

(2) Dates and locations of polar bear or walrus activity related to monitoring the effects of the activity; and

(3) Results of the monitoring activities including an estimate of the actual level of take.

**§ 18.128 Letters of Authorization.**

(a) Each person or entity conducting an oil and gas exploration, development, or production activity in the geographical area described in § 18.121, that may take a polar bear or walrus in execution of those activities, should apply for a Letter of Authorization for each exploration activity or a Letter of Authorization for each development and production area. The application for authorization must be submitted to the Service's Alaska Regional Director at least 90 days prior to the start of the proposed activity.

NOTE: The requirement that an application for a Letter of Authorization be filed at least 90 days before an activity is scheduled to begin becomes effective March 6, 1994. The final regulations in this subpart become effective December 16, 1993.

(b) When an application for a Letter of Authorization is submitted, it must include the following information:

(1) A description of the activity, the dates and duration, the specific location and the estimated area affected by that activity;

(2) A plan to monitor the behavior and effects of the activity on polar bear and walrus; and

(3) A polar bear awareness and interaction plan.

(4) Where relevant, a cooperation plan that describes the measures to be taken to mitigate potential conflicts between the proposed activity and subsistence hunting.

(c) In accordance with § 18.27(f), decisions made concerning withdrawals of Letters of Authorization, either on an individual or class basis, with regard to factors other than the term of Letters of Authorization, will be made only after notice and opportunity for public comment.

(d) The requirement for notice and public comment in § 18.128(c) will not apply should the Service determine that an emergency exists that poses a significant risk to the well-being of the

species or stock of polar bear or walrus.

**§ 18.129 Information collection requirements**

(a) The collections of information contained in this subpart have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and assigned clearance number 1018-0070. It is necessary to collect the information in order to describe the activity and estimate the cumulative impacts of potential takings by all persons conducting the activity. The information is used to evaluate the application and determine whether to issue specific regulations and, subsequently, Letters of Authorization.

(b) The public burden associated with the 5-year period potentially covered by this is estimated at 5,802 hours including 1,002 hours to complete the three applications for specific regulations (334 hours each), 720 hours to complete 90 applications for Letters of Authorization (8 hours each), 2,880 hours to comply with recordkeeping requirements associated with 90 Letters of Authorization, and 1,200 hours to complete 150 required annual reports (8 hours each). Direct comments regarding the burden estimate or any other aspect of this requirement to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop 224 ARLSQ, 1849 C Street, NW., Washington, DC 20240, and the Office of Management and Budget, Paperwork Reduction Project (1018-0070), Washington, DC 20503.

**PART 19—AIRBORNE HUNTING**

**Subpart A—Introduction**

Sec.

- 19.1 Purpose of regulations.
- 19.2 Scope of regulations.
- 19.3 Relation to other laws.
- 19.4 Definitions.

**Subpart B—Prohibitions**

- 19.11 General prohibitions.
- 19.12 Exceptions to general prohibitions.

§ 19.1

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**Subpart C—Federal Permits**

19.21 Limitation on Federal permits.

**Subpart D—State Permits and Annual Report Requirements**

19.31 State permits.

19.32 Annual reporting requirements.

AUTHORITY: Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742a–j–1).

SOURCE: 39 FR 1177, Jan. 4, 1974, unless otherwise noted.

**Subpart A—Introduction**

**§ 19.1 Purpose of regulations.**

The regulations contained in this part provide rules relative to the prohibition against shooting or harassing of wildlife from any aircraft, provide the requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and provide regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742a–j–1).

**§ 19.2 Scope of regulations.**

The regulations contained in this part apply to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas, and to all persons on board aircraft belonging in whole or in part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States, or any State, territory or possession thereof.

**§ 19.3 Relation to other laws.**

The exemptions to general prohibitions of the Fish and Wildlife Act of 1956, that permit airborne hunting in certain circumstances (See subpart B of this part) do not supersede, or authorize the violation of, other laws designed for the conservation or protection of wildlife, including those laws prohibiting the shooting or harassing of bald and golden eagles, polar bears and other marine mammals, migratory birds, and other wildlife, *except* to the extent that airborne hunting is author-

ized by regulations or permits issued under authority of those laws. (See e.g., § 21.41 of this subchapter.)

**§ 19.4 Definitions.**

In addition to definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this part 19:

*Harass* means to disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.

**Subpart B—Prohibitions**

**§ 19.11 General prohibitions.**

(a) Except as otherwise authorized by the Fish and Wildlife Act of 1956 as amended, no person shall:

(1) While airborne in any aircraft shoot or attempt to shoot for the purpose of capturing or killing any wildlife;

(2) Use an aircraft to harass any wildlife; or

(3) Knowingly participate in using an aircraft whether in the aircraft or on the ground for any purpose referred to in paragraph (a) (1) or (2) of this section.

(b) The acts prohibited in this section include, but are not limited to, any person who:

(1) Pilots or assists in the operation of an aircraft from which another person shoots or shoots at wildlife while airborne, or

(2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft.

**§ 19.12 Exceptions to general prohibitions.**

The prohibitions of the preceding section shall not apply to any person who:

(1) Is acting within the scope of his official duties as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops; or

(2) Is acting within the limitations of a permit referred to in § 19.21 or § 19.31 of this part.

**Subpart C—Federal Permits****§ 19.21 Limitation on Federal permits.**

No Federal permits will be issued to authorize any person to hunt, shoot, or harass any wildlife from an aircraft, except for Federal permits to scare or herd migratory birds referred to in § 21.41 of this subchapter.

**Subpart D—State Permits and Annual Report Requirements****§ 19.31 State permits.**

(a) Except as provided in § 19.3, States may issue permits to persons to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops. States may not issue permits for the purpose of sport hunting.

(b) Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

**§ 19.32 Annual reporting requirements.**

(a) Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

(b) The annual report required by this section shall contain the following information as to each such permit issued:

- (1) The name and address of each person to whom a permit was issued.
- (2) Permit number and inclusive dates during which permit was valid.
- (3) The aircraft number of the aircraft used and the location where such aircraft was based.
- (4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.

(5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.

(6) The common name and number of wildlife taken by permittees and State employees or agents.

(c) A compilation of all annual reports required by this section shall be made by the Director and furnished to any State filing such annual report.

**PART 20—MIGRATORY BIRD HUNTING****Subpart A—Introduction**

Sec.

- 20.1 Scope of regulations.  
20.2 Relation to other provisions.

**Subpart B—Definitions**

- 20.11 Meaning of terms.

**Subpart C—Taking**

- 20.20 Migratory Bird Harvest Information Program.  
20.21 Hunting methods.  
20.22 Closed seasons.  
20.23 Shooting hours.  
20.24 Daily limit.  
20.25 Wanton waste of migratory game birds.  
20.26 Emergency closures.

**Subpart D—Possession**

- 20.31 Prohibited if taken in violation of Subpart C.  
20.32 During closed season.  
20.33 Possession limit.  
20.34 Opening day of a season.  
20.35 Field possession limit.  
20.36 Tagging requirement.  
20.37 Custody of birds of another.  
20.38 Possession of live birds.  
20.39 Termination of possession.  
20.40 Gift of migratory game birds.

**Subpart E—Transportation Within the United States**

- 20.41 Prohibited if taken in violation of Subpart C.  
20.42 Transportation of birds of another.  
20.43 Species identification requirement.  
20.44 Marking package or container.

**Subpart F—Exportation**

- 20.51 Prohibited if taken in violation of Subpart C.  
20.52 Species identification requirement.