DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AD69

Migratory Bird Hunting; Proposed 1996–1997 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposes to establish annual hunting regulations for certain migratory game birds. The Service also requests proposals from Indian tribes that wish to establish special migratory bird hunting regulations. These regulations will permit the taking of the designated species during the 1996–97 season. The Service annually prescribes outside limits (frameworks) within which States may select hunting seasons. The Service has also employed guidelines to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands. These seasons provide hunting opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and are designed to permit harvests at levels compatible with migratory bird population status and habitat conditions.

DATES: Tribal proposals and related comments should be submitted by June 3, 1996. The comment period for proposed early-season frameworks will end on July 25, 1996; and for proposed late-season frameworks on September 3, 1996. The public hearing for early-season frameworks will be held on June 27, 1996, at 9 a.m. The public hearing for late-season frameworks will be held on August 2, 1996, at 9 a.m.

ADDRESSES: Both public hearings will be held in the Auditorium, Department of the Interior Building, 1849 C Street NW., Washington, DC. Written comments on the proposals and notice of intention to testify at either hearing may be mailed to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: For further information contact Ron W. Kokel at: Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240 (703) 358–1714.

SUPPLEMENTARY INFORMATION: For administrative purposes, this document consolidates the notice of intent and request for tribal proposals with the preliminary proposals for the annual regulations-development process. The remaining proposed and final rulemaking documents will be published separately. For inquiries on tribal guidelines and proposals, please contact the following personnel.

—Region 1 - Brad Bortner, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; (503) 231–6164.

—Region 2 - Jeff Haskins, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103; (505) 248–7885.

—Region 3 - Steve Wilds, U.S. Fish and Wildlife Service, Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111–4056; (612) 725–3313.

—Region 4 - Frank Bowers, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; (404) 679–4000.

—Region 5 - George Haas, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589; (413) 253–8576.

—Region 6 - John Cornely, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225; (303) 236–8145.

—Region 7 - Robert Leedy, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503; (907) 786–3423.

Notice of Intent to Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 1996–1997 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20.

''Migratory game birds'' are those bird species so designated in conventions between the United States and several foreign nations for the protection and management of these birds. All other birds designated as migratory (under 10.13 of Subpart B of 50 CFR Part 10) in the aforementioned conventions may not be hunted. For the 1996–97 hunting season, regulations will be proposed for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). These proposals are described under Proposed 1996–97 Migratory Game Bird Hunting Regulations (Preliminary) in this document. Definitions of waterfowl flyways and mourning dove management units, as well as a description of the data used in and the factors affecting the regulatory process, were published in the March 14, 1990, Federal Register (55 FR 9618).

Regulatory Schedule for 1996–1997

This is the first in a series of proposed and final rulemaking documents for migratory game bird hunting regulations. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the Federal Register. Also, additional supplemental proposals will be published for public comment in the Federal Register as population, habitat, harvest, and other information become available.

Because of the late dates when certain portions of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow resource agencies to select and publish season dates and bag limits prior to the hunting seasons and, on the other hand, the lack of current data on the status of most migratory game birds until later in the summer.

Because the process is strongly influenced by the times when information is available for consideration, the overall regulations process is divided into two segments. Early seasons are those seasons that generally open prior to October 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. Late seasons are those seasons opening in the remainder of the United States about October 1 and later, and include most of the waterfowl seasons.

Major steps in the 1996–1997 regulatory cycle relating to public hearings and Federal Register notifications are illustrated in the

accompanying diagram. Dates shown relative to publication of Federal Register documents are target dates.

Sections of this and subsequent documents which outline hunting frameworks and guidelines are organized under numbered headings. These headings are:

1. Ducks
2. Sea Ducks
3. Mergansers
4. Canada Geese
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Mourning Doves
17. White-winged and White-tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Later sections of this and subsequent documents will refer only to numbered items requiring attention. Therefore, items requiring no attention will be omitted and the remaining numbered items will be discontinuous and appear incomplete.

Public Hearings

Two public hearings pertaining to 1996–1997 migratory game bird hunting regulations are scheduled. Both hearings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 27, a public hearing will be held at 9 a.m. in the Auditorium of the Department of the Interior Building, 1849 C Street NW., Washington, DC. This hearing is for the purpose of reviewing the status of migratory shore and upland game birds. Proposed hunting regulations will be discussed for these species plus regulations for migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. On August 2, a public hearing will be held at 9 a.m. in the Auditorium of the Department of the Interior Building, address above. This hearing is for the purpose of reviewing the status and proposed regulations for waterfowl not previously discussed at the June 27 public hearing. The public is invited to participate in both hearings. Persons wishing to make a statement at these hearings should write to the address indicated under the caption **ADDRESSES**.

Requests for Tribal Proposals

Background

Beginning with the 1985-86 hunting season, the Service has employed guidelines described in the June 4, 1985, Federal Register (50 FR 23467) to establish special migratory bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for: (1) on-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the annual March 10 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Convention). The guidelines are capable of application to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also apply to the establishment of migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting, or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, the Service encourages the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, the Service will consult with a tribe and State with the aim of facilitating an accord. The Service also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands. As explained in previous rulemaking documents, it is incumbent upon the tribe and/or the State to put forward a request for consultation as a result of the proposal being published in the Federal Register. The Service will not presume to make a determination, without being advised by a tribe or a State, that any issue is/is not worthy of formal consultation.

One of the guidelines provides for the continuation of harvest of migratory game birds by tribal members on reservations where it is a customary practice. The Service does not oppose this harvest, provided it does not take place during the closed season required by the Convention, and it is not so large as to adversely affect the status of the migratory bird resource. For several years, the Service has reached annual agreement with tribes (for example, in Minnesota, the Mille Lacs Band of Chippewa Indians) for hunting by tribal members on their lands or on lands where they have reserved hunting rights. The Service will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members.

The guidelines should not be viewed as inflexible. Nevertheless, the Service believes that they provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Details Needed in Tribal Proposals

Tribes that wish to use the guidelines to establish special hunting regulations for the 1996-97 hunting season must submit a proposal that includes: (1) the requested hunting season dates and other details regarding regulations to be observed; (2) harvest anticipated under

the requested regulations; (3) methods that will be employed to measure or monitor harvest (mail-questionnaire survey, bag checks, etc.); (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would seriously impact the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations.

A tribe that desires the earliest possible opening of the waterfowl season should specify this in the proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit, the proposal should request the same daily bag and possession limits and season length for ducks and geese that Federal regulations are likely to permit the States in the Flyway in which the reservation is located.

Tribal Proposal Procedures

Pertinent details in proposals received from tribes will be published for public review in later Federal Register documents. Because of the time required for Service and public review, Indian tribes that desire special migratory bird hunting regulations for the 1996–97 hunting season should submit their proposals as soon as possible, but no later than June 3, 1996. Tribal inquiries regarding the guidelines and proposals should be directed to the appropriate Service Regional Office listed under the caption **SUPPLEMENTARY INFORMATION**. Tribes that request special hunting regulations for tribal members on ceded lands should send a courtesy copy of the proposal to officials in the affected State(s).

Public Comments Solicited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed regulations. Promulgation of final migratory game bird hunting regulations will take into consideration all comments received by the Service. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. Specific comment periods will be established for each series of proposed rulemakings. All relevant comments will be accepted through the closing date of the comment period on the particular proposal under consideration. The Service will consider, but possibly may not respond in detail to, each comment. As in the past, the Service will summarize all comments received during the comment period and respond to them after the closing date.

Flyway Council Meetings

Departmental representatives will be present at the following winter meetings of the various Flyway Councils:

DATE: March 23, 1996

—National Waterfowl Council, 3:30 p.m.

DATE: March 24, 1996

—Atlantic Flyway Council, 8:00 a.m.

—Mississippi Flyway Council, 8:30 a.m.

—Central Flyway Council, 8:00 a.m.

—Pacific Flyway Council, 1:00 p.m.

The Council meetings will be held at the Adams Mark Hotel, Tulsa, Oklahoma.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14),'' filed with the Environmental Protection Agency on June 9, 1988. Notice of Availability was published in the Federal Register on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341).
In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the Service at the address indicated under the caption **ADDRESSES**.

Endangered Species Act Consideration

Prior to issuance of the 1996–97 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531-1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Regulatory Flexibility Act and the Paperwork Reduction Act

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The economic impacts of the annual hunting regulations on small business entities were analyzed in detail and a Small Entity Flexibility Analysis (Analysis) was issued by the Service in 1995. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis utilized the 1991 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $258 and $586 million at small businesses in 1995.

Copies of the Analysis are available upon request from the Office of Migratory Bird Management. The address is indicated under the caption **ADDRESSES**.

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Authorship

The primary author of this proposed rule is Ron W. Kokel, Office of Migratory Bird Management, (703) 358–1714.

List of Subjects in 50 CFR Part 20

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

The rules that eventually will be promulgated for the 1996-97 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a-j.

Dated: May 13, 1996

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks

Proposed 1996–1997 Migratory Game Bird Hunting Regulations (Preliminary)

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils; specific framework proposals (including opening and closing dates, seasons lengths, and bag limits) may be deferred. Unless otherwise specified, no change from the final 1995–96 frameworks of August 29 and September 27, 1995, (60 FR 45020 and 50042) is proposed. Specific preliminary proposals that vary from the 1995–96 frameworks and issues requiring early discussion, action, or the attention of the States or tribes are contained below:

1. Ducks

A. Harvest Strategy Considerations

In 1992, a technical working group comprised of representatives from the Service and the four Flyway Councils was established to develop recommendations for improving the regulation of duck harvests. In 1993, the group embraced the concept of Adaptive Harvest Management (AHM), which subsequently received strong support from a broad array of conservation interests. In general terms, AHM involves: (1) choices of harvest regulation based on resource status and expected harvest impacts; (2) follow-up monitoring and assessment of population dynamics; and (3) use of the monitoring and assessment information to improve future decision-making abilities. Benefits of AHM include: (1) maximum hunting opportunity consistent with long-term waterfowl conservation and North American Waterfowl Management Plan (NAWMP) goals; (2) less contentiousness in the annual regulation-setting process; (3) more objective, data-based decisions; and (4) more efficient use of data collected from large-scale monitoring programs. Perhaps the greatest benefit of AHM, however, is its potential to resolve questions about how much hunting opportunity can be provided while maintaining healthy waterfowl populations.

Implementation of AHM began in 1995 with a focus on mid-continent mallards. Based on favorable comments by the Flyway Councils, State wildlife agencies, non-governmental organizations, and the public, the Service is seeking to continue its application of AHM for regulating the harvest of ducks. The technical working group continues to play an important role in this effort by developing AHM procedures, stimulating dialogue among stakeholders, conducting technical assessments to inform decision makers, formulating information and education strategies, and recommending timetables for implementation. The working group's function is, however, strictly technical in nature.

Application of AHM continues to highlight many complex issues in duck harvest management. Issues identified as high priorities for further assessment include: (1) hunter dynamics and how regulations affect hunter activity and success; (2) factors affecting duck reproduction on a continental scale; (3) relative costs and benefits of species, population, and sex-specific harvest management; (4) allocation of harvest opportunities among countries, Flyways, and States; and (5) public information and education needs.

The technical working group has recognized that additional time will be necessary to address these issues in a more comprehensive and coherent manner. Schedules for clarifying issues, receiving input from stakeholders, and conducting the necessary assessments are currently being developed by the working group so that expectations for progress are realistic. Implementation of AHM will require periodic review of all technical specifications, including management objectives, hunting-season options, and theories (or models) of population dynamics.

Based on a review of public comments received about AHM in 1995, the technical working group has made the following recommendations for the 1996 regulatory process:

(1) Population goals of the NAWMP should continue to be recognized to reflect broad resource values; this should be accomplished by a proportional decrease in the value of harvest opportunity if the mallard population were expected to fall below the NAWMP goal of 8.1 million;

(2) Pending further review, use of the restrictive, moderate, and liberal regulatory options considered in 1995 should be continued; the only exception might be the addition of one bird to the daily bag limit under the liberal option for the Pacific Flyway;

(3) Pending further assessment, use of the mallard population models from 1995, which incorporate the competing hypotheses of additive and compensatory harvest mortality and strongly and weakly density-dependent reproduction should be continued;

(4) Pending development of AHM strategies for individual species and populations, existing technical and administrative procedures for regulating the harvests of stocks other than mallards should be used, with the recognition that: (a) potential regulatory changes should be considered early in the annual process; and (b) proposals should include potential effects of various regulatory options and criteria for future regulatory changes;

(5) Outreach efforts should be continued.

One of the distinguishing features of AHM is a formal recognition that technical experts have legitimate disagreements about the particular population model that should be used to guide harvest management. Perhaps the greatest strength of AHM is its method for determining which model best describes the impacts of harvest and habitat conditions on mallard abundance. Once a regulatory decision is made, each model predicts whether population size will go up or down, and by how much. Then, after data from the spring population survey are available, AHM allows managers to see how well each model predicted the change in population size that actually occurred. In subsequent years, those models that prove to be good predictors will have greater influence on regulatory decisions.

Survey data providing current population and habitat status, and for evaluating performance of last year's mallard models, should be available in June 1996. Specific regulatory alternatives for the 1996 duck hunting season will be considered at that time.

F. Zones and Splits

In 1990, the Service established guidelines for the use of zones and split seasons for duck hunting (Federal Register 55 FR 38901). These guidelines were based upon a cooperative review and evaluation of the historical use of zone/split options. The Service reiterated the 1977 criteria that the primary purpose of these options shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State. In 1977, the Service also stated that these regulations should not substantially change the pattern of harvest distribution among States within a Flyway, nor should these options detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level. The 1990 review did not show that the proliferation of these options had increased harvest pressure; however, the ability to detect the impact of zones/split configurations was poor

because of poorly chosen response variables, the lack of statistical tests to differentiate between real and perceived changes, and the absence of adequate experimental controls. Therefore, the existing policy was intended to provide a framework for controlling the proliferation of changes in zone/split options and limited changes to 5-year intervals. The first open season for changes was in 1991 and the second will occur this year when zone/split configurations will be established for the 1996–2000 period.

As required by existing guidelines, States that made changes during the last open season (except going to the basic option) should provide the Service a review of pertinent data by the 1995–96 Winter/Spring Technical Committee Meetings. At a minimum, State reports should contain a summary of zone harvest estimates compared to previous configurations. The Service reiterates that this review does not have to be the result of a rigorous experimental design, but nonetheless should assist the Service in ascertaining whether major changes in harvest or hunter activity occurred as a result of zone/split regulations.

For the 1996 open season, the Service will use the existing 1990 guidelines, with an exception for the handling of special management units. The Service proposes to delete the following provision from the 1990 guidelines:

Special Management Unit Limitation: Within existing Flyway boundaries, States may not zone and/or use a 3-way split season simultaneously within a special management unit and the remainder of the State.

The zone/split season guidelines apply only for the *regular* duck season. The Service is proposing this change with the understanding that the additional days for a management unit must be consecutive and, for the Central Flyway, be held both after the Saturday nearest December 10 and after the regular duck season.

The proposed guidelines include several definitions and interpretations developed in response to questions during and following the first open season in 1991. For clarification, these are reiterated:

1. A zone is defined as a geographic area or portion of a State, with a contiguous boundary, for which independent dates (at least 1 day difference) can be selected for the regular duck season.

2. Consideration of changes for management-unit boundaries are not subject to the guidelines and provisions governing the use of zones and split seasons for ducks.

3. Only minor (less than a county in size) boundary changes will be allowed for any grandfather arrangement and changes are limited to the open season.

4. Any State may change its zone/split arrangement to the Basic Option at any time during the 5 years between open seasons. If such a change is made, the Basic Option must be continued for the remainder of the 5-year period.

For the 1996-2000 period, any State may continue the configuration used in 1991–1995. If changes are made, the zone/split configuration must conform to one of the following options:

1. *Basic Option:* The Basic Option, available at any time to any State, would allow the regular duck season to be split into two segments with no zones.

2. *Alternative Options:* Where the Basic Option is deemed undesirable, States may choose one of the following:

a. No more than three zones with no splits,

b. A 3-way split with no zones, or

c. Two zones with the option for 2-way split seasons in one or both zones.

At the end of 5 years after any changes in splits or zones (except conversions to the Basic Option), States will be required to provide the Service with a review of pertinent data (e.g., estimates of harvest, hunter numbers, hunter success, etc.). This review does not have to be the result of a rigorous experimental design, but nonetheless should assist the Service in ascertaining whether major undesirable changes in harvest or hunter activity occurred as a result of split and zone regulations. The next open season for changes in zone/split configurations will be 2001.

G. Special seasons/species management

i. Canvasback Management

Since 1994, the Service has followed a harvest-management strategy for canvasbacks which considers population levels, potential for recruitment, and expected harvest by hunters. The plan permits an open season on canvasbacks with a 1-bird daily bag limit nationwide when the above factors are sufficient to maintain a spring population size of 500,000 birds. Each year the Service reviews harvest and production information to evaluate the effectiveness of the harvest strategy. Thus, the Service will defer a decision on canvasback hunting until the 1995–96 harvest and 1996 spring population-status information are available. The Service proposes no change in the process employed for deciding on regulations governing the harvest of canvasbacks.

ii. September Teal Seasons

In 1990, the Service established a strategy for the use of shooting hours which stated that shooting hours would begin at sunrise unless States could demonstrate that the impact of presunrise shooting hours on nontarget duck species was negligible. During the 1993–94 teal seasons, several Mississippi and Central Flyway States conducted evaluations of shooting hours for teal seasons. The Central Flyway has completed a final report of its evaluation, which indicated that the attempted harvest of non-target species was no different between pre- and post-sunrise periods in those States. Therefore, the Service proposes that those Central Flyway States be allowed to continue pre-sunrise shooting hours during their teal seasons. The Service notes that it has not received a final report from the Mississippi Flyway, but is aware that the report will be discussed at the February Technical Committee Meeting. The Service believes that completion of this report is critical to evaluating the appropriateness of presunrise shooting hours during teal seasons within the Mississippi Flyway.

iii. September Teal/Wood Duck Seasons

In general, the Service continues to stress the importance of improving wood duck population monitoring programs. Such programs are necessary to ensure maintenance of our regular season approach to managing this species. The Wood Duck Population Monitoring Initiative, scheduled to be completed in July 1996, will provide managers with an assessment of the geographic scale at which we can adequately monitor population levels or trends, productivity, and survival and recovery rates.

Regarding the appropriateness of September teal/wood duck seasons, a decision will be made in cooperation with the the Flyway Councils after the assessment of wood duck monitoring programs is completed. Until such time, the Service does not propose to discontinue these seasons in Kentucky, Tennessee, and Florida or expand such seasons elsewhere. The Service has received draft updates of reports that summarize wood duck survival and recovery rates, harvest estimates, and derivations of banded birds harvested during these seasons.

iv. Special Management Units

High Plains Mallard Management Unit

The Service reminds the Central Flyway Council that the report on the

High Plains Mallard Management Unit should be completed. Prompt completion of the report is encouraged and the Service requests an update on the status of the report including a projected completion date.

4. Canada Geese

A. Special Seasons

In response to the Atlantic Flyway Council's request to increase harvests of resident Canada geese in light of the closed regular season during 1995–96, the Service is considering extensions to the special early- and late-seasons criteria in the Atlantic Flyway. The Service believes that some changes in the existing season frameworks, particularly during the early seasons, may be possible in designated areas without causing undue harvest impacts on migrant Canada geese. However, less flexibility is expected in expanding late-season harvest opportunities in the Flyway without a comprehensive look at the existing neck-collar data. The Service does not propose to increase the composition of migrants in the harvest beyond that which is currently identified in the criteria for these seasons.

B. Regular Seasons

The Service acknowledges the interest expressed by several Flyway Councils to permit 3-way splits in regular goose seasons. The Service will work with the Flyway Councils during the coming year to develop an experimental protocol to evaluate the impact of such an option on a Flyway-specific basis. Any experimental designs resulting from this effort must insure adequate protection for goose populations of management concern.

In the Atlantic Flyway, the Service continues to be concerned about the status of the Atlantic Population (AP) of Canada geese. During this year, the Service will work closely with Canada and the Atlantic Flyway Council to monitor the 1996 spring breeding-pair estimates and reevaluate its status. The Service encourages the Atlantic Flyway Council to begin updating the AP Management Plan and consider revising population objectives and establishing appropriate harvest strategies. Key population parameters will be reviewed during the annual regulations-development process, but the recovery period for this population is expected to take several years.

The Service also remains concerned about the status of the Southern James Bay and Dusky Canada goose populations, and will carefully review all harvest regulations to ensure that these populations are not impacted.

7. Snow and Ross' Geese

The Service requests that the Atlantic, Mississippi, and the Central Flyway Councils work with the Service to examine criteria established for those areas with a framework closing date of March 10. If there is a need to refine the northern boundary established for the 1995–96 seasons, the Service recommends the development of biological criteria to guide the boundary refinement. Further, it is suggested that these criteria should include an assessment of the frequency, timing and magnitude of goose use in areas proposed to be designated as wintering areas. Finally, the Service reminds States that proposed boundary adjustments should be approved by their respective Flyway Councils.

The Service is also concerned about the growing evidence of serious habitat degredation caused by high white goose population levels at several major breeding areas in the central and eastern Canadian Arctic. The Service proposes to work with the Arctic Goose Joint Venture, the Flyway Councils and other concerned agencies and organizations to investigate possible management alternatives to address this problem.

9. Sandhill Cranes

The Service requests the assistance of the Central and Pacific Flyway Councils in the development and implementation of improved techniques to monitor the annual population status of the Rocky Mountain Population of Greater Sandhill Cranes. In the interim, the Service recommends that the Flyway Councils continue to use the population, recruitment, and permit-allocation procedures in the cooperative management plan to set crane seasons in 1996–97.

14. Woodcock

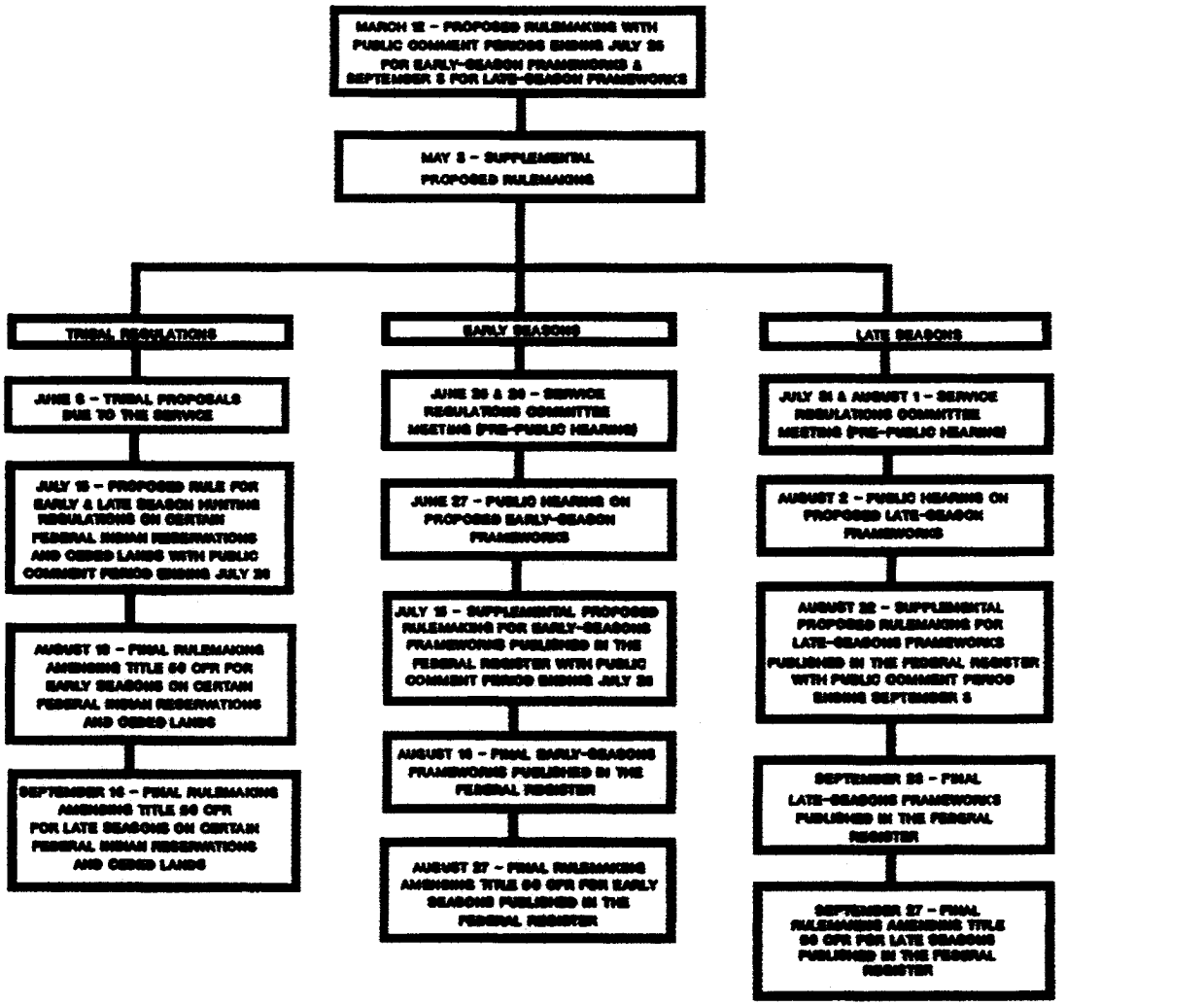
The Service remains concerned about the gradual long-term declines in woodcock populations in both the Eastern and Central Management Regions. The primary causes of the declines appear to be degradation and loss of suitable habitat on both the breeding and wintering grounds. Available data suggest that woodcock are harvested at a relatively low rate and that hunting mortality comprises a relatively small proportion of overall annual mortality. The Service will continue to work with the Atlantic and Mississippi Flyway Councils to review the status of woodcock and cooperatively develop a harvest-management strategy.

15. Band-tailed Pigeons

The Service supports the continuation of hunting seasons on both the Coastal and Interior Populations. The Service remains concerned, however, about the long-term decline in the Coastal Population and supports the continuation of restrictive harvest regulations. As in 1995, all States having band-tailed pigeon hunting seasons must again require either participation in the nationwide Migratory Bird Harvest Information Program or require band-tailed pigeon hunters to obtain mandatory State permits to provide sampling frames for obtaining more precise estimates of band-tailed pigeon harvest. Those States not participating in the Harvest Information Program will be required to conduct a harvest survey and provide the results to the Service by June 1 of each year. The Service will continue to closely monitor population and harvest information from both populations and will evaluate this information in June prior to making any decisions regarding the 1996–97 seasons. Indian tribes also should consider this situation when proposing harvest regulations for this species.

BILLING CODE 4310–31–F

1996 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



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