

1. *Santa Ynez River, Santa Barbara County* (Index map location A).

T5N, R27W: Sec. 1 and 12.

In addition, all lands within the following circumscribed area: beginning at the northeast corner of Sec. 1, T5N, R27W; thence east approximately 1.85 miles to the intersection of Mono Creek and the Los Prietos Y Najalayegua land grant boundary; thence south approximately 2.5 miles; thence east approximately 2.6 miles to Agua Caliente Creek at a point about 0.4 mile north of the Pendola Guard Station; thence south 1.0 mile; thence west 2.5 miles to the Los Prietos Y Najalayegua land grant boundary; then west and north along said land grant boundary to the northeast corner of Sec. 24, T5N, R27W; thence north approximately 1.0 mile to the southwest corner of Sec. 12, T5N, R27W.

4. On page 18973, column 3, lines 17 and 18, the name of the road is corrected to read "Via Puerta Del Sol" not "Via Puerta Del."

5. On page 18970, column 1, line 28, the words "construction projects" are replaced by "severe flooding."

6. On page 18970, column 2, line 19, the number of acres should read "44,500."

7. On page 18970, column 2, line 15 from bottom is corrected to read "(1) removal or destruction of riparian."

8. On page 18970, column 3, line 23 from bottom is corrected to read "Marine Corps has coordinated with the."

Dated: May 30, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-13386 Filed 6-3-85; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rule.

SUMMARY: This document supplements Federal Register Document 50 FR 6366 published on February 15, 1985, which presented several duck harvest strategies that were being considered by the Service for possible implementation during the 1985-86 duck hunting season, and Federal Register Document 50 FR 10276 published on March 14, 1985, which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1985-86, and provided information on certain proposed regulations.

This proposed rulemaking provides supplemental proposals and minor corrections for both the "early" and "late" season migratory bird hunting regulations frameworks. The early hunting seasons open prior to October 1 and include seasons on mourning doves; white-winged doves; white-tipped doves; band-tailed pigeons; woodcock; common snipe; rails, moorhens, and gallinules; September teal; sea ducks; early duck seasons in Florida, Iowa, Kentucky, and Tennessee; experimental early goose season framework in a portion of Michigan; special sandhill crane—Canada goose season in southwestern Wyoming; sandhill cranes in the Central Flyway and Arizona; migratory bird hunting seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons. Late seasons open about October 1 or later and include most waterfowl and seasons not previously selected for other species. The Service annually prescribes hunting regulations frameworks within which the States select specific seasons. The effect of this proposed rule is to facilitate establishment of early and late season migratory bird hunting regulations for the 1985-86 season.

DATES: The comment period for proposed migratory bird hunting season frameworks for Alaska, Hawaii, Puerto Rico, and the Virgin Islands will end on June 20, 1985; that for other early season proposals will end on July 15, 1985; and that for late season proposals on August 19, 1985. Comments and tribal requests concerning the proposed guidelines for migratory bird hunting on Indian reservations and ceded lands, must be received no later than July 1, 1985. Public Hearings on proposed early and late season frameworks will be held on June 20 and August 1, 1985, respectively (50 FR 10276).

Written comments and suggestions concerning the environmental assessment on Indian hunting rights should be sent to MBMO by July 8, 1985.

ADDRESS: Send comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Main Interior Building, Room 3252, Washington, D.C. 20240. The Public Hearings will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Main Interior Building, Room 3252, Washington, D.C. 20240

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C. Addresses for those tribes wishing to submit proposals for special migratory bird hunting seasons may be found in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Matomic Building—Room 536, Washington, D.C. 20240 (202-254-3207).

SUPPLEMENTARY INFORMATION: The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons. Early seasons include those which open before October 1, while late seasons open about October 1 or later. Regulations are developed independently for early and late seasons. The early season regulations cover mourning doves; white-winged doves; white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central and Mississippi Flyways; early duck seasons in Florida, Iowa, Kentucky, and Tennessee; an experimental early goose season framework in a portion of Michigan; sandhill cranes in the Central Flyway and Arizona; a special sandhill crane—Canada goose season in southwestern Wyoming; doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; coots, moorhens, gallinules, and snipe in the Pacific Flyway; and other special falconry seasons.

Certain general procedures are followed in developing regulations for both the early and the late seasons. Initial regulatory proposals are announced in a Federal Register document published in March and opened to public comment. These proposals are supplemented, as necessary, with additional Federal Register notices. Following termination of comment periods and after public hearings, the Service further develops and publishes proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory elements. After consideration of additional public comments, the Service

publishes final frameworks in the **Federal Register**. Using these frameworks, State conservation agencies then select hunting season dates and options. Upon receipt of State selections, the Service publishes a final rule in the **Federal Register**, amending Subpart K of 50 CFR Part 20, to establish specific seasons, bag limits, and other regulations. The regulations become effective upon publication. States may prescribe more restrictive seasons than those provided in the final frameworks.

The regulations schedule for this year is as follows. In the February 15, 1985, **Federal Register** (50 FR 6366) the Service presented a series of duck harvest strategies that were being considered for possible implementation in the 1985-86 duck hunting season. On March 14, 1985, the Service published in the **Federal Register** (50 FR 10276) a proposal to amend 50 CFR Part 20, with public comment periods ending as noted above. The proposal dealt with establishment of seasons, limits and other regulations for migratory birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. All comments on the March 14 proposal received through May 3, 1985, have been considered in developing this document. Comment periods on this second document are specified above under **DATES**. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico, and the Virgin Islands are scheduled for **Federal Register** publication on or about July 11, 1985, and those for early seasons in other areas of the United States on July 26, 1985; and those for late seasons on September 2, 1985.

On June 20, 1985, a public hearing will be held in Washington, D.C., as announced in the **Federal Register** of March 14, 1985, (50 FR 10276), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged and white-tipped doves, rails, moorhens and gallinules, common snipe, and sandhill cranes. Proposed hunting regulations will be discussed for these species and migratory game birds in Alaska, Puerto Rico and the Virgin Islands; September teal seasons in the Mississippi and Central Flyways; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and special falconry seasons. Statements or comments are invited.

On August 1, 1985, a public hearing will be held in Washington, D.C., as announced in the **Federal Register** of March 14, 1985, (50 FR 10276), to review

the status and proposed hunting regulations for waterfowl not previously discussed at the June 20 public hearing.

This supplemental proposed rulemaking describes a number of changes which have been proposed by commentors on the original framework proposals published on March 14, 1985, in the **Federal Register**. Two minor errors are corrected.

Review of Public Comments and the Service's Response

Written Comments Received

As of May 3, 1985, the Service had received comments on proposals published in the March 14, 1985, **Federal Register** (50 FR 10276) 21 correspondents, including 5 individuals, 2 organizations, 10 State agencies, and 4 waterfowl flyway councils. In some instances, the communications did not specifically mention the open comment period or the regulatory proposals, however, because they were received during the comment period and generally to migratory bird hunting regulations, they are treated as comments. These comments as well as comments received on duck harvest strategies published in the February 15, 1985, **Federal Register** (50 FR 6366) are discussed below with particular attention to new proposals, and modifications, clarifications or corrections to previously described proposals. Wherever possible, they are discussed under headings corresponding to the numbered items in the March 14, 1985, **Federal Register** (50 FR 10276). Comments received subsequent to May 3, 1985 as well as those received at the June 20, 1985, public hearing will be addressed in the next supplemental proposal to be published in the **Federal Register** in early July.

General Comments

Except for specific recommendations identified below, the Central Flyway Council recommended adoption of the proposed regulations published in the March 14, 1985, **Federal Register** pertinent to seasons in the Central Management Unit and the Central Flyway for all migratory game birds.

The Pacific Flyway Council recommended that no changes be made in the season frameworks for mourning doves, white-winged doves, band-tailed pigeons, and the early season frameworks for Alaska from those of 1984-85 except as identified below.

Review of Duck Harvest Strategies

The U.S. Fish and Wildlife Service, with support from the Flyway Councils and other organizations, joined with

Canada in a 5-year program of stabilized duck regulations beginning with the 1980-81 season. During the program, season length and bag limits were unchanged from those established for the 1979-80 hunting season. Although the 1984-85 hunting season marked the final harvest season in the program, field activities, including banding, radio-telemetry, and nesting studies will continue through 1985. The program has provided both countries the opportunity to study those factors associated with the regulation of duck numbers, including specific investigations of nonhunting mortality, hunting mortality, and recruitment, in the absence of annual changes in season lengths and bag limits. Data analysis and evaluation of the studies will extend into 1986, so development of the 1985-86 and 1986-87 duck hunting regulations will be without benefit of some of the results of the studies.

In the February 15, 1985, **Federal Register** (at 50 FR 6366) the Service announced that because of the recent prolonged drought on the duck breeding grounds of prairie Canada and the concern by the Service and other wildlife agencies and organizations about the declining status of mallards and northern pintails, particularly breeding populations of mid-continent origin, various harvest strategies would be reviewed prior to establishing duck hunting regulations for 1985-86. Conservative harvest strategies that had been considered to date by the Service for possible implementation during the 1985-86 duck hunting season were given as follows:

1. *Stabilized Regulations.* Establish restrictive regulations in each of the 4 waterfowl flyways that would remain in effect for a predetermined length of time.

2. *Annual Assessment.* Establish regulations by flyway on an annual basis in response to fall flight forecasts of duck numbers and/or other criteria.

3. *Prescription Regulations.* Establish a set of regulations in each flyway, containing specific regulatory responses based on population size and/or habitat conditions. Season lengths and bag limits would be established on the basis of harvest reduction objectives, i.e., if the estimated breeding population of mallards in surveyed areas falls below a certain level, regulations would be developed to decrease the harvest by an established percentage. These restrictions would remain in effect until a predetermined population level is attained.

4. *Other Options.* Influence harvest by adjusting or eliminating zones. split

seasons, bonus bags and special seasons, point system bag limits, framework dates, season length and other special considerations.

The document invited comments and recommendations on those options and provided an opportunity to bring other alternatives forward at an early date.

Summary of Comments

Comments on the harvest strategies have been received (as of May 3, 1985) from 22 State wildlife agencies, 2 Waterfowl Flyway Councils, 16 organizations, and 129 individuals.

Of the 22 states submitting comments, 5 (Arizona, Illinois, Minnesota, Missouri, and New Mexico) expressed a preference for stabilized regulations, while prescription regulations was the strategy advocated by 5 (Massachusetts, New Jersey, New York, South Carolina, and Utah). Two states (Florida and Virginia) indicated support for the option of regulations establishment by annual assessment. With the exception of California, the remaining states (Alabama, Arkansas, Kentucky, Montana, Oklahoma, Pennsylvania, South Dakota, West Virginia, and Wisconsin), supported 2 or more of the options, suggested a combination of 2 or more of the options, or endorsed options other than those provided. California indicated their belief that commenting directly to the Service on harvest issues would be contrary to the flyway management concept, therefore the State would continue to work with member states of the Pacific Flyway in developing duck harvest strategies.

Arizona stated it appears prudent to adopt restrictive regulations as hunting mortality is only partially compensatory. The State asked that the Service carefully evaluate the stabilized regulations concept before endorsing another harvest strategy. Illinois indicated restrictive stabilized regulations was the most viable option especially if it would add to the data base of the initial stabilized regulations study. Minnesota expressed support for a new and conservative period of stabilized regulations while the initial period of stabilized regulations is being evaluated. Missouri stated that pending the results of the stabilized regulations study, regulations in the interim should reflect concern for current waterfowl population levels and that stabilized regulations was their preferred alternative provided that regulations include a specified period of application, and fail-safe population levels allowing additional regulations restrictions during the period of stabilization. New Mexico endorsed a Central Flyway Council-Technical Committee recommendation

for an additional 5 years of stabilized regulations with the provision to adjust the point values of species and sexes of ducks during the stabilized period.

Massachusetts indicated that until the stabilized regulations study is evaluated, prescription regulations tailored to each flyway would be best. New Jersey identified prescription regulations to be the strategy of choice because it would allow flyways to be managed individually based on the size of the duck population and/or habitat conditions and thereby each flyway could adjust harvest strategies to manage those species of major concern. New York expressed support for prescription regulations, wherein a stable framework is established to allow harvest at a level sustainable by a predetermined population size, as an interim action while awaiting the results of the stabilized regulations study. South Carolina recommended adoption of some type of prescription regulations should the May and July 1985 waterfowl surveys indicate no substantial increases in the population of prairie nesting mallards and northern pintails. Utah expressed support for the Pacific Flyway Council's tendency toward prescription regulations.

Florida urged that regulations established by the annual assessment approach, strictly identified as an interim action, be implemented for the 1985-86 and 1986-87 seasons while awaiting the evaluation of stabilized regulations, and that upon completion of the evaluation the issue of duck harvest strategies be revisited. Virginia indicated that while awaiting the stabilized regulations evaluation the State preferred the option to establish the 1985-86 and 1986-87 waterfowl seasons based upon the annual assessment of waterfowl numbers.

Alabama stated that should the 1985 waterfowl survey data indicate that restrictions are in order, then the State supports the use of the annual assessment method or prescription regulations, but the restrictions should be directed at the major sources of the problem rather than flyway- or nationwide.

Arkansas indicated a combination of the options would be most useful and desirable. The State suggested an overall strategy of stabilized regulations incorporating annual assessment of population levels to evaluate their relationship to previously identified triggering levels (as per "prescription regulations").

Kentucky indicated that measures that might most effectively achieve necessary reductions in duck harvest would include timing seasons

throughout the flyway on a state-by-state basis to miss peak populations of target species, reducing the season length, and delaying the opening of shooting hours until sunrise.

Montana stated that positive aspects offered by a stabilized regulations format were that it could provide an excellent opportunity for gathering biological information and aid hunters to better understand and become familiar with the regulations. The State also indicated that with prescription regulations, once the guidelines have been established and the regulation format developed, state wildlife agencies have time to address future regulations changes while in the regulations process.

Oklahoma felt the strategies offered were not specific enough to determine the numerical impact of each, and although certain sex-specific regulations might help accelerate a recovery process, there are other means besides using a total regulatory process by which to improve the status of certain species of ducks as well as ducks in general.

Pennsylvania recommended the use, where necessary, of annual assessment and prescription regulations in conjunction with each other.

South Dakota supported the concept of stabilized regulations and prescription regulations stating that stabilized regulations offer excellent research opportunities and reduce hunter confusion, while prescription regulations, such as those contained in the Central Flyway Mallard Management Plan, serve as fail-safe mechanisms during periods of stabilized regulations. The State's comments were provided within the context that increasingly restrictive harvest regulations in response to continuing declines in duck numbers in the future can at best slow the current trend.

West Virginia indicated all of the harvest strategy options were acceptable.

Wisconsin stated a combination of stabilized regulations and prescription regulations would provide a reasonable harvest management strategy.

The Pacific Flyway Council endorsed the concept of stabilized duck hunting regulations but indicated it is receptive to prescription regulations to accommodate species population thresholds.

The Central Flyway Council recommended initiation of a duck harvest management program whereby current stabilized duck hunting regulations are continued with the exceptions that the point value of hen

mallards be increased to 100 points, the conventional possession limit for hen mallards be reduced to 1, and the point value of pintails be increased to 20 points. The program would continue for 5 years unless population levels identified in operational management plans are reached which trigger regulations changes.

Nine organizations submitted comments supporting the need for duck harvest restrictions in 1985-86. The Service's harvest strategies options were addressed by 5 of the organizations. Prescription regulations received support from the New Jersey Waterfowlers Association, River County Voices (Wisconsin), and the Batchtown Sportsman's Club (Illinois). The Humane Society of the United States (HSUS) urged adoption of a plan whereby through a public process optimum population levels for all waterfowl would be established and then strategies to implement them would be chosen. HSUS indicated that their interpretation of the Service's primary duty under the Migratory Bird Treaty Act, to manage migratory birds so as to attain or maintain optimum population levels, was not addressed by any of the harvest strategies. The Service's review of the need for restrictive harvest regulations in 1985-86 was commended by the Wildlife Management Institute (Institute). Commenting on the Service's strategy options, the Institute stated that any future stabilized regulations must provide for the recognition of differences among duck species, as well as yearly influences exerted on the habitats and populations, and the regulations should be oriented to duck populations and their ranges. The Institute indicated annual assessment is needed with the population status of each species and identifiable populations emphasized. In principle, the prescription regulations option was considered appropriate by the Institute; however, they felt the predetermined levels for species and population units should not be constrained by existing annual population records or based on 3-year moving averages, and permitted harvest should be related to population levels to achieve restoration potentials and numerical goals. The Institute urged completion and initiation, where necessary, of studies to improve the understanding of relationships between duck hunting regulations and duck populations.

The 4 remaining organizations, Michigan Duck Hunters Association, Madison Audubon Society, Inc. (Wisconsin), Wisconsin Waterfowlers Association, and LaCrosse County

Conservation Alliance (Wisconsin), supported the need for restrictive duck harvest regulations in 1985-86 and all recommended a reduction in the bag limit for ducks rather than a shortening of duck season length.

Seven letters in opposition to any restrictive change in duck hunting regulations for 1985-86 were received from the following organizations: The Wildlife Legislative Fund of America, Ducks Unlimited, Waterfowl Habitat Owners Alliance (California), New York State Conservation Council, New York State Brotherhood of Sportsmen, Federated Sportsman's Clubs of Ulster County, Inc. (New York), and Southwest Louisiana Convention and Visitors Bureau. One issue recurring in most of the letters was that no change from the 1984-85 duck hunting regulations frameworks should be made unless and until the 5-year stabilized regulations study has been evaluated. The 2 New York State organizations and the club from Ulster County recommended a longer duck hunting season. The Convention and Visitors Bureau of southwest Louisiana opposed any regulations restrictions because of the economic hardships that would result on the local tourism industry.

One hundred twenty-nine individuals submitted comments on the possibility of duck harvest restrictions in 1985-86. One hundred six of those commenting were in general support of the need for duck harvest restrictions beginning this year but there was very little consensus on the management action(s) to be implemented. The comments of 23 individuals dismissed the need for harvest restrictions.

Response: The Service has reviewed and considered all comments and recommendations received as a result of the February 15 Notice. Although there was a broad range of responses more comments favored stabilized regulations than any other harvest strategy. A recurring theme among supporters of stabilized regulations was that such regulations should be continued until the results of the recent 5-year study are compiled and analyzed, but that breeding population data should be monitored annually and any needed protection should be afforded breeding populations of mallards and northern pintails. Other comments noted that the 5-year stabilized regulations study was widely accepted by Flyway Councils, State wildlife agencies, and hunters, and that continuation of stabilized regulations would add to the existing study data base and would offer additional research opportunities.

Considerable support was also expressed for prescription regulations. In practice these functions somewhat like stabilized regulations but contain more action points and may be more specific in the response required. They may be effectively combined with stabilized regulations frameworks.

The Service notes the comments of the Pacific Flyway Council and Central Flyway Council in regards to harvest strategies. The specific Council recommendations will receive further consideration during the current regulatory cycle.

The individual comments contained many thoughts about the resource and the sport itself. There was, however, general support for some type of duck harvest restriction. A common recommendation was to reduce the bag limit on mallards, particularly hens, and/or pintails.

Based on the preceding comments and on discussions with our Canadian counterparts, the Canadian Wildlife Service (CWS), the Service believes the needs of the duck resource and the resource users can best be served by a continuation of some form of a stabilized regulations strategy until the results of the 5-year cooperative study become available. There are, however, strong concerns in the United States and Canada regarding current population levels of mallards and northern pintails. These concerns were first expressed in 1984 and more recently in the February 15 and March 14, 1985, **Federal Register**. While waterfowl hunting regulations in the United States and Canada are the individual responsibility of each country, waterfowl are a shared resource. The Service and CWS believe that minimum breeding population levels need to be identified for selected major species. These levels should reflect current population management objectives that can be endorsed by both countries. Below such minimum (fail-safe) population levels, joint international attention would be directed to the problem. Long-term management has been and will continue to focus on maintaining populations above these minimums, but action strategies which are triggered by populations below minimum levels would provide a means for short-term responses to periodic population fluctuations. The absence of a common minimum population level for mallards hindered discussions between the United States and Canada on appropriate regulatory actions in 1984-85—the final year of the stabilized regulations study in both countries. International agreement on minimum

population levels, especially for mallards and northern pintails, is desirable prior to the deliberations and eventual decisions on 1985-86 duck hunting regulations in the United States and Canada. Both countries recognize, however, that loss and degradation of the waterfowl habitat base is the most pressing long-range problem.

The concern for these two species results from the very low levels of their breeding populations in 1984, the importance of these ducks in numbers and in the continental harvest, and the deterioration of much of the central prairie breeding habitat as a result of extended drought since 1982. Intensive study of habitat conditions during the stabilized regulations has shown accelerated modifications in breeding marsh habitat during the prolonged drought. While some of this change may be temporary, the quality and quantity of habitat available for waterfowl use likely will remain reduced for more than one year when water conditions improve.

The Service therefore proposes to consider, as interim guidelines, the minimum population levels contained in the following strategies during discussions of 1985 regulations for mallards and northern pintails. Note that in each strategy more liberal regulations would be established only when populations levels show positive signs of substantial recovery.

Mallards: If the breeding population of mallards in the surveyed area of Canada and the United States falls below 6.5 million, the CWS and the Service will solicit the cooperation of the Provinces of Alberta, Saskatchewan, and Manitoba, and the Atlantic, Mississippi, Central, and Pacific Flyways, in initiating regulations designed to reduce harvests on mallards of mid-continent origin by at least 25 percent from those which would have been expected had regulations remained unchanged, from the previous year, during that year's hunting season. The harvest reduction would remain in effect until the breeding population reaches or exceeds 7.5 million mallards in the surveyed area. Upon reaching these levels, the restrictions could be removed. Harvest regulations to implement this reduction would be developed through the normal regulatory process of each country.

Northern Pintails: If the breeding population of northern pintails in the surveyed area of Canada and the United States falls below 4 million, the CWS and the Service will solicit the cooperation of the Provinces of Alberta, Saskatchewan, and Manitoba and the Mississippi, Central, and Pacific

Flyways, in initiating regulations designed to reduce harvests on northern pintails by at least 25 percent from those which would have been expected had regulations remained unchanged, from the previous year, during that year's hunting season. The harvest reduction would remain in effect until the breeding population reaches or exceeds 4.7 million northern pintails in the surveyed area. Upon reaching these levels, the restrictions could be removed. Harvest regulations to implement this reduction would be developed through the normal regulatory process of each country.

Agreement on these strategies for minimum populations of mallards and northern pintails and harvest reduction objectives if populations fall below those minimum levels would establish strategies for action that could occur in 1985. A decision whether to employ these strategies will be made through the normal regulatory process, including cooperative evaluation of survey and harvest data. Further, the means of reducing harvest would be developed for each Flyway with the full participation of Flyway Councils and all interested parties, and would address species of concern. It may also be necessary to reduce the harvest of other species.

The Service emphasizes the question of appropriate harvest strategies for 1985-86 and beyond and remains open for further comment.

Note.—The following items are discussed under headings corresponding to the numbered items in the March 14, 1985 Federal Register (50 FR 10276).

2. *Framework dates for ducks and geese in the continental United States.* The Service corrects the sentence on the exception to the framework dates for Canada geese in the Mississippi Flyway in the March 14, 1985, Federal Register (at 50 FR 10283) as follows: *In Mississippi and designated western areas of Kentucky and Tennessee the Canada goose season framework extends to January 31, 1986.*

By letter dated March 14, 1985, Mississippi requested continuation of their experimental waterfowl framework extension during the 1985-86 duck hunting season while awaiting final harvest data from the 1984-85 duck hunting season and preparing their final report on the 6-year study.

By letter of March 19, 1985, the Lower Region Regulations Committee of the Mississippi Flyway Council recommended a January 31 framework closing date for duck hunting in all lower region States (Kentucky, Tennessee, Arkansas, Louisiana, Mississippi and Alabama) unless the

Mississippi framework extension experiment documents unacceptable impacts on duck resources. The Committee also recommended a January 31 framework closing date for all Canada goose hunting in Alabama, Kentucky, Mississippi, and Tennessee, and a January 31 framework closing date for all goose hunting in Arkansas.

The Upper Region Regulations Committee of the Mississippi Flyway Council by letter dated April 16, 1985, recommended that the September 28 framework opening date for goose hunting in the western portion of Michigan's Upper Peninsula (UP) be expanded to include the entire UP.

Response: The Service desires that Mississippi's final report on their experimental duck season framework extension include data from all six years of the study and, further, that the report be completed in time for a decision about future framework dates prior to the establishment of regulations frameworks for the 1986-87 waterfowl hunting season. The recent prolonged drought on the duck breeding grounds of prairie Canada and the declining status of mallards has raised the concern of the Service and other wildlife agencies and organizations. The potential for late hunting seasons to increase mallard harvest and adversely impact ducks during a critical stage of their life cycle is of particular concern. Because of this, the Service proposes that the 1985-86 framework closing date for duck hunting in Mississippi return to that which is established for the Mississippi Flyway.

The Service notes the recommendation of the Mississippi Flyway Council Lower Region Regulations Committee regarding a later season for duck hunting in all States of the Lower Region. The Service feels that later duck seasons in other areas should not be considered until the final report on the Mississippi study and other information relating to the potential impact of late hunting seasons are evaluated. In regard to the Committee's recommendations concerning the extension of the framework closing date for geese, the Service believes this management strategy deserves further review. Although numerous late frameworks now exist for geese, the expansion of such late seasons must be considered in light of the management objectives for the various flocks. The Service believes the extension of goose season frameworks in Lower Region States should be deferred pending additional review.

In 1983 the U.S. Fish and Wildlife Service concurred with a recommendation from the Upper Region

Regulations Committee for an experimental late-September framework opening date for goose hunting in the western Upper Peninsula of Michigan. The 1985-86 waterfowl season is the final year of the scheduled 3-year study. The Service believes expanding the early goose season option to other areas should be deferred until Michigan's ongoing goose season framework extension study has been completed and their final report has been submitted to and evaluated by the Service and Mississippi Flyway Council.

8. Experimental September duck seasons. The Lower Region Regulations Committee of the Mississippi Flyway Council, by letter dated March 19, 1985, recommended that early September duck seasons be made available to all lower region States pending the evaluation of experimental seasons in Kentucky and Tennessee. The Committee also recommended that the experimental September duck seasons in Kentucky and Tennessee be continued through the 1985 hunting season in order to collect additional information on the effects of early seasons on survival rates of wood ducks.

By letter dated April 16, 1985, the Mississippi Flyway Council Upper Region Regulations Committee endorsed a request from Iowa that the State's experimental September duck season be continued through the 1985 hunting season while they prepare their final report on the 6-year study.

In the March 14, 1985, *Federal Register* (at 50 FR 10284) the Service gave notice of Florida's request for operational status of their experimental September duck season and noted that Florida's request had not received Atlantic Flyway Council review. Although the Atlantic Flyway Council has not provided recommendations on the September duck season in Florida, the Service proposes to continue it as an experimental season in 1985.

Response: The Service agrees with the Lower Region Regulations Committee that additional information is needed regarding the effects of the September duck seasons in Kentucky and Tennessee and proposes to continue these experimental seasons in 1985.

The Service supports the recommendation by the Upper Region Regulations Committee to continue the experimental September duck season in Iowa in 1985.

9. Special scaup season. By letter dated March 21, 1985, Florida requested permission to expand their Indian River Scaup Season Zone to include an area immediately adjacent to the existing zone because of significant annual

concentrations of wintering scaup in the area in recent years. The new zone would be described as follows: "All open waters * * * (the) Indian River from the Titusville Causeway (SR 406) south, and all open waters of the Banana River and Newfound Harbor from the SR 520 causeway south."

Response: The Service defers action on this request pending its review by the Atlantic Flyway Council.

12. Canvasback and redhead ducks. New Jersey, by letter dated March 14, 1985, requested that the framework for their experimental special canvasback season, presently the last 11 days of the regular duck season, be changed to the last 11 days of their scaup-only season. The State expressed concern that hunter success and interest in the experimental canvasback season has been declining and may adversely affect their experimental season evaluation methods. Approval of New Jersey's request would permit a later canvasback season which they believe would be at a time when more canvasbacks might be present, hunter opportunity and interest would increase, and the State could maintain its season evaluation procedures.

By letter of April 9, 1985, the LaCrosse County Conservation Alliance (Wisconsin) requested the canvasback hunting closure in Wisconsin's Mississippi River Zone be removed.

Response: The 1985-86 season is the final year of a scheduled 3-year experimental special canvasback season in New Jersey. The Service cannot support a change in the frameworks of this ongoing experimental canvasback season until the experiment has been completed and evaluated.

The Service will review the Alliance's request but notes that a recommendation for removal of the canvasback hunting closure in Wisconsin's Mississippi River Zone has not been received from either the State or the Mississippi Flyway Council.

13. Duck Zones. Vermont, by letter dated March 6, 1985, submitted a proposal for a 3-year zoning experiment commencing with the 1985-86 waterfowl hunting season. The Lake Champlain portion of New York presently accepts the annual waterfowl season regulations chosen by Vermont. By mutual agreement, the authority for season selection in the proposed Lake Champlain Waterfowl Zone would rest with Vermont. By letter dated February 12, 1985, New York expressed support for Vermont's zoning proposal which identified the following zones:

Lake Champlain Waterfowl Zone. The proposed zone includes the United State's portion of Lake Champlain and

those portions of New York and Vermont as follows:

New York: Includes that part of New York lying east and north of a boundary running south from the Canadian border along New York Route 9B to New York Route 9 south of Champlain; south on New York Route 9 to New York Route 22 south of Keeseville; south on New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22; south on New York Route 22 to U.S. Highway 4 at Whitehall; and east on U.S. Highway 4 to the Vermont border.

Vermont: Includes that portion of Vermont lying west and north of a boundary running south from the Canadian border along Interstate Highway 89 to Exit 16 at U.S. Highway 7; south on U.S. Highway 7 to Vermont Route 22A; south on Vermont Route 22A to U.S. Highway 4; and west on U.S. Highway 4 to the New York border.

Remainder of State Zone. That area of Vermont not previously described. At their March 17, 1985, meeting the Atlantic Flyway Council endorsed Vermont's request to establish a Lake Champlain Zone for duck hunting.

Colorado, by letter dated March 11, 1985, submitted a proposal for a 3-year zoning experiment in the Pacific Flyway portions of Colorado. Colorado proposed the following zones:

Zone 1. Consists of the counties of Garfield, Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, Montezuma, San Juan, LaPlata, that portion of Hinsdale and Mineral Counties south and west of the Continental Divide, and that portion of Archuleta County west of the Continental Divide.

Zone 2. Consist of the remainder of the Pacific Flyway portion of Colorado.

The Mississippi Flyway Council Upper Region Regulations Committee, by letter dated April 16, 1985, endorsed an Indiana request for minor boundary changes in the State's experimental duck hunting zones. Indiana proposed the following:

North Zone: That portion of the State north of a line beginning at State Highway 18 at the Illinois state line; east on State Highway 18 to U.S. Highway 31; north on U.S. Highway 31 to U.S. Highway 24; east on U.S. Highway 24 to U.S. Highway 224 at Huntington; southeast on U.S. Highway 224 to the Ohio state line.

South Zone: That portion of the State between the North and Ohio River Zone boundaries.

Ohio River Zone: That portion of the State south of a line beginning at Interstate Highway 64 at the Illinois state line; east on Interstate Highway 64 to State Route 62; east on State Route 62 to State Route 56; east on State Route 56 to State Route 156 at Vevay; east on State Route 156 to State Route 56; east on State Route 56 to U.S. Highway 50; east on U.S. Highway 50 to the Ohio state line.

Two replies were received to the Service's solicitation in 50 FR 10285

dated March 14, 1985, for additional consultation on Louisiana duck hunting regulations. The Mississippi Flyway Upper Region Regulations Committee expressed opposition to the Service proposal to allow Louisiana to zone their State east to west with Central Flyway duck season length in the West zone and Mississippi Flyway duck season length in the East zone and Mississippi Flyway bag limits in both zones. The Central Flyway Council recommended that the Service not implement the Service proposal put forth on June 13, 1984 (at 49 FR 24421), and that the duck season framework for all of Louisiana be that of the Mississippi Flyway. Further, the council requested additional consultation with the Service regarding the Louisiana report and proposal.

Response: Information available from the Service's harvest survey and banding programs generally provides for broad management decisions but in some cases has not been fully satisfactory for evaluation of experimental seasons. Future studies will likely require additional special data gathering programs to insure that suitable evaluations can be made. The Service believes it is time to assess the cumulative effect of zoning and other special management strategies on the resource, and review existing criteria for evaluation of experimental seasons with each Flyway Council. Until some better-informed judgments can be made, the Service believes that present zones should not be modified and no new duck zoning studies should be initiated. The Service intends to raise this issue for discussion at Flyway Council meetings in July.

The Service recognizes the long-term unified waterfowl season in the Lake Champlain area of Vermont and New York and believes such action represents a practical approach to waterfowl management there. Because of the desire announced above to delay further zoning studies the Service does not support the Vermont request. It is noted that the uniform season arrangement in New York and Vermont has been effective to date without recourse to zoning. The Service suggests available options such as split seasons be explored by Vermont as a means of continuing the Lake Champlain season.

The Colorado request for a new zone has not been reviewed by the Pacific Flyway Council. Further, because of interest in assessing duck zones, the Service does not support this request.

The Service recognizes that the proposed zone changes in Indiana appear relatively minor and that measures of harvest may not be

sensitive enough to reflect any change as a result of such boundary changes. It is noted, however, that Indiana operated under 2 zones with no splits during the period 1977-1982. In 1983 the State initiated a study of 2 zones with the option to split the season within zones and changed this to 3 zones with the split season option in 1984. The State now proposes to modify the boundaries between the 3 zones and continue the option to split seasons within zones. The Memorandum of Agreement concerning this zoning study calls for joint State-Service analysis of harvest and hunter activity data. Measures of harvest and hunter activity may not be sensitive enough to evaluate the 3-zone split-season experimental study in Indiana even if the study were to continue for three years without change; annual changes in the study will be even more likely to preclude a meaningful evaluation. For these reasons the Service proposes to continue the zoning experiment in Indiana with boundaries unchanged from those used in 1984.

In the September 14, 1984, **Federal Register** (at 49 FR 36277) the Service identified 7 areas of concern that were noted in the 22 comments received in opposition to the proposal to apply Central Flyway duck season length and Mississippi Flyway bag limits to the West Zone in Louisiana beginning in the 1985-86 duck hunting season. The Service intends to fully explore those concerns in an Environmental Assessment targeted for publication in early 1986. The Service will consult with the flyway councils during their summer meetings (July) on the various concerns that have been expressed about the proposed duck hunting regulations for Louisiana. Because of these Service initiatives and the reduced number of mallards and northern pintails breeding on the prairies of west central Canada, the Service believes a decision on the proposed duck hunting regulations for Louisiana should be deferred in 1985 to provide all interested parties time to further review and evaluate all issues. Therefore, the Service proposes no change, at this time, in the 1985-86 duck hunting season frameworks for Louisiana from those of 1984-85.

14. *Goose and brant seasons.* The Service corrects the first sentence of the statement on Central Flyway goose hunting regulations in the July 1, 1980, **Federal Register** (at 45 FR 44545) as follows: *The Central Flyway Council proposed that season, bag and possession limits for dark and light geese be established independently,* * * * The omission of "season" was an oversight.

The Central Flyway Council, by letter dated April 25, 1985, recommended that Kansas be given the option to establish management units for setting light goose (includes snow, blue, and Ross') hunting seasons. Kansas had requested the following units:

Unit 1. Consists of that area of Kansas east of U.S. Highway 75 and north of Interstate Highway 70.

Unit 2. Consists of the remainder of the State.

By establishing these two units, the northeast area of Kansas would be able to continue to take advantage of the opportunity of the extended light goose hunting framework initiated in 1984, while the remainder of the State could take advantage of an early, more traditional light goose hunting season. The Council indicated Kansas' proposal is consistent with objectives and strategies of the Mid-Continent Snow Goose Management Plan.

By letter dated April 9 and April 17, 1985, respectively, the LaCrosse County Conservation Alliance and a Congressional representative from Wisconsin expressed their support for Wisconsin's request, as noted in the March 14, 1985, **Federal Register** at 50 FR 10286, for a 70-day Canada goose season in the State's Mississippi River Zone.

By letter dated April 22, 1985, the Wisconsin Department of Natural Resources expressed their concern for the increasing Canada goose depredation problems in the vicinity of Horicon National Wildlife Refuge. The State contends that the 25-day season in 1984 magnified the depredation problems in Wisconsin because landowners could not use hunting as a tool to keep geese off key crop fields for the usual 40-day period. As a short-term solution to this problem the State seeks a 40-day hunting season in the Horicon and Central zones to occur within the periods October 12-November 16 and December 7-15.

Wisconsin believes long term approaches to the depredation problems should consider placing future quota increases into the Horicon Zone, improved depredations control techniques, and longer season options with multiple splits or day hunts.

Wisconsin reports it is necessary to order goose application forms and tags soon. In the absence of any action by the Mississippi Flyway Council MVP (Mississippi Valley Population of Canada geese) Committee in March the State seeks Service agreement on these recommendations.

Response: The Service concurs with the Central Flyway Council recommendation regarding light goose hunting in Kansas.

The Service remains hopeful that additional recommendations concerning management of MVP geese will be forthcoming from the Mississippi Flyway Council. Discussions between the Service and States are proceeding however, in an effort to improve the management of this flock while recognizing individual State needs. The Mississippi River Zone in Wisconsin will be considered in a later document.

The Service recognizes the importance of goose depredation problems in Wisconsin and elsewhere. However, the recommendation by Wisconsin represents a sharp departure from the regulations jointly developed with the MVP States in 1984. The Service believes it essential to consider comments from all sources before reaching a decision on the Wisconsin proposal, and defers action until the late-season regulations are considered in August.

16. *Sandhill cranes.* The Pacific Flyway Council, by letter dated April 11, 1985, and the Central Flyway Council, by letter dated April 25, 1985, recommended the experimental sandhill crane-Canada goose season in Lincoln County, Wyoming be given operational status but the framework dates be changed from September 1-14 to September 1-22. The Pacific Flyway Council also recommended the experimental sandhill crane season in Arizona be given operational status but the season length framework be changed from 4 days to 6 days.

Response: The Service concurs with the recommendations of both Councils for operational status of the two experimental seasons and the minor framework change in each.

21. *Woodcock.* Twenty-one State conservation agencies and 7 individuals submitted written comments on the proposed changes (reductions) in daily bag, season length, and season framework for woodcock in Atlantic Flyway States. Comments addressed the changes as proposed in the March 14, 1985, *Federal Register* (50 FR 10287) and as discussed in greater detail in the Environmental Assessment "Proposed Hunting Regulations on Eastern Population of Woodcock, 1985" announced in the February 5, 1985, *Federal Register* (50 FR 4994).

The States of Rhode Island, New Hampshire, North Carolina, Florida, West Virginia, Massachusetts, Oklahoma, Connecticut, Illinois, Maine, New York, Vermont, South Carolina, Indiana, Virginia, and Pennsylvania

expressly or implicitly endorsed the proposed changes.

Tennessee agreed in principle to the need for regulatory changes in the Atlantic Flyway, but requested that there be no changes in the Mississippi Flyway.

Texas did not endorse the proposed changes on the grounds that they were not restrictive enough to effectively reduce harvests of woodcock. The State recommended reducing the daily bag limit to 1 or 2, or closing the season entirely. Additionally, West Virginia and Connecticut, who generally endorsed the proposed changes, suggested that further restrictions may be desirable.

Louisiana, New Jersey, and Maryland did not endorse the proposed changes in hunting regulations principally on the grounds that such changes may be ineffective and inappropriate because unfavorable habitat change, not hunting, is the underlying cause of the decline of woodcock in the Atlantic Flyway.

Vermont, while generally endorsing the proposed changes, requested exception from the October 1 framework opening date so that they may open their woodcock season on the last Saturday of September concurrent with the State's hunting seasons on resident game species. New Jersey requested exemption from the 10-day penalty normally taken by them for selecting zoning as a woodcock harvest strategy.

Several States commented on the adequacy of woodcock survey data and urged the Service to improve or develop methods for monitoring population status, hunter success, and, in particular, for estimating harvest at the national level.

Six individuals commented on the Environmental Assessment and the proposed changes. Detailed technical comments and observations regarding a variety of woodcock ecology and management issues were offered by 3 of the individuals that will be responded to outside of this document. Based on personal data and observations, 2 individuals urged the Service restrict woodcock hunting regulations while 1 individual questioned the reported decline in woodcock numbers and the necessity of harvest restrictions.

Response: The proposed changes represent a significant reduction in opportunities to harvest woodcock and likely will significantly reduce harvests of woodcock. Effecting further harvest reductions would require severe restrictions that do not appear to be warranted at this time. More restrictive regulations would disproportionately affect States and categories of hunters as discussed in detail in the

Environmental Assessment, page 10 under "Impacts of Alternatives Other Than the Proposed Action." More restrictive regulations would likely be opposed by many woodcock hunters and State conservation agencies.

The Service recognizes that long-term loss of breeding habitat has been the fundamental cause of the decline of woodcock in the Atlantic Flyway and that relationships among hunting regulations, harvests, and the decline are not understood well. Nonetheless, various sources of information on hunter success indicate that this population is no longer capable of sustaining former levels of harvest. The Service believes that the proposed regulatory changes are necessary to bring harvest opportunities to a level commensurate with the current population status. The changes cannot assure a positive response in the woodcock population but will provide a margin of security in the uncertainty of whether and how harvests come into play in the decline of Atlantic Flyway woodcock.

The Service does not favor Vermont's request for a framework opening date of the last Saturday in September and believes that the option for New Jersey to zone for woodcock hunting should continue to include a 10-day penalty applied to the framework season length.

The Service recognizes that while the existing woodcock surveys generally have provided satisfactory results, some refinements are possible. Work on improving procedures for analyzing singing-ground survey data is near completion, and the Service proposes to begin similar work to improve use of wing-collection survey data. Improved procedures for monitoring hunter success, an important factor to be considered in evaluating effects of the proposed regulatory changes, will be developed. The Service also is testing the feasibility of estimating harvests of woodcock and other migratory game birds by adjusting certain data from existing State and Federal harvest surveys. At this time the Service prefers taking this approach to the problem rather than by instituting a mandatory permit or stamp to be required by hunters.

25. *Migratory bird hunting seasons in Alaska.* By letter dated April 11, 1985, the Pacific Flyway Council recommended no change in season frameworks for Alaska except that the sandhill crane bag limits framework be increased to 3 sandhill cranes per day and 6 in possession.

Response: The Service concurs with the recommendation.

29. Migratory Bird Hunting on Indian Reservations and Ceded Lands

In the March 23, 1984 Federal Register (49 FR 11125-11126), the Service announced the intention to permit more flexibility in migratory bird hunting regulations for Indians on Federal Indian reservations. The Service proposed guidelines that would permit tribes with recognized reserved hunting rights to select season dates that differed from those in the surrounding State(s) with respect to the times when hunting seasons may occur for migratory game birds for which hunting is permitted under Federal regulations. In all other respects (e.g., season length, bag limits, and basic regulations), the 1984 proposed guidelines would have required the adoption of regulations that are consistent with those established by the Fish and Wildlife Service in the general frameworks for migratory bird hunting. Under the March 23 proposal, the special regulations would apply only to tribal members on Federal Indian reservations, and non-Indians or non-tribal members would continue to be subject to the regulations established for application elsewhere in the State. In presenting the guidelines, the Service emphasized the need for a comprehensive and coordinated approach to management of migratory birds and asked that any tribal proposal be accompanied by a detailed evaluation plan.

The Service received 15 letters concerning the proposed guidelines from Indian tribal officials or their attorneys. Ten letters related to Chippewa bands on four reservations in Minnesota and the Wisconsin Chippewa tribes. The remainder came from the Colorado River Indian Tribes, Parker, Arizona; San Carlos Indian Tribe, San Carlos, Arizona; White Mountain Apache Tribe, Whiteriver, Arizona; Navajo Nation, Window Rock, Arizona; and the Penobscot Nation, Old Town, Maine. The Service also received letters from the Pacific Flyway Council and from conservation agency officials in 17 States.

State letters expressed concern regarding the cumulative adverse effects that special regulations might have on waterfowl populations if a large number of tribes participated, and most States urged that proposals be reviewed by flyway councils before any special seasons are approved. Indian tribes supported the Service's efforts to accommodate their reserved hunting rights. However, they requested greater flexibility than the Service proposed, as described below.

Four tribes (Colorado River, Navajo, San Carlos Apache, and White

Mountain Apache) contended that they have gained recognized authority to manage wildlife resources on their reservations as a result of recent Federal court decisions, and that their management options are not limited by hunting regulations established by State(s) in which the reservations are located. The Penobscot Nation pointed out that settlement of its Native claims granted the tribe full wildlife management authority on its Indian Territory, as well as on its smaller reservation. All of these tribes wanted the option of allowing both tribal and non-tribal members to hunt migratory birds on their reservations (or Indian Territory) on dates that are within annual Federal frameworks but that may differ from those established in States in which the reservations are located. Two tribes made specific proposals; the Navajo Nation requested uniform hunting regulations for both tribal and non-tribal members throughout its reservation (in parts of Arizona, New Mexico, and Utah). The White Mountain Apache Tribe requested a September opening of the bandtailed pigeon season for both tribal and non-tribal hunters on its reservation. The season dates requested by both tribes are within Federal frameworks but differ from those in the surrounding State(s).

Chippewa tribes in Minnesota and Wisconsin asked for more accommodation for tribal members only. The Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin, representing six Wisconsin Chippewa tribes, pointed out that the tribes have gained a judicially recognized right to hunt on ceded lands and wished to establish a migratory bird hunting season for tribal members on these lands in Wisconsin. The Commission indicated that the tribes want an earlier and longer season for ducks and other species that usually are not hunted in Wisconsin until October. The Commission also requested more flexibility in daily bag and possession limits for Canada geese, but stated that the tribes would observe other Federal regulations. Finally, four bands of the Minnesota Chippewa Tribe (Grand Portage, Leech Lake, Mille Lacs, and White Earth) stressed that their members are not bound by migratory bird hunting regulations established for States and waterfowl flyways.

In summary, the tribal requests can be categorized into three types: (1) On-reservation hunting (including Indian Territory) by both tribal and non-tribal members, with hunting by non-tribal members to take place within Federal frameworks but on dates different from

those selected by surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks; 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.

After reviewing the communications received in response to the March 1984 criteria, the Service proposes now to establish the following revised guidelines that would apply to tribes with recognized reserved hunting rights:

A. On-reservation hunting, tribal and non-tribal members. On Federal reservations and Indian Territory where tribes have full wildlife management authority over hunting by tribal and non-tribal members, or where the surrounding State(s) have no objections, the Service may establish hunting seasons for both tribal and non-tribal members that may differ from those in the State(s) in which the reservations are located. Opening and closing dates and season length for non-tribal members on these reservations would still have to be within the annual frameworks for migratory bird hunting seasons established by the Fish and Wildlife Service, and all other Federal regulations also would apply to non-tribal hunters (bag and possession limits and basic regulations). Season length and opening and closing dates for hunting by tribal members on their reservations could be established in accordance with proposed guideline B, below. On reservations where tribes do not have full management authority over hunting by non-tribal members or have not received State approval, non-tribal members could hunt on the reservation only when the season also is open in the surrounding State(s), and non-tribal hunters would be bound by all other migratory bird hunting regulations established in the State(s). This guideline will accommodate requests made by the Navajo Nation and White Mountain Apache Tribe. These two tribes indicated that the proposed hunting regulations on their reservations would apply to both tribal and non-tribal members. However, other tribes with recognized reserved hunting rights and management authority could request regulations that differed for tribal and non-tribal members.

B. On-reservation hunting, tribal members only. The Service may establish earlier opening or later closing dates and longer migratory bird hunting seasons for tribal members to hunt within the boundaries of Federal Indian reservations. Such earlier openings

could be outside of usual Federal frameworks but would still have to be consistent with the closed season requirements of the 1916 Migratory Bird Treaty with Canada. The Service would negotiate with tribes that request bag limits different than those provided in Federal frameworks. These special regulations would be available only for tribes that have recognized reserved hunting rights. Based on comments received from tribes, the Service anticipates that most seasons permitted under this guideline will begin in mid-September and end when the migratory bird season closes in the surrounding State(s). This guideline should accommodate opening date and season length requests from the various bands of the Minnesota Chippewa Tribe.

C. Off-reservation hunting on ceded lands, tribal members only. In consultation with tribes and the affected State(s), the Service may establish earlier opening or later closing dates and longer migratory bird hunting seasons for tribal members with a judicially recognized right to hunt on ceded lands. As is the case in paragraph B above, such openings could be outside of the usual Federal frameworks but would have to be otherwise consistent with the closed season provisions of the 1916 Migratory Bird Treaty with Canada. The Service would negotiate with tribes that request bag limits different than those provided in Federal frameworks. The special regulations would apply only to ceded lands now in public ownership. Non-tribal members would be permitted to hunt on ceded lands only at times when the State migratory bird season is open on these lands. The Service anticipates that such seasons for tribal members generally would begin in mid-September and end with closure of the regular State migratory bird hunting season. This guideline should provide the flexibility in opening date and season length requested by the Great Lakes Indian Fish and Wildlife Commission (for the Wisconsin Chippewa tribes).

Tribes that wish to establish special migratory bird hunting seasons under any of these guidelines should submit a proposal to the Office of Migratory Bird Management (MBMO) with a copy to the appropriate Service regional office shown at the end of this document. The proposal should include (1) the requested hunting season dates and other details regarding regulations to be observed; (2) harvest anticipated under the requested regulations; (3) methods that will be employed to measure or monitor harvest; (4) steps that will be taken to limit level of harvest, where it

could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations. The Service will review proposals on a case-by-case basis and may request modifications based on the conservation needs of the affected species. In most instances, hunting regulations approved by the Service will be established on an experimental basis until harvest estimates have evaluated and confirmed.

Before developing these proposed revised guidelines, the Service prepared a draft environmental assessment that addresses Indian hunting rights, reviews available information on the current status of migratory bird hunting on Federal Indian reservations, and evaluates the impact that adoption of the proposed new guidelines likely will have on migratory birds. Copies of the assessment may be obtained from MBMO. Written comments and suggestions concerning the assessment should be sent to MBMO by July 8, 1985. Comments and tribal requests concerning the proposed guidelines for migratory bird hunting on Indian reservations and ceded lands must be received no later than July 1, 1985.

Generally, the Service believes that the guidelines, when made final, will provide appropriate flexibility for Indian tribes to exercise their reserved hunting rights, and that it is unlikely that adoption of the new criteria would adversely impact the population status of migratory birds. The remaining area of concern relates to special hunting seasons that could be established on reservations where tribes have management authority over non-tribal hunters and wish to develop hunting programs for non-tribal members. A large influx of non-tribal hunters onto a given reservation at a time when the season is closed in the surrounding State(s) could result in excessive

adverse harvests for a particular species. The requests received thus far from tribes with this authority are unlikely to result in such adverse impacts, however, and the Service intends to establish experimental season dates on the Navajo, White Mountain Apache, and possibly on other such reservations, beginning with the 1985-86 hunting season. Nevertheless, given the potential for adverse impacts to occur, all requests for special seasons which involve non-tribal hunters will be strictly scrutinized and dealt with on a case-by-case basis.

The Service also plans to continue discussions with the Chippewa Tribe in Minnesota and with the Great Lakes Indian Fish and Wildlife Commission and Wisconsin Department of Natural Resources, with the aim of developing mutually acceptable daily bag and possession limits and other hunting regulations that can be implemented during the 1985-86 hunting season, or as soon thereafter as possible. Regulations established under these guidelines may be implemented through a Memorandum of Understanding with a given band or tribe.

The question of special migratory bird hunting regulations on Indian reservations and ceded lands is complex, and unforeseen circumstances may arise that are not adequately addressed in the guidelines proposed here. However, these proposed guidelines may serve to clarify situations where special regulations are appropriate, as well as where they are not. Migratory birds are an international resource and their conservation is of paramount concern. It is essential that the Service, tribes, and flyway councils cooperate closely on this important issue. The Service intends to pursue ways in which this can best be accomplished within the present system of developing and implementing migratory bird hunting regulations.

FISH AND WILDLIFE SERVICE REGIONAL OFFICES

[Address Regional Director, U.S. Fish and Wildlife Service]

States	Address	Telephone
California, Hawaii, Idaho, Nevada, Oregon, Washington	Lloyd 500 Bldg., Suite 1692, 500 NE Multnomah Street, Portland, OR 97232.	503/231-6118
Arizona, New Mexico, Oklahoma, Texas	P.O. Box 1306, 500 Gold Avenue SW-Rm. 1306, Albuquerque, NM 87103.	505/766-2321
Iowa, Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Wisconsin	Federal Building, Fort Snelling, Twin Cities, MN 55111.	612/725-3563
Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee	Richard B. Russell Fed. Bldg., Room 1200, 75 Spring Street SW, Atlanta, GA 30303.	404/221-3588
Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	One Gateway Center, Suite 700, Newton, Corner, MA 02158.	617/965-5100
Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25466, Denver Federal Center, Denver, CO 80225.	303/236-7920
Alaska	1011 E. Tudor Road, Anchorage, AK 99503	907/786-3542

Public Comment Invited

Based on the results of migratory game bird studies now in progress and with due consideration for any data or views submitted by interested parties, the possible amendments resulting from this supplemental rulemaking will specify open seasons, shooting hours, and bag and possession limits for designated migratory game birds in the United States, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point enough in the summer to allow affected State agencies to appropriately adjust their licensing the regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate in the rulemaking process by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Man Interior Building, Room 3252, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 536, Matomic Building, 1717 H Street, N.W., Washington, D.C.

All relevant comments on proposals will be considered provided those for Alaska, Hawaii, Puerto Rico, and the Virgin Islands are received no later than

June 20, 1985; those on early season proposals (except Alaska, Hawaii, Puerto Rico, and the Virgin Islands) are received no later than July 15, 1985; and those on late season proposals are received by August 19, 1985. Comments and tribal requests concerning the proposed guidelines for migratory bird hunting on Indian reservations and ceded lands will be considered provided they are received no later than July 1, 1985. The Service will consider all comments, but substantive response to individual comments may not be provided.

Flyway Council Meetings

Department of the Interior representatives will be present at the following meetings of flyway councils:

Atlantic Flyway—Cherry Hill, NJ (Hyatt Cherry Hill Hotel) July 29–30

Mississippi Flyway—Indianapolis, IN (Speedway Motel) July 28–29

Central Flyway—Bismarck, ND (Kirkwood Motor Inn) July 28–30

Pacific Flyway—Reno, NV (Sundowner Hotel) July 28

Although agendas are not yet available, these meetings usually commence at 8:30 to 9 a.m. on the days indicated, however, the Central Flyway Council meeting will commence at 10 a.m., July 28

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with Council on Environmental Quality on June 6, 1975, and notice of availability was published in *Federal Register* on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service at the address indicated above.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical."

Section 7 consultations are presently underway regarding both the early and

late season regulatory proposals. It is possible that the findings from the consultation, which will be included in a biological opinion, may cause modification of some of the regulatory measures proposed in this document. Any modifications that may be desirable will be reflected in the final frameworks for Alaska, Puerto Rico, and the Virgin Islands, scheduled for publication in the *Federal Register* on or about July 11, 1985; those for other early seasons on or about July 26, 1985; and for later seasons on or about September 2, 1985.

Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats.

The Service's biological opinions resulting from its consultation under section 7 are considered public documents and are available for public inspection in the Office of Endangered Species, and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291

In the *Federal Register* dated March 14, 1985, (50 FR 10276), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the letter. This information is included in the present document by reference. As noted in the above *Federal Register* publication, the Service plans to issue its Memorandum of Law for the migratory bird hunting regulations at the same time the first of the annual hunting rules is finalized. This rule does not contain any information collection requiring approval by OMB under 44 U.S.C. 3504.

Authorship

The primary author of this proposed rulemaking is Morton M. Smith, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife, Exports, Imports, Transportation.

Dated May 30, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-13451 Filed 6-4-85; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 32

Refuge-Specific Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to amend certain regulations in 50 CFR Part 32 that pertain to migratory game bird, upland game, and big game hunting on individual national wildlife refuges. Refuge hunting programs are reviewed annually to determine whether the regulations governing individual refuges should be modified. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitats may warrant such amendments. The modifications would ensure the continued compatibility of hunting with the purposes for which the individual refuges involved were established and, to the extent practical, make refuge hunting programs consistent with State regulations.

DATE: Comments must be received on or before July 5, 1985.

ADDRESSES: Comments may be addressed to the Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Room 3252, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: James F. Gillett, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Room 2343, Washington, D.C. 20240; Telephone (202) 343-4311.

SUPPLEMENTARY INFORMATION: 50 CFR Part 32 contains the provisions that govern hunting on national wildlife refuges. Hunting is regulated on refuges for three basic reasons: (1) To properly manage the wildlife resource, (2) to protect other refuge values, and (3) to ensure refuge user safety. On many refuges, the Service policy of adopting State hunting regulations is an adequate way of meeting these objectives. On the other refuges, it is necessary for the Service to issue hunting regulations that supplement State regulations to ensure that the Service meets its management responsibilities, as outlined under the section entitled "Conformance with

Statutory and Regulatory Authorities." Refuge-specific hunting regulations are issued only at the time of, or after the determination and publication of, the opening of a wildlife refuge to migratory game bird, upland game, or big game hunting. These regulations may list the wildlife species that may be hunted, seasons, bag limits, methods of hunting, descriptions of open areas, and other provisions. On September 19, 1984, at 49 FR 36736, the Service codified refuge-specific regulations for migratory game bird, upland game, and big game hunting. Subsequent rulemakings at 49 FR 38642, 49 FR 37093, 49 FR 43549, and 49 FR 50049 corrected, amended, or added to these regulations.

The Service reviews refuge hunting programs annually to determine if modifications in the regulations governing individual refuge hunts are necessary. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitats may warrant that refuge-specific hunting regulations be modified, relaxed, or made more stringent. This ensures the continued compatibility of hunting with the purposes for which individual refuges were established and, to the extent practical, makes refuge hunting programs consistent with State regulations. This proposed rule would amend and supplement certain refuge-specific regulations in 50 CFR Part 32, §§ 32.12, 32.22, and 32.32, which pertain to migratory game bird, upland game, and big game hunting, respectively.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. It is, therefore, the purpose of this proposed rulemaking to seek public input regarding the proposed amendments to refuge-specific regulations for migratory game bird, upland game, and big game hunting. Accordingly, interested persons may submit written comments, suggestions, or objections concerning this proposal to the Associate Director—Wildlife Resources (address above) by the end of the comment period. All substantive comments will be considered by the Department prior to issuance of a final rule.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act of 1906, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the

Refuge Administration Act authorizes the Secretary of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with major purposes for which the areas were established.

The Refuge Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act.

Hunting plans are developed for each hunting program on a refuge prior to the opening of the refuge to hunting. In some cases, refuge-specific hunting regulations are included as a part of the hunting plan to ensure the compatibility of the hunting programs with the purposes for which the affected refuges were established. Initial compliance with the Refuge Administration and Refuge Recreation Acts is ensured when the hunting plans are developed, and the determinations required by these Acts are made prior to the addition of refuges to the lists of areas open to hunting in 50 CFR. Continued compliance is ensured by annual review of hunting programs and regulations.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The proposed amendments to the codified refuge-specific hunting regulations would make relatively minor adjustments to existing hunting programs. The regulations are not expected to have any gross economic effect and will not cause an increase in