§ 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

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the Federal Register in the preceding Fall.

§§ 92.13–92.19 [Reserved]

Subpart C—General Regulations Governing Subsistence Harvest

§ 92.20 Methods and means.
You may not use the following devices and methods to harvest migratory birds:
(a) Swivel guns, shotguns larger than 10 gauge, punt guns, battery guns, machine guns, fish hooks, poisons, drugs, explosives, or stupefying substances;
(b) Shooting from a sinkbox or any other type of low-floating device that affords the hunter a means of concealment beneath the surface of the water;
(c) Hunting from any type of aircraft;
(d) Taking waterfowl and other species using live birds as decoys, except for auks on Diomede and St. Lawrence islands (Use of live birds as decoys is a customary and traditional means of harvesting auks on Diomede and St. Lawrence islands.);
(e) Hunting with the aid of recorded bird calls;
(f) Using any type of vehicle, aircraft, or boat for the purpose of concentrating, driving, rallying, or stirring up of any migratory bird, except boats may be used to position a hunter;
(g) Having in possession or using lead or other toxic shot while hunting (Approved nontoxic shot types are listed in § 20.21(j) of subchapter B.);
(h) Shooting while on or across any road or highway;
(i) Using an air boat (Interior and Bristol Bay Regions only) or jet ski (Interior Region only) for hunting or transporting hunters;
(j) Using private or chartered aircraft for hunting or transporting hunters, except for transportation between community airstrips (Unit 18, Yukon/Kuskokwim Delta Region only); or
(k) 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, as provided at 50 CFR 20.21(i) and 16 U.S.C. 704(b).


§ 92.21 Emergency closures.
(a) The Regional Director, after consultation with the Co-management Council, may close or temporarily suspend any regulation established under subparts C or D of this part:
(1) Upon finding that a continuation of the regulation would pose an imminent threat to the conservation of any endangered or threatened species or other migratory bird population; and
(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 the internet and local radio and television.
(b) The Service will also announce any such closure or temporary suspension by publication of a notice in the Federal Register simultaneously with the local public notice referred to in paragraph (a)(2) of this section. However, in the event that publishing a Federal Register notice simultaneously with the local public notice is impractical, we will publish in the Federal Register as soon as possible after the steps outlined in paragraph (a) of this section are taken.
(c) Any closure or temporary suspension under this section will be effective on the date of publication of the Federal Register notice; or if such notice is not published simultaneously with the notification methods described in paragraph (a) of this section, then on the date and at the time specified in the local notification to the public given under paragraph (a)(2) of this section. Every notice of closure or temporary suspension will include the date and time of the closing, the area or areas affected, and the species affected. In the case of a temporary suspension, the date and time when the harvest may be resumed will also be provided by local notification to the public and