

been inadequate to prevent poaching of beluga sturgeon or the international smuggling of processed caviar. Finally, most beluga sturgeon range states lack the funding, experience, personnel, and equipment to adequately prevent sturgeon poaching and other threats to the species.

We find that the petition presents substantial information to show that the requested action may be warranted. Specifically, the information provided by the petitioners indicates that the total population of beluga sturgeon has declined precipitously over the last three decades, and that this decline has resulted primarily from over-utilization for commercial purposes, present and continued destruction and modification of its habitat or range, and the inadequacy of existing regulatory mechanisms.

Section 4(b)(3)(B) of the Act requires that the Service make a finding within 12 months of receipt of the petition as to whether the listing of *Huso huso* as threatened or endangered is warranted. The Service has reviewed the petition, the literature cited in the petition, and other available literature and information. On the basis of the best scientific and commercial information available, the Service's 12-month finding is that the petition is warranted and that sufficient information is available to support a proposed rule to classify the species as endangered or threatened.

Export quotas for sturgeons of the Caspian Sea, including the beluga sturgeon, have been established for the 2002 harvest season by the countries bordering the Caspian Sea. These quotas were approved by the CITES Secretariat and reported to the Standing Committee at its 46th meeting. Data from the recently completed trawl surveys of the Caspian Sea, conducted in 2001, and analysis thereof, which formed the basis for the establishment of these quotas, were recently published on the web site of the CITES Secretariat. These data and analyses are highly pertinent to this issue and any rulemaking action to follow. We believe that, prior to publication of a proposed rule in the **Federal Register** to classify the beluga sturgeon as endangered or threatened, adequate time must be allowed for the Service to evaluate the methodology used for the stock assessment, the resultant data and data analysis, and the conclusions drawn from them. Therefore, after review and consideration of the 2001 Caspian Sea stock assessment information, we intend to publish a proposed rule in the **Federal Register** no later than June 30, 2002.

References Cited

You may request a complete list of references cited in this notice from the Division of Scientific Authority (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: May 13, 2002.

Steve Williams,

Director.

[FR Doc. 02-15580 Filed 6-19-02; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 25 and 32

RIN 1018-AI34

2002-2003 Refuge-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (we or the Service) proposes to add seven additional refuges to the list of areas open for hunting and/or sport fishing activities and increase the activities available at eight other refuges, along with pertinent refuge-specific regulations for such activities, and amend certain regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for 2002-2003.

DATES: We must receive your comments on or before July 22, 2002.

ADDRESSES: Submit written comments to Chief, Division of Conservation Planning and Policy, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 670, Arlington, VA 22203. See **SUPPLEMENTARY INFORMATION** for information on electronic submission.

FOR FURTHER INFORMATION CONTACT: Leslie A. Marler, (703) 358-2397; Fax (703) 358-2248.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966 (NWRSA) closes national wildlife refuges to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or fishing, upon a determination that such uses are compatible with the purposes of the refuge. The action also

must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the National Wildlife Refuge System (System) for the benefit of present and future generations of Americans.

We annually review refuge hunting and fishing programs to determine whether to include additional refuges or whether individual refuge regulations governing existing programs need modifications, deletions, or additions made to them. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to refuge-specific regulations to ensure the continued compatibility of hunting and fishing programs and that these programs will not materially interfere with or detract from the fulfillment of the purposes of the refuge or the System's mission.

You may find provisions governing hunting and fishing on national wildlife refuges in Title 50 of the Code of Federal Regulations in part 32. We regulate hunting and fishing on refuges to:

- Ensure compatibility with the purpose(s) of the refuge;
- Properly manage the fish and wildlife resource;
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for high-quality recreational and educational experiences.

On many refuges where we decide to allow hunting and fishing, our general policy of adopting regulations identical to State hunting and fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined under the section entitled "Statutory Authority." We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to either migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations list the wildlife species that you may hunt or those species subject to sport fishing, seasons, bag limits, methods of hunting or fishing, descriptions of areas open to hunting or fishing, and other provisions as

appropriate. You may find previously issued refuge-specific regulations for hunting and fishing in 50 CFR part 32. In this rulemaking, we are promulgating many of the amendments to these sections to standardize and clarify the existing language of these regulations.

Plain Language Mandate

In this rule some of the revisions to the individual refuge units are to comply with a Presidential mandate to use plain language in regulations and do not modify the substance of the previous regulations. These types of changes include using "you" to refer to the reader and "we" to refer to the Service, using the word "allow" instead of "permit" when we do not require the use of a permit for an activity, and using active voice.

Statutory Authority

The National Wildlife Refuge System Administration Act (NWRSAA) of 1966 (16 U.S.C. 668dd–668ee, as amended), and the Refuge Recreation Act (RRA) of 1962 (16 U.S.C. 460k–460k–4) govern the administration and public use of national wildlife refuges.

Amendments enacted by the National Wildlife Refuge System Improvement Act of 1997 (NWRSA or Act) amend and build upon the NWRSAA in a manner that provided an "Organic Act" for the System similar to those that exist for other public Federal lands. The Act served to ensure that we effectively manage the System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The NWRSAA states first and foremost that we focus the mission of the System on conservation of fish, wildlife, and plant resources and their habitats. This Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible and promotes public safety. The Act established as the policy of the United States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the System, through which the American public can develop an appreciation for fish and wildlife. The Act established six wildlife-dependent recreational uses, when compatible, as the priority general public uses of the System. Those priority uses are: Hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The RRA authorizes the Secretary to administer areas within the System for public recreation as an appropriate incidental or secondary use only to the

extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The RRA requires that any recreational use of refuge lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The NWRSAA and RRA also authorize the Secretary to issue regulations to carry out the purposes of the acts and regulate uses.

We develop hunting and sport fishing plans for each refuge prior to opening it to hunting or fishing. In many cases, we develop refuge-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge. We have ensured initial compliance with the NWRSAA and the RRA for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. We ensure continued compliance by the development of Comprehensive Conservation Plans, hunting and sport fishing plans, and by annual review of hunting and sport fishing programs and regulations.

In preparation for new openings, we include the following documents in the refuges' "opening package" (which the Region completes, the Regional Director signs, and sends a copy to Headquarters Office): (1) Step-down hunting and/or fishing management plan; (2) appropriate NEPA documentation (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement); (3) appropriate decision documentation (e.g., Finding of No Significant Impact); (4) Section 7 Endangered Species Act evaluation; (5) copies of letters requesting State and, where appropriate, Tribal involvement and the results of the request; (6) draft news release; (7) outreach plan; and (8) draft refuge-specific regulation. Upon review of these documents, we have determined that the opening of these national wildlife refuges to hunting and fishing is compatible with the principles of sound fish and wildlife management and administration and otherwise will be in the public interest.

In accordance with the NWRSAA and RRA, we have determined that these openings are compatible and consistent with the purpose(s) for which we established the respective refuges. A copy of the compatibility

determinations for these respective refuges is available by request to the Regional contact noted under the heading "Available Information for Specific Refuges".

We propose to allow the following wildlife-dependent recreational activities:

Hunting of migratory game birds on seven refuges, including:

- Bayou Teche National Wildlife Refuge, Louisiana
- Black Bayou Lake National Wildlife Refuge, Louisiana
- Cat Island National Wildlife Refuge, Louisiana
- Catahoula National Wildlife Refuge, Louisiana
- Marais des Cygnes National Wildlife Refuge, Kansas
- Trinity River National Wildlife Refuge, Texas
- Whittlesey Creek National Wildlife Refuge, Wisconsin

Hunting of upland game on five refuges, including:

- Bayou Teche National Wildlife Refuge, Louisiana
- Black Bayou Lake National Wildlife Refuge, Louisiana
- Cat Island National Wildlife Refuge, Louisiana
- Lost Trail National Wildlife Refuge, Montana
- Okefenokee National Wildlife Refuge, Georgia

Big game hunting on eight refuges, including:

- Bayou Teche National Wildlife Refuge, Louisiana
- Black Bayou Lake National Wildlife Refuge, Louisiana
- Cat Island National Wildlife Refuge, Louisiana
- Lost Trail National Wildlife Refuge, Montana
- Occoquan Bay National Wildlife Refuge, Virginia
- Rappahannock River Valley National Wildlife Refuge, Virginia
- Wallops Island National Wildlife Refuge, Virginia
- Washita National Wildlife Refuge, Oklahoma

Sport fishing on three refuges, including:

- Bayou Teche National Wildlife Refuge, Louisiana
- Cat Island National Wildlife Refuge, Louisiana
- Rydell National Wildlife Refuge, Minnesota

We also propose several administrative changes. In § 25.41 we will clarify that refuge managers have the authority to issue permits required by subchapter C of 50 CFR. In § 25.43

we will clarify that refuge managers may terminate or revoke permits. These two changes will not alter our current practice but rather explicitly state the delegation to the refuge manager. In § 32.2(f) we are revising the section designation in the last sentence of the paragraph of the refuge-specific regulations from §§ 32.20 through 32.71 to read §§ 32.20 through 32.72 to reflect the addition of Guam. In § 32.2(f), § 32.3(e), § 32.5(e), § 32.6(e), and the introductory text of § 32.7 we are revising the section designations to reflect the addition of Guam.

Additionally in § 32.3(e) we will explain 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 50 CFR 25.31. We are authorizing this limited departure from the existing process because seasons are set too late in the year for us to include in our annual regulations. In § 32.2(l) we reiterate that in addition to adopting the various items enumerated in the refuge-specific regulations (§ 32.20 through § 32.72), we will continue to notify the public of those items described in refuge permits and brochures available at that area's headquarters. Finally, we propose that each refuge describe the designated areas where we allow hunting and/or fishing in the refuge-specific regulations, if practicable.

Request for Comments

You may comment on this proposed rule by any one of several methods:

1. You may mail comments to: Chief, Division of Conservation Planning and Policy, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 670, Arlington, VA 22203.

2. You may comment via the Internet to:

refugesystempolicycomments@fws.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include: "Attn: 1018-AI34" and your full name and return mailing address in your Internet message. If you only use your e-mail address, we will consider your comment to be anonymous. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (703) 358-1744.

3. You may fax comments to: Chief, Division of Conservation Planning and Policy, National Wildlife Refuge System at (703) 358-2248.

4. Finally, you may hand-deliver or courier comments to the address

mentioned above. In light of recent increased security measures, please call (703) 358-1744 before hand-delivering comments.

We seek comments on this proposed rule and will accept comments by any of the methods described above. Our practice is to make comments, including the names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. We considered providing a 60-day rather than a 30-day comment period. However, we determined that an additional 30-day delay in processing these refuge-specific hunting and fishing regulations would hinder the effective planning and administration of our hunting and fishing programs. That delay would jeopardize establishment of hunting and fishing programs this year, or shorten their duration. Many of these rules also relieve restrictions and allow the public to participate in recreational activities on a number of refuges. In addition, in order to continue to provide for previously authorized hunting opportunities while at the same time provide for adequate resource protection, we must be timely in providing modifications to certain hunting programs on some refuges.

When finalized, we will incorporate this regulation into 50 CFR parts 25 and 32. Part 32 contains general provisions and refuge-specific regulations for hunting and sport fishing on national wildlife refuges. Part 25 contains the administrative provisions for the National Wildlife Refuge System.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule

easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the "Supplementary Information" section of the preamble helpful in understanding the rule? (6) What else could we do to make the rule easier to understand?

Regulatory Planning and Review

In accordance with the criteria in Executive Order 12866, the Service asserts that this rule is not a significant regulatory action. The Office of Management and Budget (OMB) makes the final determination under Executive Order 12866.

a. This rule will not have an annual economic effect of \$100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government. A cost-benefit and full economic analysis is not required. The purpose of this rule is to open 15 refuges to hunting and/or fishing activities. Eight of these refuges are already open to certain activities, and the remaining seven refuges will open to hunting and/or fishing activities for the first time. The refuges are located in the States of Virginia, Montana, Louisiana, Wisconsin, Oklahoma, Texas, New Mexico, Kansas, Minnesota, and Georgia. Fishing and hunting are two of the wildlife-dependent uses of national wildlife refuges that Congress recognizes as legitimate and appropriate, and we should facilitate their pursuit, subject to such restrictions or regulations as may be necessary to ensure their compatibility with the purpose of each refuge. Many of the 538 existing national wildlife refuges already have programs where we allow fishing and hunting. Not all refuges have the necessary resources and landscape that would make fishing and hunting opportunities available to the public. By opening these refuges to new activities, we have determined that we can make quality experiences available to the public. This rule establishes hunting and/or fishing programs at the following refuges: Occoquan Bay, Rappahannock River Valley, Wallops Island, Lost Trail, Bayou Teche, Cat Island, Catahoula, Whittlesey Creek, Washita, Trinity River, Bosque del Apache, Marais des Cygnes, Rydell,

Okefenokee, and Black Bayou Lake. We state impacts in 2001 real dollars.

Following a best case scenario, if the refuges establishing new fishing and hunting programs were a pure addition to the current supply of such activities, it would mean a consumer surplus of \$706,000 annually and an estimated increase of 10,320 user days of hunting and 575 user days of fishing (Table 1). However, the participation trend is flat

in fishing and hunting activities because the number of Americans participating in these activities has been stagnant since 1991. Any increase in the supply of these activities introduced by adding refuges where the activity is available will most likely be offset by other sites losing participants, especially if the new sites have higher quality fishing and/or hunting opportunities. Using the value of the difference in the upper and lower

bounds of the 95 percent confidence interval for average consumer surplus to represent the estimate of the increase in consumer surplus for higher quality fishing and hunting (Walsh, Johnson, and McKean, 1990)¹ yields an estimated increase in consumer surplus of \$185,000 annually, which is a true estimate of the benefits. Consequently, this rule will have a small measurable economic benefit on the U.S. economy.

TABLE 1.—ESTIMATED CHANGES IN CONSUMER SURPLUS FROM ADDITIONAL FISHING AND HUNTING OPPORTUNITIES IN 2002

Refuge	Additional fishing days	Additional hunting days	Fishing and hunting combined
Occoquan Bay .....	.....	50	50
Rappahannock River Valley .....	.....	500	500
Wallop's Island .....	.....	30	30
Lost Trail .....	.....	2,000	2,000
Bayou Teche	25	75	100
Cat Island	250	750	1,000
Catahoula .....	.....	2,000	2,000
Whittlesey Creek .....	.....	100	100
Washita .....	.....	50	50
Trinity River .....	.....	675	675
Bosque del Apache .....	.....	90	90
Marais des Cygnes .....	.....	500	500
Rydell	300	.....	300
Okefenokee .....	.....	500	500
Black Bayou Lake .....	.....	3,000	3,000
Total Days per Year	575	10,320	10,895
Consumer Surplus per Day	\$61.19	\$64.99	.....
Consumer Surplus for Quality Change	\$23.23	\$16.62	.....
Change in Total Consumer Surplus	\$35,184	\$670,736	\$705,921
Change in Quality Consumer Surplus	\$13,357	\$171,505	\$184,862

Note: All estimates are stated in 2001 real dollars.

b. This proposed rule will not create inconsistencies with other agencies' actions. This action pertains solely to the management of the National Wildlife Refuge System. The fishing and hunting activities located on national wildlife refuges account for approximately 1 percent of the available supply in the United States. Any small, incremental change in the supply of fishing and hunting opportunities will not measurably impact any other agency's existing programs.

c. This proposed rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This proposed rule does not affect entitlement programs. There are no grants or other Federal assistance programs associated with public use of national wildlife refuges.

d. This proposed rule will not raise novel legal or policy issues. This proposed rule opens seven additional refuges for fishing and hunting activities and increases the activities available at eight other refuges. This proposed rule continues the practice of allowing recreational public use of national wildlife refuges. Many refuges in the System currently have opportunities for the public to hunt and fish on refuge lands.

Regulatory Flexibility Act

We certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A Regulatory Flexibility Analysis is not required. Accordingly, a Small Entity Compliance Guide is not required.

Congress created the National Wildlife Refuge System to conserve fish,

wildlife, plants, and their habitats and facilitated this conservation mission by providing Americans opportunities to visit and participate in compatible wildlife-dependent recreation, including fishing and hunting, as priority general public uses on national wildlife refuges and to better appreciate the value of, and need for, wildlife conservation.

This proposed rule does not increase the types of recreation allowed on the System but establishes hunting and/or fishing programs on 15 refuges. As a result, opportunities for wildlife-dependent recreation on national wildlife refuges will increase. The changes in the amount of permitted use are likely to increase visitor activity on these national wildlife refuges. But, as stated above, this is likely to be a substitute site for the activity and not necessarily an increase in participation

¹ Article presented at the Western Regional Science Association Annual meeting in Molokai, Hawaii, on February 22, 1990.

rates for the activity. To the extent visitors spend time and money in the area of the refuge that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses.

For purposes of analysis, we will assume that any increase in refuge visitation is a pure addition to the supply of the available activity. This will result in a best case scenario, and we expect to overstate the benefits to

local businesses. The latest information on the distances traveled for fishing and hunting activities indicates that over 80 percent of the participants travel less than 100 miles from home to engage in the activity. This indicates that participants will spend travel-related expenditures in their local economies. Since participation is scattered across the country, many small businesses benefit. The 1996 National Survey of Fishing, Hunting, and Wildlife

Associated Recreation identifies expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the expected maximum additional participation on the Refuge System as a result of this proposed rule yields the following estimates (Table 2) compared to total business activity for these sectors.

TABLE 2.—ESTIMATION OF THE ADDITIONAL EXPENDITURES WITH AN INCREASE OF ACTIVITIES IN EIGHT REFUGES AND THE OPENING OF SEVEN REFUGES TO FISHING AND/OR HUNTING FOR 2002

	U.S. total expenditures in 1996	Average expenditures per day	Current refuge expenditures w/o duplication	Possible additional refuge expenditures
Anglers:				
Total Days Spent	626 Mil	.....	6.7 Mil	575
Total Expenditures	\$42.7 Bil	\$68	\$456.2 Mil	\$39,194
Trip Related	\$17.4 Bil	\$28	\$185.7 Mil	\$15,950
Food and Lodging	\$6.8 Bil	\$11	\$72.3 Mil	\$6,211
Transportation	\$4.2 Bil	\$7	\$45.0 Mil	\$3,868
Other	\$6.4 Bil	\$10	\$68.3 Mil	\$5,871
Hunters:				
Total Days Spent	257 Mil	.....	2.0 Mil	10,320
Total Expenditures	\$23.3 Bil	\$91	\$182.4 Mil	\$935,492
Trip Related	\$5.8 Bil	\$23	\$45.6 Mil	\$233,962
Food and Lodging	\$2.8 Bil	\$11	\$22.2 Mil	\$114,007
Transportation	\$2.0 Bil	\$8	\$15.7 Mil	\$80,761
Other	\$1.0 Bil	\$4	\$7.6 Mil	\$39,194

Note: All estimates are in 2001 real dollars.

Using a national impact multiplier for wildlife-associated recreation developed for the report "1996 National and State Economic Impacts of Wildlife Watching" for the estimated increase in direct expenditures yields a total economic impact of over \$2.8 million (2001 dollars). Since we know that most of the fishing and hunting occur within 100 miles of a participant's residence, then it is unlikely that most of this spending would be "new" money coming into a local economy and,

therefore, would be offset with a decrease in some other sector of the local economy. The net gain to the local economies would be no more than \$2.8 million and most likely considerably less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns would not add new money into the local economy and, therefore, the real impact would be on the order of \$570,000 annually. The maximum increase (if all spending were

new money) at most would be less than 1 percent for local retail trade spending (Table 3).

A large percentage of the retail trade establishments in the majority of affected counties qualify as small businesses. With the small increase in overall spending anticipated from this proposed rule, it is unlikely that a substantial number of small entities will have more than a small benefit from the increased recreationist spending near the affected refuges.

TABLE 3.—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2002

Refuge/County(ies)	Retail trade in 1997 (2001 dollars) (millions)	Estimated maximum addition from new refuge	Addition as a % of total	Total retail establ.	Establ. with < 10 emp.
Occoquan Bay, Prince William, VA	\$283	\$4,550	0.002	915	560
Rappahannock River Valley, Northumberland, VA	4.9	45,500	0.93	54	45
Wallop Island, Accomack, VA	199	2,730	0.001	208	152
Lost Trail, Flathead, MT	768	182,000	0.02	475	398
Bayou Teche, St. Mary, LA	437	8,525	0.002	256	176
Cat Island, Avoyelles, LA	234	85,250	0.04	169	129
Catahoula .....	.....	182,000	0.13	.....	.....
LaSalle, LA	75	.....	.....	64	49
Catahoula, LA	69	.....	.....	52	33
Whittlesey Creek, Ashland, WI	165	9,100	0.01	113	87
Washita, Custer, OK	259	4,550	0.002	172	119
Trinity River, Liberty, TX	487	61,425	0.01	204	151

TABLE 3.—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2002—Continued

Refuge/County(ies)	Retail trade in 1997 (2001 dollars) (millions)	Estimated maximum addition from new refuge	Addition as a % of total	Total retail establ.	Establ. with < 10 emp.
Bosque del Apache, Socorro, NM	78	8,190	0.01	57	40
Marais des Cygnes, Linn, KS	33	45,500	0.14	34	27
Rydell Polk, MN	234	20,400	0.01	152	97
Okefenokee, Charlton, GA	35	45,500	0.13	49	47
Black Bayou Lake, Ouachita, LA	1,600	273,000	0.02	753	519

Many small businesses may benefit from some increased wildlife refuge visitation. However, we expect that much of this benefit will be offset as recreationists spend the same money in a different location. We expect that the incremental recreational opportunities will be scattered, and so we do not expect that the rule will have a significant economic effect (benefit) on a substantial number of small entities in any region or nationally.

Small Business Regulatory Enforcement Fairness Act

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of \$100 million or more. The additional fishing and hunting opportunities at the 15 refuges that do not currently have these programs would generate expenditures by anglers and hunters with an economic impact estimated at \$2.8 million per year (2001 dollars). Consequently, the maximum benefit of this rule for businesses both small and large would not be sufficient to make this a major rule. The impact would be scattered across the country and would most likely not be significant in any local area.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This proposed rule will have only a slight effect on the costs of hunting and fishing opportunities of Americans. Under the assumption that any additional hunting and fishing opportunities would be of high quality, participants would be attracted to the refuge. If the refuge were closer to the participants' residences, then a reduction in travel costs would occur and benefit the participants. The Service does not have information to quantify this reduction in travel cost but assumes that, since most people travel less than 100 miles to hunt and fish, the reduced travel cost would be small for

the additional days of hunting and fishing generated by this proposed rule. We do not expect this proposed rule to affect the supply or demand for fishing and hunting opportunities in the United States and, therefore, it should not affect prices for fishing and hunting equipment and supplies, or the retailers that sell equipment. Additional refuge hunting and fishing opportunities would account for less than 0.001 percent of the available opportunities in the United States.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. Because this proposed rule represents such a small proportion of recreational spending of a small number of affected anglers and hunters, approximately a maximum of \$2.8 million annually in impact, This rule will have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of \$72 billion nationwide. This proposed rule adds seven refuges to the list of refuges that have hunting and/or fishing programs and increases the type of activities offered at eight other refuges. Refuges that establish hunting and fishing programs may hire additional staff from the local community to assist with the programs, but this would not be a significant increase with only seven refuges adding new programs and eight refuges increasing programs by this proposed rule. Consequently, we anticipate no significant employment or small business effects.

Unfunded Mandates Reform Act

Since this rule applies to public use of federally owned and managed refuges, it does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A

statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. This regulation will affect only visitors at national wildlife refuges and describe what they can do while they are on a refuge.

Federalism (Executive Order 13132)

As discussed in the Regulatory Planning and Review and Unfunded Mandates Reform Act sections above, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment under Executive Order 13132. In preparing this proposed rule, we worked with State governments.

Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The regulation will clarify established regulations and result in better understanding of the regulations by refuge visitors.

Energy Supply, Distribution or Use (Executive Order 13211)

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule opens 15 refuges to hunting and/or sport fishing programs and makes minor changes to other refuges open to those activities, it is not a significant regulatory action under Executive Order 12866 and is not expected to significantly affect energy supplies, distribution, and use. Therefore, this action is a not a

significant energy action and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (Executive Order 13175)

In accordance with Executive Order 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on national wildlife refuges with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations. This regulation is consistent with and not less restrictive than Tribal reservation rules.

Paperwork Reduction Act

This regulation does not contain any information collection requirements other than those already approved by the Office of Management and Budget under the Paperwork Reduction Act (OMB Control Number is 1018-0102). See 50 CFR 25.23 for information concerning that approval. 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.

Endangered Species Act Section 7 Consultation

In preparation for new openings, we include Section 7 consultation documents approved by the Service's Endangered Species program in the refuge's "openings package" for Regional review and approval from the Headquarters Office. We reviewed the changes in hunting and fishing regulations herein with regard to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543, as amended) (ESA). For the national wildlife refuges proposed to open for hunting and/or fishing we have determined that Rappahannock River Valley, Trinity River, Bosque del Apache, Okefenokee, and Bayou Teche National Wildlife Refuges will not likely adversely affect and Catahoula, Washita, Rydell, Marais des Cygnes, Black Bayou Lake, Cat Island, Occoquan Bay, Whittlesey Creek, Lost Trail, and Wallops Island National Wildlife Refuges will not affect any endangered or threatened species or designated critical habitat.

We also comply with Section 7 of the ESA when developing Comprehensive Conservation Plans, step-down management plans for public use of refuges, and prior to implementing any new or revised public recreation program on a refuge as identified in 50

CFR 26.32. We also make determinations when required by the ESA before the addition of a refuge to the lists of areas open to hunting or fishing as contained in 50 CFR 32.7.

National Environmental Policy Act

We analyzed this rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and 516 DM 6, Appendix 1. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required.

A categorical exclusion from NEPA documentation applies to this amendment of refuge-specific hunting and fishing regulations since it is technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (516 DM 2, Appendix 1.10).

Prior to the addition of a refuge to the list of areas open to hunting and fishing in 50 CFR part 32, we develop hunting and fishing plans for the affected refuges. We incorporate these proposed refuge hunting and fishing activities in the refuge Comprehensive Conservation Plans (CCPs) and/or other step-down management plans, pursuant to our refuge planning guidance in 602 FW 1, 3, and 4. We prepare these CCPs and step-down plans in compliance with section 102(2)(C) of NEPA, and the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500–1508. We invite the affected public to participate in the review, development, and implementation of these plans.

Available Information for Specific Refuges

Individual refuge headquarters retain information regarding public use programs and the conditions that apply to their specific programs and maps of their respective areas. You may also obtain information from the Regional offices at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue, Albuquerque, New Mexico 87103; Telephone (505) 248–6804.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1 Federal Drive, Federal Building, Fort Snelling, Minnesota 55111; Telephone (612) 713–5400.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, Georgia 30345; Telephone (404) 679–7154.

Region 5—Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589; Telephone (413) 253–8302.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, Colorado 80228; Telephone (303) 236–8145.

Region 7—Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786–3354.

Primary Author

Leslie A. Marler, Management Analyst, Division of Conservation Planning and Policy, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Arlington, VA 22203, is the primary author of this rulemaking document.

List of Subjects

50 CFR Part 25

Administrative practice and procedure, Concessions, Reporting and recordkeeping requirements, Safety, Wildlife refuges.

50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

For the reasons set forth in the preamble, we propose to amend Title 50, Chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 25—[AMENDED]

1. The authority citation for part 25 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 260k, 664 dd, 715i, and 3901 *et seq.*; and Pub. L. 102–402, 106 Stat. 1961.

2. Revise § 25.41 to read as follows:

§ 25.41 Who issues refuge permits?

We authorize the refuge manager of the facility where the 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.

3. Revise § 25.43 to read as follows:

§ 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.

PART 32—[AMENDED]

4. The authority citation for part 32 continues to read as follows:

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

5. In § 32.2 by revising the section heading and paragraph (f) and adding paragraph (l) to read as follows:

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

* * * * *

(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.

* * * * *

(l) The refuge-specific regulations (§ 32.20 through § 32.72) 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. If practicable, we will include in the refuge-specific

regulations a description of the designated areas where we allow hunting and/or fishing.

6. In § 32.3 by revising the section heading and paragraph (e) to read as follows:

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

* * * * *

(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.

* * * * *

7. In § 32.5 by revising the section heading and paragraph (e) to read as follows:

§ 32.5 What are the general provisions regarding fishing on wildlife refuges?

* * * * *

(e) Each person shall comply with the provisions of any refuge-specific regulation governing fishing on the wildlife refuge area. Regulations for a particular wildlife refuge are available at its headquarters office. In addition, refuge-specific fishing regulations appear in §§ 32.20 through 32.72.

8. In § 32.6 by revising the section heading and paragraph (e) to read as follows:

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

* * * * *

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

* * * * *

9. In § 32.7 “What refuge units are open to hunting and/or fishing?” by:

a. Revising the introductory text as set forth below;

b. Alphabetically adding Bayou Teche National Wildlife Refuge and Cat Island National Wildlife Refuge in the State of Louisiana;

c. Alphabetically adding Lost Trail National Wildlife Refuge in the State of Montana;

d. Alphabetically adding Occoquan Bay National Wildlife Refuge, Rappahannock River Valley National Wildlife Refuge, and Wallops Island National Wildlife Refuge in the State of Virginia; and

e. Alphabetically adding Whittlesey Creek National Wildlife Refuge in the State of Wisconsin.

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

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

* * * * *

10. In § 32.22 Arizona by revising paragraph B. of Buenos Aires National Wildlife Refuge to read as follows:

§ 32.22 Arizona.

* * * * *

Buenos Aires National Wildlife Refuge

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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.

* * * * *

11. In § 32.24 California by:

- Revising paragraph A.2. of Merced National Wildlife Refuge;
- Revising paragraph A.2. of Modoc National Wildlife Refuge;
- Revising paragraph A. of Salinas River National Wildlife Refuge;
- Adding paragraph A.11. of San Luis National Wildlife Refuge; and
- Revising paragraphs A. and B. of San Pablo Bay National Wildlife Refuge to read as follows:

§ 32.24 California.

* * * * *

Merced National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

* * * * *

2. You may possess no more than 25 approved nontoxic shotshells per day while in the field.

* * * * *

Modoc National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

* * * * *

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.

* * * * *

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:

- You may possess no more than 25 approved nontoxic shotshells per day while in the field.
- 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.

* * * * *

San Luis National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

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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 locations on the refuge.

* * * * *

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.

* * * * *

12. In § 32.28 Florida by:

a. Revising paragraphs A., B., and C. of Lower Suwannee National Wildlife Refuge;

b. Revising paragraph A.3. and adding paragraph D.9. of Merritt Island National Wildlife Refuge;

c. Revising paragraphs A., B., and C., and adding paragraph D.11. of St. Marks National Wildlife Refuge; and

d. Revising paragraph C. of St. Vincent National Wildlife Refuge to read as follows:

§ 32.28 Florida.

* * * * *

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.

* * * * *

Merritt Island National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

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3. You may hunt only in four designated areas of the refuge subject to delineation in the refuge hunting map and brochure, 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.

* * * * *

D. Sport Fishing. * * *

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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.

* * * * *

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. * * *

* * * * *

11. While on the refuge, anglers must keep all harvested fish in whole condition.

St. Vincent National Wildlife Refuge

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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.

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13. In § 32.29 Georgia by revising paragraph B. of Okefenokee National Wildlife Refuge to read as follows:

§ 32.29 Georgia.

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Okefenokee National Wildlife Refuge

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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.

* * * * *

14. In § 32.32 Illinois by revising paragraph A.2. and C.3. of Crab Orchard National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

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Crab Orchard National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

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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.

* * * * *

C. Big Game Hunting. * * *

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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.

* * * * *

15. In § 32.35 Kansas by:

a. Revising paragraphs A., B., and C. of Flint Hills National Wildlife Refuge; and

b. Revising paragraph A. of Marais des Cygnes National Wildlife Refuge to read as follows:

§ 32.35 Kansas.

* * * * *

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.

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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.

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16. In § 32.37 Louisiana by:

a. Revising paragraph B. of Bayou Cocodrie National Wildlife Refuge;

b. Adding Bayou Teche National Wildlife Refuge;

c. Revising paragraphs A., B., and C. of Black Bayou Lake National Wildlife Refuge;

d. Adding Cat Island National Wildlife Refuge; and

e. Revising Catahoula National Wildlife Refuge to read as follows:

§ 32.37 Louisiana.

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Bayou Cocodrie National Wildlife Refuge

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B. Upland Game Hunting. We allow the 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.

* * * * *

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.

* * * * *

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.

* * * * *

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.

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17. In § 32.38 Maine by revising paragraphs C. and D. of Moosehorn National Wildlife Refuge to read as follows:

§ 32.38 Maine.

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Moosehorn National Wildlife Refuge

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

1. During firearms big game season hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm²) solid-colored hunter orange clothing or material.

2. Hunters harvesting a deer on the refuge must notify the refuge office within 24 hours and present the field-dressed deer for inspection by refuge personnel.

3. Hunters who wish to use portable tree stands or blinds must register at the refuge office prior to placement of the stand or blind.

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

1. We allow nonmotorized boats only on Bearce and Conic Lakes.

2. We allow fishing during daylight hours only.

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18. In § 32.41 Michigan by revising paragraphs C. and D. of Seney National Wildlife Refuge to read as follows:

§ 32.41 Michigan.

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Seney National Wildlife Refuge

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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 bear or deer 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.

5. We allow fishing from May 15 through September 30 during daylight hours only.

6. We allow summer fishing on the Creighton Driggs and Manistique Rivers.

7. We allow only bank fishing in refuge pools.

8. We limit access to Driggs and Creighton Rivers to canoes without motors and to foot traffic along these watercourses.

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19. In § 32.42 Minnesota by:

a. Revising the introductory text of paragraph A. of Litchfield Wetland Management District;

b. Revising paragraph D. of Rydell National Wildlife Refuge; and

c. Adding paragraph B.4. of Tamarac National Wildlife Refuge to read as follows:

§ 32.42 Minnesota.

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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:

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Rydell National Wildlife Refuge

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D. *Sport Fishing.* We only allow fishing from the fishing pier on Tamarac Lake beginning May 1 through July 15 during refuge open hours.

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Tamarac National Wildlife Refuge

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B. Upland Game Hunting.

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4. We require hunters to wear at least one article of blaze orange clothing visible above the waist.

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20. In § 32.45 Montana by:

a. Revising paragraphs A., C., and D. of Lee Metcalf National Wildlife Refuge; and

b. Adding Lost Trail National Wildlife Refuge to read as follows:

§ 32.45 Montana.

* * * * *

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.

* * * * *

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 around the refuge headquarters, maintenance buildings, and quarters posted as "Closed to Hunting."

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 around the refuge headquarters, maintenance buildings, and quarters posted as "Closed to Hunting."

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]

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21. In § 32.47 Nevada by:

a. Revising the introductory text of paragraph A., removing paragraph A.2., and redesignating paragraph A.3. as paragraph A.2, and revising paragraphs D.2., D.3., D.4., D.5., D.6., and D.7. of Ruby Lake National Wildlife Refuge; and

b. Revising Stillwater National Wildlife Refuge to read as follows:

§ 32.47 Nevada.

* * * * *

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:

* * * * *

D. *Sport Fishing*. * * *

* * * * *

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. Beginning June 15 through July 31, we allow only motorless boats or boats with battery-powered electric motors. Anglers must remove all gasoline-powered motors. Beginning 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.

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Stillwater National Wildlife Refuge

A. *Hunting of Migratory Game Birds*. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close the following areas to all hunting: The area south of Division Road, south of Stillwater Farms, and east of West County Road; and other areas as posted.

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

3. On refuge units open to boating, we allow boating during the waterfowl hunting season only, except for Swan Check Lake that is open to nonmotorized boating all year.

4. We do not allow boats on Swan Lake, the northeast portion of North Nutgrass Lake, and the north portion of Pintail Bay. We allow use of nonmotorized carts, sleds, floating blinds, and other floating devices on these units only for transporting hunting equipment and concealing hunters but not for transporting hunters.

5. We allow motorized boats (except air-thrust boats) only on Lead Lake, Tule Lake, Goose Lake, South Nutgrass Lake, and the portions of North Nutgrass Lake and Pintail Bay open to boats.

6. We allow air-thrust boats only on Goose Lake, South Nutgrass Lake, and the portions of North Nutgrass Lake and Pintail Bay open to boats.

7. Air-thrust boat owners must obtain a Special Use Permit from the refuge manager prior to operating or allowing others to operate their air-thrust boat on the refuge.

8. We allow nonmotorized boats on all refuge units open to boating.

B. *Upland Game Hunting*. We allow hunting of authorized upland game species on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close the following areas to all hunting: the area south of Division Road, south of Stillwater Farms, and east of West County Road; and other areas as posted.

2. You may possess only approved nontoxic shotshells while on the refuge.

3. We allow shotgun hunting only.

C. *Big Game Hunting*. We allow hunting of mule deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close the following areas to all hunting: the area south of Division Road, south of Stillwater Farms, and east of West County Road; and other areas as posted.

2. We allow shotgun, muzzleloader, and archery hunting only.

D. *Sport Fishing*. [Reserved]

22. In § 32.50 New Mexico by:

a. Revising paragraph C. of Bitter Lake National Wildlife Refuge; and

b. Revising paragraphs A. and C. of Bosque del Apache National Wildlife Refuge to read as follows:

§ 32.50 New Mexico.

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Bitter Lake National Wildlife Refuge

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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.

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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 and 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 10:00 a.m. local time.

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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.

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23. In § 32.52 North Carolina by:

- a. Revising Alligator River National Wildlife Refuge;
- b. Revising paragraph D. of Pea Island National Wildlife Refuge; and
- c. Adding paragraph A.5. and revising paragraphs B.3. and C.3. of Pocosin Lakes National Wildlife Refuge to read as follows:

§ 32.52 North Carolina.

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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 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 only 1/2 hour before sunrise to 1/2 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.

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Pea Island National Wildlife Refuge

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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 around only from 1/2 hour before sunrise to 1/2 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 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.

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Pocosin Lakes National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

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5. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

B. Upland Game Hunting. * * *

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3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

* * * * *

C. Big Game Hunting. * * *

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3. You must unload, encase, or dismantle firearms transported via motorized vehicle or in a boat under power.

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24. In § 32.53 North Dakota by:

a. Revising paragraphs B.3. and B.4. and by adding paragraphs B.5. and B.6. of Des Lacs National Wildlife Refuge; and

b. Revising paragraphs B., C., and D. of Long Lake National Wildlife Refuge to read as follows:

§ 32.53 North Dakota.

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Des Lacs National Wildlife Refuge

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B. Upland Game Hunting. * * *

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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.

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Long Lake National Wildlife Refuge

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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.

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25. In § 32.55 Oklahoma by revising paragraph C. to Washita National Wildlife Refuge to read as follows:

§ 32.55 Oklahoma.

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Washita National Wildlife Refuge

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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.

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26. In § 32.56 Oregon by:

a. Revising paragraph C. of Malheur National Wildlife Refuge; and

b. Revising McNary National Wildlife Refuge to read as follows:

§ 32.56 Oregon.

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Malheur National Wildlife Refuge

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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.

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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]

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27. In § 32.57 Pennsylvania by revising the introductory text of paragraph C. and adding paragraphs C.4.

and C.5. to Erie National Wildlife Refuge to read as follows:

§ 32.57 Pennsylvania

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Erie National Wildlife Refuge

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

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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.

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28. In § 32.60 South Carolina by:

a. Revising paragraph C. of ACE Basin National Wildlife Refuge; and

b. Revising Cape Romain National Wildlife Refuge to read as follows:

§ 32.60 South Carolina.

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ACE Basin National Wildlife Refuge

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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.

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Cape Romain National Wildlife Refuge

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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.

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29. In § 32.62 Tennessee by revising paragraphs B.1. and C.1. of Tennessee National Wildlife Refuge to read as follows:

§ 32.62 Tennessee.

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Tennessee National Wildlife Refuge

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B. Upland Game Hunting. * * *

1. We require annual refuge hunting permits.

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C. Big Game Hunting. * * *

1. We require annual refuge hunting permits.

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30. In § 32.63 Texas by:

a. Revising the introductory text of paragraph A., revising paragraphs A.1., A.2., A.3., and removing paragraphs A.5. and A.6. of Anahuac National Wildlife Refuge;

b. Removing paragraph A.3 from Brazoria National Wildlife Refuge;

c. Revising the introductory text of paragraph A., revising paragraphs A.1., A.2., A.3., removing paragraphs A.4., A.5., and A.7., and redesignating paragraph A.6. as paragraph A.4. of McFaddin National Wildlife Refuge;

d. Removing paragraph A.3. from San Bernard National Wildlife Refuge;

e. Revising the introductory text of paragraph A., revising paragraph A.1., A.2., removing paragraphs A.3., A.4., and A.6., and redesignating paragraph A.5 as paragraph A.3. of Texas Point National Wildlife Refuge; and

f. Revising paragraph A. of Trinity River National Wildlife Refuge to read as follows:

§ 32.63 Texas.

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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.

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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.

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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.

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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 a.m. and must be off the hunt area by 12 p.m.(noon). We may require hunters to check in and out.

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.

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In § 32.64 Utah by revising paragraph A. of Fish Springs National Wildlife Refuge to read as follows:

§ 32.64 Utah.

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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.

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31. In § 32.66 Virginia by:
 a. Revising paragraph C. of James River National Wildlife Refuge;
 b. Adding Occoquan National Wildlife Refuge;
 c. Revising paragraph C. of Presquile National Wildlife Refuge;
 d. Adding Rappahannock River Valley National Wildlife Refuge; and
 e. Adding Wallops Island National Wildlife Refuge to read as follows:

§ 32.66 Virginia.

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James River National Wildlife Refuge

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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. Deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees on the refuge.

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.

11. Report all accidents and injuries to the refuge office as soon as possible but no later than 24 hours after the accident.

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Occoquan Bay National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a refuge permit.

2. Hunters must have in their possession at all times a copy of the refuge permit containing the refuge regulations, their hunting license, and, if issued, their State-issued deer management assistance program (DMAP) tag.

3. We will select specific hunting dates within the State seasons. Consult the refuge office for information on specific hunt dates.

4. You may not transport a loaded firearm in any vehicle on any refuge road or right of way.

5. Hunters must wear in a conspicuous manner on chest and back a minimum of 400 square inches (2,600 cm²) of solid hunter orange clothing or material and a hunter orange cap or hat.

D. Sport Fishing. [Reserved]

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Presquile National Wildlife Refuge

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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. Deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees on the refuge.

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.
- 11. Report all accidents and injuries to the refuge office as soon as possible but no later than 24 hours after the accident.

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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. Deer hunters, when hunting with guns, must wear a minimum of 400 square inches (2,600 cm²) of solid blaze orange visible from 360 degrees on the refuge.
 - 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.

- 11. Report all accidents and injuries to the refuge office as soon as possible but no later than 24 hours after the accident.
- D. Sport Fishing.* [Reserved]

Wallop Island National Wildlife Refuge

- A. Hunting of Migratory Game Birds.* [Reserved]
- B. Upland Game Hunting.* [Reserved]
- C. Big Game Hunting.* We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and the following conditions:
 - 1. We require a refuge permit
 - 2. We do not allow dogs.
 - 3. We allow only portable tree stands on the refuge, and hunters must remove them at the end of each hunt day.
 - 4. Hunters must comply with refuge check-in and check-out procedures as specified on the hunt permit.
 - 5. During firearms big game season, including scouting days, hunters must wear in a conspicuous manner on head, chest, and back a minimum of 400 square inches (2,600 cm²) of solid-colored hunter orange clothing or material.
 - 6. We prohibit camping.
 - 7. We prohibit the use of open fires.
- D. Sport Fishing.* [Reserved]

- 32. In § 32.67 Washington by:
 - a. Adding paragraphs A.4., A.5., A.6., A.7., B.4., and B.5., revising the introductory text of paragraph C., and

- adding paragraphs C.3. and C.4. of Hanford Reach National Monument/Saddle Mountain National Wildlife Refuge; and
- b. Revising McNary National Wildlife Refuge to read as follows:

§ 32.67 Washington

* * * * *

Hanford Reach National Monument/Saddle Mountain National Wildlife Refuge

- A. Hunting of Migratory Game Birds.* * * *
- 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.* * * *

- 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:

- 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.

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 only approved nontoxic shot 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. You may possess no more than 25 shells while in the field.
- 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 only approved nontoxic shot 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. You may possess no more than 25 shells while in the field.
- 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.

- * * * * *

- 33. In § 32.69 Wisconsin by adding Whittlesey Creek National Wildlife Refuge to read as follows:

§ 32.69 Wisconsin

* * * * *

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]

- 34. In § 32.70 Wyoming by revising Seedskadee National Wildlife Refuge to read as follows:

§ 32.70 Wyoming.

* * * * *

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.

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 sportfish on designated areas of the refuge in accordance with State regulations and general refuge regulations.

35. In § 32.72 Guam by adding paragraphs D.5., D.6., and D.7., of Guam National Wildlife Refuge to read as follows:

§ 32.72 Guam.

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Guam National Wildlife Refuge

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D. Sport Fishing. * * *

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5. We prohibit use of Self Contained Underwater Breathing Apparatus (SCUBA) to take fish or invertebrates.

6. We prohibit anchoring of boats on the refuge.

7. We prohibit sailboards or motorized personal watercraft on the refuge.

Dated: June 4, 2002.

Paul Hoffman,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02-14900 Filed 6-19-02; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 020531136-2136-01; I.D. 041802C]

RIN 0648-AP76**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Atlantic Deep-Sea Red Crab Fishery Management Plan**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement the Atlantic Deep-Sea Red Crab Fishery Management Plan (FMP) developed by the New England Fishery Management Council (Council). This proposed rule would establish: A limited access program for the directed fishery; a target total allowable catch (TAC) level; a Days-at-Sea (DAS) allocation effort control program; permitting and reporting requirements, including an Interactive Voice Response (IVR) system for limited access vessels; trip limits and incidental harvest allowances; trap/pot limits; processing at sea restrictions; and a framework adjustment process among other measures. The purpose of this proposed action is to implement permanent management measures for the Atlantic deep-sea red crab (red crab)(*Chaceon quinquedens*) fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP and to prevent overfishing of the red crab resource.

DATES: Comments must be received on or before 5 p.m., local time, on July 23, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Red Crab FMP." Comments also may be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or Internet.

Comments regarding the collection-of-information requirements contained in this proposed rule should be sent to the

Regional Administrator and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attn: NOAA Desk Officer).

Copies of the FMP, its Regulatory Impact Review (RIR) and the Initial Regulatory Flexibility Analysis (IRFA), and the Final Environmental Impact Statement (FEIS) are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, The Tannery - Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272, fax 978-281-9135.

SUPPLEMENTARY INFORMATION:**Background**

The FMP was developed by the Council in response to concerns that overfishing was occurring due to increased landings and increasing participation and interest in the red crab fishery. Prior to 1970, there was no known fishery for Atlantic deep-sea red crab, although there was some incidental catch of red crab in other fisheries. In the early 1970s, small markets opened up for the species, spurring one or two vessels to attempt to fish directly for red crab. Markets for this species fluctuated over the next decade or so, as did attempts at new techniques to improve the harvest, preservation, and processing of the crabs. Throughout the 1980s, there was a fairly consistent fishery for red crab, with known landings annually averaging over 5.5 million lb (2,495 mt). In the early 1990s, landings fluctuated, but they have been steadily increasing since about 1995. Industry reports suggest that landings exceeded 7 million lb (3,175.2 mt) in 2000.

In late 1999, faced with increasing landings and increased interest in the fishery from potential new entrants, a group of fishermen requested that the Council develop a Red Crab FMP. In November 1999, the Council voted to begin development of the FMP.

In January 2000, at the recommendation of its Red Crab Committee, the Council voted to establish a control date for the red crab fishery, in case the Council chose to differentiate historic participants in the red crab fishery from new, speculative entrants. The Council also intended that a control date serve as a disincentive to any new vessels considering moving to New England to begin fishing for red crab.

On February 2, 2000, the Council published in the **Federal Register** a Notice of Intent to Prepare an