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execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding operations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 90.17 Compliance with other regulations.

Nothing in this subpart shall be construed to supersede or modify any regulations relating to the hunting of migratory game birds, nor to permit the transportation, installation or use of grain contrary to any applicable Federal, State, or local laws or regulations.

PART 91—MIGRATORY BIRD HUNTING AND CONSERVATION STAMP CONTEST

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AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 718j; 31 U.S.C. 9701.

SOURCE: 53 FR 16344, May 6, 1988, unless otherwise noted.

Subpart A—Introduction

§ 91.1 Purpose of regulations.

(a) The purpose of these regulations is to establish procedures for selecting a design that will be used for the annual Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp).

(b) All individuals entering the contest must comply with these regulations. A copy of the regulations along with the Reproduction Rights and Display and Participation Agreements may be requested from the Federal Duck Stamp Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240.

(c) All contestants from the most recent contest will be sent a copy of the regulations, the Display and Participation Agreement, and the Reproduction Rights Agreement.

[56 FR 22815, May 16, 1991]

§ 91.2 Definitions.

Contest Coordinator— the contest official responsible for overseeing the

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judges' scores for each entry. The contest coordinator will be named by the Secretary of the Interior and will not be a past or present employee of the Fish and Wildlife Service.

Display and participation agreement—a document that each contestant must complete, sign and submit with the entry. The signed agreement permits the Service to display the entry at various locations for promotional purposes, and requires the artist to participate in events in behalf of the Federal Duck Stamp Program.

Qualifying entry— each original work of art submitted to the contest that satisfies the requirements outlined in subpart B.

Reproduction rights agreement—a document that each contestant must sign and submit with the entry. The signed agreement certifies that the entry is an original work of art and stipulates how the Fish and Wildlife Service may use the winning entry.

[53 FR 16344, May 6, 1988, as amended at 56 FR 22815, May 16, 1991]

§91.3 Public attendance at contest.

All phases of the voting process will be open for viewing by the general public.

§91.4 Eligible species.

Five or fewer of the species listed below will be identified as eligible each year; those eligible species will be provided to each contestant with the information provided in §91.1.

- (a) *Whistling-Ducks*. (1) Fulvous Whistling-Duck (*Dendrocygna bicolor*)
- (2) Black-bellied Whistling-Duck (*Dendrocygna autumnalis*)
- (b) *Swans*. (1) Trumpeter Swan (*Cygnus buccinator*)
- (2) Tundra Swan (*Cygnus columbianus*)
- (c) *Geese*. (1) Greater White-fronted Goose (*Anser albifrons*)
- (2) Snow Goose (including bluephase) (*Chen caerulescens*)
- (3) Ross' Goose (*Chen rossii*)
- (4) Emperor Goose (*Chen canagica*)
- (5) Canada Goose (*Branta canadensis*)
- (d) *Brant*. (1) Brant (*Branta bernicla*)
- (e) *Dabbling Ducks*. (1) Wood Duck (*Aix sponsa*)
- (2) American Widgeon (*Anas americana*)

- (3) Gadwall (*Anas strepera*)
- (4) American Green-winged Teal (*Anas crecca carolinensis*)
- (5) Mallard (*Anas platyrhynchos*)
- (6) Mottled Duck (*Anas fulvigula*)
- (7) American Black Duck (*Anas rubripes*)
- (8) Northern Pintail (*Anas acuta*)
- (9) Blue-winged Teal (*Anas discors*)
- (10) Cinnamon Teal (*Anas cyanoptera*)
- (11) Northern Shoveler (*Anas clypeata*)
- (f) *Diving Ducks*. (1) Canvasback (*Aythya valisineria*)
- (2) Redhead (*Aythya americana*)
- (3) Ring-necked Duck (*Aythya collaris*)
- (4) Greater Scaup (*Aythya marila*)
- (5) Lesser Scaup (*Aythya affinis*)
- (g) *Sea-Ducks*. (1) Common Eider (*Somateria mollissima*)
- (2) King Eider (*Somateria spectabilis*)
- (3) Spectacled Eider (*Somateria fischeri*)
- (4) Steller's Eider (*Polysticta stelleri*)
- (5) Harlequin Duck (*Histrionicus histrionicus*)
- (6) Oldsquaw (*Clangula hyemalis*)
- (7) Black Scoter (*Melanitta nigra*)
- (8) Surf Scoter (*Melanitta perspicillata*)
- (9) White-winged Scoter (*Melanitta fusca*)
- (10) Bufflehead (*Bucephala albeola*)
- (11) Barrow's Goldeneye (*Bucephala islandica*)
- (12) Common Goldeneye (*Bucephala clangula*)
- (h) *Mergansers*. (1) Hooded Mergansers (*Lophodytes cucullatus*)
- (2) Red-breasted Merganser (*Mergus serrator*)
- (3) Common Merganser (*Mergus merganser*)
- (i) *Stiff Tails*. (1) Ruddy Duck (*Oxyura jamaicensis*)

[53 FR 16344, May 6, 1988, as amended at 56 FR 22815, May 16, 1991; 61 FR 25155, May 20, 1996]

Subpart B—Procedures for Entering the Contest

§91.11 Contest deadlines.

- (a) The contest will officially open on July 1 of each year.

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(b) Entries must be postmarked no later than midnight, September 15.

[53 FR 16344, May 6, 1988, as amended at 61 FR 25155, May 20, 1996; 62 FR 24845, May 7, 1997]

§91.12 Contest eligibility.

United States citizens, nationals, or resident aliens are eligible to participate in the contest. Any person who has won the contest during the preceding three years will be ineligible to submit an entry in the current year's contest. All entrants must be 18 years of age as of July 1 to participate in the Federal Duck Stamp Contest. Contest judges and their relatives are ineligible to submit an entry. All entrants must submit a non-refundable fee of \$100.00 by a cashiers check, certified check, or money order made payable to: U.S. Fish and Wildlife Service. (Personal checks will not be accepted.) All entrants must submit signed Reproduction Rights and Display and Participation Agreements.

[61 FR 25155, May 20, 1996]

§91.13 Technical requirements for design and submission of entry.

The design must be a horizontal drawing or painting seven (7) inches high and ten (10) inches wide. The entry may be drawn in any medium desired by the contestant and may be in either multicolor or black and white. No scrollwork, lettering, bird band numbers, signatures or initials may appear on the design. Each entry must be matted (*over only*) with a nine (9) inch by twelve (12) inch white mat, one (1) inch wide, and the entire entry cannot exceed one quarter ($\frac{1}{4}$) inch in total thickness. Entries must not be framed, under glass, or have a protective covering that is attached to the entry.

[62 FR 24845, May 7, 1997]

§91.14 Restrictions on subject matter to entry.

A live portrayal of any bird(s) of the five or fewer identified eligible species must be the *DOMINANT* feature of the design. The design may depict more than one of the eligible species. Designs may include, but are not limited to, hunting dogs, hunting scenes, use of waterfowl decoys, National Wildlife

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Refuges as the background of habitat scenes, and other designs that depict the sporting, conservation, stamp collecting and other uses of the stamp. The overall mandate will be to select the best design that will make an interesting, useful and attractive duck stamp that will be accepted and prized by hunters, stamp collectors, conservationists, and others. The design must be the contestant's original "*hand drawn*" creation. The entry design may not be copied or duplicated from previously published art, including photographs. Photographs, computer-generated art, art produced from a computer printer or other computer/mechanical output device (airbrush method excepted) are not eligible to be entered into the contest and will be disqualified. An entry submitted in a prior contest that was not selected for the Federal or a state stamp design may be submitted in the current contest if it meets the above criteria.

[62 FR 24845, May 7, 1997]

§91.15 Suitability of entry for engraving.

All entries should be drawn with fullest attention to clarity of detail and the relationship of tonal values. These prerequisites are important to interpret pictorial elements to hand engraving for printing, as they determine the engraved line techniques and direction. The engraver relies on the accuracy of the artist's work for successful interpretation. The engraver is primarily responsible for line interpretation and discipline, creating the miniature image of bird(s) appearing on the stamp.

[56 FR 22815, May 16, 1991]

§91.16 Submission procedures for entry.

(a) Each contestant may submit only one entry. Each entry must be accompanied by a non-refundable entrance fee and a completed and signed Reproduction Rights Agreement and a completed and signed Display and Participation Agreement. The bottom portion of the Reproduction Rights Agreement must be attached to the back of the entry.

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(b) Each entry should be appropriately wrapped to protect the art work and sent by registered mail, certified mail, express mail, overnight delivery service or hand delivered to: Federal Duck Stamp Office, U.S. Fish and Wildlife Service, Suite 2058, Department of the Interior, Washington, DC 20240.

[56 FR 22815, May 16, 1991]

§91.17 Property insurance for entries.

Each contestant is responsible for obtaining adequate insurance coverage for his/her entry. The Department of the Interior will not insure the entries it receives nor is it responsible for loss or damage unless it is caused by its negligence or willful misconduct. In any event, the liability of the Department of the Interior will not exceed the amount of the entry fee as specified in §91.12.

[61 FR 25156, May 20, 1996]

§91.18 Failure to comply with contest regulations.

Any entry that does not comply with the requirements of subpart B will be disqualified from the contest.

Subpart C—Procedures for Administering the Contest

§91.21 Selection and qualification of contest judges.

(a) *Selection.* Five voting judges and one alternate judge will be selected annually by the Secretary of the Interior. Current employees of the Fish and Wildlife Service and their relatives are ineligible to serve as judges for the contest. The judges will be reimbursed for reasonable travel expenses. The judges will be announced on the first day of the contest.

(b) *Qualifications.* The panel of five judges will be made up of individuals, all of whom have one or more of the following prerequisites: recognized art credentials, knowledge of the anatomical makeup and the natural habitat of the eligible waterfowl species, an understanding of the wildlife sporting world in which the Duck Stamp is used, an awareness of philately and the role the Duck Stamp plays in stamp collecting, and demonstrated support

for the conservation of waterfowl and wetlands through active involvement in the conservation community.

[56 FR 22816, May 16, 1991]

§91.22 Display of entries for contest.

All eligible entries will be displayed in the Department of the Interior auditorium in numerical order. The only visible identification on each entry will be the number assigned to it in chronological order when it is received and processed by the Service.

§91.23 Scoring criteria for contest.

Entries will be judged on the basis of anatomical accuracy, artistic composition and suitability for engraving in the production of a stamp.

§91.24 Contest procedures.

(a) The day before the judging begins, the judges will be briefed on all aspects of the judging procedures and other details of the competition, and will preview all eligible artwork entered.

(b) Prior to the first round of judging, and prior to the opening of the contest to the public, the judges will spend an additional two hours reviewing the entries.

(c) In the first round of judging, all qualified entries will be shown one at a time to the judges by the Contest Coordinator or a contest staff member. The judges will vote "in" or "out" on each entry; those entries receiving a majority of votes "in" will be eligible for the second round of judging. The remaining entries will be placed on display as a group for public viewing.

(d) Prior to the second round of judging, each judge may select not more than five entries from those eliminated in the first round. Those additional entries selected by the judges will be eligible to be judged in the second round.

(e) Prior to the second round of judging, the entries selected by the judges under the procedures of paragraphs (c) and (d) of this section will be displayed in numerical order in the front of the auditorium.

(f) The technical advisors from the Department of the Interior and the Bureau of Engraving and Printing will do a critical analysis of the entries that will be judged in the second round and

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advise the judges of any serious anatomical problems and/or any serious design problems for the engraver.

(g) In the second round of judging, each entry selected in the first round, plus the additional entries selected by judges, will be shown one at a time to the judges by the Contest Coordinator or by a contest staff member. The judges will vote by indicating a numerical score from one to five for each entry. The scores will be totaled to provide the entry score. The entries receiving the five highest scores will be advanced to the third round of judging.

(h) In the third round of judging, the judges will vote on the remaining entries using the same method as in round two, except they would indicate a numerical score from 3 to 5 for each entry. The Contest Coordinator will tabulate the final votes and present them to the Director, U.S. Fish and Wildlife Service, who will announce the winning entry as well as the entries that placed second and third.

(i) In case of a tie vote for first, second, or third place in the third round, the judges will vote again on the entries that are tied. The judges will vote using the same method as in round three.

(j) The selection of the winning entry by the judges will be final. Each contestant will be notified of the winning artist and the design. The winning artist will receive a pane of Duck Stamps signed by the Secretary of the Interior at the Federal Duck Stamp Contest the following year. The artists placing first, second, and third will receive a framed commendation from the Director of the U.S. Fish and Wildlife Service.

[53 FR 16344, May 6, 1988, as amended at 56 FR 22816, May 16, 1991; 61 FR 25156, May 20, 1996]

Subpart D—Post-Contest Procedures

§91.31 Return of entries after contest.

All entries will be returned by certified mail to the participating artists within 120 days after the contest, unless the artwork is selected to appear at one or more wildlife art expositions. If artwork is returned to the Service because it is undelivered or unclaimed

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(this may happen if an artist changes address), the Service will not be obligated to trace the location of the artist to return the artwork. Any artist who changes his or her address is responsible for notifying the Service of the change. All unclaimed entries will be destroyed one year from the date of the contest.

[56 FR 22816, May 16, 1991]

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

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- 92.10 Alaska Migratory Bird Co-management Council.
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- 92.12 Relationship to the process for developing national hunting regulations for migratory game birds.
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- 92.20–92.29 [Reserved]

Subpart D—Annual Regulations Governing Subsistence Harvest

- 92.30 General overview of regulations.
- 92.31–92.39 [Reserved]

AUTHORITY: 16 U.S.C. 703–712.

SOURCE: 67 FR 53517, Aug. 16, 2002, unless otherwise noted.

Subpart A—General Provisions

§92.1 Purpose of regulations.

The regulations in this part implement the Alaska migratory bird subsistence program as provided for in Article II(4)(b) of the 1916 Convention for the Protection of Migratory Birds in Canada and the United States (the “Canada Treaty”), as amended.