

Extended falconry dates

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Ducks, mergansers, and coots:						
	Zone C1 .....				Sept. 28–Sept. 29 & Oct. 23–Oct. 30.	
	Zone C2 & C3 .....				Sept. 14–Sept. 20 & Dec. 2–Dec. 4.	
<i>PACIFIC FLYWAY</i>						
<i>Arizona</i>						
*	*	*	*	*	*	*
Ducks and mergansers:						
	North Zone .....				Sept. 30–Oct. 3.	
	South Zone .....				Jan. 27–Jan. 30.	
<i>California</i>						
Ducks, mergansers, and coots:						
	Colorado River Zone .....				Jan. 27–Jan. 30.	
	Southern Zone .....				Jan. 27–Jan. 31.	
	Southern San Joaquin Zone .....				Jan. 27–Jan. 29.	
Canada Geese and White-fronted Geese:						
	Northeastern Zone .....				Jan. 13–Jan. 17.	
	Colorado River Zone .....				Same as for Ducks.	
	Southern Zone (5) .....				Same as for Ducks.	
	Balance-of-State Zone (6) .....				Same as for Ducks.	
Brant:						
	Northern Zone .....				Oct. 19–Nov. 6 & Dec. 7–Jan. 31.	
	Southern Zone .....				Oct. 19–Nov. 8 & Dec. 9–Jan. 31.	
Light Geese:						
	Northeastern Zone .....				Jan. 13–Jan. 17.	
	Colorado River Zone .....				Same as for Ducks.	
	Southern Zone (5) .....				Same as for Ducks.	
	Balance-of-State Zone (6) .....				Same as for Ducks.	
*	*	*	*	*	*	*
<i>Nevada</i>						
Ducks, mergansers, geese, coots, moorhens, and snipe:						
	Northeast Zone .....				Sept. 21–Oct. 30 & Nov. 2–Jan. 5.	
	Northwest and South Zones (7) .....				Oct. 12–Oct. 30 & Nov. 2–Jan. 26.	

(4) In *Maine*, the daily bag and possession limits for black ducks are 1 and 3, respectively.  
 (5) In *California*, the falconry season for geese is concurrent with the regular season for white geese in the Imperial County special management area.  
 (6) In *California*, the falconry season for geese is concurrent with the regular season for small Canada geese in Del Norte and Humboldt counties.  
 (7) In *Nevada*, in the South Zone, in the portion of Clark County that includes the Moapa Valley, the falconry season is only open November 2 to January 26.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 20**

[Docket No. FWS–HQ–MB–2013–0057;  
 FF09M21200–134–FXMB1231099BPP0]

RIN 1018–AY87

**Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2013–14 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 rule 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, 2013.

**ADDRESSES:** You may inspect comments received on the proposed special hunting regulations and tribal proposals during normal business hours in room 4107, Arlington Square Building, 4501

N. Fairfax Drive, Arlington, VA, or at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240; (703) 358–1714.

**SUPPLEMENTARY INFORMATION:**

**Background**

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 the August 2, 2013, **Federal Register** (78 FR 47136), we proposed special migratory bird hunting regulations for the 2013–14 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 the April 9, 2013, **Federal Register** (78 FR 21200), we requested that tribes desiring special hunting regulations in the 2013–14 hunting season submit a proposal including details on:

(1) Harvest anticipated under the requested regulations;

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

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

(4) 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 August 2 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 28, 2013, **Federal Register** (78 FR 53218). 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. All the regulations contained in this final rule were either submitted by the tribes or approved by the tribes and follow our proposals in the August 2 proposed rule.

#### Status of Populations

Information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds, including detailed information on methodologies and results, is available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at [http://www.fws.gov/migratory\\_birds/NewsPublicationsReports.html](http://www.fws.gov/migratory_birds/NewsPublicationsReports.html).

#### Comments and Issues Concerning Tribal Proposals

For the 2013–14 migratory bird hunting season, we proposed regulations for 30 tribes 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; 13 tribes have proposals with late seasons. We also noted in the August 2 proposed rule (78 FR 47136) that we were proposing seasons for three Tribes who have submitted proposals in past years but from whom we had not yet received proposals this year. We did not receive proposals from the three Tribes and, therefore, have not included them in this final rule.

The comment period for the August 2 proposed rule closed on August 12, 2013. We received two comments on our August 2, 2013, proposed rule, which announced proposed seasons for migratory bird hunting by American Indian Tribes, which we responded to in our August 28, 2013, final rule.

#### National Environmental Policy Act (NEPA)

The programmatic document, “Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations

Permitting the Sport Hunting of Migratory Birds (EIS 20130139),” filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being “Duck Hunting Regulations for 2013–14,” with its corresponding August 19, 2013, finding of no significant impact. In addition, an August 1985 environmental assessment entitled “Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands” is available from the address indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

#### Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), 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 formal 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, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

#### Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant

rules. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of \$100 million or more on the economy.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

An economic analysis was prepared for the 2013–14 season. This analysis was based on data from the 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in **Regulatory Flexibility Act** section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2012–13 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2012–13 season. For the 2013–14 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of \$317.8–\$416.8 million. We also chose alternative 3 for the 2009–10, the 2010–11, the 2011–12, and the 2012–13 seasons. The 2013–14 analysis is part of the record for this rule and is available at <http://www.regulations.gov> at Docket No. FWS–HQ–MB–2013–0057.

#### **Regulatory Flexibility Act**

The annual migratory bird hunting 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 as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which

was subsequently updated in 1996, 1998, 2004, 2008, and 2013. 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 2013 Analysis was based on the 2011 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 approximately \$1.5 billion at small businesses in 2013. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from our Web site at <http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs> or at <http://www.regulations.gov> at Docket No. FWS–HQ–MB–2013–0057.

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

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of \$100 million or more. However, because this rule establishes hunting seasons, we are not deferring the effective date under the exemption contained in 5 U.S.C. 808(1).

#### **Paperwork Reduction Act**

This final rule does not contain any new information collection that requires approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0010—Mourning Dove Call Count Survey (expires 4/30/2015).
- 1018–0019—North American Woodcock Singing Ground Survey (expire 4/30/2015).
- 1018–0023—Migratory Bird Surveys (expires 4/30/2014). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

#### **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 impose a cost 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 this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

#### **Takings Implication Assessment**

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act (16 U.S.C. 703–711), does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

#### **Energy Effects—Executive Order 13211**

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it 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.

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

In accordance with the President's memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951), Executive Order 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, in the April 9 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2013–14 migratory bird hunting season. The resulting proposals were contained in a separate August 2, 2013, proposed rule (78 FR 47136). By virtue of these actions, we have consulted with Tribes affected by this rule.

## 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 regarding the hunting of migratory birds, and we 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 Indian 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 process 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 Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

## 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. 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, States and Tribes would have insufficient time to select season dates and limits; to communicate those selections to us; 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 seasons will, therefore, take effect less than 30 days after the date of publication.

Accordingly, with each participating Tribe having had an opportunity to participate in selecting the hunting

seasons desired for its reservation or ceded territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

### List of Subjects in 50 CFR Part 20

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

### Regulations Promulgation

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:** Migratory Bird Treaty Act, 40 Stat. 755, 16 U.S.C. 703–712; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–j; Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703.

**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. Amend § 20.110 by revising paragraphs (a), (b), (f), (g), (l), (o), (p), (s), (w), (x), (z), (aa), and (cc) to read as set forth. (Current § 20.110 was published at 78 FR 53218, August 28, 2013.)

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

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

Doves

**Season Dates:** Open September 1 through 15, 2013; then open November 9 through December 23, 2013.

**Daily Bag and Possession Limits:** For the early season, daily bag limit is 10 mourning or 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 after the first day of the season.

*Ducks (Including Mergansers)*

**Season Dates:** Open October 12, 2013, through January 26, 2014.

**Daily Bag and Possession Limits:** Seven ducks, including two hen mallards, two redheads, two Mexican ducks, two goldeneye, two cinnamon

teal, three scaup, one canvasback, and one pintail. 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. The possession limit is twice the daily bag limit.

*Geese*

**Season Dates:** Open October 13, 2013, through January 20, 2014.

**Daily Bag and Possession Limits:** Three geese, including no more than three dark (Canada) geese and three white (snow, blue, Ross’s) geese. The possession limit is six dark geese and six white geese.

**General Conditions:** All persons 14 years and older must be in possession of a valid Colorado River Indian Reservation hunting permit 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. The early season will be open from one-half hour before sunrise until noon. For the late season, shooting hours are from one-half hour before sunrise to sunset.

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

#### Tribal Members Only

*Ducks (Including Mergansers)*

**Season Dates:** Open September 2, 2013, through March 9, 2014.

**Daily Bag and Possession Limits:** The Tribe does not have specific bag and possession restrictions for Tribal members. The season on harlequin duck is closed.

*Coots*

**Season Dates:** Same as ducks.

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

*Geese*

**Season Dates:** Same as ducks.

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

#### Nontribal Hunters

*Ducks (Including Mergansers)*

**Season Dates:** Open September 28, 2013, through January 5, 2014, and January 10, 2014 through January 14, 2014.

**Scaup**

*Season Dates:* September 28, 2013, through December 22, 2013.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, two pintail, three scaup (when open), two canvasback, and two redheads. 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, 2013, through January 5, 2014, and January 10, 2014 through January 14, 2014.

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

**Light Geese**

*Season Dates:* Open September 28, 2013, through January 5, 2014, and January 10, 2014 through January 14, 2014.

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

**Youth Waterfowl Hunt**

*Season Dates:* September 21–22, 2013.

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

*General Conditions:* Tribal and 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.

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

**Ducks (Including Mergansers)**

*Season Dates:* Open October 12 through November 30, 2013.

*Daily Bag and Possession Limits:* The daily bag limit is seven, including no more than two hen mallards, two pintail, two redheads, two canvasback, and three scaup. The possession limit is twice the daily bag limit.

**Canada Geese**

*Season Dates:* Open October 12 through November 30, 2013.

*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.

(g) *Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Nontribal Hunters)*

**Nontribal Hunters on Reservation****Ducks**

*Duck Season Dates:* Open September 21, through September 23, 2013, and open September 28 through September 30, 2013, and open October 1, 2013, through January 31, 2014. 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, not to exceed 107 days total. Nontribal hunters should contact the Tribe for more detail on hunting days.

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

**Geese**

*Season Dates:* Open September 7 through September 15, 2013, for the early-season, and open October 1, 2013, through January 31, 2014, for the late-season. 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 Canada geese for the early season, and 6 light geese and 4 dark geese, for the late season. The daily bag limit is 2 brant (when the State's season is open) and is in addition to dark goose limits for the late season. The possession limit is twice the daily bag limit.

**Tribal Hunters Within Kalispel Ceded Lands****Ducks**

*Season Dates:* Open October 1, 2013, through January 31, 2014.

*Daily Bag and Possession Limits:* 7 ducks, including no more than 2 female mallards, 2 pintail, 2 canvasback, 3

scaup, and 2 redheads. The possession limit is twice the daily bag limit.

**Geese**

*Season Dates:* Open September 1, 2013, through January 31, 2014.

*Daily Bag Limit:* 6 light geese and 4 dark geese. The daily bag limit is 2 brant and is in addition to dark goose limits.

*General Conditions:* Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

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

**Tribal Hunters****Ducks, Mergansers, and Coots**

*Season Dates:* Open September 1, 2013, through March 10, 2014.

*Daily Bag and Possession Limits:* Six ducks, including no more five mallards (only two of which may be hens), four scaup, one mottled duck, two redheads, three wood ducks, one canvasback, and two pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is twice the daily bag limit.

**Canada Geese**

*Season Dates:* Open September 1, 2013, through March 10, 2014.

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

**White-fronted Geese**

*Season Dates:* Open September 1, 2013, through March 10, 2014.

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

**Light Geese**

*Season Dates:* Open September 1, 2013, through March 10, 2014.

*Daily Bag Limit:* 20.

**Nontribal Hunters****Ducks (Including Mergansers and Coots)**

*Season Dates:* Open October 12, 2013, through January 17, 2014.

*Daily Bag and Possession Limits:* Six ducks, including five mallards (no more of which can be two hen mallard), three scaup, two canvasback, two redheads, three wood ducks, and two pintail. Coot daily bag limit is 15. Merganser daily bag limit is five, including no more than two hooded mergansers. The possession limit is twice the daily bag limit.

**Canada Geese**

*Season Dates:* Open November 2, 2013, through February 16, 2014.

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

*White-fronted Geese*

*Season Dates:* Open November 2, 2013, through January 29, 2014.

*Daily Bag and Possession Limits:* One and two, respectively.

*Light Geese*

*Season Dates:* Open November 2, 2013, through January 12, 2014, and open February 2 through March 10, 2014.

*Daily Bag and Possession Limits:* 50 and no possession limit.

*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.

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(o) *Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)*

**Band-tailed Pigeons**

*Season Dates:* Open September 1 through 30, 2013.

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

*Mourning Doves*

*Season Dates:* Open September 1 through 30, 2013.

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

*Ducks (Including Mergansers and Coots)*

*Season Dates:* Open September 21, 2013, through January 5, 2014.

*Scaup*

*Season Dates:* Open September 21, 2013, through December 15, 2013.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, one mottled duck, two canvasback, three scaup (when open), two redheads, and two pintail. Coot daily bag limit is 25. Merganser daily bag limit is seven. The possession limit is twice the daily bag limit.

*Canada Geese*

*Season Dates:* Open September 21, 2013, through January 5, 2014.

*Daily Bag and Possession Limits:* Four and eight, 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 face. Special regulations established by the Navajo Nation also apply on the reservation.

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

*Ducks (Including Mergansers)*

*Season Dates:* Open September 14 through November 22, 2013.

*Daily Bag and Possession Limits:* Six, including no more than six mallards (three hen mallards), six wood ducks, one redhead, two pintail, and one hooded merganser. The possession limit is twice the daily bag limit.

*Geese*

*Season Dates:* Open September 14 through November 22, 2013.

*Daily Bag and Possession Limits:* 5 and 10 Canada geese, respectively, from September 1 through 13, 2013; and 3 and 6 Canada geese, respectively, the remainder of the season. Hunters will be issued five tribal tags during the early season and three tribal tags during the late season for geese in order to monitor goose harvest. An additional three tags will be issued each time birds are registered. A seasonal quota of 300 birds is adopted. If the quota is reached before the season concludes, the season will be closed at that time.

*Woodcock*

*Season Dates:* Open September 7 through November 3, 2013.

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

*Doves*

*Season Dates:* Open September 7 through November 3, 2013.

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

*General Conditions:* Tribal member shooting hours are 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, including season dates, shooting hours, and bag limits, which differ from tribal member seasons. 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: Tribal members are exempt from the purchase

of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity is not limited to three shells.

\* \* \* \* \*

(s) *Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)*.

*Ducks and Mergansers*

*Season Dates:* Open October 5, 2013, through January 18, 2014.

*Daily Bag and Possession Limits:* Seven ducks and mergansers, including no more than two hen mallards, two pintail, two canvasback, and two redheads. The possession limit is twice the daily bag limit.

*Coots*

*Season Dates:* Same as ducks.

*Daily Bag and Possession Limits:* 25 coots. 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.

*Dark Geese*

*Season Dates:* Open October 5, 2013, through January 18, 2014.

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

*Light Geese*

*Season Dates:* Open October 5, 2013, through January 18, 2014.

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

\* \* \* \* \*

(w) *Stillaguamish Tribe of Indians, Arlington, Washington (Tribal Members Only)*

**Band-tailed Pigeon**

*Season Dates:* Open September 1 through October 31, 2013.

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

*Mourning Dove*

*Season Dates:* Open September 1 through October 31, 2013.

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

*Ducks*

*Season Dates:* Open October 1, 2013, through February 15, 2014.

*Daily Bag and Possession Limits:* 10 ducks. The possession limit is twice the daily bag limit.

*Coots*

*Season Dates:* Open October 1, 2013, through January 31, 2014.

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

*Common Snipe*

*Season Dates:* Open October 1, 2013, through January 31, 2014.

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

*Geese*

*Season Dates:* Open October 1, 2013, through February 15, 2014.

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

*Brant*

*Season Dates:* Open October 1, 2013, through January 31, 2014.

*Daily Bag and Possession Limits:* 3 and 6, respectively.

Tribal members hunting on lands 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.

(x) *Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)*

*Ducks*

*Season Dates:* Open September 21, 2013, through February 26, 2014.

*Daily Bag and Possession Limits:* Seven ducks, including no more than two hen mallards, two pintail, two canvasback, one harlequin per season, and two redheads. Possession limit is twice the daily bag limit (except for harlequin).

*Geese*

*Season Dates:* Open September 28, 2013, through February 26, 2014.

*Daily Bag and Possession Limits:* Four geese, and may include no more than three light geese. The season on Aleutian Canada geese is closed. Possession limit is twice the daily bag limit.

*Brant*

*Season Dates:* Open November 1, 2013, through February 26, 2014.

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

*Coots*

*Season Dates:* Open September 21, 2013, through February 26, 2014.

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

\* \* \* \* \*

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

*Ducks*

*Season Dates:* Open October 1, 2013, through February 28, 2014.

*Daily Bag and Possession Limits:* 15 and 20, respectively.

*Coots*

*Season Dates:* Open October 1, 2013, through February 15, 2014.

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

*Geese*

*Season Dates:* Open October 1, 2013, through February 28, 2014.

*Daily Bag and Possession Limits:* Seven and ten geese, respectively.

*Brant*

*Season Dates:* Open November 1 through 10, 2013.

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

*Mourning Dove*

*Season Dates:* Open September 1 through December 31, 2013.

*Daily Bag and Possession Limits:* 12 and 15 mourning doves, respectively.

*General Conditions:* 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 part 20, except shooting hours would be one-half hour before official sunrise to one-half hour after official sunset.

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

*Teal*

*Season Dates:* Open October 10, 2013, through February 22, 2014.

*Daily Bag Limits:* Six teal.

*Ducks*

*Season Dates:* Open October 14 through February 22, 2014.

*Daily Bag Limits:* Eight ducks, including no more than four hen mallards, six black ducks, four mottled ducks, one fulvous whistling duck, four mergansers, three scaup, two hooded merganser, three wood ducks, one canvasback, two redheads, and two

pintail. The season is closed for harlequin ducks.

*Sea Ducks*

*Season Dates:* Open October 7, 2013, through February 22, 2014.

*Daily Bag Limits:* Seven ducks including no more than four of any one species (only one of which may be a hen eider).

*Woodcock*

*Season Dates:* Open October 10 through November 23, 2013.

*Daily Bag Limits:* Three woodcock.

*Canada Geese*

*Season Dates:* Open September 4 through 21, 2013, and open October 28, 2013, through February 22, 2014.

*Daily Bag Limits:* Eight Canada geese.

*Snow Geese*

*Season Dates:* Open September 4 through 21, 2013, and open November 25, 2013, through February 22, 2014.

*Daily Bag Limits:* 15 snow geese.

*Sora and Virginia Rails*

*Season Dates:* Open September 2 through November 10, 2013.

*Daily Bag Limits:* 5 sora and 10 Virginia Rails.

*Snipe*

*Season Dates:* Open September 2 through December 16, 2013.

*Daily Bag Limits:* Eight snipe.

*General Conditions:* Shooting hours are one-half hour before sunrise to sunset. Nontoxic shot is required. All other basic Federal migratory bird hunting regulations contained in 50 CFR part 20 will be observed.

\* \* \* \* \*

(cc) *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 and Y-10 in Wildlife Management Unit 7, Only)*

*Season Dates:* Open September 1 through 15, 2013.

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

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

*Season Dates:* Open September 1 through 15, 2013.

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

*Ducks and Mergansers*

*Season Dates:* Open October 19, 2013, through January 26, 2014.

*Daily Bag Limits:* Seven, including no more than two female mallards, two redhead, two pintail, and one canvasback.

*Coots*

*Season Dates:* Open October 19, 2013, through January 26, 2014.

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

*Canada Geese*

*Season Dates:* Open October 19, 2013, through January 26, 2014.

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

Dated: September 12, 2013.

**Rachel Jacobson,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2013-22872 Filed 9-20-13; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 300**

[Docket No. 130104012-3777-02]

RIN 0648-BC88

**International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2013 and 2014**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues regulations under authority of the Western and

Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to establish a catch limit of 3,763 metric tons (mt) of bigeye tuna (*Thunnus obesus*) for vessels in the U.S. pelagic longline fisheries operating in the western and central Pacific Ocean (WCPO) for each of the calendar years 2013 and 2014. The limit does not apply to vessels in the longline fisheries of American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands (CNMI). Once the limit of 3,763 mt is reached in 2013 or 2014, retaining, transshipping, or landing bigeye tuna caught in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), which comprises the majority of the WCPO, will be prohibited for the remainder of the calendar year, with certain exceptions. This action is necessary for the United States to satisfy its obligations under the Convention, to which it is a Contracting Party.

**DATES:** This rule is effective October 23, 2013.

**ADDRESSES:** Copies of supporting documents prepared for this final rule, including the regulatory impact review (RIR) and the Supplemental Information Report prepared for National Environmental Policy Act (NEPA) purposes, are available via the Federal e-Rulemaking Portal, at [www.regulations.gov](http://www.regulations.gov) (search for Docket ID NOAA-NMFS-2013-0090). Those documents, and the small entity compliance guide prepared for this final rule, are also available from NMFS at the following address: Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700. The initial regulatory flexibility analysis (IRFA) and final regulatory flexibility analysis (FRFA) prepared under the authority of the Regulatory Flexibility Act (RFA) are included in the proposed rule and this final rule, respectively.

**FOR FURTHER INFORMATION CONTACT:** Rini Ghosh, NMFS PIRO, 808-944-2273.

**SUPPLEMENTARY INFORMATION:****Background**

On June 18, 2013, NMFS published a proposed rule in the **Federal Register** (78 FR 36496) to revise regulations at 50 CFR part 300, subpart O, to implement a decision of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission). The proposed

rule was open to public comment through July 18, 2013.

This final rule is issued under the authority of the WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), which authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the WCPFC. The authority to promulgate regulations has been delegated to NMFS.

This final rule implements for U.S. fishing vessels the longline bigeye tuna catch limit established in WCPFC Conservation and Management Measure (CMM) 2012-01, "Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean." The preamble to the proposed rule includes detailed background information, including on the Convention and the WCPFC, the provisions of CMM 2012-01 being implemented in this rule, and the basis for the proposed regulations, which is not repeated here.

**New Requirements**

This final rule implements the longline bigeye tuna catch limit of CMM 2012-01 for U.S. fishing vessels. The limit and associated restrictions apply to U.S. longline fisheries in the WCPO other than those of the three U.S. Participating Territories to the WCPFC—American Samoa, Guam, and the CNMI.

*Section 113 Authorization*

Because they are integral to this rulemaking, it is important to explain arrangements between fishing vessels and the U.S. Participating Territories, called Section 113(a) arrangements, prior to discussing the rule. These are allowed by section 113(a) of the Consolidated and Further Continuing Appropriations Act, 2012 (Pub. L. 112-55, 125 Stat. 552 *et seq.*, (continued by Pub. L. 113-6, 125 Stat. 603, section 110, the Department of Commerce Appropriations Act, 2013)) (hereinafter, "Section 113 authorization"). We refer to the original law, enacted for 2011 and 2012, as "prior Section 113(a)"; and arrangements authorized under this law are referred to as "Section 113(a) arrangements."

The Section 113 authorization enables the U.S. Participating Territories of the WCPFC to use, assign, allocate, and manage catch limits or fishing effort