DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AE14

Migratory Bird Hunting; Proposed 1997–1998 Migratory Game Bird Hunting Regulations (Preliminary) with Requests for Indian Tribal Proposals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

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. The establishment of these regulations will permit the taking of the designated species during the 1997–98 hunting 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: Tribes should submit proposals and related comments by June 2, 1997. The comment period for proposed early-season frameworks will end on July 25, 1997; and for proposed late-season frameworks on September 4, 1997. The Service will hold a public hearing for early-season frameworks on June 26, 1997, at 9 a.m. and late-season frameworks on August 7, 1997, at 9 a.m.

ADDRESSES: The Service will hold both public hearings in the Auditorium, Department of the Interior Building, 1849 C Street NW., Washington, DC. The public may submit written comments on the proposals and notice of intention to testify at either hearing 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. All comments received, including names and addresses, will become part of the public record. The public may inspect comments received during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

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 Service will publish the remaining proposed and final rulemaking documents 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 1997–1998 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 1997–98 hunting season, the Service will propose regulations 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 1997–98 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 1997–1998

This is the first in a series of proposed and final rulemaking documents for migratory game bird hunting regulations. The Service will make proposals relating to the harvest of migratory game birds initiated after publication of this proposed rulemaking available for public review in supplemental proposed rulemakings published in the Federal Register. Also, the Service will publish additional supplemental proposals 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, the Service anticipates that comment periods on some proposals will be necessarily abbreviated. Special circumstances limit the amount of time which the Service can allow for public comment on these regulations. Specifically, two considerations compress the time for the rulemaking process: 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 1997–1998 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, we will omit those items requiring no attention and remaining numbered items will be discontinuous and appear incomplete.

Public Hearings

Two public hearings pertaining to 1997–1998 migratory game bird hunting regulations are scheduled. The Service will conduct both hearings in accordance with 455 DM 1 of the Departmental Manual. On June 26, the Service will hold a public hearing at 9 a.m. in the Auditorium of the Department of the Interior Building, 1849 C Street NW., Washington, DC. This hearing will review the status of migratory shore and upland game birds and discuss proposed hunting regulations 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; extended falconry seasons; and proposed regulatory alternatives for the 1997–98 duck hunting season. On August 7, the Service will hold a public hearing at 9 a.m. in the Auditorium of the Department of the Interior Building, address above. This hearing will review the status and proposed regulations for waterfowl not previously discussed at the June 26 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 Service developed these guidelines 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 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 1997–98 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

The Service will publish pertinent details in tribal proposals 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 1997–98 hunting season should submit their proposals as soon as possible, but no later than June 2, 1997. Tribes should direct inquiries regarding the guidelines and proposals 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**.

The public may inspect comments received on the proposed annual regulations during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. For each series of proposed rulemakings, the Service will establish specific comment periods. 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 14, 1997

—Central Flyway Council, 8:00 a.m.

DATE: March 15, 1997

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

DATE: March 16, 1997

—Atlantic Flyway Council, 8:00 a.m.

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

—Pacific Flyway Council, 1:00 p.m.

The Council meetings will be held at the Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC.

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 1997–98 migratory game bird hunting regulations, the Service will consider 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 the Service to change proposals in this and future supplemental proposed rulemaking documents.

Executive Order (E.O.) 12866

This rule is economically significant and was reviewed by the Office of Management and Budget (OMB) under E.O. 12866.

Regulatory Flexibility Act

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 1996. 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 $254 and $592 million at small businesses in 1996.

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

Paperwork Reduction Act

The Department examined these regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

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 1997-98 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: March 5, 1997.

Don Barry,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

Proposed 1997–1998 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 1996–97 frameworks of August 29 and September 26, 1996, (61 FR 45836 and 50662) is proposed. Specific preliminary proposals that vary from the 1996–97 frameworks and issues requiring early discussion, action, or the attention of the States or tribes are contained below:

1. Ducks

A. Harvest Strategy Considerations

The annual process of setting duck-hunting regulations in the United States is based on a system of resource monitoring, data analyses, and rulemaking. Each year, monitoring activities such as aerial surveys and hunter questionnaires provide information on harvest levels, population size, and habitat conditions on the breeding grounds. Data collected from these monitoring programs are analyzed each year, and proposals for duck-hunting regulations are developed by the Flyway Councils, States, and the Service. After extensive public review, the Service announces a regulatory framework within which States can set their hunting seasons.

By and large, this process has generally worked well. For most duck species, population levels and associated hunting opportunities have been maintained in the face of variable environmental conditions and permanent landscape changes. Despite this success, however, the annual process of setting regulations often has been controversial. Debates over appropriate regulations are frequent among hunters, managers, and the public-at-large. The controversy typically stems from disagreements about the role of harvest in population dynamics. As a consequence, managers are unsure about how much regulations should be restricted when populations are declining, how much they can be liberalized when populations are increasing, and when those regulatory changes should occur.

To help answer these questions, the Service, in cooperation with the Flyway Councils, introduced the concept of Adaptive Harvest Management (AHM) in 1995. AHM should help managers better understand the impacts of regulations on harvest and population levels, thereby improving the ability to provide maximum hunting opportunities consistent with long-term resource maintenance. AHM also is intended to provide a more objective, better informed, and less contentious decision-making process, as well as a formal and coherent framework for addressing controversial harvest-management issues.

Key components of AHM are agreement on the goals of harvest management, a limited number of regulatory alternatives or options, and alternative models of population dynamics. The alternative models reflect disagreement among managers regarding the effects of hunting regulations on harvest and population size. With AHM, the setting of hunting regulations involves a repetitive process:

(1) each year, an optimal regulation is identified based on population and habitat status, and on the relative ability of alternative models to mimic population dynamics;

(2) after the regulatory decision is made, each population model is used to predict breeding population size the following year;

(3) when monitoring data become available, models that more accurately predict observed population size gain credibility, while those models that are poor predictors lose credibility; and

(4) the new assessments of model credibility are used to start another iteration of the process.

A technical working group representing the Service, the four Flyway Councils, and the Canadian Wildlife Service was established in 1992 to assist with implementation of AHM. The working group continues to meet at least once a year to pursue AHM conceptual development and to consider technical and communication issues for the current regulatory cycle. The working group met in December 1996 to address issues and concerns raised during the 1996 regulatory process. The working group's role continues to be strictly advisory and should not be misconstrued as a substitute for any existing technical or decision-making body.

The working group continues to express concern about what may be unrealistic expectations among managers and the public regarding the scope and speed of AHM implementation. The working group emphasizes that AHM has highlighted many unresolved issues in waterfowl harvest management, and that adequate time is needed to address these issues in a comprehensive and coherent manner. In the interim, the Service is interested in working with its partners to foster agreement on technical issues of highest priority and realistic timetables for action. The Service believes strongly that the success of AHM will depend on a commitment to careful and methodical implementation.

Implementation of AHM began in 1995 with a focus on midcontinent mallards. The Service believes this focus is appropriate because mallards are the most abundant and heavily harvested duck species, and because the status of mallards is closely related to the status of many other duck stocks. Nonetheless, the Service continues to work toward a more formal AHM framework for other ducks, including mallards in eastern breeding areas, northern pintails, canvasbacks, and black ducks. Ultimately, however, managers face a number of practical constraints (e.g., available data, quality of monitoring programs, complexity of assessment procedures) and development of a general AHM framework for all duck stocks likely is not feasible. The Service believes that the following questions should be addressed when considering whether a regulatory approach different than that for mallards is warranted:

(1) How much does the duck stock differ from mallards in terms of population dynamics (i.e., responses to environmental conditions and harvest) and vulnerability to harvest?

(2) What are the relative costs (i.e., monitoring and assessment) and benefits (i.e., increased hunting opportunity and improved ability to attain population goals) of managing the duck stock independently from mallards?

(3) What is the ability of hunters to harvest selectively?

(4) Do hunters prefer the maximum hunting opportunity afforded by complex regulations, or simpler hunting regulations that offer less hunting opportunity?

Although these issues always have been considered before implementing stock-specific harvest strategies, the Service is interested in developing formal assessments before considering significant changes to existing harvest strategies for duck species other than mallards.

In July 1996, the four Flyway Councils passed a joint recommendation regarding development of regulatory alternatives for AHM. This recommendation stressed the importance of refining the current

alternatives and provided guidelines for considering modifications. Following the July Council meetings, the AHM working group prepared a mail survey requesting further clarification from Council members regarding their concerns about the current alternatives. Copies of the joint recommendation and of the survey results are available upon request from the Office of Migratory Bird Management at the address indicated under the caption **ADDRESSES**.

Based on input from the Flyway Councils, the working group developed a recommended set of regulatory alternatives for the 1997–98 hunting season. Significant changes from last year's alternatives would include: (1) the addition of a very restrictive alternative; (2) additional days and a higher total-duck daily bag limit in the moderate and liberal alternatives; and (3) an increase in the bag limit of hen mallards in the moderate and liberal alternatives. See the attached table for a complete description of the recommended alternatives. The working group provided the following explanations and rationale for these alternatives:

(1) the range and number of regulatory alternatives was expanded to decrease the probability of closed seasons and to take greater advantage of available hunting opportunity at high population levels; however, even the very restrictive option would be too liberal for some combinations of population size and pond numbers due to the emphasis placed on reaching the goal of the North American Waterfowl Management Plan at very low population sizes; in addition, more days and a higher daily bag limit in the liberal option tends to produce more conservative regulatory choices at low population sizes;

(2) recommended maximum and minimum season lengths and bag limits largely reflect the reported desires of most Flyway Council members; differences in season length and bag limits among Flyways generally maintain proportional differences during the last two decades;

(3) total bag limits under the moderate and liberal alternatives would be increased to provide additional hunting opportunity for species not restricted within the overall bag; this change would allow additional harvest of abundant species like gadwall, teal, and shoveler above and beyond that realized from additional days in the season;

(4) the increase in bag limits of hen mallards is recommended to address States' concern about overly-restrictive regulations, while recognizing there are biological and sociological arguments for maintaining sex-specific bag limits; the working group also recognized, however, that hen harvest rates are lower than those for males and that many hunters are adverse to shooting hens, irrespective of what regulations allow; and

(5) some simplification in regulations would be achieved by assigning the same basic bag limits to the very restrictive and restrictive alternatives, and to the moderate and liberal alternatives; this also would provide a better basis to investigate the independent effects of season length and bag limit.

Final estimates of harvest rates (i.e., the proportion of the fall flight harvested) expected from the recommended regulatory alternatives will be available in the near future. Predictions will be based on estimates of harvest rates realized in the recent past, Flyway-specific analyses that predict the effect of changing days and bag limits, and the long-term declines in hunter numbers. Preliminary estimates of mean harvest rates for adult male mallards are provided in the following table. Harvest rates of females would be about 30% lower than those for males. The selection of the appropriate alternative for the 1997–98 hunting season would depend on breeding population and production estimates, which will be available in late July.

Alternative	Harvest rates (percent)
Very restrictive	4.5
Restrictive	7.1
Moderate	9.2
Liberal	12.2

The Service will offer its proposal for regulatory alternatives for ducks in the Federal Register in late May, with a public comment period to end on or about June 27, 1997. Final regulatory alternatives will be published in the Federal Register on or about July 15, 1997.

G. Special Seasons/Species Management

i. Canvasback

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 population-status information to evaluate the effectiveness of the harvest strategy. This information is not yet available for 1997. The Service proposes no change in the strategy employed for deciding on regulations governing the harvest of canvasbacks.

ii. September Teal/Wood Duck Seasons

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 (Initiative), completed in 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. The draft final report for the Initiative is currently being reviewed by Flyway Council Technical Sections and Service cooperators. Publication of the final report is scheduled for July 1997.

Decisions regarding the appropriateness of September teal/wood duck seasons will be made in cooperation with the Flyway Councils after the assessment of wood duck monitoring programs is completed. Until such time, the Service does not propose changes to these seasons in Kentucky, Tennessee, and Florida or to expand such seasons elsewhere.

iii. High Plains Mallard Management Unit

The Service is expecting the report on the High Plains Mallard Management Unit from the Central Flyway Council. Prompt completion of the report is encouraged prior to this summer's regulatory decisions.

iv. Black Ducks

The wintering population of black ducks appears to have stabilized over the last decade during which restrictive regulations have been in effect. Recent Midwinter Waterfowl Survey estimates have been slightly more than 300,000 for the Atlantic and Mississippi Flyways combined. Black duck populations remain below the North American Waterfowl Management Plan goal of 385,000.

Current black duck harvest restrictions are based on guidelines outlined in the 1983 Environmental Assessment, which requested that States voluntarily reduce their harvest by 25% from 1977–81 levels. To date, both Flyways and individual States have met or exceeded this goal. Beginning in 1994, with the return of more liberal duck seasons, black duck harvests have

increased. The Service is concerned that these longer seasons may result in higher harvests and may have a negative impact upon black duck recovery.

Recent survival analyses from banding programs have not definitively answered questions regarding the impacts of harvest, but do not rule out the possibility of additive effects on the dynamics of black duck populations. To help clarify the role of harvest, the Black Duck Joint Venture Committee indicated that a higher priority should be placed on achieving preseason banding goals. The Service requests input from the Atlantic and Mississippi Flyway Councils.

v. Youth Hunt

This past year, the Service offered States the opportunity to establish a special ''Youth Waterfowl Hunting Day.'' The one-day season was intended to introduce youth to the concepts of ethical utilization and stewardship of waterfowl and other natural resources, encourage youngsters and adults to experience the outdoors together, and contribute to our Nation's migratory bird conservation efforts. The Service is currently evaluating this opportunity and is committed to working with the States and the Flyway Councils prior to any similar proposal for a youth hunt this year.

4. Canada Geese

In 1995, the regular season on Atlantic Population (AP) Canada geese was closed due to dramatic declines in the breeding population from 118,000 pairs in 1988 to 29,000 pairs in 1995. In 1996, the spring breeding survey in northern Quebec recorded an increase to 46,000 pairs. However, habitat conditions at the time of the survey last spring were not favorable for nesting and productivity of AP Canada geese was believed to have been below average. While the impact of last year's poor production may not affect this year's spring survey, this ''missing'' year class will impact production in future years.

An Action Plan approved by the Atlantic Flyway Council last year calls for a return to 60,000 breeding pairs and evidence of a sustained population recovery before hunting seasons are resumed. The overall population objective for the AP is 150,000 pairs in the Ungava Region. Further, the Action Plan for the next five years (1997–2001) calls for an ambitious commitment to fund monitoring programs, measure productivity, initiate breeding ground banding, and implement surveys to measure subsistence harvest. The Service, the Canadian Wildlife Service, States and Provinces have been asked to participate in this effort to improve our management database on AP Canada Geese. Copies of the Action Plan are available upon request from the Office of Migratory Bird Management at the address indicated under the caption **ADDRESSES**.

Last year, several questions arose regarding the population status and harvest of a ''Maritime'' or ''North Atlantic'' Population of Canada geese. This stock of birds was not identified separately from the AP in previous Flyway management plans primarily because little survey information exists to monitor the status or differentiate the harvest of this stock from AP birds. Currently, the Atlantic Flyway has agreed to begin the task of setting up the appropriate surveys necessary to delineate this stock of birds and determine whether it should be managed separately from the AP in the future.

14. Woodcock

The Service is increasingly concerned about the gradual long-term declines in woodcock populations in the Eastern and Central Management Regions. Although habitat change appears to be the primary cause of the declines, the Service believes that hunting regulations should be commensurate with the status of woodcock populations and rates of decline. The Service seeks active participation by the Atlantic, Mississippi, and Central Flyway Councils in the development of short- and long-term harvest management strategies for woodcock, which identify the circumstances under which changes in harvest opportunity should be implemented and what those changes should be. Should the 1997 population data reflect the continuing decline, without other compelling information, harvest restrictions are likely.

23. Other

A. Compensatory Days

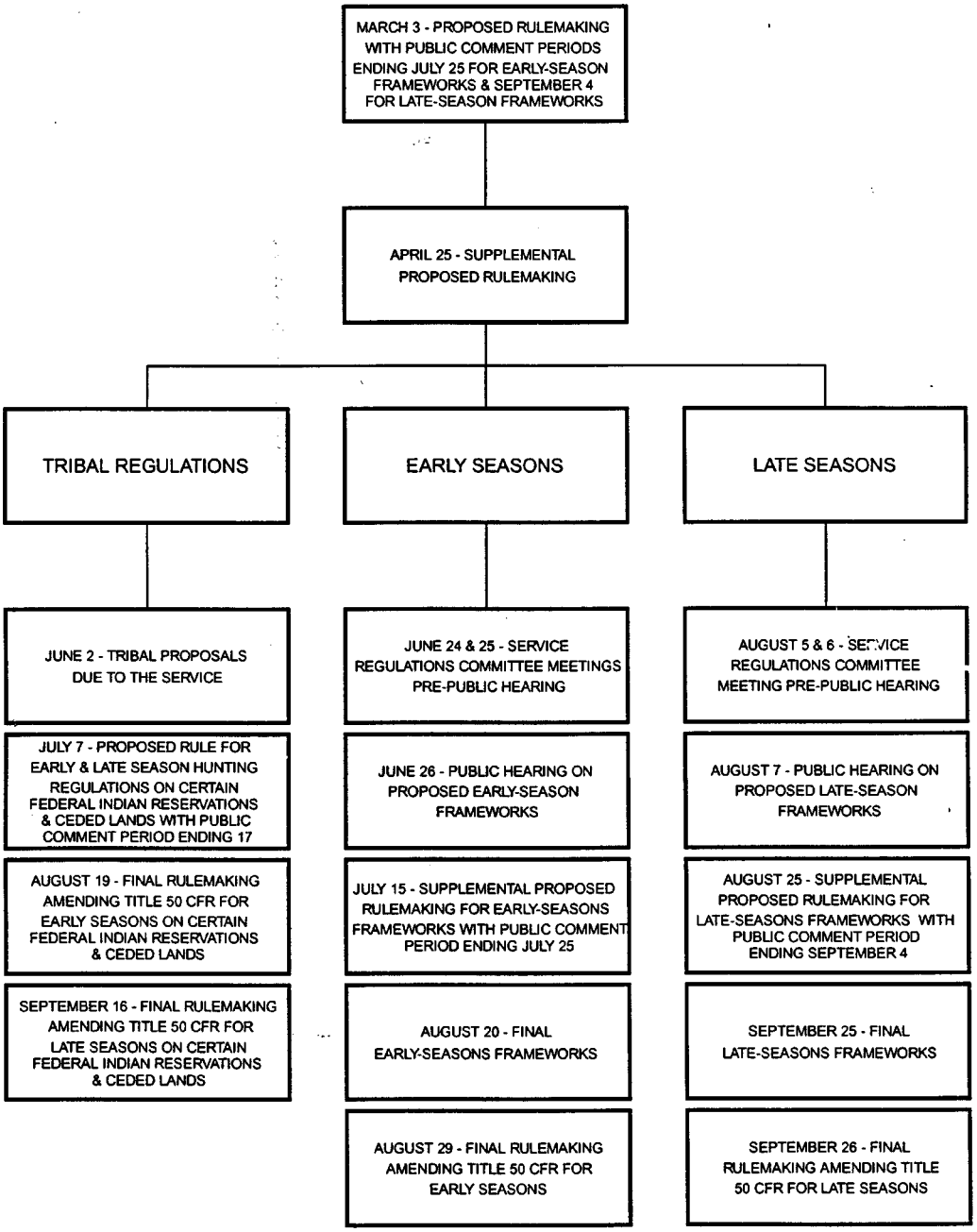
In some states, state law or constitutional provisions prohibit Sunday hunting. These states have asked the Service to allow them to ''add on'' days to ''compensate'' their hunters for these lost days. In the past, the Service has maintained the policy that there is no biological basis for prohibiting hunting on Sundays and believed this problem was an individual State issue, which could best be resolved by each State removing their self-imposed restrictions (September 24, 1993, Federal Register, 58 FR 50188). However, two years ago during the early-season regulations meeting, June 21, 1995, the Service agreed to work with the Atlantic Flyway Council to review and clarify various technical and policy concerns relating to the issue of offering compensatory days to those States that restrict Sunday hunting. Subsequently, on December 18, 1996, in Hadley, Massachusetts, the Service met with several Atlantic Flyway Council representatives to continue its efforts to resolve this issue. Although no final decisions were made, the Service did express its empathy with the problem and the difficulty States have in resolving this issue at the individual State level. During the 1997–1998 regulatory cycle, the Service will continue to work with the Atlantic Flyway Council to address several policy and technical concerns and to explore potential solutions and appropriate guidelines and/or criteria.

B. Bird Banding

About 10 years ago, the Service began a carefully-planned effort to increase band-reporting rates, the proportion of bands recovered by hunters that are reported to the Bird Banding Laboratory (now part of the U.S. Geological Survey's Biological Resources Division). In the initial phase, current band-reporting rates were estimated and sources of variability identified. The second phase is a large-scale effort to increase band-reporting rates, with associated studies designed to assess the magnitude of the increase. This phase was begun in 1993 using bands inscribed with a more complete return address. In 1995, the Service, in conjunction with the Bird Banding Laboratory, conducted a study of the effects of using a toll-free telephone number on the reporting of bands from mallard ducks recovered by hunters. In 1996, bands with the 1–800–327-BAND phone number were placed on most preseason-banded mallards. The new toll-free number was advertised in State regulation brochures and magazines. In 1997, plans are to place the new bands on most preseason-banded ducks and geese. The goal is to have the phone number widely disseminated so that the transition time to this new way of reporting bands is as short a period as possible. The Service requests that State assist in advertising the new phone number and suggests the inclusion of the number in all State waterfowl regulations brochures. Other outreach efforts by the States, such as inclusion of the number in State magazines and other information and education efforts is encouraged.

BILLING CODE 4310–55-F

1997 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



DATES SHOWN RELATIVE TO PUBLICATION OF FEDERAL REGISTER DOCUMENTS ARE TARGET DATES

POSSIBLE REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 1997-98 SEASON

	ATLANTIC FLYWAY				MISSISSIPPI FLYWAY				CENTRAL FLYWAY (a)				PACIFIC FLYWAY (b)(c)			
	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB
Begining Shooting Time	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1
Closing Date	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20
Season Length	20	30	45	60	20	30	45	60	25	39	60	74	38	59	86	107
Daily Bag/ Possession	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	4 8	4 8	7 14	7 14
Species/Sex Limits within the Overall Daily Bag Limit																
Mallard (Total/Female)	3/1	3/1	4/2	4/2	2/1	2/1	4/1	4/2	3/1	3/1	5/1	5/2	3/1	3/1	5/2	7/2
Pintail	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2
Black Duck	1	1	1	1	1	1	1	1	-	-	-	-	-	-	-	-
H. Merganser	1	1	1	1	1	1	1	1	1	1	1	1	-	-	-	-
Canvasback	← 0 or 1, according to the Service's Interim Canvasback Harvest-Management Strategy →															
Redhead	2	2	2	2	1	1	2	2	1	1	2	2	2	2	2	2
Wood Duck	2	2	2	2	2	2	2	2	2	2	2	2	-	-	-	-
Whistling Ducks	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Harlequin	Closed	Closed	Closed	Closed	-	-	-	-	-	-	-	-	-	-	-	-
Mottled Duck	1	1	1	1	3	3	3	3	1	1	1	1	-	-	-	-

(a) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway with the exception of season length. Additional days would be allowed under the various options as follows: very restrictive - 8, restrictive - 12, moderate and liberal - 23. Under all options, additional days must be on or after the Saturday nearest December 10.

(b) In the Columbia Basin Mallard Mangement Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all options except the liberal option, an additional 7 days would be allowed.

(c) In Alaska, framework dates, bag limits, and season length would be different than the remainder of the Pacific Flyway. The bag limit would be 5-7 under the very restrictive and restrictive options, and 8-10 under the moderate and liberal options. There would be no restrictions on pintails, and canvasback limits would follow those for the remainder of the Pacific Flyway. Under all options, season length would be 107 days and framework dates would be Sep 1 - Jan 26.

[FR Doc. 97–6486 Filed 3–12–97; 8:45 am]

BILLING CODE 4310–55–C