gracula religiosa	Hill myna	II	6/11/92
Gubernatrix cristata	Yellow cardinal	II	7/14/76
Lagonosticta larvata (see *L. vinacea*)			
L. rara	Black-bellied waxbill	III (Ghana)	2/26/76
L. rubricata	African waxbill	III (Ghana)	2/26/76
L. rufopicta	Bar-breasted waxbill	III (Ghana)	2/26/76
L. senegala	Red-billed fire finch, Red-billed waxbill.	III (Ghana)	2/26/76
L. vinacea	Vinaceous waxbill	III (Ghana)	2/26/76
Leiothrix argentaurius	Silver-eared mesia	II	9/18/97
L. lutea	Pekin robin	II	9/18/97
Leucopsar rothschildi	Rothschild's starling, Myna	I	7/1/75
Lichenostomus melanops cassidix	Helmeted honeyeater	I	7/1/75
Liocichla omeiensis	Omei Shan liocichla	II	9/18/97
Lonchura bicolor	Black-and white mannikin	III (Ghana)	2/26/76
L. cantans	White-throated munia, African silverbill.	III (Ghana)	2/26/76
L. cucullata	Bronze mannikin	III (Ghana)	2/26/76
L. fringilloides	Magpie mannikin, Pied mannikin	III (Ghana)	2/26/76
L. malabarica (see *L. cantans*)			
Malimbus cassini	Cassin's malimbe	III (Ghana)	2/26/76
M. malimbicus	Crested malimbe	III (Ghana)	2/26/76
M. nitens	Gray's malimbe	III (Ghana)	2/26/76
M. rubriceps (see *Anaplectes rubriceps*)			
M. rubricollis	Red-headed weaver	III (Ghana)	2/26/76
M. scutatus	Red-vented malimbe	III (Ghana)	2/26/76
Mandingoa nitidula	Green-backed twin-spot	III (Ghana)	2/26/76
Meliphaga cassidix (see *Lichenostomus melanops cassidix*)			
Nesocharis capistrata	Gray-headed olive-back	III (Ghana)	2/26/76
Nigrita bicolor	Chestnut-breasted negro-finch	III (Ghana)	2/26/76
N. canicapilla	Gray-headed negro-finch	III (Ghana)	2/26/76
N. fusconota	White-breasted negro-finch	III (Ghana)	2/26/76
N. luteifrons	Pale-fronted negro-finch	III (Ghana)	2/26/76
Niltava (=*Muscicapa*) (see *Cyornis*)			
Ortygospiza atricollis	Common quail-finch	III (Ghana)	2/26/76
Pachyphantes superciliosus	Compact weaver	III (Ghana)	2/26/76
Padda oryzivora	Java sparrow	II	9/18/97
Paradiseidae spp. (all species in family)	Birds of paradise	II	7/1/75
Parmoptila rubrifrons (=*woodhousei*)	Jameson's antpecker, Flowerpecker weaver-finch.	III (Ghana)	2/26/76
Paroaria capitata	Yellow-billed cardinal	II	10/22/87
P. coronata	Red-crested cardinal	II	10/22/87
Passer griseus	Gray-headed sparrow	III (Ghana)	2/26/76
Petronia dentata	Bush petronia	III (Ghana)	2/26/76
Pholidornis rushiae	Tit-hylia	III (Ghana)	2/26/76
Picathartes gymnocephalus	Bare-headed rockfowl, White-necked rockfowl.	I	7/1/75
P. oreas	Gray-necked rockfowl, Red-headed rockfowl.	I	7/1/75
Pitta brachyura nympha (see *P. nympha*)			
P. guajana	Blue-tailed pitta, Banded pitta	II	12/7/87
P. gurneyi	Gurney's pitta	I	12/7/87
P. kochi	Koch's pitta	I	7/1/75
P. nympha	Fairy pitta, Blue-winged pitta	II	7/1/75
Plocepasser superciliosus	Chestnut-crowned sparrow-weaver	III (Ghana)	2/26/76
Ploceus albinucha	White-naped black weaver	III (Ghana)	2/26/76
P. aurantius	Orange weaver	III (Ghana)	2/26/76
P. cucullatus	Black-headed weaver	III (Ghana)	2/26/76
P. heuglini	Heuglin's masked weaver	III (Ghana)	2/26/76
P. luteolus	Little weaver	III (Ghana)	2/26/76
P. melanocephalus	Yellow-backed weaver	III (Ghana)	2/26/76
P. nigerrimus	Viellot's weaver	III (Ghana)	2/26/76
P. nigricollis	Black-necked weaver	III (Ghana)	2/26/76

Species	Common name	Appendix	First listing date (month/day/year)
P. pelzelni	Slender-billed weaver	III (Ghana)	2/26/76
P. preussi	Golden-backed weaver	III (Ghana)	2/26/76
P. superciliosus (see *Pachyphantes superciliosus*)			
P. tricolor	Yellow-mantled weaver	III (Ghana)	2/26/76
P. vitellinus (=*P. velatus*)	Vitelline masked weaver	III (Ghana)	2/26/76
Poephila cincta cincta	Black-throated finch, Parson finch	II	10/17/80
Pseudochelidon sirintarae	White-eyed river martin	I	7/1/75
Pycnonotus zeylanicus	Straw-headed bulbul	II	9/18/97
Pyrenestes ostrinus	Black-bellied seedcracker	III (Ghana)	2/26/76
Pytilia hypogrammica	Yellow-winged pytilia	III (Ghana)	2/26/76
P. phoenicoptera	Red-winged pytilia	III (Ghana)	2/26/76
Quelea erythrops	Red-headed quelea	III (Ghana)	2/26/76
Rupicola spp.	Cocks-of-the-rock	II	7/1/75
Serinus canicapillus (=*gularis*)	West African seedeater	III (Ghana)	2/26/76
S. leucopygius	White-rumped seedeater	III (Ghana)	2/26/76
S. mozambicus	Yellow-fronted canary	III (Ghana)	2/26/76
Spermophaga haematina	Blue-bill	III (Ghana)	2/26/76
Sporopipes frontalis	Speckled-fronted weaver	III (Ghana)	2/26/76
Tangara fastuosa	Seven-colored tanager	II	9/18/97
Tchitrea (see *Terpsiphone*)			
Terpsiphone bourbonnensis	Coq de Boise, Mascarene paradise flycatcher.	III (Mauritius)	12/4/75
Uraeginthus bengalus	Red-cheeked cordon-bleu	III (Ghana)	2/26/76
Vidua (=*Hypochera*) *chalybeata*	Village indigobird	III (Ghana)	2/26/76
V. interjecta	Uelle paradise whydah	III (Ghana)	2/26/76
V. larvaticola	Bako indigobird	III (Ghana)	2/26/76
V. macroura	Pin-tailed whydah	III (Ghana)	2/26/76
V. orientalis (=*paradisaea*)	Northern paradise whydah	III (Ghana)	2/26/76
V. raricola	Jambandu indigobird	III (Ghana)	2/26/76
V. togoensis	Togo paradise whydah	III (Ghana)	2/26/76
V. wilsoni	Wilson's indigobird	III (Ghana)	2/26/76
Xanthopsar (see *Agelaius*)			
Xipholena atropurpurea	White-winged cotinga	I	7/1/75
Zosterops albogularis	White-chested white-eye, Norfolk Island white-eye.	I	7/1/75
CLASS REPTILIA:	REPTILES:		
Order Testudinata:	Turtles, Tortoises:		
Apalone ater	Cuatro Cienegas softshell turtle	I	7/1/75
Aspideretes gangeticus	Indian soft-shell turtle	I	7/1/75
Aspideretes hurum	Peacock soft-shell turtle	I	7/1/75
Aspideretes nigricans	Black soft-shell turtle	I	7/1/75
Batagur baska	River terrapin, Tuntong	I	7/1/75
Callagur borneoensis	Painted terrapin	II	9/18/97
Cheloniidae spp. (all species in family)	Sea turtles	I	7/1/75
Chersina (=*Testudo*) spp.	Bow-sprit tortoises	II	7/1/75
Clemmys insculpta	Wood turtle	II	6/11/92
C. muhlenbergi	Bog turtle	I	7/1/75
Cuora spp.	Asian box turtles	II	7/19/00
Dermatemys mawii	Central American river turtle	II	6/6/81
Dermochelys coriacea	Leatherback sea turtle	I	7/1/75
Erymnochelys madagascariensis	Madagascar turtle	II	7/1/75
Geochelone spp. (except species listed below)	Land tortoises	II	7/1/75
G. sulcata [zero quota for wild specimens]	African spurred tortoise	II	7/1/75
G. (=*Testudo*) *nigra* (=*elephantopus*)	Galapagos tortoise	I	7/1/75
G. (=*Testudo*) *radiata*	Madagascar radiated tortoise	I	7/1/75
G. (=*Testudo*) *yniphora*	Angulated tortoise	I	7/1/75
Geoclemys (=*Damonia*) *hamiltonii*	Spotted pond turtle	I	7/1/75
Gopherus spp. (except species listed below)	Gopher tortoises	II	7/1/75
G. flavomarginatus	Bolson tortoise	I	7/1/75
Homopus spp.	African parrot-beaked tortoises	II	7/1/75
Kachuga tecta	Indian sawback turtle	I	7/1/75
Kinixys spp.	Hinged-back tortoise	II	7/1/75
Lissemys punctata (all subspecies except *punctata*)	Indian flap-shell tortoise	II	2/16/95
L. p. punctata	Indian flap-shell tortoise	II	7/1/75
Malacochersus spp.	Pancake tortoises	II	7/1/75
Melanochelys (=*Geoemyda*) *tricarinata*	Three-keeled Asian turtle	I	7/1/75
Morenia ocellata	Burmese peacock turtle	I	7/1/75
Pelomedusa subrufa	Helmeted terrapin	III (Ghana)	2/26/76
Peltocephalus dumeriliana	Big-headed Amazon River turtle	II	7/1/75
Pelusios adansonii	Adanson's hinged terrapin	III (Ghana)	2/26/76
P. castaneus	Brown hinged terrapin, Swamp hinged terrapin.	III (Ghana)	2/26/76

Species	Common name	Appendix	First listing date (month/day/year)
P. gabonensis	Gabon hinged terrapin	III (Ghana)	2/26/76
P. niger	Black hinged terrapin	III (Ghana)	2/26/76
Podocnemis spp.	South American turtles	II	7/1/75
Psammobates (=*Testudo*) *geometricus*	Geometric turtle	I	2/4/77
Pseudemydura umbrina	Short-necked swamp turtle	I	7/1/75
Pyxis spp.	Madagascar spider tortoises	II	7/1/75
Terrapene spp. (all species except those in App. I)	Box turtles	II	2/16/95
T. coahuila	Aquatic box turtle	I	7/1/75
Testudinidae spp. (all species except those in App. I or with earlier date in App. II).	Land tortoises	II	2/4/77
Testudo spp. (all species except those in App. I)	Land tortoises	II	7/1/75
T. kleinmanni	Egyptian tortoise	I	2/4/77
Trionyx ater (see *Apalone ater*)			
T. gangeticus (see *Aspideretes gangeticus*)			
T. hurum (see *Aspideretes hurum*)			
T. nigricans (see *Aspideretes nigricans*)			
T. triunguis	Three-clawed turtle	III (Ghana)	2/26/76
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
Alligatoridae spp. (all species in family except those in App. I or with earlier date in App. II).	All Alligators, Caimans not listed below.	II	2/4/77
Alligator mississippiensis	American alligator	II	7/1/75
A. sinensis	Chinese alligator	I	7/1/75
Caiman crocodilus apaporiensis	Apaporis River caiman	I	7/1/75
C. crocodilus crocodilus	Common caiman, Spectacled caiman	II	7/1/75
C. crocodilus fuscus (including *C. crocodilus chiapasius*).	Brown caiman	II	7/1/75
C. crocodilus yacare (=*C. yacare*)	Yacare	II	7/1/75
C. latirostris (except population of Argentina)	Broad-snouted caiman	I	7/1/75
C. latirostris (population of Argentina, subject to ranching provisions).	Broad-snouted caiman	II	7/1/75
Crocodylidae spp. (all species in family except those in App. I or with earlier date in App. II).	All Crocodiles not listed below	II	2/4/77
Crocodylus acutus	American crocodile	I	7/1/75
C. cataphractus	African slender-snouted crocodile	I	7/1/75
C. intermedius	Orinoco crocodile	I	7/1/75
C. johnsoni	Johnson's crocodile	II	7/1/75
C. moreletii	Morelet's crocodile	I	7/1/75
C. niloticus (except those populations in App. II)	Nile crocodile	I	7/1/75
C. niloticus (populations of Botswana, Kenya, Malawi, South Africa, Zambia, and Zimbabwe, subject to ranching provisions).	Nile crocodile	II	7/1/75
C. niloticus (population of Ethiopia, Madagascar, Mozambique, Tanzania, and Uganda, subject to annual export quota).	Nile crocodile	II	7/1/75
C. novaeguineae (except subspecies listed below)	New Guinea crocodile, Freshwater crocodile.	II	7/1/75
C. novaeguineae mindorensis	Philippine crocodile	I	7/1/75
C. palustris	Mugger crocodile	I	7/1/75
C. porosus (except populations of Australia, Papua New Guinea, and Indonesia).	Saltwater crocodile	I	7/1/75
C. porosus (Australia and Papua New Guinea populations).	Saltwater crocodile	II	7/1/75
C. porosus (Indonesian population subject to ranching provisions).	Saltwater crocodile	II	7/1/75
C. rhombifer	Cuban crocodile	I	7/1/75
C. siamensis	Siamese crocodile	I	7/1/75
Gavialis gangeticus	Gavial, Gharial	I	7/1/75
Melanosuchus niger (except for population of Ecuador).	Black caiman	I	7/1/75
M. niger (population of Ecuador, subject to a zero annual export quota until a different quota has been approved by the Secretariat).	Black caiman	II	7/1/75
Osteolaemus tetraspis (except subspecies listed below).	Dwarf crocodile	I	2/4/77
O. tetraspis osborni	Dwarf crocodile	I	7/1/75
O. tetraspis tetraspis	Dwarf crocodile	I	7/1/75
Paleosuchus trigonatus	Smooth-fronted caiman	II	7/1/75
Tomistoma schlegelii	Tomistoma, False gavial	I	7/1/75
Order Rhynchocephalia:	Tuatara:		
Sphenodon spp.	Tuataras	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
Order Sauria:	Lizards:		
Amblyrhynchus cristatus	Galapagos marine iguana	II	7/1/75
Brachylophus spp.	Fiji iguanas	I	6/6/81
Bradypodion spp.	Chameleons	II	2/4/77
Calumma spp.	Chamaeleons	II	2/4/77
Chamaeleo spp.	Chamaeleons	II	2/4/77
Cnemidophorus hyperythrus	Orange-throated whiptail lizard	II	7/1/75
Conolophus spp. (except species listed below)	Land lizards	II	2/4/77
C. pallidus	Barrington Island land lizard	II	7/1/75
C. subcristatus	Galapagos land iguana	II	7/1/75
Cordylus spp.	Girdled lizards	II	6/6/81
Corucia zebrata	Prehensile-tailed skink	II	6/11/92
Crocodilurus lacertinus	Dragon lizardet	II	2/4/77
Cyclura spp.	Ground iguanas	I	2/4/77
Cyrtodactylus serpensinsula	Serpent Island gecko	II	2/4/77
Dracaena spp.	Caiman lizards	II	2/4/77
Furcifer spp.	Chamaeleons	II	2/4/77
Gallotia simonyi	Hierro giant lizard	I	10/22/87
Heloderma spp.	Beaded lizards, Gila monster	II	7/1/75
Iguana spp.	Iguanas	II	2/4/77
Phelsuma spp.	Day geckos	II	2/4/77
Phrynosoma coronatum (except subspecies with earlier date in App. II).	Coastal horned lizards	II	6/11/92
P. coronatum blainvillei	San Diego horned lizard	II	7/1/75
Podarcis lilfordi	Lilford's wall lizard	II	10/22/87
P. pityusensis	Ibiza wall lizard	II	10/22/87
Pseudocordylus spp.	Crag lizards	II	6/6/81
Sauromalus varius	San Esteban Island chuckwalla	I	6/6/81
Shinisaurus crocodilurus	Chinese crocodile lizard	II	1/18/90
Tupinambis spp.	Tegu lizards	II	2/4/77
Uromastyx spp.	Spiny-tailed lizards	II	2/4/77
Varanus spp. (all species except those in App. I)	Monitor lizards	II	7/1/75
V. bengalensis	Indian monitor, Bengal monitor	I	7/1/75
V. flavescens	Yellow monitor	I	7/1/75
V. griseus	Desert monitor	I	7/1/75
V. komodoensis	Komodo Island monitor, Komodo dragon.	I	7/1/75
Order Serpentes:	Snakes:		
Acrantophis spp.	Madagascar boas	I	2/4/77
Agkistrodon bilineatus	Cantil	III (Honduras)	4/13/87
Atretium schistosum	Olive keelback water snake	III (India)	2/12/84
Atropoides nummifer	Jumping pit-viper	III (Honduras)	4/13/87
Boa (=*Constrictor*) *constrictor*	Boa constrictor	II	7/1/75
Boa constrictor occidentalis	Argentine boa constrictor	I	2/4/77
Boidae spp. (all species except those in App. I or with earlier date in App. II).	Boas	II	2/4/77
Bolyeria multocarinata	Round Island boa	I	2/4/77
Bolyeriidae spp. (all species except those in App. I or with earlier date in App. II).	Round island boas	II	2/4/77
Bothriechis schlegelii	Eyelash palm pit-viper	III (Honduras)	4/13/87
Bothrops asper	Terciopelo	III (Honduras)	4/13/87
Bothrops nasutum (see *Porthidium nasutum*)			
B. nummifer (see *Atropoides nummifer*)			
B. ophryomegas (see *Porthidium ophryomegas*)			
B. schlegelii (see *Bothriechis schlegelii*)			
Casarea dussumieri	Round Island boa	I	2/4/77
Cerberus rhynchops	Dog-faced water snake	III (India)	2/12/84
Clelia (=*Pseudoboa*) *clelia*	Mussurana snake	II	7/1/75
Crotalus durissus	Tropical rattlesnake, Cascabel	III (Honduras)	4/13/87
Cyclagras (=*Hydrodynastes*) *gigas*	South American false water cobra	II	7/1/75
Daboia russellii	Russell's viper	III (India)	2/12/84
Elachistodon westermanni	Indian egg-eating snake	II	7/1/75
Epicrates cenchria cenchria	Rainbow boa	II	7/1/75
E. inornatus	Puerto Rican boa	I	2/4/77
E. monensis	Mona boa	I	2/4/77
E. subflavus	Jamaican boa	I	7/1/75
Eunectes notaeus	Yellow anaconda	II	7/1/75
Hoplocephalus bungaroides	Broad-headed snake	II	8/1/85
Loxocemidae spp. (all species except those in App. I or with earlier date in App. II).	Mexican dwarf boas	II	2/4/77
Micrurus diastema	Atlanta coral snake	III (Honduras)	4/13/87
M. nigrocinctus	Black-banded coral snake	III (Honduras)	4/13/87

Species	Common name	Appendix	First listing date (month/day/year)
Naja naja	Indian cobra	II	2/12/84
N. oxiana (see *Naja naja*).			
N. kaouthia (see *Naja naja*).			
Ophiophagus hannah	King cobra	II	2/12/84
Porthidium nasutum	Rainforest hognosed pit-viper	III (Honduras)	4/13/87
P. ophryomegas	Slender hognosed pit-viper	III (Honduras)	4/13/87
Ptyas mucosus	Oriental rat snake, Whipsnake	II	2/12/84
Python spp. (except subspecies listed below)	Pythons	II	7/1/75
Pythonidae spp. (all species except those in App. I or with earlier date in App. II).	Pythons	II	2/4/77
P. molurus molurus	Indian python	I	7/1/75
Sanzinia madagascariensis	Tree boa	I	2/4/77
Tropidophiidae spp. (all species except those in App. I or with earlier date in App. II).	Small ground boas	II	2/4/77
Vipera russellii (see *Daboia russellii*).			
V. ursinii (except USSR populations)	Orsini's viper	I	10/22/87
V. wagneri	Wagner's viper	II	6/11/92
Xenochrophis (=*Natrix*) *piscator*	Checkered keelback water snake	III (India)	2/12/84
CLASS AMPHIBIA:	AMPHIBIANS:		
Order Caudata:	Salamanders:		
Ambystoma dumerilii	Lake Patzcuaro salamander	II	7/1/75
A. mexicanum	Axolotl	II	7/1/75
Andrias spp.	Giant salamanders	I	7/1/75
Order Anura:	Frogs, Toads:		
Atelopus varius zeteki	Panamanian golden frog	I	7/1/75
Bufo periglenes	Monte Verde golden toad	I	7/1/75
B. superciliaris	Cameroon toad	I	7/1/75
Dendrobates spp.	Poison dart frogs, Poison arrow frogs	II	10/22/87
Dyscophus antongilii	Tomato frog	I	10/22/87
Epipedobates spp. (see *Dendrobates* spp.).			
Mantella aurantiaca	Malagasy golden mantella	II	2/16/95
Mantella spp. (except species below)	Mantella frogs	II	7/19/00
Minyobates spp. (see *Dendrobates* spp.).			
Nectophrynoides spp.	African viviparous toads	I	7/1/75
Phyllobates spp.	Poison arrow frogs	II	10/22/87
Rana hexadactyla	Asian bullfrog	II	8/1/85
R. tigerina	Indian bullfrog	II	8/1/85
Rheobatrachus spp.	Platypus frog	II	8/1/85
CLASS OSTEICHTHYES:	BONY FISHES:		
Order Ceratodontiformes (=Ceratodiformes):	Lungfishes:		
Neoceratodus forsteri	Australian lungfish	II	7/1/75
Order Coelacanthiformes:	Coelacanth:		
Latimeria spp. (except species below)	Coelacanth	I	7/19/00
Latimeria chalumnae	Gombessa coelacanth	I	7/1/75
Order Acipenseriformes (all species except those in App. I or with earlier date in App. II)	All Sturgeons and Paddlefish not listed below.	II	4/1/98
Acipenser brevirostrum	Short-nosed sturgeon	I	7/1/75
A. oxyrhynchus	Atlantic sturgeon	II	7/1/75
A. sturio	Baltic sturgeon	I	7/1/75
Polyodon spathula	Paddlefish	II	6/11/92
Order Osteoglossiformes:	Bonytongues:		
Arapaima gigas	Arapaima	II	7/1/75
Scleropages formosus	Asian bonytongue	I	7/1/75
Order Cypriniformes:			
Caecobarbus geertsi	African blind barb, Congo blind barb	II	6/6/81
Chasmistes cujus	Cui-ui	I	7/1/75
Probarbus jullieni	Ikan temolek, Pla eesok	I	7/1/75
Order Siluriformes:	Catfishes:		
Pangasianodon gigas	Thailand giant catfish	I	7/1/75
Order Perciformes:	Perch-like fishes:		
Cynoscion macdonaldi	Totoaba	I	2/4/77
PHYLUM ARTHROPODA:	ARTHROPODS:		
CLASS Insecta:	Insects:		
Bhutanitis spp.	Bhutan glory swallowtails	II	10/22/87
Ornithoptera spp. (all species except those in App. I or with earlier date in App. II).	All Birdwing butterflies not listed below.	II	2/16/79
O. alexandrae	Queen Alexandra's birdwing butterfly	I	2/4/77
O. allotei	Birdwing butterfly	II	2/4/77
O. chimaera	Birdwing butterfly	II	2/4/77
O. goliath	Birdwing butterfly	II	2/4/77
O. meridionalis	Birdwing butterfly	II	2/4/77
O. paradisea	Paradise birdwing butterfly	II	2/4/77

Species	Common name	Appendix	First listing date (month/day/year)
O. victoriae	Queen Victoria's birdwing butterfly	II	2/4/77
Papilio chikae	Luzon peacock swallowtail	I	10/22/87
P. homerus	Homerus swallowtail	I	10/22/87
P. hospiton	Corsican swallowtail	I	10/22/87
Parnassius apollo	Mountain apollo butterfly	II	2/4/77
P. apollo apollo	Mountain apollo butterfly	II	7/1/75
Teinopalpus spp.	Kaiser-I-Hind butterflies	II	10/22/87
Trogonoptera spp.	Birdwing butterflies	II	2/16/79
Troides spp.	Birdwing butterflies	II	2/16/79
CLASS Arachnida:	Arachnids:		
Brachypelma (=*Euathlus*) spp. (except species with earlier date in App. II).	Red-kneed tarantulas	II	2/16/95
B. smithi	Red-kneed tarantula	II	8/1/85
Pandinus dictator	Emperor scorpion	II	2/16/95
P. gambiensis	Emperor scorpion	II	2/16/95
P. imperator	Emperor scorpion	II	2/16/95
PHYLUM ANNELIDA:	ANNELID WORMS:		
CLASS Hirudinea:	Leeches:		
Order Arhynchobdelliformes:	Rhynchobedellids:		
Hirudo medicinalis	Medicinal leech	II	10/22/87
PHYLUM MOLLUSCA:	MOLLUSCS:		
CLASS Pelecypoda (=*Bivalvia*):	Clams, Mussels:		
Conradilla caelata	Birdwing pearly mussel	I	7/1/75
Cyprogenia aberti	Edible pearly mussel	II	7/1/75
Dromus dromas	Dromedary pearly mussel	I	7/1/75
Epioblasma (=*Dysnomia*) *curtisi* (=*E. florentina curtisi*).	Curtis' pearly mussel	I	7/1/75
E. florentina (=*E. florentina florentina*)	Yellow-blossom pearly mussel	I	7/1/75
E. sampsoni	Sampson's pearly mussel	I	7/1/75
E. sulcata perobliqua	White cat's paw mussel	I	7/1/75
E. torulosa gubernaculum	Green-blossom pearly mussel	I	7/1/75
E. torulosa rangiana	Tan-blossom pearly mussel	II	7/1/75
E. torulosa torulosa	Tuberculed-blossom pearly mussel	I	7/1/75
E. turgidula	Turgid-blossom pearly mussel	I	7/1/75
E. walkeri	Brown-blossom pearly mussel	I	7/1/75
Fusconaia cuneolus	Fine-rayed pigtoe mussel	I	7/1/75
F. edgariana	Shiny pigtoe mussel	I	7/1/75
Hippopus spp. (see Tridacnidae spp.).			
Lampsilis higginsii	Higgin's eye mussel	I	7/1/75
L. orbiculata orbiculata	Pink mucket mussel	I	7/1/75
L. satur	Plain pocketbook mussel	I	7/1/75
L. virescens	Alabama lamp pearly mussel	I	7/1/75
Plethobasus cicatricosus	White wartyback mussel	I	7/1/75
P. cooperianus	Orange-footed pimpleback mussel	I	7/1/75
Pleurobema clava	Club pearly mussel	II	7/1/75
P. plenum	Rough pigtoe mussel	I	7/1/75
Potamilus (=*Proptera*) *capax*	Fat pocketbook mussel	I	7/1/75
Quadrula intermedia	Cumberland monkey-face mussel	I	7/1/75
Q. sparsa	Appalachian monkey-face mussel	I	7/1/75
Toxolasma (=*Carunculina*) *cylindrella*	Pale lilliput pearly mussel	I	7/1/75
Tridacna derasa	Giant clam	II	5/29/83
T. gigas	Giant clam	II	5/29/83
Tridacnidae spp. (includes all species in genera *Hippopus* and *Tridacna* except those with earlier date in App. II).	Giant clams	II	8/1/85
Unio (=*Megalonaias*) *nickliniana*	Nicklin's pearly mussel	I	7/1/75
U. (=*Lampsilis* or *Cyrtonaias*) *tampicoensis tecomatensis*.	Tampico pearly mussel	I	7/1/75
Villosa (=*Micromya*) *trabalis*	Cumberland bean mussel	I	7/1/75
CLASS Gastropoda:	Snails:		
Achatinella spp.	Oahu tree snails	I	10/22/87
Papustyla (=*Papuina*) *pulcherrima*	Manus Island tree snail	II	7/1/75
Strombus gigas	Queen conch	II	6/11/92
PHYLUM CNIDARIA (=COELENTERATA):	CORAL-LIKE ANIMALS:		
CLASS Anthozoa:	Corals, Sea anemones:		
Order Coenothecalia:			
All species in the Order (except those in genus with earlier date).		II	1/18/90
Heliopora spp.	Blue corals	II	8/1/85
Order Stolonifera:			
Tubiporidae spp. (all species in family except genus with earlier date).		II	1/18/90

Species	Common name	Appendix	First listing date (month/day/year)
Tubipora spp.	Organ-pipe corals	II	8/1/85
Order Antipatharia:	Black corals:		
All species in the Order		II	6/6/81
Order Scleractinia:	Stony corals:		
All species in the Order (except the following genera with earlier date).		II	1/18/90
Acropora spp.	Staghorn corals	II	8/1/85
Euphyllia spp.	Trumpet corals	II	8/1/85
Favia spp.	Brain corals	II	8/1/85
Fungia spp.	Mushroom corals	II	8/1/85
Halomitra spp.	Bowl corals	II	8/1/85
Lobophyllia spp.	Brain corals	II	8/1/85
Merulina spp.	Merulinas	II	8/1/85
Pavona spp.	Cactus corals	II	8/1/85
Pectinia spp.	Lettuce corals	II	8/1/85
Platygyra spp.	Brain corals	II	8/1/85
Pocillopora spp.	Brush corals	II	8/1/85
Polyphyllia spp.	Feather corals	II	8/1/85
Seriatopora spp.	Birds nest corals	II	8/1/85
Stylophora spp.	Cauliflower corals	II	8/1/85
CLASS Hydrozoa:	Sea ferns, Fire corals, Stinging medusae:		
Order Milleporina (=Athecata):			
Milleporidae spp. (all species in family except genus with earlier date).		II	1/18/90
Millepora spp.	Fire corals	II	8/1/85
Order Stylasterina:			
Stylasteridae spp. (all species in family).		II	1/18/90
PLANT KINGDOM (note general exclusions and exceptions in introductory text):	PLANTS:		
Family Agavaceae:	Agave family:		
Agave arizonica	New River agave	I	7/29/83
A. parviflora	Santa Cruz striped agave	I	7/29/83
A. victoriae-reginae (=*A. ferninandi-regis*)	Queen Victoria agave	II	7/29/83
Nolina interrata	Dehesa bear-grass	I	7/29/83
Family Amaryllidaceae:	Amaryllis family:		
Galanthus spp. (and their natural hybrids)	Snowdrops	II	1/18/90
Sternbergia spp.	Sternbergias	II	1/18/90
Family Apocynaceae:	Dogbane family:		
Pachypodium spp. (except species listed in App. I)	Pachypodiums	II	7/1/75
P. ambongense (and its natural hybrids)		I	7/1/75
P. baronii (and its natural hybrids)		I	7/1/75
P. brevicaule (and its natural hybrids)		II	7/1/75
P. decaryi (and its natural hybrids)		I	7/1/75
Rauvolfia serpentina (except chemical derivatives and finished pharmaceutical products).	Snake-root devil-pepper	II	1/18/90
Family Araliaceae:	Ginseng family:		
Panax ginseng [population of Russia] (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).	Ginseng	II	7/19/00
Panax quinquefolius (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery)..	American ginseng	II	7/1/75
Family Araucariaceae:	Monkey-puzzle tree family:		
Araucaria araucana	Monkey-puzzle tree	I	7/1/75
Family Berberidaceae:	Barberry family:		
Podophyllum hexandrum (=*P. emodi*, =*Sinopodophyllum hexandrum*) (except chemical derivatives and finished pharmaceutical products).	Himalayan may-apple	II	1/18/90
Family Bromeliaceae:	Pineapple family:		
Tillandsia harrisii	Harris tillandsia	II	6/11/92
T. kammii	Kamm tillandsia	II	6/11/92
T. kautskyi	Kautsky tillandsia	II	6/11/92
T. mauryana	Maury tillandsia	II	6/11/92
T. sprengeliana	Sprengel tillandsia	II	6/11/92
T. sucrei	Sucre tillandsia	II	6/11/92
T. xerographica	Xerographic tillandsia	II	6/11/92

Species	Common name	Appendix	First listing date (month/day/year)
Family Cactaceae (note general exclusions and exceptions in the introductory text):	Cactus family:		
All species except those in App. I, and except artificially propagated specimens of the following hybrids and/or cultivars: (1) *Hatiora* x *graeseri* (=*H. gaertneri* x *H. rosea*); (2) *Schlumbergera* (=*Zygocactus*) *truncata* cultivars and its hybrids with *S. opuntoides* (=*S.* x *exotica*),*S. orssichiana*, and *S. russelliana* (=*S.* x *buckleyi*); (3) *Gymnocalycium mihanovichii* cultivars lacking chlorophyll, grafted on *Hatiora*'Jusbertii', *Hylocereus trigonus* or *H. undatus*; and (4) *Opuntia microdasys*.	Cacti	II	7/1/75
Ariocarpus spp. (includes *Neogomesia* sp. and *Roseocactus* spp.).	Living-rock cacti	I	7/1/75
Astrophytum (=*Echinocactus*) *asterias*	Sea-urchin cactus, Star cactus	I	7/1/75
Aztekium ritteri	Aztec cactus	I	7/1/75
Coryphantha (other than *C. werdermannii*) (see *Escobaria*).			
C. werdermannii (=*C. densispina; Mammillaria w.*)	Jabali pincushion cactus	I	7/1/75
Discocactus spp.	Discocacti	I	7/1/75
Echinocereus ferreirianus var. *lindsayi* (=*E. lindsayi*)	Lindsay's hedgehog cactus	I	7/1/75
E. (=*Cereus*, =*Wilcoxia*) *schmollii*	Lamb's-tail cactus	I	7/1/75
Escobaria leei (=*E. sneedii* var. *leei*)	Lee pincushion cactus	I	7/1/75
E. minima (=*Coryphantha m.*, not *Mammillaria m.*; =*C. nelliae, E. n.*, =*Mammillaria n.*).	Nellie's corycactus	I	7/1/75
E. sneedii, including *E. s.* var. *leei* (=*Coryphantha s.* var. *l.*, =*E. leei*, =*Mammillaria l.*) and *E. s.* var. *sneedii* (=*Coryphantha s.*, =*Mammillaria s.*).	Sneed pincushion cactus	I	7/1/75
Mammillaria pectinifera (=*Solisia pectinata*)	Conchilinque	I	7/1/75
M. solisioides	Pitayita	I	7/1/75
Melocactus conoideus	Conelike Turk's-cap cactus	I	7/1/75
M. deinacanthus	Wonderfully bristled Turk's-cap cactus.	I	7/1/75
M. glaucescens	Wooly waxy-stemmed Turk's-cap cactus.	I	7/1/75
M. paucispinus	Few-spined Turk's-cap cactus	I	7/1/75
Obregonia denegrii	Artichoke cactus	I	7/1/75
Pachycereus militaris (=*Backebergia m.*, =*Cephalocereus m.*, =*Mitrocereus m.*, =*Pachycereus chrysomallus*).	Teddy-bear cactus, Military cap	I	7/1/75
Pediocactus (=*Toumeya*) *bradyi*	Brady pincushion cactus	I	7/1/75
P. despainii	San Rafael cactus	I	7/1/75
P. knowltonii (=*P. bradyi* var. *k.*, =*Toumeya k.*)	Knowlton cactus	I	7/1/75
P. paradinei (=*Pilocanthus p.*)	Houserock Valley cactus	I	7/1/75
P. peeblesianus, including *P. p.* var. *fickeiseniae* (=*Navajoa f.*, =*Toumeya f.*) and *P. p.* var. *peeblesianus* (=*Echinocactus p.*, =*Navajoa p.*, =*Toumeya p.*, =*Utahia p.*).	Fickeisen Navajo cactus, Peebles Navajo cactus.	I	7/1/75
P. sileri (=*Echinocactus s.*, =*Utahia s.*)	Siler pincushion cactus	I	7/1/75
P. winkleri	Winkler pincushion cactus	I	7/1/75
Pelecyphora (=*Encephalocarpus*) spp.	Hatchet cactus, Pinecone cactus, Peyotillo.	I	7/1/75
Sclerocactus brevihamatus subsp. *tobuschii* (=*Ancistrocactus t.*, =*Echinocactus t.*, =*Ferocactus t.*, =*Mammillaria t.*).	Tobusch fishhook cactus	I	7/1/75
S. erectocentrus (=*Echinocactus e.*, =*Echinomastus e.*, =*Neolloydia e.*, =*Thelocactus e.*; =*Echinomastus acunensis*, =*Echinomastus e.* var *a.*, =*Neolloydia e.* var *a.*; =*Echinocactus krausei*, =*Echinomastus k.*).	Redspine fishhook cactus	I	7/1/75
S. glaucus (=*S. franklinii*; =*Echinocactus g.*, =*Ferocactus g.*, =*Pediocactus g.*, =*S. whipplei* var. *g.*; =*E. subglaucus*; =*S. wetlandicus*; =*S. w.* var. *ilseae*).	Uinta Basin hookless cactus	I	7/1/75
S. (=*Echinomastus*, =*Neolloydia*) *mariposensis*	Mariposa cactus	I	7/1/75
S. mesae-verdae	Mesa Verde cactus	I	7/1/75
S. papyracanthus (=*Echinocactus p.*, =*Mammillaria p.*, =*Pediocactus p.*, =*Toumeya p.*).	Grama-grass cactus	I	7/1/75
S. pubispinus	Great Basin fishhook cactus	I	7/1/75
S. wrightiae	Wright's fishhook cactus	I	7/1/75
Strombocactus spp. (=*S. disciformis* in broad sense)	Disc cactus, Top cactus	I	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
Turbinicarpus spp. (includes *Gymnocactus* spp., most *Neolloydia*spp. [in sense of E.F. Anderson 1986], *Normanbokea* spp., and *Rapicactus*spp.).	Turbinicarps	I	7/1/75
Uebelmannia spp.	Uebelmann cacti	I	7/1/75
Family Caryocaraceae:	Souari family:		
Caryocar costaricense	Ajo	II	7/1/75
Family Compositae (=Asteraceae):	Aster family:		
Saussurea costus (=*S. lappa*)	Costus, Kuth root	I	7/1/75
Family Crassulaceae:	Stonecrop family:		
Dudleya stolonifera	Laguna Beach dudleya	II	7/29/83
D. traskiae	Santa Barbara Island dudleya	I	7/29/83
Family Cupressaceae:	Cypress family:		
Fitz-roya cupressoides	Fitzroya, Alerce	I	7/1/75
Pilgerodendron uviferum	Pilgerodendron	I	7/1/75
Family Cyatheaceae:	Tree-fern family:		
Alsophila spp. (see *Cyathea* spp.)			
Cyathea spp. (includes *Alsophila* spp., *Nephelea* spp., *Sphaeropteris* spp., *Trichipteris* spp.).		II	2/4/77
Cyathea (=*Hemitelia*) *capensis*		II	7/1/75
C. dredgei		II	7/1/75
C. mexicana		II	7/1/75
C. (=*Alsophila*) *salvini*		II	7/1/75
Nephelea spp. (see *Cyathea* spp.)			
Sphaeropteris spp. (see *Cyathea* spp.)			
Trichipteris spp. (see *Cyathea* spp.)			
Family Cycadaceae:	Old World cycad family (see families Stangeriaceae and Zamiaceae for other cycads):		
All species in the family except species in App. I	Cycads	II	2/4/77
Cycas beddomei	Beddome cycad	I	2/4/77
Family Diapensiaceae:	Diapensia family:		
Shortia galacifolia	Oconee bells	II	7/29/83
Family Dicksoniaceae:	Tree-fern family:		
Cibotium barometz		II	2/4/77
Dicksonia spp. (the Americas only)		II	2/4/77
Family Didiereaceae:	Alluaudia family:		
All species in the family	Alluaudia	II	2/4/77
Family Dioscoreaceae:	Yam family:		
Dioscorea deltoidea	Kniss, Kurta	II	7/1/75
Family Droseraceae:	Sundew family:		
Dionaea muscipula	Venus flytrap	II	6/11/92
Family Euphorbiaceae:	Spurge family:		
Euphorbia spp., except those species in App. I, and excluding non-succulent species and artificially propagated specimens of *Euphorbia trigona* cultivars.	Euphorbias	II	7/1/75
E. subgenus *Lacanthis* dwarf species in Madagascar and their natural hybrids as given below:	Malagasy dwarf euphorbias as shown:		
E. ambovombensis (and its natural hybrids)		I	7/1/75
E. capsaintemariensis (= *E. decaryi* var. *c.*) (and its natural hybrids).		I	7/1/75
E. cremersii		I	7/1/75
E. cylindrifolia (including subsp. *tuberifera*) (and its natural hybrids).		I	7/1/75
E. decaryi (and its natural hybrids) (see also *E. capsaintemariensis*, formerly included in *E. decaryi*).		I	7/1/75
E. francoisii (and its natural hybrids)		I	7/1/75
E. moratii (and its natural hybrids)		I	7/1/75
E. parvicyathophora (and its natural hybrids)		I	7/1/75
E. quartziticola (and its natural hybrids)		I	7/1/75
E. tulearensis (= *E. capsaintemariensis* var. *tulearensis*) (and its natural hybrids).		I	7/1/75
Family Fouquieriaceae:	Ocotillo family:		
Fouquieria columnaris	Boojum tree	II	7/29/83
F. fasciculata	Arbol del barril	I	7/29/83
F. purpusii		I	7/29/83
Family Gnetaceae:	Gnetum family:		
Gnetum montanum		III (Nepal)	11/16/75
Family Juglandaceae:	Walnut family:		
Oreomunnea (=*Engelhardia*) *pterocarpa*	Gavilãn	II	7/1/75

Species	Common name	Appendix	First listing date (month/day/year)
Family Leguminosae (=Fabaceae):	Pea family:		
Dalbergia nigra	Brazilian rosewood	I	6/11/92
Pericopsis elata (including logs, sawn wood, and veneer sheets, but not other parts or derivatives).	Afrormosia	II	6/11/92
Platymiscium pleiostachyum	Cristobal, Granadillo	II	7/1/75
Pterocarpus santalinus (only logs, wood-chips, and unprocessed broken material).	Red sandalwood, Redsanders	II	2/16/95
Family Liliaceae:	Lily family:		
Aloe spp. (all except those in App. I, and excluding *A. vera* [=*A. barbadensis*] except *A. vera* var. *chinensis*).	Aloes	II	7/1/75
A. albida		I	7/1/75
A. albiflora		I	7/1/75
A. alfredii		I	7/1/75
A. bakeri		I	7/1/75
A. bellatula		I	7/1/75
A. calcairophila		I	7/1/75
A. compressa (incl. var. *rugosquamosa*, var.*schistophila*).		I	7/1/75
A. delphinensis		I	7/1/75
A. descoingsii		I	7/1/75
A. fragilis		I	7/1/75
A. haworthioides (incl. var. *aurantiaca*)		I	7/1/75
A. helenae		I	7/1/75
A. laeta (incl. var. *maniensis*)		I	7/1/75
A. parallelifolia		I	7/1/75
A. parvula		I	7/1/75
A. pillansii	Boomaalwyn	I	7/1/75
A. polyphylla	Spiral aloe	I	7/1/75
A. rauhii		I	7/1/75
A. suzannae		I	7/1/75
A. thorncroftii		I	7/1/75
A. versicolor		I	7/1/75
A. vossii		I	7/1/75
Family Magnoliaceae:	Magnolia family:		
Magnolia (=*Talauma*) *hodgsonii*		III (Nepal)	11/16/75
Family Meliaceae:	Mahogany family:		
Swietenia humilis	Pacific coast mahogany	II	7/1/75
S. macrophylla (populations in the Americas, including logs, sawn wood, and veneer sheets, but not other parts or derivatives).	Bigleaf mahogany	III (Bolivia, Brazil, Costa Rica, Mexico).	11/16/95
S. mahagoni (including logs, sawn wood, and veneer sheets, but not other parts or derivatives).	Caribbean mahogany	II	6/11/92
Family Nepenthaceae:	Old World pitcher-plant family:		
Nepenthes spp. (all species except those in App. I)	Tropical pitcher plants	II	10/22/87
N. khasiana	Indian tropical pitcher plant	I	10/22/87
N. rajah	Giant tropical pitcher plant	I	6/6/81
Family Orchidaceae (= Apostasiaceae, Cypripediaceae) (note general exclusions and exceptions in introductory text):	Orchid family:		
All species except those in App. I	Orchids	II	7/1/75
Cattleya trianae	Christmas orchid	I	7/1/75
Dendrobium cruentum		I	7/1/75
Laelia jongheana		I	7/1/75
L. lobata		I	7/1/75
Paphiopedilum spp.	Asian tropical lady's slippers	I	7/1/75
Peristeria elata	Holy Ghost, Dove orchid	I	7/1/75
Phragmipedium spp. (includes *Mexipedium* sp.)	New World tropical lady's slippers	I	7/1/75
Renanthera imschootiana		I	7/1/75
Vanda coerulea	Blue vanda	I	7/1/75
Family Orobanchaceae:	Broomrape family:		
Cistanche deserticola	Desert cistanche	II	7/19/00
Family Palmae (=Arecaceae):	Palm family:		
Chrysalidocarpus decipiens		II	2/4/77
Neodypsis decaryi	Triangle palm	II	7/1/75
Family Papaveraceae:	Poppy family:		
Meconopsis regia		III (Nepal)	11/16/75
Family Pinaceae:	Pine family:		
Abies guatemalensis	Guatemalan fir	I	7/1/75
Family Podocarpaceae:	Podocarp family:		
Podocarpus neriifolius		III (Nepal)	11/16/75

Species	Common name	Appendix	First listing date (month/day/year)
P. parlatorei	Parlatore's podocarp, Monteromero	I	7/1/75
Family Podophyllaceae (see Berberidaceae)			
Family Portulacaceae:	Portulaca family:		
Anacampseros spp. (including *A.* [= *Grahamia*]*australiana*, *A.* [=*G.*] *kurtzii*).		II	7/1/75
Avonia spp. (formerly a part of *Anacampseros* spp.)		II	7/1/75
Lewisia maguirei	Maguire's lewisia	II	7/29/83
L. serrata	Saw-toothed lewisia	II	7/29/83
Family Primulaceae:	Primrose family:		
Cyclamen spp., excluding artificially propagated specimens of the cultivars of *Cyclamen persicum* (except when traded as dormant tubers).	Cyclamens	II	7/1/75
Family Proteaceae:	Protea family:		
Orothamnus zeyheri	Marsh-rose	II	7/1/75
Protea odorata	Ground-rose	II	7/1/75
Family Ranunculaceae:	Buttercup family:		
Adonis vernalis	Spring adonis	II	7/19/00
Hydrastis canadensis (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).	Goldenseal	II	9/18/97
Family Rosaceae:	Rose family:		
Prunus africana	African cherry	II	2/16/95
Family Rubiaceae:	Coffee family:		
Balmea stormiae	Ayuque	I	7/1/75
Family Sarraceniaceae:	New World pitcher-plant family:		
Sarracenia spp. (all species and natural hybrids except species in App. I).	Trumpet pitcher plants	II	10/22/87
S. alabamensis subsp. *alabamensis* (=*S. rubra* subsp. *alabamensis*).	Alabama canebrake pitcher plant	I	6/6/81
S. jonesii (=*S. rubra* subsp. *jonesii*)	Mountain sweet pitcher plant	I	6/6/81
S. oreophila	Green pitcher plant	I	6/6/81
Family Scrophulariaceae:	Figwort family:		
Picrorhiza kurrooa (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).	Kutki	II	9/18/97
Family Stangeriaceae:	Stangeria family:		
Bowenia spp. (formerly in Zamiaceae)	Bipinnate cycads	II	2/4/77
Stangeria eriopus (=*S. paradoxa*)	Stangeria, Fern-leafed cycad	I	7/1/75
Family Taxaceae:	Yew family:		
Taxus wallichiana (=*T. baccata* subs. *wallichiana*) (except chemical derivatives and finished pharmaceutical products).	Himalayan yew	II	2/16/95
Family Tetracentraceae:	Tetracentron family:		
Tetracentron sinense	Tetracentron	III (Nepal)	11/16/75
Family Thymelaeaceae (=Aquilariaceae):	Mezereon family:		
Aquilaria malaccensis	Agarwood, Aloewood	II	2/16/95
Family Valerianaceae:	Valerian family:		
Nardostachys grandiflora (=*Nardostachys jatamansi* misapplied) (whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas, and confectionery).	Himalayan nard or spikenard	II	9/18/97
Family Welwitschiaceae:	Welwitschia family:		
Welwitschia mirabilis (=*W. bainesii*)	Welwitschia	II	7/1/75
Family Zamiaceae:	Cycad family:		
All species except those in App. I		II	2/4/77
Ceratozamia spp.	Ceratozamias, Horncones	I	2/4/77
Chigua spp.		I	2/4/77
Encephalartos spp.	Bread palms, African cycads	I	7/1/75
Microcycas calocoma	Palma corcho, Microcycas	I	7/1/75
Family Zingiberaceae:	Ginger family:		
Hedychium philippinense	Philippine garland flower	II	7/1/75
Family Zygophyllaceae:	Cresote-bush family:		
Guaiacum officinale	Commoner lignum vitae	II	6/11/92
G. sanctum	Holywood lignum vitae	II	7/1/75

[60 FR 52450, Oct. 6, 1995, as amended at 61 FR 6795, Feb. 22, 1996; 63 FR 26740, May 14, 1998; 63 FR 58327, Oct. 30, 1998; 63 FR 63212, 63214, Nov. 12, 1998; 64 FR 31991, June 15, 1999; 66 FR 27610, May 18, 2001]

Subpart D—Public Participation in the Development of Negotiating Positions for Meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Federal Agency Consultation

SOURCE: 45 FR 83238, Dec. 18, 1980, unless otherwise noted.

§ 23.31 Purpose of regulations.

The regulation contained in this subpart sets out procedures for participation of the public and consultation with appropriate Federal agencies in the Service's process of developing negotiating positions to be used by the representative of the United States to meetings of the Conference of the Parties to the Convention provided for by Article XI of the Convention.

§ 23.32 Notice of meeting of Conference of the Parties to the Convention.

(a) Upon receipt of a notice of a meeting to the Conference of the Parties to the Convention, the director shall publish in the FEDERAL REGISTER a notice setting forth the time and place of the meeting, and the proposed agenda, and inviting the public to comment and provide information on agenda items including, when appropriate, suggestions for additional agenda items.

(b) Upon receipt from the CITES Secretariat of a notice of additional agenda items, the Director shall publish in the FEDERAL REGISTER a notice inviting the public to comment and provide information on such items.

§ 23.33 Notice of proposed negotiating positions.

Subsequent to the comment period of the notice of meeting of the Conference of the Parties to the Convention, the Director shall publish in the FEDERAL REGISTER a notice of proposed negotiating positions setting forth a summary of the information and comments received in response to any of the notices mentioned in § 23.33, the negotiating positions which the Service proposes to use at the meetings of the Conference of the Parties to the Convention, and the basis thereof, and inviting information and comments on the proposed negotiating positions. The notice will also set forth the time and place of at least one public meeting to provide information and comments on the proposed negotiating positions of the Service.

§ 23.34 Public meetings.

The Service shall hold at least one public meeting to enable interested persons to provide information and comments on the proposed agenda and at least one such public meeting on the proposed negotiating positions of the Service. Written statements may be submitted to the Service before and at the meeting. Appointments to speak at the meetings may be made with the Federal Wildlife Permit Office, Washington, DC 20240 (703/235–2418). Participants without prior appointments will be given an opportunity to speak to the extent time allows following speakers with appointments.

§ 23.35 Notice of negotiating positions.

Subsequent to the comment period of the notice of proposed negotiating positions, and after all associated public meetings have been held, the Director shall publish in the FEDERAL REGISTER a notice setting forth (a) a summary of the information and comments received in response to the notice of proposed negotiationg positions, (b) a summary of negotiating positions of the Service to be used by the representative of the United States to the meeting of the Conference of the Parties to the Convention, and (c) the basis of such negotiating positions.

§ 23.36 Schedule of public meetings and notices.

The Director shall publish in the FEDERAL REGISTER a schedule, subject to change and modification, of all public meetings and notices related to preparation of negotiating positions for meetings of the Conference of the Parties to the Convention.

§ 23.37 Federal agency consultation.

The Service shall consult with appropriate Federal agencies in the development of negotiating positions.

§ 23.38 Modifications of procedures and negotiating positions.

(a) Any of the procedures in §§ 23.32 through 23.36 may be modified or suspended by the Director on notice published in the FEDERAL REGISTER where to follow the procedures would interfere with the timely or appropriate development of negotiating positions.

(b) Any of the negotiating positions set forth in a notice of negotiating positions may be modified, reversed or abandoned by the United States representative to a meeting of the Conference of the Parties to the Convention where to do so would be in the best interests of the United States.

§ 23.39 Notice of availability of official report.

After any meeting of the Conference of the Parties to the Convention attended by a United States representative, the Service shall publish a notice of availability of the official report of such representative and set forth how and where copies of such report can be obtained.

Subpart E—Scientific Authority Advice [Reserved]

Subpart F—Export of Certain Species

SOURCE: 45 FR 80446, Dec. 4, 1980, unless otherwise noted.

§ 23.51 American ginseng (Panax quinquefolius).

State populations for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) *1978 Harvest:* Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to state of origin and season of collecting.

For further information see: 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978; and 43 FR 39305, Sept. 1, 1978.

(b) *1979 Harvest:* Arkansas, Georgia, Illinois, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to state of origin and season of collecting. Wild roots must be certified by the state as legally collected. For further information see: 44 FR 25384, Apr. 30, 1979; 44 FR 3107, June 1, 1979; and 44 FR 47912, Aug. 15, 1979.

(c) *1980 Harvest:* Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New York, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

Conditions on findings: Roots must be documented as to state or origin and season of collecting. Wild and cultivated roots must be certified by the state as legally collected, and such certification must be presented upon export.

(d) *1981 Harvest:* Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Vermont (artificially propagated ginseng only), Virginia, West Virginia, Wisconsin.

Condition on findings: Roots must be documented as to state of origin and season of collecting. Wild and cultivated roots must be certified by the state as legally collected and such certification must be presented upon export. Vermont is approved for export of artificially propagated ginseng roots only.

(e)(1) 1982–1993 harvests (wild and cultivated roots for each year unless noted).

State	Harvest years											
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Alabama	—	—	—	—	—	—	X	X	X	X	X	X
Arkansas	X	X	X	X	X	X	X	X	X	X	X	X
Georgia	X	X	X	X	X	X	X	X	X	X	X	X
Illinois	X	X	X	X	X	X	X	X	X	X	X	X

State	Harvest years											
	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
Indiana	X	X	X	X	X	X	X	X	X	X	X	X
Iowa	X	X	X	X	X	X	X	X	X	X	X	X
Kentucky	X	X	X	X	X	X	X	X	X	X	X	X
Maryland	X	X	X	X	X	X	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X	X	X	X	X	X	X
Missouri	X	X	X	X	X	X	X	X	X	X	X	X
New York	—	—	—	—	—	—	X	X	X	X	X	X
North Carolina	X	X	X	X	X	X	X	X	X	X	X	X
Ohio	X	X	X	X	X	X	X	X	X	X	X	X
Pennsylvania	—	—	—	—	—	—	X	X	X	X	X	X
Tennessee	X	X	X	X	X	X	X	X	X	X	X	X
Vermont	X	X	X	X	X	X	X	X	X	X	X	X
Virginia	X	X	X	X	X	X	X	X	X	X	X	X
West Virginia	X	X	X	X	X	X	X	X	X	X	X	X
Wisconsin	X	X	X	X	X	X	X	X	X	X	X	X

X: Export approval granted for wild and cultivated ginseng harvested in State indicated.
—: Export not requested or not granted.
a: Export approval only for artificially propagated (cultivated) ginseng harvested in State indicated.

(2) Conditions on export: All plants and roots must be documented as to State of origin, season of collection, and dry or green (fresh) weight. The State must certify whether roots and plants originated in that State, are wild or cultivated (artificially propagated) specimens, and were legally obtained in a particular season. Such State certification, a current Federal export document, an executed dealer or exporter's invoice, and the ginseng must be presented upon export. All other export procedures must be followed as described by the Service in this rule. The State must maintain ginseng management and harvest programs, as described by the Service in this rule, and annual ginseng program data for the preceding harvest season should be available to the Office of Management Authority by May 31 of each year. Export procedures must be completed as outlined and discussed in this paragraph.

NOTE.—American ginseng purchased from non-export approved States by State-registered ginseng dealers for domestic use and commerce must be reported to the State of registration, along with all other ginseng commerce. Such ginseng is not eligible for export from the United States and must be dealer-maintained physically separated from that ginseng eligible for export from this country so that there is no chance of intermingling the specimens.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 49 FR 34023, Aug. 24, 1984; 50 FR 39696, Sept. 30, 1985; 50 FR 42027, Oct. 17, 1985; 53 FR 33819, Sept. 1, 1988; 56 FR 41810, Aug. 23, 1991; 63 FR 63212, Nov. 12, 1998]

§ 23.52 Bobcat (Lynx rufus).

States for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) States and Harvest Seasons Approved for Export of Bobcat From the United States.

	1977–78	1978–79	1979–80	1980–81	1981–82	1982–83	1983 and subsequent	1987 and subsequent	1988 and subsequent
Alabama	+	+	+	+	+	+	+	+	+
Arizona	+	+	+	+	+	+	+	+	+
Arkansas	+	+	+	+	+	+	+	+	+
California	+	+	+	+	+	+	+	+	+
Colorado	+	+	+	+	+	+	+	+	+
Florida	+	+	E	+	+	+	+	+	+
Georgia	+	+	+	+	+	+	+	+	+
Idaho	+	+	+	+	+	+	+	+	+
Kansas	+	+	+	+	+	+	+	+	+
Kentucky	–	–	–	–	–	–	–	+	+
Klamath Tribe	–	–	–	–	+	+	+	+	+
Louisiana	+	+	+	+	+	+	+	+	+
Maine	+	+	+	+	+	+	+	+	+
Massachusetts	+	+	E	+	+	+	+	+	+
Michigan	+	+	+	+	+	+	+	+	+

	1977–78	1978–79	1979–80	1980–81	1981–82	1982–83	1983 and subsequent	1987 and subsequent	1988 and subsequent
Minnesota	+	+	+	+	+	+	+	+	+
Mississippi	+	+	+	+	+	+	+	+	+
Missouri	–	–	–	+	+	+	+	+	+
Montana	+	+	+	+	+	+	+	+	+
Navajo Nation	+	+	+	+	+	+	+	+	+
Nebraska	+	+	+	+	+	+	+	+	+
Nevada	+	+	+	+	+	+	+	+	+
New Hampshire	–	–	–	+	+	+	+	+	+
New Mexico	+	+	E	+	+	+	+	+	+
New York	+	+	+	+	+	+	+	+	+
North Carolina	+	+	+	+	+	+	+	+	+
North Dakota	+	+	E	+	+	+	+	+	+
Oklahoma	–	–	+	+	+	+	+	+	+
Oregon	+	+	E(1)	+	+	+	+	+	+
Penobscot Nation	–	–	–	–	–	–	+	+	+
South Carolina	+	+	+	+	+	+	+	+	+
South Dakota	+	+	+	+	+	+	+	+	+
Tennessee	+	+	+	+	+	+	+	+	+
Texas	+	+	E(2)	+	+	+	+	+	+
Utah	–	–	+	+	+	+	+	+	+
Vermont	+	+	+	+	+	+	+	+	+
Virginia	+	+	+	+	+	+	+	+	+
Washington	+	+	+	+	+	+	+	+	+
West Virginia	+	+	+	+	+	+	+	+	+
Wisconsin	+	E	+	+	+	+	+	+	+
White Mt Tribe	–	–	–	–	–	–	–	+	+
Wind River Reservation	–	–	–	–	–	–	–	–	+
Wisconsin	+	+	E	+	+	+	+	+	+
Wyoming	+	+	+	+	+	+	+	+	+

+ Export approval.
– Export not approved.
E 1979–80 bobcat export enjoined by U.S. District Court, District of Columbia.
E(1) As above but for eastern portion of State.
E(2) As above but for high plains ecological area.

(b) *Condition on export:* Each pelt must be clearly identified as to species; State, Indian Tribe, or Indian Nation of origin; and season of taking by a permanently attached, serially numbered tag of a type approved by and attached under conditions established by the Service. Exception to tagging requirement: finished furs and fully manufactured fur products may only be exported from the United States when the State, Indian Tribe, or Indian Nation export tags, removed from the hides used to manufacture the product being exported, are surrendered to the Service at the time of export. Such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so the locking socket and locking tip remain joined.

[45 FR 80446, Dec. 4, 1980, as amended at 54 FR 985, Jan. 11, 1989]

§ 23.53 River otter (Lontra canadensis)

States for which we permit the export of the indicated season's take under § 23.15 of this part:

(a) States and Indian Nations, and Seasons Approved for Export of River Otter From the United States:

	1977–78[1]	1978–79[2]	1979–80[3]	1980–81	1981–82	1982–83	1983–84 and future	1995–96 and future	1996–98 and future	1998–99 and future
Alabama	Q	+	+	+	+	+	+	+	+	+
Alaska	+	+	+	+	+	+	+	+	+	+
Arkansas	Q	+	+	+	+	+	+	+	+	+
Connecticut	Q	+	+	+	+	+	+	+	+	+
Delaware	Q	+	+	+	+	+	+	+	+	+
Florida	Q	+	+	+	+	+	+	+	+	+
Georgia	Q	+	+	+	+	+	+	+	+	+
Louisiana	Q	+	+	+	+	+	+	+	+	+

	1977–78[1]	1978–79[2]	1979–80[3]	1980–81	1981–82	1982–83	1983–84 and future	1995–96 and future	1996–98 and future	1998–99 and future
Maine	Q	+	+	+	+	+	+	+	+	+
Maryland	Q	+	+	+	+	+	+	+	+	+
Massachusetts	Q	+	+	+	+	+	+	+	+	+
Michigan	Q	+	+	+	+	+	+	+	+	+
Minnesota	Q	+	+	+	+	+	+	+	+	+
Mississippi	Q	+	+	+	+	+	+	+	+	+
Missouri	–	–	–	–	–	–	–	–	+[5]	+
Montana	Q	+	+	+	+	+	+	+	+	+
New Hampshire	Q	+	+	+	+	+	+	+	+	+
New Jersey	–	–	–	–	–	+	+	+	+	+
New York	Q	+	+	+	+	+	+	+	+	+
North Carolina	Q	+	+	+	+	+	+	+	+	+
Oregon	Q	+	+	+	+	+	+	+	+	+
Penobscot Nation	–	–	–	–	–	–	+	+	+	
Rhode Island	Q	+	–	–	–	–	–	–	–	–
South Carolina	Q	+	+	+	+	+	+	+	+	+
Tennessee	–	–	–	–	–	–	–	+[4]	+	+
Vermont	Q	+	+	+	+	+	+	+	+	+
Virginia	Q	+	+	+	+	+	+	+	+	+
Washington	Q	+	+	+	+	+	+	+	+	+
Wisconsin	Q	+	+	+	+	+	+	+	+	+

[1] For further information, see 42 FR 43729, Aug. 30, 1977; 43 FR 11081, Mar. 16, 1978; and 43 FR 29469, July 7, 1978.
[2] For further information, see 43 FR 11096, Mar. 16, 1978; 43 FR 13913, Apr. 3, 1978; 43 FR 15097, Apr. 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978; and 43 FR 39305, Sept. 1, 1978.
[3] For further information, see 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.
[4] Export for 1994–95 approved administratively (for Tennessee).
[5] Export for 1996–97 and 1997–98 approved administratively (for Missouri).
Q Export approved with quota.
+ Export approved.
– Export not approved.

(b) Condition on export: Exporters must clearly identify each pelt as to species, State or Indian Nation of origin, and season of taking by permanently attaching a serially numbered tag of a type approved and provided by the Service and attached under conditions established by the Service. Exception to the tagging requirement: We will allow the export of fully manufactured fur or hide products from the United States only when the CITES export tags removed from the hides prior to manufacture are surrendered to us prior to export. Such tags must be removed by cutting the tag straps on the side next to the locking socket of the tag, so that the locking socket and locking tip remain joined.

[64 FR 774, Jan. 6, 1999]

§ 23.54 Lynx (Lynx canadensis).

States for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) *1977–78 Harvest:* Alaska (open), Idaho (Quota 25), Minnesota (Q 25), Montana (Q 200), Washington (Q 35).

For further information: See 42 FR 43729, Aug. 30, 1977; 43 FR 11081, Mar. 16, 1978; and 43 FR 29469, July 7, 1978.

(b) *1978–79 Harvest:* Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, Mar. 16, 1978; 43 FR 13913, Apr. 3, 1978, 43 FR 15097, Apr. 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, Aug. 7, 1978; 43 FR 36293, Aug. 16, 1978, and 43 FR 39305, Sept. 1, 1978.

(c) *1979–80 Harvest:* Alaska, Idaho, Minnesota, Montana, Washington.

Conditions on findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the Service.

For further information: See 44 FR 25383, Apr. 30, 1979; 44 FR 31585, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

(d) *1980–81 Harvest:* Alaska, Minnesota, Montana.

Condition on finding: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

(e) *1981–82 Harvest:* Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to conditions established by the Service.

(f) *1982–83 Harvest:* Alaska, Idaho, Minnesota, Montana, and Washington.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) *1983–84 and Subsequent Harvests:* Alaska, Idaho, Minnesota, Montana, and Washington.

Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered tag of a type approved by the Service and attached under conditions established by the Service. Exception to tagging requirement: for the 1983-84 and previous seasons, finished furs and fully manufactured fur products may be exported from the U.S. when accompanied by the State tags removed in a manner described by the Service from pelts contained in the products, such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so that the locking socket and locking tip remain joined, and such tags must be surrendered to the Service prior to export.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 47 FR 54970, Dec. 7, 1982; 49 FR 594, Jan. 5, 1984]

§ 23.55 Gray wolf (Canis lupus).

State for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) *1977–78 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(b) *1978–79 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(c) *1979–80 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

(d) *1980–81 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(e) *1981–82 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

(f) *1982–83 Harvest:* Alaska.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) *1983–84 and Subsequent Harvests:* Alaska.

Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered State tag of a type approved and attached under conditions established by the Service. Exception to tagging requirement: for the 1983–84 and previous seasons, finished furs and fully manufactured fur products may be exported from the U.S. when accompanied by the State tags removed in a manner described by the Service from pelts contained in the products, such tags must be removed by cutting the tag strap on the female side next to the locking socket of the tag so that the locking socket and locking tip remain joined, and such tags must be surrendered to the Service prior to export.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 47 FR 54970, Dec. 7, 1982; 49 FR 594, Jan. 5, 1984]

§ 23.56 Brown bear (Ursus arctos).

State for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) *1977–78 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(b) *1978–79 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(c) *1979–80 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, Apr. 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, Sept. 7, 1979; and 44 FR 55540, Sept. 26, 1979.

(d) *1980–81 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

(e) *1981–82 Harvest:* Alaska.

Condition on findings: Pelts must be tagged as required by the State of Alaska.

(f) *1982–83 Harvest:* Alaska.

Condition on export: Each pelt must be clearly identified as to state of origin and season of taking by a permanently attached state tag of a type approved by the Service and attached under conditions established by the Service.

(g) *1983–84 and Subsequent Harvests:* Alaska.

Condition on export: Each pelt must be clearly identified as to species, State of origin and season of taking by a permanently attached, serially numbered State tag of a type approved by the Service and attached under conditions established by the Service.

[45 FR 80446, Dec. 4, 1980, as amended at 46 FR 50777, Oct. 14, 1981; 47 FR 54971, Dec. 7, 1982; 49 FR 595, Jan. 5, 1984]

§ 23.57 American alligator (Alligator mississippiensis).

States for which the export of the indicated season's harvest may be permitted under § 23.15 of this part:

(a) 1979–1997 harvests (wild and farm-raised for each year unless noted).

	AL	AR	FL	GA	LA	MS	SC	TX
1979	–	–	+	–	+	–	–	–
1980	–	–	+	–	+	–	–	–
1981	–	–	+	–	+	–	–	–
1982	–	–	+	–	+	–	–	–
1983	–	–	+	–	+	–	–	–
1984	–	–	+	–	+	–	–	+
1985	–	–	+	–	+	–	–	+
1986	–	–	+	–	+	–	–	+
1987	–	–	+	–	+	–	–	+
1988	–	–	+	+	+	–	+	+
1989	+	–	+	+	+	+	+	+
1990	+	–	+	+	+	+	+	+
1991	+	–	+	+	+	+	+	+
1992	+	–	+	+	+	+	+	+
1993	+	–	+	+	+	+	+	+
1994	+	F	+	+	+	+	+	+
1995	+	F	+	+	+	+	+	+
1996	+	F	+	+	+	+	+	+
1997	+	F	+	+	+	+	+	+

+ = export approved.
F = export approved for farm-raised only.
– = export not approved.

(b) *Condition on initial export from the United States.* (1) Each hide (full skin) must be clearly identified by a durable, permanently locking Convention export tag bearing a legend showing the US–CITES logo, State of origin, species, year of take, and a unique serial number. The tag must be inserted through the hide and permanently locked in place using the locking mechanism of the tag and in accordance with State requirements. Hides with broken tags may not be exported. Prior to export and upon submission of documentation to show legality of the hide, broken tags may be replaced with CITES replacement tags. Hides with valid CITES replacement tags are eligible for export.

(2) US–CITES export tags that were removed from the hides used to manufacture products to be exported must be surrendered to the Service prior to the export of those products.

(3) Meat from legally harvested and tagged alligators shall be packed in State-uniform containers, permanently sealed and labeled as required by State law. Bulk meat containers shall be marked with a State ''parts tag'' or ''bulk meat tag'' permanently attached indicating, at a minimum, State of origin, year of take, species, original hide export tag number, weight of meat in the container, and identification of State licensed processor or packer.

(4) Small parts such as tails, throats, feet, or backstrips shall be packed in transparent, sealed containers clearly marked with a parts tag. Parts tags shall supply at a minimum the State of origin, species, original hide export tag number, and weight of the parts in the container.

(5) American alligator skulls shall be marked as required by State law. This marking shall include, at a minimum, reference to a valid US–CITES tag number.

[53 FR 30683, Aug. 15, 1988, as amended at 54 FR 33233, Aug. 14, 1989; 57 FR 21899, May 26, 1992; 60 FR 43407, 43408, Aug. 21, 1995]

PART 24—IMPORTATION AND EXPORTATION OF PLANTS

Subpart A—Introduction

Sec.

24.1 Purpose of regulations.
24.2 Scope of regulations.

Subpart B—Importation and Exportation at Designated Ports

24.11 General restrictions.
24.12 Designated ports.

AUTHORITY: Secs. 9(f)(1), 11(f), Pub. L. 93–205, 87 Stat 893, 897 (16 U.S.C. 1538(f)(1), 1540(f)).

SOURCE: 49 FR 42941, Oct. 25, 1984, unless otherwise noted.

Subpart A—Introduction

§ 24.1 Purpose of regulations.

The regulations contained in this part are for the purpose of establishing ports for the importation, exportation and reexportation of plants.

§ 24.2 Scope of regulations.

The provisions in this part are in addition to, and do not supersede, other regulations in this chapter. Also, the U.S. Department of Agriculture administers the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), which contain authority for additional prohibitions and restrictions, including additional port of entry requirements, for the importation or exportation of plants (See 7 CFR chapter III for regulations containing prohibitions and restrictions under these authorities).

Subpart B—Importation and Exportation at Designated Ports

§ 24.11 General restrictions.

No person shall import, export, or reexport plants at any place other than at a port designated in 24.12 (hereinafter ''designated port'') in accordance with the provisions of this part, unless otherwise specifically authorized by the Service at a nondesignated port in accordance with section 9(f)(1) of the Endangered Species Act of 1973, as amended.

§ 24.12 Designated ports.

(a) The following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants which are listed in 50 CFR 17.12 and/or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 and/or 23:

Nogales, Arizona
Los Angeles, California
San Diego, California
San Francisco, California
Miami, Florida
Orlando, Florida
Honolulu, Hawaii
New Orleans, Louisiana
Hoboken, New Jersey (Port of New York)
Jamaica, New York
San Juan, Puerto Rico
Brownsville, Texas
El Paso, Texas
Houston, Texas
Seattle, Washington

(b) The U.S. Department of Agriculture ports at Hilo, Hawaii, and Chicago, Illinois, are designated ports for the importation, exportation, or reexportation of plants of the family Orchidaceae (orchids) which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(c) The U.S. Department of Agriculture ports at Atlanta, Georgia; Chicago, Illinois; Baltimore, Maryland; St. Louis, Missouri; and Milwaukee, Wisconsin; are designated ports for the importation, exportation or reexportation of roots of American ginseng (*Panax quinquefolius*) listed in 50 CFR 23.23 and which are required to be accompanied

by documentation under 50 CFR part 17 or 23.

(d) The U.S. Department of Agriculture ports at Detroit and Port Huron, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington, are designated ports for the importation from Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23, and for the exportation or reexportation to Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(e) The U.S. Department of Agriculture ports at Mobile, Alabama; Fort Lauderdale (=Port Everglades), Jacksonville, and Panama City, Florida; Savannah, Georgia; Baltimore, Maryland; Gulfport, Mississippi; Wilmington and Morehead City, North Carolina; Portland, Oregon; Philadelphia, Pennsylvania; Charleston, South Carolina; Laredo, Texas; Norfolk, Virginia; and Vancouver, Washington, are designated ports for the importation of logs and lumber from trees which are listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(f) The U.S. Department of Agriculture port at Wilmington, North Carolina, is a designated port for the exportation of plants of the species *Dionaea muscipula* (Venus flytrap), which is listed in appendix II to CITES and which is required to be accompanied by documentation under 50 CFR part 23.

(g) All U.S. Customs designated ports of entry on the United States-Canadian border (Customs designated ports of entry are listed in 19 CFR part 101) and the following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants not required to be accompanied by documentation under 50 CFR part 17 or 23:

Mobile, Alabama
Anchorage, Alaska
Nogales, Arizona
Phoenix, Arizona
San Luis, Arizona
Tucson, Arizona
Calexico, Arizona
Los Angeles, California
San Diego, California
San Francisco, California
San Pedro, California
Denver, Colorado
Wallingford, Connecticut
Dover, Delaware (Dover AFB)
Wilmington, Delaware
Washington, District of Columbia
Jacksonville, Florida
Key West, Florida
Miami, Florida
Orlando, Florida
Pensacola, Florida
Cape Canaveral, Florida
Port Everglades, Florida
Tampa, Florida
West Palm Beach, Florida
Atlanta, Georgia
Savannah, Georgia
Agana, Guam
Hilo, Hawaii
Honolulu, Hawaii
Wailuku, Maui, Hawaii
Chicago, Illinois
Baton Rouge, Louisiana
New Orleans, Louisiana
Bangor, Maine
Portland, Maine
Baltimore, Maryland
Boston, Massachusetts
Detroit, Michigan
Duluth, Minnesota
St. Paul, Minnesota
Kansas City, Missouri
St. Louis, Missouri
Hoboken, New Jersey
McGuire AFB, New Jersey
Albany, New York
Buffalo, New York
New York, New York
Jamaica, New York
Rouses Point, New York
Morehead City, North Carolina
Wilmington, North Carolina
Cleveland, Ohio
Astoria, Oregon
Coos Bay, Oregon
Portland, Oregon
Philadelphia, Pennsylvania
Hato Rey, Puerto Rico
Mayaguez, Puerto Rico
Ponce, Puerto Rico
Roosevelt Roads, Puerto Rico
San Juan, Puerto Rico
Warwick, Rhode Island
Charleston, South Carolina
Memphis, Tennessee
Brownsville, Texas
Corpus Christi, Texas
Dallas-Ft. Worth, Texas
Del Rio, Texas
Eagle Pass, Texas

El Paso, Texas
Galveston, Texas
Hidalgo, Texas
Houston, Texas
Laredo, Texas
Port Arthur, Texas
Presidio, Texas
Progreso, Texas
Roma, Texas
San Antonio, Texas
St. Croix, Virgin Islands of the United States
St. Thomas, Virgin Islands of the United States
Newport News, Virginia
Norfolk, Virginia
Blaine, Washington
Tacoma, Washington (McChord AFB)
Seattle, Washington
Milwaukee, Wisconsin

[49 FR 42941, Oct. 25, 1984, as amended at 55 FR 11920, Mar. 30, 1990; 58 FR 68543, Dec. 28, 1993; 58 FR 14121, Mar. 25, 1994; 59 FR 42775, Aug. 19, 1994; 62 FR 30775, June 5, 1997]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—ADMINISTRATIVE PROVISIONS

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25.71 Public safety.
25.72 Reporting of accidents.

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

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 to 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 comprehensive 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 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 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 noncompliance 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

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.

(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 nontransferable. 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

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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

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 businesses 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 starting 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.

(l) *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;

(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 reevaluation 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

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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

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

(l) 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 semiprecious 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,

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.

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

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?
29.21–1 Purpose and scope.
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29.21–5 Construction.
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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,

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

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 facillities 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.*

(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 approved 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 of 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 disposal 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 proposed 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

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 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

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 longhorn 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

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 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.

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.
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Subpart B—Refuge-Specific Regulations for Hunting and Fishing

32.20 Alabama.
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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.

(l) 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

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

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

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 Naional 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
Sunkhaze 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

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
Hailstone 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 Refuge
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
Currituck National Wildlife Refuge
Cedar Island National Wildlife Refuge
Great Dismal Swamp National Wildlife Refuge
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

Deer Flat National Wildlife Refuge
Hart Mountain National Wildlife Refuge
Julia Butler Hansen Refuge for the Columbian 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 Tinicum
Ohio River Islands National Wildlife Refuge

PUERTO RICO

[Reserved]

RHODE ISLAND

Block Island National Wildlife Refuge
Ninigret National Wildlife Refuge
Pettaquamscutt Cove National Wildlife Refuge
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 Refuge
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
Chinocteague National Wildlife Refuge
Eastern Shore of Virginia National Wildlife Refuge
Great Dismal Swamp National Wildlife Refuge
James River National Wildilfe 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 Wildlife 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 Columbian 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

Pathfinder National Wildlife Refuge
Seedskadee 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.
2758	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.
	Nov. 3, 1970	.....do	Wassaw National Wildlife Refuge	35 FR 16936.
2748	Oct. 1, 1947	Illinois	Honshoe Lake, Alexander County	3 CFR, 1947 Supp. 12 FR 6521.
	Sept. 9, 1953	.....do	.....do	18 FR 5495.
2748	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.
	Dec. 2, 1969	.....do	Lacassine National Wildlife Refuge	34 FR 19077.
	Aug. 13, 1960	Maryland	Martin National Wildlife Refuge	25 FR 7741.
2617	Oct. 18, 1948	Massachusetts	Parker River National Wildlife Refuge	3 CFR, 1948 Supp. 13 FR 6115.
	Oct. 2, 1958	Minnesota	Upper Mississippi River Wild Life and Fish Refuge	3 CFR, 1958 Supp. 23 FR 7825.
2200	Oct. 7, 1936	Montana	Red Rock Lakes National Wildlife Refuge	1 FR 1554.
	Aug. 30, 1976	.....do	Charles M. Russell National Wildlife Refuge	41 FR 31539.
2284	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 Romanain 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.
	Oct. 9, 1969	.....do	Mason Neck National Wildlife Refuge	34 FR 15653.
2439	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]

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 waterthrust 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.

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 f 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/

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 bighorn 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.

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.

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 whitetailed 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,

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.

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

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]

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 train 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.

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 Packer 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

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

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.

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 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.

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 m^2) 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.

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.

CHASSAHOWITZKA 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 devises 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 that 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.

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 nongame 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.

C. 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:

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 water craft 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]

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.

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]

HANALEI 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:
You may possess only approved nontoxic shot while in the field.
C. Big Game Hunting. [Reserved]

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 Lowel 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 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

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, 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]

EMIQUON 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.

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

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.

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.

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.

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: 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 nonmotorized 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.

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 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]

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 that 50 horsepower.

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 crayfishing 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 ½-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.

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.

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 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 cm^2) 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 cm^2) 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 cm^2) 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 cm^2) 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.

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.

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.

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

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.

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.

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:

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 whitetailed 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 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 whitetailed 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 Ottertail 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.

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

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.

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]

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 REFUGE

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 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 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 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: 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 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 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 REFUGE

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.

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.

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]

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).

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.

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, Duferrena 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 cm^2) 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 cm^2) 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 cm^2) 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.

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 cm^2) 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,

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.

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]

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

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 Fishing 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.

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 yearround.

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

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 cm^2) 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.

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 cm^2) 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.

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.

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 f 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. Updland Game Hunting. We allow hunting of ring-necked pheasants on designated areas of the refuge as per State law with certain restrictions as posted.

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 for 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.

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 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. 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:

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 mussels.

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).

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]

§ 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.

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.

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 nonmotorized 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.

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]

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.

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, anterless 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.

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]

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.

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]

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]

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 Wildilfe 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.

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:

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 m^2) hunter orange including 144 square inches (936 cm^2) 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.

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 cm^2) 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 cm^2) 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.

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.

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.

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).

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, using or 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]

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—Metcalfe 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—Metcalfe 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—Metcalfe 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,

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]

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.

6. On the refuge deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm^2) 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 cm^2) 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 cm^2) 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]

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 cm^2) 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 cm^2) 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 nonmotorized 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]

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.

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 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.

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

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]

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

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 gill 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

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:

(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%
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%
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

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.

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 PRESERVATION AND MANAGEMENT

Subpart A—General Rules

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35.5 Commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft, mechanical transport, structures, and installations.
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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 divers 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

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 vistor 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 degress 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

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36.1 How do the regulations in this part apply to me and what do they cover?
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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, PUB. 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

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 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

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 Manager, 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 means 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

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 possible 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 nonrenewal 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 nonrenewal 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

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) prescribed 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:

(i) 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 nonprofit 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 services 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 affected'' 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

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 ½ mile of Wusnesenski Glacier terminus lake, and within the SE¼, section 16 and SW¼, 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 notification 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 permittee 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 noncompetitive 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 noncompetitive 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 perations 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 noncompetitively 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 postmarked 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

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 nonmotorized 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 nonmotorized 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

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37.2 Definitions.
37.3 Other applicable laws.
37.4 Disclaimer and disqualification.

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37.12 Responsibilities of permittee.
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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.
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Subpart F—Reporting and Data Management

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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.

*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.

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, subcontractor 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 Regional 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

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.

(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 information 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 reasonable 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.

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 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 isssue 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

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 subtances 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

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 significantly 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 conduct 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,

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 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.

§ 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 liable 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 determinations 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 calandar 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 intepretations thereof; geologic maps, cross sections, and intepretations 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 explaning 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 permitttee 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 ¾ 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;

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 northwesterly 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 3¼ 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 16858, Apr. 19, 1983; 49 FR 7570, Mar. 1, 1984]

PART 38—MIDWAY ATOLL NATIONAL WILDLIFE REFUGE

Subpart A—General

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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

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 National 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 adjacent 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''

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 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]

SUBCHAPTER E—MANAGEMENT OF FISHERIES CONSERVATION AREAS

PART 70—NATIONAL FISH HATCHERIES

Sec.

70.1 Purpose.
70.2 Administrative provisions.
70.3 State cooperation in national fish hatchery area management.
70.4 Prohibited acts.
70.5 Enforcement, penalty, and procedural requirements for violations of parts 25, 26, and 27.
70.6 Public entry and use.
70.7 Land-use management.
70.8 Range and feral animal management.
70.9 Wildlife species management.

AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664; 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668dd.

SOURCE: 45 FR 28723, Apr. 30, 1980, unless otherwise noted.

§ 70.1 Purpose.

All national fish hatchery areas are maintained for the fundamental purpose of the propagation and distribution of fish and other aquatic animal life and managed for the protection of all species of wildlife.

§ 70.2 Administrative provisions.

The provisions and regulations set forth in part 25 of this chapter are equally applicable to national fish hatchery areas.

§ 70.3 State cooperation in national fish hatchery area management.

State cooperation may be enlisted in management programs including public hunting, fishing, and recreation. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for that purpose. Persons entering upon a national fish hatchery area shall comply with all regulations issued by the State agency under the terms of the cooperative agreement.

§ 70.4 Prohibited acts.

(a) The prohibited acts enumerated in part 27 of this chapter are equally applicable to national fish hatchery areas.

(b) Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery area is prohibited except as may be authorized under the provisions of part 71 of this chapter.

(c) Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery area is prohibited except as may be authorized in the provisions of part 71 of this chapter.

(d) Disturbing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways and racks is prohibited.

§ 70.5 Enforcement, penalty, and procedural requirements for violations of parts 25, 26, and 27.

The enforcement, penalty, and procedural requirement provisions set forth in part 28 of this chapter are equally applicable to national fish hatchery areas.

§ 70.6 Public entry and use.

The public entry and use provisions set forth in part 26 of this chapter are equally applicable to national fish hatchery areas.

EDITORIAL NOTE: For FEDERAL REGISTER citations to special regulations issued under §70.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 70.7 Land-use management.

The land-use management provisions set forth in part 29 of this chapter are equally applicable to national fish hatchery areas.

§ 70.8 Range and feral animal management.

The range and feral animal management provisions set forth in part 30 of this chapter are equally applicable to national fish hatchery areas.

§ 70.9 Wildlife species management.

The wildlife species management provisions set forth in part 31 of this chapter are equally applicable to national fish hatchery areas, except § 31.15 relating to hunting and fishing, which are treated separately in this part.

PART 71—HUNTING AND FISHING ON NATIONAL FISH HATCHERY AREAS

Subpart A—Hunting

Sec.

71.1 Opening of national fish hatchery areas to hunting.
71.2 General provisions.

Subpart B—Fishing

71.11 Opening of national fish hatchery areas to fishing.
71.12 General provisions.

AUTHORITY: Sec. 4, 48 Stat. 402, as amended, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 664, 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.

SOURCE: 31 FR 16033, Dec. 15, 1966, unless otherwise noted.

Subpart A—Hunting

§ 71.1 Opening of national fish hatchery areas to hunting.

National fish hatchery areas may be opened to hunting wildlife when such activity is not detrimental to the propagation and distribution of fish or other aquatic wildlife.

§ 71.2 General provisions.

The following provisions shall apply to public hunting on a national fish hatchery area:

(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 laws 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 hatchery is located unless further restricted by Federal law or regulation.

(e) Each person shall comply with the terms and conditions authorizing access and use of the national fish hatchery area.

(f) Each person shall comply with the provisions of any special notices governing hunting on the national fish hatchery area. Such special notices will be posted throughout the area and ill be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after the announcement of applicable annual State and Federal hunting regulations.

(2) Special notices may contain the following items:

(i) Wildlife species which may be hunted;

(ii) Seasons;

(iii) Bag limits;

(iv) Methods of hunting;

(v) Description of areas open to hunting;

(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

Subpart B—Fishing

§ 71.11 Opening of national fish hatchery areas to fishing.

National fish hatchery areas may be opened to sport fishing when such activity is not detrimental to the propagation and distribution of fish or other aquatic animal life.

§ 71.12 General provisions.

The following provisions shall apply to public sport fishing on a national fish hatchery 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 national fish hatchery area.

(e) Each person shall comply with the provisions of any special notices governing fishing on the national fish hatchery area. Such special notices will be posted throughout the area and will be available at the headquarters of the fish hatchery to which they relate.

(1) Special notices are issued only after announcement of the applicable annual State fishing regulation.

(2) Special notices may contain the following items:

(i) Species of fish which may be taken;

(ii) Seasons;

(iii) Creel limits;

(iv) Method of fishing;

(v) Description of areas open to fishing;

(vi) Other provisions as required.

(3) Special notices will not liberalize existing State law or regulations.

(4) Special notices may be amended as needed to meet management responsibilities for the area.

SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

PART 80—ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Sec.
80.1 Definitions.
80.2 Eligibility.
80.3 Assent legislation.
80.4 Diversion of license fees.
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80.6 Prohibited activities.
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80.17 Maintenance.
80.18 Responsibilities.
80.19 Records.
80.20 Land control.
80.21 Assurances.
80.22 Audits.
80.23 Allocation of funds between marine and freshwater fishery projects.
80.24 Recreational boating access facilities.
80.25 Multiyear financing under the Federal Aid in Sport Fish Restoration Program.
80.26 Symbols.
80.27 Information collection requirements.

AUTHORITY: 16 U.S.C. 777i; 16 U.S.C. 669i; 18 U.S.C. 701.

SOURCE: 47 FR 22539, May 25, 1982, unless otherwise noted.

NOTE: The information collection requirements in this part have been approved by the Office of Management and Budget under control number 1018–0048.

§ 80.1 Definitions.

As used in this part, terms shall have the following meanings:

(a) *The Federal Aid Acts or the Acts.* The Federal Aid in Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U.S.C. 669–669i), and the Federal Aid in Sport Fish Restoration Act of August 9, 1950, as amended (64 Stat. 430; 16 U.S.C. 777–777k).

(b) *State.* Any State of the United States; the territorial areas of Guam, the Virgin Islands, and American Samoa; the Commonwealth of Puerto Rico, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

(c) *State fish and wildlife agency.* The agency or official of a State designated under State law or regulation to carry out the laws of the State in relation to the management of fish and wildlife resources of the State. Such an agency or official which is also designated to exercise collateral responsibilities, e.g., State Department of Natural Resources, shall be considered the State fish and wildlife agency only when exercising the responsibilities specific to the management of the fish and wildlife resources of the State.

(d) *Secretary.* The Secretary of the Interior or his designated representative.

(e) *Director.* The Director of the U.S. Fish and Wildlife Service, or his designated representative. The Director serves as the Secretary's representative in matters relating to the administration and execution of the Federal Aid Acts.

(f) *Regional Director.* The Regional director of the U.S. Fish and Wildlife Service, or his designated representative.

(g) *Federal Aid Manual.* The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Acts.

(h) *Project.* A program of related undertakings necessary to fulfill a defined need which is consistent with the purposes of the Act.

(i) *Comprehensive fish and wildlife management plan.* A document describing the State's plan for meeting the long-range needs of the public for fish and wildlife resources, and the system for managing the plan.

(j) *Federal Aid Funds.* Funds provided under Federal Aid Acts.

(k) *Resident angler.* A resident angler is one who fishes within the same State where legal residence is maintained.

(l) *Common horsepower.* Common horsepower is defined as any size motor that can be reasonably accommodated on the body of water slated for development.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.2 Eligibility.

Participation in the benefits of the Acts is limited to State fish and wildlife agencies as specified below:

(a) Federal Aid in Sport Fish Restoration—Each of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, the Comonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.

(b) Federal Aid in Wildlife Restoration—Each of the 50 States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands; except that the benefits afforded by section 4(b) of the Act relating to hunter education projects are limited to the 50 States.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.3 Assent legislation.

A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency. Subsequent legislation which amends these state laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

§ 80.4 Diversion of license fees.

Revenues from license fees paid by hunters and fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency.

(a) Revenues from license fees paid by hunters and fishermen are any revenues the State receives from the sale of licenses issued by the State conveying to a person the privilege to pursue or take wildlife or fish. For the purpose of this rule, revenue with respect to license sales by vendors, is considered to be the net income to the State after deducting reasonable vendor fees or similar amounts retained by sales agents. License revenues include income from:

(1) General or special licenses, permits, stamps, tags, access and recreation fees or other charges imposed by the State to hunt or fish for sport or recreation.

(2) Sale, lease, rental, or other granting of rights of real or personal property acquired or produced with license revenues. Real property includes, but is not limited to, lands, building, minerals, energy resources, timber, grazing, and animal products. Personal property includes, but is not limited to, equipment, vehicles, machine, tools, and annual crops.

(3) Interest, dividends, or other income earned on license revenues.

(4) Federal Aid project reimbursements to the States to the extent that license revenues originally funded the project for which the reimbursement is being made.

(b) For purposes of this rule, administration of the State fish and wildlife agency include only those functions required to manage the fish and wildlife-oriented resources of the State for which the agency has authority under State law.

(c) A diversion of license fee revenues occurs when any portion of license revenues is used for any purpose other than the administration of the State fish and wildlife agency.

(d) If a diversion of license revenues occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until:

(1) Adequate legislative prohibitions are in place to prevent diversion of license revenue, and

(2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenue diverted or current market value of assets diverted (whichever is greater) is returned and properly available for use for the administration of the State fish and wildlife agency.

(e) Federal funds obligated for projects approved prior to the date a diversion is declared remain available for expenditure on such projects without regard to the intervening period of the State's ineligibility.

[54 FR 15209, Apr. 17, 1989]

§ 80.5 Eligible undertakings.

The following are eligible for funding under the Acts:

(a) *Federal Aid in Wildlife Restoration Act.* (1) Projects having as their purpose the restoration, conservation, management, and enhancement of wild birds and wild mammals, and the provision for public use of and benefits from these resources.

(2) Projects having as their purpose the education of hunters and archers in the skills, knowledges, and attitudes necessary to be a responsible hunter or archer.

(b) *Federal Aid in Sport Fish Restoration Act.* (1) Projects having as their purpose the restoration, conservation, management, and enhancement of sport fish, and the provision for public use and benefits from these resources. Sport fish are limited to aquatic, gill-breathing, vertebrate animals, bearing paired fins, and having material value for sport or recreation.

(2) Additional funds resulting from expansion of the Sport Fish Restoration Program must be added to existing State fishery program funds available from traditional sources and not as a substitute therefor.

[47 FR 22539, May 25, 1982, as amended at 50 FR 21448, May 24, 1985]

§ 80.6 Prohibited activities.

The following are not eligible for funding under the Acts, except when necessary for the accomplishment of project purposes as approved by the regional director.

(a) Law enforcement activities conducted by the State to enforce the fish and game regulations.

(b) Public relations activities conducted to promote the State fish and wildlife agency.

§ 80.7 Appeals.

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determination rests with the Secretary.

§ 80.8 Availability of funds.

Funds are available to a State for obligation or expenditure during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement is signed by the regional director.

§ 80.9 Notice of desire to participate.

Any State fish and wildlife agency desiring to avail itself of the benefits of the Acts shall notify the Secretary within 60 days after it has received a certificate of apportionment of funds available to the State. Notification to the Secretary may be accomplished by either of the following methods. In either method, the document must be signed by a State official authorized to commit the State to participation under the Act(s).

(a) Submitting to the regional director within the 60-day period a letter stating the desire of the State to participate in the Act(s); or,

(b) Having an approved Application for Federal Assistance which contains plans for the use of Federal Aid funds during the period of the apportionment.

§ 80.10 Hunting and fishing license certification.

(a) Information concerning the number of persons holding paid licenses to hunt and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished upon request of the Director by the fish and wildlife agency of each State on forms furnished by the Fish and Wildlife Service.

(b) This information shall be certified as accurate by the director of the State fish and wildlife agency. When requested by the Director, evidence used in determining accuracy of the certification shall also be furnished.

(c) License holders shall be counted over a period of 12 months; the calendar year, fiscal year, or other licensing period may be used provided it is consistent from year to year in each State. In determining licenses which are eligible for inclusion, the following guidelines shall be observed.

(1) Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation shall not be included.

(2) Licenses which do not return net revenue to the State shall not be included. To qualify as a paid license, the fee must produce revenue for the State. Net revenue is any amount returned to the State after deducting agent or sellers fees and the cost for printing, distribution, control or other costs directly associated with the issuance of each license.

(3) Licenses valid for more than one year, either a specific or indeterminate number of years, may be counted in each of the years for which they are valid; provided that:

(i) The net revenue from each license is commensurate with the period for which hunting or fishing privileges are granted, and

(ii) Sampling or other techniques are used to determine whether the licensee remains a license holder in the year of certification.

(4) Combination fishing and hunting licenses (a single license which permits the holder both to hunt and fish) shall be included in the determination of both the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation.

(5) Some licensing systems require or permit an individual to hold more than one license to hunt or to fish in a State. Such an individual shall not be counted more than once as a hunting or fishing license holder. The State fish and wildlife director, in certifying license information to the Director, is responsible for eliminating duplication or multiple counting of single individuals in the figures which he certifies. Sampling and other statistical techniques may be utilized by the certifying officer for this purpose.

(Approved by the Office of Management and Budget under control number 1018–0007)

§ 80.11 Submission of proposals.

A State may make application for use of funds apportioned under the Acts by submitting to the regional director either a comprehensive fish and wildlife management plan or project proposal.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with Acts, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Each application and amendments of scope shall be submitted to the State Clearinghouse as required by Office of Management and Budget (OMB) Circular A–95 and by State Clearinghouse requirements.

(c) Applications must be signed by the director of the State fish and wildlife agency or the official(s) delegated to exercise the authority and responsibilities of the State's director in committing the State to participation under the Acts. The director of each State fish and wildlife agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents, and any changes in such authorizations.

§ 80.12 Cost sharing.

Federal participation is limited to 75 percent of eligible costs incurred in the completion of approved work or the Federal share specified in the project agreement, whichever is less, except that the non-Federal cost sharing for the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa shall not exceed 25 percent and may be waived at the discretion of the regional director.

(a) A minimum Federal participation of 10 percent of the estimated costs is required as a condition of approval.

(b) The non-Federal share of project costs may be in the form of cash or in-kind contributions. The allowability and evaluation of in-kind contributions

are subject to the policies and standards prescribed in Office of Management and Budget (OMB) Circular A–102.

(c) The non-Federal share of project costs may not be derived from other Federal funds, except as authorized by specific legislation.

§ 80.13 Substantiality in character and design.

All projects proposed for funding under the Acts must be substantial in character and design. A substantial project (for fish and wildlife purposes) is one which:

(a) Identifies and describes a need within the purposes of the relevant Act to be utilized;

(b) Identifies the objectives to be accomplished based on the stated need;

(c) Utilizes accepted fish and wildlife conservation and management principles, sound design, and appropriate procedures; and

(d) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

§ 80.14 Application of Federal aid funds.

(a) Federal Aid funds shall be applied only to activities or purposes approved by the regional director. If otherwise applied, such funds must be replaced or the State becomes ineligible to participate.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed.

(1) When such property passes from management control of the fish and wildlife agency, the control must be fully restored to the State fish and wildlife agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal benefits as the original property. The State may have a reasonable time, up to three years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided by Attachment N of OMB Circular A–102.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and disposed of as directed by the Director.

§ 80.15 Allowable costs.

(a) *What are allowable costs?* Allowable costs are costs that are necessary and reasonable for accomplishment of approved project purposes and are in accordance with the cost principles of OMB Circular A–87 (For availability, see 5 CFR 1310.3.).

(b) *What is required to determine the allowability of costs?* Source documents or other records as necessary must support all costs to substantiate the application of funds. Such documentation and records are subject to review by the Service and, if necessary, the Secretary to determine the allowability of costs.

(c) *Are costs allowable if they are incurred prior to the date of the grant agreement?* Costs incurred prior to the effective date of the grant agreement are allowable only when specifically provided for in the grant agreement.

(d) *How are costs allocated in multipurpose projects or facilities?* Projects or facilities designed to include purposes other than those eligible under either the Sport Fish Restoration or Wildlife Restoration Acts must provide for the allocation of costs among the various purposes. The method used to allocate costs must produce an equitable distribution of costs based on the relative uses or benefits provided.

(e) *What is the limit on administrative costs for State central services?* Administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and wildlife agency must be in accord with an approved cost allocation plan and cannot

exceed in any one fiscal year three per centum of the annual apportionment to that State. Each State has a State Wide Cost Allocation Plan that describes approved allocations of indirect costs to agencies and programs within the State.

(f) *How much money may be obligated for aquatic education and outreach and communications?* (1) Each of the 50 States may spend no more than 15 percent of the annual amount apportioned to it under provisions of the Federal Aid in Sport Fish Restoration Act for an aquatic education and outreach and communications program for the purpose of increasing public understanding of the Nation's water resources and associated aquatic life forms.

(2) The Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa are not limited to the 15-percent cap imposed on the 50 States. Each of these entities may spend more for these purposes with the approval of the appropriate Regional Director.

[66 FR 18212, Apr. 6, 2001]

§ 80.16 Federal aid payments.

Payments shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official designated by the State fish and wildlife agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the region director.

(d) The regional director may withhold payments pending receipt of all required reports or documentation for the project.

§ 80.17 Maintenance.

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

§ 80.18 Responsibilities.

In the conduct of activities funded under the Acts, the State is responsible for:

(a) The supervision of each project to assure it is conducted as provided in the project documents, including:

(1) Proper and effective use of funds.

(2) Maintenance of project records.

(3) Timely submission of reports.

(4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

(1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion.

(2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are being achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purpose for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

§ 80.19 Records.

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A–102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of three years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the

three-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of three years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

§ 80.20 Land control.

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Controls may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 80.21 Assurances.

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Acts. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend those projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

§ 80.22 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

§ 80.23 Allocation of funds between marine and freshwater fishery projects.

(a) Each coastal State, to the extent practicable, shall equitably allocate those funds specified by the Secretary, in the apportionment of Federal Aid in Sport Fish Restoration funds, between projects having recreational benefits for marine fisheries and projects having recreational benefits for freshwater fisheries.

(1) Coastal States are: Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, Washington, Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) The allocation and subsequent obligation of funds between projects that benefit marine and freshwater interests will be in the same proportion as the estimated number of resident marine anglers and resident freshwater anglers, respectively, bears to the estimated number of total resident anglers in the State. The number of marine and freshwater anglers shall be based on a statistically reliable method for determining the relative distribution of resident anglers in the State between those that fish in saltwater and those that fish in freshwater.

(3) To the extent practicable means that the amounts allocated of each year's apportionment may not necessarily result in an equitable allocation for each year. However, the amounts allocated over a period, not to exceed 3 years, must result in an equitable allocation between marine and freshwater fisheries projects. Ongoing marine project costs can be applied toward the State's saltwater allocation.

(4) Failure to provide for an equitable allocation may result in the State's becoming ineligible to participate in the use of those funds specified, until such time as the State demonstrates to the satisifaction of the Director that funds will be allocated equitably.

(b) [Reserved]

[50 FR 21448, May 24, 1985]

§ 80.24 Recreational boating access facilities.

The State shall allocate at least 10 percentum of each annual apportionment under Federal Aid in Sport Fish

Restoration Act for recreational boating access facilities. All facilities constructed, acquired, developed, renovated, or maintained (including those existing structures for which maintenance is provided) must be for the purpose of providing additional, improved, or safer access of public waters for boating recreation as part of the State's effort for the restoration, management, and public use of sport fish. Though a broad range of access facilities and associated amenities can qualify for funding under the 10 percent provision, power boats with common horsepower ratings must be accommodated, and, in addition, the State must make reasonable efforts to accommodate boats with larger horsepower ratings if they would not conflict with aquatic resources management. Any portion of the 10 percent set aside for the above purposes that remains unexpended or unobligated after two years shall revert to FWS.

[50 FR 21448, May 24, 1985]

§ 80.25 Multiyear financing under the Federal Aid in Sport Fish Restoration Program.

(a) States may finance the acquisition of lands or interests in lands including water rights and the construction of structures and facilities utilizing multiyear funding as authorized by the Federal Aid in Sport Fish Restoration Act in two ways:

(1) States may finance the entire cost of the acquisition or construction from a non-Federal funding source and claim Federal Aid reimbursement in succeeding apportionment years according to a scheduled reimbursement plan.

(2) States may negotiate an installment purchase or contract whereby periodic and specified amounts are paid to the seller or contractor and Federal Aid reimbursements are allowed for each payment from any apportionment year current at the time of payment.

(b) Multiyear financing is subject to the following conditions:

(1) Projects must provide for prospective use of funds and be approved by the Regional Director in advance of the State's obligation or commitment to purchase property or contract for structures or facilities.

(2) States must agree to complete the project even if Federal funds are not available. In the event the project is not completed, those Federal funds expended but not resulting in commensurate sport fishery benefits must be recovered by the State and reallocated to approved State sport fish projects.

(3) Project proposals must include a complete schedule of payments to complete the project.

(4) No costs for interest or financing shall be claimed for reimbursement.

[50 FR 21448, May 24, 1985]

§ 80.26 Symbols.

Distinctive symbols are prescribed to identify projects funded by the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act and to identify items on which taxes and duties have been collected to support the respective Acts.

(a) All recipients identified in § 80.2 of this part are authorized to display the appropriate symbol(s) on areas, such as wildlife management areas and fishing access facilities, acquired, developed, operated or maintained by these grants, or on printed material or other visual representations relating to project accomplishments. Recipients may require sub-recipients to display the symbol(s) and may authorize use by others, or for purposes other than as stated above, only with approval of the Director, U.S. Fish and Wildlife Service.

(b) Other persons or organizations may use the symbol(s) for purposes related to the Federal Aid programs as authorized by the Director, U.S. Fish and Wildlife Service. Authorization for the use of the symbol(s) shall be by written agreement executed by the Service and the user. To obtain authorization a written request stating the specific use and items to which the symbol(s) will be applied must be submitted to Director, U.S. Fish and Wildlife Service, Washington, DC 20240.

(c) The user of the symbol(s) shall indemnify and defend the United States and hold it harmless from any claims, suits, losses and damages arising out of any allegedly unauthorized use of any patent, process, idea, method or device by the user in connection with its use of the symbol(s), or any other alleged

action of the user and also from any claims, suits, losses and damages arising out of alleged defects in the articles or services with which the symbol(s) is associated.

(d) The appearance of the symbol(s) on projects or items is to indicate that the manufacturer of the product is taxed by, and that the State project was funded through, the respective Act(s). The U.S. Fish and Wildlife Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the symbol(s) as to the quality, utility, suitability or safeness of any product, service or project with which the symbol(s) is associated.

(e) Neither symbol may be used in any other manner except as authorized by the Director, U.S. Fish and Wildlife Service. Unauthorized use of the symbol(s) will constitute a violation of section 701 of title 18 of the United States Code and subject the violator to possible fines and imprisonment as set forth therein.

(f) The symbol pertaining to the Federal Aid in Wildlife Restoration Act is depicted below.

(g) The symbol pertaining to Federal Aid in Sport Fish Restoration Act is depicted below.

(h) The symbol pertaining to the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act when used in combination is depicted below.

[52 FR 47571, Dec. 15, 1987]

§ 80.27 Information collection requirements.

(a) Information gathering requirements include filling out forms to apply for certain benefits offered by the Federal Government. Information gathered under this part is authorized under the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777–7771) and

the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669–669i). The Service may not conduct or sponsor, and applicants or grantees are not required to respond to, a collection of information unless the request displays a currently valid OMB control number. Our requests for information will be used to apportion funds and to review and make decisions on grant applications and reimbursement payment requests submitted to the Federal Aid Program.

(b) OMB Circular A–102 requires the use of several Standard Forms: SF–424, SF–424A and SF–424B, SF–424C, SF–424D, SF–269A and SF–269B, SF–270, SF–271 and SF–272 (For availability, see 5 CFR 1310.3.). Combined, as many as 12,000 of these forms are used annually by grant applicants. The individual burden is approximately 1 hour to compile information and complete each form; the total burden is approximately 12,000 hours (approximately 3,500 grants are awarded/renewed each year, but not all forms are used for all grants). These forms are needed to document grant applications and requests for reimbursement.

(c) Part 1 Certification (Service Form 3–154A, OMB Control No. 1018–0007) and Part 2 Summary of Hunting and Sport Fishing Licenses Issued (Service Form 3–154B, OMB Control No. 1018–0007) require approximately one-half hour from each of 56 respondent States and territories for a total burden of 28 hours. The information is routinely collected by the States and territories and easily transferred to these forms and certified. This information is used in a statutory formula to apportion funds among the grant recipients.

(d) The Grant Agreement, (Service Form 3–1552, OMB Control No. 1018–0049) and Amendment to Grant Agreement, (Service Form 3–1591, OMB Control No. 1018–0049) require approximately 1 hour to gather relevant information, review, type, and sign. This information is compiled in the normal agency planning processes and transferred to these forms. Recipients nationwide complete approximately 3,500 Grant Agreement forms and 1,750 Amendment to Grant Agreement forms during any fiscal year for a total burden of 5,250 hours. This information is used to document financial awards made to grant recipients and amendments to these awards.

(e) The Federal Aid Grant Application Booklet (OMB Control No. 1018–0109) contains narrative instruction for applying for grants. It requires approximately 80 hours to collect information and prepare a grant application package. Applicants prepare and submit about 5,250 of these grant application packages annually for a total burden of 283,500 hours. This information is used to determine if the work, cost, and future benefits of a grant application meet the needs of the Federal Aid in Sport Fish and Wildlife Restoration programs.

(f) The public is invited to submit comments on the accuracy of the estimated average burden hours needed for completing Part I—Certification, Part II—Summary of Hunting and Sport Fishing Licenses Issued, Grant Agreement, Amendment to Grant Agreement, or The Federal Aid Grant Application Booklet and to suggest ways in which the burden may be reduced. Comments may be submitted to: U.S. Fish and Wildlife Service, Information Collection Clearance Officer, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203.

[66 FR 18212, Apr. 6, 2001]

PART 81—CONSERVATION OF ENDANGERED AND THREATENED SPECIES OF FISH, WILDLIFE, AND PLANTS—COOPERATION WITH THE STATES

Sec.

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AUTHORITY: Endangered Species Act of 1973, sec. 6(h), 87 Stat. 884, 16 U.S.C. 1531–43, Pub. L. 93–205.

SOURCE: 40 FR 47509, Oct. 9, 1975, unless otherwise noted.

§ 81.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Agreements.* Signed documented statements of the actions to be taken by the State(s) and the Secretary in furthering the purposes of the Act. They include:

(1) A Cooperative Agreement entered into pursuant to section 6(c) of the Endangered Species Act of 1973 and § 81.2 of this part.

(2) A Project Agreement which includes a statement as to the actions to be taken in connection with the conservation of endangered or threatened species, benefits derived, cost of actions, and costs to be borne by the Federal Government and by the States.

(b) *Conserve, conserving, and conservation.* The use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Endangered Species Act of 1973 are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(c) *Endangered species.* Any species which is in danger of extinction throughout all or a significant portion of its range (other than a species of the Class Insecta as determined by the Secretary to constitute a pest whose protection under the provisions of The Endangered Species Act of 1973 would present an overwhelming and overriding risk to man).

(d) *Fish or wildlife.* Any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, 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 the dead body or parts thereof.

(e) *Plant.* Any member of the plant kingdom, including seeds, roots, and other parts thereof.

(f) *Program.* A State-developed set of goals, objectives, strategies, action, and funding necessary to be taken to promote the conservation and management of resident endangered or threatened species.

(g) *Secretary.* The Secretary of the Interior or his authorized representative.

(h) *Species.* This term includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.

(i) *State.* Any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(j) *State agency.* The State agency or agencies, or other governmental entity or entities which are responsible for the management and conservation of fish or wildlife resources within a State.

(k) *Plan.* A course of action under which immediate attention will be given to a State's resident species determined to be endangered or threatened.

(l) *Threatened species.* Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as determined by the Secretary.

(m) *Project.* A plan undertaken to conserve the various species of fish and wildlife or plants facing extinction.

(n) *Act.* The Endangered Species Act of 1973, Pub. L. 93–205, 16 U.S.C. 1531 et seq.

(o) *Project segment.* An essential part or a division of a project, usually separated as a period of time, occasionally as a unit of work.

(p) *Resident species.* For the purposes of the Endangered Species Act of 1973, a species is resident in a State if it exists in the wild in that State during any part of its life.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31580, May 31, 1979; 49 FR 30074, July 26, 1984]

§ 81.2 Cooperation with the States.

The Secretary is authorized by the act to cooperate with any State which establishes and maintains an adequate and active program for the conservation of various endangered and threatened species. In order for a State program to be deemed an adequate and active program, the Secretary must find and reconfirm, on an annual basis, that under the State program, either:

(a) Authority resides in the State agency to conserve resident species of fish and wildlife or plants determined by the State agency or the Secretary to be endangered or threatened;

(b) The State agency has established an acceptable conservation program, consistent with the purposes and policies of the act, for all residents species of fish and wildlife or plants in the State which are deemed by the Secretary to be endangered or threatened; and has furnished a copy of such program together with all pertinent details, information, and data requested to the Secretary;

(c) The State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife or plants;

(d) The State agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for the conservation of resident endangered or threatened species; and

(e) Provisions are made for public participation in designating resident species of fish and wildlife or plants as endangered or threatened, or that under the State program: (1) The requirements set forth in paragraphs (c), (d), and (e) of this section are complied with concerning fish and wildlife and in paragraphs (c) and (e) of this section concerning plants, and plans are included under which immediate attention will be given to those resident species of fish and wildlife or plants which are determined by the Secretary or the State agency to be endangered or threatened and which the Secretary and the State agency agree are most urgently in need of conservation programs; except that a cooperative agreement entered into with a State whose program is deemed adequate and active pursuant to this paragraph shall not affect the applicability of prohibitions set forth in or authorized pursuant to section 4(d) or section 9(a)(1) of the Endangered Species Act of 1973 with respect to the taking of any resident endangered or threatened species.

[41 FR 15016, Apr. 9, 1976, as amended at 44 FR 31580, May 31, 1979]

§ 81.3 Cooperative Agreement.

Upon determination by the Secretary that a State program is adequate and active and complies with § 81.2, the Secretary shall enter into an Agreement with the State. A Cooperative Agreement is necessary before a Project Agreement can be approved for endangered or threatened species projects. A cooperative agreement under § 81.2 must be reconfirmed annually to reflect new laws, species lists, rules and regulations, and programs, and to demonstrate that the program is still active and adequate. The Secretary, in determining which species are most urgently in need of a conservation program as provided for in § 81.2(e), shall apply the following criteria: (1) The degree of threat to the continued existence of the species; (2) the recovery potential of the species; (3) the taxonomic status, e.g., giving full species priority over subspecies or populations; and (4) such other relevent biological factors as determined appropriate.

[41 FR 15016, Apr. 9, 1976, as amended at 44 FR 31580, May 31, 1979]

§ 81.4 Allocation of funds.

The Secretary shall semi-annually allocate funds, appropriated for the purpose of carrying out Section 6, to various State programs using the following as the basis for his determination:

(a) The international commitments of the United States to protect endangered or threatened species;

(b) The readiness of a State to proceed with a conservation program consistent with the objectives and purposes of the Act;

(c) The number of endangered and threatened species within a State;

(d) The potential for restoring endangered and threatened species within a State; and

(e) The relative urgency to initiate a program to restore and protect an endangered or threatened species in terms of survival of the species.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31580, May 31, 1979]

§ 81.5 Information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, the State must have entered into a Cooperative Agreement with the Secretary pursuant to section 6(c) of the Act.

§ 81.6 Project Agreement.

(a) Subsequent to the establishment of a Cooperative Agreement pursuant to § 81.3, the Secretary may further agree with the States to provide financial assistance in the development and implementation of acceptable projects for the conservation of endangered and threatened species. Financial agreements will consist of an Application for Federal Assistance and a Project Agreement. Such agreements' continued existence, and continued financial assistance under such agreements, shall be contingent upon the continued existence of the Cooperative Agreement described in § 81.3 of this part.

(b) The Application for Federal Assistance will show the need for the project, the objectives, the expected benefits and results, the approach, the period of time necessary to accomplish the objectives, and both the Federal and State costs. All of a State's activities proposed for this Federal grant support will be incorporated in one or more project applications.

(c) To meet the requirements of the Act, the Application for Federal Assistance shall certify that the State agency submitting the project is committed to its execution and that is has been reviewed by the appropriate State officials and is in compliance with other requirements of the Office of Management and Budget Circular No. A–95 (as revised).

(d) The Project Agreement will follow approval of the Application for Federal Assistance by the Secretary. The mutual obligations by the cooperating agencies will be shown in this agreement executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(e) The form and content for both the Application for Federal Assistance and the Project Agreement are provided in the Federal Aid Manual.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.7 Availability of funds.

Funds allocated to a State are available for obligation during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a Project Agreement is signed by the Secretary, or his authorized representative, attesting to his approval.

§ 81.8 Payments.

The payment of the Federal share of costs incurred in the conduct of activities included under a Project Agreement shall be in accordance with Treasury Circular 1075.

(a) Federal payments under the Act shall not exceed 75 percent of the program costs as stated in the agreement; except, the Federal share may be increased to 90 percent when two or more States having a common interest in one or more endangered or threatened species, the conservation of which may be enhanced by cooperation of such States, enter jointly into an agreement with the Secretary.

(b) The State share of program costs may be in the form of cash or in-kind contributions, including real property, subject to standards established by the Secretary as provided in Office of Management and Budget Circular A–102.

(c) Payments under the Endangered Species Act, including such preliminary costs and expenses as may be incurred in connection with projects, shall not be made unless all documents that may be necessary or required in the administration of this Act shall have first been submitted to and approved by the Secretary. Payments shall be made for expenditures reported and certified by the State agencies. Payments shall be made only to the State office or official designated by the State agency and authorized under

the laws of the State to receive public funds of the State.

(d) Vouchers and forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State agency.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979; 49 FR 30074, July 26, 1984]

§ 81.9 Assurances.

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Act in accordance with Office of Management and Budget Circular A–102.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.10 Submission of documents.

Papers and documents required by the Act or by regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the U.S. Fish and Wildlife Service.

§ 81.11 Divergent opinions over project merits.

Any difference of opinion about the substantiality of a proposed project or appraised value of land to be acquired are considered by qualified representatives of the Secretary and the State. Final determination in the event of continued disagreement rests with the Secretary.

§ 81.12 Contracts.

The State may use its own regulations in obtaining services providing that they adhere to Federal laws and the requirements provided by Office of Management and Budget Circular A–102. The State is the responsible authority without recourse to the Secretary regarding settlement of contractual issues.

[40 FR 47509, Oct. 9, 1975, as amended at 44 FR 31581, May 31, 1979]

§ 81.13 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject to periodic Federal inspection.

§ 81.14 Comprehensive plan alternative.

In the event that the State elects to operate under a comprehensive fish and wildlife resource planning system, the Cooperative Agreement will be an attachment to the plan. No Application for Federal Assistance will be required since the documentation will be incorporated in the plan. However, the continued existence of the comprehensive plan, and Federal financing thereunder, will be contingent upon the continued existence of the Cooperative Agreement described in §81.3, above.

§ 81.15 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

PART 82—ADMINISTRATIVE PROCEDURES FOR GRANTS-IN-AID (MARINE MAMMAL PROTECTION ACT OF 1972)

Subpart A—Introduction

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82.3 Supplementary information and procedures.
82.4 Authority.
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AUTHORITY: 16 U.S.C. 1361–1407, 86 Stat. 1027.

SOURCE: 40 FR 23281, May 29, 1975, unless otherwise noted.

Subpart A—Introduction

§ 82.1 Scope of regulations.

The regulations in this part are issued, pursuant to the authority of the Secretary in section 1380 of the Marine Mammal Protection Act, 16 U.S.C. 1361–1407 (Supp. II 1972), to provide procedures for the submission and review of applications and the award and administration of research grants, or other forms of financial assistance, to Federal or state agencies, public or private institutions, or other persons including any foreign governments for research relevant to the protection and conservation of marine mammals.

§ 82.2 Purpose of regulations.

The Marine Mammal Protection Act of 1972 (Pub. L. 92–552) authorizes appropriations, and confers authority upon the Secretary, subject to such terms and conditions as he deems necessary, and after review by the Marine Mammal Commission, to make grants, or provide other forms of financial assistance, for the purpose of undertaking research relevant to the protection and conservation of marine mammals. Research initiated pursuant to this authorization is to be directed toward increasing the available knowledge of the ecology and population dynamics of marine mammals and of the factors which bear upon their ability to reproduce themselves successfully, which information may be used for the purposes of increasing and maintaining the number of animals within species and populations of marine mammals at the optimum carrying capacity of their habitat.

§ 82.3 Supplementary information and procedures.

The regulations in this part are intended to provide for the maximum flexiblity and simplicity in the application and award of grants or other financial assistance and the minimum amount of Federal control in the conduct of the research and supervision of Federal funds, consistent with the anticipated level of appropriated funds and demand for such funds. With respect to grants to state or local governments these regulations are intended to implement and be read as consistent with Federal Management Circular 74–7, ''Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments,'' (FMC 74–7) 34 CFR part 256, 39 FR 35787–35796, October 4, 1974, unless specifically noted otherwise. The standards and procedures set forth therein, and other referenced Federal management circulars, will, to the extent practical, govern other forms of financial assistance to state and local governments, public and private institutions and persons as well as grants to such institutions and persons. Other Federal regulations and sources of guidance potential applicants may find worthwhile to consult for information which may be helpful in applying and implementing research grants or other financial assistance under these regulations include: 34 CFR part 211, Cost Sharing on Federal Research (FMC 73–3); 34 CFR part 251, Audit of Federal Operations and Programs by Executive Branch Agencies, superseding OMB Circular No. A–73, dated August 4, 1965; 34 CFR part 252, Coordinating Indirect Cost Rates and Audit at Educational Institutions, (FMC 73–6); 34 CFR part 253, Administration of College and University Grants (FMC 73–7); 34 CFR part 254, Cost Principles for Educational Institutions (FMC 73–8); FMC 74–4, Cost Principles under Grants to State and Local Governments.

§ 82.4 Authority.

The Secretary of the Interior has delegated to the Director, Fish and Wildlife Service, his authority under the Marine Mammal Protection Act to

enter into grants or other forms of financial assistance for research relevant to the protection and conservation of marine mammals covered by the Act excluding the order *Cetacea* and members, other than walruses, of the order *Pinnipedia*.

§ 82.5 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Act* means the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407.

(b) *Cooperative Agreement* means the properly signed documentation, including the Application for Federal Assistance, which describes the project goals, the time schedule for achieving them, the estimated expenses to be incurred and the terms and conditions under which the research will be conducted, the totality of which constitutes the legally binding instrument between the Secretary and the grantee.

(c) *Grantee* means (1) any private person or entity, or (2) any officer, employee, agent, department, or instrumentality of the Federal Government, or any state or political subdivision thereof or any foreign government, participating in a cooperative agreement with the Secretary.

(d) *Marine Mammal* means any specimen of the following species, whether alive or dead, or any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name
Ursus maritimus	Polar bear.
Enhydra lutris	Sea Otter.
Odobenus rosmarus	Walrus.
Dugong dugong	Dugong.
Trichechus inunquis	West Indian manatee.
Trichechus manatus	West African manatee.
Trichechus senegalensis	Amazonian manatee.

NOTE: Common names given may be at variance with local usage; they are not required to be provided by the Act, and they have no legal significance.

(e) *Non-Federal interest* means any organization, association, institution, business, school, individual or group of individuals, state agency, municipality, or others outside the Federal Government which desires to participate within the terms of the Act.

(f) *Project* means any program for which an Application for Federal Assistance and a cooperative agreement have been approved and which provides for research in subjects which are relevant to the protection and conservation of marine mammals.

(g) *Secretary* means the Secretary of the Interior or his delegated representative.

(h) *State* means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(i) *State agency* means any department(s), commission(s), or officials(s), of a state empowered under its laws to administer the state program for marine mammals.

Subpart B—Application for Grants

§ 82.6 Submission of proposals.

(a) Preapplication forms may be submitted by any potential grantee in order to (1) establish communication between the Fish and Wildlife Service and the applicant; (2) to determine the applicant's eligibility; (3) determine how well the project can compete with applications from others; and (4) eliminate any proposals which have little or no chance for Federal funding before the applicant incurs significant expenditures for preparing an application. A notice of review action will be sent to the applicant within 45 days of the receipt of the preapplication form informing the applicant of the results of the review of the preapplication form. If the review cannot be completed within 45 days, the applicant will be informed by letter as to when the review will be completed.

(b) An Application for Federal Assistance for non-construction shall be submitted by all applicants for grants, however, an Application for Federal Assistance—Short Form may be utilized for single purpose and one-time grant applications for less than $10,000 not requiring clearing house approval, an environmental impact statement, or the relocation of persons, businesses, or farms.

(c) Copies of the applications described in paragraphs (a) and (b) of this section may be obtained from the Federal Aid Coordinator, State Fish and Game Agency, and the Director, U.S.

Fish and Wildlife (Attention: Division of Cooperative Research), Washington, DC 20240. An original and two copies of the appropriate application forms should be submitted to the Director at this address. In order to allow sufficient time for processing, the Federal Assistance Application must be submitted by September 1 of the year preceding the fiscal year in which the research is contemplated. Any requests by grantees for changes, continuations, and supplements to approved grants must be submitted on the same form as the original application.

§ 82.7 Coordination with States.

If the proposed project is to be conducted within the territorial limits of a state, the Secretary shall not enter into an agreement with a non-Federal interest other than a State without first consulting with the State agency.

Subpart C—Administration

§ 82.8 Prosecution of work.

(a) The grantee shall pursue the agreed-upon objectives expeditiously, adhering to the procedures set forth in the Cooperative Agreement. Failure to do so or failure to provide timely and adequate reports shall be cause for the Secretary to withhold further reimbursements to the grantee until project commitments are satisfactorily met. All further disbursement of funds under the cooperative agreement may be terminated upon determination by the Secretary that satisfactory progress has not been maintained.

(b) All work shall be performed in accordance with applicable Federal, state, and local laws, including safety, health and sanitation laws, except that when state and local laws are in conflict with Federal laws or regulations, such Federal laws or regulations shall prevail.

§ 82.9 General information for the Secretary.

Before any Federal funds may be obligated for any project the grantee shall furnish to the Director such information regarding the authority of the grantee to participate in the benefits of the Act, such information of the type described in FMC 74–7 Attachment G, concerning the system to be used by the grantee for the financial management of grant funds, the state laws affecting marine mammals, and such other information as the Director may request.

(a) *Document signature.* The Application for Federal Assistance and the Cooperative Agreement must bear the signature of an official who is legally authorized to commit the prospective grantee to expediture of funds. The Secretary may, from time to time, request, and grantee shall furnish, information relating to the administration and maintenance of any project established under the Act.

(b) [Reserved]

§ 82.10 Payments to grantee.

Payments may be requested by the grantee at intervals of not less than 30 days as work described in the cooperative agreement progresses.

§ 82.11 Forms of vouchers.

Vouchers, on forms provided by the Secretary, showing amounts expended on each project, and the Federal portion claimed to be due on account thereof, shall be certified and submitted to the Director by the grantee.

§ 82.12 Permit requirements.

No work shall commence on a proposal funded under the provisions of 16 U.S.C. 1380 until all appropriate State and Federal permits have been applied for and issued.

§ 82.13 Ownership of property.

When property is acquired pursuant to the provisions of the Act, title to such property or interests therein shall be vested in the grantee as long as the property is used for the authorized purpose. When the property is no longer needed for such purpose, the Director and the grantee shall mutually agree regarding the assignment of title and any compensations consistent with the terms of Federal Management Circular 74–7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.14 Inspection and audit.

(a) Supervision of each project shall be as specified in the initial cooperative agreement and shall include adequate and continuous inspection by the grantee. The project will be subject at all reasonable times to Federal inspection. The Director and the Comptroller General of the United States, or their duly authorized representatives, shall be given access by the grantee during regular business hours to any books, documents, papers, and records of the grantee which are pertinent to the project for the purposes of making audit, examination, excerpts, and transcripts.

(b) The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments of such other sanctions as the Secretary may deem appropriate.

[40 FR 23281, May 29, 1975, as amended at 49 FR 30074, July 26, 1984]

§ 82.15 Record retention.

All records of accounts, and reports, with supporting documentation thereto, will be maintained by the grantee for a period of three years after submission of the final expenditure report, with the qualifications stated in FMC 74–7, Attachment C, paragraph 1.

§ 82.16 Reporting.

Performance reports and other specified reports shall be submitted to the Secretary by the grantee in accordance with requirements prescribed by FMC 74–7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.17 Procurement.

Grantees may use their own procurement regulations which reflect applicable State and local laws, rules, and regulations, provided that procurements made with funds under the Act adhere to the standards set forth in FMC 74–7 or other appropriate referenced Federal Management Circulars cited in § 82.3 of this part.

§ 82.18 Officials not to benefit.

No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or any part of an agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to an agreement made with a corporation for its general benefit.

§ 82.19 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the ''Government Patent Policy,'' President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of government patent policy as printed in 36 FR 16889.

§ 82.20 Civil rights.

Each cooperative agreement shall be supported by a statement of assurance executed by the grantee providing that the project will be carried out in accordance with title VI, non-discrimination in federally assisted programs, of the Civil Rights Act of 1964, 42 U.S.C. 2000d–2000d–4, and with the Secretary's regulations promulgated thereunder, 43 CFR part 17.

§ 82.21 Copyrights.

Where research conducted under a grant issued pursuant to this part results in a book or other copyrightable material, the author or grantee, subject to the terms of the Cooperative Agreement, is encouraged to publish the work, but the Department of the Interior reserves a royalty free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes. Any publication by the grantee must bear in an appropriate place an acknowledgment of grant support under the Marine Mammal Act from the Department of the Interior. In addition, any publication must include a statement that the findings, conclusions, etc., do not necessarily represent the views of the Department of the Interior. At least two copies of any printed publications must

be furnished to the U.S. Fish and Wildlife Service.

PART 83—RULES IMPLEMENTING THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

Sec.

83.1 Definitions.
83.2 Participant eligibility.
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83.19 Land control.
83.20 Assurances.
83.21 Audits.

AUTHORITY: The Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901.

SOURCE: 47 FR 51142, Nov. 12, 1982, unless otherwise noted.

NOTE: The information collection requirement contained in this part has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned control number 1018–0048.

§ 83.1 Definitions.

As used in this part, the following terms mean:

(a) *Act*. The Fish and Wildlife Conservation Act of 1980, Pub. L. 96–366 (16 U.S.C. 2901, et seq.).

(b) *Conservation plan*. A plan for the conservation of fish and wildlife within a State which meets the requirements set forth in this part.

(c) *Designated State agency or State agency*. The Commission, department, division or other agency of a State which has the primary legal authority for the conservation of fish and wildlife. If more than one agency is designated by the State to exercise such authority, the term means each such agency acting with respect to its assigned responsibilities.

(d) *Director*. The Director of the U.S. Fish and Wildlife Service or his/her designee.

(e) *Federal Aid Manual*. The publication of the U.S. Fish and Wildlife Service which contains policies, standards and procedures required for participation in the benefits of the Act.

(f) *Fish and Wildlife*. Wild vertebrate animals that are in an unconfined state.

(g) *Nongame fish and wildlife*. Fish and wildlife that:

(1) Are not ordinarily taken for sport, fur, food, or commerce within the State except that any species legally taken for sport, fur, food, or commerce in some but not all parts of a State may be deemed nongame within any area where such taking is prohibited; and

(2) Are not listed as endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543); and

(3) Are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(5)); and

(4) Are not domesticated species that have reverted to a feral existence.

(h) *Plan species*. Any species or subspecies or ecologic association of species and subspecies which is designated to be addressed through actions set forth in an approved conservation plan.

(i) *Project*. A definitive proposal submitted by a State and approved by the regional director for funding under this Act.

(j) *Regional Director*. The regional director of the U.S. Fish and Wildlife Service or his/her designee.

(k) *Secretary*. The Secretary of the Interior or his/her designee.

(l) *State*. Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territories of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 83.2 Participant eligibility.

Participation is limited to designated State agencies. If a State places primary legal authority for the conservation of fish and wildlife in more than one agency, the governor or

chief executive of that State shall designate the State agency which will serve to coordinate the State actions under this Act. The director of each designated State agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents and of any changes in such authorizations.

§ 83.3 Allocation of funds.

In accordance with the provisions of the Act, the allocation of funds to the States shall take into account the area and population of each State.

(a) Area of the land and water of each State shall be as determined by the Department of Commerce and shall include the area of coastal and Great Lakes waters within each State.

(b) Population of each State shall be the most recent population estimates, as determined by the Department of Commerce.

§ 83.4 Eligible undertakings.

Funding under this Act may be approved by the regional director to carry out projects which meet the standards of substantiality as defined in §83.12 and which conform to one of the following:

(a) A proposal to implement a nongame action in lieu of an approved conservation plan. Upon a showing of need, a State may request funding under this Act before a conservation plan is approved. Such a proposal must:

(1) Be for the purpose of conserving, restoring, or otherwise benefitting nongame fish and wildlife, its habitats or its users;

(2) Comply with standards contained in the Federal Aid Manual; and

(3) Consist of work to be accomplished before October 1, 1986.

(b) A proposal to develop or maintain a conservation plan. The designated State agency may apply for funding of a project for developing a conservation plan, coordinating or consolidating a conservation plan with other plans, or maintaining a previously approved conservation plan. State costs incurred later than September 30, 1991, for the development of a conservation plan cannot be approved for funding.

(c) A proposal to implement actions described in an approved conservation plan. Such a proposal specifies and requests funding to cover one or more of the nongame actions described in the approved conservation plan.

§ 83.5 Limitations.

The following limitations shall apply to the eligibility of projects for funding under the Act:

(a) Of the total estimated costs for any project proposed under this Act, not less than 80 percent shall be for work or activities for the principal benefit of nongame fish and wildlife resources or of the public use of these resources.

(b) Upon approval of a conservation plan, all projects must be limited to actions required for implementing or revising the plan or for coordinating or consolidating the plan with other plans.

(c) Not more than 10 percent of the costs of any project which is carried out in lieu of an approved conservation plan, or which is carried out under an approved conservation plan covering only nongame fish and wildlife resources, may be derived from the sale of hunting, fishing, and trapping licenses and from penalties (including forfeitures) for violations of hunting, fishing, and trapping laws of the State.

(d) Not more than 10 percent of the estimated costs for projects to be funded shall be for law enforcement activities.

(e) Not more than 10 percent of the cost of implementing any project under this Act shall be funded by in-kind contributions from third parties.

§ 83.6 Appeals.

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determinations rests with the Secretary.

§ 83.7 Availability of funds.

Funds allocated to a State under the Act are available for obligation and expenditure during the fiscal year for which they are allocated and until the close of the succeeding fiscal year. For the purpose of this section, obligation of allocated funds occurs when a

project agreement is approved by the Regional Director.

§ 83.8 Submission of proposals for funding.

To make application for funds allocated under this Act, the State shall submit to the regional director an Application for Federal Assistance.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with the Act, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Applications must be signed by the director of the designated State agency or the official(s) delegated to exercise the authority and responsibilities of such director in committing the State to participation under the Act.

§ 83.9 Conservation plans.

A conservation plan submitted to the regional director for approval shall meet the requirements for substantiality set forth in § 83.12(a) and the standards prescribed in the Federal Aid Manual, and shall:

(a) Identify the species of nongame fish and wildlife, and other fish and wildlife deemed appropriate by the designated State agency which are within the State and are valued for ecological, educational, aesthetic, cultural, recreational, economic, or scientific benefits by the public;

(b) Provide for inventory(ies) of the identified species (plan species) to determine:

(1) Their population size, distribution, and range; and

(2) The extent, condition, and location of their significant habitats.

(c) Identify the significant problems which may adversely affect the plan species;

(d) Determine actions which should be taken to conserve the plan species and their significant habitats. Actions proposed will seek to optimize population levels, population distributions, and human benefits while taking fully into account the effects on non-target species and user groups. The actions will utilize methods and procedures which will, to the maximum extent practicable, ensure the well-being and enhancement of the plan species;

(e) Establish priorities for implementing the actions proposed in (d);

(f) Provide for regular monitoring of the plan species and the effectiveness of the actions implemented;

(g) Provide for the review of the plan and revision, if appropriate, at intervals of not more than 3 years;

(h) Describe procedures by which inputs have been solicited from the public during plan development and by which inputs will be solicited during revision and implementation of the plan;

(i) Indicate State and Federal agencies which were consulted during plan development and which will be consulted during plan implementation. If plan implementation will entail substantive cooperation with other agencies, an agreement describing the intended cooperation and signed by the involved parties must be executed before funding is authorized.

§ 83.10 Cost sharing.

Federal and State participation in the costs incurred in completion of approved work funded by this Act shall be limited as follows:

(a) The Federal share may not exceed:

(1) Ninety percent of the costs for development of conservation plans, except after September 30, 1984, the Federal share may not exceed 75 percent of the cost for development of conservation plans, and after September 30, 1991, no reimbursement may be paid under this Act for development of a conservation plan;

(2) Seventy-five percent of the costs for implementing and revising an approved conservation plan, except the Federal share may be increased to 90 percent if two or more States have mutually agreed to cooperate in implementation projects, provided, however, that after September 30, 1991, the Federal share may not exceed 50 percent if the conservation plan covers only nongame species;

(3) Seventy-five percent of the costs incurred prior to October 1, 1986, for projects which are not covered by an approved conservation plan, except the Federal share may be increased to 90

percent if two or more States have mutually agreed to cooperate in projects.

(b) The State share of project costs:

(1) May be in the form of cash or in-kind contributions, subject to the limitations described in §83.5 and the following conditions:

(i) The allowability and valuation of in-kind contributions shall be in accordance with the provisions of OMB Circular A–102 and the policies and standards as described in the Federal Aid Manual.

(ii) Volunteers proposed by the State to provide personal services to be claimed as in-kind contributions must possess qualifications appropriate to the service to be performed. The State must attest to such qualifications of all such volunteers based on the volunteers' training, experience or employment status, or upon an endorsement provided by a recognized institution, agency, or professional society.

(2) May not be derived from other Federal funds.

§ 83.11 Cooperation between States.

Whenever two or more States propose to cooperate in the revision of a conservation plan or in a conservation action which will result in a higher rate of Federal costsharing, such States shall describe in documentation the plan or action to be jointly undertaken. The proposed cooperation shall:

(a) Require each cooperating State to accept and carry out a substantial share of the described undertaking;

(b) Enhance the effectiveness of or reduce the total cost in accomplishing the project purpose;

(c) Be supported by a memorandum of understanding executed by the cooperating States.

§ 83.12 Project requirements.

Each project proposed for funding under the Act shall be substantial in character and design and shall be in conformance with the policies and standards contained in the Federal Aid Manual.

(a) A substantial project for plan development or plan maintenance is one which:

(1) Provides defined objectives related to completion or revision of the plan, with schedules for completion;

(2) Utilizes accepted planning techniques and appropriate procedures;

(3) Provides for public involvement;

(4) Accomplishes its purpose at a reasonable cost;

(5) Provides assurance that, upon completion of the plan, the State intends to be guided by the conservation plan being developed or maintained.

(b) A substantial project for implementation of approved conservation plans is one which:

(1) Identifies specific conservation actions contained in the plan;

(2) Identifies the objectives to be accomplished related to the needs described in the plan;

(3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures.

(c) A substantial project for actions in lieu of an approved conservation plan is one which:

(1) Identifies and describes a need within the purposes of the Act;

(2) Identifies the objectives to be accomplished based on the stated need;

(3) Utilizes accepted conservation and management principles, sound design, and appropriate procedures;

(4) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

§ 83.13 Application of funds provided under the Act.

(a) Funds provided under this Act shall be applied only to activities or purposes approved by the regional director or contained in a conservation plan approved by the regional director. If otherwise applied, such funds must be replaced by the State to maintain eligibility.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed:

(1) When such property passes from management control of the designated State agency, either the control must be fully restored to the designated State agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal or commensurate nongame fish and wildlife benefits as the original property. The State may

be granted up to 3 years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property shall be used or disposed of as provided in Attachment N of OMB Circular A–102.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and its disposition shall be in accordance with Attachment E of OMB Circular A–102.

§ 83.14 Allowable costs.

Allowable costs are limited to those which are necessary and reasonable for accomplishment of the approved project or action and are in accordance with the cost principles of OMB Circular A–87.

(a) All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the Secretary to determine the allowability of costs.

(b) Costs incurred prior to the effective date of the project agreement are allowable only when specifically provided for in the project agreement.

(c) Projects or facilities designated to include purposes other than those eligible under the Act shall provide for the allocation of costs among the various purposes. The method uses to allocate costs shall produce an equitable distribution of costs based on the relative used or benefits provided.

§ 83.15 Payments.

Payments to the State shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official specified by the designated State agency and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the regional director.

§ 83.16 Maintenance.

The State is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. Costs for such maintenance are allowable when provided for in approved projects. The maintenance of improvements acquired or constructed with non-Federal Aid funds are allowable costs when such improvements are necessary to accomplishment of project purposes as approved by the regional director, and when such costs are otherwise allowable by law.

§ 83.17 Responsibilities.

In the conduct of activities funded under the Act, the State is responsible for:

(a) The supervision of each project to assure that it is conducted consistent with the project documents and that it provides:

(1) Proper and effective use of funds;

(2) Maintenance of project records;

(3) Timely submission of reports;

(4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

(1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion;

(2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purposes for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

§ 83.18 Records.

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A–102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of 3 years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the 3-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of 3 years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

§ 83.19 Land control.

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Control may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

§ 83.20 Assurances.

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Act. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend any actions or projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

§ 83.21 Audits.

The State is required to conduct an audit at least every two years in accordance with the provisions of Attachment P of OMB Circular A–102. Failure to conduct audits as required may result in withholding of grant payments or such other sanctions as the Secretary may deem appropriate.

[49 FR 30074, July 26, 1984]

PART 84—NATIONAL COASTAL WETLANDS CONSERVATION GRANT PROGRAM

Subpart A—General Background

Sec.

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84.11 How does the Service define the terms used in this rule?
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Subpart B—Applying for Grants

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AUTHORITY: 16 U.S.C. 3951–3956.

SOURCE: 67 FR 49267, July 30, 2002, unless otherwise noted.

Subpart A—General Background

§ 84.10 What is the purpose and scope of this rule?

The regulations in this part establish the requirements for coastal State participation in the National Coastal Wetlands Conservation Grant Program authorized by Section 305 of the Coastal Wetlands Planning, Protection and Restoration Act (Pub L. 101–646, title III; 16 U.S.C. 3954). The primary goal of the National Coastal Wetlands Conservation Grant Program is the long-term conservation of coastal wetlands ecosystems. It accomplishes this by helping States protect, restore, and enhance their coastal habitats through a competitive grants program. Results are measured in acres protected, restored, and enhanced.

§ 84.11 How does the Service define the terms used in this rule?

Terms used have the following meaning in this part:

Coastal barrier. A depositional geologic feature that is subject to wave, tidal, and wind energies; protects landward aquatic habitats from direct wave attack; and includes all associated aquatic habitats such as adjacent wetlands, marshes, estuaries, inlets, and nearshore waters. These can include islands; spits of land connected to a mainland at one end; sand bars that connect two headlands and enclose aquatic habitat; broad, sandy, dune beaches; or fringing mangroves. Coastal barriers are found on coastlines including major embayments and the Great Lakes of the United States and its territories.

Coastal Barrier Resources System. A defined set of undeveloped coastal areas, designated by the Coastal Barrier Resources Act of 1982 (Pub. L. 97–348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101–591). Within these defined units of the System, Federal expenditures are restricted to discourage development of coastal barriers.

Coastal States. States bordering the Great Lakes (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin); States bordering the Atlantic, Gulf (except Louisiana), and Pacific coasts (Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Virginia, and Washington); and American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands. (Louisiana is not included because it has its own wetlands conservation program authorized by the Coastal Wetlands Planning, Protection and Restoration Act and implemented by the Corps of Engineers with assistance from the State of Louisiana, the Environmental Protection Agency, and the Departments of the Interior, Agriculture, and Commerce.)

Coastal wetland ecosystems. Ecosystems that consist of multiple, interrelated coastal land features. They include wetlands in drainage basins of estuaries or coastal waters that contain saline, brackish, and nearshore waters; coastlines and adjacent lands; adjacent freshwater and intermediate wetlands that interact as an ecological unit; and river mouths and those portions of major river systems affected by tidal influence—all of which interact as an integrated ecological unit. Shorelands, dunes, nearshore islands, barrier islands and associated headlands, and freshwater wetlands within estuarine drainages are included in the definition since these interrelated features are critical to coastal fish, wildlife, and their habitats.

The definition of a coastal wetland ecosystem also applies to the Great Lakes and their watersheds, where freshwater plays a similar hydrologic role. The Great Lakes coastal wetland ecosystem is made up of multiple interrelated coastal landscape features along the Great Lakes. The Great Lakes coastal wetland ecosystem includes wetlands located adjacent to any of the Great Lakes including Lake St. Clair and connecting waters, and mouths of river or stream systems

draining directly into the Great Lakes. Shorelands, dunes, offshore islands, and barrier islands and associated headlands are included in the definition since these interrelated features are critical to Great Lakes fish, wildlife, and their habitats.

Coastal Wetlands Act or Act. The Coastal Wetlands Planning, Protection and Restoration Act of 1990 (16 U.S.C. 3951–3956).

Eligible applicant. Any agency or agencies of a coastal State designated by the Governor. It is usually a State natural resource or fish and wildlife agency.

Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland (undisturbed or degraded) site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present.

Fund. A fund established and used by a coastal State for acquiring coastal wetlands, other natural areas, or open spaces. The fund can be a trust fund from which the principal is not spent, or a fund derived from a dedicated recurring source of monies including, but not limited to, real estate transfer fees or taxes, cigarette taxes, tax checkoffs, or motor vehicle license plate fees.

Grant. An award of financial assistance by the Federal Government to an eligible applicant.

Long-term conservation. Protecting and restoring terrestrial and aquatic environments for at least 20 years. This includes the hydrology, water quality, and fish and wildlife that depend on these environments.

Maintenance. (These activities are ineligible under the program; the definition is included to distinguish these activities from acquisition, restoration, enhancement, and management.) Maintenance includes those activities necessary for upkeep of a facility or habitat. These activities include routine, recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is nonroutine cyclical maintenance to keep facilities or habitat improvements fully functional. Cyclical maintenance is major maintenance or renovation activities conducted at intervals normally greater than 1 year.

Management. (Includes habitat management only.) Habitat management includes vegetation manipulation and restoration of habitat to support fish and wildlife populations. Creation of wetlands where they did not previously exist is not included in the definition of management.

Maritime forest. Maritime forests are defined, for the purposes of this regulation, as broad-leaved forests that occur on barrier islands and along the mainland coast from Delaware to Texas. Examples are primarily characterized by a closed canopy of various combinations of live oak (*Quercus virginiana*), upland laurel oak (*Quercus hemisphaerica*), pignut hickory (*Carya glabra*), southern magnolia (*Magnolia grandiflora*), sugarberry (*Celtis laevigata*), and cabbage palm (*Sabal palmetto*). Shrubs and smaller trees typical of the understory include live oak, upland laurel oak, pignut hickory, red mulberry (*Morus rubra*), wild olive (*Osmanthus americanus*), American holly (*Ilex opaca*), yaupon (*Ilex vomitoria*), beautyberry (*Callicarpa americana*), bumelia (*Sideraxylon* spp.), and small-flowered pawpaw (*Asimina parviflora*). The herb layer is generally rich and diverse, typically including partridgeberry (*Mitchella repens*), coralbean (*Erythrina herbacea*), small-leaved milk pea (*Galactia microphylla*), tick trefoils (*Desmodium* spp.), and spikegrass (*Chasmanthium sessiliflorum*). Vines are represented by muscadine grape (*Vitis rotundifolia*), Virginia creeper (*Parrhenocissus quinquefolia*), and various briers (*Smilax* spp.).

This natural community type becomes established on old coastal dunes that have been stabilized long enough to sustain forests. In time, the accumulation of humus contributes to moisture retention of soils, while the canopy minimizes temperature fluctuations by reducing soil warming during the day and heat loss at night. Because of the underlying deep sands, maritime forests are generally well-drained.

Maritime forests have become prime resort and residential property because of their relatively protected locations

along the coast. Although this community type originally occurred in virtually continuous strips along the Atlantic and Gulf Coasts, residential developments and infrastructure encroachments have severely fragmented most occurrences.

National Wetlands Inventory. A Service program that produces information on the characteristics, extent, and status of the Nation's wetlands and deepwater habitat. The program's strongest mandates come from the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901), which directs the Service to map wetlands, conduct wetlands status and trends studies, and disseminate the information produced.

National Wetlands Priority Conservation Plan. A plan developed by the Service for the U.S. Department of the Interior at the direction of Congress through the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901). The plan provides the criteria and guidance for identifying wetlands that warrant attention for Federal and State acquisition using Land and Water Conservation Fund appropriations.

Operations. (These activities are ineligible under the program; the definition is included to distinguish these activities from acquisition, restoration, enhancement, and management.) Operations include activities necessary for the functioning of a facility or habitat to produce desired results. These include public use management and facility management.

Program. The National Coastal Wetlands Conservation Grant Program. A program administered by the Service that awards Federal grants through a competitive process to State agencies for projects to acquire, restore, manage, or enhance coastal wetlands.

Project. One or more related activities necessary to fulfill a stated objective to provide for the long-term conservation of coastal wetlands including the lands and waters, hydrology, water quality, and wetland-dependent wildlife. These activities can include acquisition, restoration, enhancement, or management of coastal wetlands.

Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded wetland.

§ 84.12 What are the information collection, record keeping, and reporting requirements?

(a) Information collection requirements include:

(1) An Application for Federal Assistance (Standard Form 424);

(2) A proposal, following the guidance of OMB Circular A–102 and the Federal Aid Grant Application Booklet (OMB Control Number 1018–0109), that includes statements of need and objective(s); a description of expected results or benefits; the approach to be used, such as procedures, schedules, key personnel and cooperators, location of the proposed action, and estimated costs to accomplish the objective(s); identification of any other actions that may relate to the grant; and a description of public involvement and interagency coordination;

(3) Discussion of ranking criteria, including a completed summary information form (USFWS Form 3–2179);

(4) Assurances of compliance with all applicable Federal laws, regulations, and policies (SF 424B or SF 424D); and

(5) Documents, as appropriate, supporting the proposal; for example, environmental assessments (including the NEPA compliance checklist, USFWS Form 3–2185) and evaluations of effects on threatened and endangered species.

(6) A grant agreement form if the proposal is selected for an award (USFWS Form 3–1552); and

(7) A grant amendment form if the agreement is modified (USFWS Form 3–1591).

(b) Record-keeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performance (43 CFR 12.80), and financial reporting (43 CFR 12.81). The project report should include information about the acres conserved, with a breakdown by conservation method (for example, acquired, restored, or both) and type of habitat (list habitat types and include the acreage of each). Are the results of the project being monitored? Is there evidence that the resources targeted in the proposal (for example, anadromous

fish, threatened and endangered species, and migratory birds) have benefited?

(c) Reporting requirements include retention and access requirements as specified in 43 CFR 12.82 and authorized by OMB through the Federal Aid Grant Application Booklet (OMB Control Number 1018–0109).

Subpart B—Applying for Grants

§ 84.20 What are the grant eligibility requirements?

(a) Eligible grant activities include:

(1) Acquisition of a real property interest in coastal lands or waters from willing sellers or partners (coastal wetlands ecosystems), providing that the terms and conditions will ensure the real property will be administered for long-term conservation.

(2) The restoration, enhancement, or management of coastal wetlands ecosystems, providing restoration, enhancement, or management will be administered for long-term conservation.

(b) Ineligible activities include but are not limited to:

(1) Projects that primarily benefit navigation, irrigation, flood control, or mariculture;

(2) Acquisition, restoration, enhancement, or management of lands to mitigate recent or pending habitat losses resulting from the actions of agencies, organizations, companies, or individuals;

(3) Creation of wetlands by humans where wetlands did not previously exist;

(4) Enforcement of fish and wildlife laws and regulations, except when necessary for the accomplishment of approved project purposes;

(5) Research;

(6) Planning as a primary project focus (planning is allowable as a minimal component of project plan development);

(7) Operations and maintenance;

(8) Acquiring and/or restoring upper portions of watersheds where benefits to the coastal wetlands ecosystem are not significant and direct; and

(9) Projects providing less than 20 years of conservation benefits.

§ 84.21 How do I apply for a National Coastal Wetlands Conservation Grant?

(a) Eligible applicants should submit their proposals to the appropriate Regional Director of the U.S. Fish and Wildlife Service. Proposals must be complete upon submission, and must include the information outlined in § 84.22 to be complete.

(1) Service Regional Federal Aid Offices' responsibilities for administration of this grant program include: Notifying the States of the program, its requirements, and any changes that occur; determining the State agencies designated by the Governor as eligible applicants; ensuring that only eligible applicants apply for grants; coordinating with various Service programs to ensure that sound and consistent guidance is communicated to the States; determining proposal eligibility and substantiality; and determining 75 percent match eligibility and notifying the States of approved and disapproved proposals.

(2) Service Divisions of Ecological Services in the regions and field and Fisheries and Habitat Conservation in the national office provide technical assistance and work with Federal Aid to encourage State participation in this process.

(3) Send your proposals to the appropriate Regional Offices, as follows:

Coastal states by service regions	Regional contact information
American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Oregon, and Washington (Region 1).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6128.
Texas (Region 2)	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue, SW, Albuquerque, New Mexico 87103, (505) 248–7450.
Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin (Region 3).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, (612) 713–5130.

Coastal states by service regions	Regional contact information
Alabama, Florida, Georgia, Mississippi, North Carolina, Puerto Rico, South Carolina, and the Virgin Islands. Louisiana is not eligible to participate under Section 305 of 16 U.S.C. 3954, because Louisiana has its own separate program. (Region 4).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345, (404) 679–4159.
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia (Region 5).	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589, (413) 253–8508.
Alaska (Region 7)	Regional Director (Attention: Federal Aid), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786–3435.

(b) The Program operates on an annual cycle. Regional Federal Aid Offices request proposals from the States in early April. Proposals must be received by the Regional Director on or before a due date set in early June in order to be considered for funding in the following fiscal year. Check with your Regional Office each year for the exact due dates. Regions review proposals for eligibility and substantiality. Regions may rank eligible and substantial proposals and submit them to the national office of the Service in Washington, DC, by a date set in late June. A Review Panel coordinated by the Service's National Office of Fisheries and Habitat Conservation reviews and ranks proposals in early August using the criteria established in this rule. The Director selects the proposals and announces the grant recipients at the beginning of the new fiscal year (October 1).

(c) More than one agency in a State may submit proposals to the Service if the Governor determines that more than one agency has responsibility for coastal wetlands.

(d) A project proposal that includes several separate and distinct phases may be submitted in phases, but any succeeding phases must compete against other proposals in the year submitted. Obtaining money for one phase of a project will not be contingent upon acquiring money for another phase of that same project.

(e) The Federal (Program) share will not exceed $1 million per project.

(f) The percentage of non-Federal match (cash or in-kind) must not be less than 25 percent of the total costs if the State has a designated fund or not less than 50 percent without a fund.

§ 84.22 What needs to be included in grant proposals?

Proposals must include the following:

(a) Application for Federal Assistance (Standard Form 424);

(b) A Statement of Assurances of compliance with applicable Federal laws, regulations, and policies (either Standard Form 424B or 424D); and

(c) A project statement that identifies and describes:

(1) The need within the purposes of the Act;

(2) Discrete, quantifiable, and verifiable objective(s) to be accomplished during a specified time period;

(3) Expected results or benefits, in terms of coastal lands and waters, the hydrology, water quality, or fish and wildlife dependent on the wetlands;

(4) The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, and cooperators;

(5) A project location, including two maps: A map of the State showing the general location of the proposal, and a map of the project site;

(6) Estimated costs to attain the objective(s) (the various activities or components of each project should be broken down by cost and by cooperator);

(7) If the request is more than $100,000 (Federal share), the applicant must submit a Form DI–2010, certifying that the grant money will not be used for lobbying activities;

(8) A concise statement, with documentation, of how the proposal addresses each of the 13 numeric criteria including a summary using FWS Form No. 3–2179 (see § 84.32);

(9) A description of the State trust fund that supports a request for a 75

percent Federal share in sufficient detail for the Service to make an eligibility determination, or a statement that eligibility has been previously approved and no change has occurred in the fund;

(10) A list of other current coastal acquisition, restoration, enhancement, and management actions; agency(ies) involved; relationship to the proposed grant; and how the proposal fits into comprehensive natural resource plans for the area, if any; and

(11) Public involvement or interagency coordination on coastal wetlands conservation projects that has occurred or is planned that relates to this proposal (Specify the organizations or agencies involved and dates of involvement.).

Subpart C—Project Selection

§ 84.30 How are projects selected for grants?

Project selection is a three-step process: proposal acceptance, proposal ranking, and proposal selection.

(a) *Proposal acceptance.* (1) The Regional Federal Aid Offices decide whether a proposal should be accepted for consideration by determining if the proposal is complete, substantial, and contains activities that are eligible. Proposals that do not qualify are immediately returned to the State. Revision and resubmission of returned proposals is allowable during this period, which is in June (check with your Regional Office for the exact dates each year). If any of the factors of completeness, substantiality, or eligibility are not met, the Regions should not forward the proposal to the Washington Office.

(2) To be considered for acceptance, the proposal must be substantial in character and design. A substantial proposal is one that:

(i) Identifies and describes a need within the purposes of the Act;

(ii) Identifies the objective to be accomplished based on the stated need;

(iii) Uses accepted principles, sound design, and appropriate procedures;

(iv) Provides public conservation benefits that are cost effective and long-term, i.e., at least 20 years; and

(v) Identifies obtainable, quantified performance measures (acres enhanced, restored, or protected) that help achieve the management goals and objectives of the National Coastal Wetlands Conservation Grant Program. Through this program, the States' efforts and leadership will help the Service meet its Long-Term and Annual Performance Goals as expressed in the Service's Annual Performance Plan.[1]

(3) The grant limit is $1 million. Proposals requesting Program awards that exceed $1 million will be returned to the appropriate State. Similarly, individual projects that have clearly been divided into multiple proposals for submission in one grant cycle to avoid this limit will be returned to the appropriate State. The State can revise and resubmit the proposal so that the request does not exceed the $1 million limit.

(b) *Proposal ranking.* Once a proposal is accepted by the Region, the Regional Federal Aid Office sends the proposal to the National Federal Aid Office, which works with the National Office of the Fish and Wildlife Management and Habitat Restoration Program for distribution to a Review Panel. The Review Panel includes representation from our coastal Regions and from other Service Programs, for example, the Endangered Species Program. The Fisheries and Habitat Conservation Program is responsible for coordinating the review and ranking of proposals according to the established criteria, a process that usually involves a national meeting.

(c) *Proposal selection.* The Review Panel's recommendations are forwarded to the Director of the Service for a final review and project selection. The Director announces the selection by October 1.

§ 84.31 An overview of the ranking criteria.

(a) The primary objective of the proposal will be to acquire, restore, enhance, or manage coastal wetlands to

[1] The Service's Annual Performance Plan can be found on the Service's homepage at *http://www//.fws.gov/r9gpra.* For more information you might also contact the Budget Office at 202–208–4596 or the Planning and Evaluation Staff at 202–208–2549.

benefit coastal wetlands and the hydrology, water quality, and fish and wildlife dependent upon them. The Program will not provide grants, for example, for construction or repair of boat ramps or docks for recreational purposes and construction or support of research facilities or activities. The purpose of the ranking criteria is to provide a means for selecting the best projects—those that produce the maximum benefits to coastal wetlands and the fish and wildlife that depend on them.

(b) *Proposal ranking factors.* (1) *Ranking criteria.* As explained in § 84.32, we will evaluate proposals according to 13 ranking criteria. These criteria have varying point values. Proposals must address each of these 13 criteria.

(2) *Additional considerations.* Even though the criteria provide the primary evaluation of proposals, we may factor additional considerations into the ranking decision at the national level. In case of a tie, we will use these additional considerations to rank proposals having identical scores.

(c) The criteria in § 84.32 are not listed in priority order.

(d) Points are assigned on the basis of a completed project, rather than current conditions, e.g., count 50 acres of estuarine emergent wetlands if 50 acres of that habitat type will be restored when the project is completed.

(e) A range of points rather than a set point value allows the reviewer to distinguish between, for example, a proposal that provides some foraging habitat for a threatened species versus one that provides critical nesting habitat of several endangered species. Scoring guidance is included with the individual criteria.

(f) A total of 64 points is possible under the scoring system.

(g) If a grant proposal is not selected, the State may resubmit it for reconsideration in subsequent fiscal years. Resubmission of a grant proposal is the responsibility of the applicant.

§ 84.32 What are the ranking criteria?

(a) The U.S. Fish and Wildlife Service will rank proposals using the 13 criteria listed below. In the following list, a description of each criterion is followed by examples and the points they would receive for that criterion.

(1) *Wetlands conservation.* Will the project reverse coastal wetland loss or habitat degradation in decreasing or stable coastal wetland types? Will it conserve wetlands to prevent losses of decreasing or stable wetland types? (Maximum: 7 points)

(i) The majority of the project area (over 50 percent) is nationally decreasing coastal wetland types,[2] or the majority is regionally decreasing wetlands types in which the case for regionally decreasing is well-documented (Up to 7 points). The nationally decreasing types are estuarine intertidal emergent; estuarine intertidal forested; estuarine intertidal scrub-shrub; marine intertidal; palustrine emergent; palustrine forested; and palustrine scrub-shrub. Describe the wetlands using terms listed above. Include a breakdown showing the percentage of the proposal's total and wetland acreage in decreasing types. Provide National Wetlands Inventory codes/information if available. Information about these can be found on the National Wetland Inventory's web site at *http://wetlands.fws.gov*.

(ii) The majority of the project area (over 50 percent) is nationally stable coastal wetlands types[2] (Up to 5 points). The nationally stable types are estuarine intertidal non-vegetated and estuarine subtidal. Describe the wetlands using the terms listed above. Include a breakdown showing the percentage of the proposal's total and wetland acreage in stable types. Provide National Wetlands Inventory codes/information if available.

(iii) Wetlands benefited are less than 50 percent of the project area. (Up to 3 points)

(iv) If the project would benefit wetlands in the upper portion of the coastal watershed, but does not demonstrate significant and direct benefits to coastal wetlands, the proposal will not receive any points. (0 points)

(v) We will award a full 7 points to proposals that document that over 50

[2] These designations are based on the National Wetlands Priority Conservation Plan. For more information about the plan, or to receive a copy of the document, refer to the contact information provided in § 84.21.

percent of their project area would be, upon project completion, decreasing coastal wetland types. A combination of decreasing and stable types that is over 50 percent of the project area could receive an intermediate score of 4, 5, or 6 points, depending on the balance between decreasing and stable types. If wetlands are 50 percent or less of the project area, use the following guide for allocating points: 25 to 50 percent of the project area is decreasing or stable wetlands, 2, 3, or 4 points; 5 to 24 percent, 1 or 2 points; and less than 5 percent, 0 points.

(2) *Maritime forests on coastal barriers.* Will the proposal significantly benefit maritime forests on coastal barriers? The coastal barrier does not need to be a unit of the Coastal Barrier Resources System. (Maximum: 7 points)

(i) The proposal documents significant benefit to maritime forests on a coastal barrier. Describe the forest in sufficient detail so reviewers can determine whether it meets the definition of ''maritime forest.'' (Up to 7 points)

(ii) The proposal does not benefit maritime forests on a coastal barrier. (0 points)

(iii) For this criterion most scores should be either 0 or 7. If questions arise about the significance of the benefit or whether the forests meet the strict definition, an intermediate score could be given.

(3) *Long-term conservation.* Does the project ensure long-term conservation of coastal wetland functions? The project must provide at least 20 years of conservation benefits to be eligible. (Maximum: 7 points)

(i) Once the project is complete, the project will provide continuing coastal wetlands benefits in perpetuity (100 years or longer). (7 points)

(ii) Once the project is complete, the project will provide continuing coastal wetland benefits for 50–99 years. (3 to 6 points)

(iii) Once the project is complete, the proposal will provide continuing coastal wetlands benefits for 20–49 years. (1 to 3 points)

(iv) The proposal should show how the project will be maintained and the benefits sustained over time. Proposals must include adequate documentation of long-term conservation of coastal wetland values, such as a 25-year easement, to receive points for this criterion. If part of the project's benefits will be perpetual (owned in fee title, for example) and part is estimated to last 20 years, reviewers should weigh the different elements of the project and give an intermediate score.

(4) *Coastal watershed management.* Would the completed project help accomplish the natural resource goals and objectives of one or more formal, ongoing coastal ecosystem or coastal watershed management plan(s) or effort(s)? Describe the management plan or effort(s). (Maximum: 3 points)

(i) The project supports the natural resource goals of identified formal, ongoing coastal ecosystem or coastal watershed management plans or efforts. Describe the management plan(s) and/or effort(s) and explain how this project relates to its objectives. A plan that very specifically identifies the site will receive more points than a plan containing many generic references. (Up to 3 points)

(ii) The project does not support the natural resource goals and objectives of a formal, ongoing coastal ecosystem or coastal watershed management effort. If the proposal benefits the upper portions of coastal watersheds, but provides no significant and direct benefits to the coastal wetlands ecosystems, the proposal will not receive points. (0 points)

(5) *Conservation of threatened and endangered species.* Will the project benefit any federally listed endangered or threatened species, species proposed for Federal listing, recently delisted species, or designated or proposed critical habitat in coastal wetlands? Will it benefit State-listed threatened and endangered species? (Maximum: 5 points)

(i) The project will provide, restore, or enhance important habitat (e.g., nesting, breeding, feeding, nursery areas) for federally listed or proposed endangered or threatened species that use the coastal area project site for at least part of their life cycle. The project will benefit recently delisted species and habitat conservation plans developed under the auspices of the Endangered Species Act. List the species and their status (e.g., threatened or endangered) and provide documentation

(e.g., cite recovery plan, attach letter from species expert) of current or recent species occurrence in the coastal area project site. Describe the importance of the habitat. (Up to 5 points)

(ii) The project will provide, restore, or enhance important habitat for State-listed threatened and endangered species. (Up to 2 points)

(iii) The project will not provide, restore, or enhance important habitat for federally or State-listed or proposed endangered or threatened species in the coastal area project site for any part of their life cycle. If the proposal provides benefits to threatened and endangered species in the upper portion of the coastal watershed, but provides no significant and direct benefits to threatened and endangered species using coastal wetlands ecosystem habitat, the proposal will not receive any points. (0 points)

(iv) The combined scores of subparagraphs (a)(5)(i) and (a)(5)(ii) of this section cannot exceed the 5-point maximum.

(6) *Benefits to fish.* Will the project provide, restore, or enhance important fisheries habitat? (Maximum: 5 points)

(i) The project will provide, restore, or enhance important habitat (i.e., spawning, nursery, juvenile, or foraging habitat) for specific species that use the coastal area project site for at least part of their life cycle. These species may include anadromous, interjurisdictional, or other important species. List species, habitat types, and benefits to each species. (Up to 5 points)

(ii) The project does not document current or future benefits to fish species and their habitat. (0 points)

(iii) The more specific the information is on the use of the area and the importance of the habitat, the greater the points. An area specifically identified as critical for conservation in a fisheries management plan will, for example, receive more points than one which is not.

(7) *Benefits to coastal-dependent or migratory birds.* Will the project provide, restore, or enhance important habitat for coastal-dependent or migratory birds?

(i) The project will provide, restore, or enhance important habitat (i.e., breeding, staging, foraging, wintering/summering habitat) benefits for at least part of the life cycle of coastal dependent or migratory birds. List the species and habitat types, and describe the benefits to each. (Up to 5 points)

(ii) The project will not significantly benefit coastal-dependent or migratory birds. (0 points)

(iii) We will give maximum points to projects that benefit coastal-dependent species identified in the North American Waterfowl Plan or listed as species of management concern.[3] Proposals should also include information that demonstrates how the project will contribute to the regional goals developed under the U.S. Shorebird Conservation Plan, the North American Waterbird Conservation Plan, Partners in Flight, the North American Waterfowl Management Plan, or other bird conservation initiatives. Proposals that fail to do so will not receive maximum points. Indicate if the proposed area has been specifically identified by any program or agency for its migratory bird values.

(8) *Prevent or reduce contamination.* Will the project prevent or reduce input of contaminants to the coastal wetlands and associated coastal waters, or restore coastal wetlands and other associated coastal waters that are already contaminated? (Maximum: 5 points)

(i) The project will prevent significant inputs of contaminants or will provide significant improvements to the quality of the coastal wetland and associated waters through protection from contaminants or restoration, including assimilation of nutrients and nonpersistent toxic substances. Describe the types and sources of possible or current impairment to the coastal wetland and other associated coastal waters (e.g., to water quality, sediments, flora, or fauna). Describe how contaminant inputs or residues will be prevented, reduced, or eliminated. Preventing contaminants by precluding residential development through acquisition will not normally warrant full

[3] For more information about species of management concern, visit the website migratorybirds.fws.gov or contact the Division of Migratory Bird Management at 703–358–1714.

points unless the applicant can be shown that significant contamination would have occurred otherwise. (Up to 5 points)

(ii) The proposal will not significantly prevent impairment or improve the quality of the coastal wetland and associated coastal waters. If the proposal provides positive water quality benefits in the upper portions of watersheds, but provides no significant and direct positive water quality benefits to coastal wetland ecosystems, the proposal will not receive points. (0 points)

(iii) Show direct links between contamination and wildlife and aquatic habitats. To receive full points, you should provide documentation of the linkage. Reviewers may consider the extent of contaminants prevention/reduction when assigning points. Proposals having the potential to produce an attractive nuisance (e.g., acquiring and/or restoring a wetland that will be attractive to wildlife and that also has the potential to accumulate high levels of persistent toxic metals or hydrocarbon compounds) will not receive points.

(9) *Catalyst for future conservation.* Is the project proposal designed to leverage other ongoing coastal wetlands protection projects in the area, such as acquisition of areas to add to already acquired coastal lands, or provide impetus for additional restoration? (Maximum: 4 points)

(i) The project will be essential (e.g., key to completion or implementation of a greater conservation plan) to further advance or promote other coastal projects under way. Explain why. (Up to 4 points)

(ii) The project proposal does not demonstrate a positive impact on other coastal projects. (0 points)

(iii) To receive the maximum number of points, the proposal should be essential to the initiation or completion of a larger project. Examples may include acquisition of key in-holdings within a larger protected area, funds necessary to acquire fee simple interest in properties where a conservation easement has already been secured, and funds necessary to complete restoration activities to a protected area.

(10) *Partners in conservation.* Will the proposal receive financial support, including in-kind match, from private, local, or other Federal interests? (Maximum: 4 points)

(i) The proposal includes the State applicant plus one or more non-State financial partners. (Up to 4 points)

(ii) The proposal includes only financial support from the State applicant. (0 points)

(iii) A written description of commitment of funds or in-kind match from the partners must accompany the proposal. (This requirement is in addition to signing the Assurances Form.) The purpose of this criterion is to promote partnerships with private, local, or other Federal agencies rather than to increase the dollar amount of the matching share. Therefore, no specific minimum amount is indicated here. At least two partners, in addition to the State applicant, should have committed money to the project to receive maximum points.

(11) *Federal share reduced.* Does the proposal significantly reduce the Federal share by providing more than the required match amount? In the case of a Territory or Commonwealth that does not require match funds, does the proposal include financial support from sources other than the Territory or Commonwealth? (Maximum: 5 points)

(i) The State, territory, or commonwealth applicant must have a non-Federal funding source (in-kind match does not count for this criterion) that reduces the Federal share. (Up to 5 points)

(ii) The maximum Federal share is requested by the proposal. (0 points)

(iii) The purpose of this criterion is to increase the amount of money from non-Federal sources. This increase decreases the need for Federal match dollars, so that Federal dollars can help more projects. Documentation of each partner's financial commitment must accompany the proposal to receive points. If the State itself provides the excess match, the State should receive credit for reducing the Federal share. Each 5 percent above the required State match would be approximately equal to 1 point. The following two examples, using both a 50 and 75 percent Federal match share, define a 10 percent increase in a State's match amount.

(A) *Example 1–50—Percent Federal Match*

If the total project costs are $100,000, then the required State match share is $50,000.

If the State or a partner provides an additional cash contribution equal to 10 percent of the $50,000, $5,000. This is defined as a 10 percent increase in the State match.[4]

(B) *Example 2–75—Percent Federal Match*

If the total project costs are $100,000, then the required State match share is $25,000.

If the State or a partner provides an additional cash contribution equal to 10 percent of the $25,000, $2,500. This is defined as a 10 percent increase in the State match.[4]

(12) *Education/outreach program or wildlife-oriented recreation.* Is the project designed to increase environmental awareness and develop support for coastal wetlands conservation? Does it provide recreational opportunities that are consistent with the conservation goals of the site? (Maximum: 3 points)

(i) The proposal includes a site-specific, substantive education/outreach or wildlife-oriented recreation program. (Up to 3 points)

(ii) The proposal does not include a substantive education/outreach or wildlife-oriented recreation program. (0 points)

(iii) The proposal must describe what makes this program substantive and link it closely with the specific site to receive full points. Programs supported by activities or funds from partners should be encouraged over use of project dollars. Project proposals may include substantive education/outreach components necessary for the completion of the project. However, these should be activities that complement or support the primary goal of the project.

(13) *Other factors.* Do any other factors, not covered in the previous criteria, make this project or site particularly unique and valuable? Does the project offer important benefits that are not reflected in the other criteria? The following list includes examples of projects that provide benefits not reflected in other criteria. (Maximum: 4 points)

(i) The project might provide significant benefits to, for example: rare or threatened habitat types; biodiverse habitats; rare and declining species; and the local community.

(ii) The project would be particularly cost-effective, providing very significant resource benefits for the cost.

(iii) The project would assist in the prevention or control of invasive species.

(iv) The project would provide important cultural or historical resource benefits.

(v) The project would provide other benefits.

(vi) Reviewers should not assign points to resource values covered by other criteria. The proposal should provide a short narrative to support claims to *Other Factors* points.

(b) *Additional considerations.* We will factor the following considerations into the ranking process if two or more proposals have the same point totals. The tie-breaking factors are as follows:

(1) The project would prevent the destruction or degradation of habitat from pending sale of property, from adverse effects of current activities such as draining of wetlands, or from natural processes such as erosion at excessive rates;

(2) The project would protect unique and significant biological diversity;

(3) The project has lower costs per acre conserved; and

(4) In the project proposal the State or third party provides lands as opposed to using lands already owned by the State or third party as part of the State matching share.

(c) All proposals must include the information described in paragraphs (b)(1)–(4) of this section. If a tie occurs between two or more proposals, the reviewers need to have this information available immediately to decide which proposal or proposals should be recommended for selection.

[4] From sources other than Federal agencies. Natural Resource Damage Assessment funds may in some cases be defined as ''non-Federal.'' See discussion under §84.46 on *What are the cost-sharing requirements?*

Subpart D—Conditions on Acceptance/Use of Federal Money

§ 84.40 What conditions must I follow to accept Federal grant money?

(a) The audit requirements for State and local governments (43 CFR part 12), and

(b) The uniform administrative requirements for grants and cooperative agreements with State and local governments (43 CFR part 12).

§ 84.41 Who prepares a grant agreement? What needs to be included?

The coastal State and the Fish and Wildlife Service work together to develop a Grant Agreement (Form 3–1552) upon completion of the review by the Regional Director to determine compliance with applicable Federal laws and regulations. The Grant Agreement includes the grant title, the grant cost distribution, the agreement period, other grant provisions, and special grant conditions. If a Coastal Barrier Unit is affected, the Service must conduct internal consultations pursuant to Section 6 of the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act, prior to providing any grant monies to that State.

§ 84.42 What if a grant agreement is not signed?

Monies that have been allocated for a grant will be held until December 31 of the following year. If a grant agreement has not been signed by the State and the Service and, therefore, the money has not been obligated for the approved grant by that date, the funds automatically are returned to the Program account in Washington.

§ 84.43 How do States get the grant monies?

Funding to States is provided on a reimbursable basis. See § 84.47 for information on what costs can be reimbursed. The Service may reimburse the State for projects completed, or make payments as the project progresses. For construction work and labor, the Service and the State may jointly determine, on a case-by-case basis, that payments may be made in advance. We will minimize the time elapsing between the transfer to the State and the State's need for the funds, and the time period will be subject to a specific determined need for the funds in advance. Except for extenuating circumstances, a reasonable time period to advance funds to a State is up to 3 days. OMB Circular A–102, Parts II and III, 43 CFR part 12, and 31 CFR part 205 provide specific information on methods and procedures for transferring funds.

§ 84.44 What is the timetable for the use of grant money?

Once money is granted to the coastal States, the money is available to those States for the time designated in the grant agreement. If a State needs more time, the State must apply for an extension of time by amending the grant agreement. If the Service does not extend the time, the unobligated monies return to the Service for expenditure on future grants. Also, if a State cannot spend the money on the approved project, the State must notify the appropriate Regional Director as soon as possible so that the money can revert back to the Service for future grants.

§ 84.45 How do I amend a proposal?

Following procedures in 43 CFR 12.70, you must submit a signed original and two copies of the revised SF 424, the revised portion of the project statement if appropriate, and an explanation of the reason for the revision to the Regional Director (Federal Aid).

§ 84.46 What are the cost-sharing requirements?

(a) Except for certain insular areas, the Federal share of an approved grant will not exceed 50 percent of approved costs incurred. However, the Federal share may be increased to 75 percent for coastal States that have established and are using a fund as defined in § 84.11. The Regions must certify the eligibility of the fund in order for the State to qualify for the 75 percent matching share.

(b) The following insular areas: American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, have been exempted from the matching share, as provided in Pub. L. 95–134, amended by Pub. L. 95–348, Pub. L. 96–

205, Pub. L. 98–213, and Pub. L. 98–454 (48 U.S.C. 1469a). Puerto Rico is not exempt from the match requirements of this Program.

(c) The State may provide materials (e.g., heavy equipment) or other services as a noncash match for portions of the State's matching share. The State may also provide the value of land, including the land proposed for restoration, enhancement, or management as a noncash match, provided that the land is necessary and reasonable for completing the project. For example, if a State proposes to manage a contiguous wetland of 100 acres, and already owns 10 of the 100 acres, the State can apply the current value of the 10 acres, provided that the 10 acres are necessary to manage the entire 100 acres. If the 10-acre wetland were not contiguous and no connection could be made that the 10 acres were needed to manage the proposed wetland, the State could not use the 10 acres as a noncash match. Review 43 CFR 12.64 for determining the value of in-kind contributions.

(d) The requirements in 43 CFR 12.64 and Service Manual Part 522 FW 1.13[5] apply to in-kind matches or cost-sharing involving third parties. Third party in-kind contributions must represent the current market value of noncash contributions furnished as part of the grant by another public agency, private organization, or individual. In-kind matches must be necessary and reasonable to accomplish grant objectives.

(e) Coastal States must commit to their matching share of the total costs by signing the Application for Federal Assistance (SF 424), the Assurances (SF 424B or SF 424D), and the Grant Agreement (Form 3–1552).

(f) No Federal monies, non-Federal monies, in-kind contributions, or National Fish and Wildlife Foundation grant program monies that will be or have been previously used to satisfy the matching requirement of another Federal grant can be used as part of the coastal State's matching share.

[5] From the Fish and Wildlife Service Manual, available on-line at *http://www.fws.gov/directives/index.html*.

(g) The coastal State is responsible for ensuring the full amount of that State's matching requirement, either with State funds or from contributions toward the proposal from other agencies, groups, or individuals. Sources other than State applicant funds must be documented and approved as eligible.

(h) Total Federal contributions (including all Federal sources outside of the Program) may not exceed the maximum eligible Federal share under the Program. This includes monies provided to the State by other Federal programs. If the amount of Federal money available to the project is more than the maximum allowed, we will reduce the Program contribution by the amount in excess.

(i) Natural Resource Damage Assessment funds that are managed by a non-Federal trustee are considered to be non-Federal, even if these monies were once deposited in the Department of the Interior's Natural Resource Damage Assessment and Restoration Fund, provided the following criteria are met:

(1) The monies were deposited pursuant to a joint and indivisible recovery by the Department of the Interior and non-Federal trustees under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Oil Pollution Act (OPA);

(2) The non-Federal trustee has joint and binding control over the funds;

(3) The co-trustees agree that monies from the fund should be available to the non-Federal trustee and can be used as a non-Federal match to support a project consistent with the settlement agreement, CERCLA, and OPA; and

(4) The monies have been transferred to the non-Federal trustee.

§ 84.47 What are allowable costs?

(a) Allowable grant costs are limited to costs necessary and reasonable to achieve approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.62 (b).

(b) If a project or facility is designed to include purposes other than those eligible under the Act, the costs must be prorated among the various purposes.

(c) If you incur costs before the effective date of the grant, they cannot be reimbursed, with the exception that we can allow preliminary costs, but only with the approval of the appropriate Regional Director. Preliminary costs may include costs necessary for preparing the grant proposal, such as feasibility surveys, engineering design, biological reconnaissance, appraisals, or preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act.

§ 84.48 What are the procedures for acquiring, maintaining, and disposing of real property?

(a) Acquisition, maintenance, and disposal of real property must follow the rules established in 43 CFR 12.71 and 50 CFR 80.14.

(1) Title to real property acquired under a grant or subgrant must be vested in the State or subgrantee, including local governments and nonprofit organizations. States must submit documentation (e.g., appraisals and appraisal reviews) to the Regional Director who must approve it before the State becomes legally obligated for the purchase. States will provide title vesting evidence and summary of land costs upon completion of the acquisition. The grant agreement and any deed to third parties (e.g., conservation easement or other lien on a third-party property) must include appropriate language to ensure that the lands and/or interests would revert back to the State or Federal Government if the conditions of the grant were no longer being implemented.

(2) In cases where the interest obtained is less than fee simple title, the interest must be sufficient for long-term conservation of the specified wetlands resources.

(3) Real property acquired with National Coastal Wetlands Conservation Grant funds must continue to serve the purpose for which it was acquired. If acquired property is used for reasons inconsistent with the purpose(s) for which acquired, such activities must cease and any adverse effects on the property must be corrected by the State or subgrantee with non-Federal monies in accordance with 50 CFR 80.14.

(4) The State or subgrantee may not dispose of or encumber its title or other interest in real property without prior approval of the appropriate Regional Director of the Service. Real property includes, but is not limited to, lands, buildings, minerals, energy resources, timber, grazing, and animal products. If real property is sold, the State or subgrantee must compensate the Service in accordance with 43 CFR 12.71(c)(2).

(5) If rights or interests obtained with the acquisition of coastal wetlands generate revenue during the Grant Agreement period, the State will treat the revenue as program income and use it to manage the acquired properties. If the State sells or leases real property, the State must treat the proceeds as program income and return the money to the Federal Aid program regardless of the grant period.

(6) Inconsistent use that is not corrected can be grounds for denying a State future grants under this Program.

(b) A coastal State is responsible for design, supervision, and inspection of all major construction projects in accordance with accepted engineering standards.

(1) The coastal State must have adequate rights to lands or waters where restoration or enhancement projects are planned to ensure protection and use of the facilities or structures throughout their useful life.

(2) The construction, enlargement, or rehabilitation of dams are subject to Federal standards for dam design. If requested, the State must provide to the Regional Office written certification that any proposed changes to a dam meet Federal standards.

(3) The coastal State must operate and maintain facilities, structures, or related assets to ensure their use for the stated project purpose and that they are adequately protected.

(c) Acquisition, property records, maintenance, and disposal of equipment must be made in accordance with 43 CFR 12.72.

§ 84.49 What if the project costs more or less than originally expected?

All requests for additional monies for approved coastal wetland grants will be subject to the entire review process along with new grants. Any monies left over after the project is complete, or if the project is not completed, should be returned to the Washington Office for use in following years. If a State has lands it wishes to acquire, restore, or enhance in close proximity to the original project, and the Region deems that spending project monies in these areas would provide similar benefits, the Region may use unspent balances to pay for these projects with prior approval from the Washington Office. States must provide adequate justification and documentation to the Regions that the lands acquired, restored, or enhanced are similar to those in the original proposal and provide similar benefits to fish and wildlife.

§ 84.50 How does a State certify compliance with Federal laws, regulations, and policies?

(a) In accepting Federal money, coastal State representatives must agree to and certify compliance with all applicable Federal laws, regulations, and policies. The applicant will need to submit a Statement of Assurances (either SF 424B or SF 424D) signed and dated by an authorized agency representative as part of the proposal.

(b) Compliance with environmental and other laws, as defined in the Service Manual 523 FW Chapter 1,[6] may require additional documentation. Consult with Regional Offices for how this applies to a specific project.

PART 85—CLEAN VESSEL ACT GRANT PROGRAM

Subpart A—General

Sec.

85.10 Purpose and scope.
85.11 Definitions.
85.12 Information collection, recordkeeping, and reporting requirements.

[6] The Fish and Wildlife Service Manual, see footnote 3 for availability.

Subpart B—Application for Grants

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85.48 Compliance with Federal laws, regulations, and policies.

AUTHORITY: 16 U.S.C. 777g(c).

SOURCE: 59 FR 11206, Mar. 10, 1994, unless otherwise noted.

Subpart A—General

§ 85.10 Purpose and scope.

The purpose of this part is to establish requirements for state participation in the Clean Vessel Act Grant Program authorized by Section 5604 of the Clean Vessel Act (Public Law 102–587, Subtitle F).

§ 85.11 Definitions.

Terms used in this part shall have the following meaning:

Clean Vessel Act or Act. The Clean Vessel Act (Pub. L. 102–587, subtitle F).

Coastal State. A State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands. The term excludes Alaska and American Samoa because these States have a ratio of the number of recreational vessels in the State numbered under chapter 123 of title 46, United States Code, to number of miles of shoreline (as that term is defined in §926.2(d) of title 15, Code of Federal Regulations, as in effect on January 1, 1991), of less than one.

Costal waters. In the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes. In other areas, those waters, adjacent to the shorelines, which contain a measurable percentage of sea water, including sounds, bays, lagoons, bayous, ponds, and estuaries.

Coastal zone. Coastal zone has the same meaning that the term has in section 304(1) of the Coastal Zone Management Act of 1992 (16 U.S.C. 1453(1)). The coastal zone consists of coastal waters (including the lands therein and thereunder) and the adjacent shorelands, including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands and protect coastal waters.

Construction. Activities which produce new capital improvements and increase the value of usefulness of existing property.

Dump station. A facility specifically designed to receive sewage from portable toilets carried on vessels. Dump stations do not include lavatories or restrooms.

Education/information. The education/information program, as identified in the technical guidelines as published in the FEDERAL REGISTER, designed to make recreational boaters aware of the environmental pollution problem resulting from sewage discharges from vessels and inform them of the location of pumpout and dump stations.

Eligible applicant. An agency of a State designated by the Governor.

Equitable fees. The maximum charge per pumpout is $5.00. Price modifications and discounts are subject to State/Federal laws concerning pricing.

Facility. A pumpout station or dump station.

Facility open to the public. (1) A Clean Vessel Act facility that is open and available to the public is one where the public has full and reasonable access to the pumpout/dump station, including:

(i) Provision of signage visible from the water to direct boaters to pumpout/dump stations;

(ii) Location of pumpouts to facilitate ease of use by all boats typical to that particular marina;

(iii) Equitable fees; and

(iv) Reasonable open periods.

(2) To be eligible for funding under this program, both public and private facilities must be open to the public.

Grant. An award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee.

Inland State. A State which is not a coastal State. The District of Columbia, American Samoa and Alaska are included as inland States (Rationale for Samoa and Alaska being inland States can be found in § 85.11(b) above).

Maintenance. Those activities necessary for upkeep of a facility. These are activities that allow the facility to function and include routine recurring custodial maintenance such as housekeeping and minor repairs as well as the supplies, materials, and tools necessary to carry out the work. Also included is non-routine cyclical maintenance to keep facilities fully functional.

Operation. Those activities necessary for the functioning of a facility to produce desired results. These are activities that make the facility work.

Plans. Those plans identified in the technical guidelines as published in the FEDERAL REGISTER, for construction or renovation of pumpout and dump stations necessary to ensure that there are adequate and reasonably available stations to meet the needs of recreational vessels using the coastal waters of the State.

Private facilities. Private facilities include those operated by the following:

(1) For profit or non-profit private marinas, docks, etc.;

(2) For profit or non-profit concessionaires, whether they are leased or private facilities, on public lands; or

(3) Yacht or boating clubs, whether they are open to the public or members-only facilities.

Public facilities. Public facilities include municipal, county, port authority, State and Federal marinas, docks, etc., operated by those agencies.

Pumpout station. A facility that pumps or receives sewage from a type III marine sanitation device (holding tank) installed on board vessels.

Reasonable open periods. This part does not specify hours, days and seasons, however, some suggested examples, provided no other factors are involved, are presented:

(1) Pumpout/dump stations may be open during the same period the fuel docks are normally open.

(2) Pumpout stations may be open when the marina is open and staff is present to pump out boats.

(3) Pumpout/dump stations may be open during the hours considered to be normal marina business hours as adjusted by seasonal differences.

Recreational vessel. Watercraft manufactured for operation, or operated, primarily for pleasure. This term includes any watercraft leased, rented, or chartered to another for the latter's pleasure.

Renovation. Major rehabilitation of a facility to restore it to its original intended purpose.

Surveys. Those surveys identified in the technical guidelines as published in the FEDERAL REGISTER. Surveys are designed to determine the number and location of all operational pumpout and dump stations at public and private marinas, mooring areas, docks, and other boating access facilities within the coastal zone. Surveys also are designed to determine the number of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas of coastal waters where those vessels congregate.

Type III marine sanitation device (holding tank). Any equipment for installation on board a vessel which is specifically designed to receive, retain, and discharge sewage.

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.12 Information collection, recordkeeping, and reporting requirements.

(a) The information collection requirements for this grant program, except for surveys, are those necessary to comply with 43 CFR 12 which include a narrative statement as identified in 85.22 Grant Proposals. The collection of survey information contained in this rule was approved by the Office of Management and Budget as required by 44 U.S.C. 3501 *et seq.*, October 18, 1993, OMB No. 1018–0086, expiration date September 30, 1996.

(b) Record keeping requirements include the tracking of costs and accomplishments related to the grant as required by 43 CFR 12.60, monitoring and reporting program performance (43 CFR 12.80), and financial reporting (43 CFR 12.81).

(c) Reporting requirements include retention and access requirements as required by 43 CFR 12.82.

Subpart B—Application for Grants

§ 85.20 Eligible activities.

(a) Eligible grant activities—coastal States:

(1) Eligible activities include identification in the coastal zone of all operational pumpout and dump stations, and surveys of recreational vessels in coastal waters with holding tanks or portable toilets, and the areas where those vessels congregate. Also eligible are costs of developing a list, including chart coordinates, of all operational pumpout and dump stations in the coastal zone of the State, for submission to the Fish and Wildlife Service.

(2) Plans for construction and renovation of pumpout and dump stations in the coastal zone of the State necessary to ensure that these stations are adequate and reasonably available to meet the needs of recreational vessels using the coastal waters of the State. Completed Stated-funded plans may be submitted after the technical guidelines appear in the FEDERAL REGISTER.

(b) Eligible grant activities—all States:

(1) Eligible grant activities include education/information program to educate/inform recreational boaters about the environmental pollution problems resulting from sewage discharges from vessels and to inform them of the location of pumpout and dump stations.

(2) Eligible grant activities include the construction, renovation, operation

and maintenance of pumpout and dump stations, including floating restrooms in the water, not connected to land or structures connected to the land, used solely by boaters. Eligible grant activities also include any activity necessary to hold and transport sewage to sewage treatment plants, such as holding tanks, piping, haulage costs, and any activity necessary to get sewage treatment plants to accept sewage, such as installing bleed-in facilities.

(c) Ineligible activities:

(1) Activities that do not provide public benefits.

(2) Enforcement activities.

(3) Construction/renovation of upland restroom facilities.

(4) Construction, renovation, operation and maintenance of on-site sewage treatment plants, such as package treatment plants and septic systems, and of municipal sewage treatment plants for primary and secondary treatment.

§ 85.21 Application procedures.

(a) Eligible applicants will submit their proposals to the appropriate Regional Office of the U.S. Fish and Wildlife Service. Coastal States submitting proposals for both the coastal zone and the inland portion of their States, must submit two separate proposals. The Regional Office addresses follow:

Region 1 States Include—American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington

Division of Federal Aid, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6128

Region 2 States Include—Arizona, New Mexico, Oklahoma, and Texas

Division of Federal Aid, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Albuquerque, New Mexico 87103, (505) 766–2095

Region 3 States Include—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin

Division of Federal Aid, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, (612) 725–3596

Region 4 States Include—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands

Division of Federal Aid, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345, (404) 679–4159

Region 5 States Include—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia

Division of Federal Aid, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589, (413) 253–8501

Region 6 States Include—Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, and Wyoming

Division of Federal Aid, U.S. Fish and Wildlife Service, 134 Federal Building, P.O. Box 25486, Denver, Colorado 80225
134 Union Boulevard, third floor, Lakewood, Colorado 80225, (303) 236–7392

Region 7 State Includes—Alaska

Division of Federal Aid, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 786–3435

(b) Proposals will be accepted for FY 1995 funds ($7.05 million) between the effective date and April 29, 1994. For FY 1996 and FY 1997, proposals will be due by May 1 of the year preceding that fiscal year (e.g., May 1, 1995 for FY 1996).

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.22 Grant proposals.

Grant proposals will consist of a narrative which identifies and describes the following:

(a) The need within the purposes of the Act (Coastal States with approved plans should indicate how the activities contained in the proposal implements the plan);

(b) Discrete objective(s) to be accomplished during a specified time period that address the need(s);

(c) Expected results or benefits from accomplishing the objectives, including the numbers of recreational vessels and people served;

(d) The approach to be used in meeting the objectives, including specific procedures, schedules, key personnel, cooperators, grant location, innovative

approaches, public/private partnerships, education, sensitive waters, public access, and estimated costs;

(e) Amount and source of matching funds; and,

(f) Fees for use of facility.

Subpart C—Grant Selection

§ 85.30 Grant selection criteria.

The Director shall give priority consideration to grant proposals that meet the criteria listed in Subsections a–h and in the accompanying chart:

(a) In coastal States that have no survey or plan, proposals to complete such survey and plan;

(b) Proposals for constructing and renovating pumpout and dump stations without an approved plan;

(c) In coastal States, proposals for constructing and renovating pumpout and dump stations in accordance with a coastal State's plan approved under section 5603(c) of the Clean Vessel Act, and for inland States, proposals for constructing and renovating pumpout and dump stations in accordance with an inland State's plan;

(d) Proposals that provide for public/private partnership efforts to develop and operate pumpout and dump stations;

(e) Proposals for innovative ways to increase the availability and use of pumpout and dump stations, e.g., where private parties put in more than the minimum amount;

(f) Proposals that include an education/information component, or the State has an active, ongoing education program;

(g) Proposals that benefit the waters most likely to be affected by the discharge of sewage from vessels, including the waters as defined in the technical guidelines as published in the FEDERAL REGISTER; and,

(h) Proposals in areas with high vessel/pumpout or dump station ratios.

Criteria	Points	
	Coastal state	Inland state
a. Do a survey/plan	50	.....
b. Construct w/no plan	10	5
c. Construct with plan	20	10
d. Partnership	10	5
e. Innovative approach	5	2
f. Education	5	2
g. Sensitive area	5	2
h. Low pumpout ratio	5	2
Total		

[59 FR 11206, Mar. 10, 1994, as amended at 62 FR 45348, Aug. 27, 1997]

§ 85.31 Grant selection.

The Fish and Wildlife Service, Division of Federal Aid, will convene a ranking panel of Federal employees, to include representatives from the Service's Washington Office of the Division of Federal Aid, the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the U.S. Coast Guard, to review, rank, and make funding recommendations to the Director of the Fish and Wildlife Service. The Director will make the selection of eligible grants by August 1, annually. Upon selection of a proposal the appropriate Regional Office will advise the successful applicant of additional documentation requirements.

Subpart D—Conditions on Use/Acceptance of Funds

§ 85.40 Cost sharing.

(a) The Federal share shall not exceed 75% of total costs approved in the grant agreement.

(b) The provisions of 43 CFR 12.64 apply to cost sharing or matching requirements. Third party in-kind contributions must be necessary and reasonable to accomplish grant objectives and represent the current market value of noncash contributions furnished as part of the grant by another public agency, private organization, or individual.

§ 85.41 Allowable costs.

(a) Allowable grant costs are limited to those costs that are necessary and reasonable for accomplishment of approved grant objectives and meet the applicable Federal cost principles in 43 CFR 12.60(b). Purchase of informational signs, program signs, and symbols designating pumpout and dump stations, are allowable costs.

(b) Grants or facilities designed to include purposes other than those eligible under the Act shall have the costs prorated equitably among the various purposes. Grant funds shall only be used for the part of the activity related to the Clean Vessel Act.

(c) Costs incurred prior to the effective date of the grant agreement are not allowable with the exception that preliminary costs are allowed only with the approval of the appropriate Regional Director. Preliminary costs may include such items as feasibility surveys, engineering design, biological reconnaissance, appraisals, or preparation of grant documents such as environmental assessments for compliance with the National Environmental Policy Act.

§ 85.42 Real and personal property.

(a) Applicable regulations regarding acquisition, property records, maintenance, and disposal of real property and equipment are found in 43 CFR 12.71 and 12.72. If questions arise regarding applicability, the appropriate Regional Office should be contacted.

(b) A State shall ensure that design and installation of the facilities are in accordance with the technical standards identified in the technical guidelines as published in the FEDERAL REGISTER.

(c) The State must ensure that facilities are operated and maintained, and that structures or related assets are used for the stated grant purpose.

§ 85.43 Signs and symbols.

(a) *Signs.* Facilities must display appropriate information signs at pumpout and portable toilet dump stations. Such information should indicate fees, restrictions, hours of operation, operating instructions, a contact name and 1–800–ASK–FISH telephone number for boaters to get additional information or to report an inoperable facility.

(b) *Pumpout symbol.* (1) At appropriate times, to increase public awareness of the Clean Vessel Act Pumpout Grant Program, use a pumpout symbol according to Service specifications. Use the pumpout symbol as follows:

(i) As a sign at the entrance to a marina advertising the presence of a pumpout and/or portable toilet dump station;

(ii) As a directional sign within a marina;

(iii) As a sign at a pumpout and/or portable toilet dump station;

(iv) As a symbol on educational and informational material; and

(v) For other uses as appropriate to advance the purposes of the Clean Vessel Act.

(2) To avoid confusion with having two symbols, use the selected symbol both for pumpout stations and portable dump stations. The Service encourages the use of this symbol as it is not copyrighted. The NOAA NOS magenta ''P'' within a magenta circle will continue to be used on nautical charts to identify the location of pumpout and portable toilet dump stations. NOAA will include information about the selected pumpout symbol in the U.S. Coast Pilots, a supplement to the charts, to relate this symbol to the NOAA Nautical Chart magenta ''P'' and circle.

(3) All recipients identified in § 85.11 should display the appropriate pumpout symbol on facilities, such as pumpout and portable toilet dump stations, or on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients also should display the symbol and should encourage use by others for the purposes stated in this paragraph (b)(3).

(4) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the symbol to advance the purposes of the Clean Vessel Act program.

(5) The following specifications shall apply: The symbol is black, the background is white, and the border is international orange. There is no standard for the black and white, but use black and white colors, not shades. The standards for the international orange color is as follows: For day boards (signs), use retroflective international orange film. For paint, use international orange conforming to FED–STD 595B, chip number 12197 in daylight conditions. For inks, use Pantone Matching System color chart 179C. In order to ensure visibility after dark,

use reflectorized film or paint, and/or artificial illumination. Pumpout symbol technical specifications to construct signs and for other purposes are available upon request.

(6) The following rules govern the graphic reproduction of the symbol:

(i) Do not use a smaller than legible symbol.

(ii) If you reduce or enlarge the symbol, maintain the same proportions.

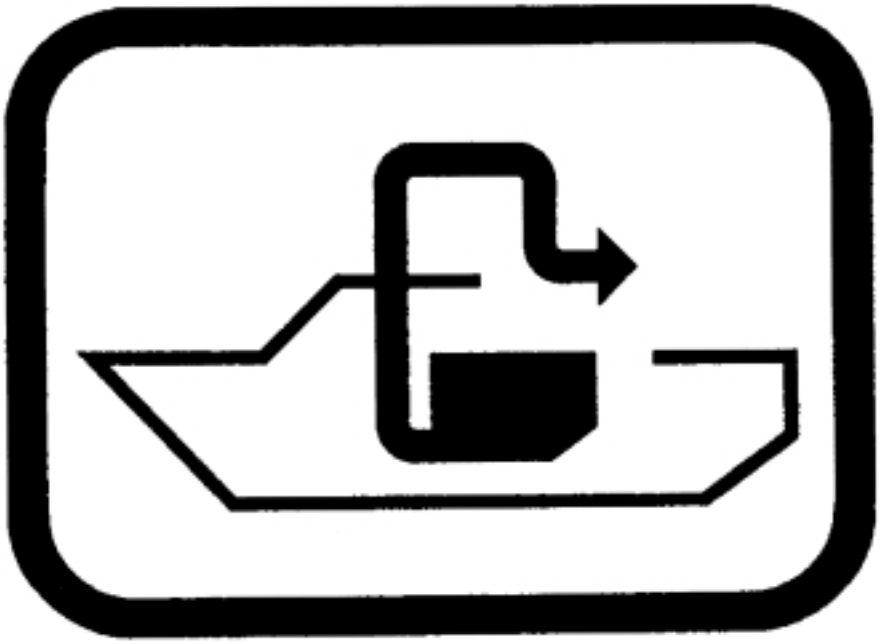
(iii) Do not obscure the symbol by overprinting.

(iv) Do not place the symbol where it will be split by unlike backgrounds.

(v) Do not place the symbol on a background that is highly textured or patterned.

(vi) When appropriate, for economical reasons, depict the symbol in one-color (black) with a white background, rather than two-color (international orange and black) with white background.

(7) The pumpout symbol follows:



(c) *Qualifying signs.* (1) In conjunction with the symbol, you may use other qualifying signs below the symbol, either on the same sign or on a separate sign.

(i) You may place the message ''Ⓟ PUMP OUT'', ''Ⓟ PUMPOUT STATION'', ''Ⓟ PORTABLE TOILET DUMP STATION'', or other appropriate qualifier, beneath the symbol. Place the magenta-colored ''P'' and circle in front of the message to relate the pumpout symbol to the NOAA NOS nautical charts. Messages may be appropriate for several years until the symbol is understood without the message. When appropriate, substitute a black ''P'' and circle for economical reasons.

(ii) You may place directional arrows beneath the symbol to indicate the direction of pumpout or portable toilet dump station facilities.

(2) The following specifications shall apply: Symbols, such as directional arrows, and letters, are black, and the background is white. For using inks to create the magenta color, use PMS

color chart 259U. Letters and black and white colors shall follow the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988. The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, provides for sale copies of the 1988 MUTCD, including Revision No. 3, dated September 3, 1993, Stock No. 050–001–00308–2.

(3) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6) of this section, shall apply to qualifying signs.

(d) *Pumpout slogan.* (1) Use the pumpout slogan according to Service specifications to help increase boater awareness of the need to use pumpout and dump stations to properly dispose of their boat sewage. Use the slogan in conjunction with the pumpout symbol, on educational/informational material, and for other uses as appropriate to advance the purposes of the Clean Vessel Act. The slogan is not copyrighted, and the Service encourages its appropriate use.

(2) All recipients identified in §85.11 should display the pumpout slogan on facilities, such as pumpout and portable toilet dump stations as appropriate, and on printed material or other visual representations relating to project accomplishments or education/information, and should encourage others to do so. Sub-recipients should display the slogan for purposes as stated above and should encourage others to do so.

(3) The Service encourages other persons or organizations, such as marinas with pumpout stations not constructed with Clean Vessel Act funds, to use the slogan to advance the purposes of the Clean Vessel Act program.

(4) The following specifications shall apply: Letters are black and background is white. The same reference under specifications for Qualifying Signs in paragraph (c)(2) of this section shall apply.

(5) The same rules governing the graphic reproduction of the pumpout symbol, as described in paragraph (b)(6) of this section, shall apply to the pumpout slogan.

(6) The pumpout slogan follows:

KEEP OUR WATER CLEAN—USE PUMPOUTS

(e) All information signs, pumpout symbol, qualifying signs, and pumpout slogan identified in this section and the crediting logo identified in §85.47, inform and educate boaters. Therefore, use the signs, symbol, slogan and logo as appropriate. For instance, a sign on the water directing boaters to a pumpout may only need the pumpout symbol, and a qualifying sign beneath, e.g., an arrow, and possibly the words ''PUMPOUT STATION''. For pumpout and dump stations, the pumpout symbol, slogan, information signs, including all information in paragraph (a) of this section, and the crediting and State logo may be appropriate. If desirable, add qualifying signs. Position a legible sign, symbol and logo either on the pumpout/dump station, on a separate sign, or both, for the greatest effect in informing and educating boaters. For other products such as print and video public service announcements, brochures, etc., the placement of symbols, etc. depends on space availability. The following order of priority dictates the order of use under limited space conditions: the pumpout symbol, slogan, 1–800–ASK–FISH telephone number and Sport Fish Restoration crediting logo. Add other information as appropriate. Use judgement when placing information on signs so as not to confuse the reader. Display the symbol, logo, slogan and information signs in the appropriate locations. To reduce wind drag when bolting signs on pilings, it was found helpful in the Northeast to make signs taller than wider. Symbol or logo size may vary. However, if you reduce or enlarge the symbol, maintain the same proportions.

[62 FR 45348, Aug. 27, 1997]

§85.44 Fee charges for use of facilities.

A maximum of a $5.00 fee may be charged, with no justification, for use of pumpout facilities constructed, operated or maintained with grant funds. If higher fees are charged, they must be justified before the proposal can be approved. Such proceeds shall be retained, accounted for, and used by the

operator to defray operation and maintenance costs as long as the facility is needed and it serves its intended purpose. The maximum fee shall be evaluated for inflation, etc., each year.

§ 85.45 Public access to facilities and maintenance.

All recreational vessels must have access to pumpout and dump stations funded under this grant program. Facilities shall be operated, maintained, and continue to be reasonably accessible to all recreational vessels for the full period of their useful life.

§ 85.46 Survey and plan standards.

(a) *Survey standards.* (1) Surveys should be conducted according to the technical guidelines as published in the FEDERAL REGISTER.

(2) Surveys may be conducted Statewide, if necessary, to obtain information on boats using the coastal zone.

(b) *Plan standards.* Plans should be developed according to the technical guidelines as published in the FEDERAL REGISTER.

§ 85.47 Program crediting.

(a) *Crediting logo.* As the source of funding for Clean Vessel Act facilities, the Sport Fish Restoration program should get credit through use of the Sport Fish Restoration logo. Grant recipients may us the crediting logo identified in 50 CFR 80.26 to identify projects funded by the Clean Vessel Act. The Sport Fish Restoration logo follows:

(b) *Recipient logo display.* Grant recipients are authorized to display the Sport Fish Restoration logo. Section 85.11 identifies recipients eligible to display the appropriate logo according to 50 CFR 80.26. Display includes on pumpout and portable toilet dump stations that grantees acquire, develop, operate or maintain by these grants, or on printed material or other visual representations relating to project accomplishments or education/information.

Display the logo in the appropriate location, according to §85.43(e). Symbol or logo size may vary. However, if your reduce or enlarge the symbol, maintain the same proportions. Recipients may require sub-recipients to display the logo.

(c) *Other display of logo.* Other persons or organizations may use the logo for purposes related to the Federal Aid Clean Vessel Act program as authorized in 50 CFR 80.26.

(d) *Crediting language.* Suggested examples of language to use when crediting the Clean Vessel Act follow:

(1) *Example 1.* The Sport Fish Restoration Program funded this pumpout facility through your purchase of fishing equipment and motorboat fuels.

(2) *Example 2.* The Sport Fish Restoration Program funded this construction through your purchase of fishing equipment and motorboat fuels.

(3) *Example 3.* The Sport Fish Restoration Program funded the production of this pamphlet through your purchase of fishing equipment and motorboat fuels.

(e) *Logo colors.* Option 1 in paragraph (e)(1) of this section describes the preferred logo colors. Use Options 2 or 3 in paragraph (e)(2) or (e)(3) of this section when necessary or to reduce costs. Do not attempt to match these Pantone Matching Systems (PMS) colors with combinations of screened process colors.

(1) *Option 1.* When printed 100 percent on a white background, use PMS 348.

(2) *Option 2.* When using four-color process printing, print the symbol in 100 percent black on a white background.

(3) *Option 3.* When it is not possible to follow the specifications of Options 1 or 2 in paragraph (e)(1) or (e)(2) of this section, print the logo in any 100 percent solid dark color on a contrasting light background.

[62 FR 45350, Aug. 27, 1997]

§85.48 Compliance with Federal laws, regulations, and policies.

(a) In accepting Federal funds, State representatives must agree to and certify compliance with all applicable Federal laws, regulations, and policies. This is done by submitting an assurances statement that describes the compliance requirements for Federal grants.

(b) Compliance with environmental and other laws, as defined in Service Manual 523 FW Chapter 1, may require additional documentation. Consult with Regional Offices for specific applicability.

(c) For method of payment, refer to 43 CFR part 12, 31 CFR part 205, and any other regulations referenced in these parts.

PART 86—BOATING INFRASTRUCTURE GRANT (BIG) PROGRAM

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AUTHORITY: 16 U.S.C. 777g, 777g–1.

SOURCE: 66 FR 5286, Jan. 18, 2001, unless otherwise noted.

Subpart A—General Information About the Grant Program

§ 86.10 What does this regulation do?

In this part, the terms ''I,'' ''you,'' ''my,'' and ''your'' refer to the State agency seeking participation in the national Boating Infrastructure Grant (BIG) Program. ''We'' and ''us'' refers to the Fish and Wildlife Service. This part establishes your requirements under the Sportfishing and Boating Safety Act of 1998 to:

(a) Participate in the national BIG Program,

(b) Complete your boat access survey, and

(c) Develop State plans to install tie-up facilities for transient nontrailerable recreational vessels.

§ 86.11 What does the national BIG Program do?

This program provides funds for States to construct, renovate, and maintain tie-up facilities with features for transient boaters in vessels 26 feet

or more in length, and to produce and distribute information and educational materials about the program.

§ 86.12 Definitions of terms used in part 86.

For the purposes of this part, the following terms are defined:

Construct means engaging in activities that produce new capital improvements and increase the value or usefulness of existing property. These activities include building new tie-up facilities or replacing or expanding existing tie-up facilities.

Grant means financial assistance the Federal Government awards to an eligible applicant.

Grant agreement means a contractual agreement used to obligate Federal Aid funds for carrying out work covered by an approved grant proposal.

Maintain means engaging in activities that allow the facility to continue to function, such as repairing docks. These activities exclude routine janitorial activities.

Navigable waters means waters connected to or part of the jurisdictional waters of the United States that transient nontrailerable recreational vessels currently use or can use.

Nontrailerable recreational vessels mean motorized boats 26 feet or more in length manufactured for and operated primarily for pleasure, including vessels leased, rented, or chartered to another person for his or her pleasure.

Project means a specific plan or design.

Proposal means a description of one or more projects for which a State requests grant funds.

Recreational waters means navigable waters that vessels use for recreational purposes.

Renovate means to rehabilitate or repair a tie-up facility to restore it to its original intended purpose, or to expand its purpose to allow transient nontrailerable recreational vessels.

States means individual States within the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Survey instrument means a tool developed by the Service and approved by OMB to assess the need for boating facilities.

Tie-up facilities mean facilities that transient nontrailerable recreational vessels occupy temporarily, not to exceed 10 consecutive days; for example, temporary shelter from a storm; a way station en route to a destination; a mooring feature for fishing; or a dock to visit a recreational, historic, cultural, natural, or scenic site.

Transient means passing through or by a place, staying 10 days or less.

Water-body means the lake, section of river, or specific area of the coast, such as a harbor or cove, where tie-up facilities or boat access sites are located.

§ 86.13 What is boating infrastructure?

Boating infrastructure refers to features that provide stopover places for transient nontrailerable recreational vessels to tie up. These features include, but are not limited to:

(a) Mooring buoys (permanently anchored floats designed to tie up nontrailerable recreational vessels);

(b) Day-docks (tie-up facilities that do not allow overnight use);

(c) Navigational aids (*e.g.*, channel markers, buoys, and directional information);

(d) Transient slips (slips that boaters with nontrailerable recreational vessels occupy for no more than 10 consecutive days);

(e) Safe harbors (facilities protected from waves, wind, tides, ice, currents, etc., that provide a temporary safe anchorage point or harbor of refuge during storms);

(f) Floating docks and fixed piers;

(g) Floating and fixed breakwaters;

(h) Dinghy docks (floating or fixed platforms that boaters with nontrailerable recreational vessels use for a temporary tie-up of their small boats to reach the shore);

(i) Restrooms;

(j) Retaining walls;

(k) Bulkheads;

(l) Dockside utilities;

(m) Pumpout stations;

(n) Recycling and trash receptacles;

(o) Dockside electric service;

(p) Dockside water supplies;

(q) Dockside pay telephones;

(r) Debris deflection booms; and

(s) Marine fueling stations.

§ 86.14 Who may apply for these grants?

You, with authority from your State Government. You must identify one key contact only and submit proposals through this person.

§ 86.15 How does the grant process work?

To ensure that grants address the highest national priorities identified in the Act, we make funds available on a competitive basis. You must submit your proposals by the appropriate date as specified in § 86.50. You must address certain questions and criteria (listed in § 86.52) to be eligible and competitive. We will conduct a panel review of all proposals, and the Service Director will make the final grant awards. You may begin work on your project only after you receive a fully executed grant agreement.

§ 86.16 What are the information collection requirements?

This part contains both routine information collection and survey requirements, as follows:

(a) The routine information collection requirements for grants applications and associated record keeping contained in this part are only those necessary to fulfill applicable requirements of 43 CFR part 12. These requirements include record keeping and reporting requirements. See 43 CFR 12.4 for information concerning OMB approval of those requirements.

(b) The revised information collection requirements related to the surveys will be submitted to OMB for approval as changed. They will not be imposed until we receive OMB approval under the provisions of 44 U.S.C. 3501 *et seq*. The surveys are voluntary and are for States to determine the adequacy, number, location, and quality of facilities that provide public access for all sizes of recreational boats. The public's burden estimate for the survey is as follows:

Type of information	Number of respondents*	Average time required per response (minutes)	Annual burden hours
Boat owners: Part A	11,200	12	2,240
Boat owners: Part B	28,000	12	5,600
Boat Service Providers: Part C	8,400	20	2,800
Boat Service Providers: Part D	4,000	20	1,333

*These numbers are not additive since some boaters will fill out both Parts A and B, and most of the providers will fill out both Parts C and D.

(c) Send comments regarding this collection of information to the Service Information Collection Clearance Officer, MS—222 ARLSQ, Fish and Wildlife Service, Washington, DC 20240, and the Office of Management and Budget, Department of Interior, Desk Officer, 1849 C Street, NW., Washington, DC 20503. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must send your comments to OMB by the above referenced date.

Subpart B—Funding State Grant Proposals

§ 86.20 What activities are eligible for funding?

Your project is eligible for funding if you propose to:

(a) Construct, renovate, and maintain either publicly or privately owned boating infrastructure tie-up facilities. To be eligible you must:

(1) Build these tie-up facilities on navigable waters, available to the public. You must design new construction and renovations to last at least 20 years;

(2) Design these tie-up facilities for temporary use for transient nontrailerable recreational vessels;

(3) Build these tie-up facilities in water deep enough for nontrailerable recreational vessels to navigate (a minimum of 6 feet of depth at the lowest tide or other measure of lowest fluctuation);

(4) Provide security, safety, and service for these boats; and,

(5) Install a pumpout station, if you construct a facility for overnight stays:

(i) If there is already a pumpout within a reasonable distance (generally within 2 miles) of the facility, you may not need one;

(ii) For facilities intended as day stops, we encourage you to install a pumpout; and,

(iii) You may use funds from the BIG program, or the Clean Vessel Act pumpout grant program also administered by us, to pay for a pumpout station.

(b) Do one-time dredging only, to give transient vessels safe channel depths between the tie-up facility and maintained channels or open water.

(c) Install navigational aids, limited to giving transient vessels safe passage between the tie-up facility and maintained channels or open water.

(d) Apply funds to grant administration.

(e) Fund preliminary costs:

(1) Preliminary costs may include any of the following activities completed before signing a grant agreement:

(i) Conducting appraisals;

(ii) Administering environmental reviews and permitting;

(iii) Conducting technical feasibility studies, for example, studies about environmental, economic, and construction engineering concerns;

(iv) Carrying out site surveys and engaging in site planning;

(v) Preparing cost estimates; and

(vi) Preparing working drawings, construction plans, and specifications.

(2) We will fund preliminary costs only if we approve the project.

(3) If the project is approved, the appropriate Service Regional Director must still approve preliminary costs.

(f) Produce information and education materials such as charts, cruising guides, and brochures.

§ 86.21 What activities are ineligible for funding?

Your project is ineligible for funding if you propose to:

(a) Complete a project that does not provide public benefits, for instance, a project that is not open to the public for use;

(b) Involve law enforcement activities;

(c) Significantly degrade or destroy valuable natural resources or alter the cultural or historic nature of the area;

(d) Construct or renovate principal structures not expected to last at least 20 years;

(e) Do maintenance dredging;

(f) Fund operations or routine, custodial, and janitorial maintenance of the facility;

(g) Construct, renovate, or maintain boating infrastructure tie-up facilities for nontrailerable vessels, for example the following:

(1) Tie-up slips available for occupancy for more than 10 consecutive days by a single party;

(2) Dryland storage;

(3) Haul-out features; and

(4) Boating features for trailerable or ''car-top'' boats (boats less than 26 feet in length), such as launch ramps and carry-down walkways.

(h) Develop a State program plan to construct, renovate, and maintain boating infrastructure tie-up facilities; and

(i) Conduct surveys to determine boating access needs.

(1) You may conduct the survey with funds allocated to motorboat access to recreational waters under subsection (b)(1) of section 8 of the Federal Aid in Sport Fish Restoration Act of 1950, as amended (16 U.S.C. 777).

(2) You may combine surveys under one contractor where feasible if you can realize a cost or other savings.

Subpart C—Public Use of the Facility

§ 86.30 Must I allow the public to use the grant-funded facilities?

(a) You must allow reasonable access to all recreational vessels for the useful life of the tie-up facilities. Accessible to the public means located where

the public can reasonably reach the facility and where all boats typical to that facility can easily use it, charging equitable fees, and being open for reasonable periods. You must allow public access to the shore and basic features such as fuel and restrooms in facilities that have them. You must specify precise details of the public access in the contract with the facility manager. We do not require public access to the remainder of a park or marina where the facility is found. Nor do we require any restrictions in that park or marina.

(b) You must comply with Americans with Disabilities Act requirements when you construct or renovate all tie-up facilities under this grant.

§ 86.31 How much money may I charge the public to use tie-up facilities?

You may charge the public only a reasonable fee, based on the prevailing rate in the area. You must determine a fee that does not pose an unreasonable, competitive amount, based on other publicly and privately owned tie-up facilities in the area. You must approve any proposed changes in fee structure by a sub-grantee.

Subpart D—Funding Availability

§ 86.40 How much money is available for grants?

There is $32 million available for grants under the BIG program ($8 million per year for fiscal years 2000–2003).

§ 86.41 How long will the money be available?

Under the Act, funding for the BIG program is provided for FY 2000–2003. Each year's funds remain available for obligation for a total of three fiscal years (e.g. FY 2000 funds will remain available through FY 2002) (16 U.S.C. 777c(b)(3)(B)).

§ 86.42 What are the match requirements?

The Act authorizes the Secretary of the Interior (through the Director of the U.S. Fish and Wildlife Service (Service)) to award grants to States to pay up to 75 percent of the cost to construct, renovate, or maintain tie-up facilities for transient nontrailerable recreational vessels. You or a partner must pay the remaining project cost—at least a 25 percent match is required. Title 43 CFR 12.64 applies to cost sharing or matching requirements for Federal grants.

§ 86.43 May someone else supply the match?

Third-party contribution, including property and in-kind services, is allowable, but must be necessary and reasonable to accomplish grant objectives. In-kind contributions must also represent the current market value of noncash contributions that the third party furnishes as part of the grant.

§ 86.44 What are my allowable costs?

(a) The State may spend grant funds to pay only costs that are necessary and reasonable to accomplish the approved grant objectives. Grant costs must meet the applicable Federal cost principles in 43 CFR 12.62. You may purchase informational and program signs as allowable costs.

(b) If you include purposes other than those eligible under the Act, you must prorate the costs equitably according to Federal cost principles in 43 CFR 12.62 and 50 CFR 80.15.

§ 86.45 When will I receive the funds?

Once you sign the grant agreement, we will make the funds available.

Subpart E—How States Apply for Grants

§ 86.50 When must I apply?

(a) We will accept proposals between February 20, 2001, and May 18, 2001, for the first grant cycle; between July 1, 2001, and September 30, 2001, for the second grant cycle; and between July 1, 2002, and September 30, 2002, for the third grant cycle. This program starts fiscal year 2000 and ends fiscal year 2003. We will have $16 million to award the first grant cycle, and $8 million each cycle after that.

(b) The annual schedule follows:

Action	FY 2000–2001	FY 2002	FY 2003
We announce the beginning of the grant cycle.	February 20, 2001	July 1, 2001	July 1, 2002.
You submit your grant proposal by.	May 18, 2001	September 30, 2001	September 30, 2002.
Regions submit the proposals to Washington by.	June 18, 2001	October 31, 2001	October 31, 2002.
We rank the proposals by	July 17, 2001	November 30, 2001	November 30, 2002.
The Director approves proposals by.	August 16, 2001	December 31, 2001	December 31, 2002.
Regions finalize their grant agreements by.	October 15, 2001	February 28, 2002	February 28, 2003.

§ 86.51 To whom must I apply?

You must submit your proposals to the appropriate regional office of the U.S. Fish and Wildlife Service. See the chart below for the address you will need.

Region	State	Address	Telephone
1	California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam.	Division of Federal Aid, U.S. Fish & Wildlife Service, Eastside Federal Complex, 911 NE 11th Avenue, Portland, OR 97232–4181.	503–231–6128, Fax: 503–231–6996
2	Arizona, New Mexico, Oklahoma, and Texas.	Division of Federal Aid, U.S. Fish & Wildlife Service, P.O. Box 1306, 625 Silver, SW, Suite 325, Albuquerque, NM 87102.	505–248–7450, Fax: 505–248–7471
3	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Division of Federal Aid, U.S. Fish & Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111–4056.	612–713–5130, Fax: 612–713–5290
4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands.	Division of Federal Aid, U.S. Fish & Wildlife Service, 1875 Century Boulevard, Suite 324, Atlanta, Georgia 30345.	404–679–4159, Fax: 404–679–4160
5	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.	Division of Federal Aid, U.S. Fish & Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589.	413–253–8200, Fax: 413–253–8487
6	Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Division of Federal Aid, U.S. Fish & Wildlife Service, Denver Federal Center, P.O. Box 25486, Lake Plaza North Building, 134 Union Boulevard, 4th Floor, Denver, Colorado 80225.	303–236–7392, Fax: 303–236–8192
7	Alaska	Division of Federal Aid, U.S. Fish & Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503.	907–786–3435, Fax: 907–786–3575

§ 86.52 What information must I include in my grant proposals?

You must submit the following standard forms and narrative for all projects (Tier One and Tier Two) (see § 86.53):

(a) Standard Form 424 series as prescribed by the Office of Management and Budget. The SF 424 series consists of the Applications for Federal Assistance (SF 424), Budget Information—Non-Construction Programs (SF 424A), Assurances—Non-Construction Programs (SF 424B), Budget Information—Construction Programs (SF 424C), and Assurances—Construction Programs (SF 424D). Submit forms appropriate for either construction or nonconstruction projects. Forms are available from your appropriate Service Regional Office.

(b) Information requested under OMB Circular A–102 (Application Booklet for Federal Aid Grants—pending approval under the Paperwork Reduction Act).

§ 86.53 What are funding tiers?

(a) This grant program will consist of two tiers of funding.

(i) You may apply for one or both tiers.

(ii) The two tiers will allow all States some certainty of base level funding.

(b) Tier One funding will ensure broad geographical distribution to meet the needs of transient nontrailerable recreational vessels.

(c) Tier Two funding will allow States with large projects to compete with other States with large projects based on individual project merits.

(d) We describe the two tiers as follows:

(1) *Tier One Projects.* (i) You may submit a proposal with an unlimited number of projects within this tier. However, your total request cannot exceed $100,000 of Federal funds for any given fiscal year.

(ii) Tier One projects must meet the eligibility requirements in §§ 86.14 and 86.20.

(2) *Tier Two Projects.* (i) While we expect available funds for Tier Two proposals to be between $3 million and $4 million per grant cycle, we have no dollar limit for Tier Two proposals. You may submit any number of projects, which we will score and rank separately according to the criteria in § 86.60.

(ii) Each project will compete nationally against every other project in Tier Two.

(iii) Tier Two projects must also meet the eligibility requirements in §§ 86.14 and 86.20.

§ 86.54 How must I submit proposals?

(a) You may apply for either Tier One funding or Tier Two funding or both.

(b) You may submit more than one project proposal within Tier One and Tier Two.

(c) You may submit one proposal that includes Tier One and Tier Two projects.

(d) If your proposal includes Tier One and Tier Two projects, you must describe Tier One projects separately from Tier Two projects.

(e) You must describe each project in Tier Two separately, so that the Service can rank and score each project in Tier Two separately.

(f) For the first grant cycle, which includes fiscal years 2000 and 2001, a State may submit one Tier One proposal not to exceed $100,000 per fiscal year. States should submit proposals between February 20, 2001, and May 18, 2001. We will fund one Tier One proposal per State for each fiscal year provided that each proposal meets the eligibility requirements in §§ 86.14 and 86.20. Fiscal year 2000 funds are available only for Tier One proposals. Tier One proposals need not meet the criteria in § 86.60. We will fund Tier Two proposals received between February 20, 2001, and May 18, 2001, that meet the criteria in §§ 86.14, 86.20, and 86.60 with fiscal year 2001 funds and the remainder of fiscal year 2000 funds.

(g) For the remaining grant cycles, you may submit only one proposal of Tier One projects per fiscal year.

(h) When we approve projects, the appropriate Service Regional Office will determine how many grant agreements are necessary.

§ 86.55 What are my compliance requirements with Federal laws, regulations, and policies?

(a) To receive Federal funds, you must agree to and certify compliance

with all applicable Federal laws, regulations, and policies. You must submit an Assurance Statement, as described in 43 CFR part 12.51(c), that describes how you comply with Federal grant requirements; and

(b) You may have to provide additional documentation to comply with environmental and other laws, as defined in Fish and Wildlife Service Manual 523 FW 1 (available on the internet at http://www.fws.gov/directives/523fw1.html). The Service Regional Office Grant Administrator may request preliminary evidence at the grant proposal stage that the proposed project will meet these compliance requirements. Consult with the appropriate Service Regional Office for specific applicability.

Subpart F—How the Service Selects Projects To Receive Grants

§ 86.60 What are the criteria used to select projects for grants?

(a) We will rank all Tier Two proposals according to the criteria in paragraph (b) of this section and the attached chart, which sets forth points we will ascribe for various factors.

(b) We will consider proposals that:

(1) Plan to construct, renovate, and maintain tie-up facilities for transient nontrailerable recreational vessels following priorities identified in your State's program plan (see Subpart M for State program plan information) that the Secretary of the Interior has approved under section 7404(c) of the Sportfishing and Boating Safety Act.	15 points.
(2) Provide for public/private and public/public partnership efforts to develop, renovate, and maintain tie-up facilities. These partners must be other than the Service and lead State agency:	
(i) One partner	5 points.
(ii) Two partners	10 points.
(iii) Three or more partners	15 points.
(3) Use innovative techniques to increase the availability of tie-up facilities for transient nontrailerable recreational vessels (includes education/information).	0–15 points.
(4) Include private, local, or other State funds in addition to the non-Federal match, described in § 86.42:	
(i) Twenty-six percent to thirty-five percent	5 points.
(ii) Between thirty-six and forty-nine percent	10 points.
(iii) Fifty percent and above	15 points.
(5) Are cost efficient. Proposals are cost efficient when the tie-up facility or access site's features add a high value compared with the funds from the proposal, for example, where you construct a small feature such as a transient mooring dock within an existing harbor that adds high value and opportunity to existing features (restrooms, utilities, *etc.*). A proposal that requires installing all of the above features would add less value for the cost.	0–10 points.
(6) Provide a significant link to prominent destination way points such as those near metropolitan population centers, cultural or natural areas, or that provide safe harbors from storms.	10 points.
(7) Provide access to recreational, historic, cultural, natural, or scenic opportunities of national, regional, or local significance. Projects that provide access to opportunities of national, regional, or local significance receive 5 points for each, for a maximum of 15 points	
(8) Provide significant positive economic impacts to a community. For example, a project that costs $100,000 and attracts a number of boaters who altogether spend $1 million a year in the community.	1–5 points.
(9) Include multi-State efforts that result in coordinating location of tie-up facilities.	5 points.
(10) Total possible points	105 points.

Criteria	Points
(1) Construct Tie-up Facilities	15
(2) Provide Partnership Efforts	5–15
(3) Use Innovative Techniques	0–15
(4) Include Other Funding Sources	5–15
(5) Are Cost Efficient	0–10
(6) Provide Way Point Linkage	10
(7) Provide Access To Opportunities	5–15
(8) Provide Significant Economic Impacts	1–5
(9) Include Multi-State Efforts	5
(10) Total Possible Points	105

§ 86.61 What process does the Service use to select projects for grants?

The Service's Division of Federal Aid convenes a panel of professional staff to review, rank, and recommend funding to the Service Director. This panel will include representatives from the Service's Washington, DC, and Regional Offices. The Director may convene an advisory panel of nongovernmental organizations to advise and make recommendations to the Federal panel. The Service Director will select projects for grants by August 16, 2001, August 10, 2001, and August 10, 2002, for the three grant cycles.

§ 86.62 What must I do after my project has been selected?

After we approve your award, we will notify you to work with the appropriate Service Regional Office to fulfill the grant documentation requirements and finalize the grant agreement.

§ 86.63 May I appeal if my project is not selected?

If you have a difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work, you may appeal to the Director. Final determination rests with the Secretary of the Interior (50 CFR 80.7).

Subpart G—How States Manage Grants

§ 86.70 What are my requirements to acquire, install, operate, and maintain real and personal property?

(a) You will find applicable regulations for this subject in 43 CFR 12.71 and 12.72. If you have questions about applicability, contact the appropriate Service Regional Office.

(b) You must ensure that the design and installation of tie-up facilities provide for substantial structures that will have a significant longevity, at least 20 years.

(c) You must ensure that you operate, maintain, and use the tie-up facilities and features for the stated grant purpose. You must obtain prior written approval from the appropriate Service Regional Director before you can convert these tie-up facilities to other uses.

§ 86.71 How will I be reimbursed?

For details on how we will pay you, refer to 43 CFR 12.61.

§ 86.72 Do any other Federal requirements apply to this program?

For administrative requirements not covered under these specific guidelines, check 43 CFR 12, which generally applies to all Federal grant programs.

§ 86.73 What if I do not spend all the money?

Funds not obligated or expended after 3 fiscal years from the date of the award revert to the Secretary of Transportation for use in State recreational boating safety programs. (16 U.S.C. 777c(b)(3)(B), 16 U.S.C. 777c(b)(4))

§ 86.74 What if I need more money?

Funds for grants are available only on a competitive basis. Therefore, if you need more money, you must compete in the next grant cycle.

Subpart H—Reporting Requirements for the States

§ 86.80 What are my reporting requirements for this grant program?

(a) For all projects, you must submit to the appropriate Service Regional Office an annual report and a final performance report and otherwise comply with 43 CFR 12.80.

(b) For Tier Two projects, you must submit quarterly reports according to 43 CFR 12.80.

§ 86.81 When are the reports due?

Reports are due as follows:

(a) Annual reports are due 90 days after the grant year ends;

(b) The final performance report is due 90 days after the expiration or termination of grant support;

(c) Tier Two quarterly reports are due January 31, April 30, July 31, and October 31 unless specified otherwise in the grant agreement; and

(d) The State must report certified percentage of completion data and other significant developments in accordance with the grant agreement or 43 CFR 12.80.

§ 86.82 What must be in the reports?

The reports must include the following:

(a) You must identify the actual accomplishments compared to the objectives established for the period;

(b) You must identify the reasons for any slippage if established objectives were not met; and

(c) You must identify any additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

Subpart I—State Use of Signs and Sport Fish Restoration Symbols

§ 86.90 What are my responsibilities for information signs?

You should install appropriate information signs at boating infrastructure tie-up facilities. You should ensure that this information is clearly visible, directing boaters to the facility. Information should show fees, restrictions, hours of operation, a contact name, and telephone number to report an inoperable facility.

§ 86.91 What are my program crediting responsibilities?

You should give public credit to the Federal Aid in Sport Fish Restoration (SFR) program as the source of funding for the BIG Program. You should recognize this program by using the SFR logo. You are encouraged to use the crediting logo identified in § 80.26 of this chapter to identify national BIG Program projects.

§ 86.92 Who can use the SFR logo?

The States may use the SFR logo and should encourage others to display it. Other people or organizations may use the logo for purposes related to the national BIG Program as authorized in § 80.26 of this chapter.

§ 86.93 Where should I use the SFR logo?

You should display the logo on tie-up facilities that you construct, acquire, develop, or maintain under these grants. You should also use the logo on printed material or other visual representations that relate to project accomplishments or education/information. Refer to § 85.47 of this chapter for logo colors.

§ 86.94 What crediting language should I use?

Suggested examples of language to use when crediting the national BIG Program follow:

(a) *Example 1:* The Federal Aid in Sport Fish Restoration Program funded this facility thanks to your purchase of fishing equipment and motorboat fuels.

(b) *Example 2:* The Federal Aid in Sport Fish Restoration Program is funding this construction thanks to your purchase of fishing equipment and motorboat fuels. And,

(c) *Example 3:* The Federal Aid in Sport Fish Restoration Program funded this (pamphlet) thanks to your purchase of fishing equipment and motorboat fuels.

Subpart J—Service Completion of the National Framework

§ 86.100 What is the National Framework?

The National Framework is the survey, required by the Act, you must use to determine boating access needs in your State. Through a State survey, you must conduct a boating access needs assessment or data collection to determine the adequacy, number, location, and quality of tie-up facilities and boat access sites providing access to recreational waters for all sizes of recreational boats.

§ 86.101 What is the Service schedule to adopt the National Framework?

The Secretary of the Interior adopted the National Framework on September 28, 2000 via a notice in the FEDERAL REGISTER (Volume 65, Number 189, Page 58284).

§ 86.102 How did the Service design the National Framework?

The Framework divides the survey into two components: boater survey, and boat access provider survey.

(a) The purpose of the boater survey component is to identify boat user preferences and concerns for existing and needed access available to the public.

(1) The nontrailerable boat data set will fulfill informational needs for you to develop your State program plans as called for in the Act.

(2) The boater survey will survey registered boat owners in your State for two types of boats:

(i) Part A—for nontrailerable recreational vessels.

(ii) Part B—for trailerable and ''cartop'' boats (less than 26 feet long).

(b) The purpose of the boat access provider component is to identify boat access providers' ideas about current and needed facility and site locations and perceptions of boat user preferences and concerns regarding access. We developed these questions to guide interviews of boat access facility and site managers.

(1) The nontrailerable boat data set will fulfill the informational needs for you to develop your State plans as called for in the Act.

(2) The boat access provider survey will survey facility providers in your State for two types of boats:

(i) Part C—a survey to all providers in your State who allow public access, including State agency and non-State entities (Federal and local government entities, corporate and private/commercial providers), and operate tie-up facilities for nontrailerable recreational vessels.

(ii) Part D—a survey to all providers in your State who allow public access and operate boat access sites for boats less than 26 feet long.

Subpart K—How States Will Complete Access Needs Surveys

§ 86.110 What does the State survey do?

The State survey determines the status of boating access facilities for all recreational boats in your State and your future boater access needs.

§ 86.111 Must I do a survey?

The Act does not require surveys. They are voluntary. However, if you do a survey, you must complete it following the National Framework to receive funds. You must transmit the results to the Service Regional Offices in a common electronic format, such as Microsoft Word, Word Perfect, Excel or Quattro Pro.

§ 86.112 What are the advantages of doing a survey?

Surveys provide the information necessary to fully understand the needs of boaters in your State. Surveys allow you to develop a meaningful plan to provide better access to boaters. Use surveys to complete the plan.

§ 86.113 What if I have recently completed a boat access survey?

If the recent survey substantially answers the provisions in § 86.118, the appropriate Service Regional Office will determine if it is sufficient to meet the needs of the program. If the Regional Office determines that the survey is not sufficient, you must complete that portion(s) or an entire new survey to receive credit for completing a recent survey.

§ 86.114 Do I need to conduct a survey if I already have a plan for installing tie-up facilities?

You need not conduct the survey if the appropriate Secretary of the Interior certifies that you have developed and are carrying out a State program plan, as described in Subpart M of this chapter, that ensures that public boat access exists and is adequate to meet the needs of recreational boaters on your waters.

§ 86.115 How should I administer the survey?

Use a consultant or university specializing in administration of such surveys. Use sample sizes large enough to achieve statistical accuracy so the estimate is within plus or minus 10 percent of the true number.

(a) You may use a telephone, mail, or other type of survey for a sample population of boaters within the State. Costs for telephone and mail surveys are roughly similar. However, response

rates for mail surveys are generally lower.

(b) For boat access providers, we prefer that you survey all State agency and non-State providers, but you may survey a sample population.

(c) You may develop your own methodology to collect data, which may include telephone, mail, fax, or other inventory means. We do not expect you to use automated, electronic, mechanical, or similar means of information collection.

(d) Data collected are unique to each respondent. Data collection should use standard survey method criteria to gather information from each respondent.

§ 86.116 May I change the questions in the survey?

You must not change the questions because we need information that is comparable nationwide. We have developed a survey instrument for completing the surveys. We are seeking approval from OMB on the survey questions and the OMB approval does not extend to additional questions.

§ 86.117 [Reserved]

§ 86.118 What does this survey instrument include?

(a) We divided this survey into four parts. Part A being for transient nontrailerable boat owners. Part B is for trailerable or ''car-top'' boat owners. Part C is for State agency and non-State providers of facilities for nontrailerable recreational vessels in the State. Part D is for State and non-State providers of access sites for trailerable or ''car-top'' boats.

(b) Follow these instructions to complete Part A—BOAT OWNER SURVEY FOR TIE-UP FACILITIES FOR NONTRAILERABLE RECREATIONAL VESSELS:

(1) If the boater owns a nontrailerable recreational vessel, ask the boater to fill out Part A;

(2) If the boater owns more than one boat 26 feet or more in length, ask the boater to provide information for the boat he or she uses most often;

(3) If the boater owns at least one boat more than and at least one boat less than 26 feet in length, ask the boater to fill out both Parts A and B; and,

(4) You should use a sample size large enough to achieve statistical accuracy so the estimate is within 10 percent of the true number.

(c) Follow these instructions to complete Part B—BOAT OWNER SURVEY FOR TRAILERABLE OR ''CAR-TOP'' BOAT ACCESS SITES:

(1) If the boater owns a boat less than 26 feet long, ask the boater to fill out Part B;

(2) If the boater owns more than one boat less than 26 feet long, ask the boater to provide information for the boat he or she uses most;

(3) If the boater owns at least one boat more than and at least one boat less than 26 feet in length, ask the boater to complete both Parts A and B; and,

(4) You should use a sample size large enough to achieve statistical accuracy so the estimate is within 10 percent of the true number.

(d) Parts C and D are surveys for providers of tie-up facilities and boat access sites. Part C is for State agency and non-State providers of facilities for nontrailerable recreational vessels in the State. Part D is for State and non-State providers of boat access sites for boats less than 26 feet in length.

(e) Follow these instructions to complete Part C—STATE AGENCY AND NON-STATE PROVIDER SURVEY FOR TIE-UP FACILITIES:

(1) Ask State agency and non-State providers of tie-up facilities for nontrailerable recreational vessels to fill out Part C.

(2) If more than one State agency manages these facilities, send this survey to all of those agencies.

(3) If the State agency or non-State provider awards grants to others who provide facilities, ask these grantees to respond for these facilities instead of the State agency or non-State provider.

(4) If a State agency or non-State provider operates facilities and sites for both nontrailerable and trailerable boats, ask the provider to fill out both Parts C and D.

(5) Ask State agency and non-State providers to identify all tie-up facilities.

(6) For all questions, if you need additional space, make copies of the appropriate page.

(f) Follow these instructions to complete Part D—STATE AGENCY AND NON-STATE PROVIDER SURVEY FOR TRAILERABLE BOAT ACCESS SITES:

(1) Ask State agency and non-State providers of access sites for boats less than 26 feet long to fill out Part D.

(2) Non-State providers include the Federal Government, local government, corporations, private owners, and others.

(3) If more than one State agency manages these sites, send this survey to all of them.

(4) If the State agency or non-State provider awards grants to others who provide sites, ask these grantees to respond for these sites instead of the State agency or non-State provider.

(5) If a State agency or non-State provider operates facilities and sites for both nontrailerable and trailerable boats, ask the provider to fill out both Parts C and D.

(6) We prefer that the State agency or non-State provider identify all boat access sites and water-bodies, but if he or she has many sites and water-bodies, the provider may group the information together rather than identify each site individually.

(7) For all questions, if you need additional space, make copies of the appropriate page.

Subpart L—Completing the Comprehensive National Assessment

§ 86.120 What is the Comprehensive National Assessment?

The Comprehensive National Assessment is a national report integrating the results of State boat access needs and facility surveys.

§ 86.121 What does the Comprehensive National Assessment do?

The Comprehensive National Assessment determines nationwide the adequacy, number, location, and quality of public tie-up facilities and boat access sites for all sizes of recreational boats.

§ 86.122 Who completes the Comprehensive National Assessment?

The Service completes the Assessment. We will develop standards in consultation with the States.

§ 86.123 Comprehensive National Assessment schedule.

Using the results from the State surveys, the Service will compile the results and produce the Comprehensive National Assessment by September 30, 2003.

§ 86.124 What are the Comprehensive National Assessment products?

The Comprehensive National Assessment products are:

(a) A single report, including the following information:

(1) A national summary of all the information gathered in the State surveys.

(2) A table of States showing the results of the information gathered.

(3) One-page individual State summaries of the information.

(4) Appendices that include the survey questions, and names, addresses, and telephone numbers of State contacts.

(5) An introduction, background, methodology, results, and findings.

(6) Information on the following:

(i) Boater trends, such as what types of boats they own, where they boat, and how often they boat.

(ii) Boater needs, such as where facilities and sites are now found, where boaters need new facilities and boat access sites, and what changes of features boaters need at these facilities and sites. And

(iii) Condition of facilities.

(b) Summary report abstracting important information from the final national report. And

(c) A key findings fact sheet suitable for widespread distribution.

Subpart M—How States Will Complete the State Program Plans

§ 86.130 What does the State program plan do?

The State program plan identifies the construction, renovation, and maintenance of tie-up facilities needed

to meet nontrailerable recreational vessel user needs in the State.

§ 86.131 Must I do a plan?

The Act does not require plans. Plans are voluntary. However, if you do a plan, you must complete it following these regulations.

§ 86.132 What are the advantages to doing a plan?

Plans provide the information necessary to fully understand the needs of boaters operating nontrailerable recreational vessels in your State. The plan will make you more competitive when you submit grants under this program. We will give you 15 points for having an approved plan.

§ 86.133 What are the plan standards?

You must base State program plans on a recent, completed survey following the National Framework.

§ 86.134 What if I am already carrying out a plan?

You need not develop a program plan if we certify that you have developed and are carrying out a plan that ensures public boat access is and will be adequate to meet the needs of recreational boaters on your waters.

§ 86.135 [Reserved]

§ 86.136 What must be in the plan?

The plan must:

(a) Identify current boat use and patterns of use.

(b) Identify current tie-up facilities and features open to the public and their condition.

(c) Identify boat access user needs and preferences and their desired locations. Include repair, replacement, and expansion needs and new tie-up facilities and features needed.

(d) Identify factors that inhibit boating in specific areas, such as lack of facilities, or conditions attached that inhibit full use of facilities. Identify strategies to overcome these problems.

(e) Include information about the longevity of current tie-up facilities.

§ 86.137 What variables should I consider?

You should consider the following variables:

(a) Location of population centers,

(b) Boat-based recreation demand,

(c) Cost of development,

(d) Local support and commitment to maintenance,

(e) Water-body size,

(f) Nature of the fishery and other resources,

(g) Geographic distribution of existing tie-up facilities,

(h) How to balance the need for new tie-up facilities with the cost to maintain and improve existing facilities.

SUBCHAPTER G—MISCELLANEOUS PROVISIONS

PART 90—FEEDING DEPREDATING MIGRATORY WATERFOWL

Subpart A—Introduction

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90.1 General.
90.2 Scope of regulations.

Subpart B—Use of Surplus Grain

90.11 Statutory provisions.
90.12 Interpretation.
90.13 Policy.
90.14 Waterfowl depredation complaints; where filed.
90.15 Criteria to govern approval of applications.
90.16 Actions following investigation.
90.17 Compliance with other regulations.

AUTHORITY: 70 Stat. 492, 7 U.S.C. 443.

SOURCE: 38 FR 6675, Mar. 12, 1973, unless otherwise noted.

Subpart A—Introduction

§ 90.1 General.

Any person having an interest in a crop and who is suffering damage due to depredations by migratory waterfowl may file a complaint and apply for surplus grain for use in feeding programs to augment the natural source of food available to migratory waterfowl to aid in the prevention of crop damage by such birds, as provided for in these regulations.

§ 90.2 Scope of regulations.

The provisions of this part supplement 70 Stat. 492, 7 U.S.C. 442–445.

Subpart B—Use of Surplus Grain

§ 90.11 Statutory provisions.

Section 1 of the Act of July 3, 1956, as amended (70 Stat. 492; 7 U.S.C. 442–445) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 90.12 Interpretation.

The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to the Act to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.

§ 90.13 Policy.

Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 90.14 Waterfowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 90.15 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the U.S. Fish and Wildlife Service regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See § 2.2 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal, State, or local governmental body shall be deemed to be a ''person'' and to have such an interest in crops threatened with damages as to qualify him as an applicant.

§ 90.15 Criteria to govern approval of applications.

Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by this chapter I to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 90.16 Actions following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 90.15, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall

execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding operations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 90.17 Compliance with other regulations.

Nothing in this subpart shall be construed to supersede or modify any regulations relating to the hunting of migratory game birds, nor to permit the transportation, installation or use of grain contrary to any applicable Federal, State, or local laws or regulations.

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

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Subpart D—Post-Contest Procedures

91.31 Return of entries after contest.

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

SOURCE: 53 FR 16344, May 6, 1988, unless otherwise noted.

Subpart A—Introduction

§ 91.1 Purpose of regulations.

(a) The purpose of these regulations is to establish procedures for selecting a design that will be used for the annual Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp).

(b) All individuals entering the contest must comply with these regulations. A copy of the regulations along with the Reproduction Rights and Display and Participation Agreements may be requested from the Federal Duck Stamp Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240.

(c) All contestants from the most recent contest will be sent a copy of the regulations, the Display and Participation Agreement, and the Reproduction Rights Agreement.

[56 FR 22815, May 16, 1991]

§ 91.2 Definitions.

Contest Coordinator— the contest official responsible for overseeing the

judges' scores for each entry. The contest coordinator will be named by the Secretary of the Interior and will not be a past or present employee of the Fish and Wildlife Service.

Display and participation agreement—a document that each contestant must complete, sign and submit with the entry. The signed agreement permits the Service to display the entry at various locations for promotional purposes, and requires the artist to participate in events in behalf of the Federal Duck Stamp Program.

Qualifying entry— each original work of art submitted to the contest that satisfies the requirements outlined in subpart B.

Reproduction rights agreement—a document that each contestant must sign and submit with the entry. The signed agreement certifies that the entry is an original work of art and stipulates how the Fish and Wildlife Service may use the winning entry.

[53 FR 16344, May 6, 1988, as amended at 56 FR 22815, May 16, 1991]

§ 91.3 Public attendance at contest.

All phases of the voting process will be open for viewing by the general public.

§ 91.4 Eligible species.

Five or fewer of the species listed below will be identified as eligible each year; those eligible species will be provided to each contestant with the information provided in § 91.1.

(a) *Whistling-Ducks*. (1) Fulvous Whistling-Duck (Dendrocygna bicolor)

(2) Black-bellied Whistling-Duck (Dendrocygna autumnalis)

(b) *Swans*. (1) Trumpeter Swan (Cygnus buccinator)

(2) Tundra Swan (Cygnus columbianus)

(c) *Geese*. (1) Greater White-fronted Goose (Anser albifrons)

(2) Snow Goose (including bluephase) (Chen caerulescens)

(3) Ross' Goose (Chen rossii)

(4) Emperor Goose (Chen canagica)

(5) Canada Goose (Branta canadensis)

(d) *Brant*. (1) Brant (Branta bernicla)

(e) *Dabbling Ducks*. (1) Wood Duck (Aix sponsa)

(2) American Widgeon (Anas americana)

(3) Gadwall (Anas strepera)

(4) American Green-winged Teal (Anas crecca carolinensis)

(5) Mallard (Anas platyrhynchos)

(6) Mottled Duck (Anas fulvigula)

(7) American Black Duck (Anas rubripes)

(8) Northern Pintail (Anas acuta)

(9) Blue-winged Teal (Anas discors)

(10) Cinnamon Teal (Anas cyanoptera)

(11) Northern Shoveler (Anas clypeata)

(f) *Diving Ducks*. (1) Canvasback (Aythya valisineria)

(2) Redhead (Aythya americana)

(3) Ring-necked Duck (Aythya collaris)

(4) Greater Scaup (Aythya marila)

(5) Lesser Scaup (Aythya affinis)

(g) *Sea-Ducks*. (1) Common Eider (Somateria mollissima)

(2) King Eider (Somateria spectabilis)

(3) Spectacled Eider (Somateria fischeri)

(4) Steller's Eider (Polysticta stelleri)

(5) Harlequin Duck (Histrionicus histrionicus)

(6) Oldsquaw (Clangula hyemalis)

(7) Black Scoter (Melanitta nigra)

(8) Surf Scoter (Melanitta perspicillata)

(9) White-winged Scoter (Melanitta fusca)

(10) Bufflehead (Bucephala albeola)

(11) Barrow's Goldeneye (Bucephala islandica)

(12) Common Goldeneye (Bucephala clangula)

(h) *Mergansers*. (1) Hooded Mergansers (Lophodytes cucullatus)

(2) Red-breasted Merganser (Mergus serrator)

(3) Common Merganser (Mergus merganser)

(i) *Stiff Tails*. (1) Ruddy Duck (Oxyura jamaicensis)

[53 FR 16344, May 6, 1988, as amended at 56 FR 22815, May 16, 1991; 61 FR 25155, May 20, 1996]

Subpart B—Procedures for Entering the Contest

§ 91.11 Contest deadlines.

(a) The contest will officially open on July 1 of each year.

(b) Entries must be postmarked no later than midnight, September 15.

[53 FR 16344, May 6, 1988, as amended at 61 FR 25155, May 20, 1996; 62 FR 24845, May 7, 1997]

§ 91.12 Contest eligibility.

United States citizens, nationals, or resident aliens are eligible to participate in the contest. Any person who has won the contest during the preceding three years will be ineligible to submit an entry in the current year's contest. All entrants must be 18 years of age as of July 1 to participate in the Federal Duck Stamp Contest. Contest judges and their relatives are ineligible to submit an entry. All entrants must submit a non-refundable fee of $100.00 by a cashiers check, certified check, or money order made payable to: U.S. Fish and Wildlife Service. (Personal checks will not be accepted.) All entrants must submit signed Reproduction Rights and Display and Participation Agreements.

[61 FR 25155, May 20, 1996]

§ 91.13 Technical requirements for design and submission of entry.

The design must be a horizontal drawing or painting seven (7) inches high and ten (10) inches wide. The entry may be drawn in any medium desired by the contestant and may be in either multicolor or black and white. No scrollwork, lettering, bird band numbers, signatures or initials may appear on the design. Each entry must be matted (*over only*) with a nine (9) inch by twelve (12) inch white mat, one (1) inch wide, and the entire entry cannot exceed one quarter (¼) inch in total thickness. Entries must not be framed, under glass, or have a protective covering that is attached to the entry.

[62 FR 24845, May 7, 1997]

§ 91.14 Restrictions on subject matter to entry.

A live portrayal of any bird(s) of the five or fewer identified eligible species must be the *DOMINANT* feature of the design. The design may depict more than one of the eligible species, Designs may include, but are not limited to, hunting dogs, hunting scenes, use of waterfowl decoys, National Wildlife Refuges as the background of habitat scenes, and other designs that depict the sporting, conservation, stamp collecting and other uses of the stamp. The overall mandate will be to select the best design that will make an interesting, useful and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original *''hand drawn''* creation. The entry design may not be copied or duplicated from previously published art, including photographs. Photographs, computer-generated art, art produced from a computer printer or other computer/mechanical output device (airbrush method excepted) are not eligible to be entered into the contest and will be disqualified. An entry submitted in a prior contest that was not selected for the Federal or a state stamp design may be submitted in the current contest if it meets the above criteria.

[62 FR 24845, May 7, 1997]

§ 91.15 Suitability of entry for engraving.

All entries should be drawn with fullest attention to clarity of detail and the relationship of tonal values. These prerequisites are important to interpret pictorial elements to hand engraving for printing, as they determine the engraved line techniques and direction. The engraver relies on the accuracy of the artist's work for successful interpretation. The engraver is primarily responsible for line interpretation and discipline, creating the miniature image of bird(s) appearing on the stamp.

[56 FR 22815, May 16, 1991]

§ 91.16 Submission procedures for entry.

(a) Each contestant may submit only one entry. Each entry must be accompanied by a non-refundable entrance fee and a completed and signed Reproduction Rights Agreement and a completed and signed Display and Participation Agreement. The bottom portion of the Reproduction Rights Agreement must be attached to the back of the entry.

(b) Each entry should be appropriately wrapped to protect the art work and sent by registered mail, certified mail, express mail, overnight delivery service or hand delivered to: Federal Duck Stamp Office, U.S. Fish and Wildlife Service, Suite 2058, Department of the Interior, Washington, DC 20240.

[56 FR 22815, May 16, 1991]

§ 91.17 Property insurance for entries.

Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. The Department of the Interior will not insure the entries it receives nor is it responsible for loss or damage unless it is caused by its negligence or willful misconduct. In any event, the liability of the Department of the Interior will not exceed the amount of the entry fee as specified in § 91.12.

[61 FR 25156, May 20, 1996]

§ 91.18 Failure to comply with contest regulations.

Any entry that does not comply with the requirements of subpart B will be disqualified from the contest.

Subpart C—Procedures for Administering the Contest

§ 91.21 Selection and qualification of contest judges.

(a) *Selection.* Five voting judges and one alternate judge will be selected annually by the Secretary of the Interior. Current employees of the Fish and Wildlife Service and their relatives are ineligible to serve as judges for the contest. The judges will be reimbursed for reasonable travel expenses. The judges will be announced on the first day of the contest.

(b) *Qualifications.* The panel of five judges will be made up of individuals, all of whom have one or more of the following prerequisites: recognized art credentials, knowledge of the anatomical makeup and the natural habitat of the eligible waterfowl species, an understanding of the wildlife sporting world in which the Duck Stamp is used, an awareness of philately and the role the Duck Stamp plays in stamp collecting, and demonstrated support for the conservation of waterfowl and wetlands through active involvement in the conservation community.

[56 FR 22816, May 16, 1991]

§ 91.22 Display of entries for contest.

All eligible entries will be displayed in the Department of the Interior auditorium in numerical order. The only visible identification on each entry will be the number assigned to it in chronological order when it is received and processed by the Service.

§ 91.23 Scoring criteria for contest.

Entries will be judged on the basis of anatomical accuracy, artistic composition and suitability for engraving in the production of a stamp.

§ 91.24 Contest procedures.

(a) The day before the judging begins, the judges will be briefed on all aspects of the judging procedures and other details of the competition, and will preview all eligible artwork entered.

(b) Prior to the first round of judging, and prior to the opening of the contest to the public, the judges will spend an additional two hours reviewing the entries.

(c) In the first round of judging, all qualified entries will be shown one at a time to the judges by the Contest Coordinator or a contest staff member. The judges will vote ''in'' or ''out'' on each entry; those entries receiving a majority of votes ''in'' will be eligible for the second round of judging. The remaining entries will be placed on display as a group for public viewing.

(d) Prior to the second round of judging, each judge may select not more than five entries from those eliminated in the first round. Those additional entries selected by the judges will be eligible to be judged in the second round.

(e) Prior to the second round of judging, the entries selected by the judges under the procedures of paragraphs (c) and (d) of this section will be displayed in numerical order in the front of the auditorium.

(f) The technical advisors from the Department of the Interior and the Bureau of Engraving and Printing will do a critical analysis of the entries that will be judged in the second round and

advise the judges of any serious anatomical problems and/or any serious design problems for the engraver.

(g) In the second round of judging, each entry selected in the first round, plus the additional entries selected by judges, will be shown one at a time to the judges by the Contest Coordinator or by a contest staff member. The judges will vote by indicating a numerical score from one to five for each entry. The scores will be totaled to provide the entry score. The entries receiving the five highest scores will be advanced to the third round of judging.

(h) In the third round of judging, the judges will vote on the remaining entries using the same method as in round two, except they would indicate a numerical score from 3 to 5 for each entry. The Contest Coordinator will tabulate the final votes and present them to the Director, U.S. Fish and Wildlife Service, who will announce the winning entry as well as the entries that placed second and third.

(i) In case of a tie vote for first, second, or third place in the third round, the judges will vote again on the entries that are tied. The judges will vote using the same method as in round three.

(j) The selection of the winning entry by the judges will be final. Each contestant will be notified of the winning artist and the design. The winning artist will receive a pane of Duck Stamps signed by the Secretary of the Interior at the Federal Duck Stamp Contest the following year. The artists placing first, second, and third will receive a framed commendation from the Director of the U.S. Fish and Wildlife Service.

[53 FR 16344, May 6, 1988, as amended at 56 FR 22816, May 16, 1991; 61 FR 25156, May 20, 1996]

Subpart D—Post-Contest Procedures

§ 91.31 Return of entries after contest.

All entries will be returned by certified mail to the participating artists within 120 days after the contest, unless the artwork is selected to appear at one or more wildlife art expositions. If artwork is returned to the Service because it is undelivered or unclaimed (this may happen if an artist changes address), the Service will not be obligated to trace the location of the artist to return the artwork. Any artist who changes his or her address is responsible for notifying the Service of the change. All unclaimed entries will be destroyed one year from the date of the contest.

[56 FR 22816, May 16, 1991]

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

Subpart A—General Provisions

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Subpart C—General Regulations Governing Subsistence Harvest

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Subpart D—Annual Regulations Governing Subsistence Harvest

92.30 General overview of regulations.
92.31–92.39 [Reserved]

AUTHORITY: 16 U.S.C. 703–712.

SOURCE: 67 FR 53517, Aug. 16, 2002, unless otherwise noted.

Subpart A—General Provisions

§ 92.1 Purpose of regulations.

The regulations in this part implement the Alaska migratory bird subsistence program as provided for in Article II(4)(b) of the 1916 Convention for the Protection of Migratory Birds in Canada and the United States (the ''Canada Treaty''), as amended.

§ 92.2 Authority.

The Secretary of the Interior issues the regulations in this part under the authority granted to the Secretary by the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703–712.

§ 92.3 Applicability and scope.

(a) *In general.* The regulations in this part apply to all eligible persons harvesting migratory birds and their eggs for subsistence purposes in Alaska between the dates of March 10 and September 1. The provisions in this part do not replace or alter the regulations set forth in part 20 of this chapter, which relate to the hunting of migratory game birds and crows during the regular open season from September 1 through March 10. The provisions set forth in this part implement the exception to the closed season, which authorizes the taking of migratory birds in Alaska for subsistence purposes between March 10 and September 1.

(b) *Land ownership.* This part does not alter the legal authorities of Federal and State land managing agencies or the legal rights of private land owners to close their respective lands to the taking of migratory birds.

(c) *Federal public lands.* The provisions of this part are in addition to, and do not supersede, any other provision of law or regulation pertaining to national wildlife refuges or other federally managed lands.

(d) *Migratory bird permits.* The provisions of this part do not alter the terms of any permit or other authorization issued pursuant to part 21 of this chapter.

(e) *State laws for the protection of migratory birds.* No statute or regulation of the State of Alaska relieves a person from the restrictions, conditions, and requirements contained in this part. Nothing in this part, however, prevents the State of Alaska from making and enforcing laws or regulations that are consistent with the regulations in this part, the conventions between the United States and any foreign country for the protection of migratory birds, and the Migratory Bird Treaty Act, and that give further protection to migratory birds.

§ 92.4 Definitions.

The following definitions apply to all regulations contained in this part:

Alaska Native means the same as ''Native,'' defined in section 3(b) of the Alaska Native Claims Settlement Act, 16 U.S.C. 1602(b).

Co-management Council means the Alaska Migratory Bird Co-management Council, consisting of Alaska Native, Federal, and State of Alaska representatives as equals.

Eligible person means an individual within the State of Alaska who qualifies to harvest migratory birds and their eggs for subsistence purposes during the spring and summer.

Excluded areas are defined in § 92.5.

Flyway Council means the Atlantic, Mississippi, Central, or Pacific Flyway Council.

Immediate family means spouse, children, parents, grandchildren, grandparents, and siblings.

Included areas are defined in § 92.5.

Indigenous inhabitant means a permanent resident of a village within a subsistence harvest area, regardless of race.

Migratory bird, for the purposes of this part, means the same as defined in § 10.12 of this chapter. Species are listed in § 10.13 of this chapter.

Native means the same as ''Alaska Native'' as defined in this section.

Nonwasteful taking means making a reasonable effort to retrieve all birds killed or wounded, and retaining such birds in possession between the place where taken and the hunter's permanent or temporary place of residence, or to the location where the birds will be consumed or preserved for food.

Partner organization or regional partner means a regional or local organization, or a local or tribal government that has entered into a formal agreement with the U.S. Fish and Wildlife Service for the purpose of coordinating the regional programs necessary to involve subsistence hunters in the regulatory process described in this part.

Permanent resident means any person whose primary, permanent home for the previous 12 months was within a subsistence harvest area in Alaska. Whenever absent from this primary, permanent home, the person has the intention of returning to it. Factors

demonstrating a person's primary, permanent home may include: an address listed on an Alaska Permanent Fund dividend application; an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; voter registration; location of residences owned, rented, or leased; location of stored household goods; the residence of the person's spouse, minor children, or dependents; tax documents; whether the person claims residence in another location for any purpose; or status as a tribal member of a tribe in a subsistence harvest area.

Service Regulations Committee means the Migratory Bird Regulations Committee of the U.S. Fish and Wildlife Service.

State means State of Alaska.

Subsistence means the customary and traditional harvest or use of migratory birds and their eggs by eligible indigenous inhabitants for their own nutritional and other essential needs.

Subsistence harvest areas encompass customary and traditional hunting areas of villages in Alaska that qualify for a spring or summer subsistence harvest of migratory birds under this part.

Village is defined as a permanent settlement with one or more year-round residents.

§ 92.5 Who is eligible to participate?

If you are a permanent resident of a village within a subsistence harvest area, you will be eligible to harvest migratory birds and their eggs for subsistence purposes in the spring and summer.

(a) *Included areas.* Village areas located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, or in areas north and west of the Alaska Range are subsistence harvest areas, except that villages within these areas not meeting the criteria for a subsistence harvest area as identified in paragraph (c) of this section will be excluded from the spring and summer subsistence harvest. Any person may request the Co-management Council to recommend that an otherwise included area be excluded by submitting a petition stating how the area does not meet the criteria identified in paragraph (c) of this section. The Co-management Council will forward petitions to the appropriate regional management body for review and recommendation. The Co-management Council will then consider each petition and will submit to the U.S. Fish and Wildlife Service any recommendations to exclude areas from the spring and summer subsistence harvest. The U.S. Fish and Wildlife Service will publish any approved recommendations to exclude areas in subpart D of this part.

(b) *Excluded areas.* Village areas located in Anchorage, the Matanuska-Susitna or Fairbanks North Star Boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, or Southeast Alaska generally do not qualify for a spring or summer harvest. Communities located within one of these areas may petition the Co-management Council through their designated regional management body for designation as a spring and summer subsistence harvest area. The petition must state how the community meets the criteria identified in paragraph (c) of this section. The Co-management Council will consider each petition and will submit to the U.S. Fish and Wildlife Service any recommendations to designate a community as a spring and summer subsistence harvest area. The U.S. Fish and Wildlife Service will publish any approved recommendations to designate a community as a spring and summer subsistence harvest area in subpart D of this part.

(c) *Criteria for determining designation as a spring and summer subsistence harvest area.* A previously excluded community may be included in the spring/summer harvest regulations if recommended by the Alaska Migratory Bird Co-management Council. The Alaska Migratory Bird Co-management Council will recommend designation of subsistence harvest areas based on a deliberative process using the best available information on nutritional and cultural needs and customary and traditional use. The Alaska Migratory Bird Co-management Council recommendations will accommodate traditional spring and summer harvests without creating new traditions or increasing harvest of migratory birds. Recommendations will be made based on the majority of factors and the

weight of the evidence using the following criteria:

(1) A pattern of use recurring in the spring and summer of each year prior to 1999, excluding interruptions by circumstances beyond the user's control;

(2) The consistent harvest and use of migratory birds on or near the user's permanent residence;

(3) A use pattern that includes the handing down of knowledge of hunting skills and values from generation to generation;

(4) A use pattern in which migratory birds are shared or distributed among others within a definable community of persons; a community for purposes of subsistence uses may include specific villages or towns, with a historical pattern of subsistence use; and

(5) A use pattern that includes reliance for subsistence purposes upon migratory birds or their eggs and that meets nutritional and other essential needs including, but not limited to, cultural, social, and economic elements of the subsistence way of life.

(d) *Participation by residents in excluded areas.* In cases where it is appropriate to assist indigenous inhabitants in meeting their nutritional and other essential needs, or for the teaching of cultural knowledge to or by their immediate family members, residents of excluded areas may participate in the customary spring and summer subsistence harvest in a village's subsistence harvest area with the permission of the village council. Eligibility for participation will be developed and recommended by the Co-management Council and adopted or amended by regulations published in subpart D of this part.

§ 92.6 Use and possession of migratory birds.

Harvest and possession of migratory birds must be done using nonwasteful taking. You may not take birds for purposes other than human consumption. You may not sell, offer for sale, purchase, or offer to purchase migratory birds, their parts, or their eggs taken under this part. Nonedible byproducts of migratory birds taken for food may be used for other purposes only by individuals qualified to possess those birds. You may possess migratory birds, their parts, and their eggs, taken under this part, only if you are an eligible participant as determined in § 92.5.

§§ 92.7—92.9 [Reserved]

Subpart B—Program Structure

§ 92.10 Alaska Migratory Bird Co-management Council.

(a) *Establishment.* The U.S. Fish and Wildlife Service hereby establishes, as authorized by the Protocol amending the Canada Treaty, a statewide management body to be known as the Alaska Migratory Bird Co-management Council.

(b) *Membership.* The Co-management Council must include Alaska Native, Federal, and State of Alaska representatives, as equals.

(1) The Federal and State governments will each seat one representative. The Federal representative will be appointed by the Alaska Regional Director of the U.S. Fish and Wildlife Service, and the State representative will be appointed by the Commissioner of the Alaska Department of Fish and Game. Regional partner organizations will seat 1 representative from each of the 7 regions identified in § 92.11(a), except that a region having more than 1 partner organization may send a representative from each partner organization for a maximum of 12 regional representatives.

(2) The Federal and State representatives and the collective Native representatives will each have one vote, for a total of three votes for the entire council.

(c) *Roles and responsibilities.* The Co-management Council is authorized to:

(1) Hold public meetings for the purpose of conducting business related to spring and summer subsistence harvest of migratory birds;

(2) Develop recommendations for regulations governing the spring and summer subsistence harvest of migratory birds and their eggs;

(3) Develop recommendations for, among other things, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection;

(4) Develop procedures and criteria by which areas and communities can be determined to be eligible or ineligible for a spring/summer subsistence harvest;

(5) Provide guidelines to the regional management bodies each year for formulation of annual regulations;

(6) Consolidate regional recommendations and resolve interregional differences in order to prepare statewide recommendations;

(7) Establish committees to gather or review data, develop plans for Co-management Council actions, and coordinate programs with regional management bodies;

(8) Send regional representatives from the Co-management Council to meetings of the Pacific Flyway Council and to meetings of the other Flyway Councils as needed, and to meetings of the Service Regulations Committee;

(9) Elect officers; and

(10) Conduct other business as the Council may determine is necessary to accomplish its purpose.

(d) *Meetings.* Meetings of the Co-management Council will be open to the public. The Co-management Council will:

(1) Hold meetings at least twice annually;

(2) Conduct meetings in accordance with bylaws approved by the Co-management Council;

(3) Provide an opportunity at each meeting for public comment;

(4) Establish the dates, times, and locations of meetings; and

(5) Maintain a written record of all meetings.

(e) *Staff support.* Administrative support for the Co-management Council will be provided by the U.S. Fish and Wildlife Service and will include, but not be limited to:

(1) Making arrangements for the meeting rooms and associated logistics related to Co-management Council meetings;

(2) Preparing public notices announcing Co-management Council meetings;

(3) Maintaining records of discussions and actions taken by the Co-management Council;

(4) Coordinating with the Alaska Department of Fish and Game to provide technical information needed by the Co-management Council for its deliberations;

(5) Preparing documents and gathering information needed by the Co-management Council for its meetings; and

(6) Preparing the annual subpart D regulations package recommended by the Co-management Council for submission to the flyway councils and the Service Regulations Committee.

§ 92.11 Regional management areas.

(a) *Regions identified.* The Alaska Regional Director of the U.S. Fish and Wildlife Service hereby establishes seven geographic regions based on common subsistence resource use patterns. You may obtain maps delineating the boundaries of the seven regions from the U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. The regions are identified as follows:

(1) Southeast, Gulf of Alaska and Cook Inlet;

(2) Aleutian/Pribilof Islands and Kodiak Archipelago;

(3) Bristol Bay;

(4) Yukon-Kuskokwim Delta;

(5) Bering Straits;

(6) Northwest Arctic and Arctic Slope; and

(7) Interior.

(b) *Regional partnerships.* The U.S. Fish and Wildlife Service will establish partner agreements with at least one partner organization in each of the seven regions. The partner organization identified must be willing and able to coordinate the regional program on behalf of all subsistence hunters within that region. A regional partner will:

(1) Organize or identify one or more management bodies within the region in which it is located.

(2) Determine how the management body for the region should be organized, the manner in which it should function, its size, who serves on it, the length of terms, methods of involving subsistence users, and other related matters.

(3) Coordinate regional meetings and the solicitation of proposals.

(4) Ensure appointment of a person to represent the region by serving on the Co-management Council. If a region

consists of more than one partner organization, each partner organization may appoint a member to sit on the Co-management Council.

(5) Keep the residents of villages within the region informed of issues related to the subsistence harvest of migratory birds.

(6) Work cooperatively with the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game to gather harvest data, numbers of subsistence users, and other management data and traditional knowledge for the benefit of the management bodies.

(c) *Regional management bodies.* (1) Regional management bodies must provide a forum for the collection and expression of opinions and recommendations regarding spring and summer subsistence harvesting of migratory birds. They must develop requests and recommendations from the region to be presented to the Co-management Council for deliberation. They must provide for public participation in the meetings at which recommendations and requests are formulated.

(2) Requests and recommendations to the Co-management Council may involve seasons and bag limits, methods and means, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, habitat protection, and other concerns related to migratory bird subsistence programs.

(3) Regional management bodies may be established specifically for the purpose of carrying out the responsibilities identified in this part, or they may be existing entities that can add these responsibilities to their existing duties.

§ 92.12 Relationship to the process for developing national hunting regulations for migratory game birds.

(a) *Flyway councils.* (1) Proposed annual regulations recommended by the Co-management Council will be submitted to all flyway councils for review and comment. The Council's recommendations must be submitted prior to the SRC's last regular meeting of the calendar year in order to be approved for spring/summer harvest beginning March 11 of the following calendar year.

(2) Alaska Native representatives may be appointed by the Co-management Council to attend meetings of one or more of the four flyway councils to discuss recommended regulations or other proposed management actions.

(b) *Service regulations committee.* Proposed annual regulations recommended by the Co-management Council will be submitted to the Service Regulations Committee for their review and recommendation to the Service Director. Following the Service Director's review and recommendation, the proposals will be forwarded to the Department of Interior for approval. Proposed annual regulations will then be published in the FEDERAL REGISTER for public review and comment, similar to the annual migratory game bird hunting regulations (found in part 20 of this chapter). Final spring/summer regulations for Alaska will be published in the FEDERAL REGISTER in the preceding Fall.

§§ 92.13—92.19 [Reserved]

Subpart C—General Regulations Governing Subsistence Harvest

§§ 92.20—92.29 [Reserved]

Subpart D—Annual Regulations Governing Subsistence Harvest

§ 92.30 General overview of regulations.

(a) The taking, possession, transportation, and other uses of migratory birds are generally prohibited unless specifically authorized by regulation developed in accordance with the Migratory Bird Treaty Act. Therefore, harvesting migratory birds is prohibited unless regulations are established ensuring the protection of the various populations of migratory birds. Migratory bird population levels, production, and habitat conditions vary annually. These conditions differ within Alaska and throughout North America. Therefore, the regulations governing migratory bird hunting may include annual adjustments to keep harvests within acceptable levels.

(b) The development of the regulations in this part, like the development of the annual migratory game bird

hunting regulations in part 20 of this chapter, involves annual data gathering programs to determine migratory bird population status and trends, evaluate habitat conditions, determine harvests, and consider other factors having an impact on the anticipated size of annual populations.

(c) The Service proposes annual migratory game bird hunting regulations in the FEDERAL REGISTER in the spring for seasons beginning September 1 of that year. Following consideration of additional biological information and public comment, the Service publishes supplemental proposals throughout the summer. These are also open to public comment.

(d) Sections 92.31 through 92.39 provide for the annual harvest of migratory birds and their eggs during spring and summer for subsistence users in Alaska.

§§ 92.31—92.39 [Reserved]

SUBCHAPTER H—NATIONAL WILDLIFE MONUMENTS

PARTS 96–99 [RESERVED]

PART 100—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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AUTHORITY: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

SOURCE: 67 FR 30563, May 7, 2002, unless otherwise noted.

§ 100.1 Purpose.

The regulations in this part implement the Federal Subsistence Management Program on public lands within the State of Alaska.

§ 100.2 Authority.

The Secretary of the Interior and Secretary of Agriculture issue the regulations in this part pursuant to authority vested in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 3101–3126.

§ 100.3 Applicability and scope.

(a) The regulations in this part implement the provisions of Title VIII of ANILCA relevant to the taking of fish and wildlife on public lands in the State of Alaska. The regulations in this part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. The regulations in this part do not supersede agency-specific regulations.

(b) The regulations contained in this part apply on all public lands including all non-navigable waters located on these lands, on all navigable and non-navigable water within the exterior boundaries of the following areas, and on inland waters adjacent to the exterior boundaries of the following areas:

(1) Alaska Maritime National Wildlife Refuge;

(2) Alaska Peninsula National Wildlife Refuge;

(3) Aniakchak National Monument and Preserve;

(4) Arctic National Wildlife Refuge;

(5) Becharof National Wildlife Refuge;

(6) Bering Land Bridge National Preserve;

(7) Cape Krusenstern National Monument;

(8) Chugach National Forest, excluding marine waters;

(9) Denali National Preserve and the 1980 additions to Denali National Park;

(10) Gates of the Arctic National Park and Preserve;
(11) Glacier Bay National Preserve;
(12) Innoko National Wildlife Refuge;
(13) Izembek National Wildlife Refuge;
(14) Katmai National Preserve;
(15) Kanuti National Wildlife Refuge;
(16) Kenai National Wildlife Refuge;
(17) Kobuk Valley National Park;
(18) Kodiak National Wildlife Refuge;
(19) Koyukuk National Wildlife Refuge;
(20) Lake Clark National Park and Preserve;
(21) National Petroleum Reserve in Alaska;
(22) Noatak National Preserve;
(23) Nowitna National Wildlife Refuge;
(24) Selawik National Wildlife Refuge;
(25) Steese National Conservation Area;
(26) Tetlin National Wildlife Refuge;
(27) Togiak National Wildlife Refuge;
(28) Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument, and excluding marine waters;
(29) White Mountain National Recreation Area;
(30) Wrangell-St. Elias National Park and Preserve;
(31) Yukon-Charley Rivers National Preserve;
(32) Yukon Delta National Wildlife Refuge;
(33) Yukon Flats National Wildlife Refuge;
(34) All components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Alagnak River, Beaver Creek, Birch Creek, Delta River, Fortymile River, Gulkana River, and Unalakleet River.

(c) The public lands described in paragraph (b) of this section remain subject to change through rulemaking pending a Department of the Interior review of title and jurisdictional issues regarding certain submerged lands beneath navigable waters in Alaska.

§ 100.4 Definitions.

The following definitions apply to all regulations contained in this part:

Agency means a subunit of a cabinet-level Department of the Federal Government having land management authority over the public lands including, but not limited to, the U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.

ANILCA means the Alaska National Interest Lands Conservation Act, Public Law 96–487, 94 Stat. 2371, (codified, as amended, in scattered sections of 16 U.S.C. and 43 U.S.C.)

Area, *District*, *Subdistrict*, and *Section* mean one of the geographical areas defined in the codified Alaska Department of Fish and Game regulations found in Title 5 of the Alaska Administrative Code.

Barter means the exchange of fish or wildlife or their parts taken for subsistence uses; for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

Board means the Federal Subsistence Board as described in §100.10.

Commissions means the Subsistence Resource Commissions established pursuant to section 808 of ANILCA.

Conservation of healthy populations of fish and wildlife means the maintenance of fish and wildlife resources and their habitats in a condition that assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystem, including the recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; ensures the maximum practicable diversity of options for the future; and recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

Customary trade means exchange for cash of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and

does not include trade which constitutes a significant commercial enterprise.

Customary and traditional use means a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community.

FACA means the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770 (codified as amended, at 5 U.S.C. Appendix II, 1–15).

Family means all persons related by blood, marriage, or adoption or any other person living within the household on a permanent basis.

Federal Advisory Committees or Federal Advisory Committee means the Federal Local Advisory Committees as described in §100.12

Federal lands means lands and waters and interests therein the title to which is in the United States, including navigable and non-navigable waters in which the United States has reserved water rights.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, 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 the carcass or part thereof.

Game Management Unit or GMU means one of the 26 geographical areas listed under game management units in the codified State of Alaska hunting and trapping regulations and the Game Unit Maps of Alaska.

Inland Waters means, for the purposes of this part, those waters located landward of the mean high tide line or the waters located upstream of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea. Inland waters include, but are not limited to, lakes, reservoirs, ponds, streams, and rivers.

Marine Waters means, for the purposes of this part, those waters located seaward of the mean high tide line or the waters located seaward of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea.

Person means an individual and does not include a corporation, company, partnership, firm, association, organization, business, trust, or society.

Public lands or *public land* means:

(1) Lands situated in Alaska which are Federal lands, except—

(i) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act 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;

(ii) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.*, which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(iii) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1618(b).

(2) Notwithstanding the exceptions in paragraphs (1)(i) through (iii) of this definition, until conveyed or interim conveyed, all Federal lands within the boundaries of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Forest Monument, National Recreation Area, National Conservation Area, new National forest or forest addition shall be treated as public lands for the purposes of the regulations in this part pursuant to section 906(o)(2) of ANILCA.

Regional Councils or *Regional Council* means the Regional Advisory Councils as described in §100.11.

Regulatory year means July 1 through June 30, except for fish and shellfish where it means March 1 through the last day of February.

Reserved water right(s) means the Federal right to use unappropriated appurtenant water necessary to accomplish the purposes for which a Federal reservation was established. Reserved water rights include nonconsumptive and consumptive uses.

Resident means any person who has his or her primary, permanent home

for the previous 12 months within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: the address listed on an Alaska Permanent Fund dividend application; an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented, or leased; location of stored household goods; residence of spouse, minor children, or dependents; tax documents; or whether the person claims residence in another location for any purpose.

Rural means any community or area of Alaska determined by the Board to qualify as such under the process described in §100.15.

Secretary means the Secretary of the Interior, except that in reference to matters related to any unit of the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources 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.

Take or *taking* as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Year means calendar year unless another year is specified.

§100.5 Eligibility for subsistence use.

(a) You may take fish and wildlife on public lands for subsistence uses only if you are an Alaska resident of a rural area or rural community. The regulations in this part may further limit your qualifications to harvest fish or wildlife resources for subsistence uses. If you are not an Alaska resident or are a resident of a non-rural area or community listed in §100.23, you may not take fish or wildlife on public lands for subsistence uses under the regulations in this part.

(b) Where the Board has made a customary and traditional use determination regarding subsistence use of a specific fish stock or wildlife population, in accordance with, and as listed in, §100.24, only those Alaskans who are residents of rural areas or communities designated by the Board are eligible for subsistence taking of that population or stock on public lands for subsistence uses under the regulations in this part. If you do not live in one of those areas or communities, you may not take fish or wildlife from that population or stock, on public lands under the regulations in this part.

(c) Where customary and traditional use determinations for a fish stock or wildlife population within a specific area have not yet been made by the Board (e.g., ''no determination''), all Alaskans who are residents of rural areas or communities may harvest for subsistence from that stock or population under the regulations in this part.

(d) The National Park Service may regulate further the eligibility of those individuals qualified to engage in subsistence uses on National Park Service lands in accordance with specific authority in ANILCA, and National Park Service regulations at 36 CFR Part 13.

§100.6 Licenses, permits, harvest tickets, tags, and reports.

(a) If you wish to take fish and wildlife on public lands for subsistence uses, you must be an eligible rural Alaska resident and:

(1) Possess the pertinent valid Alaska resident hunting and trapping licenses (no license required to take fish or shellfish, but you must be an Alaska resident) unless Federal licenses are required or unless otherwise provided for in subpart D of this part;

(2) Possess and comply with the provisions of any pertinent Federal permits (Federal Subsistence Registration Permit or Federal Designated Harvester Permit) required by subpart D of this part; and

(3) Possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State unless any of these documents or individual provisions in them are superseded by the requirements in subpart D of this part.

(b) In order to receive a Federal Subsistence Registration Permit or Federal Designated Harvester Permit or designate someone to harvest fish or wildlife for you under a Federal Designated Harvester Permit, you must be old enough to have reasonably harvested that species yourself (or under the guidance of an adult.)

(c) If you have been awarded a permit to take fish and wildlife, you must have that permit in your possession during the taking and must comply with all requirements of the permit and the regulations in this section pertaining to validation and reporting and to regulations in subpart D of this part pertaining to methods and means, possession and transportation, and utilization. Upon the request of a State or Federal law enforcement agent, you must also produce any licenses, permits, harvest tickets, tags, or other documents required by this section. If you are engaged in taking fish and wildlife under the regulations in this part, you must allow State or Federal law enforcement agents to inspect any apparatus designed to be used, or capable of being used to take fish or wildlife, or any fish or wildlife in your possession.

(d) You must validate the harvest tickets, tags, permits, or other required documents before removing your kill from the harvest site. You must also comply with all reporting provisions as set forth in subpart D of this part.

(e) If you take fish and wildlife under a community harvest system, you must report the harvest activity in accordance with regulations specified for that community in subpart D of this part, and as required by any applicable permit conditions. Individuals may be responsible for particular reporting requirements in the conditions permitting a specific community's harvest. Failure to comply with these conditions is a violation of the regulations in this part. Community harvests are reviewed annually under the regulations in subpart D of this part.

(f) You may not make a fraudulent application for Federal or State licenses, permits, harvest tickets or tags or intentionally file an incorrect harvest report.

§ 100.7 Restriction on use.

(a) You may not use fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part.

(b) You may not exchange in customary trade or sell fish or wildlife or their parts, taken pursuant to the regulations in this part, unless provided for in this part.

(c) You may barter fish or wildlife or their parts, taken pursuant to the regulations in this part, unless restricted in §§ 100.25, 100.26, 100.27, or 100.28.

§ 100.8 Penalties.

If you are convicted of violating any provision of 50 CFR Part 100 or 36 CFR Part 242, you may be punished by a fine or by imprisonment in accordance with the penalty provisions applicable to the public land where the violation occurred.

§ 100.9 Information collection requirements.

(a) The rules in this part contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501–3520. They apply to fish and wildlife harvest activities on public lands in Alaska. Subsistence users will not be required to respond to an information collection request unless a valid OMB number is displayed on the information collection form.

(1) Section 100.6, Licenses, permits, harvest tickets, tags, and reports. The information collection requirements contained in § 100.6 (Federal Subsistence Registration Permit or Federal Designated Harvester Permit forms) provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. Identity and location of residence are required to determine if you are eligible for a permit and a report of success is required after a harvest attempt. These requirements are not duplicative

with the requirements of paragraph (a)(3) of this section. The regulations in §100.6 require this information before a rural Alaska resident may engage in subsistence uses on public lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 0.25 hours.

(2) Section 100.20, Request for reconsideration. The information collection requirements contained in §100.20 provide a standardized process to allow individuals the opportunity to appeal decisions of the Board. Submission of a request for reconsideration is voluntary but required to receive a final review by the Board. We estimate that a request for reconsideration will take 4 hours to prepare and submit.

(3) The remaining information collection requirements contained in this part imposed upon subsistence users are those adopted from State regulations. These collection requirements would exist in the absence of Federal subsistence regulations and are not subject to the Paperwork Reduction Act. The burden in this situation is negligible, and information gained from these reports is systematically available to Federal managers by routine computer access requiring less than 1 hour.

(b) You may direct comments on the burden estimate or any other aspect of the burden estimate to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, N.W., MS 222 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, D.C. 20503. Additional information requirements may be imposed if Local Advisory Committees or additional Regional Councils, subject to the Federal Advisory Committee Act (FACA), are established under subpart B of this part. Such requirements will be submitted to OMB for approval prior to their implementation.

Subpart B—Program Structure

SOURCE: 67 FR 30563, May 7, 2002, unless otherwise noted.

§100.10 Federal Subsistence Board.

(a) The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board, and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations of subparts C and D of this part. The Secretaries, however, retain their existing authority to restrict or eliminate hunting, fishing, or trapping activities which occur on lands or waters in Alaska other than public lands when such activities interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority.

(b) *Membership.* (1) The voting members of the Board are: a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.

(2) [Reserved]

(c) Liaisons to the Board are: a State liaison, and the Chairman of each Regional Council. The State liaison and the Chairman of each Regional Council may attend public sessions of all Board meetings and be actively involved as consultants to the Board.

(d) *Powers and duties.* (1) The Board shall meet at least twice per year and at such other times as deemed necessary. Meetings shall occur at the call of the Chair, but any member may request a meeting.

(2) A quorum consists of four members.

(3) No action may be taken unless a majority of voting members are in agreement.

(4) The Board is empowered, to the extent necessary, to implement Title VIII of ANILCA, to:

(i) Issue regulations for the management of subsistence taking and uses of fish and wildlife on public lands;

(ii) Determine which communities or areas of the State are rural or nonrural;

(iii) Determine which rural Alaska areas or communities have customary and traditional subsistence uses of specific fish and wildlife populations;

(iv) Allocate subsistence uses of fish and wildlife populations on public lands;

(v) Ensure that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes;

(vi) Close public lands to the non-subsistence taking of fish and wildlife;

(vii) Establish priorities for the subsistence taking of fish and wildlife on public lands among rural Alaska residents;

(viii) Restrict or eliminate taking of fish and wildlife on public lands;

(ix) Determine what types and forms of trade of fish and wildlife taken for subsistence uses constitute allowable customary trade;

(x) Authorize the Regional Councils to convene;

(xi) Establish a Regional Council in each subsistence resource region and recommend to the Secretaries, appointees to the Regional Councils, pursuant to the FACA;

(xii) Establish Federal Advisory Committees within the subsistence resource regions, if necessary, and recommend to the Secretaries that members of the Federal Advisory Committees be appointed from the group of individuals nominated by rural Alaska residents;

(xiii) Establish rules and procedures for the operation of the Board, and the Regional Councils;

(xiv) Review and respond to proposals for regulations, management plans, policies, and other matters related to subsistence taking and uses of fish and wildlife;

(xv) Enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native organizations, local governmental entities, and other persons and organizations, including international entities to effectuate the purposes and policies of the Federal subsistence management program;

(xvi) Develop alternative permitting processes relating to the subsistence taking of fish and wildlife to ensure continued opportunities for subsistence;

(xvii) Evaluate whether hunting, fishing, or trapping activities which occur on lands or waters in Alaska other than public lands interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority, and after appropriate consultation with the State of Alaska, the Regional Councils, and other Federal agencies, make a recommendation to the Secretaries for their action;

(xviii) Identify, in appropriate specific instances, whether there exists additional Federal reservations, Federal reserved water rights or other Federal interests in lands or waters, including those in which the United States holds less than a fee ownership, to which the Federal subsistence priority attaches, and make appropriate recommendation to the Secretaries for inclusion of those interests within the Federal Subsistence Management Program; and

(xix) Take other actions authorized by the Secretaries to implement Title VIII of ANILCA.

(5) The Board may implement one or more of the following harvest and harvest reporting or permit systems:

(i) The fish and wildlife is taken by an individual who is required to obtain and possess pertinent State harvest permits, tickets, or tags, or Federal permit (Federal Subsistence Registration Permit);

(ii) A qualified subsistence user may designate another qualified subsistence user (by using the Federal Designated Harvester Permit) to take fish and wildlife on his or her behalf;

(iii) The fish and wildlife is taken by individuals or community representatives permitted (via a Federal Subsistence Registration Permit) a one-time or annual harvest for special purposes including ceremonies and potlatches; or

(iv) The fish and wildlife is taken by representatives of a community permitted to do so in a manner consistent

with the community's customary and traditional practices.

(6) The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.

(7) The Board shall establish a Staff Committee for analytical and administrative assistance composed of members from the U.S. Fish and Wildlife Service, National Park Service, U.S. Bureau of Land Management, Bureau of Indian Affairs, and USDA Forest Service. A U.S. Fish and Wildlife Service representative shall serve as Chair of the Staff Committee.

(8) The Board may establish and dissolve additional committees as necessary for assistance.

(9) The U.S. Fish and Wildlife Service shall provide appropriate administrative support for the Board.

(10) The Board shall authorize at least two meetings per year for each Regional Council.

(e) *Relationship to Regional Councils.* (1) The Board shall consider the reports and recommendations of the Regional Councils concerning the taking of fish and wildlife on public lands within their respective regions for subsistence uses. The Board may choose not to follow any Regional Council recommendation which it determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, would be detrimental to the satisfaction of subsistence needs, or in closure situations, for reasons of public safety or administration or to assure the continued viability of a particular fish or wildlife population. If a recommendation is not adopted, the Board shall set forth the factual basis and the reasons for the decision, in writing, in a timely fashion.

(2) The Board shall provide available and appropriate technical assistance to the Regional Councils.

§ 100.11 Regional advisory councils.

(a) The Board shall establish a Regional Council for each subsistence resource region to participate in the Federal subsistence management program. The Regional Councils shall be established, and conduct their activities, in accordance with the FACA. The Regional Councils shall provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on public lands. The Regional Councils shall provide for public participation in the Federal regulatory process.

(b) *Establishment of Regional Councils; membership.* (1) The number of members for each Regional Council shall be established by the Board, and shall be an odd number. A Regional Council member must be a resident of the region in which he or she is appointed and be knowledgeable about the region and subsistence uses of the public lands therein. The Board shall accept nominations and make recommendations to the Secretaries for representatives on the Regional Councils. Appointments to the Regional Councils shall be made by the Secretaries.

(2) Regional Council members shall serve 3-year terms and may be reappointed. Initial members shall be appointed with staggered terms up to 3 years.

(3) The Chair of each Regional Council shall be elected by the applicable Regional Council, from its membership, for a 1-year term and may be reelected.

(c) *Powers and Duties.* (1) The Regional Councils are authorized to:

(i) Hold public meetings related to subsistence uses of fish and wildlife within their respective regions, after the Chair of the Board or the designated Federal Coordinator has called the meeting and approved the meeting agenda;

(ii) Elect officers;

(iii) Review, evaluate, and make recommendations to the Board on proposals for regulations, policies, management plans, and other matters relating to the subsistence take of fish and wildlife under the regulations in this part within the region;

(iv) Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(v) Encourage local and regional participation, pursuant to the provisions of the regulations in this part in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(vi) Prepare and submit to the Board an annual report containing—

(A) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(B) An evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;

(C) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and

(D) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy;

(vii) Appoint members to each Subsistence Resource Commission within their region in accordance with the requirements of Section 808 of ANILCA;

(viii) Make recommendations on determinations of customary and traditional use of subsistence resources;

(ix) Make recommendations on determinations of rural status;

(x) Make recommendations regarding the allocation of subsistence uses among rural Alaska residents pursuant to §100.17;

(xi) Develop proposals pertaining to the subsistence taking and use of fish and wildlife under the regulations in this part, and review and evaluate such proposals submitted by other sources;

(xii) Provide recommendations on the establishment and membership of Federal Advisory Committees.

(2) The Regional Councils shall:

(i) Operate in conformance with the provisions of FACA and comply with rules of operation established by the Board;

(ii) Perform other duties specified by the Board.

(3) The Regional Council recommendations to the Board should be supported by substantial evidence, be consistent with recognized principles of fish and wildlife conservation, and not be detrimental to the satisfaction of subsistence needs.

§100.12 Local advisory committees.

(a) The Board shall establish such local Federal Advisory Committees within each region as necessary at such time that it is determined, after notice and hearing and consultation with the State, that the existing State fish and game advisory committees do not adequately provide advice to, and assist, the particular Regional Council in carrying out its function as set forth in §100.11.

(b) Local Federal Advisory Committees, if established by the Board, shall operate in conformance with the provisions of the FACA, and comply with rules of operation established by the Board.

§100.13 Board/agency relationships.

(a) *General.* (1) The Board, in making decisions or recommendations, shall consider and ensure compliance with specific statutory requirements regarding the management of resources on public lands, recognizing that the management policies applicable to some public lands may entail methods of resource and habitat management and protection different from methods appropriate for other public lands.

(2) The Board shall issue regulations for subsistence taking of fish and wildlife on public lands. The Board is the final administrative authority on the promulgation of subparts C and D regulations relating to the subsistence taking of fish and wildlife on public lands.

(3) Nothing in the regulations in this part shall enlarge or diminish the authority of any agency to issue regulations necessary for the proper management of public lands under their jurisdiction in accordance with ANILCA and other existing laws.

(b) Section 808 of ANILCA establishes National Park and Park Monument Subsistence Resource Commissions. Nothing in the regulations in this part affects the duties or authorities of these commissions.

§100.14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent

they are not inconsistent with, or superseded by, the regulations in this part.

(b) The Board may close public lands to hunting, trapping, or fishing, or take actions to restrict the taking of fish and wildlife when necessary to conserve healthy populations of fish and wildlife, continue subsistence uses of such populations, or pursuant to other applicable Federal law. The Board may review and adopt State openings, closures, or restrictions which serve to achieve the objectives of the regulations in this part.

(c) The Board may enter into agreements with the State in order to coordinate respective management responsibilities.

(d) Petition for repeal of subsistence rules and regulations. (1) The State of Alaska may petition the Secretaries for repeal of the subsistence rules and regulations in this part when the State has enacted and implemented subsistence management and use laws which:

(i) Are consistent with sections 803, 804, and 805 of ANILCA; and

(ii) Provide for the subsistence definition, preference, and participation specified in sections 803, 804, and 805 of ANILCA.

(2) The State's petition shall:

(i) Be submitted to the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240, and the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20240;

(ii) Include the entire text of applicable State legislation indicating compliance with sections 803, 804, and 805 of ANILCA; and

(iii) Set forth all data and arguments available to the State in support of legislative compliance with sections 803, 804, and 805 of ANILCA.

(3) If the Secretaries find that the State's petition contains adequate justification, a rulemaking proceeding for repeal of the regulations in this part will be initiated. If the Secretaries find that the State's petition does not contain adequate justification, the petition will be denied by letter or other notice, with a statement of the ground for denial.

§ 100.15 Rural determination process.

(a) The Board shall determine if an area or community in Alaska is rural. In determining whether a specific area of Alaska is rural, the Board shall use the following guidelines:

(1) A community or area with a population of 2,500 or less shall be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.

(2) Communities or areas with populations above 2,500 but not more than 7,000 will be determined to be rural or non-rural.

(3) A community with a population of more than 7,000 shall be presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.

(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process.

(5) Community or area characteristics shall be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:

(i) Use of fish and wildlife;

(ii) Development and diversity of the economy;

(iii) Community infrastructure;

(iv) Transportation; and

(v) Educational institutions.

(6) Communities or areas which are economically, socially, and communally integrated shall be considered in the aggregate.

(b) The Board shall periodically review rural determinations. Rural determinations shall be reviewed on a 10-year cycle, commencing with the publication of the year 2000 U.S. census. Rural determinations may be reviewed out-of-cycle in special circumstances. Once the Board makes a determination that a community has changed from rural to non-rural, a waiting period of 5 years shall be required before the non-rural determination becomes effective.

(c) Current determinations are listed at § 100.23.

§ 100.16 Customary and traditional use determination process.

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:

(1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

(2) A pattern of use recurring in specific seasons for many years;

(3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

(4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;

(5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;

(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

(8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

(c) The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources.

(d) Current determinations are listed in § 100.24.

§ 100.17 Determining priorities for subsistence uses among rural Alaska residents.

(a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska residents after considering any recommendation submitted by an appropriate Regional Council.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

(1) Customary and direct dependence upon the populations as the mainstay of livelihood;

(2) Local residency; and

(3) The availability of alternative resources.

(c) If allocation on an area or community basis is not achievable, then the Board shall allocate subsistence opportunity on an individual basis through application of the criteria in paragraphs (b)(1) through (3) of this section.

(d) In addressing a situation where prioritized allocation becomes necessary, the Board shall solicit recommendations from the Regional Council in the area affected.

§ 100.18 Regulation adoption process.

(a) Proposals for changes to the Federal subsistence regulations in subparts C or D of this part shall be accepted by the Board according to a published schedule. The Board may establish a rotating schedule for accepting proposals on various sections of subpart C or subpart D regulations over a period of years. The Board shall develop and publish proposed regulations in the FEDERAL REGISTER and publish notice in local newspapers. Comments on the proposed regulations in the form of proposals shall be distributed for public review.

(1) Proposals shall be made available for at least a thirty (30) day review by the Regional Councils. Regional Councils shall forward their recommendations on proposals to the Board. Such proposals with recommendations may be submitted in the time period as specified by the Board or as a part of the Regional Council's annual report described in §100.11, whichever is earlier.

(2) The Board shall publish notice throughout Alaska of the availability of proposals received.

(3) The public shall have at least thirty (30) days to review and comment on proposals.

(4) After the comment period the Board shall meet to receive public testimony and consider the proposals. The Board shall consider traditional use patterns when establishing harvest levels and seasons, and methods and means. The Board may choose not to follow any recommendation which the Board determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation approved by a Regional Council is not adopted by the Board, the Board shall set forth the factual basis and the reasons for its decision in writing to the Regional Council.

(5) Following consideration of the proposals the Board shall publish final regulations pertaining to subparts C and D of this part in the FEDERAL REGISTER.

(b) Proposals for changes to subparts A and B of this part shall be accepted by the Secretary of the Interior in accordance with 43 CFR part 14.

§100.19 Special actions.

(a) The Board may restrict, close, or reopen the taking of fish and wildlife for non-subsistence uses on public lands when necessary to assure the continued viability of a particular fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.

(b) The Board may open, close, or restrict subsistence uses of a particular fish or wildlife population on public lands to assure the continued viability of a fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.

(c) The Board will accept a request for a change in seasons, methods and means, harvest limits and/or restrictions on harvest under this §100.19 only if there are extenuating circumstances necessitating a regulatory change before the next annual subpart D proposal cycle. Extenuating circumstances include unusual and significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence uses. Requests for Special Action that do not meet these conditions will be rejected; however, a rejected Special Action request will be deferred, if appropriate, to the next annual regulatory proposal cycle for consideration, after coordination with the submitter. In general, changes to Customary and Traditional Use Determinations will only be considered through the annual subpart C proposal cycle.

(d) In an emergency situation, the Board may immediately open, close, liberalize, or restrict subsistence uses of fish and wildlife on public lands, or close or restrict non-subsistence uses of fish and wildlife on public lands, if necessary to assure the continued viability of a fish or wildlife population, to continue subsistence uses of fish or wildlife, or for public safety reasons. Prior to implementing an emergency action, the Board shall consult with the State. The emergency action shall be effective when directed by the Board, may not exceed 60 days, and may not be extended unless it is determined by the Board, after notice and public hearing, that such action should be extended. The Board shall, in a timely manner, provide notice via radio announcement or personal contact of the emergency action and shall publish notice and reasons justifying the emergency action in newspapers of any area affected, and in the FEDERAL REGISTER thereafter.

(e) After consultation with the State, the appropriate Regional Advisory Council(s), and adequate notice and public hearing, the Board may make or direct a temporary change to close, open, or adjust the seasons, to modify the harvest limits, or to modify the methods and means of harvest for subsistence uses of fish and wildlife populations on public lands. An affected rural resident, community, Regional Council, or administrative agency may request a temporary change in seasons, harvest limits, or methods or means of harvest. In addition, a temporary change may be made only after the Board determines that the proposed temporary change will not interfere with the conservation of healthy fish and wildlife populations, will not be detrimental to the long-term subsistence use of fish or wildlife resources, and is not an unnecessary restriction on non-subsistence users. The decision of the Board shall be the final administrative action. The temporary change shall be effective when directed by the Board following notice in the affected area(s). This notice may include publication in newspapers or announcement on local radio stations. The Board shall publish notice and reasons justifying the temporary action in the FEDERAL REGISTER thereafter. The length of any temporary change shall be confined to the minimum time period or harvest limit determined by the Board to be necessary to satisfy subsistence uses. A temporary opening or closure will not extend beyond the regulatory year for which it is promulgated.

(f) Regulations authorizing any individual agency to direct temporary or emergency closures on public lands managed by the agency remain unaffected by the regulations in this part, which authorize the Board to make or direct restrictions, closures, or temporary changes for subsistence uses on public lands.

(g) You may not take fish and wildlife in violation of a restriction, closure, opening, or temporary change authorized by the Board.

§ 100.20 Request for reconsideration.

(a) Regulations in subparts C and D of this part published in the FEDERAL REGISTER are subject to requests for reconsideration.

(b) Any aggrieved person may file a request for reconsideration with the Board.

(c) To file a request for reconsideration, you must notify the Board in writing within sixty (60) days of the effective date or date of publication of the notice, whichever is earlier, for which reconsideration is requested.

(d) It is your responsibility to provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The Board will accept a request for reconsideration only if it is based upon information not previously considered by the Board, demonstrates that the existing information used by the Board is incorrect, or demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law. You must include the following information in your request for reconsideration:

(1) Your name, and mailing address;

(2) The action which you request be reconsidered and the date of FEDERAL REGISTER publication of that action;

(3) A detailed statement of how you are adversely affected by the action;

(4) A detailed statement of the facts of the dispute, the issues raised by the request, and specific references to any law, regulation, or policy that you believe to be violated and your reason for such allegation;

(5) A statement of how you would like the action changed.

(e) Upon receipt of a request for reconsideration, the Board shall transmit a copy of such request to any appropriate Regional Council and the Alaska Department of Fish and Game (ADFG) for review and recommendation. The Board shall consider any Regional Council and ADFG recommendations in making a final decision.

(f) If the request is justified, the Board shall implement a final decision on a request for reconsideration after compliance with 5 U.S.C. 551–559 (APA).

(g) If the request is denied, the decision of the Board represents the final administrative action.

§ 100.21 [Reserved]

Subpart C—Board Determinations

SOURCE: 64 FR 1293, Jan. 8, 1999, unless otherwise noted.

§ 100.22 Subsistence resource regions.

(a) The Board hereby designates the following areas as subsistence resource regions:

(1) Southeast Region;
(2) Southcentral Region;
(3) Kodiak/Aleutians Region;
(4) Bristol Bay Region;
(5) Yukon-Kuskokwim Delta Region;
(6) Western Interior Region;
(7) Seward Peninsula Region;
(8) Northwest Arctic Region;
(9) Eastern Interior Region;
(10) North Slope Region.

(b) You may obtain maps delineating the boundaries of subsistence resource regions from the U.S. Fish and Wildlife Service, 3601 C Street, Suite 1030, Anchorage, Alaska 99503.

[67 FR 30570, May 7, 2002]

§ 100.23 Rural determinations.

(a) The Board has determined all communities and areas to be rural in accordance with § 100.15 except the following:

Adak;
Fairbanks North Star Borough;
Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek;
Juneau area—including Juneau, West Juneau, and Douglas;
Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch;
Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island;
Municipality of Anchorage;
Seward area—including Seward and Moose Pass, Valdez, and
Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenberg Butte.

You may obtain maps delineating the boundaries of non-rural areas from the U.S. Fish and Wildlife Service.

(b) [Reserved]

[67 FR 30570, May 7, 2002]

§ 100.24 Customary and traditional use determinations.

(a) The Federal Subsistence Board has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Fish & Wildlife Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request. When there is a determination for specific communities or areas of residence in a Unit, all other communities not listed for that species in that Unit have no Federal subsistence priority for that species in that Unit. If no determination has been made for a species in a Unit, all rural Alaska residents are eligible to harvest fish or wildlife under this part.

(1) *Wildlife determinations.* The rural Alaska residents of the listed communities and areas have a customary and traditional use of the specified species on Federal public lands within the listed areas:

Area	Species	Determination
Unit 1(C)	Black Bear	Residents of Unit 1(C), 1(D), 3, and residents of Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.
1(A)	Brown Bear	Residents of Unit 1(A) except no subsistence for residents of Hyder.
1(B)	Brown Bear	Residents of Unit 1(A), Petersburg, and Wrangell, except no subsistence for residents of Hyder.

Area	Species	Determination
1(C)	Brown Bear	Residents of Unit 1(C), Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1(D)	Brown Bear	Residents of 1(D).
1(A)	Deer	Residents of 1(A) and 2.
1(B)	Deer	Residents of Unit 1(A), residents of 1(B), 2 and 3.
1(C)	Deer	Residents of 1(C) and (D), and residents of Hoonah, Kake, and Petersburg.
1(D)	Deer	No Federal subsistence priority.
1(B)	Goat	Residents of Units 1(B) and 3.
1(C)	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
1(B)	Moose	Residents of Units 1, 2, 3, and 4.
1(C) Berner's Bay	Moose	No Federal subsistence priority.
1(D)	Moose	Residents of Unit 1(D).
Unit 2	Brown Bear	No Federal subsistence priority.
2	Deer	Residents of Unit 1(A) and residents of Units 2 and 3.
Unit 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
3, Wrangell and Mitkof Islands	Moose	Residents of Units 1(B), 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5(A).
5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Goat	Residents of Unit 5(A).
5	Moose	Residents of Unit 5(A).
5	Wolf	Residents of Unit 5(A).
Unit 6(A)	Black Bear	Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.
6, remainder	Black Bear	Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.
6	Brown Bear	No Federal subsistence priority.
6(A)	Goat	Residents of Unit 5(A), 6(C), Chenega Bay and Tatitlek.
6(C) and (D)	Goat	Residents of Unit 6(C) and (D).
6(A)	Moose	Unit 6(A)—Residents of Units 5(A), 6(A), 6(B) and 6(C).
6(B) and (C)	Moose	Residents of Units 6(A), 6(B) and 6(C).
6(D)	Moose	No Federal subsistence priority.
6(A)	Wolf	Residents of Units 5(A), 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
7	Caribou	No Federal subsistence priority.
7, Brown Mountain hunt area.	Goat	Residents of Port Graham and English Bay.
7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay and Tatitlek.
7, remainder	Moose	No Federal subsistence priority.
7	Sheep	No Federal subsistence priority.
7	Ruffed Grouse	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	Residents of Unit 8.
8	Goat	No Federal subsistence priority.
Unit 9(D)	Bison	No Federal subsistence priority.
9(A) and (B)	Black Bear	Residents of Units 9(A) and (B), and 17(A), (B), and (C).
9(A)	Brown Bear	Residents of Pedro Bay.
9(B)	Brown Bear	Residents of Unit 9(B).
9(C)	Brown Bear	Residents of Unit 9(C).
9(D)	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).

Area	Species	Determination
9(E)	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C) and 17.
9(C)	Caribou	Residents of Unit 9(B), 9(C), 17 and residents of Egegik.
9(D)	Caribou	Residents of unit 9(D), and residents of Akutan, False Pass.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, and residents of Nelson lagoon and Sand Point.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C), and (E).
9(D)	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
9(B)	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).
9, remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
9(A), (B), (C), & (E)	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).
Unit 10 Unimak Island	Caribou	Residents of Akutan, False Pass, King Cove, and Sand Point.
10, remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 11	Bison	No Federal subsistence priority.
11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Caribou	Residents of Units 11, 12, and 13 (A)—(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Caribou	Residents of Units 11 and 13 (A)—(D) and the residents of Chickaloon.
11	Goat	Residents of Unit 11 and the residents of Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake.
11, north of the Sanford River	Moose	Residents of Units 11, 12, and 13 (A)—(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Moose	Residents of Units 11, 13 (A)—(D), and the residents of Chickaloon.
11, north of the Sanford River	Sheep	Residents of Unit 12 and the communities and areas of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/ South Park, Tazlina and Tonsina; residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).

Area	Species	Determination
11, remainder	Sheep	Residents of the communities and areas of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/ South Park, Tazlina and Tonsina; residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Wolf Milepost 0–62 (McCarthy Road).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 12	Brown Bear	Residents of Unit 12 and Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
12	Caribou	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12, south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.	Moose	Residents of Unit 11 north of 62nd parallel, residents of Unit 12, 13(A)—(D) and the residents of Chickaloon, Dot Lake, and Healy Lake.
12, east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.	Moose	Residents of Unit 12 and Healy Lake.
12, remainder	Moose	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12	Sheep	Residents of Unit 12 and residents of Wolf Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 13	Brown Bear	Residents of Unit 13 and Slana.
13(B)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, residents of Unit 20(D) except Fort Greely, and the residents of Chickaloon.
13(C)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, Dot Lake and Healy Lake.
13(A) & (D)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon.
13(E)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Goat	No Federal subsistence priority.
13(A) and (D)	Moose	Residents of Unit 13 and the residents of Chickaloon and Slana.
13(B)	Moose	Residents of Units 13, 20(D) except Fort Greely, and the residents of Chickaloon and Slana.
13(C)	Moose	Residents of Units 12, 13 and the residents of Chickaloon, Healy Lake, Dot Lake and Slana.
13(E)	Moose	Residents of Unit 13 and the residents of Chickaloon McKinley Village, Slana, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Sheep	No Federal subsistence priority.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
Unit 14(B) and (C)	Brown Bear	No Federal subsistence priority.
14	Goat	No Federal subsistence priority.

Area	Species	Determination
14	Moose	No Federal subsistence priority.
14(A) and (C)	Sheep	No Federal subsistence priority.
Unit 15(C)	Black Bear	Residents of Port Graham and Nanwalek only.
15, remainder	Black Bear	No Federal subsistence priority.
15	Brown Bear	No Federal subsistence priority.
15(C), Port Graham and English Bay hunt areas	Goat	Residents of Port Graham and Nanwalek.
15(C), Seldovia hunt area	Goat	Residents Seldovia area.
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No Federal subsistence priority.
15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
15	Grouse (Spruce)	Residents of Unit 15.
15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16(B)	Black Bear	Residents of Unit 16(B).
16	Brown Bear	No Federal subsistence priority.
16(A)	Moose	No Federal subsistence priority.
16(B)	Moose	Residents of Unit 16(B).
16	Sheep	No Federal subsistence priority.
16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
16	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 17(A) and that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Units 9(A) and (B), 17, and residents of Akiak and Akiachak.
17, remainder	Black Bear	Residents of Units 9(A) and (B), and 17.
17(A)	Brown Bear	Residents of Unit 17, and residents of Akiak, Akiachak, Goodnews Bay and Platinum.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
17(B), that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
17(B) and (C)	Brown Bear	Residents of Unit 17.
17	Caribou	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
Unit 17(A, that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
Unit 17(A)—That portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Akiak, Akiachak, and Tuluksak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.
Unit 17(B), that portion of Togiak National Wildlife Refuge within Unit 17(B).	Caribou	Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, and Tuluksak, Tuntutuliak, and Napakiak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Moose	Residents of Kwethluk.
17(A)	Moose	Residents of Unit 17 and residents of Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.
Unit 17(A)—That portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Akiak, Akiachak.
Unit 17(B)—That portion within the Togiak National Wildlife Refuge.	Moose	Residents of Akiak, Akiachak.

Area	Species	Determination
17(B) and (C)	Moose	Residents of Unit 17, and residents of Nondalton, Levelock, Goodnews Bay, and Platinum.
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
17	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 18	Black Bear	Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwin River drainage upstream of, but not including the Tuluksak River drainage..	Moose	Residents of Unit 18 and residents of Upper Kalskag, Aniak, and Chuathbaluk.
18, remainder	Moose	Residents of Unit 18 and residents of Upper Kalskag and Lower Kalskag.
18	Muskox	No Federal subsistence priority.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 19(C),(D)	Bison	No Federal subsistence priority.
19(A) and (B)	Brown Bear	Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
19(C)	Brown Bear	No Federal subsistence priority.
19(D)	Brown Bear	Residents of Units 19(A) and (D), and residents of Tulusak and Lower Kalskag.
19(A) and (B)	Caribou	Residents of Units 19(A) and 19(B), residents of Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.
19(C)	Caribou	Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.
19(D)	Caribou	Residents of Unit 19(D), and residents of Lime Village, Sleetmute, and Stony River.
19(A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.
Unit 19(B), west of the Kogrukluk River	Moose	Residents of Eek and Quinhagak.
19(C)	Moose	Residents of Unit 19.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 20(D)	Bison	No Federal subsistence priority.
20(F)	Black Bear	Residents of Unit 20(F)and residents of Stevens Village and Manley.
20(E)	Brown Bear	Residents of Unit 12 and Dot Lake.
20(F)	Brown Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20(A)	Caribou	Residents of Cantwell, Nenana, and those domiciled between milepost 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(B)	Caribou	Residents of Unit 20(B), Nenana, and Tanana.
20(C)	Caribou	Residents of Unit 20(C) living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenena, Nikolai, Tanana, Talida, and those domiciled between milepost 216 and 239 of the Parks Highway and between milepost 300 and 309. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(D) and (E)	Caribou	Residents of 20(D), 20(E), and Unit 12 north of the Wrangell-St. Elias National Park and Preserve.

Area	Species	Determination
20(F)	Caribou	Residents of 20(F), 25(D), and Manley.
20(A),	Moose	Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area—residents of Minto and Nenana.
20(B)	Moose	Remainder—residents of Unit 20(B), and residents of Nenana and Tanana.
20(C)	Moose	Residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
20(D)	Moose	Residents of Unit 20(D) and residents of Tanacross.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto, and Stevens Village.
20(F)	Wolf	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
20(D)	Grouse, (Spruce, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
20(D)	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
21(A)	Caribou	Residents of Units 21(A), 21(D), 21(E), Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(B) & (C)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Tanana.
21(D)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Huslia.
21(E)	Caribou	Residents of Units 21(A), 21(E) and Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(A)	Moose	Residents of Units 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.
21(B) and (C)	Moose	Residents of Units 21(B) and (C), Tanana, Ruby, and Galena.
21(D)	Moose	Residents of Units 21(D), Huslia, and Ruby.
21(E)	Moose	Residents of Unit 21(E) and residents of Russian Mission.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 22(A)	Black Bear	Residents of Unit 22(A) and Koyuk.
22(B)	Black Bear	Residents of Unit 22(B).
22(C), (D), (E)	Black Bear	No Federal subsistence priority.
22	Brown Bear	Residents of Unit 22.
22(A)	Caribou	Residents of Unit 21(D) west of the 22(A) Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
22, remainder	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24.
22	Moose	Residents of Unit 22.
22(B)	Muskox	Residents of Unit 22(B).
22(C)	Muskox	Residents of Unit 22(C).

Area	Species	Determination
22(D)	Muskox	Residents of Unit 22(D) excluding St. Lawrence Island.
22(E)	Muskox	Residents of Unit 22(E) excluding Little Diomede Island.
22	Wolf	Residents of Units 23, 22, 21(D) north and west of the Yukon River, and residents of Kotlik.
22	Grouse (Spruce)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
22	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
23	Brown Bear	Residents of Units 21 and 23.
23	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, residents of Galena, and residents of Units 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26(A).
23	Moose	Residents of Unit 23.
23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.
23, remainder	Muskox	Residents of Unit 23 east and north of the Buckland River drainage.
23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
23	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Brown Bear	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
24	Moose	Residents of Unit 24, Koyukuk, and Galena.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, Hughes, and Huslia.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 25(D)	Black Bear	Residents of Unit 25(D).
25(D)	Brown Bear	Residents of Unit 25(D).
25, remainder	Brown Bear	Residents of Unit 25 and Eagle.
25(D)	Caribou	Residents of 20(F), 25(D), and Manley
25(A)	Moose	Residents of Units 25(A) and 25(D).
25(D) West	Moose	Residents of Unit 25(D) west.
25(D), reminder	Moose	Residents of remainder of Unit 25.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.
25(B) and (C)	Sheep	No Federal subsistence priority.
25(D)	Wolf	Residents of Unit 25(D).
25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.

Area	Species	Determination
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26(A)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26(B)	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A)	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B)	Muskox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C)	Muskox	Residents of Kaktovik.
26(A)	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26(B)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkytsik, Fort Yukon, Point Hope, and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.

(2) *Fish determinations*. The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
Kotzebue Area	All fish	Residents of the Kotzebue Area.
Norton Sound—Port Clarence Area:		
Norton Sound—Port Clarence Area, waters draining into Norton Sound between Point Romanof and Canal Point.	All fish	Residents of Stebbins, St. Michael, and Kotlik.
Norton Sound—Port Clarence Area, remainder.	All fish	Residents of the Norton Sound-Port Clarence Area.
Yukon-Northern Area:		
Yukon River drainage	Salmon, other than fall chum salmon.	Residents of the Yukon River drainage, including the community of Stebbins.
Yukon River drainage	Fall chum salmon	Residents of the Yukon River drainage, including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak.
Yukon River drainage	Freshwater fish (other than salmon).	Residents of the Yukon-Northern Area.
Remainder of the Yukon-Northern Area	All fish	Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26–B.
Kuskokwim Area	Salmon	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB.
	Rainbow trout	Residents of the communities of Quinhagak, Goodnews Bay, Kwethluk, Eek, Akiachak, Akiak, and Platinum.
	Pacific cod	Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok,Kongiganak, Eek, and Tuntutuliak.
	All other fish other than herring.	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB.

Area	Species	Determination
Waters around Nunivak Island	Herring and herring roe	Residents within 20 miles of the coast between the westernmost tip of the Naskonat Peninsula and the terminus of the Ishowik River and on Nunivak Island.
Bristol Bay Area:		
Nushagak District, including drainage flowing into the district.	Salmon and freshwater fish.	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichak District—Naknek River drainage.	Salmon and freshwater fish.	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichak District—Iliamna-Lake Clark drainage.	Salmon and freshwater fish.	Residents of the Iliamna-Lake Clark drainage.
Togiak District, including drainages flowing into the district.	Salmon and freshwater fish.	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
Togiak District	Herring spawn on kelp	Residents of the Togiak District.
Remainder of the Bristol Bay Area	All fish	Residents of the Bristol Bay Area.
Aleutian Islands Area	All fish	Residents of the Aleutian Islands Area and the Pribilof Islands.
Alaska Peninsula Area	Halibut	Residents of the Alaska Peninsula Area and the communities of Ivanof Bay and Perryville.
	All other fish in the Alaska Peninsula Area.	Residents of the Alaska Peninsula Area.
Chignik Area	Halibut, salmon and fish other than rainbow/steelhead trout.	Residents of the Chignik Area.
Kodiak Area—except the Mainland District, all waters along the south side of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°52′ North latitude) mid-stream Shelikof Strait, and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (57°11′22′ North latitude, 156°20′30′ W longitude).	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
Kodiak Area	Fish other than rainbow/steelhead trout and salmon.	Residents of the Kodiak Area.
Cook Inlet Area	Fish other than salmon, Dolly Varden, trout, char, grayling, and burbot.	Residents of the Cook Inlet Area.
	Salmon, Dolly Varden, trout, char, grayling, and burbot.	No Determination.
Prince William Sound Area:		
South-Western District and Green Island	Salmon	Residents of the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands.
North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.	Salmon	Residents of the villages of Tatitlek and Ellamar.
Copper River drainage upstream from Haley Creek.	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana,Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Chitina Subdistrict of the Upper Copper River District.	Salmon	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

Area	Species	Determination
Glennallen Subdistrict of the Upper Copper River District.	Salmon	Residents of the Prince William Sound Area and residents of Cantwell, Chisana, Dot Lake, Healy Lake, Dot Lake, Northway, Tanacross, Tetlin, Tok and those individuals living along the Alaska Highway from the Alaskan/Canadian border to along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.	Salmon	Residents of Mentasta Lake and Dot Lake.
Remainder of the Prince William Sound Area	Salmon	Residents of the Prince William Sound Area.
YAKUTAT AREA:		
Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.	Salmon	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of including Knight Island.
Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.	Dolly Varden, steelhead trout, and smelt.	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Remainder of the Yakutat Area	Dolly Varden, trout, smelt and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.
SOUTHEASTERN ALASKA AREA:		
District 1—Section 1–E in waters of the Naha River and Roosevelt Lagoon.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Saxman.
District 1—Section 1–F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Saxman.
District 2—North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20′ W. long. and east of 132° 25′ W. long.
District 3—Section 3–A	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the townsite of Hydaburg.
District 3—Section A	Halibut and bottomfish	Residents of Southeast Area.
District 3—Section 3–B in waters east of a line from Point Ildefonso to Tranquil Point.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.
District 3—Section 3–C in waters of Sarkar Lakes.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they existed in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they existed in January 1989.
District 5—North of a line from Point Barrie to Boulder Point.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9—Section 9–A	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9—Section 9–B north of the latitude of Swain Point.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.

Area	Species	Determination
District 10—West of a line from Pinta Point to False Point Pybus.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30′ W. long., including Killisnoo Island.
District 13—Section 13–A south of the latitude of Cape Edward.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City and Borough of Sitka in drainages which empty into Section 13–B north of the latitude of Dorothy Narrows.
District 13—Section 13–B north of the latitude of Redfish Cape.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City and Borough of Sitka in drainages which empty into Section 13–B north of the latitude of Dorothy Narrows.
District 13—Section 13–C	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City and Borough of Sitka in drainages which empty into Section 13–B north of the latitude of Dorothy Narrows.
District 13—Section 13–C east of the longitude of Point Elizabeth.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30′ W. long., including Killisnoo Island.
District 14—Section 14–B and 14–C	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia.
Remainder of the Southeastern Alaska Area	Dolly Varden, trout, smelt and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.

(3) *Shellfish determinations.*

Area	Species	Determination
BERING SEA AREA	All shellfish	Residents of the Bering Sea Area.
ALASKA PENINSULA-ALEUTIAN ISLANDS AREA.	Shrimp, Dungeness, king, and Tanner crab.	Residents of the Alaska Peninsula-Aleutian Islands Area.
KODIAK AREA	Shrimp, Dungeness, and Tanner crab.	Residents of the Kodiak Area.
Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough except those residents on the Kodiak Coast Guard base.
PRINCE WILLIAM SOUND AREA	Shrimp, clams, Dungeness, king, and Tanner crab.	Residents of the Prince William Sound Area.
SOUTHEASTERN ALASKA—YAKUTAT AREA:		
Section 1–E south of the latitude of Grant Island light.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 1–F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 3–A and 3–B	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
District 13	Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.	Residents of the Southeast Area.

[64 FR 1293, Jan. 8, 1999; 64 FR 35823, July 1, 1999, as amended at 65 FR 40734, June 30, 2000; 66 FR 10145, Feb. 13, 2001; 66 FR 31544, June 12, 2001; 66 FR 33748, June 25, 2001; 67 FR 5893, Feb. 7, 2002; 67 FR 30570, May 7, 2002; 67 FR 43714, June 28, 2002]

Subpart D—Subsistence Taking of Fish and Wildlife

§ 100.25 Subsistence taking of fish, wildlife, and shellfish; general regulations.

(a) *Definitions.* The following definitions shall apply to all regulations contained in this part:

Abalone iron means a flat device which is used for taking abalone and which is more than 1 inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Airborne means transported by aircraft.

Aircraft means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Anchor means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, hornlike appendages protruding from the head of a caribou, deer, elk, or moose.

Antlered means any caribou, deer, elk, or moose having at least one visible antler.

Antlerless means any caribou, deer, elk, or moose not having visible antlers attached to the skull.

Bait means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Bear means black bear, or brown or grizzly bear.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that holds arrows at full draw.

Broadhead means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, elk, or musk oxen.

Cast net means a circular net with a mesh size of no more than 1½ inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

Char means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

Closed season means the time when fish, wildlife, or shellfish may not be taken.

Crab means the following species: red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi*; all species of tanner or snow crab (*Chionoecetes* spp.); and Dungeness crab (*Cancer magister*).

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Depth of net means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

Designated hunter or fisherman means a Federally qualified hunter or fisherman who may take all or a portion of another Federally qualified hunter's or fisherman's harvest limit(s) only under situations approved by the Board.

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as

measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving gear means any type of hard hat or skin diving equipment, including SCUBA equipment; a tethered, umbilical, surface-supplied unit; or snorkel.

Drainage means all of the lands and waters comprising a watershed, including tributary rivers, streams, sloughs, ponds, and lakes, which contribute to the water supply of the watershed.

Drift gillnet means a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed in one place.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: the meat of the ribs, neck, brisket, front quarters as far as the distal (bottom) joint of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed in this definition does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera. For black bear, brown and grizzly bear, ''edible meat'' means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).

Federally-qualified subsistence user means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Fishwheel means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish, which is driven by river current or other means.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn headland to headland across the mouth as the waters flow into the sea.

Full curl horn means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf, or wolverine.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gillnet means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish or *bottomfish* means any marine fish except halibut, osmerids, herring and salmonids.

Grouse collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse, and sharp-tailed grouse.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Handicraft means a finished product in which the shape and appearance of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

Handline means a hand-held and operated line, with one or more hooks attached.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by any one person or designated group, per specified time period, in a Unit or portion of a Unit in which the taking occurs even if part or all of the harvest is preserved. A fish, when landed and killed by means of rod and reel becomes part of the harvest limit of the person originally hooking it.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hunting means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Hydraulic clam digger means a device using water or a combination of air and water used to harvest clams.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

Lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net, or dip net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district, or section.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Marmot collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

Mechanical clam digger means a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to fresh water.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance that is toxic or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Possession limit means the maximum number of fish, grouse, or ptarmigan a person or designated group may have in possession if they have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Ptarmigan collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ram means a male Dall sheep.

Registration permit means a permit that authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes*.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.

Salmon means the following species: pink salmon *(Oncorhynchus gorbuscha)*; sockeye salmon *(Oncorhynchus nerka)*; chinook salmon *(Oncorhynchus tshawytscha)*; coho salmon *(Oncorhynchus kisutch)*; and chum salmon *(Oncorhynchus keta)*.

Salmon stream means any stream used by salmon for spawning, rearing, or for traveling to a spawning or rearing area.

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

Scallop dredge means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Sea urchin rake means a hand-held implement, no longer than 4 feet, equipped with projecting prongs used to gather sea urchins.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eights (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Shovel means a hand-operated implement for digging clams.

Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal's body; excluding bear. The skin, hide, fur, or pelt of a bear shall mean the entire external covering with claws attached.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under 5-pound weight.

Subsistence fishing permit means a permit issued by the Alaska Department of Fish and Game or the Federal Subsistence Board.

Take or *Taking* means to fish, pursue, hunt, shoot, trap, net, capture, collect,

kill, harm, or attempt to engage in any such conduct.

Tine or *antler point* refers to any point on an antler, the length of which is greater than its width and is at least one inch.

To operate fishing gear means any of the following: to deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Transportation means to ship, convey, carry, or transport by any means whatever and deliver or receive for such shipment, conveyance, carriage, or transportation.

Trapping means the taking of furbearers within established trapping seasons and with a required trapping license.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

Troll gear means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing, or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical, or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

Trout means the following species: cutthroat trout *(Oncorhynchus clarki)* and rainbow/steelhead trout *(Oncorhynchus mykiss)*.

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions in this paragraph (a), or regulated under other Federal law as listed in paragraph (i) of this section.

Ungulate means any species of hoofed mammal, including deer, caribou, elk, moose, mountain goat, Dall sheep, and musk oxen.

Unit means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in this section as Units.

Wildlife means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Taking fish, wildlife, or shellfish for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting, trapping, or fishing during a closed season or in an area closed by this part is prohibited. You may not take for subsistence fish, wildlife, or shellfish outside established Unit or Area seasons, or in excess of the established Unit or Area harvest limits, unless otherwise provided for by the Board. You may take fish, wildlife, or shellfish under State regulations on public lands, except as otherwise restricted at §§ 100.26 through 100.28. Unit/Area-specific restrictions or allowances for subsistence taking of fish, wildlife, or shellfish are identified at §§ 100.26 through 100.28.

(c) *Harvest limits*. (1) Harvest limits, including those related to ceremonial uses, authorized by this section and harvest limits established in State regulations may not be accumulated.

(2) Fish, wildlife, or shellfish taken by a designated individual for another person pursuant to § 100.10(d)(5)(ii), counts toward the individual harvest limit of the person for whom the fish, wildlife, or shellfish is taken.

(3) A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

(4) Unless otherwise provided, any person who gives or receives fish, wildlife, or shellfish shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received fish, wildlife, or shellfish, the time and place that the fish, wildlife, or shellfish was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take fish, wildlife, or shellfish on his or her behalf in accordance with §100.10(d)(5)(ii), the permit shall be furnished in place of a signed statement.

(d) *Fishing by designated harvest permit.* (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) *Hunting by designated harvest permit.* (1) As allowed by §100.26, if you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take wildlife on your behalf unless you are a member of a community operating under a community harvest system.

(2) The designated hunter must obtain a designated hunter permit and must return a completed harvest report.

(3) You may not designate more than one person to take or attempt to take fish on your behalf at one time.

(4) The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in §100.26.

(f) A rural Alaska resident who has been designated to take fish, wildlife, or shellfish on behalf of another rural Alaska resident in accordance with §100.10(d)(5)(ii), shall promptly deliver the fish, wildlife, or shellfish to that rural Alaska resident.

(g) The U.S. Fish and Wildlife Service, Office of Subsistence Management may issue a permit to harvest fish, wildlife, or shellfish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous five years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than one large mammal per culture/education camp. Large mammal species allowed to be harvested are limited to deer, moose, caribou, black bear, and mountain goat. Permits will be issued for no more than 25 fish per culture/education camp. Any animals harvested will count against any established Federal harvest quota for the area in which harvested. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous five years, or when there is a request for harvest in excess of that provided in this paragraph (g), will be considered by the Federal Subsistence Board.

(h) If a subsistence fishing or hunting permit is required by this part, the following permit conditions apply unless otherwise specified in this section:

(1) You may not take more fish, wildlife, or shellfish for subsistence use than the limits set out in the permit;

(2) You must obtain the permit prior to fishing or hunting;

(3) You must have the permit in your possession and readily available for inspection while fishing, hunting, or transporting subsistence-taken fish, wildlife, or shellfish;

(4) If specified on the permit, you shall keep accurate daily records of the harvest, showing the number of fish, wildlife, or shellfish taken by species, location and date of harvest, and other such information as may be required for management or conservation purposes; and

(5) If the return of harvest information necessary for management and conservation purposes is required by a permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(i) You may not possess, transport, give, receive, or barter fish, wildlife, or shellfish that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(j) *Utilization of fish, wildlife, or shellfish.* (1) You may not use wildlife as food for a dog or furbearer, or as bait, except as allowed for in §100.26, §100.27, or §100.28, or except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse, and ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(iv) Unclassified wildlife.

(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse and ptarmigan.

(4) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which bag limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(5) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested fish, wildlife, or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

(6) You may sell handicraft articles made from the fur of a black bear.

(k) The regulations found in this part do not apply to the subsistence taking and use of fish, wildlife, or shellfish regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of fish, wildlife, or shellfish, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(l) Rural residents, nonrural residents, and nonresidents not specifically prohibited by Federal regulations from fishing, hunting, or trapping on public lands in an area, may fish, hunt, or trap on public lands in accordance with the appropriate State regulations.

[67 FR 43722, June 28, 2002]

§ 100.26 Subsistence taking of wildlife.

(a) You may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(b) Except for special provisions found at paragraphs (m)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(1) Shooting from, on, or across a highway;

(2) Using any poison;

(3) Using a helicopter in any manner, including transportation of individuals, equipment, or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life-threatening situation;

(4) Taking wildlife from a motorized land or air vehicle, when that vehicle is in motion or from a motor-driven boat when the boat's progress from the motor's power has not ceased;

(5) Using a motorized vehicle to drive, herd, or molest wildlife;

(6) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(i) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(ii) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk oxen and mountain goat;

(8) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(9) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(10) Using a trap to take ungulates or bear;

(11) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag;

(12) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only;

(13) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a 7/8 inch wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(14) Using bait for taking ungulates, bear, wolf, or wolverine; except, you may use bait to take wolves and wolverine with a trapping license, and, you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (m)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

(i) Before establishing a black bear bait station, you must register the site with ADF&G;

(ii) When using bait you must clearly mark the site with a sign reading ''black bear bait station'' that also displays your hunting license number and ADF&G assigned number;

(iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(iv) You may not use bait within one-quarter mile of a publicly maintained road or trail;

(v) You may not use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;

(vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods;

(viii) You may not have more than two bait stations with bait present at any one time;

(15) Taking swimming ungulates, bears, wolves or wolverine;

(16) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer, the setting of snares or traps, or the removal of furbearers from traps or snares;

(17) Taking a bear cub or a sow accompanied by cub(s).

(c) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(d) The following methods and means of trapping furbearers, for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(2) Disturbing or destroying any beaver house;

(3) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(4) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(5) Using a net, or fish trap (except a blackfish or fyke trap);

(6) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(7) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(e) *Possession and transportation of wildlife.* (1) Except as specified in paragraph (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any Unit, or portion of a Unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that Unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to §100.10(d)(5)(iii) or as otherwise provided for by this Part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(f) *Harvest limits.* (1) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(2) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(g) *Evidence of sex and identity.* (1) If subsistence take of Dall sheep is restricted to a ram, you may not possess or transport a harvested sheep unless both horns accompany the animal.

(2) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal, except in Units 11, 13, 19, 21, and 24 where you

may possess either sufficient portions of the external sex organs (still attached to a portion of the carcass) or the head (with or without antlers attached; however, the antler stumps must remain attached), to indicate the sex of the harvested moose; however, this paragraph (g)(2) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose harvest limit includes an antler size or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (g)(3) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(h) You must leave all edible meat from caribou and moose harvested in Units 9(B), 17, and 19(B) prior to October 1 on the bones of the front quarters and hind quarters until you remove the meat from the field or process it for human consumption.

(i) If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(j) *Sealing of bear skins and skulls.* (1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1–7, 11–17, and 20.

(2) You may not possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area from the area or present it for commercial tanning within the Management Area, you must first have it sealed by an ADF&G representative in Barrow, Fairbanks, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate

or temporary sealing form provided by the ADF&G in accordance with State regulations.

(k) Sealing of beaver, lynx, marten, otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13(E), and 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations. In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially sold.

(1) You must seal any wolf taken in Unit 2 on or before the 30th day after the date of taking.

(2) You must leave the radius and ulna of the left foreleg naturally attached to the hide of any wolf taken in Units 1–5 until the hide is sealed.

(l) A person who takes a species listed in paragraph (k) of this section but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (k) of this section.

(m) *Unit regulations.* You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (m)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of black bear and brown bear;

(D) Unit 1(C):

(*1*) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area;

(*2*) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier;

(vi) You may not trap furbearers for subsistence uses in Unit 1(C), Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer:	
Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat:	
Unit 1(A)—Revillagigedo Island only	No open season.
Unit 1(B)—that portion north of LeConte Bay. 1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(B)—that portion between LeConte Bay and the North Fork of Bradfield River/Canal. 2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(A) and Unit 1(B)—remainder—2 goats by State registration permit only	Aug. 1–Dec. 31.
Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.	Oct. 1–Nov. 30.

Harvest limits	Open season
Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.	No open season.
Unit 1(C)—remainder—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1(D)—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad.	No open season.
Unit 1(D)—remainder—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose:	
Unit 1(A)—1 antlered bull	Sept. 15–Oct. 15.
Unit 1(B)—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C), that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C)—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(D)	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: Unit 1(A), (B), and (C)—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer: 4 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15–Dec. 31 by Federal registration permit only.	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Nov. 15–Mar. 15.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 15–Mar. 15.
Wolverine: No limit	Nov. 10–Apr. 30.

(3) *Unit 3.* (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contact the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days

after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands, and that portion of Kupreanof Island which includes Lindenburg Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting.	Oct. 15–Oct. 31.
Unit 3—remainder—2 antlered deer	Aug. 1–Nov. 30.
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.	Sept. 15–Oct. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession.	Aug. 1–May 15.
Trapping	
Beaver:	
Unit 3—Mitkof Island—No limit	Dec. 1–Apr. 15.
Unit 3—except Mitkof Island—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10.–Apr. 30.

(4) *Unit 4.* (i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take bears in the Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands;

(B) You may not take bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay;

(E) You may not use any motorized land vehicle for the taking of marten, mink, and weasel on Chichagof Island.

(iii) Unit-specific regulations:

(A) You may shoot ungulates from a boat. You may not shoot bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) Five Federal registration permits will be issued for the taking of brown bear for educational purposes associated with teaching customary and traditional subsistence harvest and use practices. Any bear taken under an educational permit does not count in an individual's one bear every four regulatory years limit.

Harvest limits	Open season
Hunting	
Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136°21′ W. long.) to Rodgers Point (57°35′ N. lat., 135°33′ W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57°34′ N. lat., 135°25′ W. long.) to the entrance of Gut Bay (56°44′ N. lat. 134°38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.	Mar. 15–May 20.
Unit 4—remainder—1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
Deer: 6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31	Aug. 1–Jan. 31.
Goat: 1 goat by State registration permit only	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.

Harvest limits	Open season
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1.–May 15.
Trapping	
Beaver:	
Unit 4—that portion east of Chatham Strait—No limit	Dec. 1–May 15.
Remainder of Unit 4	No open season.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(5) *Unit 5.* (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may hunt brown bear in Unit 5 with a Federal registration permit in lieu of a State metal locking tag; if you have obtained a Federal registration permit prior to hunting;

(D) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31.

Harvest limits	Open season
Deer:	
Unit 5(A)—1 buck	Nov. 1–Nov. 30.
Unit 5(B)	No open season.
Goat:	
Unit 5(A)—that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord—1 goat by Federal registration permit. The Yakutat District Ranger and ADF&G will jointly announce the harvest quota prior to the season. A minimum of two goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken. The harvest quota and season announcements will be made in consultation with NPS and local residents.	Aug. 1–Jan. 31.
Unit 5(A)—remainder—1 goat by Federal registration permit. The Yakutat District Ranger and ADF&G will jointly announce the harvest quota prior to the season. A minimum of four goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken. The harvest quota and season announcements will be made in consultation with NPS and local residents.	Aug. 1–Jan. 31.
Unit 5(B)—1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5(A), Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5(A), except Nunatak Bench—1 antlered bull by Federal registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 8–Oct. 21, public lands will be closed to taking of moose, except by residents of Unit 5(A).	Oct. 8–Nov. 15.
Unit 5(B)—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(6) *Unit 6.* (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take mountain goat in the Goat Mountain goat observation area, which consists of that portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River;

(B) You may not take mountain goat in the Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may take coyotes in Units 6(B) and 6(C) with the aid of artificial lights;

(C) One permit will be issued to the Native Village of Eyak to take one bull moose from Federal lands in Units 6(B) or (C) for their annual Memorial/Sobriety Day potlatch.

Harvest limits	Open season
Hunting	
Black Bear: 1 bear	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31.	Aug. 1–Dec. 31.
Goats	
Unit 6(A), (B)—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6(C)	No open season.
Unit 6(D) (subareas RG242, RG243, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only. In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244—2 goats, RG249—4 goats, RG266—4 goats, RG252—1 goat.	Aug. 20—Jan. 31.
Unit 6(D) (subarea RG245)—Federal public lands are closed to all taking of goats	No open season.
Moose:	
Unit 6(C)—1 cow by Federal registration permit only	Sept. 1–Oct. 31.
Unit 6(C)—1 bull by Federal registration permit only	Sept. 1–Dec. 31.
(In Unit 6(C), only one moose permit may be issued per household. A household receiving a State permit may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. The Federal harvest allocation will be 100% of the cow permits and 75% of the bull permits.).	
Unit 6—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 31.
Coyote:	
Unit 6(A) and (D)—2 coyotes	Sept. 1–Apr. 30.
Unit 6(B) and 6(C)—No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases):	No open season.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	No open season.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 5 per day, 10 in possession.	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Dec. 1–Apr. 30.
Coyote:	
Unit 6(C)—south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.
Unit 6(A), (B), (C)—remainder, and (D)—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 15–Feb. 15.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(7) *Unit 7.* (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula

drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park;

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15; except in the drainages of Resurrection Creek and its tributaries.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: Unit 7—3 bears	July 1–June 30.
Moose:	
Unit 7—that portion draining into Kings Bay—1 bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler may be taken by the community of Chenega Bay and also by the community of Tatitlek. Public lands are closed to the taking of moose except by eligible rural residents.	Aug. 10– Sept. 20.
Unit 7—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 10.
Coyote: No limit	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Wolf:	
Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7—Remainder–5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 10 per day, 20 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10–Apr. 30.

(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Brown Bear: 1 bear by Federal registration permit only. Up to 1 permit may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.	Dec. 1–Dec. 15. Apr. 14–May 15.
Deer: Unit 8—all lands within the Kodiak Archipelago within the Kodiak National Wildlife Refuge, including lands on Kodiak, Ban, Uganik, and Afognak Islands—3 deer; however, antlerless deer may be taken only from Nov. 1—Jan. 31.	Aug. 1–Jan. 31.
Elk: Kodiak, Ban, Uganik, and Afognak Islands—1 elk per household by Federal registration permit only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge when the combined Federal/State harvest reaches 15% of the herd.	Sept. 15–Nov. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31.

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park;

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 9(B) from April 1—May 31 and in the remainder of Unit 9 from April 1–April 30;

(B) In Unit 9(B), Lake Clark National Park and Preserve, residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth, may hunt brown bear by Federal registration permit in

lieu of a resident tag; ten permits will be available with at least one permit issued in each community but no more than five permits will be issued in a single community; the season will be closed when four females or ten bears have been taken, whichever occurs first;

(C) Residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9(B) for ceremonial purposes, under the terms of a Federal registration permit from July 1 through June 30. Permits will be issued to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State;

(D) For Units 9(C) and (E) only, a Federally-qualified subsistence user (recipient) of Units 9(C) and (E) may designate another Federally-qualified subsistence user of Units 9(C) and (E) to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time;

(E) For Unit 9(D), a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;

(F) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 9(B)—Lake Clark National Park and Preserve—Rural residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only.	July 1–June 30.
Unit 9(B), remainder—1 bear by State registration permit only	Sept. 1–May 31.
Unit 9(E)—1 bear by Federal registration permit	Sept. 25–Dec. 31. Apr. 15–May 25.
Caribou:	
Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30.	Aug. 10–Mar. 31. Aug. 10–Sept. 30.
Unit 9(C), that portion within the Alagnak River drainage—1 caribou	Aug. 1–Mar. 31.
Unit 9(C), remainder—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20. Nov. 15–Feb. 28.
Unit 9(B)—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30	Aug. 1–Apr. 15.
Unit 9(D)—1 caribou by Federal registration permit	Aug. 1–Sept. 30. Nov. 15–Mar. 31.
Unit 9(E)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20. Nov. 1–Apr. 30.
Sheep:	
Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).—1 ram with 7/8 curl horn by Federal registration permit only.	Aug. 10–Oct. 10.
Remainder of Unit 9—1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
Moose:	
Unit 9(A)—1 bull	Sept. 1–Sept. 15.
Unit 9(B)—1 bull	Aug. 20–Sept. 15. Dec. 1–Jan. 15.
Unit 9(C)—that portion draining into the Naknek River from the north—1 bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.

Harvest limits	Open season
Unit 9(C)—that portion draining into the Naknek River from the south—1 bull. However, during the period Aug. 20–Aug. 31, bull moose may be taken by Federal registration permit only. During the December hunt, antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when 5 antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—remainder—1 bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(D)—1 bull by Federal registration permit. Federal public lands will be closed to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts.	Dec. 15–Jan. 20.
Unit 9(E)—1 bull	Aug. 20–Sept. 20. Dec. 1–Jan. 20.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 9(B), (C), and (E)—40 beaver per season; however, no more than 20 may be taken between Apr. 1–May 31.	Nov. 10–May 31.
Unit 9—remainder—40 beaver per season; however, no more than 20 may be taken between Apr. 1—Apr. 30.	Jan. 1–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(10) *Unit 10*. (i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.

(ii) You may not take any wildlife species for subsistence uses on Otter Island in the Pribilof Islands.

(iii) In Unit 10—Unimak Island only, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(iv) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

Harvest limits	Open season
Hunting	
Caribou:	
Unit 10—Unimak Island only—2 caribou by Federal registration permit only	Aug. 1–Sept. 30. Nov. 15–Mar. 31.
Unit 10—remainder—No limit	July 1–June 30.
Coyote: 2 coyotes.	Sept. 1–Apr. 30.

Harvest limits	Open season
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 10 –Feb. 28.
Muskrat: No limit	Nov. 10 –June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) One moose without calf may be taken from June 20—June 30 in the Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell-St. Elias National Park and Preserve office.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 11—1 bear	Sept. 1–May 31.
Caribou: Unit 11	No open season.
Sheep:	
1 sheep	Aug. 10–Sept. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older	Sept. 21–Oct. 20.
Goat: Unit 11—that portion within the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only. Federal public lands will be closed to the harvest of goats when a total of 45 goats have been harvested between Federal and State hunts.	Aug. 25–Dec. 31.
Moose: 1 antlered bull by Federal registration permit only	Aug. 20–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 1–Jan. 15.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.

Harvest limits	Open season
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Jan. 31.

(12) *Unit 12*. Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 12 during April and October;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) One moose without calf may be taken from June 20—June 30 in the Wrangell-St. Elias National Park and Preserve in Unit 11 or 12 for the Batzulnetas Culture Camp. Two hunters from either Chistochina or Mentasta Village may be designated by the Mt. Sanford Tribal Consortium to receive the Federal subsistence harvest permit. The permit may be obtained from a Wrangell-St. Elias National Park and Preserve office.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 30.
Caribou:	
Unit 12—that portion of the Nabesna River drainage within the Wrangell-St. Elias National Park and season. Preserve and all Federal lands south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—The taking of caribou is prohibited on Federal public lands.	No open season.
Unit 12—remainder—1 bull	Sept. 1–Sept. 20.
Unit 12—remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur to between Oct. 1 and Apr. 30 and sex of animal to be taken will be announced by Tetlin National Wildlife Refuge Manager in consultation with Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee.	Winter season to be announced.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—1 antlered bull. The November season is open by Federal registration permit only.	Aug. 24–Aug. 28. Sept. 8–Sept. 17. Nov. 20–Nov. 30.
Unit 12—that portion lying east of the Nabesna River and Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28 Sept. 1–Sept. 30.
Unit 12—remainder—1 antlered bull; however during the Aug. 15—Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28. Sept. 1–Sept. 15.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 15 beaver per season	Nov. 1–Apr. 15.

Harvest limits	Open season
Coyote: No limit	Oct. 15–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30	Nov. 1–Jan. 31.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) *Unit 13.* (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount

McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5—Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Cantwell Glacier and Miller Creek to the Delta River;

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30
Brown Bear: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31
Caribou: 2 bulls by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10–Sept. 30 Oct. 21–Mar. 31.
Sheep: Unit 13—excluding Unit 13(D) and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl horn.	Aug. 10–Sept. 20.
Moose:	
Unit 13(E)—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household.	Aug. 1– Sept. 20.
Unit 13—remainder—1 antlered bull moose by Federal registration permit only	Aug. 1–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 15–Sept. 10.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.

Harvest limits	Open season
Lynx: No limit	Dec. 1–Jan. 15.
Marten:.	
Unit 13(A–D)—No limit	Nov. 10–Feb. 28.
Unit 13—remainder—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Jan. 31.

(14) *Unit 14.* (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservation;

(B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.

(iii) Unit-specific regulations:

Harvest limits	Open season
Hunting	
Black Bear: Unit 14(C)—1 bear	July 1–June 30.
Beaver: Unit 14(C)—1 beaver per day, 1 in possession	May 15–Oct. 31.
Coyote: Unit 14(C)—2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): Unit 14(C)—5 hares per day	Sept. 8–Apr. 30.
Lynx: Unit 14(C)—2 lynx	Dec. 15–Jan. 15.
Wolf: Unit 14(C)—5 wolves	Aug. 10–Apr. 30.
Wolverine: Unit 14(C)—1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): Unit 14(C)—5 per day, 10 in possession	Sept. 8–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14(C)—10 per day, 20 in possession	Sept. 8–Mar. 31.
Trapping	
Beaver: Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Dec. 1—Apr. 15.
Coyote: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—1 fox	Nov. 10–Feb. 28.
Lynx: Unit 14(C)—No limit	Dec. 15–Jan. 15.
Marten: Unit 14(C)—No limit	Nov. 10–Jan. 31.
Mink and Weasel: Unit 14(C)—No limit	Nov. 10–Jan. 31.
Muskrat: Unit 14(C)—No limit	Nov. 10–May 15.
Otter: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Wolf: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Wolverine: Unit 14(C)—No limit	Nov. 10–Feb. 28.

(15) *Unit 15.* (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150° 00′ W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1–March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not trap furbearers for subsistence in the Skilak Loop Wildlife Management Area;

(C) You may not trap marten in that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;

(D) You may not take red fox in Unit 15 by any means other than a steel trap or snare;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear:	
Unit 15(C)—3 bears	July 1–June 30.
Unit 15—remainder	No open season.
Moose:	
Unit 15(A)—Skilak Loop Wildlife Management Area	No open season.
Unit 15(A)—remainder, Unit 15(B), and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
Coyote: No limit	Sept. 1–Apr. 30
Hare (Snowshoe): No limit	July 1–June 30.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 15—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 15(A) and (B)—20 per day, 40 in possession	Aug. 10–Mar. 31
Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31
Unit 15(C)—5 per day, 10 in possession	Jan. 1–Mar. 31.
Trapping	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): 1 fox	Nov. 10–Feb. 28.
Marten:	

Harvest limits	Open season
Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier.	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: Unit 15—No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: Unit 15(B) and (C)—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose:	
Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 antlered bull.	Sept. 1–Sept. 15.
Unit 16(B)—remainder—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17.* (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape

Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), from Aug. 1—Nov. 1;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) For Federal registration permit caribou hunts for Unit 17(A) and (C), that portion consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay, a Federally-qualified subsistence user may designate another Federally-qualified subsistence user to harvest caribou on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) If you have a trapping license, you may use a firearm to take beaver in Unit 17 from April 15—May 31. You may not take beaver with a firearm under a trapping license on National Park Service lands.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears	Aug. 1–May 31.
Brown Bear: Unit 17—1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 17(A)—all drainages west of Right Hand Point—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.	Aug. 1–Mar. 31.
Unit 17(A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk during seasons identified above.	Aug. 1–Sept. 30. Dec. 1–Mar. 31.
Unit 17(B) and (C)—that portion of 17(C) east of the Wood River and Wood River Lakes—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30.	Aug. 1–Apr. 15.
Unit 17(A)—remainder and 17(C)—remainder—selected drainages; a harvest limit of up to 5 caribou will be determined at the time the season is announced.	Season to occur between Aug. 1–Mar. 31, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 17(A)—1 bull by State registration permit	Aug. 25–Sept. 20.
Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit. During the period Sept. 1–Sept. 15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17(C)—that portion that includes the Iowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit. During the period Sept. 1–Sept. 15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17(B)—remainder and 17(C)—remainder—1 bull by State registration permit. During the period Sept. 1–Sept. 15, a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.

Harvest limits	Open season
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:.	
Unit 17—40 beaver per season—2 beaver per day. Only firearms may be used	Nov. 10–Mar. 31. Apr. 15–May 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.* (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you may not use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1–Jun. 10;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou south of the Yukon River on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take caribou from a boat moving under power in Unit 18.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.

Harvest limits	Open season
Brown Bear: 1 bear by State registration permit only	Sept. 1–May 31.
Caribou.	
Unit 18—that portion south of the Yukon River—5 caribour Edible meat must remain on the bones of the front quarters and hind quarters until the meat is removed from the field.	Aug. 1–Mar. 31.
Unit 18—that portion north of the Yukon River—5 caribou per day	Aug. 1–Mar. 31.
Moose:	
Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreafsky River drainage—1 antlered bull.	Sept. 5–Sept. 25.
Unit 18—south of and including the Kanektok River drainages	No open season.
Unit 18—Kuskokwim River drainage—1 antlered bull. A 10-day hunt to occur between Dec. 1 and Feb. 28 (1 bull, evidence of sex required) will be opened by announcement.	Aug. 25–Sept. 25. Winter season to be announced.
Unit 18—remainder—1 antlered bull. A 10-day hunt to occur between Dec. 1 and Feb. 28 (1 bull, evidence of sex required) will be opened by announcement.	Sept. 1–Sept. 30. Winter season to be announced.
(Public lands in Unit 18 are closed to the hunting of moose, except by Federally-qualified rural Alaska residents during seasons identified above).	
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Mar. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–May 30.
Trapping	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamiut:

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed

prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50' W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf benchmark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Units 9(B) except that portion within the Lake Clark National Park and Preserve, 17, 18, and those portions of 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1—June 30.
Brown Bear:	
Unit 19(A) and (B)—those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.	Sept. 1–May 31.
Unit 19(A)—remainder, 19(B)—remainder, and Unit 19(D)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 19(A)—north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 19(A)—south of the Kuskokwim River and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou.	Aug. 1–Apr. 15.
Unit 19(C)—1 caribou	Aug. 10–Oct. 10.
Unit 19(D)—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou.	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Unit 19(D)—remainder—1 caribou.	Aug. 10–Sept. 30.
Unit 19—rural Alaska residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	July 1—June 30.
Sheep:	
1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 19—Rural Alaska residents of Lime Village only—no individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1–June 30.
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including, the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including, the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season.	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(A)—remainder—1 bull	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(B)—1 antlered bull	Sept. 1–Sept. 30.
Unit 19(C)—1 antlered bull	Sept. 1–Oct. 10.
Unit 19(C)—1 bull by State registration permit	Jan. 15–Feb. 15.

Harvest limits	Open season
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Unit 19(D)—remainder—1 antlered bull	Sept. 1–Sept. 30. Dec. 1–Dec. 15.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: Unit 19(D)—10 wolves per day	Aug. 10–Apr. 30.
Unit 19—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–Jun. 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit 4	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from

Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(D) You may not use any motorized vehicle for hunting from August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) You may by permit only hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning;

(F) You may hunt moose by bow and arrow only in the Fairbanks Management Area, which consists of that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to Isberg Road, then northeasterly on Isberg Road to Cripple Creek Road, then northeasterly on Cripple Creek Road to the Parks Highway, then north on the Parks Highway to Alder Creek, then westerly along Alder Creek to its confluence with Emma Creek, then upstream along Emma Creek to its headwaters, then northerly along the hydrographic divide between Goldstream Creek drainages and Cripple Creek drainages to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to Sheep Creek Road, then north on Sheep Creek Road

to Murphy Dome Road, then west on Murphy Dome Road to Old Murphy Dome Road, then east on Old Murphy Dome Road to the Elliot Highway, then south on the Elliot Highway to Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its confluence with Ruby Creek, then upstream along Ruby Creek to Esro Road, then south on Esro Road to Chena Hot Springs Road, then east on Chena Hot Springs Road to Nordale Road, then south on Nordale Road to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along the Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 20(E) during April and October;

(C) Residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 20(E)—1 bear	Aug. 10–June 30.
Unit 20—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 20(E)—1 caribou by joint State/Federal registration permit only. Up to 900 caribou may be taken under a State/Federal harvest quota. During the winter season, area closures or hunt restrictions may be announced when Nelchina caribou are present in a mix of more than 1 Nelchina caribou to 15 Fortymile caribou, except when the number of caribou present is low enough that less than 50 Nelchina caribou will be harvested regardless of the mixing ratio for the two herds. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management, after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 20(F)—north of the Yukon River—1 caribou	Aug. 10–Mar. 31.
Unit 20(F)—east of the Dalton Highway and south of the Yukon River—1 caribou. However, during the November 1–March 31 season a State registration permit is required.	Aug. 10–Sept. 20 Nov. 1–Mar. 31.
Moose:	
Unit 20(A)—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only.	Sept. 1–Sept. 20.
Unit 20(B)—remainder—1 antlered bull	Jan. 10–Feb. 28.
Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30. Nov. 15–Dec. 15.
Unit 20(C)—remainder—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30.
Unit 20(E)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 20(E)—that portion drained by the Forty-mile River (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 bull.	Aug. 20–Sept. 30. Sept. 1–Sept. 15.
Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–Sept. 25.
Unit 20(F)—remainder—1 antlered bull	Sept. 1–Sept. 25.
Coyote: 2 coyotes.	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 20(E)—2 lynx	Nov. 1–Jan. 31.
Unit 20—remainder—2 lynx	Dec. 1–Jan. 31.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession are sharp-tailed grouse..	Aug. 25–Mar. 31.

Harvest limits	Open season
Unit 20—remainder—15 per day, 30 in possession.	Aug. 10–Mar. 31.
Ptarmigan (Rock and Willow):	
Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Units 20(A), 20(B), Unit 20(C), and 20(F)—No limit	Nov. 1–Apr. 15.
Units 20(D) and (E)—25 beaver	Nov. 1–Apr. 15.
Coyote:	
Unit 20(E)—No limit	Oct. 15–Apr. 30.
Remainder Unit 20—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20(A), (B), (D), and (C) east of the Teklanika River—No limit	Dec. 1–Jan. 31.
Unit 20(E)—No limit; however, no more than 5 lynx may be taken between Nov. 1 and Nov. 30.	Nov. 1–Jan. 31.
Unit 20(F) and the remainder of 20(C)—No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20(E)—No limit	Sept. 20–June 10.
Unit 20—remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20(A, B, C, & F)—No limit	Nov. 1–Apr. 30.
Unit 20(D)—No limit	Oct. 15–Apr. 30.
Unit 20(E)—No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dulbi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. lat., 156°41′ W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the

crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 21(D), Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) You may use a firearm to take beaver in Unit 21(E) from Nov. 1–June 10;

(C) The residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The residents of Unit 21 may take up to three moose per regulatory year for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State;

(E) You may take wildlife outside the seasons or harvest limits provided in this section for food in traditional religious ceremonies that are part of a funerary or mortuary cycle, including memorial potlatches, under the following conditions:

(*1*) The harvester is an Alaska rural resident with customary and traditional use in that area where the harvesting will occur. No permit or harvest ticket is required for taking under this section;

(*2*) The person who takes wildlife under this section, as soon as practicable, and not more than 20 days after the harvesting, submits or ensures the submission of a written report to the nearest Federal office, specifying the harvester's name and address, the number, sex, and species of wildlife taken, the dates and locations of the taking, and the identity of the decedent or decedents for whom the ceremony was held;

(*3*) The harvested meat is used in a customary and traditional rural Alaskan religious ceremony; and

(*4*) The taking does not violate recognized principles of wildlife conservation.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 21(D)—1 bear by State registration permit only	Sept. 1–June 15.
Unit 21—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 21(A)—1 caribou	Aug. 10–Sept. 30. Dec. 10–Dec. 20.
Unit 21(B), (C), and (E)—1 caribou	Aug. 10–Sept. 30.
Unit 21(D)—north of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30. Winter season to be announced.
Unit 21(D)—remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Moose:	
Unit 21(A)—1 bull	Aug. 20–Sept. 25. Nov. 1–Nov. 30.
Unit 21(B) and (C)—1 antlered bull	Sept. 5–Sept. 25.
Unit 21(D)—Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only during Aug. 27–31 and the February season. During the Aug. 27–Sept. 20 season a State registration permit is required. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.	Aug. 27–Sept. 20. Winter season to be announced.
Unit 21(D)—remainder—1 moose; however, antlerless moose may be taken only during Sept. 21–25 and the February season. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G are biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.	Sept. 5–Sept. 25. Winter season to be announced.
Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.	Aug. 20–Sept. 25. Feb. 1–Feb. 10.
Beaver:	
Unit 21(E)—No Limit	Nov. 1–June 10.
Unit 21–remainder	No open season.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No Limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(22) *Unit 22.* (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes;

(C) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine;

(D) The taking of one bull moose and one muskox by the community of Wales is allowed for the celebration of the Kingikmiut Dance Festival under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Wales. The harvest may only occur between November 15 and December 31 in Unit 22 for moose and in Unit 22(E) for muskox. The harvest will count against any established quota for the area.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 22(A), (B), (D), and (E)—1 bear by State registration permit only	Aug. 1–May 31.
Unit 22(C)—1 bear by State registration permit only	Aug. 1–Oct. 31. May 10–May 25.
Caribou: Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16—June 30.	July 1–June 30.
Moose:	
Unit 22(A)—1 bull; however, the period of Dec. 1—Jan. 31 is closed to hunting except by residents of Unit 22(A) only.	Aug. 1–Sept. 30. Dec. 1–Jan. 31.
Unit 22(B)—West of the Darby Mountains—1 bull by State registration permit. The combined State/Federal harvest may not exceed 42 moose. Federal public lands are closed to the taking of moose except by Federally-qualified subsistence users.	Aug. 10–Sept. 23.

Harvest limits	Open season
Unit 22(B)—West of the Darby Mountains—1 bull by either Federal or State registration permit. The total combined State/Federal harvest for both the Aug/Sept and January seasons may not exceed 48 moose. Federal public lands are closed to the taking of moose except by residents of White Mountain and Golovin.	Jan. 1–Jan. 31.
Unit 22(B)—Remainder—1 bull	Aug. 1–Jan.31.
Unit 22(C)—1 antlered bull	Sept. 1–Sept. 14.
Unit 22(D)—That portion within the Kougarok, Kuzitrin, and Pilgrim River drainages—1 bull by Federal registration permit. The combined State/Federal harvest may not exceed 33 moose. Federal public lands are closed to the taking of moose except by residents of Units 22(D) and 22(C).	Aug. 20–Sept. 30.
Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal registration permit. The combined State/Federal harvest may not exceed 8 moose.	Aug. 20–Sept. 30.
Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal registration permit. The combined State/Federal harvest in Aug./Sept. and Dec. may not exceed 8 moose. Federal public lands are closed to the taking of moose except by residents of Units 22(D) and 22(C).	Dec. 1–Dec. 31.
Unit 22(D)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf. Federal public lands are closed to the taking of moose except by Federally-qualified subsistence users.	Aug. 1–Jan. 31.
Unit 22(E)—1 bull. Federal public lands are closed to the taking of moose except by Federally-qualified subsistence users.	Aug. 1–Dec. 31.
Muskox:	
Unit 22(B)—1 bull by Federal permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.	Aug.1–Mar. 15.
Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.	Sept. 1–Mar. 15.
Remainder of Unit 22(D)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.	Aug. 1–Mar. 15.
Unit 22(E)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.	Aug. 1–Mar. 15
Unit 22—remainder	No open season.
Beaver:	
Unit 22(A), (B), (D), and (E)—50 beaver	Nov. 1–June 10.
Unit 22—remainder	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten:	
Unit 22(A) 22(B)—No limit	Nov. 1–Apr. 15.
Unit 22—remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 22(A) and 22(B) east of and including the Niukluk River drainage—40 per day, 80 in possession.	Aug. 10–Apr. 30.
Unit 22 (E)—20 per day, 40 in possession	July 15–May 15.
Unit 22 Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 22(A), (B), (D), and (E)—50 beaver	Nov. 1–June 10.
Unit 22(C)	No open season.

Harvest limits	Open season
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) *Unit 23.* (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15. This does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A); if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 23;

(B) In addition to other restrictions on method of take found in this §100.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1–Jun. 10;

(D) For the Baird and DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit.	Sept. 1–May 31.

Harvest limits	Open season
Unit 23—remainder—1 bear every four regulatory years	Sept. 1–Oct 10. Apr. 15–May 25.
Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 23—south of Rabbit Creek, Kyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The hunter must deliver the horns attached to the skull to the National Park Service or NPS representative within 30 days of harvesting the animal. The NPS or NPS representative will destroy the trophy value by removing and destroying four inches from the base of one horn. The Superintendent of the Western Arctic National Parklands will announce the fall/winter harvest quota, if any, prior to the the fall season. All harvest quota and season announcements will be done in consultation with ADF&G and BLM. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	(a) Aug. 1–Sept. 30. The season will be closed when half of the total fall/winter quota has been harvested. (b) Dates of the winter season to be announced by the Superintendent of Western Arctic National Parklands. The season will be closed on April or when the total quota of sheep has been harvested, whichever comes first.
Unit 23—north of Rabbit Creek, Kyak Creek, and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The hunter must deliver the horns attached to the skull to the National Park Service or NPS representative within 30 days of harvesting the animal. The NPS or NPS representative will destroy the trophy value by removing and destroying 4 inches from the base of one horn. The Superintendent of the Western Arctic National Parklands will announce the fall/winter harvest quota, if any, prior to the fall season. All harvest quota and season announcements will be done in consultation with ADF&G and BLM.	(a) Aug. 1–Sept. 30. The season will be closed when half of the total fall/winter quota has been harvested in the DeLong Mountains. (b) Dates of the winter season to be announced by Superintendent of the Western Arctic National Parklands. The season will be closed in the DeLong Mountains on April 1 or when the total quota of sheep has been harvested, whichever comes first.
Unit 23, remainder (Schwatka Mountains)—1 ram the with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Unit 23, remainder (Schwatka Mountains)—1 sheep	Oct. 1–Apr. 30.
Moose:	
Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers —1 moose; no person may take a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Sept. 15. Oct. 1–Mar. 31.
Unit 23—remainder—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox:	
Unit 23—south of Kotzebue Sound and west of andincluding the Buckland River drainage—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally- qualified subsistence users. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.	Aug. 1–Mar. 15.
Unit 23—remainder	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct 1..	Sept. 1–Mar. 15.
Hare: (Snowshoe and Tundra) No limit	July 1–June 30.
Lynx: 2 lynx.	Nov. 1–Apr. 15.
Wolf: 5 wolves.	Nov. 10–Mar. 31.
Wolverine: 1 wolverine.	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession.	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession.	Aug. 10–Apr. 30.
Trapping	
Beaver: Unit 23—the Kobuk and Selawik River drainages 50 beaver	July 1–June 30.
Unit 23—remainder—30 beaver	July 1–June 30.
Coyote: No limit	Nov. 1–Apr. 15
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) *Unit 24.* Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. lat., 156°41′ W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes;

(C) You may take wildlife outside the seasons or harvest limits provided in this section for food in traditional religious ceremonies that are part of a funerary or mortuary cycle, including memorial potlatches, under the following conditions:

(*1*) The harvester is an Alaska rural resident with customary and traditional use in that area where the harvesting will occur. No permit or harvest ticket is required for taking under this section;

(*2*) The person who takes wildlife under this section, as soon as practicable, and not more than 20 days after the harvesting, submits or ensures the submission of a written report to the nearest Federal office, specifying the harvester's name and address, the number, sex, and species of wildlife taken, the dates and locations of the taking, and the identity of the decedent or decedents for whom the ceremony was held;

(*3*) The harvested meat is used in a customary and traditional rural Alaskan religious ceremony; and

(*4*) The taking does not violate recognized principles of wildlife conservation.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear by State registration permit	Sept. 1–June 15.
Caribou:	
Unit 24—that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolitna River drainage, bounded by the southeast bank of the Kodosin-Nolitna Creek, then downstream along the east bank of the Kanuti-Kilolitna River to its confluence with the Kanuti River—1 caribou.	Aug. 10–Mar. 31.
Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Sheep:	
Unit 24—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 24—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 24—remainder—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may only be taken during the periods of Aug. 27–31, Dec. 1–Dec. 10, and Mar. 1–Mar. 10. During Aug. 27–Sept. 20, a State registration permit is required.	Aug. 27–Sept. 20. Dec. 1–Dec. 10. Mar. 1–Mar. 10.
Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose.	Aug. 1–Dec. 31.
Unit 24—the Alatna River drainage within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Dec. 31. Mar. 1–Mar. 10.
Unit 24—all drainages to the north of the Koyukuk River upstream from and including the Alatna River to and including the North Fork of the Koyukuk River, except those portions of the John River and the Alatna River drainages within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25. Mar. 1–Mar. 10.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only.	Aug. 25–Sept. 25.
Unit 24—remainder—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents.	Aug. 25–Sept. 25.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.

Harvest limits	Open season
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25.* (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may take caribou and moose from a boat moving under power in Unit 25;

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25(D) west provided that:

(*1*) The person organizing the religious ceremony or cultural event contact the Refuge Manager, Yukon Flats National Wildlife Refuge prior to taking or attempting to take bull moose and provide to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, the general area in which the taking will occur;

(*2*) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s);

(*3*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25(D) west;

(*4*) Any moose taken under this provision counts against the annual quota of 60 bulls.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 25(D)—1 bear	July 1–June 30.
Unit 25—remainder—1 bear	Sept. 1–May 31.
Caribou:	
Unit 25(C)—that portion west of the east bank of the mainstem of Preacher Creek to its confluence with American Creek, then west of the east bank of American Creek—1 caribou. However, during the November 1—March 31 season, a State registration permit is required.	Aug. 10–Sept. 20. Nov. 1–Mar. 31.
25(C)—remainder—1 caribou by joint State/Federal registration permit only. Up to 600 caribou may be taken under a State/Federal harvest quota. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management, after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 25 (D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull.	Aug. 10–Sept. 30. Dec. 1–Dec. 31.
Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25(A)—that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkytsik during seasons identified above.	Aug. 10–Apr. 30.
Unit 25(A)—remainder—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
Moose:	
Unit 25(A)—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–Dec. 10.
Unit 25(B)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 25–Sept. 30 Dec. 1–Dec. 10.
Unit 25(B)—that portion, other than Yukon Charley National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.	Sept. 5–Sept. 30 Dec. 1–Dec. 15.
Unit 25(B)—remainder—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–Dec. 15.
Unit 25(C)—1 antlered bull	Sept. 1–Sept. 15.

Harvest limits	Open season
Unit 25(D)(West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in SubUnit 25(D) West. Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Additional permits for residents of 25(D)West who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25(D)(West) is closed at all times except for residents of Unit 25(D) West during seasons identified above. The moose season will be closed when 60 moose have been harvested in the Entirety (from Federal and non-Federal lands) of Unit 25(D)(West).	Aug. 25–Feb. 28.
Unit 25(D)—remainder—1 antlered moose	Aug. 25–Sept. 25 Dec. 1–Dec. 20.
Beaver:	
Unit 25, excluding Unit 25(C)—1 beaver per day; 1 in possession	Apr. 16–Oct. 31.
Unit 25(C)	No Federal open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 25(C)—2 lynx	Dec. 1–Jan. 31.
Unit 25—remainder—2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 25(A)—No limit	Aug. 10–Apr. 30.
Remainder of Unit 25—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 25(C)—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 25—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 25(C)—No limit	Nov. 1–Apr. 15.
Unit 25—remainder—50 beaver	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine:	
Unit 25(C)—No limit	Nov. 1–Feb. 28.
Unit 25—remainder—No limit	Nov. 1–Mar. 31.

(26) *Unit 26*. (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner for moose hunting, including

transportation of moose hunters or parts of moose from Aug. 1–Sept. 14 and from Jan. 1–Mar. 31 in Unit 26(A); however, this does not apply to transportation of moose hunters, their gear, or moose parts by aircraft between publicly owned airports;

(B) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 26;

(B) In addition to other restrictions on method of take found in this §100.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 26(A)—1 bear by State registration permit	Sept. 1–May 31.
Unit 26(B) and (C)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the Killik River are closed to the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30.	July 1–June 30.
Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30.	July 1–June 30
Unit 26(C)—10 caribou per day	July 1–Apr. 30.

Harvest limits	Open season
(You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass.)	
Sheep:	
Unit 26(A) and (B)—(Anaktuvuk Pass residents only)—that portion within the Gates of the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26(A)—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The hunter must deliver the horns attached to the skull to the National Park Service or NPS representative within 30 days of harvesting the animal. The NPS or NPS representative will destroy the trophy value by removing and destroying 4 inches from the base of one horn. The Superintendent of the Western Arctic National Parklands will announce the fall/winter harvest quota, if any, prior to the fall season. All harvest quota and season announcements will be done in consultation with ADF&G and BLM.	(a) Aug. 1–Sept. 30. The season will be closed when half of the total fall/winter quota has been harvested in the DeLong Mountains. (b) Dates of the winter season to be announced by the Superintendent of the Western Arctic National Parklands. The season will be closed in the DeLong Mountains on April 1 or when the total quota of sheep has been harvested, whichever comes first.
Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 26(A)—remainder and 26(B)—remainder—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.
Unit 26(C)–3 sheep per regulatory year; the Aug. 10–Sept 20 season is restricted to 1 ram with 7/8 curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose:	
Unit 26(A)—that portion of the Colville River drainage downstream from and including the Chandler River—1 bull. Federal public lands are closed to the taking of moose except by Federally qualified users.	Aug. 1–Sept. 14.
Unit 26(A)—remainder—1 bull	Sept. 1–Sept. 14.
Unit 26—remainder	No open season.
Muskox: Unit 26(C)—1 muskox by Federal registration permit only; 12 permits for bulls and 3 permits for cows may be issued to rural Alaska residents of the village of Kaktovik only. However, cows may be taken only from September 15–March 31. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during open seasons.	July 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
Unit 26(A) and (B)—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Unit 26(C)—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

[67 FR 43726, June 28, 2002]

EFFECTIVE DATE NOTE: At 67 FR 43726, June 28, 2002, §100.26 was added, effective July 1, 2002 through June 30, 2003.

§ 100.27 Subsistence taking of fish.

(a) *Applicability.* (1) Regulations in this section apply to the taking of fish or their parts for subsistence uses.

(2) You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.

(b) [Reserved]

(c) *Methods, means, and general restrictions.* (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear for subsistence fishing:

(i) A set gillnet;
(ii) A drift gillnet;
(iii) A purse seine;
(iv) A hand purse seine;
(v) A beach seine;
(vi) Troll gear;
(vii) A fish wheel;
(viii) A trawl;
(ix) A pot;
(x) A longline;
(xi) A fyke net;
(xii) A lead;
(xiii) A herring pound;
(xiv) A dip net;
(xv) Jigging gear;
(xvi) A mechanical jigging machine;
(xvii) A handline;
(xviii) A cast net;
(xix) A rod and reel; and
(xx) A spear.

(2) You must include an escape mechanism on all pots used to take fish or shellfish. The escape mechanisms are as follows:

(i) A sidewall, which may include the tunnel, of all shellfish and bottomfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of 6 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 60 thread, or the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(ii) All king crab, Tanner crab, shrimp, miscellaneous shellfish and bottomfish pots may, instead of complying with paragraph (c)(2)(i) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least 6 inches in length. The opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread. A galvanic timed release device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot. The twine may be knotted only at each end and at the attachment points on the galvanic timed release device. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The twine may not be tied or looped around the web bars.

(3) For subsistence fishing for salmon, you may not use a gillnet exceeding 50 fathoms in length, unless otherwise specified in this section. The gillnet web must contain at least 30 filaments of equal diameter or at least 6 filaments, each of which must be at least 0.20 millimeter in diameter.

(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(5) You may not use live non-indigenous fish as bait.

(6) You must have your first initial, last name, and address plainly and legibly inscribed on the side of your fishwheel facing midstream of the river.

(7) You may use kegs or buoys of any color but red on any permitted gear.

(8) You must have your first initial, last name, and address plainly and legibly inscribed on each keg, buoy, stakes attached to gillnets, stakes identifying gear fished under the ice, and any other unattended fishing gear which you use to take fish for subsistence uses.

(9) You may not use explosives or chemicals to take fish for subsistence uses.

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

(11) The limited exchange for cash of subsistence-harvested fish, their parts, or their eggs, legally taken under Federal subsistence management regulations to support personal and family needs is permitted as customary trade, so long as it does not constitute a significant commercial enterprise. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) Individuals, businesses, or organizations may not purchase subsistence-taken fish, their parts, or their eggs for use in, or resale to, a significant commercial enterprise.

(13) Individuals, businesses, or organizations may not receive through barter subsistence-taken fish, their parts or their eggs for use in, or resale to, a significant commercial enterprise.

(14) Except as provided elsewhere in this section, you may not take rainbow/steelhead trout.

(15) You may not use fish taken for subsistence use or under subsistence regulations in this part as bait for commercial or sport fishing purposes.

(16) You may not accumulate harvest limits authorized in this section or §100.28 with harvest limits authorized under State regulations.

(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that area. The harvest and possession limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence fishing with other gear types;

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

(18) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish for subsistence uses at any time.

(19) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which harvest limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(d) *Fishing by designated harvest permit.* (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting fish taken

under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) *Fishing permits and reports.* (1) You may take salmon only under the authority of a subsistence fishing permit, unless a permit is specifically not required in a particular area by the subsistence regulations in this part, or unless you are retaining salmon from your commercial catch consistent with paragraph (f) of this section.

(2) The U.S. Fish and Wildlife Service, Office of Subsistence Management may issue a permit to harvest fish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous 5 years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than 25 fish per culture/education camp. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in this paragraph (e)(2), will be considered by the Federal Subsistence Board.

(3) If a subsistence fishing permit is required by this section, the following permit conditions apply unless otherwise specified in this section:

(i) You may not take more fish for subsistence use than the limits set out in the permit;

(ii) You must obtain the permit prior to fishing;

(iii) You must have the permit in your possession and readily available for inspection while fishing or transporting subsistence-taken fish;

(iv) If specified on the permit, you shall keep accurate daily records of the catch, showing the number of fish taken by species, location and date of catch, and other such information as may be required for management or conservation purposes; and

(v) If the return of catch information necessary for management and conservation purposes is required by a fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances. You must also return any tags or transmitters that have been attached to fish for management and conservation purposes.

(f) *Relation to commercial fishing activities.* (1) If you are a Federally-qualified subsistence user who also commercial fishes, you may retain fish for subsistence purposes from your lawfully-taken commercial catch.

(2) When participating in a commercial and subsistence fishery at the same time, you may not use an amount of combined fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

(g) You may not possess, transport, give, receive, or barter subsistence-taken fish or their parts which have been taken contrary to Federal law or regulation or State law or regulation (unless superseded by regulations in this part).

(h) [Reserved]

(i) *Fishery management area restrictions*—(1) *Kotzebue Area.* The Kotzebue Area includes all waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(i) You may take fish for subsistence purposes without a permit.

(ii) You may take salmon only by gillnets, beach seines, or a rod and reel.

(iii) In the Kotzebue District, you may take sheefish with gillnets that are not more than 50 fathoms in length, nor more than 12 meshes in depth, nor have a mesh size larger than 7 inches.

(iv) You may not obstruct more than one-half the width of a stream, creek, or slough with any gear used to take fish for subsistence uses, except from May 15 to July 15 and August 15 to October 31 when taking whitefish or pike in streams, creeks, or sloughs within the Kobuk River drainage and from May 15 to October 31 in the Selawik River drainage. Only one gillnet 100 feet or less in length with a mesh size from 2½ to 4½ inches may be used per site. You must check your net at least once in every 24-hour period.

(2) *Norton Sound-Port Clarence Area.* The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Point Romanof, including those waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you take fish at any time in the Port Clarence District.

(ii) In the Norton Sound District, you may take fish at any time except as follows:

(A) In Subdistricts 2 through 6, if you are a commercial fishermen, you may not fish for subsistence purposes during the weekly closures of the State commercial salmon fishing season, except that from July 15 through August 1, you may take salmon for subsistence purposes 7 days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a mesh size that does not exceed 4½ inches, and with beach seines;

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;

(C) In Subdistricts 1–3, you may take salmon other than chum salmon by beach seine during periods established by emergency action.

(iii) You may take salmon only by gillnets, beach seines, fishwheel, or a rod and reel.

(iv) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, jigging gear, spear, lead, or a rod and reel.

(v) In the Unalakleet River from June 1 through July 15, you may not operate more than 25 fathoms of gillnet in the aggregate nor may you operate an unanchored fishing net.

(vi) You must have a subsistence fishing permit for net fishing in all waters from Cape Douglas to Rocky Point.

(vii) Only one subsistence fishing permit will be issued to each household per year.

(3) *Yukon-Northern Area.* The Yukon-Northern Area includes all waters of Alaska between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea, and all waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° W. long., including those waters draining into the Arctic Ocean and the Chukchi Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time.

(ii) In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:

(A) In District 4, excluding the Koyukuk River drainage;

(B) In Subdistricts 4–B and 4–C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(C) In District 6, excluding the Kantishna River drainage, salmon may be taken from 6:00 p.m. Friday until 6:00 p.m. Wednesday.

(iii) During any State commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5–D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(iv) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(v) In Districts 1, 2, 3, and Subdistrict 4–A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vi) In Districts 1, 2, and 3:

(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

(vii) In Subdistrict 4–A after the opening of the State commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take king salmon during the State commercial fishing season, with drift gillnet gear only, from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday.(viii) You may not subsistence fish in the following drainages located north of the main Yukon River:

(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;

(B) Bonanza Creek;

(C) Jim River including Prospect and Douglas Creeks.

(ix) You may not subsistence fish in the Delta River.

(x) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June 15–September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.

(xi) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

(xii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(xiii) In District 4, if you are a commercial fisherman, you may not take salmon for subsistence purposes during the State commercial salmon fishing season using gillnets with mesh larger than six-inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xiv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4–A upstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4–A downstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(xv) Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the State commercial salmon fishing season, if you are a commercial fisherman, you may not operate more than one type of gear at a time,

for commercial, personal use, and subsistence purposes;

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms and each drift gillnet may not exceed 50 fathoms in length;

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear except that, at the site approximately 1 mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the ''Slide,'' you may set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear and in District 4, from Old Paradise Village upstream to a point 4 miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(D) During the State commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, you may use drift gillnets and fish wheels only during open subsistence salmon fishing periods;

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure.

(xvi) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xvii) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;

(C) Only for salmon in the Tanana River drainage above the mouth of the Wood River.

(xviii) Only one subsistence fishing permit will be issued to each household per year.

(xix) In Districts 1, 2, and 3, you may not possess king salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xx) In the Yukon River drainage, chinook (king) salmon must be used primarily for human consumption and may not be targeted for dog food. Dried chinook salmon may not be used for dogfood anywhere in the Yukon River drainage. Whole fish unfit for human consumption (due to disease, deterioration, deformities), scraps, and small fish (16 inches or less) may be fed to dogs. Also, whole chinook salmon caught incidentally during a subsistence chum salmon fishery in the following time periods and locations may be fed to dogs:

(A) After July 10 in the Koyukuk River drainage;

(B) After August 10, in Subdistrict 5–D, upstream of Circle City.

(4) *Kuskokwim Area.* The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, you may not take salmon for 16 hours before, during, and for 6 hours after, each State open commercial salmon fishing period for District 1.

(iii) In District 1, Kuskokuak Slough only from June 1 through July 31, you may not take salmon for 16 hours before and during each State open commercial salmon fishing period in the district.

(iv) In Districts 4 and 5, from June 1 through September 8, you may not take salmon for 16 hours before, during, and 6 hours after each State open commercial salmon fishing period in each district.

(v) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 you may not take salmon for 16 hours before, during, and 6 hours after each State open commercial salmon fishing period in the district.

(vi) You may not take subsistence fish by nets in the Goodnews River east

of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before, during, and 6 hours after each State open commercial salmon fishing period.

(vii) You may not take subsistence fish by nets in the Kanektok River upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and 6 hours after each State open commercial salmon fishing period.

(viii) You may not take subsistence fish by nets in the Arolik River upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and 6 hours after each State open commercial salmon fishing period.

(ix) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Holitna, Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(x) You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.

(xi) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, handline, or rod and reel.

(xii) You must attach to the bank each subsistence gillnet operated in tributaries of the Kuskokwim River and fish it substantially perpendicular to the bank and in a substantially straight line.

(xiii) Within a tributary to the Kuskokwim River in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, you may not set or operate any part of a set gillnet within 150 feet of any part of another set gillnet.

(xiv) The maximum depth of gillnets is as follows:

(A) Gillnets with 6-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch mesh may not be more than 35 meshes in depth.

(xv) You may take halibut only by a single hand-held line with no more than two hooks attached to it.

(xvi) You may not use subsistence set and drift gillnets exceeding 15 fathoms in length in Whitefish Lake in the Ophir Creek drainage. You may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. You must check the net at least once every 24 hours.

(xvii) Rainbow trout may be taken by only residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak. The following restrictions apply:

(A) You may take rainbow trout only by the use of gillnets, dip nets, fyke nets, handline, spear, rod and reel, or jigging through the ice;

(B) You may not use gillnets, dip nets, or fyke nets for targeting rainbow trout from March 15–June 15;

(C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes;

(D) There are no harvest limits with handline, spear, rod and reel, or jigging.

(5) *Bristol Bay Area.* The Bristol Bay Area includes all waters of Bristol Bay including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence fishing permit, you may take fish at any time in the Bristol Bay area.

(ii) In all State commercial salmon districts, from May 1 through May 31 and October 1 through October 31, you may subsistence fish for salmon only from 9:00 a.m. Monday until 9:00 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, you may take salmon only during State open commercial salmon fishing periods.

(iii) In the Egegik River from 9:00 a.m. June 23 through 9:00 a.m. July 17, you may take salmon only from 9:00 a.m. Tuesday to 9:00 a.m. Wednesday and 9:00 a.m. Saturday to 9:00 a.m. Sunday.

(iv) You may not take fish from waters within 300 feet of a stream mouth used by salmon.

(v) You may not subsistence fish with nets in the Tazimina River and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14.

(vi) Within any district, you may take salmon, herring, and capelin only by drift and set gillnets.

(vii) Outside the boundaries of any district, you may take salmon only by set gillnet, except that you may also take salmon by spear in the Togiak River excluding its tributaries.

(viii) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik, River;

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

(ix) You may not operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(x) You must stake and buoy each set gillnet. Instead of having the identifying information on a keg or buoy attached to the gillnet, you may plainly and legibly inscribe your first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(xi) You may not operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xii) During State closed commercial herring fishing periods, you may not use gillnets exceeding 25 fathoms in length for the subsistence taking of herring or capelin.

(xiii) You may take fish other than salmon, herring, capelin, and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(xiv) You may take salmon and char only under authority of a subsistence fishing permit.

(xv) Only one subsistence fishing permit may be issued to each household per year.

(xvi) In the Togiak River section and the Togiak River drainage, you may not possess coho salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

(6) *Aleutian Islands Area.* The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36′ North latitude.

(i) You may take fish, other than salmon and rainbow/steelhead trout, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except:

(A) That from June 1 through September 15, you may not use a salmon seine vessel to take salmon for subsistence 24 hours before, during, or 24 hours after a State open commercial salmon fishing period within a 50–mile radius of the area open to commercial salmon fishing;

(B) That from June 1 through September 15, you may use a purse seine vessel to take salmon only with a gillnet and you may not have any other type of salmon gear on board the vessel while subsistence fishing; or

(C) As may be specified on a subsistence fishing permit.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters between Unalaska and Amaknak Islands, including Margaret's Bay, west of a line from the ''Bishop's House'' at 53°52.64′ N. lat., 166°32.30′ W. long. to a point on Amaknak Island at 53°52.82′ N. lat., 166°32.13′ W. long., and north of line from a point south of Agnes Beach at 53°52.28′ N. lat., 166°32.68′ W. long. to a point at 53°52.35′ N. lat., 166°32.95′ W. long. on Amaknak Island;

(C) Within Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point, waters within 250 yards of any

anadromous stream, except the outlet stream of Unalaska Lake, which is closed under paragraph (i)(6)(iv)(A) of this section;

(D) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(E) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point;

(F) Waters of McLees Lake and its tributaries and outlet stream;

(G) Waters in Reese Bay from July 1 through July 9, within 500 yards of the outlet stream terminus to McLees Lake;

(H) All freshwater on Adak Island and Kagalaska Island in the Adak District.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(7) *Alaska Peninsula Area.* The Alaska Peninsula Area includes all Pacific Ocean waters of Alaska between a line extending southeast (135°) from the tip of Kupreanof Point and the longitude of the tip of Cape Sarichef, and all Bering Sea waters of Alaska east of the longitude of the tip of Cape Sarichef and south of the latitude of the tip of Cape Menshikof.

(i) You may take fish, other than salmon and rainbow/steelhead trout, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries or through the ice, you may retain them for subsistence purposes.

(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iii) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(iv) You may take salmon at any time except within 24 hours before and within 12 hours following each State open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(v) You may not subsistence fish for salmon in the following waters:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth.

(vi) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may not use a set gillnet exceeding 100 fathoms in length.

(ix) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(x) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.

(xi) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(8) *Chignik Area.* The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula enclosed by 156°20.22′ West longitude (the longitude of the southern entrance to Imuya Bay near Kilokak Rocks) and a line extending southeast (135°) from the tip of Kupreanof Point.

(i) You may take fish, other than rainbow/steelhead trout, at any time, except as may be specified by a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take salmon in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iv) You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(v) If you hold a commercial fishing license, you may not subsistence fish for salmon from 48 hours before the first State commercial salmon fishing opening in the Chignik Area through September 30.

(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake you may not use purse seines.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(x) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(9) *Kodiak Area.* The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58°51.10′ N. lat.), west of 150° W. long., north of 55°30.00′ N. lat.; and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156°20.22′ W. long.).

(i) You may take fish, other than salmon and rainbow/steelhead trout, at any time unless restricted by the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before, during, and for 24 hours after any State open commercial salmon fishing period. The use of skiffs from any type of vessel is allowed;

(B) From June 1 through September 15, you may use purse seine vessels to take salmon only with gillnets, and you may have no other type of salmon gear on board the vessel.

(iii) You may not subsistence fish for salmon in the following locations:

(A) Womens Bay closed waters—all waters inside a line from the tip of the Nyman Peninsula (57°43.23′ N. lat., 152°31.51′ W long.), to the northeastern tip of Mary's Island (57°42.40' N. lat., 152°32.00′ W. long.), to the southeastern shore of Womens Bay at 57°41.95′ N. lat., 152°31.50' W. long.;

(B) Buskin River closed waters—all waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80′ N. lat, 152°28.38′ W. long., to a point offshore at 57°45.35′ N. lat, 152°28.15′ W. long., to a marker located onshore south of the river mouth at approximately 57°45.15′ N. lat., 152°28.65′ W. long.;

(C) All waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek;

(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island.

(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

(v) With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed.

(vi) You must record on your subsistence permit the number of subsistence fish taken. You must complete the record immediately upon landing subsistence-caught fish, and must return it by February 1 of the year following the year the permit was issued.

(vii) You may take fish other than salmon and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

(x) You may take halibut only by a single hand-held line with not more than two hooks attached to it.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(10) *Cook Inlet Area.* The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51′06'' N. lat.) and a line extending south from Cape Fairfield (148°50′ 15'' W. long.).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take grayling or burbot for subsistence purposes.

(iii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit (as may be modified by this section).

(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56).

(v) You may only take smelt with dip nets or gillnets in fresh water from April 1 through June 15. You may not use a gillnet exceeding 20 feet in length and 2 inches in mesh size. You must attend the net at all times when it is being used. There are no harvest or possession limits for smelt.

(vi) Gillnets may not be used in freshwater, except for the taking of whitefish in the Tyone River drainage or for the taking of smelt.

(11) *Prince William Sound Area.* The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish, other than rainbow/steelhead trout, at any time in the Prince William Sound Area.

(ii) You may take salmon in the Glennallen and Chitina Subdistricts only from May 15 through September 30.

(iii) You may take salmon in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit available from the National Park Service under the following conditions:

(A) You may take salmon only in those waters of the Copper River between National Park Service regulatory markers located near the mouth

of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek;

(B) You may use only fish wheels, dip nets, and rod and reel on the Copper River and only dip nets, spears, and rod and reel in Tanada Creek;

(C) You may take salmon only from May 15 through September 30 or until the season is closed by special action;

(D) You may retain chinook salmon taken in a fishwheel in the Copper River. You may not take chinook salmon in Tanada Creek;

(E) You must return the permit to the National Park Service no later than October 15.

(iv) You may take salmon for subsistence purposes with no harvest or possession limits in those waters of the Southwestern District and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip, only as follows:

(A) You may use seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of 4 inches, or gillnets up to 150 fathoms in length, except that you may only take pink salmon in fresh water using dip nets;

(B) You may take salmon only from May 15 until 2 days before the State commercial opening of the Southwestern District, 7 days per week; during the State commercial salmon fishing season, only during State open commercial salmon fishing periods; and from 2 days following the closure of the State commercial salmon season until September 30, 7 days per week;

(C) You may not fish within the closed waters areas for commercial salmon fisheries.

(v) You may take salmon for subsistence purposes with no harvest or possession limits in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, only as follows:

(A) You may use seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of 4 inches, or gillnets up to 150 fathoms in length with a maximum mesh size of 6¼ inches, except that you may only take pink salmon in fresh water using dip nets;

(B) You may take salmon only from May 15 until 2 days before the State commercial opening of the Eastern District, 7 days per week; during the State commercial salmon fishing season, only during State open commercial salmon fishing periods; and from 2 days following the closure of the State commercial salmon season until October 31, 7 days per week;

(C) You may not fish within the closed waters areas for commercial salmon fisheries.

(vi) If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, except when taken by dip net in the Upper Copper River District, where they must be immediately released, unharmed to the water. Rainbow/steelhead trout caught incidental to other species by fish wheel may be retained. Rainbow/steelhead trout retained for subsistence purposes will have the anal (ventral) fin removed immediately.

(vii) In the upper Copper River drainage, you may only take salmon in the waters of the Glennallen and Chitina Subdistricts, or in the vicinity of the Native Village of Batzulnetas.

(viii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(ix) In the Glennallen and Chitina Subdistricts, you may take salmon only by fish wheels, rod and reel, or dip nets.

(x) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain. You must register your fish wheel with ADF&G or the National Park Service. Your registration number and name and address must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water; only the current year's registration number may be affixed to the fish wheel; you must remove any other registration number from the fish wheel. You must remove the fish wheel from the water at the end of the permit period. You may operate only one fish wheel at any one time. You may not set or operate a fish wheel within 75

feet of another fish wheel. No fish wheel may have more than two baskets. If you are a permittee other than the owner, a wood or metal plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least 1 inch high, must be attached to each fish wheel so that the name and address are plainly visible.

(xi) You must personally operate the fish wheel or dip net. You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xii) Except as provided in this section, you may take fish other than salmon and freshwater fish species for subsistence purposes without a subsistence fishing permit.

(xiii) You may take salmon and freshwater fish species only under authority of a subsistence fishing permit.

(xiv) Only one Federal subsistence fishing permit per subdistrict will be issued to each household per year. If a household has been issued permits for both subdistricts in the same year, both permits must be in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in either subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year.

(xv) The following apply to Upper Copper River District Federal subsistence salmon fishing permits:

(A) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;

(B) You must return your permit no later than October 31, or you may be denied a permit for the following year;

(C) A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by this section and during fishing operations;

(D) Only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(E) A permit holder must record on the appropriate form all salmon taken immediately after landing the salmon.

(xvi) The total annual harvest limit for salmon in combination for the Glennallen Subdistrict and the Chitina Subdistrict is as follows:

(A) For a household with 1 person, 30 salmon, of which no more than 5 may be chinook salmon if taken by dip net;

(B) For a household with 2 persons, 60 salmon, of which no more than 5 may be chinook salmon if taken by dip net; plus 10 salmon for each additional person in a household over 2 persons, except that the household's limit for chinook salmon taken by dip net does not increase;

(C) Upon request, permits for additional salmon will be issued for no more than a total of 200 salmon for a permit issued to a household with 1 person, of which no more than 5 may be chinook salmon if taken by dip net; or no more than a total of 500 salmon for a permit issued to a household with 2 or more persons, of which no more than 5 may be chinook salmon if taken by dip net.

(xvii) A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. A permit may only be issued following approval by ADF&G or the Federal Subsistence Board of a harvest assessment plan to be administered by the permitted council or organization. The harvest assessment plan must include: provisions for recording daily catches for each fish wheel; sample data collection forms; location and number of fish wheels; the full legal name of the individual responsible for the lawful operation of each fish wheel; and other information determined to be necessary for effective resource management. The following additional provisions apply to subsistence fishing permits issued under this paragraph (i)(11)(xvii):

(A) The permit will list all households and household members for whom the fish wheel is being operated;

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the ADF&G or the Federal Subsistence Board when households are added to the list, and

the seasonal limit may be adjusted accordingly;

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization, are not eligible for a separate household subsistence fishing permit for the Upper Copper River District.

(xviii) You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless the anal (ventral) fin has been immediately removed from the salmon.

(xix) In locations open to State commercial salmon fishing other than described for the Upper Copper River District, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of 1 person;

(B) 30 salmon for a household of 2 persons and 10 salmon for each additional person in a household;

(C) No more than five king salmon may be taken per permit.

(12) *Yakutat Area*. The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Yakutat Area.

(ii) You may not take salmon during the period commencing 48 hours before a State opening of commercial salmon net fishing season until 48 hours after the closure. This applies to each river or bay fishery individually.

(iii) When the length of the weekly State commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location.

(iv) You may take salmon, trout (other than steelhead,) and char only under authority of a subsistence fishing permit. You may only take steelhead trout in the Situk and Ahrnklin Rivers and only under authority of a Federal subsistence fishing permit.

(v) If you take salmon, trout, or char incidentally by gear operated under the terms of a subsistence permit for salmon, you may retain them for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(vi) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gill net at all times when it is being used to take salmon.

(viii) You may block up to two-thirds of a stream with a gillnet or seine used for subsistence fishing.

(ix) You must remove the dorsal fin from subsistence-caught salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) With a subsistence fishing permit, you may harvest at any time up to 10 Dolly Varden with no minimum size.

(13) *Southeastern Alaska Area*. The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, you may take fish, other than rainbow/steelhead trout, in the Southeastern Alaska Area at any time.

(ii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(iii) You must possess a subsistence fishing permit to take salmon. You must possess a Federal subsistence fishing permit to take coho salmon, trout, or char. You must possess a Federal subsistence fishing permit to take steelhead in Hamilton Bay and Kadake Bay Rivers. You must possess a Federal subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1–C or 1–D.

(iv) You may take steelhead trout on Prince of Wales Island only under the terms of a Federal subsistence fishing permit. The annual harvest limit is two fish, 36 inches or larger. You may use only a dip net or rod and reel with artificial lure or fly. You may not use bait.

(v) You may take coho salmon in Subdistricts 3 (A), (B), and (C) only under the terms of a Federal subsistence fishing permit. There is no closed season. The daily harvest limit is 20 fish per household. Only spears, dip net, and rod and reel may be used. Bait may be used only from September 15 through November 15.

(vi) In the Southeastern Alaska Area, except for sections 3A, 3B, and 3C, you may take coho salmon in Southeast Alaska waters under Federal jurisdiction under the terms of a Federal subsistence fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household, and the annual limit is 40 coho salmon per household. Only dipnets, spears, gaffs, and rod and reel may be used. Bait may only be used from September 15 through November 15. You may not retain incidentally caught trout and sockeye salmon unless taken by gaff or spear.

(vii) If you take salmon, trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(viii) No permits for the use of nets will be issued for the salmon streams flowing across or adjacent to the road systems within the city limits of Petersburg, Wrangell, and Sitka.

(ix) You shall immediately remove the pelvic fins of all salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) For the Salmon Bay Lake system, the daily harvest and season limit per household is 30 sockeye salmon.

(xii) For Virginia Lake (Mill Creek), the daily harvest limit per household is 20 sockeye salmon, and the season limit per household is 40 sockeye salmon.

(xiii) For Thoms Creek, the daily harvest limit per household is 20 sockeye salmon, and the season limit per household is 40 sockeye salmon.

(xiv) The Sarkar River system above the bridge is closed to the use of all nets by both Federally-qualified and non-Federally qualified users.

(xv) Only Federally-qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Pillar Bay. In the Falls Lake Bay and Gut Bay drainages, the possession limit is 10 sockeye salmon per household. In the Pillar Bay drainage, the individual possession limit is 15 sockeye salmon with a household possession limit of 25 sockeye salmon.

(xvi) The Redoubt Lake watershed is closed to sockeye salmon fishing except by Federally-qualified subsistence fishermen. You may fish for sockeye salmon in these waters only under the terms of a Federal subsistence permit. Open season is from June 1 to August 15. For the Redoubt Lake watershed, the possession limit per individual is 10 sockeye, and the possession limit per household is 10 sockeye salmon per household. Only spears, gaffs, dip net and rod and reel may be used. Steelhead incidentally speared or gaffed may be retained.

(xvii) In Baranof Lake, Florence Lake, Hasselborg Lake and River, Mirror Lake, Virginia Lake, and Wilson Lake, in addition to the requirement for a Federal subsistence fishing permit, the following restrictions for the harvest of Dolly Varden, cutthroat, and rainbow trout apply:

(A) You may harvest at any time up to 10 Dolly Varden of any size;

(B) You may harvest at any time six cutthroat or rainbow trout in combination. You may only retain fish between 11″ and 22″. You may only use a rod and reel without bait.

(xviii) In all waters, other than those identified in paragraph (i)(13)(xvii) of this section, in addition to the requirement for a subsistence fishing permit, you may harvest Dolly Varden and cutthroat and rainbow trout in accordance with the seasons and harvest limits delineated in the Alaska Administrative Code, 5 AAC 47. You may only use a rod and reel without bait unless the use of bait is specifically permitted in 5 AAC 47.

[67 FR 5896, Feb. 7, 2002; 67 FR 36810, May 28, 2002]

EFFECTIVE DATE NOTE: At 67 FR 5896, Feb. 7, 2002, as corrected at 67 FR 36810, May 28, 2002, § 100.27 was added, effective Mar. 1, 2002 through Feb. 28, 2003.

§ 100.28 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of Dungeness crab, king crab, Tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) [Reserved]

(c) You may take shellfish for subsistence uses at any time in any area of the public lands by any method unless restricted by this section.

(d) *Methods, means, and general restrictions.* (1) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

(2) Unless otherwise provided in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear to take shellfish:

(i) Abalone iron;
(ii) Diving gear;
(iii) A grappling hook;
(iv) A handline;
(v) A hydraulic clam digger;
(vi) A mechanical clam digger;
(vii) A pot;
(viii) A ring net;
(ix) A scallop dredge;
(x) A sea urchin rake;
(xi) A shovel; and
(xii) A trawl.

(3) You are prohibited from buying or selling subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) You may not use explosives and chemicals, except that you may use chemical baits or lures to attract shellfish.

(5) Marking requirements for subsistence shellfish gear are as follows:

(i) You shall plainly and legibly inscribe your first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except when fishing through the ice, you may substitute for the keg or buoy, a stake inscribed with your first initial, last name, and address inserted in the ice near the hole; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(ii) kegs or buoys attached to subsistence crab pots also must be inscribed with the name or United States Coast Guard number of the vessel used to operate the pots.

(6) Pots used for subsistence fishing must comply with the escape mechanism requirements found in §100.27(c)(2).

(7) You may not mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(e) *Taking shellfish by designated harvest permit.* (1) Any species of shellfish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user (beneficiary), you may designate another Federally-qualified subsistence user to take shellfish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest shellfish and must return a completed harvest report. The designated fisherman may harvest for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary.

(4) You may not fish with more than one legal limit of gear as established by this section.

(5) You may not designate more than one person to take or attempt to take shellfish on your behalf at one time. You may not personally take or attempt to take shellfish at the same time that a designated fisherman is taking or attempting to take shellfish on your behalf.

(f) If a subsistence shellfishing permit is required by this section, the following conditions apply unless otherwise specified by the subsistence regulations in this section:

(1) You may not take shellfish for subsistence in excess of the limits set out in the permit unless a different limit is specified in this section;

(2) You must obtain a permit prior to subsistence fishing;

(3) You must have the permit in your possession and readily available for inspection while taking or transporting the species for which the permit is issued;

(4) The permit may designate the species and numbers of shellfish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) If specified on the permit, you shall keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch, and such other information as may be required for management or conservation purposes;

(6) You must complete and submit subsistence fishing reports at the time specified for each particular area and fishery;

(7) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(g) *Subsistence take by commercial vessels*. No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, Tanner crab, or Dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered. However, if you are a commercial fisherman, you may retain shellfish for your own use from your lawfully taken commercial catch.

(h) You may not take or possess shellfish smaller than the minimum legal size limits.

(i) *Unlawful possession of subsistence shellfish*. You may not possess, transport, give, receive, or barter shellfish or their parts taken in violation of Federal or State regulations.

(j)(1) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this section, unless:

(i) The shellfish has been taken with gear deployed and retrieved by the client or guest who is a federally-qualified subsistence user;

(ii) The gear has been marked with the client's or guest's name and address; and

(iii) The shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(2) The captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence shellfish fishery when that vessel is being chartered.

(k) *Subsistence shellfish areas and pertinent restrictions*—(1) *Southeastern Alaska-Yakutat Area*. No marine waters are currently identified under Federal subsistence management jurisdiction.

(2) *Prince William Sound Area*. No marine waters are currently identified under Federal subsistence management jurisdiction.

(3) *Cook Inlet Area*. You may not take shellfish for subsistence purposes.

(4) *Kodiak Area*. (i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a State closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only male Dungeness crabs with a shell width of 6½ inches or greater may be taken or possessed. Taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the State opening of a commercial king or Tanner crab fishing season in the location.

(iv) In the subsistence taking of king crab:

(A) The annual limit is six crabs per household; only male king crab may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) You may not use more than five crab pots, each being no more than 75 cubic feet in capacity to take king crab;

(D) You may take king crab only from June 1–January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after State open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab;

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a State commercial king or Tanner crab fishing season in the location;

(C) The daily harvest and possession limit is 12 male crab with a shell width 5½ inches or greater per person.

(5) *Alaska Peninsula-Aleutian Islands Area.* (i) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed State commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(ii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(iii) In the subsistence taking of king crab:

(A) The daily harvest and possession limit is six male crabs per person; only crabs with a shell width of 6½ inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) You may take crabs only from June 1–January 31.

(iv) The daily harvest and possession limit is 12 male Tanner crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(6) *Bering Sea Area.* (i) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots, and ring net.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male Dungeness crabs per person.

(iv) In the subsistence taking of king crab:

(A) In waters south of 60° N. lat., the daily harvest and possession limit is six male crabs per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° N. lat., you may take crab only from June 1–January 31;

(D) In the Norton Sound Section of the Northern District, you must have a subsistence permit.

(v) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male Tanner crabs.

[67 FR 5896, Feb. 7, 2002]

EFFECTIVE DATE NOTE: At 67 FR 5896, Feb. 7, 2002, §100.28 was added, effective Mar. 1, 2002 through Feb. 28, 2003.

PARTS 101–199 [RESERVED]

APPENDIX A TO CHAPTER I—CODES FOR THE REPRESENTATION OF NAMES OF COUNTRIES (ESTABLISHED BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION)

Country	2-Letter code
Afghanistan	AF.
Albania	AL.
Algeria	DZ.
Angola	AO.
Argentina	AR.
Australia	AU.
Austria	AT.
Bahamas	BS.
Bahrain	BH.
Bangladesh	BD.
Barbados	BB.
Belgium	BE.
Benin	BJ.
Bhutan	BT.
Bolivia	BO.
Botswana	BW.
Brazil	BR.
Bulgaria	BG.
Burma	BU.
Burundi	BI.
Canada	CA.
Cape Verde	CV.
Central African Empire	CF.
Chad	TD.
Chile	CL.
China	CN.
Colombia	CO.
Comoros	KM.
Congo	CG.
Costa Rica	CR.
Cuba	CU.
Cyprus	CY.
Czechoslovakia	CS.
Democratic Kampuchea	KH.
Democratic People's Republic of Korea.	KP.
Democratic Yemen	YD.
Denmark	DK.
Djibouti	DJ.
Dominica	DM.
Dominican Republic	DO.
Ecuador	EC.
Egypt	EG.
El Salvador	SV.
Equatorial Guinea	GQ.
Ethiopia	ET.
Fiji	FJ.
Finland	FI.
France	FR.
Gabon	GA.
Gambia	GM.
German Democratic Republic	DD.
Germany, Federal Republic of	DE.
Ghana	GH.
Greece	GR.
Grenada	GD.
Guatemala	GT.
Guinea	GN.
Guinea-Bissau	GW.
Guyana	GY.
Haiti	HT.
Holy See	VA.
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Hungary	HU.
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Israel	IL.
Italy	IT.
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Kenya	KE.
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Kuwait	KW.
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Madagascar	MG.
Malawi	MW.
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Maldives	MV.
Mali	ML.
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Mauritania	MR.
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Uganda	UG.
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United Republic of Tanzania	TZ.
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Venezuela	VE.
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FINDING AIDS

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