

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

RIN 1018-AI30

**Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2002-03 Late Season****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** This rule prescribes special late-season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This responds to tribal requests for U.S. Fish and Wildlife Service (hereinafter Service or we) recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of season bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

**DATES:** This rule takes effect on September 21, 2002.

**ADDRESSES:** You may inspect comments on the special hunting regulations and tribal proposals during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Tina Chouinard, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358-1714).

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Department of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In a proposed rule published in the July 29, 2002, **Federal Register** (67 FR 49176), we proposed special migratory bird hunting regulations for the 2002-03 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to

regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10-September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In a proposed rule published in the March 19, 2002, **Federal Register** (67 FR 12501), we requested that tribes desiring special hunting regulations in the 2002-03 hunting season submit a proposal including details on:

(a) Harvest anticipated under the requested regulations;

(b) Methods that would be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) Steps that would be taken to limit the level of harvest, where it could be shown that failure to limit the harvest would adversely impact the migratory bird resource; and

(d) Tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. We have successfully used the guidelines since the 1985-86 hunting season. We finalized the guidelines beginning with the 1988-89 hunting season (August 18, 1988, **Federal Register** [53 FR 31612]).

Although the July 29, 2002, proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season proposals were addressed in a final rule published in the August 29 **Federal Register** (67 FR 55660). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about September 24 or later each year and have a primary emphasis on waterfowl.

**Status of Populations**

In the August 29, 2002, proposed rule, we reviewed the status for various populations for which seasons were proposed. This information included brief summaries of the May Breeding Waterfowl and Habitat Survey and population status reports for blue-winged teal, sandhill cranes, woodcock, mourning doves, white-winged doves, white-tipped doves, and band-tailed pigeons. The tribal seasons established below are commensurate with the population status.

**Comments and Issues Concerning Tribal Proposals**

For the 2002-03 migratory bird hunting season, we proposed regulations for 29 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes had both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 20 tribes have proposals with late seasons. Proposals are addressed in the following section. The comment period for the proposed rule, published on July 29, 2002, closed on August 8, 2002, however, we did not receive any comments.

We received one comment regarding the notice of intent published on March 19, 2002, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members. We responded to this comment in the August 29 final rule.

**NEPA Consideration**

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES-75-74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). A supplement to the final environmental statement, the "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88-14)" was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). Copies of these documents are available from us at the address

indicated under the caption **ADDRESSES**. In addition, an August 1985 Environmental Assessment titled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the same address.

#### **Endangered Species Act Considerations**

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" (and) shall "insure that any action authorized, funded or carried out \* \* \* is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat \* \* \*". Consequently, we conducted consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. Our biological opinions resulting from this Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBM, at the address indicated under the caption **ADDRESSES**.

#### **Executive Order (E.O.) 12866**

Collectively, the rules covering the overall frameworks for migratory bird hunting are economically significant and have been reviewed by the Office of Management and Budget (OMB) under E.O. 12866. This rule is a small portion of the overall migratory bird hunting frameworks and was not individually submitted and reviewed by OMB under E.O. 12866. A cost/benefit analysis was prepared in 1998 and is further discussed below under the heading Regulatory Flexibility Act. Copies of the cost/benefit analysis are available upon request from the address indicated under the caption **ADDRESSES**.

#### **Regulatory Flexibility Act**

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in

detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between \$429 million and \$1.084 billion at small businesses in 1998. Copies of the Analysis are available upon request.

#### **Energy Effects—E.O. 13211**

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

#### **Small Business Regulatory Enforcement Fairness Act**

The annual migratory bird hunting regulations constitute a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this series of rules has an annual effect on the economy of \$100 million or more. However, because these rules establish hunting seasons, we do not plan to defer the effective date of this rule under the exemption contained in 5 U.S.C. 808 (1), and this rule will be effective immediately.

#### **Paperwork Reduction Act**

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 10/31/2004). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also

approved the information collection requirements of the Sandhill Crane Harvest Questionnaire and assigned clearance number 1018–0023 (expires 7/31/2003). The information from this survey is used to estimate the magnitude and the geographical and temporal distribution of harvest, and the portion it constitutes of the total population. A Federal 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.

#### **Unfunded Mandates Reform Act**

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not "significantly or uniquely" affect small governments, and will not produce a Federal mandate of \$100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

#### **Civil Justice Reform—Executive Order 12988**

The Department, in promulgating this rule, has determined that it will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

#### **Takings Implication Assessment**

In accordance with E.O. 12630, the annual migratory bird hunting rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

#### **Federalism Effects**

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more

restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with E.O. 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### **Government-to-Government Relationship With Tribes**

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. Thus, in accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), November 6, 2000, (3 CFR 2000 Comp., p. 304), E.O. 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, by virtue of the tribal proposals received in response to the March 19, 2002, request for proposals and the July 29, 2002, proposed rule, we have consulted with all the tribes affected by this rule.

#### **Regulations Promulgation**

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the tribes would have insufficient time to communicate these seasons to their member and nontribal hunters and to establish and publicize the necessary regulations and procedures to implement their decisions.

We, therefore, find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will take effect immediately upon publication.

Therefore, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 *et seq.*), we prescribe final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds.

#### **List of Subjects in 50 CFR Part 20**

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

Accordingly, part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

#### **PART 20—[AMENDED]**

1. The authority citation for part 20 continues to read as follows:

**Authority:** 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j, Pub. Law 106–108.

**Note:** The following hunting regulations provided for by 50 CFR 20.110 will not appear in the Code of Federal Regulations because of their seasonal nature.

2. Section 20.110 is amended by revising paragraphs (a), (b), (f), (h), (i), (k), (l), (o), (p), (q), and (s) and by adding paragraphs (t) through (bb) to read as set forth below. (Current § 20.110 was published at 67 FR 55660, August 29, 2002.)

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

##### **(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters)**

###### *Doves*

*Season Dates:* Open September 1, close September 15, 2002; then open November 16, 2002, close January 13, 2003.

*Daily Bag and Possession Limits:* For the early season, daily bag limit is 10 mourning or 10 white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

##### *Ducks (Including Mergansers)*

*Season Dates:* Open October 11, 2002, close January 25, 2003.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two redheads, two hen mallards, four scaup, two goldeneyes, and two cinnamon teal. The seasons on canvasback and pintail are closed. The possession limit is twice the daily bag limit.

##### *Coots and Common Moorhens*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots and common moorhens, singly or in the aggregate.

##### *Geese*

*Season Dates:* Open November 10, 2002, close January 19, 2003.

*Daily Bag and Possession Limits:* Four geese, including no more than two dark (Canada) geese and three white (snow, blue, Ross's) geese. The possession limit is eight, but could include no more than six white geese or four dark geese.

*General Conditions:* A valid Colorado River Indian Reservation hunting permit is required for all persons 14 years and older and must be in possession before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

##### **(b) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nontribal Hunters)**

###### *Sandhill Cranes*

*Season Dates:* Open September 14, close October 20, 2002.

*Daily Bag and Possession Limits:* Three and six, respectively.

###### *Doves*

*Season Dates:* Open September 1, close October 31, 2002.

*Daily Bag and Possession Limits:* 15 and 30, respectively.

*Permits:* Each person participating in the sandhill crane season must have a valid Federal sandhill crane hunting permit in his or her possession while hunting.

###### *Ducks*

*Pintail:* Open October 5, close December 3, 2002.

*Other ducks:* Open October 5, close December 17, 2002.

*Daily Bag and Possession Limits:* Six ducks, including no more than five mallards (including no more than two

female mallards), two redheads, one pintail (when open), three scaup, and two wood ducks. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Mergansers

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* Five mergansers, including no more than one hooded merganser. The possession limit is twice the daily bag limit.

#### Canada Geese

*Season Dates:* Open October 19, 2002, close January 21, 2003.

*Daily Bag and Possession Limits:* Three and six, respectively.

#### White-fronted Geese

*Season Dates:* Open September 28, close December 22, 2002.

*Daily Bag and Possession Limits:* Two and four, respectively.

#### Light Geese

*Season Dates:* Open September 28, 2002, close January 2, 2003.

*Daily Bag and Possession Limits:* 20 geese daily, no possession limit.

*General Conditions:* The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and nontribal hunters must comply with basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

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#### (f) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters)

##### Nontribal Hunters on Reservation

#### Ducks

*Season Dates:* Open September 21, 2002, close January 26, 2003. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays and for a continuous period in the months of October and November. Nontribal hunters should contact the Tribe for more detail on hunting days.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 2 female mallards, 4 scaup, and 2 redheads. The seasons on canvasbacks and pintail are closed. The possession limit is twice the daily bag limit.

#### Geese

*Season Dates:* Open September 1, 2002, close September 15, 2002, and open October 1, 2002, close January 26, 2003. During this period, days to be hunted are specified by the Kalispel Tribe. Nontribal hunters should contact the Tribe for more detail on hunting days.

*Daily Bag and Possession Limits:* 5 and 10, respectively.

#### Tribal Hunters Within Kalispel Ceded Lands

#### Ducks

*Season Dates:* Open September 20, 2002, close January 26, 2003.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 2 female mallards, 4 scaup, and 2 redheads. The seasons on canvasbacks and pintail are closed. The possession limit is twice the daily bag limit.

#### Geese

*Season Dates:* Open September 1, 2002, close January 31, 2003.

*Daily Bag and Possession Limits:* 3 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits. The possession limit is twice the daily bag limit.

*General:* Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit. Hunters must observe all State and Federal regulations, such as those contained in 50 CFR part 20 and including the possession of a validated Migratory Bird Hunting and Conservation Stamp.

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#### (h) Little River Band of Ottawa Indians, Manistee, Michigan (Tribal Members Only)

#### Ducks

*Season Dates:* Open September 28, close December 5, 2002.

*Daily Bag and Possession Limits:* Six ducks, including no more than four mallards (only one of which may be a hen), three scaup, one black duck, two redheads, two wood ducks, and one pintail. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Mergansers

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* Five mergansers, including no more than one hooded merganser. The possession limit is twice the daily bag limit, only two of which can be hooded mergansers.

#### Coots and Common Moorhens (Common Gallinules)

*Season Dates:* Open September 28, close December 5, 2002.

*Daily Bag and Possession Limits:* 15 coots and common moorhens (common gallinules), singly or in the aggregate. The possession limit is twice the daily bag limit.

#### Canada Geese

*Season Dates:* Open September 1, close September 15, 2002, early season, then open September 28, close December 5, 2002, regular season, and open January 1, close February 8, 2003, late season.

*Daily Bag and Possession Limits:* Five geese in the early and late seasons and two geese in the regular portion of the season. The possession limit is twice the daily bag limit.

#### White-fronted Geese, Snow Geese, Ross Geese, and Brant

*Season Dates:* Open September 28, 2002, close December 5, 2002.

*Daily Bag and Possession Limits:* Five and ten, respectively.

#### Rails, Snipe, and Woodcock

*Season Dates:* Open September 15, close November 14, 2002.

*Daily Bag and Possession Limits:* 8 rails, 8 snipe, and 3 woodcock. Possession limits for snipe and woodcock would be twice the daily bag limit. The possession limit for rails would be 25.

#### Mourning Doves

*Season Dates:* Open September 15, close November 14, 2002.

*Daily Bag and Possession Limits:* 10 and 20, respectively.

#### General

A. All tribal members will be required to obtain a valid tribal resource card and 2002–03 hunting license.

B. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel all Federal regulations contained in 50 CFR part 20.

C. Particular regulations of note include:

(1) Nontoxic shot will be required for all waterfowl hunting by tribal members.

(2) Tribal members in each zone will comply with tribal regulations providing for closed and restricted waterfowl hunting areas. These regulations generally incorporate the same restrictions contained in parallel State regulations.

(3) Possession limits for each species are double the daily bag limit, except on

the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above.

D. Tribal members hunting in Michigan will comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

**(i) The Little Traverse Bay Bands of Odawa Indians, Petoskey, Michigan (Tribal Members Only)**

*Ducks*

*Season Dates:* Open September 20, 2002, close January 20, 2003.

*Daily Bag and Possession Limits:* 10 ducks, including no more than 5 mallards (only 2 of which may be hens), 2 black ducks, 2 redheads, 2 wood ducks, 1 pintail, 1 hooded merganser, and 1 canvasback. The possession limit is twice the daily bag limit.

*Canada Geese*

*Season Dates:* Open September 1, 2002, close January 20, 2003.

*Daily Bag and Possession Limits:* 5 and 10, respectively.

*White-fronted Geese, Brant, and Snow Geese*

*Season Dates:* Open October 1, 2002, close November 30, 2002.

*Daily Bag and Possession Limits:* 5 and 10, respectively.

*Sora Rails, Snipe, and Woodcock*

*Season Dates:* Open September 1, close November 14, 2002.

*Daily Bag and Possession Limits:* Five rails, five snipe, and five woodcock.

*General:* Possession limits are twice the daily bag limits.

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**(k) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nonmembers)**

*Band-tailed Pigeons*

*Season Dates:* Open September 1, close September 30, 2002.

*Daily Bag and Possession Limits:* 5 and 10 pigeons, respectively.

*Mourning Doves*

*Season Dates:* Open September 1, close September 30, 2002.

*Daily Bag and Possession Limits:* 10 and 20 doves, respectively.

*Ducks (Including Mergansers)*

*Pintails:* Open September 21, 2002, close November 19, 2002.

*Other ducks:* Open September 21, 2002, close January 5, 2003.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, one pintail (when

open), four scaup, and two redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

*Coots and Common Moorhens*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots and moorhens, singly or in the aggregate.

*Dark Geese*

*Season Dates:* Open September 21, 2002, close January 5, 2003.

*Daily Bag and Possession Limits:* Four and eight geese, respectively.

*General Conditions:* Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Navajo Nation also apply on the reservation.

**(l) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)**

*Ducks (Including Mergansers)*

*Season Dates:* Open September 28, close November 30, 2002.

*Daily Bag and Possession Limits:* Six, including no more than six mallards (three hen mallards), five wood ducks, one redhead, and one hooded merganser. The seasons on canvasbacks and pintails are closed. The possession limit is twice the daily bag limit.

*Geese*

*Season Dates:* Open September 1, close December 31, 2002.

*Daily Bag Limit:* Three Canada geese. Hunters will be issued three tribal tags for geese in order to monitor goose harvest. An additional three tags will be issued each time birds are registered. A season quota of 150 birds is adopted. If the quota is reached before the season concludes, the season will be closed at that time. The possession limit is twice the daily bag limit.

*Woodcock*

*Season Dates:* Open September 14, close November 15, 2002.

*Daily Bag and Possession Limits:* 5 and 10 woodcock, respectively.

*General Conditions:* The Tribe proposes shooting hours be one-half hour before sunrise to one-half hour after sunset. Nontribal members hunting on the Reservation or on lands under the jurisdiction of the Tribe must

comply with all State of Wisconsin regulations. Tribal members and nontribal members hunting on the Reservation or on lands under the jurisdiction of the Tribe will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, with the following exceptions: Indian hunters would be exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

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**(o) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Nontribal Hunters)**

**Tribal Members**

*Pintails*

*Season Dates:* The season on pintails is the same as those established by the State of Washington, under final Federal frameworks, to be announced.

*Ducks (Including Coots and Mergansers)*

*Season Dates:* Open September 15, 2002, and close February 28, 2003.

*Daily Bag and Possession Limits:* 7 and 14 ducks, respectively, except that bag and possession limits may include no more than 2 female mallards, 1 pintail, 4 scaup, and 2 redheads. The season on canvasbacks is closed.

*Geese*

*Season Dates:* Open September 15, 2002, and close February 28, 2003.

*Daily Bag and Possession Limits:* 6 and 12 geese, respectively; except that the bag limits may not include more than 2 brant and 1 cackling Canada goose. The Tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting of 365 ducks and 365 geese.

*Snipe*

*Season Dates:* Open September 15, 2002, through February 28, 2003.

*Daily Bag and Possession Limits:* 8 and 16, respectively.

**Nontribal Hunters**

*Ducks*

*Pintails*

*Season Dates:* The season on pintails is the same as that established by the State of Washington, under final Federal frameworks, to be announced.

*Other ducks:* Open October 12, 2002, close January 26, 2003.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, one pintail (when

open), four scaup, and two redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 and 50, respectively

#### Geese

*Season Dates:* Open October 19, 2002, close January 26, 2003.

*Daily Bag and Possession Limits:* Four geese, including four dark geese but no more than three light geese. The possession limit is twice the daily bag limit.

#### Brant

*Season Dates:* Open January 11, 2003, close January 26, 2003.

*Daily Bag and Possession Limits:* Two and four brant, respectively.

#### Snipe

*Season Dates:* Open November 14, 2002, close February 28, 2003.

*Daily Bag and Possession Limits:* 8 and 16, respectively.

*General Conditions:* All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the Tribe. Nontribal hunters 16 years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Both stamps must be validated by signing across the face of the stamp. Other tribal regulations apply, and may be obtained at the tribal office in Marysville, Washington.

#### **(p) Upper Skagit Indian Tribe, Sedro Woolley, Washington (Tribal Members Only)**

##### Pintails

*Season Dates:* Open November 1, 2002, close December 30, 2002.

##### Ducks

*Season Dates:* Open November 1, 2002, close February 8, 2003.

*Daily Bag and Possession Limits:* 15 and 20, respectively. The season on canvasbacks is closed.

##### Coots

*Season Dates:* Open November 1, 2002, close February 8, 2003.

*Daily Bag and Possession Limits:* 20 and 30, respectively.

#### Geese

*Season Dates:* Open November 1, 2002, close February 8, 2003.

*Daily Bag and Possession Limits:* The daily bag limits are seven geese and five brant. The possession limits for geese and brant are 10 and 7, respectively.

#### Mourning Dove

*Season Dates:* Open September 1, end December 31, 2002.

*Daily Bag Limit:* 12 mourning dove. Tribal members must have the tribal identification and harvest report card on their person to hunt. Tribal members hunting on the Reservation will observe all basic Federal migratory bird hunting regulations found in 50 CFR.

#### **(q) Wampanoag Tribe of Gay Head, Aquinnah, Massachusetts (Tribal Members Only)**

##### Teal

*Season Dates:* Open October 19, 2002, close January 31, 2003.

*Daily Bag Limit:* Six Teal.

##### Ducks

*Season Dates:* Open October 28, 2002, and close February 24, 2003.

*Daily Bag Limit:* Six ducks, including no more than two hen mallards, two black ducks, two mottled ducks, one fulvous whistling duck, four mergansers, three scaup, one hooded merganser, two wood ducks, one canvasback, two redheads, one pintail, and one hen eider. The season is closed for harlequin ducks.

##### Sea Ducks

*Season Dates:* Open October 28, 2002, and close February 24, 2003.

*Daily Bag Limit:* Seven ducks including no more than four of any one species.

#### Geese

*Season Dates:* Open September 14, 2002, and close September 21, 2002, and open November 1, 2002, close February 28, 2003.

*Daily Bag Limit:* 5 Canada geese during the first period, 3 during the second, and 15 snow geese during both periods.

#### Woodcock

*Season Dates:* Open October 19, 2002, and close November 30, 2002.

*Daily Bag Limit:* Three woodcock.

*General Conditions:* Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. Tribal members will observe all basic Federal migratory bird hunting regulations contained in 50 CFR.

\* \* \* \* \*

#### **(s) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)**

*Band-tailed Pigeons (Wildlife Management Unit 10 and areas south of Y-70 in Wildlife Management Unit 7, Only)*

*Season Dates:* Open September 4, close September 18, 2002.

*Daily Bag and Possession Limits:* Three and six pigeons, respectively.

*Mourning Doves (Wildlife Management Unit 10 and Areas South of Y-70 in Wildlife Management Unit 7, Only)*

*Season Dates:* Open September 4, close September 18, 2002.

*Daily Bag and Possession Limits:* 10 and 20 doves, respectively.

*Ducks (Including Mergansers)*

##### Pintails

*Season Dates:* Open October 12, 2002, close December 11, 2002.

##### Other Ducks

*Season Dates:* Open October 12, 2002, close January 26, 2003.

*Daily Bag and Possession Limits:* Four ducks, including no more than three mallards (including no more than one hen mallard), two redheads, and one pintail. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

##### Coots, Moorhens and Gallinules

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots, moorhens, and gallinules, singly or in the aggregate. The possession limit is twice the daily bag limit.

#### Canada Geese

*Season Dates:* Open October 12, 2002, close January 26, 2003.

*Bag and Possession Limits:* Three and six, respectively.

*General Conditions:* All nontribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands shall have in their possession a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all nontribal hunters hunting band-tailed pigeons must have in their possession a White Mountain Special Band-tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, the area open to waterfowl hunting in the above seasons

consists of: the entire length of the Black River west of the Bonito Creek and Black River confluence and the entire length of the Salt River forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 5, 6, and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3, will be open to waterfowl hunting during the 2002–03 season. The length of the Black River east of the Black River/Bonito Creek confluence is closed to waterfowl hunting. All other waters of the reservation would be closed to waterfowl hunting for the 2002–03 season.

**(t) Bois Forte Band of Chippewa, Nett Lake, Minnesota (Tribal Members and Nontribal Hunters)**

*Ducks*

*Pintails (For Nontribal Hunters Only)* Open September 28, 2002, close October 27, 2002.

*Other ducks:* Open September 28, 2002, close November 26, 2002, except shooting hours on opening day and for every hunting day for the remainder of the season would be one-half hour before sunrise and continue to one-half hour after sunset for tribal members. Nontribal shooting hours will go from one-half hour before sunrise to sunset on reservation.

*Daily Bag Limits and Possession Limits:* The daily bag limit is 6 ducks, including no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 3 scaup, 1 black duck, 1 pintail, 2 wood ducks, and 2 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

The Band's Conservation Department regulates nontribal harvest limits under the following regulations: (1) Nontribal hunters must be accompanied at all times by a Band Member guide; (2) Nontribal hunters must have in their possession a valid small game hunting license, a Federal migratory waterfowl stamp, and a Minnesota State waterfowl stamp; (3) Nontribal hunters and Band Members must have only Service-approved nontoxic shot in possession at all times; (4) Nontribal hunters must conform to possession limits established and regulated by the State of Minnesota and the Bois Forte Band.

**(u) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Nontribal Hunters)**

*Ducks (Including Mergansers)*

*Pintail:* Open September 21–22, 2002, for Youth Waterfowl Season only, and open September 28, close November 26, 2002.

*Other ducks:* Open September 28, 2002, close January 10, 2003.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, one pintail (when open), four scaup, and two redheads. The season on canvasback is closed. The possession limit is twice the daily bag limit.

*Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* The daily bag and possession limit is 25.

*Geese*

*Dark Geese*

*Season Dates:* Open September 28, 2002, close January 10, 2003.

*Daily Bag and Possession Limits:* Four and eight geese, respectively.

*Light Geese*

*Season Dates:* Open September 28, 2002, close January 10, 2003.

*Daily Bag and Possession Limits:* Three and six geese, respectively.

*Youth Waterfowl Hunt*

*Season Dates:* September 21–22, 2002.

*Daily Bag and Possession Limits:* Same as ducks but includes one pintail.

*General Conditions:* Nontribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset, and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

**(v) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)**

*Ducks (Mergansers)*

*Season Dates:* Open October 5, close November 30, 2002.

*Daily Bag and Possession Limits:* The daily bag limit is seven, including no more than two hen mallards, one pintail, two redheads, and four scaup. The season on canvasbacks is closed.

The possession limit is twice the daily bag limit.

*Canada Geese*

*Season Dates:* Open October 5, close November 30, 2002.

*Daily Bag and Possession Limits:* Two and four, respectively.

*General Conditions:* Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

**(w) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)**

*Ducks*

*Season Dates:* Open October 1, 2002, close January 28, 2003.

*Daily Bag and Possession Limits:* 9 and 18 ducks, respectively.

*Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots.

*Geese*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 6 and 12 geese, respectively.

*General:* The Klamath Tribe provides its game management officers, biologists, and wildlife technicians with regulatory enforcement authority, and has a court system with judges that hear cases and set fines.

**(x) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)**

**Tribal Members**

*Pintail*

*Season Dates:* Open October 5, 2002, close November 19, 2002.

*Other Ducks (Including Mergansers and Coots)*

*Season Dates:* Open October 5, 2002, close March 10, 2003.

*Daily Bag and Possession Limits:* Six ducks, including no more than five mallards (only one of which may be a hen), three scaup, one mottled duck, two redheads, two wood ducks, and one pintail (when open). The season on canvasbacks is closed. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than one

hooded merganser. The possession limit is twice the daily bag limit.

#### Canada Geese

*Season Dates:* Open October 19, 2002, close March 10, 2003.

*Daily Bag and Possession Limits:* Three and six, respectively.

#### White-fronted Geese

*Season Dates:* Open October 19, 2002, close March 10, 2003.

*Daily Bag and Possession Limits:* Two and four, respectively.

#### Light Geese

*Season Dates:* Open October 19, 2002, close March 10, 2003.

*Daily Bag and Possession Limits:* 20 and 40, respectively.

#### Youth Waterfowl Hunt

*Season Dates:* Open September 28, close September 29, 2002.

*Daily Bag and Possession Limits:* Same as above.

### Nontribal Hunters

#### Pintail

*Season Dates:* Open October 5, 2002, close November 19, 2002.

#### Other Ducks (Including Mergansers and Coots)

*Season Dates:* Open October 5, 2002, close January 9, 2003.

*Daily Bag and Possession Limits:* Six ducks, including no more than five mallards (only one of which may be a hen), three scaup, one mottled duck, two redheads, two wood ducks, and one pintail (when open). The season on canvasbacks is closed. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than one hooded merganser. The possession limit is twice the daily bag limit.

#### Canada Geese

*Season Dates:* Open October 19, 2002, close January 21, 2003.

*Daily Bag and Possession Limits:* Three and six, respectively.

#### White-fronted Geese

*Season Dates:* Open October 19, 2002, close January 21, 2003.

*Daily Bag and Possession Limits:* Two geese and four, respectively.

#### Light Geese

*Season Dates:* Open October 19, 2002, close January 21, 2003, and February 27, 2003, close March 10, 2003.

*Daily Bag and Possession Limits:* 20 and 40, respectively.

#### Youth Waterfowl Hunt

*Season Dates:* Open September 28, close September 29, 2002.

#### *Daily Bag and Possession Limits:*

Same as above.

*General Conditions:* All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR part 20, including the use of steel shot. Nontribal hunters must possess a validated Migratory Bird Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must adhere to when hunting in areas subject to control by the Tribe.

### (y) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)

#### Pintails

*Season Dates:* Open October 5, 2002, close December 3, 2002.

#### Ducks

*Season Dates:* Open October 5, 2002, close January 17, 2003.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, one pintail (when open), one scaup, and two redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Mergansers

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 5 and 10 mergansers, respectively.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 10 and 20 coots, respectively.

#### Geese

*Season Dates:* Open October 5, 2002, close January 10, 2003.

*Daily Bag and Possession Limits:* Four geese, including not more than three light geese or two white-fronted geese. The possession limit is twice the daily bag limit.

#### Common Snipe

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 8 and 16 snipe, respectively.

*General Conditions:* Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

### (z) Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)

#### Pintails

*Season dates:* Open October 1, 2002, close November 30, 2002.

#### Ducks (Including Mergansers)

*Season Dates:* Open October 1, 2002, close January 31, 2003.

*Daily Bag and Possession Limits:* 10 including no more than five hen mallards, two pintail, seven scaup, and five redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* Six and twelve, respectively. The daily bag limit on brant is three.

#### Snipe

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 10 and 20, respectively.

Tribal members hunting on lands under this proposal will observe all basic Federal migratory bird hunting regulations found in 50 CFR part 20, which will be enforced by the Stillaguamish Tribal Law Enforcement. Tribal members are required to use steel shot or a nontoxic shot as required by Federal regulations.

### (aa) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

#### Off Reservation

#### Ducks (Including Mergansers)

*Season Dates:* Open September 21, 2002, close February 25, 2003.

*Daily Bag and Possession Limits:* 10 ducks, including no more than 5 hen mallards, 4 pintail, 7 scaup, and 5 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

#### Coots

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots.

#### Geese

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* Seven geese, including seven dark geese but no more than six light geese. The possession limit is twice the daily bag limit.

#### Brant

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 5 and 10 brant, respectively.

**On Reservation***Ducks (Including Mergansers)*

*Season Dates:* Open September 15, 2002, close March 9, 2003.

*Daily Bag and Possession Limits:* 10 ducks, including no more than 5 hen mallards, 4 pintail, 7 scaup, and 5 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

*Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots.

*Geese*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* Seven geese, including seven dark geese but no more than six light geese. The possession limit is twice the daily bag limit.

*Brant*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 5 and 10 brant, respectively.

*General Conditions:* Steps will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would seriously impact the migratory bird resource. Tribal members hunting on lands under this proposal will observe all basic Federal migratory

bird hunting regulations found in 50 CFR part 20, which will be enforced by the Swinomish Tribal Fish and Game.

**(bb) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)***Ducks (Including Mergansers)**Pintails*

*Season Dates:* Open October 12, close November 19, 2002.

*Other ducks:* Open October 12, close December 24, 2002.

*Daily Bag and Possession Limits:* Six ducks, including no more than five mallards (no more than two hen mallards), two redheads, one pintail (when open), three scaup, and two wood ducks. The season on canvasbacks is closed. The daily bag limit for mergansers is five, of which no more than one can be a hooded merganser. The possession limit is twice the daily bag limit.

*Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 15 and 30 coots, respectively.

*Dark Geese*

*Season Dates:* Open October 29, 2002, close January 31, 2003.

*Daily Bag and Possession Limits:* Three geese, including no more than

one white-fronted goose or brant. The possession limit is twice the daily bag limit.

*Light Geese*

*Season Dates:* Open October 29, 2002, close January 31, 2003.

*Daily Bag and Possession Limits:* 20 geese daily, no possession limit.

*General Conditions:*

(1) The waterfowl hunting regulations established by this final rule apply to tribal and trust lands within the external boundaries of the reservation.

(2) Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

Dated: September 12, 2002.

**Paul Hoffman,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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